



As Cistern between two Chatzeirot

The *Mishnah* (8:6) teaches that one may not draw water from a cistern that is located between two *chatzeirot*. The *Bartenura* explains that since half the cistern is in each *chatzer*, when one draws water they will be taking water for the other domain. As we have learnt, doing so is prohibited without an *eiruv chatzeirot*. The *Mishnah* continues that if they place a ten *tephachim* high *mechitzah* inside the cistern, whether “above” or “below”, it would permit one to draw water from the cistern.¹ *R' Gamliel* continues that it is the subject of debate whether the *mechitzah* must be below, with *Beit Shammai* maintaining this position and *Beit Hillel* aligning with the first one that the *mechitzah* can be above or below. Finally, *R' Yehuda* maintains that the existing wall the runs across the cistern dividing the two *chatzerot* is sufficient and there is no need for an additional *mechitzah* inside the cistern.

The *Gemara* (86a) questions the meaning of the positions “above” and “below” mentioned in our *Mishnah*. *R' Huna* explains that above means at the top of the cistern, while below means lower down, but with the base at the surface of the water. *R' Yehuda* however explains that above means above the surface of the water with one *tephach* of the wall immersed, while below means that the *mechitzah* is immersed in the water with one *tephach* above the surface.

Rashi explains that according to *R' Yehuda's* explanation, *Beit Shammai* who demands that the *mechitzah* be below, requires the *mechitzah* to extend to the base of the cistern. The *Tosfot* however find this explanation difficult, maintaining that the even *Beit Shammai* only requires a *mechitzah* ten *tephachim* high because all *Beit Shammai* require is a *heker mechitzah* (recognisable division) within the water. If however a partition was required to divide the water, then even a full length iron *mechitzah* would be insufficient. The purpose of the *mechitzah* in this case is not to divide the water, but simply as a *heker* and is sufficient even though the water can still flow from side to side. The *Gemara* explains that a *mechitzah* of this nature being

sufficient is a special leniency afforded in the case of water alone, provided that one does not draw water directly from the other side (*Ritva*).

We find this leniency as well in the later *Mishnah* (8:9) that deals with the case where one's balcony overhangs a river. In that case one is only allowed to draw water from the river through a hole in the floor of the balcony if a *mechitzah* is constructed either above or below the hole. Normally a river is considered a *karmelit* and one is not allowed to carry from a *karmelit* to a private domain (in this case the balcony). However in this case, we view the walls of the *mechitzah* as if they are extending below into the river thereby walling off part of the river, making it a *reshut ha'yachid*. Once again, even though the water in the river is flowing through this “section”, for the case of water, the *Chachamim* allowed this solution.

The *Rashba* however asks why (according to *R' Yehuda*) in this case we require that the *mechitzah* be partially submerged, while in the case of the balcony we do not. He suggests that our case is different in that there is a separate *reshut hayachid* on either side of the *mechitzah* and we are concerned that one might draw directly from the opposite side. In the case of the balcony, the resident has some share in the *karmelit* beyond the *mechitzah*. Consequently we are more lenient.

The *Ritva* provides another answer. He suggests that the *Chachamim* were more strict in our cases since the cistern is an area shared by a number of individual. In other words, the cistern resembles a *chatzer* more closely than a river does.

The *Bach* (676:1) explains differently that we are stricter in our case since we are concerned that one might draw water directly from the opposite side. In the case of the balcony, since the bucket will be lowered directly below, there is less reason to be concerned.

Yisrael Bankier

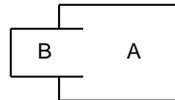
¹ The *Aruch HaShulchan* notes that this is only if one would be using a bucket from their house or wished to bring the drawn water into their house. If however the bucket was already in the *chatzer* and one wanted to drink the water there, then no *mechitzah* would be required. This is because an *eiruv chatzerot* is only required for

transferring items from one's house to the *chatzer* or back. Utensils that were already in a *chatzer* from the onset of *Shabbat* may be transferred directly from *chatzer* to *chatzer* without an *eiruv chatzeirot*. See *Eiruv* 9:1.

Revision Questions

עירובין ח' ג' – י' א'

- If the residents of a *chatzer* and the residents of the *mirpeset* (upper floor) each made an *eiruv chatzeirot* separately, which objects in the *chatzer* can the people of the *mirpeset* make use of? (Provide two detailed examples) (ח' ג')
- Can one place an *eiruv chatzeirot* in the guard house at the entrance of the *chatzer*? Why? (ח' ד')
- Can one place an *eiruv chatzeirot* in a barn? Why? (ח' ד')
- Explain the debate regarding whether a person living in a storehouse needs to join in with the other residents of the *chatzer* in an *eiruv chatzeirot*? (ח' ד')
- List the four opinions whether a *nochri* or a *Yisrael* that leaves their house for the weekend is required to have joined in an *eiruv chatzeirot*. (ח' ה')
- If there is a water-hole in between two *chatzeirot* what is required to enable the residents of each *chatzer* to draw water from it on *Shabbat*? (ח' ו')
- Explain the debate regarding what is required to enable its residents to draw water from a stream that is running through their *chatzer*. (ח' ו')
- If a house is built such that a level is bridging a stream, and there is a hole cut in the floor through which they draw water – what is required such that they can draw water on *Shabbat*? (ח' ח')
- What restriction is placed on the residents if their *chatzer* is less than four-by-four *t'fachim*? (ח' ט')
- What can be done to circumvent the restriction described in the previous question? (ח' ט')
- Explain the debate regarding whether one can pour water into a ditch which was dug in order to drain the water from the *chatzer* to *reshut ha'rabim*. (ח' י')
- Explain the three opinions regarding the status of roofs and whether one can carry from one roof to another. (ח' יא')
- If two *chatzeirot* are built as follows, can the residents carry in them? (ח' יב')



- What is the status of a *chatzer* where the walls at the corner collapsed? (Include both opinions) (ח' יג')
- Explain the debate regarding whether one can fix a *mavoi* that is open at both ends. (ח' יד')
- What other similar case is debated in that *Mishnah*? (ח' טו')
- Explain the debate regarding the number of *tefillin* one can wear on *Shabbat* in order to carry them to a protected area. (ח' יז')
- What should one do if they find many pairs of *tefillin* in the public domain? (ח' יח')

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Sunday -Thursday
10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Friday & Shabbat
10 minutes before *Mincha*
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Sunday -Thursday
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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
11 June י"ז סיון	12 June י"ח סיון	13 June י"ט סיון	14 June כ' סיון	15 June כ"א סיון	16 June כ"ב סיון	17 June כ"ג סיון
Eruvin 10:2-3	Eruvin 10:4-5	Eruvin 10:6-7	Eruvin 10:8-9	Eruvin 10:10-11	Eruvin 10:12-13	Eruvin 10:14-15

