

## 3.10.4

מפני שהוא כמוציא מרשות לרשות) 99b → (משנה ד) 98b

1. וחטאי חמס נפשו כל משנאי אהבו מות: משלי ח, לו

## I. 27. משנה: carrying in one domain while in another

- a. *Permissible*: to stand in רה"י and carry in רה"ר or vice-versa
  - i. *Story*: tutor taught רב's son that you may *not* stand in רה"י and carry in רה"ר (מחמיר) משנה ט, is ר"מ (who, later in ט, רבנן in favor of רבנן)
  - ii. *Challenge*: why did he abandon רבנן in favor of ר"מ (who, later in ט, רבנן in favor of רבנן)
    1. *Explanation*: the tutor thought that since משנה ט, ר"מ, so is ours (and we rule against it) – but ours is רבנן
- b. *Proviso*: as long as you don't carry ד"א in the other area
  - i. *Inference (1)*: if he does carry there – חייב חטאת –
    1. *Proposal*: this supports רבא's ruling that if he carries exactly ד"א over his head – חייב
    2. *Rejection*: perhaps our inference is wrong – and he is פטור
  - ii. *Inference (2)*: if he does carry there – פטור אבל אסור –
    1. *Proposal*: this stands as a refutation of רבא in re: המעביר
    2. *Rejection*: perhaps our inference is wrong and he is חייב

## II. משנה ה: standing in one רשות and eliminating in the other

- a. *Prohibited*: to stand in רה"י and urinate or spit into רה"ר or vice-versa
  - i. *If*: he did so, חייב חטאת
    1. *Even though*: it isn't coming from a 4\*4 place; it's significance gives it חשיבות מקום
      - a) *Proof*: throwing something into the mouth of a dog or oven (<4\*4) is חייב – it's חשיבות gives it "place"
      2. *Question*: if point of elimination is already outside – unclear if מקום עקירה or מקום יציאה is critical – תיקו
  - ii. *Challenge*: once the spittle is dislodged in his mouth, may not walk ד"א until he spits it out
    - i. *Even if*: he hadn't yet rolled it around in his mouth – already considered separated
    - ii. *Challenge*: כליים ח: re: הכשר לטומאה via spittle – ר' יהודה says it is considered separate after הפוך
      1. *Background*: if he was eating a fig and his hands were טמא and he reached in to his mouth
        - a) *ד"מ*: fig is now טמא
        - b) *ד' יוסי*: fig is still טהור
        - c) *ד' יהודה*: if he had already rolled the fig around with his spittle – טמא (i.e. was מוכשר); if not – טהור
      2. *Answer1* (ר' יוחנן): positions in that משנה should be reversed
      3. *Answer2* (ר"ל): don't switch positions; our משנה is referring to phlegm (which is separated from the start)
        - a) *Rejection*: ר' יהודה explicitly ruled this way (חייב) in case of both spittle and phlegm
        - b) *Tangent*: if he spits in front of his רב, he is deserving of death (v. 1)

## III. 11. משנה: drinking in one domain while standing in another

- a. *Prohibited*: unless a majority of his body is in the 2<sup>nd</sup> area (the source of the water); same applies to גת (winepress)
  - i. *Challenge*: the earlier משנה seems to follow רבנן and this one – ר"מ (see discussion above)
  - ii. *Defense* (רב יוסף): distinction from משנה ה: here, there are vessels you'll draw back in
    1. *Question*: does the same restriction apply to a כרמלית (reaching from רה"י out to כרמלית to drink)?
      - a) *אב"י*: same applies
      - b) *דבא*: since כרמלית is itself a גזרה, we don't (generally) extend a גזרה to a גזרה (should be מותר)
      - i. *אב"י*: suggests proof from comparison with גת (certainly not a רה"ר)
      - ii. *Block*: גת is about מעשרות ד: per ד: חייב if he leans in and drinks)

## IV. 21. משנה: collecting water from a spout

- a. *Permitted*: to collect from a gutter only if it reaches below ט"ט (into רה"ר)
  - i. *Inference*: may not collect directly (by touching) from the gutter
    1. *Explanation* (ר"נ): if gutter is within ג"ט of the roof (=רה"י) (supporting ברייתות)
- b. *Permitted*: to collect from any pipe (if it extends away from the building)
  - i. *מרה"י לרה"ר* prohibited if the pipe is 4\*4 – considered מרה"י לרה"ר