

1 תני רבי חייא - a body of water in which the edge of the תחומין of two different cities meet, and a net of reeds is placed in the middle to divide between the two תחומין,

צריך מחיצה של ברזל להפסיקו - requires an iron partition to separate the water of each side, in order for each city to be able to use the water on its side.

מחייך עליה רבי יוסי ברבי חנינא -
 laughed at this ruling.
 The גמרא offers four possible reasons why he laughed:

1 תני רבי חייא...

צריך מחיצה של ברזל להפסיקו

מחייך עליה רבי יוסי ברבי חנינא
 The גמרא offers 4 reasons why he laughed

2 First, perhaps he laughed at the idea that ownerless water has any תחום at all, which would be in accord with the opinion of תחום items have a תחום that ר' יוחנן בן נורי.

The גמרא rejects this reasoning:
 משום דסבר לקולא, מאן דתני לחומרא מחייך עליה -
 Just because he is lenient in this matter, he should mock those who are stringent?!

2

1st

Perhaps he laughed... that ownerless water has any תחום at all

משום דסבר לקולא
 מאן דתני לחומרא מחייך עליה

3 Second, the גמרא suggests that he mocks the idea of the water being limited by its own תחום, because we have a ברייתא that teaches
 נהרות המושכין ומעיינות הנובעין הרי הן כרגלי כל אדם -
 Flowing bodies of water take on the תחום of the person who acquires them, and do not have their own תחום.

The גמרא rejects this possibility because ר' חייא may have been speaking of stationary water.

3

2nd

נהרות המושכין ומעיינות הנובעין הרי הן כרגלי כל אדם
 & do not have their own תחום

may have been speaking of stationary water

4 Third, perhaps he was mocking the suggestion that a מחיצה של ברזל - an iron fence - would actually keep the water from moving from one side of the lake to the other.

The Gemara rejects this possibility because צריך ואין לו תקנה קאמר - R' Chiya may have meant to say that a water tight partition is required, and since that cannot be done, they will indeed not be able to use the water.

Finally, the Gemara suggests that he mocked this ברייתא because מחיצה תלויה מתרת במים, קל הוא שהקילו במים - The Chachamim were lenient, and allowed a hanging partition - even though it allows water to pass under it - to Halachically separate the waters, so that people can draw water on שבת. Therefore, a מחיצה of reeds should also suffice!

4

3rd

That a מחיצה של ברזל would keep the water from moving?

צריך ואין לו תקנה קאמר
required - but cannot be done
therefore, will not be able to use the water

4th

מחיצה תלויה מתרת במים
קל הוא שהקילו במים

5 The Gemara next refers back to the Mishnah on ע"א where we had the following מחלוקת.

If a traveler was asleep at the onset of שבת, יש לו אלפים אמה לכל רוח דברי ר' יוחנן בן נורי - He was asleep on that spot, and he has a תחום of 2000 אמות in each direction.

והכמים אומרים אין לו אלא ארבע אמות - He is not קונה שביטה, and only has four אמות from his current location.

The Mishnah continues; רבי אליעזר אומר והוא באמצען - These four אמות are measured with him at the center - In other words he has two אמות in each direction. רבי יהודה אומר לאיזה רוח שירצה ילך - He can choose in which direction he wants to take the four אמות.

5

If a traveler was asleep at the onset of שבת

חכמים
אין לו אלא ארבע אמות

ר' יוחנן
יש לו אלפים אמה לכל רוח

6 The Gemara explains that we actually have a three-way מחלוקת:

1- יש לו שמונה על שמונה דברי רבי מאיר - Which is the opinion of the חכמים of the משנה. He has a square of 8 x 8 אמות. As Tosfos explain, when the חכמים said ארבע אמות - they meant ארבע אמות לכל רוח - he can walk four אמות in EACH direction - similar to 2000 אמות לכל רוח - in EACH direction, according to ר' יוחנן בן נורי.

2- רבי אליעזר אומר והוא באמצען - He has a square of 4 x 4 אמות, with him at the center - In other words he has two אמות in each direction.

3- רבי יהודה אומר לאיזה רוח שירצה ילך - R' Yehuda agrees he only has a square of 4 x 4 אמות. However, he can place this square in a way that he can walk 4 אמות all in one direction - OR any way that he chooses. As Rashi points out, he can also choose the configuration of 2 אמות in each direction.

6

רבי יהודה לאיזה רוח שירצה ילך	רבי אליעזר והוא באמצען	רבי מאיר ארבע אמות לכל רוח
4 אמות of his choice	2 אמות in each direction	4 אמות in each direction

ומודה רבי יהודה שאם בירר לו שאינו יכול לחזור בו

7 מחלוקת להלך אבל לטלטל דברי הכל ארבע אמות - רבא adds: While they disagree about how much space he has to walk, all agree that he may only carry up to four אמות. These are two separate issues - תחום and הוצאה. The source for a person without a תחום being limited to four אמות is from the פסוק - שבו איש תחתיו - which implies that he is restricted to an area like that which is beneath him. The average height of a person is three אמות - and when accounting either for outstretched arms or moving objects from the area at the feet to the area at the head, the total space is four אמות by four אמות. The גמרא adds; Typically we measure the four אמות based on the length of that individual's arm, from elbow to middle finger, with the exception of a ננס באבריו - a person with an average sized torso, but unusually short limbs, whose אמות are measured by the standard אמות.

7 רבא

מחלוקת להלך
אבל לטלטל
דברי הכל ארבע אמות
פסוק

The source for a person without a תחום being limited to 4 אמות is from the פסוק

שבו איש תחתיו
He is restricted to an area תחתיו

4 אמות

8 The Gemara continues with the next segment of the Mishnah on מ"ה ע"א. היו שנים, מקצת אמותיו של זה בתוך אמותיו של זה - Two people who each have ד' אמות, part of which overlap, can eat together in the common overlapping area, and בלבד שלא יוציא זה מתוך שלו לתוך של חברו - However, each person may not hand an object of his into the other's תחום, or bring the other person's object into his תחום.

8 היו שנים מקצת אמותיו של זה בתוך אמותיו של זה

ד' אמות ד' אמות
ב' אמות

Can eat together
ובלבד שלא יוציא זה מתוך שלו לתוך של חברו

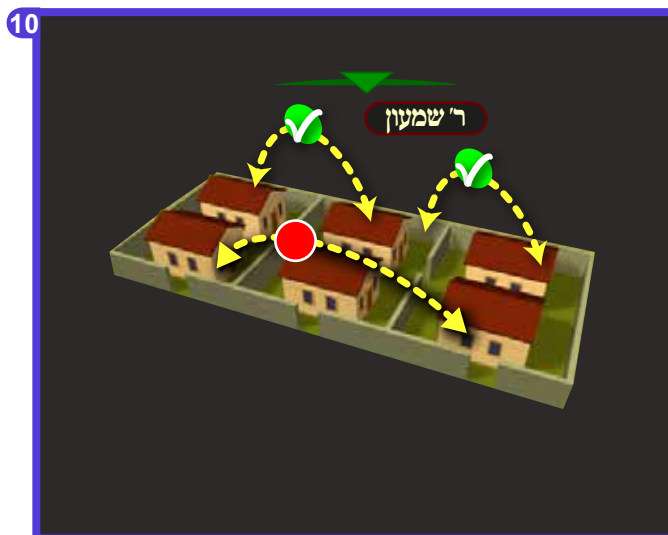
9 היו שלשה והאמצעי מובלע ביניהן - In a case of three people who are each limited to ד' אמות, and the middle person's four אמות overlap with each of the outer two, but the outer two do not overlap each other, הוא מותר עמהן והן מותרין עמו - The middle person can share things with each of the outer two, and vice versa - ושנים החיצונים אסורין זה עם זה - but the outer two cannot share with each other, because they have no common area.

9 היו שלשה והאמצעי מובלע ביניהן

ד' אמות ד' אמות ד' אמות

הוא מותר עמהן והן מותרין עמו ושנים החיצונים אסורין זה עם זה

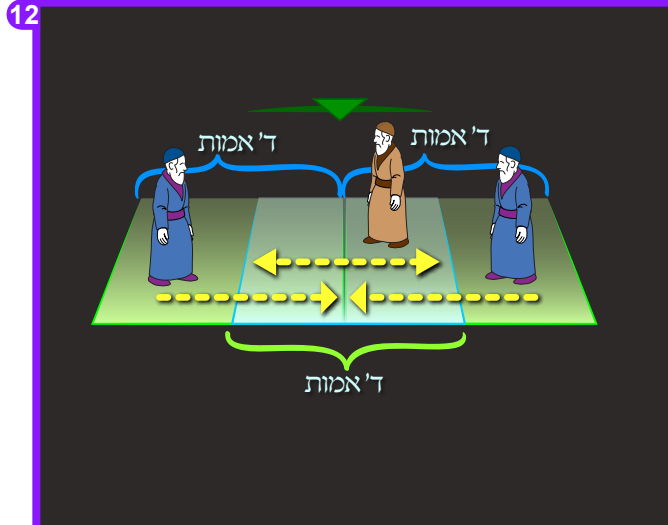
10 ר' שמעון compares it to three חצירות where the middle one has separate עירובין with each of the outer two, but the outer two do not have an עירוב with each other. Carrying is permitted between the outer and middle חצירות, but not between the two outer חצירות.



11 The רבנן disagree in the case of the חצירות in that they may NOT carry even between the middle one and the outer two, out of concern that since - אוושי דיוורין - the 3 חצירות have many residents, it is likely that something brought from one of the outer חצירות into the middle חצר, will be carried to the other outer חצר.



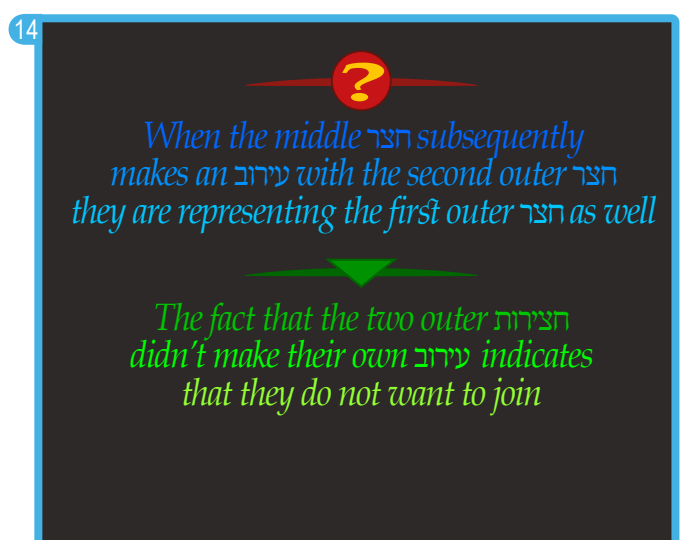
12 However, they do agree in the case of only 3 people who each have ד' אמות, who CAN be careful not to walk, or hand things into the other outer תחום.



13 The Gemara offers two explanations as to why the outer חצירות are not considered to be joined through the inner one:
 As Rashi explains;
 The concept of עירובי חצירות is that they are all considered to be residing in the house where the עירוב was placed. Now, if the עירוב of each outer חצר with the middle חצר was placed in one of the houses in the middle חצר, they would all be considered to be residing in the middle חצר, and indeed would be allowed to carry to all 3 חצירות, even from one outer חצר to the other outer חצר. However,
 אמר רב יהודה כגון שנתנה אמצעית עירובה בזו ועירובה בזו -
 Our משנה is speaking of a case where the two עירובין were place in the respective outer חצירות. The residents of the middle חצר are considered to be residing in one of the outer חצירות. But the residents of the 2 outer חצירות are not joined. Therefore, they may not carry from one to the other.



14 The Gemara asks that the 2 outer חצירות should still be considered joined, even with the עירובין in the outer חצירות, based on the following reasoning.
 The עירוב of the middle חצר with the first outer חצר joins them as one. When the middle חצר subsequently makes an עירוב with the second outer חצר, they are representing the first outer חצר as well, thereby joining them both with the second outer חצר.
 The Gemara answers, that the fact that the two outer חצירות did not make their own עירוב indicates that they do not want to join together, and the middle חצר cannot act as their agent against their will.




15 Another explanation:
 - רב ששת אמר... כגון שנתנהו בשני בתים
 The עירובין were indeed in the middle חצר, but in two different houses - and even the בית הלל who do not require the עירובין to be in the same כלי, require them to be in the same house if they all are to join together. Therefore, they are 2 separate עירובין, and the outer residents can only carry into the middle חצר, but not to one another.




16 The Gemara asks - if so, the עירובין should not be valid even for the middle חצר - as in the case of a חצר where one of its residents did not participate in the עירוב. Since the members of the outer חצירות are considered to be living in the inner חצר by virtue of their עירוב, and the fact that not all the Halachic residents of the inner חצר are joined in a single עירוב would make it אסור for anyone to carry in the middle חצר?!

The Gemara answers that we only consider people to be residents of the חצר in which they have an עירוב, to accomplish a קולא, to allow carrying, but not when it results in a חומרא, to invalidate the עירוב.

16



The fact that not all the residents of the inner חצר are joined in a single עירוב would make it אסור for anyone to carry in the middle חצר?!



We only consider people to be residents of the חצר in which they have an עירוב, to accomplish a קולא but not when it results in a חומרא