

1 The Gemara discusses several cases of items in water, and whether they are considered to be resting to the extent that picking them up from the water would constitute an עקירה to be חייב for הוצאה:

אמר רבא פשיטא לי מים על גבי מים היינו הנחתן - Rava says; I am certain that water floating on other water is considered to be resting in its place, so that if you pick up water from a larger body of water, it is considered a legitimate עקירה.

2 אגוז על גבי מים לאו היינו הנחתן - A solid object, like a nut that is floating on water, is not considered to be resting on the water, so that lifting it from the water is not considered an עקירה.

3 אגוז בכלי וכלי צף על גבי מים מהו - However says Rava; I am not certain whether a solid item in a vessel which is floating on the water is considered to be resting. The question is whether we go by the nut which is resting in the כלי, and lifting it would be considered an עקירה - or we go by the כלי which is not considered at rest in the water, and lifting it would not be considered an עקירה. This question remains unresolved. - תיקון

1

Is **Water** considered to be **resting**?

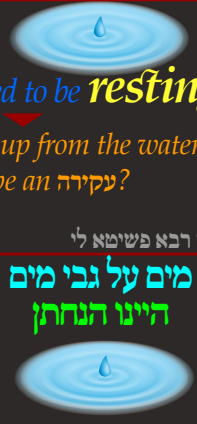
Picking them up from the water would be an עקירה?

אמר רבא פשיטא לי

מים על גבי מים היינו הנחתן

WATER on WATER is considered to be Resting

Picking up WATER from WATER is considered an עקירה



2

אגוז על גבי מים לאו היינו הנחתן

NUT on WATER NOT considered to be Resting

Picking up a NUT from WATER NOT considered an עקירה



3

אגוז בכלי וכלי צף על גבי מים מהו?

Do we go by...

Resting in the כלי

Not Resting on the water

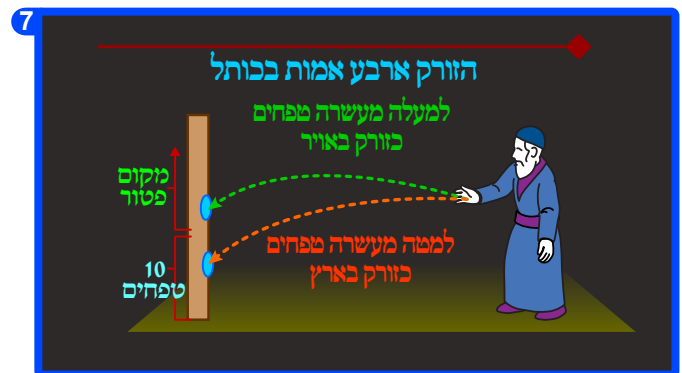
תיקון



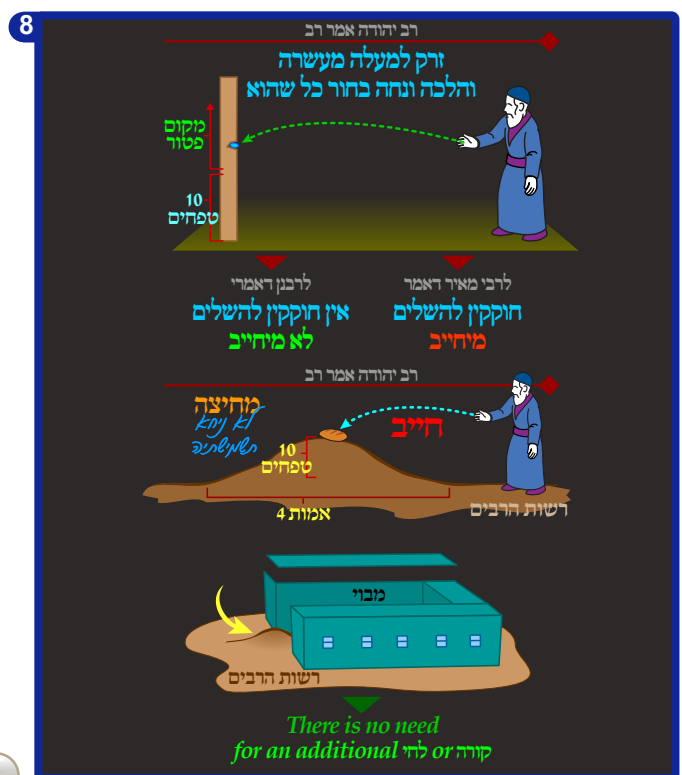
6 Another ruling of Abaye;
 ואמר אביי בור ברשות הרבים עמוקה עשרה ורחבה ארבעה מלאה מים וזרק - לתוכה חייב
 If a pit with the dimensions of a רשות היחיד is filled with water, one would be חייב for throwing something into it from a רשות הרבים. If it is filled with solid material, like fruits, he's פטור. Why? מיא לא מבטלי מחיצתא - פירות מבטלי מחיצתא
 Water does not nullify or diminish the dimensions of the pit, because it does not become part of the pit.
 Fruit does nullify or diminish the dimensions of the pit, because it does become part of the pit.



7 Zugt di Mishnah; הזורק ארבע אמות בכותל -
 If a person throws a sticky item four אמות in a רשות הרבים and it lands on the face of a wall, למעלה מעשרה טפחים כזורק באויר - למטה מעשרה טפחים פטור because that airspace is considered a מקום פטור
 If it is more than ten טפחים off the ground he is פטור because that airspace is considered a מקום פטור
 If it is within ten טפחים of the ground he is חייב.



8 The Gemara presents two ruling of רב יהודה אמר רב -
 -1- זרק למעלה מעשרה והלכה ונחה בחור כל שהוא -
 If somebody threw something from a רשות הרבים and it landed in a small crack in a wall at a level of more than ten טפחים high, whether he'd be חייב or not depends; לרבי מאיר דאמר חוקקין להשלים מיחייב - According to R' Meir we envision the small crack as if it were carved out to a space of four by four טפחים and he'd be חייב for throwing the item into a רשות היחיד.
 לרבנן דאמרי אין חוקקין להשלים לא מיחייב - According to the רבנן who don't subscribe to the concept of חוקקין להשלים he would not be חייב.



-2- תל המתלקט עשרה בתוך ארבע -
 An incline that gets to ten טפחים of height within four אמות of distance, is considered a מחיצה - a wall, because it is so steep to make it ניחא תשמישיתה לא, difficult to walk on.

It has ramifications regarding two הלכות:
 -1- If one throws from the רשות הרבים to the top of a mound with such an incline, he is חייב for throwing into a רשות היחיד.
 -2- If a mound with this degree of incline separates a מבוי from a רשות הרבים, there is no need for an additional להי or קורה to permit carrying in the מבוי, because the incline is considered a wall.

There is no need for an additional להי or קורה



9 Zug di Mishnah;
 זרק לתוך ד' אמות ונתגלגל חוץ לד' אמות פטור
 If one threw a distance of less than 4 Amos, and the wind
 blew it further than 4 Amos, he's פטור.

The Gemara explains - if indeed לא נח - it did not come to rest at all at the point of less than 4 Amos, but continued without interruption to the distance of more than 4 Amos, he would be חייב. In our case he's פטור - says ר' יוחנן - והוא שנח על גבי משהו - Because it did come to rest momentarily, either on a small surface of less than 4 x 4 טפחים, or אחזתו הרוח - it was momentarily held in place in the air by the wind. Rashi adds, all this took place ג' בתוך - within 3 טפחים of the ground. Therefore, it's considered to have first come to rest - by virtue of לבוד - at the point of less than 4 Amos - for which he's פטור, and then the wind carried it further, which is a separate act.

9 משנה

זרק לתוך ד' אמות
 ונתגלגל חוץ לד' אמות
 פטור



4 אמות

If לא נח חייב

Our case ר' יוחנן והוא שנח על גבי משהו or אחזתו הרוח פטור

10 The reverse case taught in the Mishnah is similarly explained.
 זרק חוץ לד' אמות ונתגלגל לתוך ד' אמות חייב
 If one threw a distance of more than 4 Amos, and the wind
 blew it back to within 4 Amos, he's חייב.
 Here too we must say that it came to rest momentarily, either on a small surface of less than 4 x 4 טפחים, or אחזתו הרוח - it was momentarily held in place in the air by the wind at the point of more than 4 Amos. Therefore, it's considered to have first come to rest by virtue of לבוד - at that point of more than 4 Amos - for which he's חייב, and then the wind carried it back, which is a separate act.

The Gemara cites a braisa which supports ר' יוחנן by mentioning אחזתו הרוח - it was momentarily held in place in the air by the wind.

Based on this Braisa Rava makes the following point.
 תוך ג' לרבנן צריך הנחה על גבי משהו -
 According to the רבנן who hold
 לא אמרינן קלוטה כמי שהונחה -
 Something thrown through the airspace of a רשות is not considered to be resting in that רשות - would maintain their opinion even below 3 טפחים.

10

זרק חוץ לד' אמות
 ונתגלגל לתוך ד' אמות
 חייב



4 אמות

ר' יוחנן והוא שנח על גבי משהו or אחזתו הרוח חייב

ברייטא אחזתו הרוח רבא

תוך ג' לרבנן צריך הנחה על גבי משהו
 לא אמרינן קלוטה כמי שהונחה
 maintain their opinion
 even below 3 טפחים

11 Zug di Mishnah;
 - הזורק בים ארבע אמות פטור
 One who throws 4 amos in the sea is exempt, because the sea is not a רשות הרבים but a כרמלית.
 The Mishnah continues; - אם היה רקק מים ורשות הרבים מהלכת בו - If there was shallow water and the רשות הרבים passes through it חייב אמות ארבע
 If one throws 4 Amos in it he's חייב, because it's considered a רשות הרבים.
 - וכמה הוא רקק מים פחות מעשרה טפחים - This Halacha applies when the water is less than 10 טפחים deep.

11

הזורק בים ארבע אמות פטור

אם היה רקק מים ורשות הרבים מהלכת בו... חייב

וכמה הוא רקק מים פחות מעשרה טפחים

12 The Mishnah then repeats
 - רקק מים ורשות הרבים מהלכת בו הזורק בתוכו אמות חייב - The Gemara explains;
 The Mishnah repeats the case of רשות הרבים מהלכת בו, is to teach הילוך ע"י הדחק שמייה הילוך - Inconvenient passage is considered passage to deem it a רשות הרבים - but תשמיש ע"י הדחק לא שמייה תשמיש - Inconvenient usage is not considered usage to deem it a רשות הרבים - regarding a pit in רשות הרבים which is 9 טפחים deep.

12

The Mishnah repeats...
רקק מים ורשות הרבים מהלכת בו הזורק בתוכו אמות חייב

To teach us
הילוך ע"י הדחק שמייה הילוך

But
תשמיש ע"י הדחק לא שמייה תשמיש

13 The reason the Mishnah repeats the case of רקק - shallow water, is to teach an additional case of shallow water which while some people would rather go around it rather than through it - but since most people rather go through it, it's deemed a רשות הרבים.
 The Gemara lists several examples of such cases, one of which is summer or winter.
 Some people would rather go through the water in the summer to cool off from the heat, but not in the winter.
 Some people would rather go through it in the winter when they're already dirty from the mud, but not in the summer.
 Therefore, the Mishnah repeats it to teach that it's a רשות הרבים in both seasons.

13

The Mishnah repeats... רקק

Some go around Most go through

It's deemed a רשות הרבים

Several examples

Summer Some go through to cool off but not in the Winter	Winter Some go through when they're already dirty but not in the Summer
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Therefore it's a רשות הרבים in both seasons

14 The next Mishnah returns to the Halachos of the sea. Zugt di Mishnah; הזורק מן הים ליבשה ומן היבשה לים - One who throws from the sea to land - or from land to sea is פטור. Even if the land is a רשות הרבים, the sea is a כרמלית, and carrying or throwing from one to the other is not Biblically forbidden.

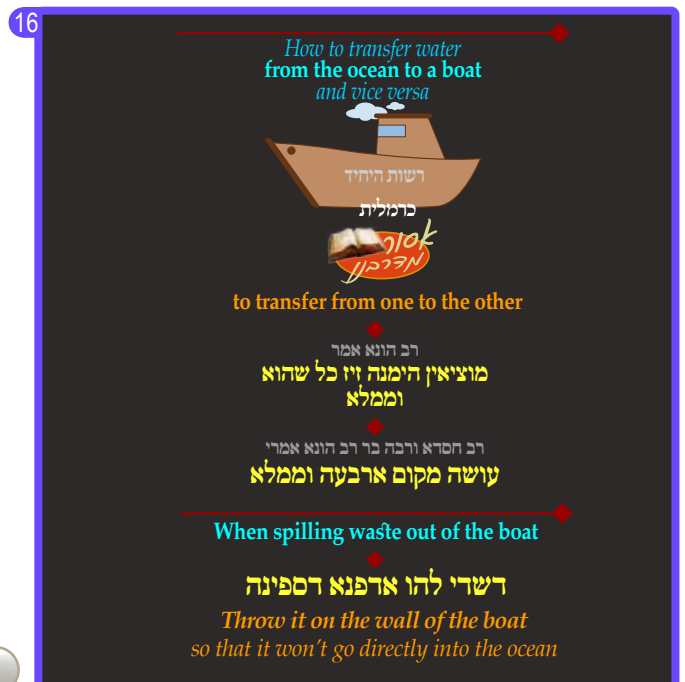


15 מן הים לספינה ומן הספינה לים - One who throws from the sea into a ship or from the ship out to the sea is likewise פטור. The ship is a רשות היחיד, the sea is a כרמלית, and carrying or throwing from one to the other is not אסור מדאורייתא.



One who throws from one ship to the other is פטור, because it's from one רשות היחיד to another.

16 The final discussion on the daf relates to how to transfer water from the ocean to a boat and vice versa. A boat is a רשות היחיד, and the ocean is a כרמלית. Normally it is אסור מדרבנן to transfer from one to the other.



The גמרא has two opinions of how to draw water from the ocean on to the boat:

-1- רב הונא אמר מוציאין הימנה זיו כל שהוא וממלא - רב הונא holds that the ten טפחים height of the כרמלית is measured from the ocean floor. Above 10 טפחים is a מקום פטור, which is מותר. Therefore, he may draw water from the sea, and it's sufficient to stick a small rod outside the boat, just as a היכר - a reminder that we generally don't take things from a כרמלית to a רשות היחיד.

-2- רב חסדא ורבה בר רב הונא אמרי עושה מקום ארבעה וממלא - רב חסדא and רב הונא בר רב הונא hold that the ten טפחים height of the כרמלית begins from the ocean's surface, because The entire body of water is considered the ground.

Therefore, he has to make a frame of four walls around an area of four by four טפחים, which would make that area into a רשות היחיד and draw the water inside the frame.

When spilling waste products out of the boat on שבת, the גמרא suggests

he should throw it on the wall of the boat so that it won't go directly into the ocean.

Review