A temporary tent on Shabbat – One may not erect even a temporary tent, as we can distinguish between the opinions of Rabbi Yosei and Rava. If it is merely a possible rejection, as it is common for houses and courtyards to be constructed with partitions, one may think that as the Gemara expresses surprise at the wording of this account: Did they actually spread sheets on Shabbat? Is it permitted to do so ab initio? But doesn’t everyone agree that one may not erect a temporary tent on Shabbat ab initio? Spreading sheets over pillars is considered constructing a temporary tent.

Rather, what happened was that they found sheets spread over the pillars, which they used as partitions, and in this manner they brought the Torah scroll to the synagogue and read from it.

Rabba said: Rabbi Yehuda and Rabbi Hananya ben Akavya said the same thing. Both were very lenient with regard to the halakha of a partition over water. The ruling of Rabbi Yehuda is that which we just said, that the wall of the courtyard permits a cistern. The ruling of Rabbi Hananya ben Akavya is as we learned: Rabbi Hananya ben Akavya says: In the case of a balcony that contains four cubits by four cubits, which is suspended over water, one may carve in it a hole of four by four handbreadths and draw water through it. Even if there are no actual partitions around the hole, the section surrounding the hole is considered as though it were bent downward and formed partitions ten handbreadths high on all sides. Consequently, it is permitted to draw water through the hole.

Abaye said to him: But perhaps that is not so, as we can distinguish between the opinions. It is possible that Rabbi Yehuda stated his opinion only there, with regard to the wall of the courtyard and the cistern, as he said that we rely on the halakhic principle of extend and lower the partition. The partition above the cistern is considered as though it descended to the bottom. But the principle of bend the partition and extend it downward, as suggested by Rabbi Hananya ben Akavya, no, he does not accept this principle.

And we can likewise say that Rabbi Hananya ben Akavya stated his opinion only there, in the case of the balcony, with regard to the Sea of Tiberias, i.e., the Sea of Galilee, since it has clearly defined banks around it, and towns and enclosures surround it on all sides. The Sea of Galilee is surrounded by clear boundaries on all sides and is therefore somewhat similar to a private domain in appearance. Consequently, even a minor adjustment is sufficient. However, with regard to other waters, no, Rabbi Hananya ben Akavya did not permit this practice.

Abaye said: And according to the statement of Rabbi Hananya ben Akavya, if the balcony was less than three handbreadths away from the wall, it is permitted to draw water from it in the following circumstances: Its length must be four cubits, and its width must be eleven handbreadths and any amount. By carving out a hole of slightly more than one handbreadth by four handbreadths on the side near the wall, alongside the other three handbreadths, one creates a hole of four handbreadths by four handbreadths. This hole is surrounded by partitions ten handbreadths high on each side. How so? The wall itself is one partition. The four-cubit length is viewed as bent downward and formed partitions ten handbreadths high on all sides. Consequently, it is permitted to draw water through the hole.

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If the balcony was upright, it had upright partitions on all sides.

A balcony in a corner – According to Rabbeinu Hananel, this case pertains to a triangular porch situated in a corner between two walls. It has a partition of ten handbreadths, and a floor that need be only two handbreadths along the walls, upon which one can stand while drawing water from below.

A balcony in a corner – According to Rashi, it is sufficient if the corner porch is a post ten handbreadths high and two handbreadths wide. If this post is positioned within three handbreadths of one of the walls, it forms a partition ten handbreadths high and four handbreadths wide on one side. If it is within four handbreadths of the other wall, one handbreadth of the post is viewed as though it were bent toward that wall, forming another partition of four handbreadths. In this manner, the hole is surrounded on all sides.

Background

Upright balcony – According to Rashi, this balcony has no floor and consists only of a partition positioned upright at a distance of four handbreadths from the wall. The ends of the balcony are viewed as though they are bent toward the wall, which creates a space of four by four handbreadths in the middle, surrounded by the wall on one side and the actual partition of the balcony on the opposite side. The other two partitions are formed by application of the principle of lavud.

Rabbeinu Hananel and other commentators maintain that the term upright balcony is referring to a regular balcony with partitions ten handbreadths high on each side, enclosing a space of more than six by six handbreadths. In the center of the balcony there is a hole, four by four handbreadths in size. This leaves more than one handbreadth on each side for one's feet. It is necessary for there to be more than a handbreadth due to the height and the danger involved.

If it was positioned in a corner – According to Rashi, this case is referring to an upright board ten handbreadths high and slightly more than two handbreadths wide, positioned opposite the corner. This forms a space of four handbreadths in the middle, as the wall is a partition from two sides, while the other two partitions are formed with this board by means of the principle of lavud.

Rabbeinu Hananel explains that we are dealing with an upright balcony that closes off the corner between two walls in a triangular shape. The height of the third partition is ten handbreadths, while the floor need be only two handbreadths alongside the walls, so that it forms an area suitable for standing.
A water channel and an inlet – אַמַּת מַיֵּים וּלְשׁוֹן יָם: The early commentators ask: In the beginning of the tractate, the Sages stated that if an inlet entered a courtyard and the courtyard wall passed above it, it is permitted to use the water. Why doesn’t the same principle apply to a water channel? The Rashba answers that since the water in the channel, as opposed to the water in an inlet, flows in and out of the courtyard, it does not become part of the courtyard.

BACKGROUND

Avel and Tzippori – אָבֵל וְצִ׳ּוֹרִי: The water channel mentioned by Rabbi Yehuda ran for several kilometers from the town of Avel before joining the water supply of Tzippori, a relatively large city.

Map showing the relative locations of the towns of Avel and Tzippori

HALAKHAA water channel in a courtyard – אַמַּת מַיֵּים בֵּית: If a water channel ten handbreadths wide and four handbreadths deep passes through a courtyard, it is permitted to draw water from it only if a partition ten handbreadths high has been erected at its entrance and at its exit. A channel of smaller dimensions shares the status of the domain in which it is located (Shu’ban Arukh, Orah Hayyim 356:1).

A water channel that passes between the windows – אַמַּת מַיֵּים וּלְשׁוֹן יָם: If a water channel ten handbreadths deep and four handbreadths wide has partitions at both ends, each constructed from two parts, the partitions have the legal status of solid partitions. If they are within three handbreadths of each other, and it is therefore permitted to draw water from the channel. If a water channel does not have such partitions, the residents may not draw water from the channel, in accordance with Ravina’s explanation of the baraita (Shu’ban Arukh, Orah Hayyim 356:1).

MISHNA

With regard to a water channel that passes through a courtyard, the residents may not draw water from it on Shabbat, unless they erected for it a partition ten handbreadths high at the entrance and at the exit of the courtyard. Rabbi Yehuda says: There is no need for a special partition, as the wall that runs on top of it, i.e., the courtyard wall, is considered as a partition.

Rabbi Yehuda said: There was an incident involving a water channel that passed through the courtyards of the town of Avel, from which the residents would draw water from it on Shabbat by the authority of the Elders, relying on the courtyard wall suspended above it. They said to him: It is due to the fact that channel was not of the size that requires a partition, i.e., it was less than ten handbreadths deep or less than ten handbreadths wide, it was permitted to draw water from it even without a partition.

GEMARA

The Sages taught in a baraita: If they erected a partition for the water channel at the entrance but they did not erect one for it at the exit, or if they erected a partition for it at the exit but they did not erect one for it at the entrance, one may not draw water from it on Shabbat, unless they erected for it a partition ten handbreadths high both at the exit and at the entrance. Rabbi Yehuda says: The wall that runs on top of it, i.e., the courtyard wall, is considered as a partition. Therefore, there is no need for a special partition.

Rabbi Yehuda said: There was an incident involving the water channel that went from Avel to Tzippori, and the residents would draw water from it on Shabbat by the authority of the Elders, without any additional partition.

They said to him: Are you trying to bring a proof from there? That was either due to the fact that the channel was not ten handbreadths deep or because it was not four handbreadths wide. It lacked the requisite measure to be considered a domain in its own right. Everyone agrees that it is permitted to draw water from it even without an additional partition.

It was taught in another baraita: With regard to a water channel that passes between the windows of two houses, if it is less than three handbreadths, one may lower a bucket from the window and draw water from it; however, if it is three handbreadths, one may not lower a bucket and draw water from it. Rabban Shimon ben Gamliel says: If it is less than four handbreadths, one may lower a bucket and draw water from it; but if it is at least four handbreadths, one may not lower a bucket and draw water.

With regard to these measures of three and four handbreadths, the Gemara asks: What are we dealing here? If you say this halakha is referring to the water channel itself, that it was three or four handbreadths wide, this presents a difficulty, for when Rav Dimi came from Eretz Yisrael to Babylonia, he said that Rabbi Yohanan said: A karmelit cannot be less than four handbreadths wide. The karmelit is an intermediate domain established by the Sages, whose status is between a public and a private domain. Any open area that is not a public thoroughfare, e.g., a field, sea, river, alleyway, or a lane, is classified as a karmelit. It is prohibited to carry an article four cubits within a karmelit, or to transfer an object from a private domain or a public domain to a karmelit, or vice versa. One who draws water through a window from a water channel into a house has carried from a karmelit to a private domain. Consequently, if the tanna’im of the baraita dispute the width of the channel, they are in effect disagreeing about the minimal size of a karmelit.

The Gemara resumes its question: Let us say, then, that the teaching that Rav Dimi cited, that a karmelit cannot be less than four handbreadths wide, was actually the subject of a dispute of tanna’im and not a unanimous halakha.
The Gemara rejects the previous explanation. Rather, the measure of three or four handbreadths is referring to the channel itself but to the banks of the channel, and it is stated with regard to an act of exchange. The dispute here does not concern the measure of a karmelit, but the measure of an exempt domain. It is permitted to transfer the empty bucket from the window, which is a private domain, by way of the channel's banks, which are exempt domains, to the water channel, which is a karmelit, and back again with the full bucket.

The Gemara raises a difficulty: But when Rav Dimi came from Eretz Yisrael to Babylonia, he said that Rabbi Yohanan said: A place that does not have an area of four by four handbreadths is an exempt domain. Consequently, if this place is situated between a public domain and a private domain, it is permitted for both the people of the private domain and for the people of the public domain to adjust the burdens on their shoulders on it, provided that they do not exchange objects between them via the exempt domain. How, then, can the bucket be transferred from the window to the channel, and vice versa, by means of the banks?

The Gemara answers: There, Rav Dimi is referring to domains by Torah law, i.e., this halakha involves the transfer of objects from a private domain to a public domain via an exempt domain. The Sages forbade this activity, so that people would not transfer objects directly from the private domain to the public domain.

However, here, Rav Dimi is referring to domains by rabbinic law. As the transfer of objects from a private domain to a karmelit is prohibited only by rabbinic decree, the Sages did not prohibit this transfer when it is accomplished by way of an exempt domain.

The Gemara raises a difficulty: But Rabbi Yohanan said that transferring objects from one domain to another by way of an exempt domain is prohibited even in the case of domains that apply by rabbinic law. As we learned in a mishna: In the case of a wall that is between two courtyards, if it is ten handbreadths high and four handbreadths wide, the residents establish two ciruvim, a separate one for each courtyard, but they do not establish one joint ciruv.

If there were produce on top of the wall, these, the residents of one courtyard, may ascend from this side and eat them, and those, the residents of the other courtyard, may ascend from the other side and eat them, provided that they do not bring the produce down from the top of the wall to the courtyards.

If the wall is breached, a distinction applies: If the breach is up to ten cubits wide, they may establish two ciruvim, and if they wish, they may establish one ciruv, for it is like an entrance. This breach is similar to any opening of less than ten cubits. If the breach is more than this, they may establish one ciruv, but they may not establish two ciruvim. A breach of this size nullifies the partition, as the two courtyards merge into a single domain.

And we discussed this mishna and raised a question: If this wall is not four handbreadths thick, what is the halakha? Rav said: In that case, the air of two domains controls it. As the wall is not broad enough to be considered a domain of its own, its top belongs to both courtyards, and it is therefore prohibited to both of them. Accordingly, one may not move anything on top of the wall even as much as a hairsbreadth.
And Rabbi Yohanan disagreed and said: These, the residents of one courtyard, may carry up their food from their courtyard to the top of the wall and eat it there, and those, the residents of the other courtyard, may likewise carry up their food from their courtyard and eat it there. The entire top of the wall has the status of an exempt domain that can be combined with either courtyard, provided that the residents of the different courtyards do not exchange food between them.

And Rabbi Yohanan follows his regular line of argument here, for when Rav Dimi came from Eretz Yisrael to Babylonia, he said that Rabbi Yoĥanan said: A place that contains less than four by four handbreadths is an exempt domain. Consequently, if this place is located between a public domain and a private domain, it is permitted for the people of the private domain and for the people of the public domain to load their burdens onto their shoulders in it, as long as they do not exchange objects with each other by way of the exempt domain. Apparently, Rabbi Yoĥanan prohibited exchanging articles between two domains, even if they are rabbinic domains.

The Gemara answers: That ruling concerning a wall between two courtyards, Ze'eiri stated it in the name of Rabbi Yoĥanan. Rav Dimi transmitted a different tradition of Rabbi Yoĥanan's opinion. The Gemara raises a difficulty: Nonetheless, this halakha concerning a water channel between two windows is difficult according to Ze'eiri.

The Gemara answers: Ze'eiri explains that the measures mentioned in the baraita refer to the water channel itself. That is to say, the dispute between Rabban Shimon ben Gamliel and the Sages does not concern the width of the banks of the channel but the width of the channel itself, as they dispute the basic parameters of a karmelit. And Ze'eiri maintains that the teaching of Rav Dimi, that a karmelit can be no less than four handbreadths wide, is in fact the subject of a dispute between tanna'im.

The Gemara raises a difficulty: And let the water channel that passes through the courtyard be treated at least like the cavities of a karmelit, even if it is not wide enough to be considered a karmelit on its own. Just as the cavities in the wall of a private domain are considered a private domain even if they do not include the prescribed measure of a private domain, the water channel passing through the courtyard should likewise be considered as a cavity of the larger water channel in the street. It should therefore have the status of a karmelit.

The Gemara answers: Abaye bar Avin and Rav Hana bar Avin both said: There is no category of cavities for a karmelit. As a karmelit is only a rabbinic in origin, the halakha is not so stringent with regard to this domain. Consequently, a karmelit does not annex nearby cavities.

Rav Ashi said: You can even say that in general there are holes for a karmelit, but this applies only to holes that are adjacent to the karmelit, and are therefore nullified by it. Here, however, we are dealing with a water channel that is far removed from the karmelit. Therefore, it does not assume the status of the karmelit.

Ravina said a different explanation of the dispute between Rabban Shimon ben Gamliel and the Rabbis: The measures of three and four handbreadths refer neither to the width of the water trench nor to the width of its banks. Rather, we are dealing with a case where one fashioned outlets for the water channel at its ends, i.e., one formed gaps in the partitions to allow the water to flow.

And the Rabbis follow their regular line of argument, that the principle of lavud applies only to a gap less than three handbreadths wide. An opening less than three handbreadths is therefore considered completely closed, while one of four is not viewed as closed. And Rabban Shimon ben Gamliel follows his regular line of argument, that the principle of lavud applies even to a gap of four handbreadths.
Mishna

With regard to a balcony that extends over a body of water; if a hole was opened in the floor, its residents may not draw water from it through the hole on Shabbat, unless they erected for it a partition ten handbreadths high around the hole. It is permitted to draw water by means of that partition, whether it is positioned above the balcony, in which case the partition is seen as descending downward, or whether it is placed below the balcony.\(^5\)

And likewise, with regard to two such balconies, one above the other; if they erected a partition for the upper balcony but did not erect one for the lower one, the residents are both prohibited from drawing water through the upper one, unless they establish an *eiruv* between them.

Gemara

*The Gemara comments:* The mishna is not in accordance with the opinion of Hananya ben Akavya, as it was taught in a *baraita* that Hananya ben Akavya says: If a balcony that contains four cubits by four cubits is suspended above water, one may carve out a hole by four handbreadths in it and draw water through it. The section of the floor surrounding the hole is considered as though it bent downward and formed a partition ten handbreadths high on all sides. Consequently, no other partition is necessary.

Rabbi Yohanan said in the name of Rabbi Yosei ben Zimra: Rabbi Hananya ben Akavya permitted a balcony that is not surrounded by partitions only in the case of the Sea of Tiberias, the Sea of Galilee, as it has clearly defined banks that are visible on all sides, and towns and enclosures surround it. It is therefore considered an instance of an inhabited area. But with regard to other waters, such as larger seas, no, he did not permit them.

Our Sages taught a *baraita:* Rabbi Hananya ben Akavya permitted three activities to the inhabitants of Tiberias: They may draw water from the sea through a hole cut out of a balcony on Shabbat, and they may insulate produce in the pods of legumes,\(^6\) and they may dry themselves on a balcony through a hole.\(^7\)

The Gemara clarifies this *baraita:* They may draw water through a hole cut out of a balcony on Shabbat is the *halakha* that we stated above. And they may insulate produce in the pods of legumes; what is this *halakha?* As it was taught in a *baraita:* If one rose early in the morning to bring residue from the field, e.g., the straw of wheat or the stalks or pods of legumes, in order to store his produce in them, the following distinction applies: If he rose early because the residue still has dew on it, and he wants to use this moisture for his produce, this instance is considered to be in the following category: If any water be put. Food or produce can contract ritual impurity only if it has come into contact with a liquid, either directly through the action of its owner, or without his direct intervention but with his approval. This is derived from the verse: “But if any water be put on the seed, and any part of their carcass falls on it, it shall be unclean to you” (Leviticus 11:38). Returning to our issue, if this person rose early because the residue still has dew on it, the produce he stores in it is rendered susceptible to ritual impurity, as it has come into contact with the dew with its owner’s approval.

And if one rose early only in order not to neglect his usual work, this is not considered an instance of if it be put, as it was not his intention to place the dew on the produce. Unintended contact with a liquid does not render food susceptible to ritual impurity. And normally, unless they specify otherwise,