אֲמַר לֵיהּ רַב הוּנָא בַּר חִינָּנָא: בְּהֵילְמֵי אָמְרַתְּ לָן, בִּלְחָיֵין לָא אָמְרַתְּ לָן. מַאי שְׁנָא בְּהֵילְמֵי – דִּפְלִיגִי רַבָּנַן עֲלֵיהּ, לְחָיֵין נַמִּי פְּלִיגִי רַבָּנַן עֲלֵיהּ! אֲמַר לֵיהּ: שָׁאנֵי לְחָיֵין, מִשּׁוּם דְּקָאֵי רַבִּי כְּוָותֵיהּ.

Rav Huna bar Ḥinana 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;[N] 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 Ḥinana **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.

רַב רַחוּמֵי מַתְנֵי הָכִי, אֲמַר רַב יְהוּדָה בְּרֵיהּ דְּרַב שְׁמוּאֵל [בַּר שֵׁילַת] מִשְּׁמֵיהּ דְּרַב: אֵין הֲלָכָה כְּרַבִּי יוֹסֵי לֹא בִּהֵילְמֵי וְלֹא בִּלְחָיֵין. אֲמַר לֵיהּ: אָמְרַתְּ? אֲמַר לְהוּ: לָא. אֲמַר רָבָא: הָאֱלֹהִים! אֲמָרָהּ, וּגְמִירְנָא לָהּ מִינֵּיהּ. וּמַאי טַעְמָא קָא חָדַר בֵּיהּ – מִשּׁוּם דְּרַבִּי יוֹסֵי נִימּוּקוֹ עִמּוֹ.

The Gemara reports that **Rav Raḥumei taught this** version of the previous discussion: **Rav Yehuda, the son of Rav Shmuel bar Sheilat, 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. Rava 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** [***nimmuko***][L] **is with him,**[N] and the *halakha* follows his opinion even against the majority view.

אֲמַר לֵיהּ רָבָא בַּר רַב חָנָן לְאַבַּיֵי: הֵילְכְתָא מַאי? אֲמַר לֵיהּ: פּוֹק חֲזֵי מַאי עַמָּא דְּבַר.

Rava bar Rav Ḥanan 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.

אִיכָּא דְּמַתְנִי לָהּ אַהָא; הַשּׁוֹתֶה מַיִם לְצִמָּאוֹ אוֹמֵר: ״שֶׁהַכֹּל נִהְיָה בִּדְבָרוֹ״, רַבִּי טַרְפוֹן אוֹמֵר: ״בּוֹרֵא נְפָשׁוֹת רַבּוֹת וְחֶסְרוֹנָן עַל כָּל מַה שֶּׁבָּרָאתָ״. אֲמַר לֵיהּ רַב חָנָן לְאַבַּיֵי: הֵילְכְתָא מַאי? אֲמַר לֵיהּ: פּוֹק חֲזֵי מַאי עַמָּא דְּבַר.

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**[H] **recites** the following blessing prior to drinking: **By Whose word all things came to be. Rabbi Tarfon** disagrees and **says** he recites the blessing: **Who creates the many forms of life and their needs, for all that You have created. Rav Ḥanan said to Abaye: What is the *halakha*? He said to him: Go out** and observe **what the people are doing;** the customary practice is to say: By Whose word all things came to be.

Perek **I**
Daf **15** Amud **a**

אִיתְּמַר: לֶחִי הָעוֹמֵד מֵאֵלָיו, אַבַּיֵי אָמַר: הֲוֵי לֶחִי, רָבָא אָמַר: לָא הֲוֵי לֶחִי.

It was stated that the *amora'im* disagreed about **a side post that stands by itself,**[H] 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.**

הֵיכָא דְּלָא סָמְכִינַן עֲלֵיהּ מֵאֶתְמוֹל – כּוּלֵּי עָלְמָא לָא פְּלִיגִי דְּלָא הֲוֵי לֶחִי. כִּי פְּלִיגִי – הֵיכָא דְּסָמְכִינַן עֲלֵיהּ מֵאֶתְמוֹל. אַבַּיֵי אָמַר: הֲוֵי לֶחִי, דְּהָא סָמְכִינַן עֲלֵיהּ מֵאֶתְמוֹל. רָבָא אָמַר: לָא הֲוֵי לֶחִי, כֵּיוָן דְּמַעִיקָּרָא לָאו אַדַּעְתֵּיהּ דְּהָכִי עֲבִידִי – לָא הֲוֵי לֶחִי.

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.**[N] **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.**

קָא סָלְקָא דַּעְתָּךְ כִּי הֵיכִי דְּפְלִיגִי בְּלֶחִי פְּלִיגִי נַמִּי בִּמְחִיצָה.

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.

NOTES

With regard to side posts you did not tell us this – בְּלְחָיֵין לָא אָמְרַתְּ לָן: Rav Yosef suffered from an illness later in life that caused him to forget much of his learning. Consequently, his students would sometimes remind him of what he had taught them before his illness.

Rabbi Yosei's reasoning is with him – רַבִּי יוֹסֵי נִימּוּקוֹ עִמּוֹ: The halakhic authorities disagree whether the principle: Rabbi Yosei, his reasoning is with him, is limited to ruling in accordance with Rabbi Yosei when he disagrees with a single opposing Sage, or whether it applies even when a majority of the Sages disagree with him. Some authorities prove from this context that the *halakha* is in accordance with the opinion of Rabbi Yosei even against a majority (see *Yad Malakhi* and *Maharitz Ḥayyot*). Others state that usually the halakha is in accordance with the Sages when they argue with Rabbi Yosei, yet it could have been argued that in these specific cases the halakha is in accordance with Rabbi Yosei, as his reasoning is exceptionally logical here. Nonetheless, the halakha is in accordance with the view of the majority (Ritva).

LANGUAGE

Reasoning [*nimmuk*] – נימוק: Probably related to the Greek νομικός, *nomikos*, meaning connected to the law or having knowledge of the statutes and law. Consequently, the statement that Rabbi Yosei's *nimmuk* is with him means that his opinion is based upon sound legal reasoning.

HALAKHA

One who drinks water to quench his thirst – הַשּׁוֹתֶה מַיִם לְצִמָּאוֹ: One 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, as this is the prevalent custom (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 204:7).

HALAKHA

A side post that stands by itself – לֶחִי הָעוֹמֵד מֵאֵלָיו: A side post renders permitted carrying in an alleyway even if it was not originally erected for that purpose, provided that one resolved to rely on it prior to the beginning of Shabbat. This principle is in accordance with the opinion of Abaye. One is not required to explicitly state that he is relying on the side post. Rather, if it was in place on Friday, it is assumed that the person relies on it (Rema), unless he explicitly states that he is not relying on it (*Magen Avraham*, *Shulḥan Arukh HaRav*; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 363:11).

NOTES

They relied on it from yesterday – סָמְכִינַן עֲלֵיהּ מֵאֶתְמוֹל: All the Sages, including Abaye, agree that a side post must be relied upon from the previous day, because a side post is not a real partition. However, a full-fledged partition functions as a wall according to Torah law in every regard, irrespective of whether or not someone relied upon it from the previous day (see *Meîri*).

תָּא שְׁמַע: הָעוֹשֶׂה סוּכָּתוֹ בֵּין הָאִילָנוֹת, וְאִילָנוֹת דְּפָנוֹת לָהּ – כְּשֵׁירָה! הָכָא בְּמַאי עָסְקִינַן – שֶׁנְּטָעָן מִתְּחִילָּה לְכָךְ. אִי הָכִי, פְּשִׁיטָא! מַהוּ דְּתֵימָא: לִיגְזוֹר דִּילְמָא אָתֵי לְאִישְׁתַּמּוֹשֵׁי בְּאִילָן, קָא מַשְׁמַע לָן.

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,**[H] **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,** in this mishna? 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* with 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.

תָּא שְׁמַע: הָיָה שָׁם אִילָן אוֹ גֵּדֵר אוֹ חִיצַּת הַקָּנִים – נִידּוֹן מְשׁוּם דְּיוֹמַד.

The Gemara tries to present 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.

הָכָא נַמִּי בְּמַאי עָסְקִינַן – שֶׁעֲשָׂאָן מִתְּחִילָּה לְכָךְ. אִי הָכִי מַאי קָא מַשְׁמַע לָן? [קָא מַשְׁמַע לָן:] חִיצַּת הַקָּנִים קָנֶה קָנֶה פָּחוֹת מִשְּׁלֹשָׁה טְפָחִים, כִּדְבָעָא מִינֵּיהּ אַבַּיֵי מֵרַבָּה.

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.

תָּא שְׁמַע: אִילָן הַמֵּסִיךְ עַל הָאָרֶץ, אִם אֵין נוֹפוֹ גָּבוֹהַּ מִן הָאָרֶץ שְׁלֹשָׁה טְפָחִים – מְטַלְטְלִין תַּחְתָּיו. הָכָא נַמִּי בְּמַאי עָסְקִינַן – שֶׁנְּטָעוֹ מִתְּחִילָּה לְכָךְ.

The Gemara suggests another proof. **Come** and **hear** a proof from the following mishna: With regard to **a tree** whose branches **hang over** from a height of greater than ten handbreadths and reach almost to **the ground, if** the ends of **its branches are not higher than three handbreadths from the ground, one may carry under it;** the branches constitute partitions all around, and it is therefore permissible to carry in the enclosed area. The Gemara responds: **Here, too, with what are we dealing?** With a case **where he planted** the tree **from the outset for this** purpose.

אִי הָכִי לִישַׁלְטֵל בְּכוּלּוֹ, אַלָּמָּה אָמַר רַב הוּנָא בְּרֵיהּ דְּרַב יְהוֹשֻׁעַ: אֵין מְטַלְטְלִין בּוֹ אֶלָּא בֵּית סָאתַיִם!

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 Yehoshua, say: One may only carry** under the tree if its branches enclose an area no larger than **two *beit se'a,*** 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.

מִשּׁוּם דְּהָווּ דִּירָה שֶׁתַּשְׁמִישָׁהּ לָאֲוִיר, וְכָל דִּירָה שֶׁתַּשְׁמִישָׁהּ לָאֲוִיר אֵין מְטַלְטְלִין בָּהּ אֶלָּא בֵּית סָאתַיִם.

The Gemara answers: 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'a*.**

תָּא שְׁמַע: שָׁבַת בְּתֵל שֶׁהוּא גָּבוֹהַּ עֲשָׂרָה, וְהוּא מֵאַרְבַּע אַמּוֹת וְעַד בֵּית סָאתַיִם. וְכֵן בְּנָקַע שֶׁהוּא עָמוֹק עֲשָׂרָה, וְהוּא מֵאַרְבַּע אַמּוֹת וְעַד בֵּית סָאתַיִם, וְקָמָה קְצוּרָה וְשִׁיבּוֹלוֹת מַקִּיפוֹת אוֹתָהּ – מְהַלֵּךְ אֶת כּוּלָּהּ וְחוּצָה לָהּ אַלְפַּיִם אַמָּה.

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 that was ten** handbreadths **high and** its area was anywhere **from four cubits to** the **two *beit se'a*; and similarly,** one who established his Shabbat abode **in a** natural **cavity**[H] of a rock **that is ten** handbreadths **deep and** its area was anywhere **from four cubits to two *beit se'a*;** and similarly, one who established his Shabbat abode in a field of **reaped grain, and** rows of **stalks** ten handbreadths high that have not been reaped **surround it,** serving as a partition enclosing the reaped area, **he may walk in the entire** enclosed area, **and outside it** an additional **two thousand cubits.** This indicates that a partition not specifically constructed to serve as a partition is nonetheless valid.

HALAKHA

Trees serving as the walls of a *sukka* – אִילָנוֹת כִּדְפָנוֹת לְסוּכָּה: A *sukka* whose walls are formed by trees is a valid *sukka* (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 630:10).

One who established his Shabbat abode on a mound or in a cavity – שָׁבַת בְּתֵל אוֹ בְּנָקַע: 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'a*, 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 (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 396:2).

וְכִי תֵּימָא, הָכָא נַמִּי שֶׁעָשָׂה מִתְּחִילָּה לְכָךְ – בִּשְׁלָמָא קָמָה, לְחַיֵּי. אֶלָּא תֵּל וְנֶקַע מַאי אִיכָּא לְמֵימַר?

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?**[N] They were there from time immemorial and were not constructed to serve as partitions.

אֶלָּא: בִּמְחִיצוֹת כּוּלֵי עָלְמָא לָא פְּלִיגִי דְּהָוְיָא מְחִיצָה, כִּי פְּלִיגִי בְּלֶחִי. אַבַּיֵי לְטַעְמֵיהּ, דְּאָמַר: לֶחִי מְשׁוּם מְחִיצָה, וּמְחִיצָה דְּעָשׂוּיָה מֵאֵלֶיהָ הָוְיָא מְחִיצָה. וְרָבָא לְטַעְמֵיהּ, דְּאָמַר: לֶחִי מְשׁוּם הֵיכֵּר. אִי עֲבִידָא בְּיָדַיִם – הָוְיָא הֵיכֵּר, וְאִי לָא – לָא הָוֵי הֵיכֵּר.

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,**[H] 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.**

תָּא שְׁמַע: אַבְנֵי גֵדֶר הַיּוֹצְאוֹת מִן הַגֶּדֶר, מוּבְדָּלוֹת זוֹ מִזּוֹ פָּחוֹת מִשְּׁלֹשָׁה – אֵין צָרִיךְ לֶחִי אַחֵר, שְׁלֹשָׁה – צָרִיךְ לֶחִי אַחֵר.

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.

הָכָא נַמִּי, שֶׁבְּנָאָן מִתְּחִילָּה לְכָךְ. אִי הָכִי, פְּשִׁיטָא! מַהוּ דְּתֵימָא לְמֵיסַר בִּנְיָינָא הוּא דַּעֲבִידָא, קָא מַשְׁמַע לָן.

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.

תָּא שְׁמַע, דְּתָנֵי רַבִּי חִיָּיא: כּוֹתֶל שֶׁצִּידּוֹ אֶחָד בָּנוּס מֵחֲבֵרוֹ, בֵּין שֶׁנִּרְאֶה מִבַּחוּץ וְשָׁוֶה מִבִּפְנִים, וּבֵין שֶׁנִּרְאֶה מִבִּפְנִים וְשָׁוֶה מִבַּחוּץ – נִדּוֹן מְשׁוּם לֶחִי.

The Gemara suggests another proof: **Come** and **hear** the following *Tosefta* **taught by Rabbi Ḥiyya: 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.

הָכָא נַמִּי שֶׁעֲשָׂאוֹ מִתְּחִילָּה לְכָךְ. אִי הָכִי מַאי קָא מַשְׁמַע לָן? הָא קָא מַשְׁמַע לָן: נִרְאֶה מִבַּחוּץ וְשָׁוֶה מִבִּפְנִים – נִדּוֹן מְשׁוּם לֶחִי.

The Gemara answers: **Here, too,** it is a case **where one fashioned it from the outset for this** purpose, to serve as a side post. The Gemara asks: **If so, what does it teach us?** The Gemara answers: **This teaches us** that a side post that **is visible from the outside and** looks **even** with the wall **from the inside is considered a side post,** although this view is not universally accepted.

תָּא שְׁמַע: דְּרַב הֲוָה יָתֵיב בְּהַהוּא מְבוֹאָה, הֲוָה יָתֵיב רַב הוּנָא קַמֵּיהּ. אֲמַר לֵיהּ לְשַׁמָּעֵיהּ: זִיל אַיְיתִי לִי כּוּזָא דְּמַיָּא. עַד דַּאֲתָא נְפַל לֶחְיָא. אַחֲוֵי לֵיהּ בִּידֵיהּ, קָם אַדּוּכְתֵּיהּ. אֲמַר לֵיהּ רַב הוּנָא: לָא סָבַר לָהּ מָר לְסָמוֹךְ אַדִּיקְלָא? אֲמַר: דָּמֵי הַאי מַרְבָּנָן כְּמַאן דְּלָא פָּרְשִׁי אֵינָשֵׁי שְׁמַעֲתָא. מִי סָמְכִינַן עֲלֵיהּ מֵאֶתְמוֹל?

The Gemara suggests another proof: **Come** and **hear** the following story: **Rav was sitting in a certain alleyway,** and **Rav Huna was sitting before him.**[N] **He said to his attendant: Go, bring me a** small **pitcher of water. By the time he came** back with the water, **the side post** at the entrance to the alleyway **had fallen.** Rav **signaled to him with his hand** that he should stop, and the attendant **stood in his place. Rav Huna said to** Rav: **Doesn't the Master hold** that it is permissible **to rely on the palm tree** located at the entrance to this alleyway as a side post? Rav **said: This scholar,** Rav Huna, **is comparable to one who does not know the teachings** of the Sages. **Did we rely on** the palm tree **from yesterday?** Since we did not, carrying in the alleyway is not permitted.

טַעְמָא – דְּלָא סָמְכִינַן, הָא סָמְכִינַן – הָוֵי לֶחִי!

Based on Rav's response, the Gemara argues as follows: **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.

NOTES

A mound and a cavity – תֵּל וְנֶקַע: The primary proof is from the choice of words. The words mound [*tel*] and cavity [*neka*], 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 – רַב וְרַב הוּנָא: 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.

HALAKHA

A partition that stands by itself – מְחִיצָה הָעוֹמֶדֶת מֵאֵלֶיהָ: A partition that was not originally constructed to serve as a partition is nonetheless valid (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 362:50).

לֵימָא אַבַּיֵי וְרָבָא בִּדְלָא סָמְכִינַן עֲלֵיהּ פְּלִיגִי, הָא סָמְכִינַן עֲלֵיהּ – הַוָה לֵיחִיׁ? לָא סָלְקָא דַּעְתָּךְ, דְּהַהוּא בִּרְקָא דְּהַוָה בֵּי בַּר חָבוּ, דְּהָווּ פְּלִיגִי בֵּהּ אַבַּיֵי וְרָבָא כּוּלֵי שְׁנֵיהוּ.

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** [*barka*][L] **that was in the house of Bar Ḥavu 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.

מתני׳ בַּכֹּל עוֹשִׂין לְחָיַיִן, אֲפִילּוּ בְּדָבָר שֶׁיֵּשׁ בּוֹ רוּחַ חַיִּים, וְרַבִּי מֵאִיר אוֹסֵר. וּמְטַמֵּא מִשּׁוּם גּוֹלֵל,

MISHNA **One may construct side posts from anything, even a living creature,**[N] provided that it was properly attached to the entrance of the alleyway,[H] **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 used as the **covering of a grave.**[NH]

LANGUAGE

Balcony [*barka*] – בַּרְקָא: The plural form of the biblical word *yatzi'a*, i.e., a second story (*Arukh*). Some authorities claim that this word originates from the Middle Persian word vārag, which can mean an enclosure.

NOTES

A living creature – דָּבָר שֶׁיֵּשׁ בּוֹ רוּחַ חַיִּים: The rationale of those who prohibit utilizing an animal is either because it might die and then shrink at the time of death to less than the required height, or because a partition of this kind, which is maintained by the spirit, i.e., whose entire essence is the life it contains, is not considered a partition. Opinions cited in the Jerusalem Talmud differentiate between a side post and a partition, and hold that a living creature is valid for only one of these two functions; some say as a side post, while others say as a partition.

Covering of a grave – גּוֹלֵל: The nature of this item is subject to dispute. The *ge'onim*, Rashi, Rambam, and other commentaries explain that a *golel* is the gravestone placed over a grave. Rabbeinu Ḥananel and other authorities state that *golel* refers to the heavy stone placed over the corpse in order to cover the open coffin.

HALAKHA

A side post from a living creature – לְחִי מִבַּעַל חַיִּים: A side post can be fashioned from anything, including a living creature. However, if it is an animal, it must be securely tied in place so that it cannot run away or crouch down below the required height. Even a person who is tied up can serve as a side post (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 363:3, in the comment of the Rema).

The impurity of the covering of a grave – טוּמְאַת גּוֹלֵל: Anything can become ritually impure as the covering of a grave. If an animal is tied in place over a grave, it transmits seven-day impurity to whoever touches it as long as it is tied there (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 6:4).

Perek **I**
Daf **15** Amud **b**

וְרַבִּי מֵאִיר מְטַהֵר. וְכוֹתְבִין עָלָיו גִּיטֵּי נָשִׁים, וְרַבִּי יוֹסֵי הַגְּלִילִי פּוֹסֵל.

But Rabbi Meir deems it pure. Likewise, **one may write women's bills of divorce on** anything, even a living creature.[H] **But Rabbi Yosei HaGelili invalidates** a bill of divorce written on a living creature.

HALAKHA

On what may a bill of divorce be written – עַל מָה נִכְתַּב גֵּט: A bill of divorce may be written on any surface, even on an animal. It must then be legally transferred to the woman. This *halakha* is in accordance with the ruling in the unattributed mishna (*Shulḥan Arukh*, *Even HaEzer* 124:2).

גמ׳ תַּנְיָא, רַבִּי מֵאִיר אוֹמֵר: כָּל דָּבָר שֶׁיֵּשׁ בּוֹ רוּחַ חַיִּים אֵין עוֹשִׂין אוֹתוֹ לֹא דוֹפֶן לַסּוּכָּה, וְלֹא לְחִי לַמָּבוֹי, לֹא פַּסִּין לַבֵּירָאוֹת, וְלֹא גּוֹלֵל לַקֶּבֶר. מִשּׁוּם רַבִּי יוֹסֵי הַגְּלִילִי אָמְרוּ: אַף אֵין כּוֹתְבִין עָלָיו גִּיטֵּי נָשִׁים.

GEMARA **It was taught** in a *baraita* that **Rabbi Meir says: An animate object may neither be used as a wall for a *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.**

מַאי טַעְמָא דְּרַבִּי יוֹסֵי הַגְּלִילִי? דְּתַנְיָא: ״סֵפֶר״, אֵין לִי אֶלָּא סֵפֶר, מְנַיִן לְרַבּוֹת כָּל דָּבָר – תַּלְמוּד לוֹמַר ״וְכָתַב לָהּ״ מִכָּל מָקוֹם. אִם כֵּן מַה תַּלְמוּד לוֹמַר ״סֵפֶר״ – לוֹמַר לְךָ: מַה סֵּפֶר דָּבָר שֶׁאֵין בּוֹ רוּחַ חַיִּים וְאֵינוֹ אוֹכֶל, אַף כָּל דָּבָר שֶׁאֵין בּוֹ רוּחַ חַיִּים וְאֵינוֹ אוֹכֶל.

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 severance 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.

וְרַבָּנַן: מִי כְּתִיב "בַּסֵּפֶר"? "סֵפֶר" כְּתִיב – לִסְפִירוֹת דְּבָרִים בְּעָלְמָא הוּא דַּאֲתָא.

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 or on food, interpret the verse? They contend: **Is** the verse **written:** "Let him write for her **in the scroll** [***basefer***]," indicating the only type of surface on which the bill of divorce may be written? No, **scroll** [***sefer***] **is written, which comes to** teach that **a mere account of the matters** [***sefirot devarim***] is required. In other words, *sefer* is referring not to the surface on which a bill of divorce must be written, but rather to the essence of the bill of divorce. The verse teaches that the bill of divorce must contain particular content.

וְרַבָּנַן, הַאי "וְכָתַב לָהּ" מַאי דָּרְשִׁי בֵּיהּ? הַהוּא מְבָעֵי לֵיהּ: בִּכְתִיבָה מִתְגָּרֶשֶׁת, וְאֵינָהּ מִתְגָּרֶשֶׁת בְּכֶסֶף. סָלְקָא דַּעְתָּךְ אָמִינָא: הוֹאִיל וְאִיתְקַשׁ יְצִיאָה לַהֲוָיָה, מַה הֲוָיָה בְּכֶסֶף אַף יְצִיאָה בְּכֶסֶף – קָא מַשְׁמַע לָן.

The Gemara continues: **And what do the Rabbis derive** from **the** phrase **"that he write 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.**[H] **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** effected **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.

וְרַבִּי יוֹסֵי הַגְּלִילִי, הַאי סְבָרָא מְנָא לֵיהּ? נָפְקָא לֵיהּ מִ"סֵפֶר כְּרִיתוּת" – סֵפֶר כּוֹרֶתָה וְאֵין דָּבָר אַחֵר כּוֹרֶתָה.

The Gemara asks: **And Rabbi Yosei HaGelili, from where does he** derive **this reasoning,** that a woman cannot be divorced with money? The Gemara answers: **He derives it from** the phrase: **A scroll of severance,** which teaches that **a scroll,** i.e., a written document, **severs her** from her husband **and nothing else severs her** from him.

וְרַבָּנַן, הַאי "סֵפֶר כְּרִיתוּת" מִיבָּעֵי לֵיהּ לְדָבָר הַכּוֹרֵת בֵּינוֹ לְבֵינָהּ. לְכִדְתַנְיָא: הֲרֵי זֶה גִּיטֵּךְ עַל מְנָת שֶׁלֹּא תִּשְׁתִּי יַיִן, עַל מְנָת שֶׁלֹּא תֵּלְכִי לְבֵית אָבִיךְ לְעוֹלָם – אֵין זֶה כְּרִיתוּת. כָּל שְׁלֹשִׁים יוֹם – הֲרֵי זֶה כְּרִיתוּת.

The Gemara continues: **And the Rabbis** explain that **this** phrase: **A scroll of severance,**[N] **is required** to teach that a bill of divorce must be **a matter that severs** all connection **between him and her.**[N] **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 **drink wine,** or **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.[H]

וְרַבִּי יוֹסֵי הַגְּלִילִי נָפְקָא לֵיהּ מִ"כָּרֵת" "כְּרִיתוּת".

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.

וְרַבָּנַן, "כָּרֵת" "כְּרִיתוּת" לָא דָּרְשִׁי.

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

מתני' שַׁיָּרָא שֶׁחָנְתָה בַּבִּקְעָה וְהִקִּיפוּהָ כְּלֵי בְּהֵמָה – מְטַלְטְלִין בְּתוֹכָהּ, וּבִלְבַד שֶׁיְּהֵא גָּדֵר גָּבוֹהַּ עֲשָׂרָה טְפָחִים, וְלֹא יְהוּ פִּירְצוֹת יְתֵרוֹת עַל הַבִּנְיָן.

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.

כָּל פִּירְצָה שֶׁהִיא כְּעֶשֶׂר אַמּוֹת – מוּתֶּרֶת, מִפְּנֵי שֶׁהִיא כְּפֶתַח, יָתֵר מִכָּאן – אָסוּר.

Any breach that is approximately ten cubits wide **is permitted** and does not invalidate the partition **because it is** considered **like an entrance.**[H] However, if one of the breaches is **greater than** ten cubits, **it is prohibited** to carry anywhere in the enclosed area.

גמ' אִיתְּמַר: פָּרוּץ כְּעוֹמֵד, רַב פַּפָּא אָמַר: מוּתָּר. רַב הוּנָא בְּרֵיהּ דְּרַב יְהוֹשֻׁעַ אָמַר: אָסוּר.

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.**

HALAKHA

With what means can a woman be divorced – בַּמָּה מִתְגָּרֶשֶׁת: A woman may be divorced only by means of a bill of divorce, not through the transfer of money or by any other means (Rambam *Sefer Nashim*, *Hilkhot Geirushin* 1:1).

Conditions in a bill of divorce – תְּנָאֵי בְּגֵט: A bill of divorce that contains a condition that binds the woman to her husband indefinitely is not valid. One should refrain from attaching a condition that is limited in time if it difficult for her to fulfill it, as it is likely that this will cause the bill of divorce to be invalidated retroactively, which would lead to extreme halakhic difficulties (*Shulḥan Arukh*, *Even HaEzer* 143:20–21).

The size of a breach – גּוֹדֶל פִּירְצָה: A gap in a partition up to ten cubits wide is considered an entrance. If the breach is greater, it is not considered an entrance, and the partition is halakhically disqualified (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 362:9).

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A matter that severs all connection between him and her – דָּבָר הַכּוֹרֵת בֵּינוֹ לְבֵינָהּ: 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 – סֵפֶר כְּרִיתוּת: Some commentaries 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 *sapper*, 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 [*sippur*] of severance (Rabbi Elazar Moshe Horowitz).

רַב פַּפָּא אָמַר: מוּתָּר, הָכִי אַגְּמָרֵיהּ רַחֲמָנָא לְמֹשֶׁה: לֹא תַּפְרִיז רוּבָּהּ. רַב הוּנָא בְּרֵיהּ דְּרַב יְהוֹשֻׁעַ אָמַר: אָסוּר, הָכִי אַגְּמָרֵיהּ רַחֲמָנָא לְמֹשֶׁה: גְּדוֹר רוּבָּהּ.

The Gemara explains: **Rav Pappa said: It is permitted. This is what the Merciful One taught Moses:**[N] **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.

תְּנַן: וְלֹא יְהוּ פִּירְצוֹת יְתֵרוֹת עַל הַבִּנְיָן, הָא כַּבִּנְיָן – מוּתָּר!

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.

לָא תֵּימָא הָא כַּבִּנְיָן מוּתָּר, אֶלָּא אֵימָא: אִם בִּנְיָן יָתֵר עַל הַפִּירְצָה – מוּתָּר.

The Gemara responds: **Do not say:** By inference if they **equal the built** segment, **it is permitted; rather, say: If the built** segment **is greater than the breach, it is permitted** to carry in the enclosed area.

אֶבָּל כַּבִּנְיָן מַאי? אָסוּר? אִי הָכִי, לֵיתְנֵי: ״לֹא יְהוּ פִּירְצוֹת כַּבִּנְיָן״! קַשְׁיָא.

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.

תָּא שְׁמַע: הַמְקָרֶה סוּכָּתוֹ בַּשַּׁפּוּדִין אוֹ בַּאֲרוּכוֹת הַמִּטָּה, אִם יֵשׁ רֶיוַח בֵּינֵיהֶן כְּמוֹתָן – כְּשֵׁירָה!

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**[H] **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.**[N] 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.

הָכָא בְּמַאי עָסְקִינַן – כְּשֶׁנִּיכְּנָס וְיוֹצֵא.

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.

וְהָא אֶפְשָׁר לְצַמְצֵם!

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.

אָמַר רַבִּי אַמִּי: בְּמַעְדִּיף.

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.

רָבָא אָמַר: אִם הָיוּ נְתוּנִין עֶרֶב – נוֹתְנוֹ שְׁתִי, שְׁתִי – נוֹתְנוֹ עֶרֶב.

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.

תָּא שְׁמַע: שַׁיָּירָא שֶׁחָנְתָה בַּבִּקְעָה וְהִקִּיפוּהָ בִּגְמַלִּין, בְּאוֹכָפוֹת,

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 – אַגְּמָרֵיהּ רַחֲמָנָא לְמֹשֶׁה: Some commentaries 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; Ritva). 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 17b, p. 95, and the Gemara on 10a, p. 48). The Ra'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 – סוּכָּה וּמְחִיצָה: 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 Ritva 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.

HALAKHA

A *sukka* roofed with skewers – סוּכָּה הַמְקוֹרָה בַּשַּׁפּוּדִין: 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 (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 631:8).