



A Window Between Two Houses

The *Mishnah* discusses when a wall divides between two *chatzeirot* (courtyards). The qualification is important for the laws of *eiruv chatzeirot*. Recall that one is not allowed to carry in a shared space, even if it is technically defined as a private domain, unless the occupants form an “*eiruv*”. A wall between two *chatzeirot* prevent the residents on both sides from joining in one *eiruv*. If however there is a doorway in the wall, they can either form an *eiruv* together or separately.

The *Mishnah* (7:1) teaches that a window within the wall can be considered a doorway if it is at least four by four *tephachim* and within ten *tephachim* from the ground.

The *Bartenura* explains that any smaller and the window would be too small to pass through. If it was higher than ten *tephachim* from the ground, then it would be inconvenient to use. The *Bartenura* however continues that the height restriction is only regarding a wall in a *chatzer* that is in an open space. If however, the window was in the wall dividing between two houses, even if the windows was higher than ten *tephachim*, the two houses could join together in an *eiruv*. This is because it is normal to put benches and tables around the house which would make the window convenient to use.

Previous (2(15)) we discussed the necessity of making an *eiruv* between two houses. In this issue, we will try to understand this leniency afforded to houses.

The *Shoshanim LeDavid* finds the *Bartenura*'s explanation difficult, considering that the reason brought in the *Gemara* is different. The *Gemara* explains the leniency for houses is because a house is considered filled. He cites *Rashi* (*Shabab* 5) that an enclosed space is considered as if it is filled with objects to the roof – the physical airspace is not considered space. Consequently, the window is not considered as being ten *tephachim* from the ground.

In defense of the *Bartenura* we can cite the *R' Yehonatan* who explains like the *Bartenura*. Furthermore, he explains that the reason why the *Gemara* maintains that we view the

house as being filled is *because* there are benches accessible within the house that makes the window convenient to use.

Note that according to the *Shoshanim LeDavid* the law is based on the space being enclosed. Consequently, if the *chatzer* was covered it should share the same law as a house. Indeed the *Mishnah Berurah* also brings this rationale and the *Chazon Ish* (OC 96:20) explains that that that would imply that if the *chatzer* had a roof over it, then the window could be higher than ten *tephachim*. The *Chazon Ish* however feels that that result is not implied by the *Gemara*. Instead, he understands that the law is dependent on the area being a dwelling place (as opposed to a barn).

It would seem that according to the *Bartenura* the law is based on the general availability of benches and chairs in the space. If so, that would be unique to a house and not apply to a covered *chatzer*. That said, the *Bartenura* appears to bring both considerations in his comment. He mentions that the house is different because it is covered *and* that benches are usually accessible.¹

Perhaps we can explain the debate based on a different question posed by the *Shoshanim LeDavid*. The *Bartenura* explains that the reason why the window being too high is an issue in the *chatzer* is because it is not convenient to use. The *Shoshanim LeDavid* however argues that *Rashi* explains that the reason is that even if the wall was cut to the height of the window, the wall would be more than ten *tephachim* high and constitute a separation between the two *chatzeirot*.

One could suggest therefore that the according to *Rashi*, the issue with the window's placement is because the space beneath the wall on its own constitutes a *mechitza*. Consequently, for the window in a house to work, it must be that we *halahically* reduce that space, by viewing that house as being filled. According to the *R' Yehonatan*, the question is not regarding the space under the wall, but whether the window can be considered a *petach* – a doorway. For the window to function as one, it depends on convenience.

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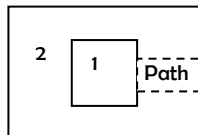
¹ The *Gaon Yaakov* (s.v. *Beita*) also addresses why the *Gemara* treats the house as filled. He cites both the understandings above. He adds an

additional option that the difference between the *chatzer* and the house is that that latter is owned by an individual.

Revision Questions

עירובין ו' ד' - ז' ז'

- Explain the debate regarding the latest time when one can *mevatel reshut*? (ו' ד')
- Explain the debate regarding a case where one was *mevatel reshut* yet inadvertently carried something into the *chatzer*? (ו' ה')
- In which case do *Beit Shammai* and *Beit Hillel* disagree regarding an *eiruv chatzeirot* for people living in the same building and when do they agree? (ו' ג')
 - If two brothers live in different apartments in an apartment block, yet are still supported by their father, when do they need to each provide bread for the *eiruv chatzeirot* and when can one suffice for them both? (ו' ז')
- What is the law regarding a multiple courtyards that are open to a *mavoi* where: (ו' ח')
 - Each *chatzer* performed an *eiruv chatzeirot* but they did not perform a *shituf mavoi*?
 - They performed a *shituf mavoi* but not an *eiruv chatzeirot*?
 - They performed both, but one resident of a *chatzer* forgot to join the *eiruv*?
 - They performed both, but one resident forgot to join in the *shituf mavoi*?
- For two *chatzeirot* formed in the following manner, what is the law regarding a case where: (ו' ט')



- The residents of the internal *chatzer* made an *eiruv chatzeirot* while the others did not? (ו' ט')
- The residents of the outer *chatzer* made an *eiruv chatzeirot* while the others did not? (ו' ט')
- Both independently made their own *eiruv chatzeirot*? (ו' ט')
- One of the internal residents forgot to join the *eiruv chatzeirot*? (ו' י')
- One of the outer residents forgot to join the *eiruv chatzeirot*? (ו' י')
- All residents of both *chatzeirot* joined together and a resident from the outer *chatzer* forgot to join in? (ו' י')
- What are the dimensions of a window in the wall dividing two *chatzeirot* that enables both resident to join together in one *eiruv chatzeirot*? (ו' א')
- What are the dimensions of a wall that divides two *chatzeirot*? (ו' ב')
- How large must a break in a wall dividing two *chatzeirot* be in order that both residents can join in an *eiruv chatzeirot*? (ו' ב')
- What is the depth of a ditch that divides two *chatzeirot*? (ו' ג')
- Can such a ditch be filled with straw and still divide the two *chatzeirot*? (ו' ג')
- What can one do to a ditch if they wish to join both *chatzeirot* in an *eiruv chatzeirot*? (ו' ד')
- What are the dimensions of a stack of produce that divides two *chatzeirot*? (ו' ה')
- Explain how a *shituf mavoi* is performed. (ו' ז')
- What is the process when the food used for the *shituf mavoi* begins to run out? (ו' ז')

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Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
26 February ה' אדר	27 February ו' אדר	28 February ז' אדר	1 March ח' אדר	2 March ט' אדר	3 March י' אדר	4 March י"א אדר
Eruvin 7:8-9	Eruvin 7:10-11	Eruvin 8:1-2	Eruvin 8:3-4	Eruvin 8:5-6	Eruvin 8:7-8	Eruvin 8:9-10

