

HALAKHA

He may dry himself with a towel – **מִסְתַּפֵּג בְּאַלוֹנְטִית** – It is permitted to dry oneself with a towel on Shabbat, and even to bring it home. However, one may not give it to the bathhouse attendants because it is suspected that they will wring it out (*Shulḥan Arukh, Oraḥ Hayyim* 301:48).

Pouring is also permitted – **לְשֹׁפֵךְ נְמֵי שְׂרֵי** – It is permitted to pour waste water through a hole in a balcony, just as it is permitted to draw water through it. The *halakha* is in accordance with the second version of Rabba bar Rav Huna's teaching in the Gemara (*Shulḥan Arukh, Oraḥ Hayyim* 355:1).

Balconies separated from one another – **גִּזְזוּטְרָאוֹת** – **מוֹפְלְגוֹת זו מִזו** – With regard to two adjacent balconies more than four handbreadths apart, the residents of the upper balcony are permitted to draw water. They are not prohibited from doing so by the lower one, in accordance with Rav (*Shulḥan Arukh, Oraḥ Hayyim* 355:5).

LANGUAGE

Bathhouse attendants [*olayerin*] – **אוֹלֵיירִין** – From the Latin *olearius*, which means a bathhouse attendant, or one who watches over the clothes at a bathhouse.

Pit [*uka*] – **עֵוֶקָה** – A pit or a hole. The *Arukh* maintains that it is referring to a particular type of round hole. Others explain *uka* as an alternate form of *ḥuka*, a hollowed-out [*ḥakuka*] space.

אֲנִישֵׁי טַבְּרִיא כְּמִי שֶׁלֹּא יִבְטֵל מִמְּלַאכְתּוֹ דְּמִי

וּמִסְתַּפֵּגִין בְּאַלוֹנְטִית מֵאֵי הַיָּא? דִּתְנָא: מִסְתַּפֵּג אָדָם בְּאַלוֹנְטִית וּמִנִּיחָהּ בְּחֵלֶן, וְלֹא יִמְסְרָנָהּ לְאוֹלֵיירִין, מִפְּנֵי שֶׁחֲשׂוּדִין עַל אוֹתוֹ דְּבַר. רַבִּי שְׂמַעוֹן אוֹמֵר: אִף מְבִיאָהּ בְּיָדוֹ לְתוֹךְ בֵּיתוֹ.

אָמַר רַבָּה בַּר רַב הוֹנָא: לֹא שָׁנוּ אֶלָּא לְמִלְאוֹת, אֲבָל לְשֹׁפֵךְ – אָסוּר.

מִתְקִיף לָהּ רַב שֵׁיזְבִי: וְכִי מַה בֵּין זֶה לְעֵוֶקָה?

הֲנִי תֵימִי, וְהֲנִי לֹא תֵימִי.

אֵיכָא דְאָמְרִי, אָמַר רַבָּה בַּר רַב הוֹנָא: לֹא תֵימָא לְמִלְאוֹת הוּא דְשְׂרֵי, לְשֹׁפֵךְ אָסוּר, אֶלָּא, לְשֹׁפֵךְ נְמֵי שְׂרֵי. אָמַר רַב שֵׁיזְבִי: פְּשִׁיטָא! הֲיֵינוּ עֵוֶקָה! מַהוּ דִּתְנָמָא: הֲנִי תֵימִי, וְהֲנִי לֹא תֵימִי, קָא מְשַׁמַּע לָן.

”וְכֵן שְׂתֵי גִזְזוּטְרָאוֹת זו וְכוּ” אָמַר רַב הוֹנָא, אָמַר רַב: לֹא שָׁנוּ אֶלָּא בְּסִמּוּכָה, אֲבָל בְּמוֹפְלְגוֹת – עֲלִיזָנָה מוֹתְרָת.

the inhabitants of Tiberias are considered like one who does so in order not to neglect his usual work. Most of them are ordinary laborers. It can be assumed that if they rose early to bring home straw or stalks in which to store their produce, they did so only to save work time.

The Gemara turns to the third activity that Rabbi Hananya ben Akavya permitted for the inhabitants of Tiberias: **And they may dry themselves with a towel. What is this halakha? As it was taught in a baraita: A person who washed himself in cold water on Shabbat or a Festival may dry himself with a towel¹ and place it on a window,** as there is no concern that he perform the prohibited labor of wringing out the towel. **And he may not give the towel to the bathhouse attendants [*olayerin*]¹ because they are suspected with regard to that matter,** as they might wring out the towel before giving it to other bathers. Furthermore, one may not bring the towel home because if he does so, he might forget and wring it out. **Rabbi Shimon said: He may even bring the towel in his hand to his house,** as there is no concern lest he wring it.

Rabba bar Rav Huna: They taught the leniency of partitions surrounding a hole in a balcony **only** with regard to **drawing** water through the hole; **but to pour** waste water down the hole, it is **prohibited**.

Rav Sheizvi raised an objection against this halakha: And what is the difference between this case of a hole in the balcony and that of a pit [*uka*]¹ used in a courtyard for waste water? The Sages rule in the next mishna below that one who digs a pit with a capacity of two *se'a* in a small courtyard that is less than four cubits may pour waste water into the courtyard on Shabbat, even if the pit was full before Shabbat. He need not be concerned that this will cause water to flow out of the courtyard into the public domain on Shabbat.

The Gemara answers: **These** waters, which are poured out into the courtyard, **are likely to be absorbed** into the ground, and it is therefore uncertain that the water will indeed leave the courtyard. **But these,** the water poured through the hole into the body of water under the balcony, **will not be absorbed.** Therefore, one knows with certainty that the water will flow out beyond the permitted boundary.

Some say that Rabba bar Rav Huna actually said: **You should not say that it is only drawing water through the hole in the balcony that is permitted, while pouring waste water through it is prohibited; rather, pouring waste water through the hole is also permitted.**¹ **Rav Sheizvi said: This is obvious, as this is exactly the same as the halakha of the pit discussed in the next mishna.** The Gemara rejects this argument: It is necessary to specify both *halakhot*, **lest you say** there is a difference between the cases, as **these,** the water poured in the courtyard, **are likely to be absorbed** into the ground, **whereas these,** the water poured through the hole in the balcony, **will not be absorbed.** Rabba bar Rav Huna therefore **teaches us** that we do not distinguish between the two cases.

We learned in the mishna: **And likewise, if there are two balconies, one above the other, and a partition is erected for the upper balcony but is not erected for the lower one, it is prohibited for residents of both balconies to draw water through the upper one, unless they establish a joint *eiruv* between them. Rav Huna said that Rav said: They taught that one balcony renders it prohibited for residents of the other **only where** the one balcony is **near** the other, i.e., horizontally within four handbreadths. **But if each balcony is separated** by four handbreadths from the other,¹ so that the residents of each balcony can use the other only by means of the air, the residents of the upper balcony **are permitted** to draw water, while the residents of the lower one are prohibited from doing so.**

The *halakha* of stolen property applies to Shabbat – **יש דין גזל בשבת** – Although there is broad consensus among the commentaries as to the basic meaning of this statement, they differ with regard to the details. One explanation is that one who stole a ruin and changed it by building it up has acquired the ruin in terms of Shabbat boundaries. Nevertheless, the ruin must be returned to its owner in its current state. The Gemara's response is that the *halakhot* of theft in general do indeed apply on Shabbat. However, in the case of a ruin, as one has not acquired it by changing it, he has no rights to it (Rabbeinu Hananel).

The *ge'onim* explain that this phrase: The *halakha* of stolen property applies to Shabbat, is referring to one who stole a place on Shabbat. He has acquired it in terms of Shabbat boundaries and may use it. Conversely, the following phrase: A ruin must be returned to its owner, means that if a stolen ruin was restored to its rightful owner on Shabbat, it is considered returned, and it belongs to the original owner even with regard to the boundaries of Shabbat.

צריך לקבור – It is necessary to arch over it – Some commentaries add that if an arched cover is fashioned over it, the place has the status of the cavities of a public domain (Ra'avad). The Rambam states that this cover is only required to be arched for the sake of appearances, to separate the pit from the public domain. The *Darkei Moshe* explains that the cover is arched so the pit will not be left uncovered in the public domain. See Rashi and *Tosafot*, who cite the Rashbam.

HALAKHA

שעשו מחיצה – Jointly erected a partition – If the residents of two adjacent balconies erect a partition together in one of the balconies in order to permit the drawing of water, they are nonetheless both prohibited from doing so, unless they establish a joint *eiruv*. If the inhabitants of one balcony erect a partition on their own, they are permitted to draw water, even if the other balcony does not have a partition and even if the occupants of the second balcony generally use the first one (*Magen Avraham*). If they jointly erect partitions for both balconies, they no longer prohibit one another, in accordance with Rav Sheshet (*Shulhan Arukh, Oraḥ Hayyim* 355:5).

חצר ועיקה – A courtyard and a pit – In the case of a courtyard less than four by four cubits in area that is adjacent to a public domain, it is permitted to pour waste water into it on Shabbat only if a pit with the capacity of two *se'a* were dug in the courtyard to receive the water, or if this pit were dug outside the courtyard and covered with boards (*Shulhan Arukh, Oraḥ Hayyim* 357:1).

ורב לטעמיה, דאמר רב: אין אדם אוסר על תבירו דרך אור.

And Rav follows his regular line of argument here, as Rav said: **One person does not impose restrictions upon another person by way of the air.** Since the lower balcony is far from the higher one, it does not prohibit it, although it can make use of it by means of the vacant airspace between them, albeit with difficulty.

אמר רבה, אמר רבי חייה ואמר רבי יוסף, אמר רבי אושעיא: יש גזל בשבת, וחורבה מחזיר לבעלים.

Rabba said that Rabbi Hiyya said, and Rav Yosef said that Rabbi Oshaya said: **The *halakha* of stealing applies to Shabbat domains, and a ruin must be returned to its owner.**

הא גופא קשיא! אמרת "יש גזל בשבת" אלמא קניא. "וחורבה מחזיר לבעלים" אלמא: לא קניא!

The Gemara registers surprise: **This ruling itself is difficult**, i.e., it is self-contradictory. You first said that the *halakha* of stealing applies to Shabbat domains, which at this point is understood by the Gemara as referring to the following case: A person's house adjoins the ruin of another, and he observes that the ruin has been left deserted by its owner. If this person uses the ruin during the week, on Shabbat he may treat it as though it were his own, by carrying objects from his own house into the ruin and vice versa. **From here** we can infer that a stolen place is acquired for the purpose of Shabbat domains, although it does not belong to the person for other purposes. However, you subsequently said that **a ruin must be returned to its owner**, and **from here** we can infer that a ruin is not acquired for the purpose of Shabbat domains by the person who used it during the week, and therefore he may not carry objects from his own house into the ruin.

הכי קאמר: יש דין גזל בשבת. ביצד – דחורבה מחזיר לבעלים.

The Gemara answers: We should not understand this statement as suggested above, but rather **this is what Rabbi Hiyya and Rabbi Oshaya are saying: The *halakha* of returning stolen property applies to Shabbatⁿ domains. How so?** This means that **a ruin must be returned to its owner.** In other words, one who uses a ruin during the week does not acquire it even for the purpose of Shabbat domains.

אמר רבה: ומותבין אשמעתין: וכן שתי גזירותא זו למעלה מזו וכו'. ואי אמרת יש דין גזל בשבת, אמאי אסורות?

Rabba said: **And we ourselves raised an objection against our own teaching**, as we learned in the mishna. **And likewise**, if there are **two balconies, one above the other**, they prohibit one another. **But if you say that the *halakha* against stealing applies on Shabbat**, which means one may not use the domain of another, and he acquires no rights to it if he does so, **why** are the two balconies **prohibited** from using it. The lower one has no right to make use of the upper one.

אמר רב ששת: הכא במאי עסקינן – בגזן שעשו מחיצה בשותפות.

Rav Sheshet said: **We are dealing here with a situation where, for example**, the residents of the upper balcony and the residents of the lower balcony **jointly erected a partitionⁿ** for the upper balcony. Consequently, the residents of the lower balcony share the right to use it with the residents of the upper one.

אי הכי, כי עשו לתחתונה נמי!

The Gemara raises a difficulty: **If so**, in a case **where they erected** a separate partition **for the lower balcony**, the residents of the upper balcony should **likewise** be prohibited to use it. As the residents of the lower one are partners in the upper one, they should prohibit its residents from using it.

בין דעשו לתחתונה – גלוי גלי דעתה דאנא בהדך לא נחא לי.

The Gemara answers: **Since they erected** a separate partition **for the lower balcony**, they each thereby **revealed their intention** to the residents of the upper balcony **that: It is not my wish to be partners with you.** Consequently, they no longer prohibit the residents of the upper balcony from using it.

מתני' חצר שהיא פחותה מארבע אמות, אין שופכין בתוכה מים בשבת אלא אם כן עשו לה עיקה מתוקת סאתים מן הנקב ולמטה.

MISHNA With regard to a courtyard that is less than four cubits by four cubits in area, **one may not pour waste water into it on Shabbat, unless a pitⁿ was fashioned** to receive the water, and the pit **holds two *se'a* in volume from its edge below.**

בין מבחוץ בין מבפנים, אלא שמבחוץ צריך לקמור, מבפנים אין צריך לקמור.

This *halakha* applies **whether** the pit was fashioned **outside** the courtyard or whether it was dug **inside** the courtyard itself. The **only** difference is as follows: **If the pit was dug outside** in the adjoining public domain, **it is necessary to arch over it,ⁿ** so that the water will not flow into the public domain. If it was dug **inside** the courtyard, **it is not necessary to arch over it.**

HALAKHA

Arched drainage ditch – ביב קמור: If four cubits of a ditch are arched over in the public domain, it is permitted to pour waste water into the drainage ditch in a courtyard on Shabbat, even if the water will flow outside. This *halakha* is in accordance with Rabbi Eliezer ben Ya'akov (*Tosafot; Shulhan Arukh, Orah Hayyim 357:2*).

Two upper stories and a pit – שתי דיוטאות ועוקה: In the case of a small courtyard less than four by four cubits in area and containing two upper stories, and the residents of only one of the stories dug a pit, if the residents established an *eiruv*, the residents of both stories are permitted to pour waste water into the pit. However, if they did not establish an *eiruv* together, the residents who dug a pit may pour into the pit, although the water will run down from it into the courtyard; but the residents of the other story, who did not establish an *eiruv*, are prohibited to pour even inside their house (*Shulhan Arukh, Orah Hayyim 377:1*).

LANGUAGE

Upper stories [deyotat] – דיוטאות: From the Greek *diarta, diaita*, a residence or a collection of rooms, among other meanings.

רבי אליעזר בן יעקב אומר: ביב שהוא קמור ארבע אמות ברשות הרבים – שופכים לתוכו מים בשבת. וחכמים אומרים: אפילו גג או חצר מאה אמה לא ישפוך על פי הביב, אבל שופך הוא לגג והמים יורדין לביב.

החצר והאכסדרה מצטרפין לארבע אמות. וכן שתי דיוטאות זו כנגד זו, מקצתן עשו עוקה, ומקצתן לא עשו עוקה. את שעשו עוקה – מותרין, את שלא עשו עוקה – אסורין.

גמ' מאי טעמא? אמר רבא: מפני שאדם עשוי להסתפק סאתים מים בכל יום, בארבע אמות – אדם רוצה לולפן!

Rabbi Eliezer ben Ya'akov says: In the case of a drainage ditch whose first four cubits are arched over^H in the public domain, one may pour waste water into it on Shabbat. And the Rabbis say: Even if a roof or a courtyard is a hundred cubits in area, one may not pour water directly onto the mouth of the drainage ditch. However, he may pour it upon the roof, from which the water spills into the drain of its own accord.

A courtyard and a portico, a roofed but unwalled structure in front of a house, combine for the four cubits by virtue of which it is permitted to pour water even into a courtyard that lacks a pit. And likewise, with regard to two upper stories [*deyotat*],^L one opposite the other in the same small courtyard, if the residents of one of them fashioned a pit^H in the courtyard, and the residents of the other did not fashion a pit, those who fashioned a pit are permitted to pour their waste water into the courtyard, whereas those who did not fashion a pit are prohibited to do so.

GEMARA The Gemara asks: What is the reason that a courtyard four by four cubits in area does not require a pit? Rabba said: Because a person ordinarily uses two *se'a* of water a day, and with regard to a courtyard of at least four cubits by four cubits, a person wants to sprinkle the water on the ground to prevent any dust from rising. Consequently, even if in practice the water does flow out of the courtyard, this effect is not necessarily his intention.

Perek VIII

Daf 88 Amud b

HALAKHA

A courtyard four by four – חצר ארבע על ארבע: If a courtyard is long and narrow, i.e., sixteen square cubits in area, but not four by four cubits, it is permitted to pour into it as much water as one wishes. The *halakha* is in accordance with Rabbi Zeira, as he accepts the ruling of Rabbi Eliezer ben Ya'akov, whose teachings are clear and precise (*Shulhan Arukh, Orah Hayyim 357:1*).

NOTES

Long and narrow – אריך וקטין: Rabbeinu Hananel and the Ra'avad maintain that this dispute is referring to a courtyard four cubits long but less than four cubits wide. The early commentaries question their opinion: How is it possible for water to be absorbed in a place whose length is four cubits but whose width is of a minimal size? Notwithstanding this objection, the Gemara's comparison with Rabbi Eliezer ben Ya'akov's opinion concerning a drainage ditch, which is certainly less than four by four cubits in size, supports this interpretation (see Ritva).

BACKGROUND

Portico that extends along the entire courtyard – אכסדרה: The portico of this courtyard extends along the entire width of the courtyard. Consequently, the courtyard and portico together form a square.



Portico extending along the entire width of a courtyard

פחות מארבע – שופכן. אי דעביד עוקה – שרי, אי לא – אסור.

רבי זירא אומר: ארבע אמות – תיימי, פחות מארבע אמות – לא תיימי.

מאי בינייהו? אמר אביי: אריך וקטין איכא בינייהו.

תנן: חצר ואכסדרה מצטרפין לארבע אמות. בשלמא לרבי זירא – נחא, אלא לרבה קשיא!

תרגמא רבי זירא אליבא דרבה: באכסדרה מהלכת על פני כל החצר בוליה.

But if the courtyard is less than four cubits by four cubits in area, one simply pours the water out, as the place is not fit for sprinkling. Therefore, if one fashioned a pit, it is permitted to pour out water; but if not, it is prohibited to do so, as one certainly intends for the water to flow outside.

Rabbi Zeira offered a different reason and said: In a courtyard of four cubits by four cubits,^H the water is likely to be absorbed into the ground. If it is less than four cubits in size, the water will not be absorbed but will flow out.

The Gemara asks: What is the practical difference between these two explanations? Abaye said: There is a difference between them with regard to a long and narrow^N courtyard. As the area of this courtyard is also sixteen square cubits, it likewise absorbs the water. Rabbi Zeira would therefore rule that it does not require a pit. However, as this courtyard is not in need of sprinkling, it requires a pit according to Rabba.

We learned in the mishna: A courtyard and a portico combine for the requisite four cubits, permitted the pouring of water into a courtyard that lacks a pit. The Gemara asks: Granted, according to the opinion of Rabbi Zeira, this works out well, as the total area is large enough to absorb the water. However, according to Rabba it is difficult, for when the courtyard is joined with the portico it is no longer in the shape of a square, and it is therefore unfit for sprinkling.

Rabbi Zeira explained the mishna in accordance with the opinion of Rabba, by saying that it is referring to a portico that extends along the entire courtyard,^B so that it adds to its width alone. Consequently, the courtyard and the portico together form a square of four by four cubits, an area that is fit for sprinkling.

To establish the mishna in accordance with Rabbi Eliezer ben Ya'akov – **לְאוֹקְמָה לְמִתְנִיתִין כְּרַבִּי אֶלְיעֶזֶר** – **בֶּן יַעֲקֹב**: The Gemara's question is difficult to understand: There is a principle that the words of Rabbi Eliezer ben Ya'akov are clear and precise, and his opinion is therefore always accepted as the *halakha*. This should be sufficient reason to explain the mishna in accordance with his ruling. Apparently, this principle does not necessarily apply when Rabbi Eliezer ben Ya'akov maintains a sole dissenting opinion against the majority. Consequently, a different reason was required for establishing the mishna in accordance with Rabbi Eliezer ben Ya'akov, as the Gemara proceeds to explain (Ritva).

בְּמָה דְּבָרִים – **בְּמָה דְּבָרִים**: The Ra'avad explains that the expression used here, in what case is this statement said, is referring to the entire mishna, which is why it appears at the end of the mishna. His interpretation incorporates the explanations of both Rashi and Rabbeinu Tam, who dispute the meaning of this phrase in this context (see *Tosafot*).

HALAKHA

בִּימֹת הַגְּשָׁמִים – **בִּימֹת הַגְּשָׁמִים**: It is permitted to pour as much water as one wishes into his courtyard in the rainy season, even a *kor* or two, which is thirty and sixty times more than a *se'a*, respectively. This leniency applies even if the courtyard is not four by four cubits, as stated in the *baraita*. This is in accordance with Abaye, whose ruling is accepted in the final conclusion of the Gemara (*Shulhan Arukh, Orah Hayyim 357:1*).

תא שמע: חצר שאין בה ארבע על ארבע אמות – אין שופכין לתוכה מים בשבת. בשלמא לרבה – ניחא, אלא לרבי זירא קשיא!

The Gemara suggests: **Come and hear a baraita that can decide this dispute.** With regard to a courtyard that is not four cubits by four cubits in area, **one may not pour water into it on Shabbat.** The Gemara assumes that the *baraita*, which teaches that one may pour water only into a courtyard that it is four by four cubits, is precise in its wording. **Granted, according to Rabba, this works out well,** as he maintains that it is prohibited to pour water into a long and narrow courtyard. **However, according to Rabbi Zeira, who maintains that the critical factor is the area of the courtyard, this is difficult.**

אמר לך רבי זירא: הא מני – רבנן היא. ומתניתין רבי אליעזר בן יעקב היא.

The Gemara answers that **Rabbi Zeira can say to you:** In accordance with **whose opinion is this baraita?** It is in accordance with the opinion of **the Rabbis** at the end of the mishna, who maintain that the area of the courtyard is of no importance, **whereas our unattributed mishna is in accordance with the opinion of Rabbi Eliezer ben Ya'akov,** according to whom the area is the decisive factor.

ומאי דוחקיה דרבי זירא לאוקמה למתניתין כרבי אליעזר בן יעקב? אמר רבא: מתניתין קשיתיה; מאי איריא דתני "חצר שהיא פחותה" ליתני "חצר שאין בה ארבע אמות" על ארבע אמות!

The Gemara asks: **And what forced Rabbi Zeira to establish the mishna in accordance with the opinion of Rabbi Eliezer ben Ya'akov?**^N Rava said: **The mishna was difficult for him. Why did the tanna specifically teach his ruling with respect to a courtyard that is less than four cubits, from which it can be inferred that if it has an area of four by four cubits it is permitted to pour water, even if it is not square in shape? Let the mishna teach: A courtyard that is not four cubits by four cubits, i.e., one that is not square shaped, even if it includes an area of sixteen square cubits.**

אלא לאו – שמע מינה דרבי אליעזר בן יעקב היא, שמע מינה.

Rather, shouldn't one conclude from this argument that the unattributed section of the mishna is in accordance with the opinion of Rabbi Eliezer ben Ya'akov? The Gemara summarizes: **Indeed, conclude from this that it is so.**

והא מדסיפא רבי אליעזר בן יעקב, רישא לאו רבי אליעזר בן יעקב!

The Gemara raises a difficulty with this conclusion: **But from the fact that a latter clause of the mishna explicitly cites the opinion of Rabbi Eliezer ben Ya'akov, it can be inferred that the first clause does not represent the opinion of Rabbi Eliezer ben Ya'akov.**

כולה רבי אליעזר בן יעקב היא, וחפורי מייחפרא והכי קתני: חצר שהיא פחותה מארבע אמות – אין שופכין לתוכה מים בשבת, הא ארבע אמות – שופכין, שרבי אליעזר בן יעקב אומר: ביב הקמור ארבע אמות ברשות הרבים שופכין לתוכו מים בשבת.

The Gemara rejects this argument: In fact, **the entire mishna is in accordance with the opinion of Rabbi Eliezer ben Ya'akov, and as for its problematic style, the mishna is incomplete and it teaches the following:** With regard to a courtyard that is less than four cubits in area, **one may not pour waste water into it on Shabbat.** Consequently, if it is four cubits in area, **one may pour water into it, as Rabbi Eliezer ben Ya'akov says:** If the first four cubits of a drainage ditch were arched over in the public domain, **one may pour waste water into it on Shabbat.**

"רבי אליעזר בן יעקב אומר: ביב הקמור."

We learned in the mishna that **Rabbi Eliezer ben Ya'akov says:** If the first four cubits of a drainage ditch were arched over in the public domain, it is permitted to pour waste water into it on Shabbat. However, the Rabbis say: One may pour water only upon the roof, from which it will spill into the drain of its own accord.

מתניתין דלא כחננא. דתנא. חננא אומר: אפילו גג מאה אמה – לא ישפוד, לפי שאין הגג עשוי לבלוע אלא לקלח.

The Gemara comments: **The mishna was not taught in accordance with the opinion of Hananya. For it was taught in a baraita that Hananya says:** Even with regard to a roof one hundred cubits in area, **one may not pour water onto it, because a roof is not apt to absorb the water. Rather, it causes it to run off.** Consequently, pouring water onto this roof is equivalent to pouring it directly outside.

תנא: במה דברים אמורים – בימות החמה, אבל בימות הגשמים – שופך ושונה ואינו נמנע. מאי טעמא? אמר רבא: אדם רוצה שיבלעו מים במקומו.

A tanna taught: In what case is this statement, that a pit is required, said?^N **In the summer, but in the rainy season,^H one may pour and repeat, and he need not hold back. What is the reason?** Rava said: **A person is equally willing for the water to be absorbed on the spot, i.e., as there is abundant water in the courtyard during the rainy season, it will remain muddy in any case, and he therefore does not care whether the added waste water remains in the courtyard or if it flows out.**

אמר ליה אביי: והרי שופכין, דאדם רוצה שיבלעו, וקתני "לא ישפוך!"

Abaye said to him: With regard to waste water poured into a drainage ditch, that a person wants it to be absorbed in the ditch itself, rather than flow out, and yet the mishna teaches that one may not pour water into the ditch.

אמר ליה: התם למאי נחוש לה? אי משום קלקול חצירו – הא מיקלקלא וקיימא, ואי משום גזירה שפמא יאמרו צנורו של פלוני מקלח מים – סתם צנורות מקלחים הם.

Rava said to him: There, during the rainy season, there is no reason to prohibit the practice, for with regard to what need we be concerned? If you say he wants the water to flow out into the public domain because he is concerned about spoiling and sully his courtyard, it is already spoiled by the rainwater. And if you say it should be prohibited due to a decree lest people say that so-and-so's gutter is flowing with water on Shabbat, which might lead them to think he is watering his garden or violating some other prohibition, and they might act likewise even in the summer, this is not a relevant concern. As gutters ordinarily flow with water in the rainy season, people do not entertain this suspicion.

אמר רב נחמן: בימות הגשמים, עוקה מחזיק סאתים – נותנין לו סאתים, מחזיק סאה – נותנין לו סאה. בימות החמה, מחזיק סאתים – נותנין לו סאתים, סאה – אין נותנין לו כל עיקר.

Rav Nahman said: In the rainy season, with regard to a pit that holds two se'a, we grant him permission to pour two se'a of water into it. If it holds only one se'a, we grant him one se'a. However, in the summer, if the pit has a capacity of two se'a, we grant him two se'a; if it holds only one se'a, we do not grant him permission to pour any water at all.

בימות החמה נמי, מחזיק סאה ניתב ליה סאה! גזרה דלמא אתי ליתן ליה סאתים. אי הכי, בימות הגשמים נמי ליגזור!

The Gemara raises a difficulty: In the hot season as well, if the pit holds one se'a, let us grant him one se'a, for if he pours only this amount of water, it will not flow out into the public domain. The Gemara answers: This is prohibited due to a decree lest he come to put two se'a into it. The Gemara asks: If so, in the rainy season let us also apply the same preventive measure.

התם מאי נחוש לה? אי משום קילקול – הא מיקלקלא וקיימא, אי משום גזירה שפמא יאמרו צנורו של פלוני מקלח מים – סתם צנורות מקלחין הן.

The Gemara answers: There, in the rainy season, there is no reason to prohibit the practice, for if one pours more water into a pit than it can take, about what need we be concerned? If you say he wants the waste water to flow out into the public domain because he is concerned about spoiling his courtyard, it is already spoiled by the rainwater. If you say it should be prohibited due to a decree lest people say that so-and-so's gutter is flowing with water on Shabbat, gutters ordinarily gush with water in the rainy season, as stated above.

אמר אביי: הילכך, אפילו בור ואפילו בוריים.

Abaye said: Therefore, in accordance with this reasoning, one can pour even a kor and even two korⁿ of waste water into a small pit. As all gutters flow with water in the rainy season, there is no cause for any concern.

"וכן שתי דיוטאות זו כנגד זו." אמר רבא: אפילו עירבו.

We learned in the mishna: And likewise, with regard to two upper stories, one opposite the other in the same courtyard, the residents of the one who dug a pit in the courtyard may pour water into it, while the residents of the other one who did not dig a pit in the courtyard are prohibited from doing so. Rava said: This halakha applies even if the residents of the two upper stories established an eiruv together.

אמר (ליה) אביי: מאי טעמא? אילימא משום נפישא דמיא – והתניא: אחת לי עוקה ואחת לי גיסטרא בריכה ועריבה, אף על פי שנתמלאו מים מערב שבת – שופכין לתוכן מים בשבת!

Abaye said to him: What is the reason for this ruling? If you say it is due to the increase in the amount of water, as two upper stories pour out more water than one, wasn't it taught in a baraita: The same halakha applies to a pit, and the same applies to a cracked earthenware vessel used as a receptacle for water, or a small pond, or a basin: Even though they were already filled with water on Shabbat eve, one may pour water into them on Shabbat. It is evident from here that as long as the pit is the requisite size, there is no concern about the amount of water that will flow out from it.

אלא אי איתמר – הכי איתמר: אמר רבא:

Rather, if it was stated it was stated as follows. Rava said:

NOTES

אפילו בור ואפילו בוריים – Some commentaries explain that the Sages instituted a fixed enactment that the residents always require a pit with a capacity of two se'a, without differentiating between the various cases (*Me'iri*). One

explanation is that as an ordinary person uses two se'a on a daily basis, according to Rabba, the use of more than this amount is rare, and the accepted principle is that the Sages did not apply their decrees to uncommon cases.