Rav Huna bar Hinana said to him: With regard to brine you told us that the halakha is not in accordance with the opinion of Rabbi Yosei, but with regard to side posts you did not tell us this. Perhaps you have forgotten that the halakha is in accordance with his view in that case. Rav Yosef asked: What is different about brine, with regard to which the Sages disagree with Rabbi Yosei? In the case of side posts also the Sages disagree with him, and therefore the halakha should not be in accordance with his view in either case. Rav Huna bar Hinana said to him: Side posts are different, as Rabbi Yehuda HaNasi holds in accordance with the opinion of Rabbi Yosei, and therefore the halakha may be decided in accordance with their jointly held position.

The Gemara reports that Rav Raĥumei taught this version of the previous discussion: Rav Yehuda, the son of Rav Shmuel bar Shelayit, said in the name of Rav: The halakha is not in accordance with the opinion of Rabbi Yosei, not with regard to brine and not with regard to side posts. At some later point, someone said to him: Did you really say this? He said to them: No. Rav said, reinforcing his words with an oath: By God! He did in fact say this, and I learned it from him, but he later retracted this ruling. And what is the reason he retracted it? Due to the well-known principle that Rabbi Yosei’s reasoning (nimmuk) is with him, and the halakha follows his opinion even against the majority view.

Rava bar Rav Hanan said to Abaye: What is the accepted halakha with regard to the width of a side post? He said to him: Go out and observe what the people are doing; it is common practice to rely on a side post of minimal width.

The Gemara notes that there are those who taught that this answer was given with regard to this discussion: One who drinks water to quench his thirst recites the following blessing prior to drinking: By Whose word all things came to be. Afterward he recites the blessing: Who creates the many forms of life, and in accordance with the prevalent custom reported in the Gemara, he adds: Who drinks water to quench his thirst recites the following blessing beforehand: By Whose word all things came to be. Afterward he recites the blessing: Who creates the many forms of life, and in accordance with the prevalent custom reported in the Gemara, he adds: Who drinks water to quench his thirst recites the following blessing beforehand: By Whose word all things came to be.

It was stated that the amora’im disagreed about a side post that stands by itself, i.e., a side post at the entrance to an alleyway that was not put there for the express purpose of permitting one to carry on Shabbat. Abaye said: It is a valid side post. Rava said: It is not a valid side post.

The Gemara first narrows the scope of the dispute: In a place where the inhabitants of the alleyway did not rely on it from yesterday, e.g., the alleyway had another side post that fell down on Shabbat, all agree that it is not a valid side post. Where they disagree is in a case where they relied on it from yesterday. Abaye said: It is a valid side post, as they relied on it from yesterday. Rava said: It is not a valid side post; since it was not originally erected for this purpose, it is not considered a valid side post.

The Gemara comments: It might enter your mind to say that just as they disagree with regard to a side post, they also disagree with regard to whether a partition that was not erected to serve that function is considered a valid partition.
The Gemara suggests another proof. Come and hear a proof based upon what we learned in the following mishna: With regard to one who makes his sukka among the trees, and the trees serve as its walls,” it is a valid sukka. This proves that the trees function as partitions even though they were not erected for this purpose. The Gemara responds: With what are we dealing here? To a case where he planted the trees from the outset for this purpose. The Gemara asks: If so, it is obvious that the trees constitute valid walls. The Gemara answers: Lest you say the Sages should issue a decree to prohibit using a sukka as trees as its walls, due to a concern that perhaps one will come to use the tree on the Festival and detach a branch or leaf in the process, the mishna therefore teaches us that no such decree was made and the sukka is permitted.

The Gemara rejects this proof: Here, too, with what are we dealing? With a case where one constructed them from the outset for this purpose. The Gemara asks: If so, what does it teach us? Is it not obvious that it is a valid double post? The Gemara answers: It teaches us that a barrier of reeds is a valid partition if the distance between one reed and the next is less than three handbreadths, as Abaye raised this dilemma to Rabba, and the baraita teaches that it is valid.

The Gemara suggests another proof. Come and hear a proof from a baraita: If there was a tree there, or a fence, or a barrier of reeds that are interconnected and form a hedge, it is judged to be a valid double post, i.e., it qualifies as a partition suitable to enclose a public well, as will be explained below. This indicates that a partition not constructed to serve as a partition is nonetheless valid.

The Gemara rejects this proof: Here, too, with what are we dealing? With a case where he planted the tree from the outset for this purpose.

The Gemara asks: If so, it should be permitted to carry in all of it no matter how large the area. Why, then, did Rav Huna, the son of Rav Yehosha, say: One may only carry under the tree if its branches enclose an area no larger than two beit se’ah, i.e., five thousand square cubits? If the area is larger, it is not considered a courtyard, and carrying there is prohibited. This indicates that the branches are not considered full-fledged partitions.

The Gemara responds: The reason that carrying is permitted only if the enclosed area is less than this size is because it is a dwelling whose use is for the open air beyond it, i.e., it is used by guards who are watching the fields beyond it, rather than as an independent dwelling place, and the halakha with regard to any dwelling whose use is for the open air beyond it is that one may carry in it only if its area is no larger than two beit se’ah.

The Gemara suggests another proof. Come and hear that which was taught in the following baraita: With regard to one who established his Shabbat abode on a mound or in a cavity – whether it is a mound or a cavity, if one established his Shabbat abode in a place that is surrounded by walls that were not constructed for the purpose of creating a dwelling place, and the enclosed area is less than two beit se’ah, the enclosed area is comparable to one’s private domain. One may walk on Shabbat throughout the area and another two thousand cubits beyond its walls (Shulchan Arukh, Orah Hayyim 396:2).
A mound and a cavity—
A partition that stands by itself—

Rav and Rav Huna—
A mound and a cavity—

Sukka
], refer exclusively to places not fashioned by human hands, as a man-made valley is called a ditch or something similar (see Rashi in tractate Sukka).

Rav and Rav Huna—
A similar story is recounted in the Jerusalem Talmud, or perhaps it is a different version of the incident recounted here: Rav pulled down the side post of a certain alleyway because it was not constructed in accordance with the halakha, and he did not want to rely on the palm tree that was situated at the entrance to the alleyway because they had not relied on it from the previous day.

The primary proof is from

The Gemara now attempts to prove which side is correct according to this version of the dispute. Come and hear a proof from the Tosefta: With regard to stones of a wall that protrude from the wall and are separated from each other by less than three handbreadths, there is no need for another side post in order to permit carrying in the alleyway; the protruding stones join together to form a side post. However, if they are separated by three handbreadths, there is a need for another side post. This indicates that a side post is valid even if it was not erected for that purpose.

The Gemara rejects this proof: Here, too, we are dealing with a case where one built them from the outset for this purpose. The Gemara comments: If so, it is obvious that the side post is valid. The Gemara explains: Lest you say that it was only in order to connect the building to another building that he built the wall with protruding stones, it teaches us that it is a valid side post. We are not concerned that onlookers might assume that the wall was not originally built as a side post.

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And if you say that here, too, it is a case where he made it from the outset for this purpose, there is a difficulty. Granted, in the case of the grain, this answer is all right; but with regard to a mound and a cavity, what can be said? They were there from time immemorial and were not constructed to serve as partitions.

Rather, the Gemara rejects its previous argument and explains: With regard to partitions, all agree that a partition that stands by itself is a partition, despite the fact that it was not erected for that purpose. Where they disagree is with regard to a side post. Abaye follows his usual line of reasoning, as he said that a side post serves as a partition, and a partition that stands by itself is a valid partition. And Rava follows his usual line of reasoning, as he said that a side post serves as a conspicuous marker. Therefore, if it was made with a person’s hands for that purpose, it is considered a conspicuous marker; and if not, it is not considered a conspicuous marker.

The Gemara now attempts to prove which side is correct according to this version of the dispute. Come and hear a proof from the Tosefta: With regard to stones of a wall that protrude from the wall and are separated from each other by less than three handbreadths, there is no need for another side post in order to permit carrying in the alleyway; the protruding stones join together to form a side post. However, if they are separated by three handbreadths, there is a need for another side post. This indicates that a side post is valid even if it was not erected for that purpose.

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The Gemara suggests another proof: Come and hear the following Tosefta taught by Rabbi Hiyya: A wall, one side of which is more recessed than the other, whether the indentation is visible from the outside and the wall looks even from the inside, or it is visible from the inside and the wall looks even from the outside, it is considered a side post. This indicates that a side post is valid even if it was not erected for that purpose.

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The reason that the palm tree could not serve as a side post is because we did not rely on the palm tree from yesterday. This indicates that had we relied on it, it would be a valid side post, thus proving that a side post that was not erected for that purpose is nonetheless valid, in accordance with the opinion of Abaye.
The Gemara suggests: Shall we say that Abaye and Rava disagree only in a case where they did not rely on it before Shabbat, but in a case where they did rely on it, all agree it is a valid side post? The Gemara answers: This should not enter your mind, as there was a certain balcony \( \text{barka} \) that was in the house of Bar Havu that Abaye and Rava disagreed about their entire lives. The residents of the alleyway began relying on a pillar upon which the balcony rested as their side post. Since Abaye and Rava disagreed about this case, it is clear that their disagreement applies even when the residents had relied on the item as a side post from before Shabbat.

**MISHNA**

One may construct side posts from anything, even a living creature,\(^6\) provided that it was properly attached to the entrance of the alleyway, and Rabbi Meir prohibits using a living creature as a side post. The mishna continues with a similar dispute: Even a living creature imparts ritual impurity if it was used as the covering of a grave.\(^6\)

But Rabbi Meir deems it pure. Likewise, one may write women’s bills of divorce on anything, even a living creature.\(^6\) But Rabbi Yosei HaGelili invalidates a bill of divorce written on a living creature.

**GEMARA**

It was taught in a baraita that Rabbi Meir says: An animate object may neither be used as a wall for a \( \text{sukka} \), nor as a side post for an alleyway, nor as one of the upright boards surrounding a well, nor as the covering of a grave. They said in the name of Rabbi Yosei HaGelili: Nor may one write women’s bills of divorce on it.

The Gemara asks: What is the reason for Rabbi Yosei HaGelili’s opinion? As it was taught in a baraita with regard to the verse: “When a man takes a wife, and marries her, then it comes to pass if she finds no favor in his eyes, because he has found some unseemly thing in her; that he write her a scroll of seuerance and give it in her hand, and send her out of his house” (Deuteronomy 24:1): From the word scroll, I have derived that only a scroll is valid. From where is it derived to include all objects as valid materials upon which a bill of divorce may be written? The Torah states: “That he write her,” in any case, i.e., any surface upon which the formula can be written. If so, why does the verse state “scroll”? To tell you that a bill of divorce must be written on a surface like a scroll: Just as a scroll is neither alive nor food, so too, a bill of divorce may be written on any object that is neither alive nor food. That is why Rabbi Yosei HaGelili invalidates a bill of divorce written on a living being.
**HALAKHA**

A matter that severs all connection between him and her — both terms denote severance. The addendum of a condition to a bill of divorce does not in itself invalidate it, even if the condition will be in effect for many years. Some authorities maintain that even a condition that is in effect for a lifetime does not invalidate the bill of divorce. If a woman wants the divorce to take effect, she must fulfill any valid condition stipulated in the bill of divorce. However, if the content of the bill of divorce clearly indicates that the husband is not releasing the woman from all of her obligations to him, the bill of divorce is invalid since it does not result in severance.

Scroll (sefer) of severance — Some commentators interpret this phrase as requiring the husband to clearly tell his wife that he is separating from her, since the Hebrew sefer, a book or scroll, is etymologically related to the verb saper, tell. Therefore, in the case of a bill of divorce that includes an indefinite condition, when receiving the bill of divorce, there is no way for the wife to be certain whether or not she will be effectively divorced, if she fails to fulfill the condition, the bill of divorce will be invalidated. Consequently, a bill of divorce of this kind does not include an account (kippur) of severance.

The Gemara asks: And how do the Rabbis, who disagree and say that a bill of divorce may be written even on a living creature, i.e., a bill of divorce, and she is not divorced by means of money? It might have entered your mind to say: Since in the verse, leaving marriage, i.e., divorce, is juxtaposed to becoming married, i.e., betrothal, then, just as becoming married is allowed with money, so too, leaving marriage may be effected with money. Therefore, the Torah teaches us: “That he write for her”; divorce can be effected only with a written bill of divorce. And the Gemara continues: And what do the Rabbis derive from the phrase “that he write for her”? The Gemara answers: That phrase is required to teach the principle that a woman is divorced only by means of writing, i.e., a bill of divorce, and she is not divorced by means of money. As it was taught in a baraita: If a man says to his wife: This is your bill of divorce, on condition that you will never go to your father’s house, that is not severance; the bill of divorce is not valid. If a bill of divorce imposes a condition upon the woman that permanently binds her to her husband, her relationship with her husband has not been completely severed, which is a prerequisite for divorce. If, however, he imposes a condition for the duration of thirty days, or any other limited period of time, that is severance, and the bill of divorce is valid, as the relationship will be completely terminated at the end of the thirty-day period.

And Rabbi Yosei HaGelili derives that a condition without a termination point invalidates the divorce from the fact that instead of using the term karet, the verse uses the more expanded term keritut. Inasmuch as both terms denote severance, using the longer term teaches us two things: Divorce can be effected only by means of writing and not through money, and divorce requires total severance.

And as for the Rabbis, they do not derive anything from the expansion of karet to keritut.

**MISHNA**

If a caravan camped in a valley, i.e., an open space not enclosed by walls, and the travelers enclosed their camp with partitions made of the animals’ equipment, e.g., saddles and the like, one may carry inside the enclosed area, provided that the resultant partition will be a fence ten handbreadths high, and that there will not be breaches in the partition greater than the built segment. Any breach that is approximately ten cubits wide is permitted and does not invalidate the partition because it is considered like an entrance. However, if one of the breaches is greater than ten cubits, it is prohibited to carry anywhere in the enclosed area.

**GEMARA**

It is stated that the amora’im disagree about the case where the breached segment of the partition equals the standing portion. Rav Pappa said: It is permitted to carry within that enclosure. Rav Huna, son of Rav Yehoshua, said: It is prohibited.
The Gemara explains: Rav Pappa said: It is permitted. This is what the Merciful One taught Moses. Do not breach the majority of the partition; as long as the greater part is not breached, it is considered a partition. Rav Huna, son of Rav Yehoshua, said: It is prohibited. This is what the Merciful One taught Moses: Circumscribe the greater part; if the greater part is not enclosed, it is not a partition.

We learned in the mishna: And there will not be breaches in the partition greater than the built segment. Only then would carrying be permitted in the enclosed area. By inference, if the breaches equal the built segment, it is permitted. This presents a difficulty for Rav Huna, son of Rav Yehoshua.

The Gemara continues: However, according to that way of understanding the mishna, if the breach equals the built segment, what is the halakha? Is carrying prohibited? If so, let the mishna teach that carrying is permitted, provided that the breaches do not equal the built segment. It can be inferred from this that if the breaches are greater than the built segment, it is certainly prohibited. The Gemara concludes: Indeed, this poses a difficulty to the opinion of Rav Huna, son of Rav Yehoshua.

The Gemara cites a proof to support Rav Pappa’s opinion. Come and hear that which the mishna taught about the halakhot of sukka: With regard to one who roofed his sukka with metal skewers or with bed posts, both of which are unfit for sukka roofing because they are susceptible to ritual impurity, if there is space between them, equal to their width, filled with materials valid for sukka roofing, the sukka is valid.9 Apparently, with regard to roofing, if the valid materials equal the invalid, the sukka is valid. Similarly, if the built segment of an enclosure equals the breached segment, it is a valid enclosure for the purpose of carrying on Shabbat. This supports Rav Pappa’s opinion against that of Rav Huna, son of Rav Yehoshua.

The Gemara contests this conclusion. With what are we dealing here? It is with a case where the skewers can be inserted and extracted easily. In other words, the case of the mishna in Sukka is not one where there are equal amounts of valid and invalid roofing. It is referring to a case where there is additional space between the skewers, which allows for their easy insertion and removal. Consequently, the space filled by the valid roofing is greater than that filled by the skewers. The Gemara asks: Isn’t it possible to be precise? Couldn’t the mishna in Sukka be understood as describing a case where the gaps between the skewers equal the width of the skewers? That understanding supports the opinion of Rav Pappa, who maintains that when the valid segment precisely equals the invalid segment, the whole is valid.

Rabbi Ami said: This mishna is referring to a case where one adds roofing, so that the area of the valid roofing is greater than that of the skewers.

Rava said: This is referring to a case where if the skewers were placed crosswise to the sukka, he should place the valid roofing lengthwise, and similarly, if the skewers were placed lengthwise, he should place the valid roofing crosswise, ensuring that there is more valid than invalid roofing.

The Gemara seeks to adduce a proof in support of the opinion of Rav Huna, son of Rav Yehoshua: Come and hear that which was taught in a baraita: If a caravan camped in a field, and the travelers surrounded their camp with camels that were made to crouch down, or with their saddles,

NOTES
The Merciful One taught Moses – רבי יהודה למד: Some commentators were troubled by this passage, which implies that an enclosure whose combined breaches are wider than its combined standing portions is invalid either by Torah law or on the basis of a halakha transmitted to Moses from Sinai (Rashba; Riva). Given the halakha of boards surrounding a well, it is unlikely that the invalidation of a partition whose breached segments are greater than its standing segments is Torah law (see the mishna on 10b, p. 95, and the Gemara on 10a, p. 48). The Raza’avad explains that the phrase: The Merciful One taught Moses, should not be taken literally. He maintains that the disqualification of a partition is only by rabbinic decree, even in a case where the breached segments are greater than the standing segments of the partition.

A sukka and a partition – בראשית: How can the law of the walls of a courtyard be compared to the laws of the roofing of a sukka? Since these laws are not derived from the same source, perhaps their requirements are completely different. The Riva answers that initially the Gemara entertained the possibility that there is an abstract, general question with regard to objects consisting of both valid and invalid components. When the valid component is greater than the invalid, or vice versa, the legal status of the object is determined by the majority. The question here is with regard to the status of an item that is composed of exactly half valid and half invalid components. Ultimately, the Gemara concludes that there is no overriding principle in this matter. In some halakhot, the legal status of half is like that of the majority. In others, the legal status of half is like that of the minority and does not determine the object’s status.

A sukka roofed with skewers – רבי יהודה למד: If one roofed his sukka with skewers that are less than four handbreadths wide, and the gaps between the skewers are exactly equal to the width of the skewers, the sukka is invalid, since it is impossible to make certain that the precise amount of requisite roofing is in place. However, if one widened the gaps between the skewers even minimally, or if one positioned the roofing material across rather than parallel to the skewers, the sukka is valid, in accordance with the ruling of Rabbi Ami and Rava (Shulhan Arukh, Oraĥ Ĥayyim 618).