

Daf 3b

And one does not render it an extension of the city limits when it is located **between two cities**. Two cities between which there is a distance of more than 141½ cubits cannot be joined and considered as a single city for the purpose of measuring the Shabbat limit for one city from the edge of the second city. However if there is a house equidistant between the two cities, i.e., a bit more than seventy cubits from each town, the house joins the two cities together for the purpose of measuring the Shabbat limit. A house in which there is an area of less than four by four cubits cannot serve this function; **and brothers and partners do not divide it**, as it is too small to be divided.

ואין עושין
אותו עיבור
בין שתי
עיירות ואין
האחין
והשותפין
חולקין בו

Comment/Chiddush

This is later reinterpreted in the gemara.

In answer to the question with regard to the identity of the *tanna* of the *baraita*, the Gemara says: **Let us say** that the *tanna* of the *baraita* is **Rabbi Yehuda HaNasi and not the Rabbis**, as it is Rabbi Yehuda HaNasi who holds that a *sukka* with an area of less than four by four cubits is unfit. The Gemara rejects this contention: **Even if you say** that the *tanna* of the *baraita* is **the Rabbis, the Rabbis say** that a structure with an area smaller than four by four cubits is fit **only there, with regard to a sukka, which is a temporary residence**, because in a temporary residence one is willing to confine himself to a small area. **However, with regard to halakhot relating to a house, which is a permanent residence, even the Rabbis concede that if it has an area of four cubits by four cubits, people reside in it**, as it is a functional house, **and if not, people do not reside in it**, and its legal status is not that of a house at all.

לימא רבי היא ולא רבנן
אפילו תימא רבנן עד
כאן לא קאמרי רבנן
התם אלא לענין סוכה
דדירת עראי היא אבל
לגבי בית דדירת קבע
הוא אפי' רבנן מודו דאי
אית ביה ד' אמות על ד'
אמות דיירי ביה אינשי
ואי לא לא דיירי ביה
אינשי:

§ The Gemara briefly discusses the *halakhot* listed in the *baraita*: **The Master said** that a house in which there is an area of less than four by four cubits it is **exempt from** the mitzva of placing a *mezuzah* on its doorpost, **and it is exempt from the obligation of establishing a parapet** around its roof, **and it does not become ritually impure with leprosy** of the house. **And its sale is not rendered final** in the same manner as the sale of **houses within walled cities, and one does not return from the ranks of soldiers waging war for a house that size. What is the reason** for these *halakhot*? It is due to the fact **that "house" is written in the Torah with regard to all these halakhot**. The legal status of a structure with an area of less than four by four cubits is not that of a house.

אמר מר פטור מן
המזוזזה ומן המעקה
ואין מטמא בנגעים
ואינו נחלט בבתי
ערי חומה ואין
חוזרין עליו מעורכי
המלחמה מ"ט
דבית כתיב בהו
בכולהו

Comment/Chiddush

How can we allow someone to leave his too-small house unfenced – what of the prohibition against having dangerous things on your property? Perhaps the obligation to fence the roof is even where it is not that common for people to get hurt. With regard to this case only do we free someone whose house is not of proper size. Chazon Ish

And by rabbinic law, **one need not join** the houses in the courtyards **for a house with that area, and one need not merge** the courtyards that open into an alleyway **for a courtyard in which the area of its only house is less than four by four cubits. And one does not place the food collected for the joining of courtyards in this house. What is the reason** for these *halakhot*? It is due to the fact **that it is not fit for residence**. The point of the joining of courtyards is to transform the courtyard into a residence shared by the residents of all its member households, and this can be accomplished only by placing the joint food in a place whose legal status is that of a house. The Gemara infers this from the fact that it is taught in the *baraita*: **And one does not place the food of the joining of courtyards in this house, but the food of the merging of alleyways, one places in it.**

ואין מערבין בו
ואין משתתפין
בו ואין מניחין
בו עירוב מ"ט
דלא חזי
לדירה עירובי
חצירות אין
מניחין בו אבל
שיתוף מניחין
בו

Daf 3b

What is the reason for this distinction? It is due to the fact **that it is no less** a residence **than a courtyard in the alleyway**. An unroofed courtyard is not fit for residence, and nevertheless the food for the merging of alleyways may be placed there, **as we learned** in a *baraita* in tractate *Eiruv* (85b): **The joining of courtyards may be placed in the courtyard and the merging of alleyways may be placed in the alleyway.**

מ"ט דלא גרע
מחצר שבמבוי דתנן
עירובי חצירות
בחצר שיתופי מבוי
במבוי

Comment/Chiddush

Being in a undersized house is no worse than being out in the open.

And we discussed this *halakha*: How can **the joining of courtyards** be placed **in the courtyard**? **Didn't we learn** in the mishna: With regard to **one who placed his joining of courtyards in a gatehouse** or in a **portico [akhsadra]**, a roofed structure without walls or with incomplete walls, **or on a balcony**, it is **not a fit eiruv**. **And one who resides there**, in any of these structures, **does not render it prohibited** for the homeowner and the other residents of the courtyard to carry, even if he did not contribute to the *eiruv*, as the legal status of these places is not that of a house.

והינן בה עירובי
חצירות בחצר
והתנן הנותן עירובו
בבית שער
אכסדרה ומרפסת
אינו עירוב והדר
שם אינו אוסר

Comment/Chiddush

The gatehouse referred to here may have proper walls, doors and be of the correct size, yet does not constitute a habitable dwelling because people are constantly walking through it.

Rather, emend the mishna and **say**: **The joining of courtyards** is placed **in one of the full-fledged houses that is in the courtyard**, and **the merging of alleyways** is placed even **in one of the courtyards that opens into the alleyway**. **And this** house whose area is less than four by four cubits **is no less** a residence **than one of the courtyards that open into the alleyway**.

אלא אימא עירובי חצירות
בבית שבחצר ושיתופי
מבואות בחצר שבמבוי
והאי לא גרע מחצר
שבמבוי

Comment/Chiddush

Is the merging of alleyways placed in the open air? Tosfos: Yes, Rashi: it was put in a house. The halacha finds for Rashi.

It is taught in the *baraita*: **And one does not render it an extension** of the city limits when it is located **between two cities**. The Gemara explains: This means that **we do not even render its halakhic status like** that of **huts [burganin]** used by grain watchmen in the fields, which join the two cities between which they are located for the purpose of measuring the Shabbat limit. **What is the reason** that it is considered less a residence than a watchman's hut? The Gemara answers: Watchmen's **huts**, even though they are not sturdy, **are suited for their matters, while this** house with an area less than four by four cubits **is not suited for its matter**, as it is not fit for residence.

ואין עושין אותו
עיבור בין שתי
עיירות דאפי'
כבורגנין לא
משוינן ליה מ"ט
בורגנין חזו
למילתייהו והאי
לא חזי למילתיה

Comment/Chiddush

Do these huts need to be 4 x 4? The Ritva has two opinions about this, and one is that since these are useful even without being 4 x 4, they are valid. By extension, a sukka would also be, for it is useful at a mere 7 x 7 handbreadths.

It is taught in the *baraita*: **And brothers and partners do not divide** a house that does not measure at least four by four cubits, as it is too small to be divided. The Gemara infers: **The reason** that a house that size is not divided **is due to the fact that there is not** an area of four **by four cubits in it; however, if there is** an area of four by four cubits **in it, they divide it**.

ואין האחין והשותפין
חולקין בו טעמא דלית
ביה ד' אמות הא אית
ביה ד' אמות חולקין

Daf 3b

The Gemara asks: **But didn't we learn** in a mishna: **One divides the courtyard** at the request of one of the heirs or partners **only** if its area is sufficient so **that there will be in it** four by **four cubits for this** partner or heir **and** four by **four cubits for that** partner or heir? Apparently, in order to divide a courtyard it must be at least four by eight cubits.

והתנן אין חולקין את החצר עד שיהא בה ארבע אמות לזה וארבע אמות לזה

Comment/Chiddush

And so too must a house be of useful size, that is 4 cubics. The Ritva adds that there must also be allowances made for the width of a wall, for after the division there will be a wall put up here.

Rather, emend the *baraita* and say that the *halakha* of division like that of a **courtyard** does **not** apply to it. **As Rav Huna said: A courtyard is divided according to** the number of **its entrances**. When the residents of the houses in a courtyard divide the courtyard between them, the division is not based on the number of houses in the courtyard, nor is it based on the size of the houses. Instead, it is divided based on the number of entrances that open into the courtyard. **Rav H̄isda said: One gives** the homeowner **for each and every entrance four cubits, and the rest of the courtyard is divided equally** among the residents of the courtyard.

אלא אימא אין בו דין חלוקה כחצר דאמר רב הונא חצר לפי פתחיה מתחלקת ורב חסדא אמר נותן לכל פתח ופתח ארבע אמות והשאר חולקין אותו בשוה

Comment/Chiddush

If one house happens to have two doors, does the owner receive twice in the courtyard? Rashi: Yes. Ritva: No

The principle that entrances are factored into the division of a courtyard **applies only** with regard to a **house that stands to endure**, as the owner needs use of the yard to ease access to his house, so **we provide him** with four cubits according to Rav H̄isda, or part of the **courtyard** according to Rav Huna. However, in the case of **this** small house, **which stands to be leveled**, its owner has no need for the adjacent courtyard, so **we do not provide him** with any part of the **courtyard**, as if it were not even there.

דהני מילי בית דלמהוי קאי יהבינא ליה חצר האי דלמיסתר קאי לא יהיבין ליה חצר:

Comment/Chiddush

The idea is the to receive an allotment in the courtyard t need not be technically a home, for even someone living in a too-small area needs working space in the courtyard. Rather, the reason he does not receive is because it is slated for destruction.

§ With regard to the *halakha* in the mishna that a *sukka* more than twenty cubits high is unfit, the Gemara states: If the *sukka* **was more than twenty cubits high and one comes to diminish** its height **by** placing **cushions and blankets** on the floor, **it is not a decrease** of halakhic significance. It does not render the *sukka* fit, because in that case one is concerned that the bedding will be ruined and therefore does not intend to leave it there very long.

היתה גבוהה מעשרים אמה ובא למעטה בכרים וכסתות לא הוי מיעוט

Comment/Chiddush

By the same token, one who put pillows into his ten-handbreadth *sukka*, rendering it too small, will still be allowed to use it, because the pillows are seen to be temporary.