

## 3.8.3

84b (אתי לאיתוי) → 85b (אמר רב יהודה אמר שמואל)

- I. שמואל: The cistern in an uninhabited alley between 2 חצרות – accessed only via windows and ד"ט from each window
- a. *ruling*: each side can build out a ledge and access the water (now less than ד"ט away)
- i. *רב יהודה*: even a thin rod is sufficient
1. *אב"י*: רב must be following שמואל, as רב holds that air access does not affect others (would be מותר w/o)
- a) *source*: what is our source for identifying יהודה רב's ruling with שמואל?
- b) *Proposal*: from שמואל's ruling that a roof adjacent to רה"ר requires fixed ladder to be מתיר
- i. *Rejection*: perhaps that follows ר"פ (as above, end of p. 71 – actually used by public)
- c) *Rather*: from above statement – only allowed with extended ledge, else air-access would be אוסר
- II. Our source for רב's ruling that air access does *not* forbid others
- a. *perhaps*: case of balconies extending over water
- i. *רב*: ruled that the lower one only forbids upper one (w/o עירוב) if it is near; if distanced, no impact
1. *Rejection*: perhaps "lowering" vs. "throwing & lowering": "easy access" vs. "lowering" and has total access
- ii. *Rather*: in the case of 2 houses adjoined by 3 חורבות
1. *רב*: ruled that each residence may use its attached "ruin" and middle is אוסר to both (due to equal access)
- a) *Rationale*: neighboring house is accessible via "lowering" of a sort; far house only by "throwing"
- b) *Ergo*: air-access not considered access and resident of side A has no stake on empty house of side B
- iii. *Challenge*: to רב from his statement that poor access is all equally poor (זריקה=שלשול)
1. *Therefore*: all 3 חורבות should be equally אוסר to both houses
2. *Defense*: each side has 1 attached "ghost house" and the 3<sup>rd</sup> is directly attached to both (see diagram)
- a) *Therefore*: neighboring houses are allowed because air access doesn't prohibit
- b) *And*: the 3<sup>rd</sup> is prohibited because they have equal access to it
- b. *Question regarding שמואל's opinion (ר"פ)*: does שמואל accept יוחנן ר' יוחנן's rule about a place less than 4x4 in רה"ר?
- i. *Answer (רבא)*: he does – but that only applies to רשויות דאורייתא (מקום פטור) accessible to רה"ר and רה"י
1. *However*: in our case, it is רשויות דרבנן (multiple houses) – and יותר משל תורה
- c. *Challenge to רב*: doesn't רב forbid via air-access?
- i. *רב*: ruled that if someone has 2 houses on opposite sides of רה"ר, he may not throw from one to the other
1. *In other words*: air access of the רה"ר is אוסר
2. *Answer*: we've already established that רב only forbids in the case where the houses are sloped to each other
- a) *Concern*: his throw may fall into רה"ר and he may go to retrieve it
- ii. *שמואל*: he may throw from one to the other
1. *Explanation*: even though this is "air-access", since it is רשות דאורייתא, less concern (as above)

