He may dry himself with a towel – הקדשה באתочки. 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 (Shulhan Arukh, Orach Hayyim 355:4).

Pouring is also permitted – לשווך ובוי. 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 (Shulhan Arukh, Orach Hayyim 355:5).

Balconies separated from one another – ברודא. 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 (Shulhan Arukh, Orach Hayyim 355:5).

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? The Sages rule in the next mishna below that one who digs a pit with a capacity of two se’ahs 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. 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 cirur 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, 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.
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.

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

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.

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 Shabbat 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.

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.

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 partition for the upper balcony. Consequently, the residents of the lower balcony share the right to use it with the residents of the upper one.

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.

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.

**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 pit was fashioned to receive the water, and the pit holds two se’ah in volume from its edge below.

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, 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 – מָצָא תָּרָקָּה: 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 Yaakov (Tosafot; Shulhan Arukh, Orah Hayyim 357:5).

Two upper stories and a pit – בִּשְׁלָמָא שָׁיָּב וְאָרֵב: In the case of a small courtyard less than four by four cubits in area and containing two upper stories, and the residents of one of the stories dug a pit, if the residents established an entrance 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 entrance, are prohibited to pour even inside their house (Shulhan Arukh, Orah Hayyim 357:1).

A courtyard four by four – אֲרִיךְ וְַטִּין: 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 Yaakov, whose teachings are clear and precise (Shulhan Arukh, Orah Hayyim 357:1).}

**LANGUAGE**

Upper stories [deyotot] – תַּרְגְּמָא רַבִּי זֵירָא אַלִּיבָּא דְּרַבָּרָד: From the Greek δίαιτα, a residence or a collection of rooms, among other meanings.

**GEMARA**

The Gemara asks: What is the reason that a courtyard four by four in area does not require a pit? Rabba said: Because a person ordinarily uses two se’ôfs 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.

Rabbi Eliezer ben Yaakov says: In the case of a drainage ditch whose first four cubits are arched over 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 [deyotot], \(^1\) one opposite the other in the same small courtyard, if the residents of one of them fashioned a pit \(^2\) 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.

**NOTES**

Long and narrow – לּוֹא יִשְׁוֹךְ עַל ׳ְּּי רוּבָּא, אֲבָל שׁוֹ׳ָּחוֹת מֵאַרְבַּע – שׁוֹ׳ְכָן. אִי דְּעָבֵיד אָדָם רוֹצֶר מַאי טַעְמָא? אָמַר רַבָּרָד מִ׳ְּ ֵי כָּל רוֹצֶר אָשֶׁר אָשֶׁר מַעֶּשֶׁה יִנֵּשׁ עַל קַנָּא. וְכֵן שְׁתֵּי דְּיוֹטָאוֹת זוֹ כְּ ֶגֶד זוֹ, לֹא יִשְׁ׳ּוֹךְ עַל ׳ִּי רַבִּיב, אֲבָל שׁוֹ׳ֵךְ רוּא. קְרֵי יִפְּשֵׁת עַל קַנָּא, אֵינָא בָּעַזְּה. אִי דְּמַעֶּשֶׁה יְבַסֵּס לַאֲרָבָּא, אֱלָה יִבָּשֵׁס לְזַלְּ׳ָן, וְלֹא יִשְׁוֹךְ עַל ׳ִּי רַבִּיב, אֲבָל שׁוֹ׳ֵךְ רוּא. קְרֵי יִפְּשֵׁת עַל קַנָּא, אֵינָא בָּעַזְּה. אִי דְּמַעֶּשֶׁה יְבַסֵּס לַאֲרָבָּא, אֱלָה יִבָּשֵׁס לְזַלְּ׳ָן.

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, \(^3\) 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 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, \(^4\) 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.
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 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.

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 Yaakov, according to whom the area is the decisive factor.

The Gemara asks: And what forced Rabbi Zeira to establish the mishna in accordance with the opinion of Rabbi Eliezer ben Yaakov? 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.

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 Yaakov? The Gemara summarizes: Indeed, conclude from this that it is so.

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 Yaakov, it can be inferred that the first clause does not represent the opinion of Rabbi Eliezer ben Yaakov.

The Gemara rejects this argument: In fact, the entire mishna is in accordance with the opinion of Rabbi Eliezer ben Yaakov, 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 Yaakov 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.

We learned in the mishna that Rabbi Eliezer ben Yaakov 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.

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.

A tanna taught: In what case is this statement, that a pit is required, said? In the summer, but in the rainy season, 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.

NOTES

To establish the mishna in accordance with Rabbi Eliezer ben Yaakov – לְחָצֵר שֶׁאֵין בָּרּ אַרְבַּע – This Gemara’s question is difficult to understand: There is a principle that the words of Rabbi Eliezer ben Yaakov 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 Yaakov maintains a sole dissenting opinion against the majority. Consequently, a different reason was required for establishing the mishna in accordance with Rabbi Eliezer ben Yaakov, as the Gemara proceeds to explain (Ritva).

In what case is this statement said – בַּשַּׁבָּת - In the rainy season – בחודש הקספות. 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 sela, 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, Oraḥ Hayyim 357).

HALAKHA

In the rainy season – בחודש הקספות: It is permitted to pour water into a courtyard that it is four by four cubits, is 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.

In the rainy season – בחודש הקספות: 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 sela, 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, Oraḥ Hayyim 357).
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.

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 sullying 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.

Rav Nahman said: In the rainy season, with regard to a pit that holds two se’ā, we grant him permission to pour two se’ā of water into it. If it holds only one se’ā, we do not grant him permission to pour any water at all.

The Gemara raises a difficulty: In the hot season as well, if the pit holds one se’ā, let us grant him one se’ā, 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’ā into it. The Gemara asks: If so, in the rainy season let us also apply the same preventive measure.

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.

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

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 eruv together.

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.

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

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**NOTES**

Even a kor and even two kor: Some commentaries explain that the Sages instituted a fixed enactment that the residents always require a pit with a capacity of two se’ā, without differentiating between the various cases (Meir). One explanation is that as an ordinary person uses two se’ā 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.