A roof that is adjacent to a public domain — Meḥin

According to the Meḥin, there is no balcony in this case at all. Rather, the roof of the house is lower than the public domain by less than ten handbreadths, which is why it is available to the people in the public domain. See Tosafot, who cite a slightly different explanation.

Hats and shawls — Me’iri: In contrast to Rashi, some commentaries explain that this does not refer exclusively to hats and shawls. Rather, it means that even if the members of the public domain use it solely for hats and shawls and nothing else, they are still considered to be utilizing this area. Consequently, it can indeed be said that the roof is an adjunct of the public domain (Meḥin).

A cistern between two courtyards — Me’iri: The Gemara is describing a cistern located between the walls of two adjacent houses. The walls form a small street between the houses. Ledges protrude below each window in order to permit the drawing of water from the cistern, as indicated in the image below.

Even a reed — Me’iri: Various explanations have been offered for the pertinent difference between a ledge and a reed. Some commentaries say that a ledge is something large and noticeable, as opposed to a reed, which is extremely thin and barely visible (Rashi). Others state that a ledge indicates something solid and stable, whereas a reed is an easily moveable object (Ritva).
Yehuda’s statement was not intended to conflict with the ruling of Rav. Rather, Rabbi Yehuda merely explains and elucidates Shmuel’s opinion. Indeed, Shmuel himself spoke of a ledge of minimum size. The phrase of minimum size can indicate either the smallest possible ledge or a specific size that is not particularly large. Rabbi Yehuda therefore stated that Shmuel’s expression, of minimum size, does not necessarily refer to a ledge, and the ledge need not be of any defined size. Consequently, even a reed is sufficient. Shmuel’s opinion is not clarified by his statement concerning the use of the ruin to permit the use of the roof in order to permit the use of the roof to the residents of the courtyard, it might be inferred from here that the people in the public domain render it prohibited to use the roof because they can use it through the air, by throwing. However, this proof is inconclusive. Perhaps, this halakha can be understood in accordance with the opinion of Rav Pappa: Here we are dealing with a roof upon which people in the public domain place their hats and shawls when in need of rest. That would mean that this halakha does not involve use of the airspace at all.

Does not render it prohibited by way of the air – In the case of a cistern between two courtyards, even if it is four handbreadths away from the wall of each courtyard, the residents of both courtyards may draw water from it, despite the lack of a ledge. In addition, they do not render it prohibited for each other to use the cistern (Rambam), provided that they draw the water by way of the windows (Rema, based on Rashi and the Maggid Mishne). Some authorities maintain that if the cistern is within four handbreadths of the courtyards, the residents of both courtyards are prohibited from drawing its water (Rashi; Shulhan Arukh, Orah Hayyim 376:2).

Two houses with three ruins – With regard to two houses separated by three ruins, the residents of each house are permitted to use the ruin adjacent to their house by throwing objects into it through their windows (Rashi), and the middle ruin is permitted to both of them (Shulhan Arukh, Orah Hayyim 376:3).

The Gemara asks: And from where is it ascertained that this is the opinion of Shmuel? If you say we learn it from that teaching which Rav Naḥman said that Shmuel said: With regard to a low roof adjacent to a public domain, there must be a fixed ladder from the court to the roof in order to permit the use of the roof to the residents of the courtyard, it might be inferred from here that the people in the public domain render it prohibited to use the roof because they can use it through the air, by throwing. However, this proof is inconclusive. Perhaps, this halakha can be understood in accordance with the opinion of Rav Pappa: Here we are dealing with a roof upon which people in the public domain place their hats and shawls when in need of rest. That would mean that this halakha does not involve use of the airspace at all.

Rather, Shmuel’s opinion is learned from this statement: ‘This one, the resident of one courtyard, may extend a ledge of minimal size and draw water from the cistern through his window; and the resident of the other courtyard may also extend a ledge of minimal size and draw water through his window. The reason for this halakha is that one extended a ledge, but if he did not extend a ledge, we say that one person renders it prohibited for another person by way of the air. One resident would be prohibited to draw water from the cistern due to the other resident, who has equal access to the water in the cistern by way of the air.

The Gemara asks: And from where is the opinion of Rav learned, that one person does not render it prohibited for another by way of the air? If you say it is derived from that which was taught in a mishna: “If two balconies extend over a body of water, one above the other, and the residents erected a partition for the upper balcony but they did not erect a partition for the lower one, residents of both balconies are prohibited to draw water, unless they established an eiruv together.” The Gemara continues. And Rav Huna said that Rav said: They taught that the residents of one balcony render it prohibited for the residents of the other balcony to draw water only when one balcony is near the other, i.e., horizontally within four handbreadths. But if each balcony is four handbreadths removed from the other, so that each can use the other only by means of the air, the upper balcony is permitted to draw water, while the lower one is prohibited to do so. This teaching indicates that one person does not render it prohibited for use by another by way of the air.

However, this proof is inconclusive, as perhaps it is different here, since for the residents of this lower balcony, their use of the area is relatively inconvenient, as they can use it only by way of hoisting and lowering. The residents of the lower balcony must hoist the bucket from the lower balcony to the upper one before lowering it from there to draw water; whereas for the residents of the other one, i.e., the upper balcony, use of the water is convenient, as they can utilize it by way of lowering alone. Consequently, this case is similar to that of an area that can be used by the residents of one courtyard only by throwing and by the residents of another courtyard as an entrance. Since it is easier for the upper balcony to draw water, the lower balcony does not render it prohibited for the upper balcony in this particular case.

Rather, we can learn that this is the opinion of Rav from that teaching, which Rav Naḥman said that Rabbah bar Avuḥ said that Rav said: If there are two houses with three ruins between them, the resident of this house may use the ruin adjacent to him by means of throwing into the ruin through his windows that open out to that ruin, and the resident of the other house may use the ruin adjacent to him by means of throwing through his windows,
and the middle ruin is prohibited to both of them.

Rav Beruna sat and stated this halakha in the name of Rav. Rabbi Elazar, a student of the Torah academy, said to him: Did Rav actually say this? Rav Beruna said to him: Yes, he did. He said to him: Show me his place of lodging, and I will go and ask him myself.

He showed him where Rav lived. Rabbi Elazar came before Rav and said to him: Did the Master actually say this? He said to him: Yes, I did.

Rav said to him: Do you think that we are dealing with a case of three ruins positioned alongside each other in a straight line? No. They are arranged in the form of a tripod, i.e. in a triangular form. In other words, two of the ruins, each adjacent to one of the houses, are located next to each other; the third is positioned adjacent to one side of the other two, near both houses. The middle ruin is prohibited to the residents of both houses because both houses have equally inconvenient but direct access to it. However, each of the other ruins is permitted to the resident of the adjacent house, as he has direct access to it, while the resident of the other house can reach it only through the air of the ruin nearest to him, and Rav maintains that one person does not render it prohibited for use by another way of the air.

Rav Pappa said to Rava: Let us say that Shmuel, who maintains that one renders it prohibited for another by way of the air, does not agree with the opinion of Rav Dimi. When Rav Dimi came from Eretz Yisrael to Babylonia, he said that Rabbi Yoĥanan said: A place less than four by four handbreadths in size is an exempt domain with respect to carrying on Shabbat. Consequently, if this place is located between a public domain and a private domain, it is permitted for both the people in the public domain and the people in the private domain to adjust the burden on their shoulders in it, as long as they do not exchange objects with each other by way of the exempt domain. According to Shmuel’s opinion this should be prohibited due to the air of a different domain.

Rava replied: There, Rabbi Yoĥanan is dealing with an exempt domain situated between a public domain and a private domain, the two existing domains by Torah law. In that case, the Sages did not prohibit the use of the place due to the air. By contrast, here, with regard to the air between private domains, we are dealing with domains between which carrying is prohibited by rabbinic law, and the Sages reinforced their statements even more than those of the Torah, they added preventive measures in order to safeguard their decrees. Consequently, according to Shmuel, the Sages indeed decreed that one renders it prohibited for another by way of the air.

This is problematic, as Rav himself stated, in reference to a wall between two courtyards, that the Sages reinforced their rulings more than those of the Torah. By saying so, he appears to contradict himself. The Rashba answers that Rav only prohibited two courtyards that actually use their shared wall, but not if airspace alone is involved.
Two houses on two sides of a public domain – רַדָּר בְּבֵית שַׁעַר. If two houses on opposite sides of a public domain belong to the same person, or if an eiruv was established between them, it is permitted to throw from one house to the other, provided that one throws above ten handbreadths from the ground and the two houses are equal in height. If they are not of the same height, it is prohibited. However, it is permitted to throw an earthenware vessel or any other breakable item. If the houses are on opposite sides of a karmelit, it is permitted to throw from one to the other under all circumstances (Shulhan Arukh, Orah Hayyim 353:3).

His eiruv in a gatehouse – רַדָּר בְּבֵית שַׁעַר. If anyone places his eiruv in a gatehouse, in a portico or on a balcony, it is not a valid eiruv, as an eiruv may be placed only in a house suitable for a residence (Shulhan Arukh, Orah Hayyim 356:3).

One who resides in a gatehouse – שַׁעַר דְּיָחִיד. One who resides in a gatehouse, portico, or balcony does not impose restrictions on other residents of the courtyard. However, if he lives in a cowshed, woodshed, hay shed, or storehouse, he does impose restrictions on the other residents of the courtyard (Shulhan Arukh, Orah Hayyim 370:1).

The appropriate locations for placement of a merging of the alleyway – עֵירוּב. A merging of the alleyway may be deposited even in places unsuitable for an eiruv, provided that the location is protected, however, it may not be deposited in the airspace of the alleyway (Shulhan Arukh, Orah Hayyim 386:1).

And people might come to pick it up – אֲמַר לִירּד לָאו מִי אוֹ יִמְאָא. Rav Yehuda said: If one deposited his eiruv in a hay shed or in a cowshed or in a woodshed or in a storehouse, this is a valid eiruv, and anyone who resides there, whether he placed his eiruv there or he who received it, is permitted to carry it, even if he did not contribute to the eiruv.

If, however, one deposited his eiruv in a hay shed or in a cowshed or in a woodshed or in a storehouse, this is a valid eiruv, as it is located in a properly guarded place. And anyone who resides there with permission, if he neglected to contribute to the eiruv, he renders it prohibited for the homeowner and the other residents of the courtyard to carry, even if he did not contribute to the eiruv.

Mishna – מִשְׁנָה. With regard to one who placed his eiruv in a courtyard in a gatehouse or in a portico, a roofed structure without walls or with incomplete walls, or one who deposited it in a balcony, this is not a valid eiruv. And anyone 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.

Rav Yehuda said: If the homeowner has there, in the hay shed or the other places listed above, a right of usage, i.e., if he is entitled to use all or part of the area for his own purposes, then anyone who resides there does not render it prohibited for the homeowner, as the area is considered the homeowner’s quarters, and the person living there is classified as a member of his household.

Gemara – גמָּה. Rav Yehuda, son of Rav Shmuel bar Sheliat, said: Any place with regard to which the Sages said that one who resides there does not render it prohibited for the other residents of the courtyard to carry, one who places his eiruv there, his eiruv is not a valid eiruv, except for a gatehouse that belongs to an individual. If a structure is used as a passageway by only one person, he does not render it prohibited for the other residents of the courtyard, and an eiruv placed there is a valid eiruv. And any place with regard to which the Sages said that a joining of courtyards may not be placed there, a merging of alleyways may be placed there, except for the airspace of an alleyway, which is not inside one of the courtyards.

The Gemara asks: What is he teaching us by this? We have already learned this in the mishna: With regard to one who placed his eiruv in a courtyard in a portico or in a balcony, it is not a valid eiruv. It can be inferred from the mishna that an eiruv is not, a merging of the alleyway, it is. What, then, is novel in this statement?

The Gemara answers: It was necessary for him to teach the halakha of a gatehouse that belongs to an individual and the halakha of the airspace of an alleyway, which we did not learn in the mishna. This was also taught in a baraita: One who placed his eiruv in a gatehouse, or in a portico, or in a balcony, or in a courtyard, or in an alleyway, this is a valid eiruv. But didn’t we learn in the mishna that this is not an eiruv? Rather, you must say that the baraita should read: This is a valid merging of the alleyway.
The Gemara raises a difficulty: But if one places the food of the merging of the alleyway in the alleyway itself, it is not properly guarded, which means that it is as though he has not placed the merging of the alleyway there at all. Rather, you must say that the baraita should read: If he placed his merging of the alleyway in a courtyard in the alleyway, it is valid.

Rav Yehuda said that Shmuel said: If there were a group of people who were dining together on Shabbat eve, and the day became sanctified for them, i.e., Shabbat began while they were eating, they may rely upon the bread on the table for an eiruv of courtyards, so that they are all permitted to carry in the courtyard. And some say they may rely on the bread for a merging of the alleyway.

Rabba said: The two versions do not disagree with regard to whether the bread counts as an eiruv or a merging of the alleyway. Rather, here, the teaching that states it can be used as an eiruv, is referring to a case where they are dining in the house, as food deposited in a house can be used as an eiruv for the courtyard. By contrast, there it is referring to a situation where they are dining in the courtyard, and they may therefore rely on the bread only as a merging of the alleyway but not as an eiruv.

Abaye said to Rabba: A baraita was taught that supports you. Joinings of courtyards are deposited in a courtyard, and mergings of alleyways are placed in an alleyway. And we discussed this baraita and raised a difficulty: How can it be that eiruvin of courtyards are deposited in a courtyard? But didn’t we learn in the mishna: If one deposited his eiruv in a gatehouse, or in a portico, or in a balcony it is not a valid eiruv? The mishna clearly indicates that the eiruv may not be deposited in the airspace of a courtyard. Rather, you must say that the baraita should read as follows: Eiruvin of a courtyard are placed in a house in that courtyard; whereas mergings of alleyways are placed in a courtyard that opens into that alleyway.

We learned in the mishna that Rabbi Yehuda says: If the homeowner has there, in the hay shed or one of the other places listed, a right of usage, the person living there does not render the courtyard prohibited. The Gemara asks: What are the circumstances of a right of usage? The Gemara answers: For example, the courtyard of a man named Bonyas, an extremely wealthy individual who allowed various people to take up residence on his property, and he kept some of his many possessions in the living quarters assigned to those people. As he retained the right to remove his articles from their apartments, those areas continued to be regarded as quarters belonging to Bonyas and the people living there were deemed members of his household.

The Gemara relates another incident involving Bonyas and his wealth: The son of Bonyas came before Rabbi Yehuda HaNasi. Realizing from his visitor’s clothing that he was dealing with a wealthy individual, Rabbi Yehuda HaNasi said to his attendants: Make way for one who possesses one hundred maneh, i.e., one hundred times one hundred zuz, as one of this status deserves to be honored in accordance with his riches. Later, another person came before him, and Rabbi Yehuda HaNasi once again turned to his attendants and said to them: