

1 משנה the זאגט:
 - המניח ביתו והלך לשובת בעיר אחרת
 If one of the residents left his house for שבת, and did not contribute to the עירוב - or a non-Jewish resident who left without renting out his rights in the חצר,

2 There are four opinions whether he restricts the others from carrying in the חצר:
 - אחד נכרי ואחד ישראל הרי זה אוסר דברי ר' מאיר
 Rashi here explains that ר' מאיר holds
 - דירה בלא בעלים שמה דירה
 Even when not home it is his residence, and he therefore אסר's the others from carrying in the חצר.

- ר' יהודה אומר אינו אוסר

R' holds

- דירה בלא בעלים לא שמה דירה

When not home, it is Halachically not considered his residence regarding restricting the others from carrying.

- ר' יוסי אומר נכרי אוסר ישראל אינו אוסר

Rashi explains that ר' יוסי agrees with ר' יהודה that

- דירה בלא בעלים לא שמה דירה

However, a non-Jew nevertheless אסר's, because he might come back on שבת.

A Jew does not אסר, because he will not come back from another city on שבת.

ר' שמעון אומר אפילו הניח ביתו והלך לשובת אצל בתו

- באותה העיר אינו אוסר שכבר הסיע מלבו

R' also holds

- דירה בלא בעלים לא שמה דירה

Therefore, the Jewish resident does not אסר.

R' adds that the נכרי does not אסר either if he went to his daughter's house, even when it is in the same city.

Although a נכרי is always allowed to come back, and especially in the same city where it is possible for him to come back easily, but since it is not probable that he will come back, he does not אסר.

רב paskens like ר"ש, and points out that the Mishnah specifically ruled that the נכרי does not אסר only when he goes to his daughter, where even if he gets into an argument with his son-in-law, it's unlikely that he will come back. However, if he went to his son's house, if he gets into an argument with his daughter-in-law, it is quite likely that he will come back.

3 משנה the זאגט -
 - בור שבין שתי חצירות אין ממלאין ממנו בשבת
 Two residents who did not join in a single עירוב - their residents may not draw water from a בור that is in between the חצירות.
 Rashi explains, because it appears as one is drawing water from the other side.

- אלא אם כן עשו לו מחיצה גבוה עשרה טפחים

Unless they made a partition of ten טפחים in it,

- בין מלמטה בין מתוך אוגנו



4 רבן שמעון בן גמליאל says that this is actually a Machlokes.
 - בית שמאי אומרים מלמטה
 - ובית הלל אומרים מלמעלה

There is a Machlokes how to interpret these terms.

According to רב הונא, and the conclusion of the Gemara, these terms are referring to the airspace within the בור, above the surface of the water.

מלמטה - means that the מחיצה is in the lower part of the airspace, with the bottom of the מחיצה at the surface of the water.

מלמעלה - means that the מחיצה is in the upper part of the airspace, with the top of the מחיצה at the rim of the בור, even if it does not reach the surface of the water.

According to בית שמאי, only מלמטה allows drawing water from the בור.

According to בית הלל and תנא קמא, even מלמעלה allows drawing water.

Although the water itself is not divided, they may draw water from the בור, because of -

- קל הוא שהקילו חכמים במים

To gain access to water the Chachamim allowed a special leniency of

מחיצה תלויה -

literally a hanging מחיצה, which based on גוד אחית is Halachically considered to be extended all the way down.

According to רב יהודה these terms מלמטה and למעלה refer to the water, and there is a three-way Machlokes.

5 מלמטה hold בית שמאי -
 The מחיצה must be IN the water.
 Rashi says; The bottom of the מחיצה must be stuck into the ground, and come up through the water, protruding one טפח from the surface of the water.

Tosfos says; The מחיצה must extend 10 טפחים below the surface - and one טפח above the surface of the water.

מלמעלה hold בית הלל -

The מחיצה must be ABOVE the water.

It must be 10 טפחים high from the surface of the water, and one טפח below the surface.

מתוך אוגנו תנא קמא holds -

The top of the מחיצה may start at the rim of the בור, and extend down 10 טפחים, even if it does not reach the surface of the water.



6 The משנה continues;
 אמר רבי יהודה לא תהא מחיצה גדולה מן הכותל שביניהם
 The wall of the חצר which runs over the בור on the ground level is enough to permit members of both הצירות to draw water.
 The Gemara explains that רבי יהודה must hold מחיצה תלויה מתרת אפילו ביבשה even when not related to access of water.
 As Rashi and Tosfos explain, since רבי יהודה permits drawing water based on the wall of the חצר, which was not built for the purpose of dividing the water, and certainly does not appear so, he must NOT be utilizing the principle of קל הוא - but must hold that מחיצה תלויה is always acceptable.
 The Gemara cites רבי יוסי who similarly approves מחיצה תלויה for סוכה walls, even when they are more than 3 טפחים above the ground.
 However, the גמרא suggests that רבי יהודה may not agree regarding סוכה which is מדאורייתא, as opposed to עירובי הצירות which is מדרבנן - and רבי יוסי may not agree in the case of the בור, since שבת is an איסור סקילה whereas סוכה is only an איסור עשה.
 Rashi explains; Although, the issue of the בור is only מדרבנן, כל דתקון רבנן כעין דאורייתא תקון.
 Regarding an incident in the town of ציפורי where they had forgotten to bring the Sefer Torah to shul before שבת, and they permitted carrying it through partitions that were hanging more than three טפחים off the ground - the גמרא says that it was not רבי יוסי, but his son ר' ישמעאל ברבי יוסי who allowed it.
 The Gemara also adds that there was no problem of שבת - אין עושין אהל עראי בשבת because the sheets were already hanging there before שבת.

7 אמר רבה רבי יהודה ורבי חנניא בן עקביא אמרו דבר אחד - Rabbah suggests that R' Yehuda's פסק, which relies on גוד אחית מחיצתא, is consistent with the opinion of ר' חנניא בן עקביא who holds that if a balcony is four by four אמות one can cut a four by four טפח hole in the middle of the board and then view the rest of the board as if it is bent ten טפחים downward and גוד אחית extends the מחיצות all the way down.
 However, the גמרא rejects this equation because ר' יהודה may not agree to view the flat board as if it were bent down, and then also apply גוד אחית.
 On the other hand, ר' חנניא בן עקביא may have only allowed that over טבריה which has its own מחיצות because of its high banks, but would not have relied on גוד אחית over other bodies of water that are not surrounded by מחיצות.

6 אמר רבי יהודה לא תהא מחיצה גדולה מן הכותל שביניהם

רבי יהודה מחיצה תלויה מתרת אמילו ביבשה
 רבי יוסי מחיצה תלויה סוכה

אמרו דבר אחד גוד אחית מחיצתא

מדרבנן איסור סקילה
 מדאורייתא איסור עשה

7 אמר רבה... רבי יהודה ורבי חנניא בן עקביא אמרו דבר אחד

אין אמות מחיצתא

four by four טפח hole

אין אמות

רבי יהודה רבי חנניא בן עקביא

אין אמות מחיצתא

אין אמות

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