Rabbi Eliezer’s disciple – The Rambam asks: According to which opinion in the mishna did that disciple act? The opinion of Beit Shammai or of Beit Hillel? The Rambam explains that had the student acted in accordance with the opinion of Beit Hillel, he would have said so to his teacher. Rather, he acted according to the opinion of Beit Shammai, with whom Rabbi Eliezer concurs. However, the disciple understood that Rabbi Eliezer’s opinion states that if a cross beam is present, two side posts are no longer required. Consequently, his teacher informed him that a cross beam has no effect whatsoever; everything depends on the side posts.

Am I required to close it up – In the Jerusalem Talmud, this dialogue serves as proof that Rabbi Eliezer rules that a side post must be at least three handbreadths wide, which is why the addition of another side post considerably narrows the width of the alleyway, giving it the appearance of being sealed. However, this is not the approach of the Babylonian Talmud. The Rambasha explains that this is a case of a very narrow alleyway. Therefore, even a side post of minimal width is significant in sealing the entrance. Yet other commentators explain this question as an indication that if two side posts and a cross beam are required, people would think that carrying in an alleyway is permitted only if there are four complete walls. Rabbi Eliezer, responded that this indeed is the case. An alleyway must be closed on all four sides.

BACKGROUND
Side posts and a cross beam — חָוָת מֵאַרְבַּע אַמּוֹת. The illustration shows an alleyway that has two side posts, one on each side, and a cross beam above, so that the entrance to the alleyway appears closed.

HALAKHA
An alleyway whose width is less than four cubits — לחות מארבע אמות. An alleyway less than three handbreadths wide requires nothing added to permit carrying. Some authorities rule that even if it is less than four handbreadths wide, it does not require any additions to permit carrying within it.

The first opinion is that of the Rambam, who ruled according to the Gemara’s second answer explains that Rabbi Akiva’s statement is the subject of a dispute between the tannaim, and the halakha follows Shmuel’s statement rather than that of Rav Akiva (Vilna Gaon). The second opinion is that of the Rashba and the Rosh, who maintain that an entrance must be at least four handbreadths wide, and that an individual opinion cited is the Gemara is insufficient proof with regard to this issue (Maggid Mo’ed; Shulhan Arukh, Oraĥ Ĥayyim 363:28).

Come and hear a resolution to this dilemma from that which was related in the Tosefta. There was an incident involving Rabbi Eliezer, who went to Rabbi Yosei ben Perida, his disciple, at the town of Ovelin, and found him dwelling in an alleyway that had only one side post.º He said to him: My son, set up another side post. Rabbi Yosei said to him: Am I required to close it up?º Rabbi Eliezer said to him: Let it be closed up; what does it matter?

We learned in that same Tosefta: Rabban Shimon ben Gamliel said: Beit Shammai and Beit Hillel did not disagree about an alleyway whose width is less than four cubits, as they both agree that this alleyway does not require anything to render it permitted for one to carry within it.” About what did they disagree? About an alleyway that is wider than four cubits, and up to ten cubits; as Beit Shammai says: It is permitted to carry within it only if there is both a side post and a cross beam, and Beit Hillel says: It requires either a side post or a cross beam.

The Gemara explains the proof from this Tosefta. In any case, it teaches: Rabbi Yosei ben Perida said to Rabbi Eliezer: Am I required to seal it? Granted, if you say that Rabbi Eliezer requires two side posts and a cross beam,º for that reason the disciple said: Am I required to seal it? However, if you say that he requires side posts without a cross beam, what is the meaning of to seal it? The entrance to the alleyway remains open from above.

The Gemara rejects this argument: No absolute proof can be cited from here, as perhaps this is what he is saying: Am I required to seal it with side posts?

The Master said in the Tosefta: Rabban Shimon ben Gamliel said that Beit Shammai and Beit Hillel do not disagree about an alleyway whose width is less than four cubits, as they both agree that it does not require anything to render it permitted to carry within it. But didn’t we learn in the mishna: A certain disciple said before Rabbi Akiva in the name of Rabbi Yishmael: Beit Shammai and Beit Hillel did not disagree about an alleyway whose width is less than four cubits, as they both agree that carrying in an alleyway of that sort is permitted by either a side post or a cross beam. How could Rabban Shimon ben Gamliel have said that according to Beit Shammai and Beit Hillel even that minimal action is unnecessary?

Rav Ashi said: This is what Rabban Shimon ben Gamliel is saying. It neither requires both a side post and a cross beam, in accordance with the opinion of Beit Shammai, nor does it require two side posts, in accordance with the opinion of Rabbi Eliezer; rather, it requires either a side post or a cross beam, in accordance with the statement of Beit Hillel with regard to a large alleyway. When it said that Rabban Shimon ben Gamliel does not require anything, it meant anything more than that required by Beit Hillel.
The Gemara asks: And how narrow must an alleyway be so that it would not require even a side post, according to all opinions? Rav Aḥlei said, and some say it was Rav Yehiel who said: Up to a width of four handbreadths, the alleyway requires nothing in order to render it permitted for one to carry within it.

The Gemara says: The upright boards of a courtyard – Rav Yirmeya bar Abba said that Rav said: The Rabbis concede to Rabbi Eliezer with regard to the upright boards of a courtyard.⁸ That is to say, the Rabbis disagree with Rabbi Eliezer only about the number of side posts needed to permit carrying within an alleyway. However, they agree that if a courtyard was breached into the public domain, it can be considered closed only if upright boards of wall, similar to side posts, remain on both sides of the breach. But Rav Nahman said: The halakha is in accordance with the opinion of Rabbi Eliezer with regard to the upright boards of wall that are required in a courtyard.⁹

Rav Nahman bar Yitzḥaḵ said: Who are the Rabbis to whom Rav referred when he stated that they concede to Rabbi Eliezer? He was referring to Rabbi Yehuda HaNasi. Furthermore, as Rav Nahman said that the halakha is in accordance with the opinion of Rabbi Eliezer, one can learn by inference that the Sages dispute this issue as well. Who are the ones who disagree with Rabbi Yehuda HaNasi? It is the Rabbis, as it was taught in a baraita: In a courtyard that was breached into the public domain, with the width of the breach not exceeding ten cubits, it is permitted to carry if one upright board remains on one side of the breach. Rabbi Yehuda HaNasi said: It is permitted only if there remain two upright boards, one on each side of the breach.

Rabbi Asi said that Rabbi Yoĥanan said: A courtyard that was breached requires two upright boards of wall on either side of the breach, in accordance with the opinion of Rabbi Yehuda HaNasi. Rabbi Zeira said to Rabbi Asi: Did Rabbi Yoĥanan really say that? But weren’t you the one who said in the name of Rabbi Yoĥanan: The upright boards in a courtyard must be four handbreadths wide? This indicates that only one board is necessary. And if you say that Rabbi Yoĥanan requires one upright four handbreadths board from here, one side of the breach, and one upright four handbreadths board from there, the other side of the breach, this is difficult.

But didn’t Rav Adda bar Avimi teach the following baraita before Rabbi Ḥanina, and some say it was before Rabbi Hanina bar Pappi, with regard to the halakha governing a small courtyard that was breached along its entire length into a large courtyard. The baraita teaches that the residents of the large courtyard may use their courtyard even if the small courtyard has a width of ten cubits, and the large one has a width of eleven cubits. In this case, the difference between the length of the smaller courtyard and that of the larger courtyard is only one cubit, i.e., six handbreadths. Therefore, there cannot be upright boards of four handbreadths on each side, as together they would amount to more than a cubit.

The Gemara resolves this difficulty: When Rabbi Zeira ascended from his sea travels,¹⁰ he explained the contradiction between the statements of Rav Yoĥanan in the following manner. If there is an upright board in only one direction, it must be four handbreadths, however, if there are upright boards from two directions, it suffices if there is any amount here, on one side, and any amount there, on the other side.

And that which Adda bar Avimi taught with regard to the difference in size between the two courtyards is not universally accepted, as according to Rabbi Zeira it is sufficient if one courtyard is four handbreadths larger than the other. Rather, it is in accordance with the view of Rabbi Yehuda HaNasi, who requires two upright boards of wall in a breached courtyard. And furthermore, Rabbi Yehuda HaNasi holds in accordance with the opinion of Rabbi Yoĥei, who says that a side post must be at least three handbreadths wide. Consequently, the two upright boards together must be at least six handbreadths, which is why the minimum difference between the smaller and the larger courtyards is a cubit.

The Ritva explains the term yomei not as the plural of sea (yom) but the name of a particular place.
Arukh

355:3).

Oraĥ Ėhayyim,

I do not know –

אֲנָא לָא יָדַעֲנָא

tion is not considered a proper partition. However, it does

water that entered the courtyard because the Sages were

permit carrying in a courtyard when it is suspended over

Shulĥan

opinion (Mērīn).

Perek I . 12a  .

NOTES

A suspended parti-

כִּי אָתּוּ רַב ׳ַּ׳ָּא וְרַב הוּנָא בְּרֵיהּ דְּרַב

אִיבָּעֵית אֵימָא: כָּאן – בְּחָצֵר, כָּאן

בְּאַרְבָּעָה, מִשְׁתֵּי רוּחוֹת – מַשֶּׁהוּ לְכָאן

יְהוֹשֻׁעַ מִבֵּי רַב, ׳ֵּירְשׁוּה: מֵרוּחַ אַחַת –

לֵיהּ: אֵין מְחִיצָּּה תְּלוּיָּה מַתֶּרֶת אֶלָּא

תְּלוּיָּה, מַהוּ שֶׁתַּתִּיר בְּחוּרְבָּה? אֲמַר

לֵיהּ: וַאֲנָא לָא יָדַעֲנָא, דְּעוּבְדָא

Abrewed

Rav Yosef said that Rav Yehuda said that Shmuel said:

A breached

Rav Yosef said to Abaye: I do not know how to resolve this

contradiction. All I know is that there was an incident in a shep-

herds’ village with regard to a narrow inlet of the sea that pene-

trated a courtyard, breaching one of its walls in its entirety, and

the matter came before Rav Yehuda, and he required only one upright

board of wall to remain in order to permit it.

Abaye said to Rav Yosef: You speak of a narrow inlet of the sea,

but an inlet is different and nothing can be derived from that case,

for we know that this is a leniency in which the Sages lessened the

requirements in cases involving water. In these cases, the Sages
did not require properly constructed partitions, but were satisfied with

inferior ones.

The Gemara supports the assertion that the Sages were more lax

with regard to water from the following dilemma that Rabbi Tavlə

raised before Rav: Does a suspended partition permit carrying

in a ruin? Do we say that the remnants of the walls that are sus-
pended in the air are considered as if they descend to the ground,
closing off the area so that it is regarded as a private domain? Rav

said to him: A suspended partition⁵ of this kind permits carrying

only in the case of water; this is a leniency in which the Sages

lessened the requirements in cases involving water.

The Gemara continues: In any case, it is difficult. The contradiction

between the conflicting statements of Shmuel remains unresolved.

The Gemara resolves the difficulty: When Rav Pappa and Rav

Huna, son of Rav Yehoshua, came from the house of their teacher,
they explained the contradiction in the following manner: If

there is an upright board from only one direction, it must be of

four handbreadths; but if there are upright boards from two direc-
tions, i.e., both sides of the breach, it suffices if there is a bit here,
on one side, and bit here, on the other side.

Rav Pappa said: If this issue is difficult for me to understand, this

is my difficulty: For Shmuel said to Rav Hananya bar Sheila: You

must not perform an action, i.e., issue a ruling to permit carry-
ing in a breached courtyard, unless there remains standing either most

of the wall or two upright boards on either side of the breach.

The Gemara asks: Why do I need most of the wall? An upright

board of four handbreadths should suffice. The Gemara further

explains the difficulty: And if you say, what is the meaning of most

of the wall mentioned here? It is referring to the special case where

the wall is seven handbreadths wide, so that four handbreadths

constitutes most of the wall, this too is difficult. Even if the wall is

seven handbreadths wide, why do I require an upright board of four

handbreadths to seal? Three handbreadths and any amount should

suffice, as Rav Aĥlei, and some say it was Rav Yehiel who said: A

narrow alleyway up to four handbreadths wide requires nothing at

all. Here too, after sealing up slightly more than three handbreadths,

the remaining gap that remains is less than four handbreadths, so

nothing further should be required.

The Gemara answers: If you wish, say that here, the statement of

Shmuel is referring to a courtyard, where even a breach of less than

four handbreadths requires action. There, the statement of Rav

Aĥlei, is referring to an alleyway. And if you wish, say that the

statement of Rav Aĥlei is itself subject to a dispute between the

tanna‘im.
The Sages taught the following baraita: With regard to a narrow inlet of the sea that enters into a courtyard, if it be partially breached one of its walls, one may not fill water from it on Shabbat. The inlet is a karmelit, from which it is prohibited to carry into a private domain, e.g., a courtyard. This is the halakha unless there is a partition ten handbreadths high at one side of the wall’s breach, which would incorporate the inlet as part of the courtyard. In what case is this statement said? Where the breach through which the water enters is more than ten cubits wide; but if it is only ten cubits wide, nothing is required."

The Gemara asks: The baraita indicates that one may not fill water from the inlet because that would involve carrying from a karmelit into a private domain, but in the courtyard itself one may indeed carry. But isn’t the courtyard breached along its entirety, i.e., more than ten cubits, into a place that is prohibited to it? Since it is prohibited to carry to or from the inlet, it should also be prohibited to carry within the courtyard itself.

Background

A narrow inlet of the sea that enters into a courtyard – לְשׁוֹן יָם לְחָצֵר This illustration depicts a case where the wall of the courtyard remains mostly intact. In that case, it is permitted to carry in the courtyard itself, as well as from the inlet to the courtyard.

Halakha

A narrow inlet of the sea that enters into a courtyard – לְשׁוֹן יָם לְחָצֵר If the sea breaches part of a courtyard wall and penetrates into a courtyard, one is permitted to draw water and carry in the courtyard, so long as the breach is less than ten cubits wide. However, if the wall is fully breached or if the breach is more than ten cubits wide, then one is permitted to draw water in the courtyard only when there are remnants of the wall ten handbreadths high, even though the remnants are covered by water. Still, one may not carry the water from the courtyard into the house unless a proper partition is constructed, in accordance with the baraita (Shulḥan Arukh, Oraĥ Ĥayyim 552:2).

Notes

Remnants – רָבָּא אֲנִי צָרִיךְ Various explanations have been offered with regard to these remnants (see Rashi and Tosafot). Some commentaries explain that these are large stones protruding from the water, such as there is no breach of more than ten cubits between the protrusions. Although below, in the water itself, the space between them is greater than ten cubits (Rabbeinu Yehonatan). Other commentators teach that these remnants served as an additional partition between the water and the courtyard, and the distance from sea floor to the top of the partition was ten handbreadths (see Tosafot; Rashba).

Halakha

Throwing into an alleyway – נִ׳ְרְצָה בִּמְלוֹאָה Lest one throw an object from the public domain into the alleyway is exempt, even though it is a private domain in the sense that it is permitted to carry in the alleyway. However, if the alleyway was rendered fit by a side post, the one who throws an object into it is liable. This ruling is in accordance with the explanation of the Gemara that maintains that a side post functions as a partition, while a cross beam functions as a conspicuous marker. According to the Rambam’s variant reading, a private domain requires four partitions by Torah Law. The Rambam, on the other hand, rules that three partitions suffice. Therefore, the Gemara is referring to an open alleyway, as explained by Rashi (Maggid Mishne; Rambam Sefer Zemanim, Hilkhōt Shabbat 7:9).
Rav Sheshet strongly objects to this due to the following: The reason that one is exempt in the latter case is due to the fact the residents of the alleyway did not merge. By inference, if they did in fact merge, one would be liable even if the alleyway was rendered fit by way of a cross beam. This, however, is difficult. One can ask: Does this loaf, through which the residents joined together to form a single household, render the alleyway a private domain or a public domain?

But wasn’t it taught in a baraita: Courtyards shared by many and alleyways that are not open on two opposite sides, whether the residents established an eiruv or did not establish an eiruv, one who throws an object into them from the public domain is liable. This seems to contrary to Rav Yehuda’s statement.

Rather, if it was stated, it was stated as follows. Rav Yehuda said: In the case of an alleyway that is not fit for merging, i.e., an alleyway that is open on two opposite sides, if the alleyway was rendered fit for one to carry within it by means of a side post, one who throws an object into it from the public domain is liable. In that case, the side post is considered a third partition, and since the alleyway is closed on three sides it is deemed a private domain. If, however, the alleyway was rendered fit for one to carry within in by means of a cross beam, one who throws an object into it is exempt.

Apparently, Rav Yehuda holds that a side post functions as a partition, whereas a cross beam functions as a conspicuous marker but is not considered a partition. And, so too, Rabba said: A side post functions as a partition, whereas a cross beam functions as a conspicuous marker. But Rava said: Both this, the side post, and that, the cross beam, function as a conspicuous marker.

Rabbi Ya’akov bar Abba raised an objection to Rava from the following baraita: One who throws an object from the public domain into an alleyway, if the alleyway has a side post, he is liable; if it does not have a side post he is exempt. This shows that a side post is considered a proper partition.

Rava replied: This is what the baraita is saying: If the alleyway is closed on one side such that it requires only a side post in order to permit carrying within in, one who throws an object into it from the public domain is liable because the alleyway already has three partitions and is therefore a proper private domain according to Torah law. However, if the alleyway requires a side post and something else in order to permit carrying within it, one who throws an object into it from the public domain is exempt because the alleyway has only two partitions and is therefore not considered a private domain.

He raised an additional objection to Rava from the following baraita. Furthermore, Rabbi Yehuda said: The halakha is as follows with regard to one who has two houses opposite each other on two sides of the public domain, if he chooses, he may create a private domain for himself in the area of the public domain. He may place a ten-handbreadth high side post from here, perpendicular to the public domain. This creates a symbolic wall which, in the halakhot of alleyways, has the legal status of a wall. And, he may place an additional post from here, on the other side, and that has the same legal status as if he closed the public domain on all of its sides. Or, he can implement a different solution appropriate for alleyways by placing a beam extending from here, from one end of one house, to the end of the house opposite it. This creates a symbolic partition across the width of the street. And, he may place a beam extending from here, from the other side of the house. According to Rabbi Yehuda, in that way, one is permitted to carry objects and place them in the area between the symbolic partitions, as he would in a private domain.
The Rabbis said to him: One may not place an eiruv in the public domain in that way. One who seeks to transform a public domain into a private domain must place actual partitions. Apparently, according to Rabbi Yehuda, the side posts function as partitions in the public domain, creating a private domain between the two houses. It follows from this that a side post is in fact deemed a proper partition, contrary to Rava's statement.

The Gemara answers: This is not the reason behind Rabbi Yehuda's statement. Rather, there Rabbi Yehuda holds that by Torah law two partitions suffice to constitute a private domain, and he requires side posts only as a conspicuous marker. Therefore, Rava's position cannot be disproved from this source either.

Rav Yehuda said that Rav said: Unlike other alleyways, carrying within an alleyway whose length is equal to its width is not permitted by means of a side post of minimal width. Like a courtyard, carrying within it is permitted only by means of an upright board four handbreadths wide. Rav Hyya bar Ashi said in the name of Rav: Carrying within an alleyway whose length is equal to its width is not permitted by a cross beam with the width of a handbreadth.

Rabbi Zeira said: How precise are the traditions of the Elders. He explains: Since the length of the alleyway is equal to its width, it is regarded like a courtyard, and carrying within a courtyard is not permitted by means of a side post or a cross beam, but only by means of an upright board of four handbreadths.

Rabbi Zeira said: Nonetheless, if this issue is difficult for me to understand, this is my difficulty: Let this side post be considered like an upright board of minimal width and permit carrying within the alleyway, just as an upright board permits carrying in a breached courtyard.

The Gemara explains that this is incorrect, as that which Rabbi Asi said that Rabbi Yohanan said escaped Rabbi Zeira's attention: The upright boards of a courtyard must be four handbreadths wide, whereas a side post may be of minimal size.

Rav Nahman said: We have a tradition that states: What is the type of alleyway in which carrying is permitted7 by means of a side post or a cross beam? Any alleyway whose length is greater than its width and has houses and courtyards opening into it. And what is the type of courtyard in which carrying is not permitted by means of a side post or a cross beam, but by an upright board of four handbreadths? Any courtyard that is square.

The Gemara wonders: If it is square, then yes, is it considered a courtyard? If it is round, no, is it not considered a courtyard? The Gemara makes a correction: This is what it is saying: If its length is greater than its width,8 it is considered an alleyway, and for an alleyway a side post or a cross beam suffices; but if its length is not greater than its width, i.e., it is square, it is considered a courtyard.

The Gemara asks: And by how much must its length exceed its width so that it can be considered an alleyway? Shmuel thought at first to say: It is not considered an alleyway unless its length is double its width, until Rav said to him: My uncle [havivi].9 Rav Hyya, said this: Even if its length is greater than its width by only an minimal amount, the halakhot of an alleyway apply to it.

We learned in the mishna: A certain disciple said before Rabbi Akiva in the name of Rabbi Yishmael, etc.

My uncle [havivi] – The primary meaning of havivi is beloved. It took on the secondary meaning of uncle, since it became synonymous with the word dod, which also has two meanings, beloved and uncle. The Palestinian Targum of the Torah translates dod and dodah, uncle and aunt respectively, as havivi and havivati.

HALAKHA

The alleyway which is permitted – The alleyway whose length is greater than its width and that has houses and courtyards opening into it, carrying within it can be permitted only by means of a side post or a cross beam. This halakha is in accordance with the statement of Rav Nahman (Shulḥan Arukh, Ḥallah 363:26).

NOTES

A courtyard whose length is greater than its width – The text of the Rʿavʾad reads: If its length is greater than its width. In his version of the text, the sentence is formulated in the masculine. Thus, it is referring to an alleyway rather than a courtyard. Similarly, according to the majority of the halakhic authorities, even though a square alleyway is treated like a courtyard, a courtyard cannot be considered an alleyway.