

3.2.4

22a (משנה ד) → 23a (הלכה כריב"ב)

- I. פסים passing through the רה"ר: משנה דו
- detour the road around the פסים ד' יהודה
 - חכים: no need to move it
- II. Analysis of משנה
- here we see the "power" of מחיצות (from רבנן's position)
 - challenge: ר' יוחנן doesn't accept "power of מחיצות" re: his comment about ירושלים
 - defense: ר' יוחנן was just observing the impact of חכמים' ruling – but he didn't accept it
 - Contradictions: of both ר' יהודה and רבנן
 - From: ברייתא – ר' יהודה permitted carrying across רה"ר if he owns houses on both sides and sets up לחיין or קורות
 - Resolution: the cases are essentially different
 - יהודה ד' permits carrying there as there are two "real" מחיצות (back wall of each house); not in פסים
 - רבנן permit carrying here since there are four "formal" מחיצות (פסים); not in case of houses
 - Tangent: ר' יוחנן's curious statement that א"י has no רה"ר
 - Challenge: if it is due to geographic boundaries, there is no רה"ר anywhere (ocean surrounds land)
 - Rather: refers to slopes of ארץ ישראל – unlike דגלי מדבר (which was flat) → not רה"ר
- III. רבא's question of רבא: what is the status of תל המתלקט (ר"א within י"ט) – if public walks there – רה"ר?
- Note: question only relevant according to יהודה ר'
 - לרבנן: if פסים "block" רה"ר, where there is convenient public access, then ק"ו the תל doesn't lose status of רה"ר
 - Question: does ר' יהודה equate the difficult access of the תל with the easy access through the פסים?
 - Answer (רבא): according to ר' יהודה, ר' is liable for רה"ר
 - Follow-up question: even if they have to use a rope or steep slope to climb?
 - Answer: even so – רבנן's walking through nullifies מחיצות (of slope) and makes it רה"ר
 - Challenge: ברייתא – a breached חצר used by public is רה"ר for טומאה, still רה"י for שבת
 - Observation: cannot be authored by רבנן, as it is ק"ו from our case and no need to teach it
 - Therefore: must be authored by ר' יהודה → if use is inconvenient, רבנן don't negate מחיצה
 - Correction: authored by רבנן; needed to teach rule re: טומאה
 - Challenge: טהרות ו:ו – alleys that open up into cisterns, trenches etc. are רה"ר for טומאה; רה"י for שבת
 - And: same flow as first challenge – רבנן are authors, needed for rule of טומאה
 - Challenge: טהרות ו:ו – narrow mountain roads (שבילי בית גלגול) – רה"ר for טומאה, רה"י for שבת
 - Observation: cannot be authored by רבנן, as it is ק"ו from our case (inconvenient passage)
 - Answer: these roads are unique; יהושע בן-נון assigned them to individuals (→ רה"י)
- IV. משנה דו: Range of allowance for פסים
- permitted for all wells (באר) and public cisterns (בור) – but not private cisterns ד"ע
 - only permitted for public wells – all else, requires proper fence י"ט high all around ד' יהודה בן בבא
 - רבנן דב יוסף: we rule like ריב"ב
 - רבנן דב יוסף: only permitted for spring-wells (not cisterns)
 - Justification: if only stated הלכה כריב"ב, we'd think it includes cisterns – only meant to exclude private wells
 - And: if it only stated באר מים חיים, we'd think that it includes private spring-wells – קמ"ל