

3.10.5

(ולא זביגנא ליק) 100b → (משנה ז) 99b

1.	את כל הדבר אשר אנכי מצוה אתכם אתו תשמרו לעשות לא תסוף עליו ולא תגרע ממנו: דברים יג, א
2.	גם בלא דעת נפש לא טוב ואץ ברנלים חוטא: משלי יט, ב
3.	הבו לכם אנשים חכמים ונבנים וידעים לשבטיכם ואשימם בראשיכם: דברים א, יג
4.	ואקח את ראשי שבטיכם אנשים חכמים וידעים ואתן אתם ראשים עליכם ... דברים א, טו
5.	וזבא יעקב מן השדה בערב ותצא לאה לקראתו ותאמר אלי תבוא כי שר שכתתיד בדרך אי בני וישכב עמה בלילה הוא: בראשית ל, טז
6.	ומבני יששכר יודעי בינה לעתים לדעת מה יעשה ישראל ראשיהם מאתים וכל אחיהם על פיהם: דה"א יב, לג
7.	אל האשה אמר הרבה ארבה עצבונך והרנך בעצב תלדי בנים ואל אישך תשוקתך והוא ימשל בך: בראשית ג, טז
8.	מלפנו מבהמות ארץ ומעוף השמים יחכמו: איוב לה, יא

I. רה"ר in carrying to a house from a 10-high area: משנה ז'

- a. בור in רה"ר with a rim that is ט"ט high with a window above it – may draw water from cistern into house
- מחיצה due to ד' הונא must be >ט"ט away from wall (else it is obvious); permitted
 - בור and חוליה are towards ט"ט מצטרף could even be teaching about one that is close to house; teaches that
- b. אשפה: that is ט"ט high – may dump water onto it from window
- Limitation: only if it is a public אשפה; else - concern that the owner may move it
 - challenge: case: there was a מבווי, bounded on one side by the sea and on the other by a dung-heap
 - דבי refused to rule either way
 - להתיר he wouldn't permit – concern that the configuration on both sides would change
 - אשפה: may be removed
 - גם: may wash up alluvium – when dried out, would be used by public
 - לאסור he wouldn't prohibit – since there were, in reality, מחיצות currently present
 - Answer: if it was owned by an individual, may be moved (cannot use); if של רבים – may use

II. משנה חו carrying under branches of – and sitting atop roots of – tree

- a. If: the branches are lower than ג"ט off the ground – may carry underneath
- דב הונא בריה דר"י only if area is less than בית סאתים
 - Reason: it is an area not fenced in for residential purposes – limit is בית סאתים
- b. If: the roots are higher than ג"ט, prohibited to sit on them (משתמש במחובר)

III. Dispute ששת ר' רבה re: sitting on lower segments of roots that extend above ג"ט and then turn down to within ג"ט

- a. דבה: permitted – the section he is sitting on is below ג"ט
- b. אסור – (ג"ט) since it comes from a prohibited location (above ג"ט) ששת
- c. Note: if the roots are like rocks ("דמו כמשוניתא" - see diagram in margin)
- All agree: the roots that shoot upwards are אסורים; the ones that curve down are מותרים
 - Dispute: about the ones that go off to the sides – same dispute holds
 - Similarly: they disagree about a tree that grows out of a trench
 - Or: grows over the corner of a house – whether "hidden" roots count towards ג"ט
 - Story: אביי had a tree that grew through the skylight;
 - דב יוסף permitted him to use ג"ט up from roof rest considered "in the ground"
 - רבה ד' אחא בר תחליפא this follows
 - Justification: סד"א that ששת ר' would agree to allow him, since דמי דמלא דמי בית א כמאן דמליא דמי
 - Challenge: from our משנה – roots evidently turn back towards earth and are still אסור (else – פשיטא)
 - Answer: referent is roots that don't turn back
 - Justification: even if one side is even with earth – still אסור



- IV. תוספתא עירובין ב:ג
- a. *If*: there are roots that go above ג"ט or form a space of ג"ט under them – even if one side is even with earth
- Rule*: he may not sit on them
 - General rule*: may not climb, hang from or lean on a tree – nor even go up before שבת to stay there
 - Expansive of rule*: this is true about any tree and any animal
- b. *However*: he may climb up from a cavern, trench or cistern, no matter how far
- c. *ברייתות*: one rules that if he climbs up a tree he may descend; other rules that he may *not* descend
- Resolution1*: if he climbed up before שבת (איסור no) he may descend; if on שבת – may not
 - Resolution 2*: (both on שבת) if he climbed up (on שבת) - בשוגג may descend; if במזיד – may not
 - Resolution3*: (both בשוגג) – whether or not we fine him בשוגג as precaution against מזיד
 - Proposal*: this dispute is (following last resolution) parallel to dispute יהושע ר"א/ר"א in re: זבחים ח"י
 - If*: 1/1 (e.g. מעשר בכור with מתנה) – perform one
 - if*: 4/4 (e.g. שלמים with עולה) – perform 4
 - but if*: 4/1 (e.g. מעשר with עולה):
 - ר"א perform 4
 - ר"א יהושע perform 1
 - ר"א performing 1 is a violation of תגרע (v. 1)
 - ר"א performing 4 is a violation of תוסיף (v. 1)
 - ר"א is only considered if the object is on its own (not part of a תערובת)
 - ר"א is only a violation if the object is by itself (not part of a תערובת)
 - further*: if 4, violation is active (מעשה בידים); prefer “passive” violation (שב ואל תעשה)
 - rejection*: ר"א wouldn't allow coming down (acting); he only allows here due to מצוה
 - and*: ר"א would allow coming down – there is no inherent איסור (unlike תוסיף בל)
- V. Conflicting ברייתות re: inclusion of dry trees in the prohibition
- a. *Resolution1* (רב יהודה): if branch replenishes – even dry is אסור
- Challenge*: a branch that will replenish itself cannot be considered ביש
- b. *Rather*: summer vs. winter:
- Note*: summer only allowed with deciduous tree with no limbs
 - רב*: prohibited sitting on roots of limbless tree in summer as an extra-legal measure
- VI. Walking on grass on שבת
- a. אסי ר"א prohibited (applied v. 2)
- b. *Conflicting ברייתות*: one permits walking on grass, the other forbids
- Resolution1*: if wet, may not walk on it; if dry, may walk on it (as above re: roots)
 - Resolution2*: **wet**; if summer, prohibited; if winter – permitted
 - Resolution3*: **summer**; if wearing shoes, permitted; if unshod – prohibited
 - Resolution4*: **wearing shoes**; if shoe has sharp edge, prohibited; if not – permitted
 - Resolution5*: **sharp-edged shoes**; if grass is long, prohibited; if short – permitted
- c. *Rejection* (of position which forbids at all): since we rule like ר"ש (דבר שאינו מתכוין) – all permitted
- VII. Addendum (begins with quote from ר"א אסי): sexual ethics between couples
- a. *Coercion*: from v. 1, seen as wrong and will engender unfit children
- b. *Brazenness*: valued in woman (asking for conjugal relations) per vv. 3-6
- Challenge*: 10 curses of חוה (from v. 7) include woman's modesty in this regard
 - Defense*: although she doesn't explicate it, she acts in a way that makes it clear
 - Tangent*: v. 8 – we could have learned proper behavior (selectively) from animal kingdom
 - Including*: sexual ethics from rooster, who first appeases the hen