And Rabbi Yoĥanan said: These residents of one courtyard may raise food from their courtyard to the top of the wall and eat it there, and those residents of the other courtyard may raise food from their courtyard and eat it there, and they may lower the food from the wall to the courtyard. This is because the wall is considered nonexistent, and its domain is viewed as part of both the courtyards.

We learned in the mishna: If there was produce on top of the wall, these residents of one courtyard may ascend from that side and eat it from it, and those residents of the other courtyard may ascend from that side and eat from it. The Gemara infers from this: To ascend, yes, it is permitted, but to raise food from the courtyard to the top of the wall, no, it is not permitted. This presents a challenge to Rabbi Yoĥanan’s opinion.

The Gemara answers: If the top of the wall between the two courtyards is four by four handbreadths, then to ascend, yes, it is permitted. However, to raise food, no, it is prohibited, because in that case the top of the wall is considered a domain in its own right. But if it is not four by four handbreadths, it is an exempt domain, and therefore they may raise their food onto the wall as well.44

And Rabbi Yoĥanan followed his line of reasoning in this regard, as when Rav Dimi came from Eretz Yisrael to Babylonia, he said that Rabbi Yoĥanan said: With regard to a place that does not have an area of four by four handbreadths and is situated between a public and a private domain, it is permissible for both the people in the public domain and for the people in the private domain to adjust the burden on their shoulders upon it, provided they do not exchange objects between them from one domain to the other domain. This demonstrates that in the case of an exempt domain, Rabbi Yoĥanan was not concerned that one might carry from one domain to another, and permitted members of both domains to use it.

The Gemara asks: And does Rav, who prohibits carrying in that case even as much as a hair’s breadth, not accept the opinion of Rav Dimi in this matter? The Gemara answers: If this referred to an exempt domain situated between two domains by Torah law, i.e., between a public and a private domain, so too, Rav would agree that the members of both domains may adjust their burdens there.

However, with what are we dealing here, in the case of the wall? We are dealing with domains by rabbinic law, and the Sages reinforced their statements even more than those of the Torah. Due to their severity, Torah laws are generally observed. Therefore, there is no need to impose decrees and enactments in order to preserve them. The same is not true of rabbinic decrees; if people ignore the preventive measures, they might come to violate the entire enactment.

Rabba said that Rav Huna said that Rav Naĥman said: With regard to a wall that is between two courtyards, and one side facing one courtyard is ten handbreadths high, and the other side is level with the ground of the second courtyard,45 i.e., the second courtyard is built on a higher plane, so that the wall is less than ten handbreadths above its floor, in this case the Sages grant the use of the top of the wall on Shabbat only to the courtyard in which the wall is level with the ground.

And Rabbi Yoĥanan said: These residents of one courtyard may raise food from their courtyard to the top of the wall and eat it there, and those residents of the other courtyard may raise food from their courtyard and eat it there, and they may lower the food from the wall to the courtyard. This is because the wall is considered nonexistent, and its domain is viewed as part of both the courtyards.

We learned in the mishna: If there was produce on top of the wall, these residents of one courtyard may ascend from that side and eat it from it, and those residents of the other courtyard may ascend from that side and eat from it. The Gemara infers from this: To ascend, yes, it is permitted, but to raise food from the courtyard to the top of the wall, no, it is not permitted. This presents a challenge to Rabbi Yoĥanan’s opinion.

The Gemara answers: If the top of the wall between the two courtyards is four by four handbreadths, then to ascend, yes, it is permitted. However, to raise food, no, it is prohibited, because in that case the top of the wall is considered a domain in its own right. But if it is not four by four handbreadths, it is an exempt domain, and therefore they may raise their food onto the wall as well.44

And Rabbi Yoĥanan followed his line of reasoning in this regard, as when Rav Dimi came from Eretz Yisrael to Babylonia, he said that Rabbi Yoĥanan said: With regard to a place that does not have an area of four by four handbreadths and is situated between a public and a private domain, it is permissible for both the people in the public domain and for the people in the private domain to adjust the burden on their shoulders upon it, provided they do not exchange objects between them from one domain to the other domain. This demonstrates that in the case of an exempt domain, Rabbi Yoĥanan was not concerned that one might carry from one domain to another, and permitted members of both domains to use it.

The Gemara asks: And does Rav, who prohibits carrying in that case even as much as a hair’s breadth, not accept the opinion of Rav Dimi in this matter? The Gemara answers: If this referred to an exempt domain situated between two domains by Torah law, i.e., between a public and a private domain, so too, Rav would agree that the members of both domains may adjust their burdens there.

However, with what are we dealing here, in the case of the wall? We are dealing with domains by rabbinic law, and the Sages reinforced their statements even more than those of the Torah. Due to their severity, Torah laws are generally observed. Therefore, there is no need to impose decrees and enactments in order to preserve them. The same is not true of rabbinic decrees; if people ignore the preventive measures, they might come to violate the entire enactment.

Rabba said that Rav Huna said that Rav Naĥman said: With regard to a wall that is between two courtyards, and one side facing one courtyard is ten handbreadths high, and the other side is level with the ground of the second courtyard,45 i.e., the second courtyard is built on a higher plane, so that the wall is less than ten handbreadths above its floor, in this case the Sages grant the use of the top of the wall on Shabbat only to the courtyard in which the wall is level with the ground.

The reason is because the use of the wall is convenient for one side, i.e., the higher courtyard, but difficult for the other side. The wall can be used more conveniently by the residents of the higher courtyard. And the principle is that in any case with regard to Shabbat where an action is convenient for one party and difficult for another, the Sages grant it to the one for whom its use is convenient.
This illustration demonstrates how a ditch can be ten handbreadths deep in one courtyard, but much shallower with respect to the adjacent, lower courtyard.

A ditch between courtyards – תורת המקושט

The Gemara comments: And it was necessary to cite both of these cases, as it would not have been possible to learn one from the other, since, had Rav Nahman taught us only the case with regard to a wall, one could have said that the halakha applies only in that case, because people use an elevated surface. Even for the residents of the lower courtyard, it is relatively easy to use this wall. However, with regard to a ditch, people do not use a deep surface, as it is troublesome to bend down and place an item in a ditch. In that case, one might say that it may not be used by the residents of either courtyard.

And likewise, had he taught us only the case with regard to a wall, one could have said that the halakha applies only in that case, because its use does not cause worry, as anything placed in the ditch is protected. However, with regard to a wall, the use of which causes worry that the objects placed there are liable to fall, one might say that it may not be used by the residents of either courtyard. Therefore, it was necessary to state both of these rulings.

With regard to a wall between two courtyards, the Gemara states: If one comes to diminish the height of the wall by placing a stone next to it, or by building a platform in order to permit its use or to utilize it as a passage-way to another courtyard, the following distinction applies: If the diminished section is at least four handbreadths wide, it is permitted to use the entire wall. This area has the status of an entrance and the two courtyards are considered one, which renders the entire wall permitted. However, if the diminished section is not at least four handbreadths wide, one may use only the area of the wall opposite the diminished section, but no more.

The Gemara challenges this ruling: Whichever way you look at it, this ruling is difficult. If the diminishing was effective, although it extends less than four handbreadths, let him use the entire wall; and if the diminishing was not effective, even the area corresponding to the diminished section should also not be permitted for use, as this section is insignificant. Ravina said: Here, it refers to a case where one removed a segment of stone from the top of the wall. Since the wall is actually less than ten handbreadths high along that section, it is fit for use as is an opening in the wall.

Rav Yehiel said: If one overturned a basin and placed it next to a wall, such that the wall is no longer ten handbreadths high, it effectively diminishes the height of the wall.

Similarly, Rav Sheizvi said that Rav Nahman said: In the case of a ditch between two courtyards,8 one side of which is ten handbreadths deep, and the other side of which is level with the ground of the second courtyard, i.e., is less than ten handbreadths below it, the Sages grant the use of the ditch to the courtyard in which the ditch is level with the ground. This is because it is a case in which the use of the ditch is convenient for one side, where it is close to level with the ground, and difficult for the other, where the ditch is ten handbreadths deep, and whenever use of an item is convenient for one party and inconvenient for another, it is granted to the one for whom it is convenient.

BACKGROUND

A ditch between courtyards – תורת המקושט

Shabbat. If the removed segment is less than four handbreadths wide, only the section of wall where the height was diminished may use the entire wall. However, the platform is not considered a passage-way between the courtyards unless it reaches the top of the wall. (Tohorot; Rosh; Shulḥan Arukh, Ḫayei O rvim 372:8).

Halakha

A basin next to a wall – תורת המקושט

If one removed a segment from the top of the wall – תורת המקושט

The height of a wall between courtyards may be diminished to below ten handbreadths by constructing a platform four handbreadths wide and four handbreadths long. This permits the use of the entire wall. However, the platform is not considered a passage-way between the courtyards unless it reaches the top of the wall. (Tohorot; Rosh; Shulḥan Arukh, Ḫayei Orvim 372:8). One removed a segment from the top of the wall – תורת המקושט

A basin with a rim placed next to a wall in order to diminish the wall’s height to less than ten handbreadths.

If the diminished section is less than four handbreadths wide at the top – תורת המקושט

Generally, a place that is mostly breached into a prohibited area is itself prohibited. That is not the case here, because there is a noticeable difference between the section from which the layer has been removed and the rest of the wall. Where such a difference exists, it is not considered fully breached into a prohibited domain (Ritva).

With regard to a wall between two courtyards, the Gemara states: If one comes to diminish the height of the wall by placing a stone next to it, or by building a platform in order to permit its use or to utilize it as a passage-way to another courtyard, the following distinction applies: If the diminished section is at least four handbreadths wide, it is permitted to use the entire wall. This area has the status of an entrance and the two courtyards are considered one, which renders the entire wall permitted. However, if the diminished section is not at least four handbreadths wide, one may use only the area of the wall opposite the diminished section, but no more.

The Gemara challenges this ruling: Whichever way you look at it, this ruling is difficult. If the diminishing was effective, although it extends less than four handbreadths, let him use the entire wall; and if the diminishing was not effective, even the area corresponding to the diminished section should also not be permitted for use, as this section is insignificant. Ravina said: Here, it refers to a case where one removed a segment of stone from the top of the wall. Since the wall is actually less than ten handbreadths high along that section, it is fit for use as is an opening in the wall.

Rav Yehiel said: If one overturned a basin and placed it next to a wall, such that the wall is no longer ten handbreadths high, it effectively diminishes the height of the wall.8

NOTES

The rationale is that if one diminishes the wall by creating a slightly elevated area at the bottom of the wall, since it is less than four handbreadths wide it is very difficult to use. This is because its purpose is for standing upon, and it is difficult to stand on such a narrow platform. However, when one removes a layer at the top, it is suitable for use, because it is convenient to stand on the ground near the wall (Rashba).

A diminished section fit for use – תורת המקושט

The Gemara challenges this ruling: Whichever way you look at it, this ruling is difficult. If the diminishing was effective, although it extends less than four handbreadths, let him use the entire wall; and if the diminishing was not effective, even the area corresponding to the diminished section should also not be permitted for use, as this section is insignificant. Ravina said: Here, it refers to a case where one removed a segment of stone from the top of the wall. Since the wall is actually less than ten handbreadths high along that section, it is fit for use as is an opening in the wall.

Rav Yehiel said: If one overturned a basin and placed it next to a wall, such that the wall is no longer ten handbreadths high, it effectively diminishes the height of the wall.

And likewise, had he taught us only the case with regard to a wall, one could have said that the halakha applies only in that case, because its use does not cause worry, as anything placed in the ditch is protected. However, with regard to a wall, the use of which causes worry that the objects placed there are liable to fall, one might say that it may not be used by the residents of either courtyard. Therefore, it was necessary to state both of these rulings.
The Gemara asks: And why should this be so? Isn’t this basin an item that may be moved on Shabbat, i.e., something that one is permitted to handle? And the principle is that an item that may be moved on Shabbat does not diminish a wall. Since it can be removed at any moment on Shabbat, such an object cannot be viewed as a permanent part of the wall. The Gemara answers: No, it is necessary; this basin can be considered a permanent part of the wall in a case where he attached the basin to the ground by covering it with soil. The basin may then not be moved on Shabbat due to the prohibition of handling soil.

The Gemara challenges this explanation: And if one attached the basin to the ground, what of it? Wasn’t it taught in a baraita: With regard to an unripe fig that one buried in straw intended for kindling, so that it would ripen, or a cake that one buried in coals before Shabbat, and the coals were extinguished, if part of either one is visible, it may be moved on Shabbat. This is not prohibited, although as a result one will move the straw or the coals, which are set aside.

The Gemara explains: With what are we dealing here? We are dealing with a case where the top of the basin has a rim that is fully buried in the ground, so that removing the basin will dislodge the earth under which it is buried in a manner similar to digging, which is prohibited on Shabbat.

The Gemara further challenges this explanation: And if the basin has a rim, what of it? Didn’t we learn in a mishna: With regard to one who buries a turnip or a radish in the ground beneath a vine for safekeeping, when some of the leaves of the turnip or radish are showing, he need not be concerned due to diverse kinds, i.e., that he violated the prohibition of planting food crops in a vineyard, as he did not intend to commit an act of planting; nor due to tithes, i.e., there is no concern lest the turnip or radish grew further, in which case he would be obligated to tithe it; nor due to the prohibition against working the land during the Sabbath Year, and similarly, he need not be concerned that they grew further and that the additional growth is prohibited as produce that grew during the Sabbath Year. And therefore, the turnip or radish may be taken from the ground on Shabbat. Even if most of the turnip or radish is underground, it is permitted to pull it from the ground on Shabbat. If so, in the case described in the mishna here, even if the basin buried in the ground has a rim, it should nevertheless be permitted to move it.

The Gemara answers: No, Rabbi Yehiel’s ruling is necessary in a case where the basin was so firmly attached to the ground that one would need a hoe (marron) or a spade to remove it, as this action would certainly involve the digging, which is prohibited on Shabbat. Therefore, since the basin cannot be removed on Shabbat, it is considered fixed in its place and effectively diminishes the height of the wall.

It was taught in a baraita: An Egyptian ladder, which is small, does not diminish the height of a wall, whereas a larger, Tyrian ladder effectively diminishes its height. The Gemara asks: What are the circumstances of an Egyptian ladder; i.e., what characterizes it? The scholars of the school of Rabbi Yannai said: Any ladder that does not have four rungs.

NOTES

One who buries a turnip – סֶפֶדְרָעָן: In the Jerusalem Talmud it is explained that this refers to whole bundles of turnips. In that case, hiding them in soil is not considered sowing, nor does it resemble sowing. Therefore, there is no concern in that regard.

LANGUAGE

Hoe (marron) – אֹכֶל: Some maintain that this word is from the Greek ἄκολνον, marron, or from the Latin marra, meaning hoe. However, it is likely that the word is originally of Semitic origin and subsequently spread to Europe.

BACKGROUND

Ladder – ברוּשׁ: The wooden stairs pictured below are also termed a ladder by the Sages. The Romans too did not distinguish between a ladder of this type and one fashioned from isolated rungs.

Illustration of a Roman ladder from the talmudic period.
According to Rashi, the image below depicts a ladder whose rungs are disconnected – סולמות ששליבוותיו ורוחות איצטבא על גבי איצטבא – ממעט, איז研学.

Some commentaries explain that an extremely heavy object may be moved on Shabbat, because it is considered as an object that may be moved on Shabbat, i.e., it is not set-aside [muktzef], and the principle is that any object that may be moved on Shabbat does not diminish the height of a wall, as it cannot be considered a permanent part of the wall.

The Gemara objects: If so, this should apply even to a Tyrian ladder as well, as a large ladder is also not set-aside and may be handled on Shabbat. The Gemara answers: There, in the case of a Tyrian ladder, its heaviness establishes it as part of the wall. Even though one is permitted to move it, since due to its weight it is not moved easily, it effectively diminishes the height of the wall.

Abaye said: If a wall between two courtyards is ten handbreadths high, and one placed a ladder four handbreadths wide against the wall on one side, in one courtyard, and another ladder four handbreadths wide on the other side, in the other courtyard, and there are less than three handbreadths between them, i.e., the two ladders on the opposite sides of the wall are within three handbreadths of each other, even if they are not directly opposite each other, this diminishes the height of the wall. The pair of ladders is regarded as a valid passageway between the two courtyards. However, if the gap between the two ladders is three handbreadths or more, this does not diminish the height of the wall.

And we only said this qualification if the wall was less than four handbreadths wide. However, if the wall was at least four handbreadths wide, then even if one ladder was greatly distanced from the other, this likewise renders it permitted. Since it is possible to walk along the thickness of the wall, the pair of ladders constitutes a passageway between the two courtyards.

Rav Beivai bar Abaye said: If one built a wooden platform next to the wall above another platform, then if the lower platform is four handbreadths wide, it diminishes the height of the wall to below ten handbreadths. Alternatively, if the lower one is not four handbreadths wide, but the upper one is four handbreadths wide, and there is a gap of less than three handbreadths between them, it diminishes the height of the wall, as the two platforms are considered as one.

And Rav Nahman said that Rabba bar Avuh said: In the case of a ladder whose rungs are disconnected, if the bottom rung is four handbreadths wide, it diminishes the height of the wall. Alternatively, if the bottom rung is not four handbreadths wide, but the upper rung is four handbreadths wide, and there is a gap of less than three handbreadths between them, it diminishes the height of the wall, because the principle of lavud joins the two rungs together.

A ladder whose rungs are disconnected – סולמות ששליבוטיו ורוחות איצטבא על גבי איצטבא – ממעט, איז研学.

Ladders on both sides – סולמות מבער חורף: If two ladders four handbreadths wide are placed against a wall on both sides, then if the wall itself is four handbreadths wide, they effectively diminish the height of the wall, even if the ladders are separated by more than three handbreadths. However, if the wall is less than four handbreadths wide, they effectively diminish the height of the wall only when they are separated by less than three handbreadths (Shulhan Arukh, Orah Hayyim 372:8).

A platform above another platform – סולמות על גבי איצטבא: If one constructs a platform above another platform next to a wall and the lower one is four by four handbreadths, or the upper one is four by four handbreadths and is separated from the lower one by less than three handbreadths, then they diminish the height of the wall (Shulhan Arukh, Orah Hayyim 311:11).

A ladder whose rungs are disconnected – סולמות ששליבוטיו ורוחות איצטבא: If a ladder’s rungs are disconnected, and the lowest rung of the ladder is four handbreadths wide, and the gap between the rungs is smaller than three handbreadths, then the ladder diminishes the height of the wall (Rambam Sefer Zemanim, Hilkhot Eruvin 3:3).

Depiction of ladder from the talmudic period according to Tosafot

According to Rashi, the image below depicts the ladder with disconnected rungs referred to in the Gemara.
And Rav Naĥman said that Rabba bar Avuh said:

Drove a stake into the pillar – רָבָא בּוֹ קַדָּמָה. The Rambam understands this case completely differently, and Rabbeinu Hananel seems to interpret it similarly, though he had a different version of the text. Rather than explaining that the stake was driven into the top of a pillar, he understands that the stake was inserted into its side, giving the stake the status of a projection in a wall. Therefore, the stake effectively diminishes the height of the wall. The dispute concerns the size of the stake required to diminish the height of the wall. One opinion maintains that it must be three handbreadths high and three handbreadths wide. This is in contrast to Abaye and Rava, who both say: Even if the stake is not three handbreadths high, the pillar is no longer considered a private domain.

Notes

Diminishing by means of a projection – מִיִּטָּחַת בְּמָרהַ. Some explain this differently from Rashi: if a projection extends from a wall and a person places a ladder on it, it is no longer convenient to use the projection; it is as though its size were reduced. If, however, he positioned the ladder adjacent to the projection, then it is as though he has enlarged the projection, and it is certainly suitable for use (Rashi).

Two projections – שְׁבִיעִית צַלְמָה: Some explain that these projections are effective without a ladder, and they diminish the height of the wall because they can be used to scale the wall. However, since these projections are not very close to one another, they must be slightly tilted in order to allow one to use them to climb the wall, and they are not considered similar to an upright ladder (Rav and Rashi).

HALAKHA

Projections in a high wall – מִמִּיתָחַת בְּמָרהַ בְּעַלְמָה. If a wall is nineteen handbreadths high and has a single projection in the middle of it, its height may be diminished by means of a ladder. However, if the height of the wall is twenty handbreadths, it requires two projections, one within ten handbreadths of the ground and another within ten handbreadths of the top of the wall. Additionally, the projections may not be placed directly above one other (Shulḥan Arukh, Oraĥ Hayyim 372:12).

A pillar as a private domain – מִיִּטָּחַת בְּסַלּוֹמָה. A pillar standing in the public domain that is ten handbreadths high and four handbreadths square has the status of a private domain. However, if one drove a stake into it that is three handbreadths tall, he has diminished its height (Rav and Rashi). It seems that the Rambam had a different version of the text, as he understands that the stake was inserted into the side of the pillar, and that the height of the pillar is measured from the location of the stake (Maggid Mishne; Rambam Sefer Zemanim, Hilkhot Shabbat 14:9).

Perek VII
Daf 78 Amud a

And Rav Naĥman said that Rabba bar Avuh said:

If a projection four by four handbreadths in area extends from a wall, and one placed a ladder of any width against it, if the rungs of the ladder are less than three handbreadths apart, he has diminished the height of the wall by means of this ladder and projection.

The Gemara qualifies this statement: And we said this only in a case where one placed the ladder directly against the projection, so that the ladder serves as a passage to it. However, if he placed it adjacent to the projection, he has merely widened the projection, while the ladder remains separate from it. Consequently, the projection does not have any connection to the ground, and a projection that is not within three handbreadths of the ground does not diminish the height of a wall.

And Rav Naĥman said that Rabba bar Avuh said: If a wall between two courtyards is nineteen handbreadths high, it requires one projection to render the use of the wall permitted. If there is a single projection in the middle of the wall, with a ladder of any width resting against it, it is considered a passageway between the courtyards, as the projection is within ten handbreadths of the top of the wall.

However, if the wall is twenty handbreadths high, it requires two projections to render the use of the wall permitted, one within ten handbreadths of the ground, and the other within ten handbreadths of the top of the wall. Rav Hisda said: And this applies only where he positioned the projections not directly one above the other, so that it is possible to use a ladder to climb from one projection to the other.

Rav Huna said: If a pillar in the public domain is ten handbreadths high and four handbreadths wide, so that it is considered a private domain, and one drove a stake of any size into the top of it, he has diminished its area. The usable area is now less than four handbreadths, and therefore the pillar is no longer considered a private domain.

Rav Adda bar Ahava said: This applies only if the stake is at least three handbreadths high. If it is less than three handbreadths high, it is considered part of the top of the pillar, based on the principle of lavad. This is in contrast to Abaye and Rava, who both say: Even if the stake is not three handbreadths high, the pillar is no longer considered a private domain.