

We began the Perek with the משנה which cites three opinions about transferring things between various דישויות היחיד that are not joined in an עירוב with each other:

כל גגות העיר רשות אחת ובלבד שלא יהא גג גבוה י' או נמוך י' דברי ר' מאיר

ר' מאיר holds that all roofs are considered one ר"ט, and we may carry from one person's roof to the next person's roof, even though there is no עירוב joining them, as long as neither roof is elevated ten טפחים above the other.

As Rashi explains, since אין תשמישן הדיר - Unlike the houses, the roofs are not used regularly, therefore, אין בהם חילוק רשות - they are not considered separate אין בחם מפחים, and do not require an . When there are differences of 10 טפחים in height they are אסור

- גוירה משום תל ברשות הרבים - because it might be confused with a post of 4 by 4 and 10 טפחים high, which is a רשות היחיד, located in the רשות הרבים, where adjusting one's load would be אסור מדאורייתא.

- וחכמים אומרים כל אחד ואחד רשות בפני עצמו

The חכמים hold that each roof is a separate רשות, and one may not carry from one to the other without an עירוב.

As the Gemara explains, because the חכמים hold;

כשם שדיורין חלוקין למטה כך דיורין חלוקין למעלה

Since each house is a separate private residence, the roofs are likewise considered separate בישויות.





ר' שמעון אומר אחד גגות ואחד חצירות ואחד קרפיפות רשות אחת הן holds that these similar types of areas are all considered one domain, and we may carry from one to the other without an עירוב.

Rashi explains that שמעון ז' is מיקל even more, in that ALL the various outdoor areas are one domain, because אין תשמישן אין תשמישן - תדיר אין בהם חילוק רשות -

However, this הית is limited
- לכלים ששבתו לתוכן ולא לכלים ששבתו בתוך הבית
- לכלים ששבתו לתוכן ולא לכלים ששבתו בתוך הנחוד - לכלים ששבתו נחוד - שבת to items that were outdoors in one of these areas before שבת.

Items that were in the house when שבת began - even if he brought them out בהיתר from his house to his חצר - may not be moved to other outdoor areas without an ישירוב.









The Gemara continues;

- וחכמים אומרים כל אחד ואחד רשות בפני עצמו

According to the חכמים it is אסור to carry from one roof to the next without an עירוב. Are there any limitations on carrying within a single roof?

- במחיצות הניכרות כולי עלמא לא פליגי

When the walls are recognizable - As Rashi explains, when the houses are not attached, with space between them, and one standing on the roof can clearly see them, all agree that one may carry on the entire roof. We utilize the principle מוד - The walls are viewed as extended upward, Halachically enclosing the roof.

- כי פליגי במחיצות שאינן ניכרות

In the case of walls that are not recognizable, because the houses are attached, and the walls are covered by the roofs - we have a Machlokes.

- רב אמר אין מטלטלין בו אלא בד' אמות

One may only carry on the roof within ד', because we cannot utilize the principle גוד אסיק מחיצתא - when the walls are covered, leaving the roof

- נפרץ במלואו למקום האסור

totally breached to the neighboring roof to which carrying is forbidden.

- ושמואל אמר מותר לטלטל בכולו

One may carry throughout each individual roof, because we can utilize the principle of

גוד אסיק מחיצתא – even with covered walls, and we view the walls that divide the buildings as if they extend up and separate the roofs as well.

The גמרא points out, that which the משנה cites the opinion of the חכמים as חכמים בפני עצמו - each roof is a separate - רשות - and the ברייתא which says;

אין להן אלא גגן - They may only carry on their roof - implies that it is מותר to carry throughout the entire roof, like . שמואל

However, Rav will explain these words to mean that the permissible ד' must be within one roof, and they may not carry שתי אמות בגג זה ושתי אמות בגג זה שתי אמות בגג זה -

two אמות on one roof, and two אמות on the other.

But, even on one roof, each homeowner is restricted to a maximum of ד' אמות.

6 The Gemara continues:

אמר רב יוסף לא שמיע לי הא שמעתא – Rav Yosef said; I have not heard that אטיק would apply גוד אסיק to גוד אסיק - walls that are covered.
אביי - that he had taught it to them in the context of a Mishnah on דף צ"ב ע"א which discusses רב אובר אור האטן אסור - A large and small roof that are adjacent to each other - the residents of the large roof

may carry, and the residents of the small roof may not carry.













A discussion ensues that yields three versions of how רב יוסף explained this Mishnah.

-1-

- גוד אסיק מחיצתא

The walls are viewed as extended upward, Halachically enclosing the roof.

Therefore, the larger roof may carry, because it has partial walls on the fourth side, and the opening to the smaller roof is considered a פתח - a doorway. We're assuming the smaller house to be less than 10 אמות wide.

The smaller roof may not carry, because it has no fourth wall at all, and is נפרץ במלואו למקום האסור –

totally breached to the larger roof with which it has no עירוב.

Although, the opening between the two roofs should be considered closed according to אוד אסיק who applies שמואל even to מחיצות שאינן ניכרות - walls that are covered -

Rav Yosef had said - according to Abaye's recollection - that the Mishnah is a case of

- שיש דיורין על זה ודיורין על זה

the residents of both houses use the roofs, and regularly go back and forth,

- דהויא לה הא דקטן מחיצה נדרסת

making it a wall that is constantly stepped upon.

In other words, we cannot apply גוד אסיק, and assume an Halachic wall where the reality is otherwise.

- אבל אין דיורין על זה ועל זה שניהם מותרין

But if they do not use the roofs regularly, both roofs are permitted, because we indeed view the opening as closed based on מחיצות שאינן ניכרות, even with מחיצות.

According to Abaye's recollection, Rav Yosef actually agreed with Shmuel.

-2-

קם יוסף said to Abaye, that he had actualy qualified the Mishnah differently.

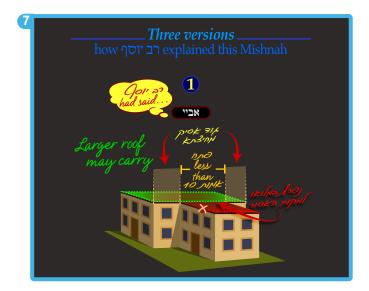
They may carry on the larger roof only when שיש מחיצה על זה ומחיצה על זה ישיש -

there are ACTUAL walls around both roofs, דגדול מישתרי בגפופי

because the larger one has partial walls on the fourth side, and the opening to the smaller roof is considered a פתח - a doorway -

- וקטן נפרץ במלואו

The smaller roof may not carry, because it has no fourth wall at all.









Review



10 אבל אין מחיצה לא על זה ולא על זה שניהן אסורין -If there are NO actual walls, both roofs are forbidden. Rashi explains, although, even according to Rav, we can utilize גוד אסיק for the outer walls, the opening to the smaller roof cannot be considered a פתח

- דפיתחא דמינכר בעינן וכה"ג לא עבדי אינשי

It is not the norm to make a doorway that is not recognizable. In other words, the partial Halachic walls do not a doorway create.



However, Abaye said to Rav Yosef, I remember you mentioning something about דיורין - residents.

Therefore, אב רב יוסף בר said; If so, this is what I must have said. לא שנו אלא שיש מחיצה ראויה לדירה על זה ומחיצה ראויה לדירה על זה The Mishnah must be speaking of where there are actual sturdy walls around both roofs, and as in the previous פשט, - דגדול מישתרי בגפופי -

the larger roof may carry because it has partial walls on the fourth side, and the opening to the smaller roof is considered a מתח -

- וקטן נפרץ במלואו

The smaller roof may not carry, because it has no fourth wall at all.









12 אבל יש מחיצה ראויה לדירה על הגדול ואין ראויה לדירה על הקטן -But if only the larger roof has walls, and the smaller roof does not have walls,

- אפילו קטן שרי לגדול

Even the small roof is permitted for the residents of the large roof, because, since the residents of the small roof did not build a wall on their roof,

- סלוקי סליקו נפשייהו מהכא

They have removed themselves from using the roof, relinquisheing their rights to the residents of the large roof, and the small roof becomes the domain of the larger roof.

13 Similarly, רב נחכון taught, if one of the houses built a permanent staircase up to the roof, and אב" adds - or, where one built a second story with a door opening to the adjoining roof, he may carry on the other roofs, because all the roofs are considered his domain.







