They taught this halakha only with regard to a case where the residents of the two upper stories did not establish an eiruv together, but if they established a joint eiruv, they are all permitted to pour water into the courtyard.\(^{9}\)

The Gemara asks: And where they did not establish an eiruv,\(^{9}\) what is the reason that the residents who did not dig a pit may not pour water into the courtyard? Rav Ashi said: It is a decree, lest people come to take out vessels filled with water from their houses into the courtyard, to pour into the pit. In the absence of an eiruv, this practice is prohibited.

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**NOTES**

Two residents who did not establish an eiruv – סְתֵּי דְּיוֹדוֹת שֶׁלֹּא עֵירְבוּ: Why aren’t the residents of the house who established an eiruv also prohibited from pouring water? The others who failed to establish an eiruv should impose restrictions upon all the residents of the courtyard.

One answer is that this is a case of indirect pouring into the pit, by way of the upper story, and the Sages did not extend their decree to such a case (Rosh).

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**HALAKHA**

If they established an eiruv or if they did not establish an eiruv – עֵירְבוּ וְלֹּא עֵירְבוּ: With regard to the residents of two houses who live opposite one another, and whose houses face a single courtyard less than four cubits by four cubits in area, if they did not establish an eiruv, and only one of the houses dug a pit, the members of that household are permitted to pour into it, while the inhabitants of the other are prohibited from doing so. If they did establish an eiruv, they are all permitted to use the pit (Shulhan Arukh, Orah Hayyim 377:1).
**MISHNA**

All the roofs of the city are considered one domain. It is permitted to carry from one roof to another, even if the residents of the houses did not establish an eiruv between them. The Sages did not prohibit carrying between roofs, as it is rare to transfer an item from one roof to another. However, it is only permitted to transfer objects between roofs provided that one roof is neither ten handbreadths higher nor ten handbreadths lower than the adjacent roof. This is the statement of Rabbi Meir. And the Rabbis say: Each and every one of the roofs is a domain in and of itself. It is permitted to carry from one to the other only if the residents of both houses established an eiruv.

Rabbi Shimon says: Roofs, courtyards, and enclosures are all one domain with regard to vessels that were inside them when Shabbat began, and one may therefore carry from one of these areas to another. However, they are not one domain with regard to vessels that were inside the house when Shabbat began and were later taken into one of the above domains. A vessel that was inside the house when Shabbat began and subsequently carried to one of these areas may be carried from one roof, courtyard, or enclosure to another only if an eiruv had been established between the domains.

**GEMARA**

Abaye bar Avin and Rabbi Hanina bar Avin were sitting, and Abaye was sitting beside them, and they sat and said: Granted, the Rabbis maintain: Just as residents are divided into separate domains below, and they may not carry from house to house without an eiruv, so are residents divided into separate domains above, on the rooftops, and it is prohibited to carry from one roof to another without an eiruv.

However, Rabbi Meir, what does he maintain; what is the rationale for his opinion? If he maintains that just as residents are divided into separate domains below, they may not carry from house to house without an eiruv, so are residents divided into separate domains above, why, in his opinion, are they considered one domain? And if he maintains that they are not divided into separate domains, as any place above ten handbreadths off the ground is considered one domain, even if a roof is ten handbreadths higher or ten handbreadths lower than the adjacent roof, it should likewise be permitted to carry from one roof to the other.

Abaye said to them: Have you not heard that which Rav Yitzḥak bar Avdini said that Rabbi Meir would say: Any place that you find two domains, i.e., places set apart from each other by disparity in height or by boundaries, and yet they are halakhically one domain, for example, a pillar ten handbreadths high and four handbreadths wide situated in a private domain, it is prohibited to adjust a burden on one’s shoulders upon it, by rabbinic decree, due to the concern lest he come to do the same thing on a mound in the public domain. The legal status of a mound ten handbreadths high and four handbreadths wide located in a public domain is that of a private domain. In that case, it is prohibited by Torah law to transfer an object from the public domain to the mound. Here too, in the case of roofs, Rabbi Meir prohibited transferring objects between roofs with a height disparity of ten handbreadths, by rabbinic decree, due to the concern lest one come to transfer an object from the public domain to a mound in a public domain.

Abaye and Hanina bar Avin understood by inference from this ruling that in the opinion of Rabbi Meir, it would be prohibited to adjust one’s burden even on a mortar and even on a vat that were overturned in a private domain and that are large enough to constitute private domains in their own right.

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**NOTES**

1. "The roofs of the city - רָכִי ַמִי" According to Rabbi Meir, all roofs that are roughly equal in height are considered one domain, excluding one that is ten handbreadths higher or lower than the others.

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**BACKGROUND**

A courtyard and an enclosure - רַבִּי מֵאִיר מַאי. Rashi distinguishes between a courtyard and an enclosure in terms of ownership; a courtyard is typically shared by many houses, while an enclosure is owned by a single individual. This explanation has been questioned by other commentators. Rashi adds that a courtyard is subject to frequent use, and people regularly carry objects in it, whereas an enclosure is designed for specific purposes, e.g., as a garden, and it is rarely an area where objects are carried from one place to another (see Mahanah and others).

Two domains and one domain - רַבִּי שִׁמְעוֹן אוֹמֵר: Just as residents are divided into separate domains, between rooftops, courtyards, and enclosures, the concern lest one come to do the same thing on another domain, just as residents are divided, why, in his opinion, are they considered one domain? Two domains and one domain - רַבִּי מֵאִיר מַאי. The commentaries explain that Rabbi Meir issued this decree only with regard to a private domain such as a courtyard, but not a roofed private domain, as it has nothing in common with a public domain. Other authorities maintain, contrary to Rashi’s opinion, that Rabbi Meir’s decree applies only if the two private domains belong to different people who did not establish an eiruv, as the prohibition against carrying from one domain to another is similar to that of carrying into the public domain. However, Rabbi Meir did not extend his decree to two private domains that belong to the same individual (Ritva).

**HALAKHA**

With regard to rooftops, courtyards, and enclosures owned by several different people who each established his own eiruv but did not establish an eiruv together, it is nonetheless permitted to carry from one to another any utensils that were located in one of them when Shabbat began. However, those utensils that were inside the house when Shabbat commenced may only be carried into a courtyard whose inhabitants established an eiruv together, in accordance with the opinion of Rabbi Shimon (Shulḥan Arukh, Orah Hayyim 372:1).
Two domains and one domain –

A courtyard and an enclosure –

single individual. This explanation has been questioned by others that belong to the same individual (Ritva).

Rabbi Meir’s decree pertains to a private domain such as a courtyard, not a roofed private domain, as it has nothing in common with a public domain. Other authorities maintain, contrary to Rashi’s opinion, that Rabbi Meir’s decree did not extend to two private domains set apart from each other.

Because a courtyard is subject to frequent use, and people regularly carry objects in it, whereas an enclosure is designed for a single individual, it is typically shared by many houses, while an enclosure is owned by a single individual. Consequently, all courtyards are considered a single domain in this regard, even if they belong to different people. The same applies to all roofs and enclosures. It is not permitted, however, to carry from one private domain to another.

When, is it not that it is permitted to move objects from one courtyard to another via a dividing wall, even though it is ten handbreadths high? This poses a difficulty to the opinion of Rabbi Meir, who prohibits the transfer of an object from one place to a place ten handbreadths higher or lower.

Rav Huna bar Yehuda said that Rav Sheshet said: No, that explanation is incorrect, as Rav Yehuda meant to say that according to Rabbi Meir it is permitted to carry in and carry out between one courtyard and another, or from one enclosure to another, via the openings between them. However, Rabbi Meir concedes that one may not transfer objects over the wall that separates the two domains, as the wall is considered a domain in and of itself.

We learned in the mishna: And the Rabbis say that each and every one of the roofs is a domain in and of itself. It was stated that amora’im disagreed about the following issue. Rav said: According to the Rabbis, one may move objects on each roof only within four cubits. As, according to the Rabbis, the legal status of roofs is like that of courtyards, in that it is prohibited to carry from one roof to another, and each roof is fully open to a domain into which carrying is prohibited. Therefore, it is also prohibited to carry objects farther than four cubits on each roof. And Shmuel said: It is permitted to move objects throughout each entire roof.

The Gemara comments: With regard to partitions that are conspicuous, i.e., detached houses whose walls are distinct, everyone agrees that it is permitted to carry throughout each roof. Where they disagree is with regard to partitions that are not conspicuous, i.e., attached houses, which appear as though they share a common roof although they are owned by different people.

Rav said: One may carry on each roof only within four cubits. Rav does not state the principle: Extend and raise the partitions between the houses below, which states that the walls of the houses are considered to extend upward and create partitions between the roofs. And Shmuel said: It is permitted to carry throughout each entire roof, as he states the principle: Extend and raise the partitions.

The Gemara asks a question based on which we learned in the mishna: And the Rabbis say that each and every one of the roofs is a domain in and of itself. This indicates that each roof constitutes a discrete domain, and one may carry throughout this entire domain. Granted according to the opinion of Shmuel, this works out well, but according to the opinion of Rav, it is difficult.
The Gemara answers that the Sages of the school of Rav said in the name of Rav: The ruling in the mishna is not a leniency permitting one to carry throughout the entire roof; rather, it is a stringency, ruling that one may not move an object two cubits on this roof and two cubits on that roof. The tanna rules that even the allowance to carry within four cubits is restricted to a single roof.

The Gemara raises a difficulty. But didn’t Rabbi Elazar say: When we were in Babylonia we would say that the Sages of the school of Rav said in the name of Rav: One may move an object on each roof only within four cubits, and those Sages of the school of Shmuel taught a baraita in accordance with their opinion: ‘They have only their own roof.

The Gemara seeks to clarify this baraita. What is the meaning of the statement: ‘They have only their own roof?’ Is it not that they are permitted to move an object throughout each entire roof? This baraita poses a difficulty to Rav. The Gemara rejects this contention: And is this baraita any stronger a proof than our mishna, which we established as a stringency, that one may not move an object two cubits on this roof and two cubits on that roof? So too, this baraita is teaching that one may not carry two cubits on this roof and two cubits on that roof.

Rav Yosef said, after an illness had caused him to forget his knowledge: I have not heard this baraita of Shmuel’s with regard to roofs. His student Abaye said to him: You yourself said it to us, and it was about this that you said it to us: With regard to a large roof that is adjacent to a small one, carrying on the large one is permitted, as its partitions are distinct where it extends beyond the small one, and carrying on the small one is prohibited, as it is breached along its entire length into the other roof, onto which it is prohibited to carry. So too, this baraita is teaching that one may not carry two cubits on this roof and two cubits on that roof.

And you said to us about it: Rav Yehuda said that Shmuel said: They only taught this halakha in a case where there are residents on this roof and residents on that roof, as the extended, virtual partition of the small roof is considered a trampled partition. The residents trample this virtual partition as they move from one roof to the other, and the entire length of the small roof is considered breached into the large one.

However, if there are no residents on this roof and none on that one, carrying on both roofs is permitted. Presumably, Shmuel’s reasoning is that in this case the walls of the houses below extend upward and form partitions between the roofs, in accordance with the principle: Extend and raise the partitions.

Rav Yosef said to him: I remember it now. I said to you as follows: They taught this halakha, that carrying is prohibited on the small roof, only with regard to a case where there was an actual partition on all sides of this roof and an actual partition on all sides of that roof, not only between the two roofs. In that case, carrying on the large roof is permitted by means of the remnants of the partition on either side of the opening, and carrying on the small roof is prohibited because it is fully breached into the larger one. However, if there is no partition, neither on all sides of this roof nor on all sides of that roof, carrying on both of them is prohibited.

Abaye raised a difficulty: But didn’t you speak to us of residents? Rav Yosef replied: If I spoke to you of residents, this is what I said to you: They taught this halakha, that carrying is prohibited on the small roof, only in a case where there is an actual partition that renders the area fit for residence on all sides of this roof; and an actual partition that renders the area fit for residence on all sides of that roof, as carrying on the large roof is permitted by means of the remnants of the partition on either side of the opening, and carrying on the small roof is prohibited because it is fully breached into the larger one.
**BACKGROUND**

If he built an upper story and a partition – The illustration is of an upper story constructed above one of the houses, with a partition ([dakka]) in front of it. This upper story and partition establish the person's dwelling upon the roof, as a result of which it is permitted to carry on the adjacent roofs as well.

**NOTES**

A small partition ([dakka]) that permits and prohibits – The commentaries dispute the meaning of the word [dakka]. Rashi maintains that it connotes an entrance, while Rabbeinu Hananel explains that it is a shelf. Tosafot and other commentaries explain that it means a partition. In addition, the commentaries dispute the correct version of the text. Some authorities adopt Rabbeinu Hananel's reading and explain that if one erects a partition that separates his roof from the others, those other roofs may be used by their owners, as he no longer imposes restrictions upon them. However, if it is possible that he built this partition to provide himself with a vantage point from which he could survey his garden, there is no longer any proof that he completely isolated himself from all the other roofs. Therefore, the existence of the partition does not render it permitted for them to carry there because of him (Meir; Ritva).

**LANGUAGE**

Garden ([tarbitza]) – Some linguists claim that the word is Persian in origin, but it is more likely of Semitic origin, in the form of the Akkadian word tarbutu.

A karmelit and a private domain – Tosafot explain this. The adjacent pillar is the karmelit, while the roof of the house is the private domain, which is the opposite of Rashi's understanding. Rabbeinu Hananel explains it this way as well.

**BACKGROUND**

A house and a portico – The image displays the differences between a house and a portico and the ease of transferring objects from the roof of the portico to the roof of the house.

**NOTES**

Abaye said: If a person built an upper story atop his house, by surrounding the roof with walls, and erected before its entrance a small partition ([dakka]) four cubits high that opens to other roofs, it is permitted for him to carry on all the roofs. His construction of the partition is indicative of his plans to utilize the other roofs, while the failure of the other owners to do so indicates that they conceded use of their roofs to him.4

Rava said: Sometimes the small partition leads to prohibition.5 What are the circumstances of this case? It is a case where the partition was erected facing toward the garden of his house and the sides facing the other roofs were sealed. The reason is that through his actions he said that he built the upper story to protect the garden ([tarbitza]), not to access the roofs.

The Gemara explains that this was not in fact the dilemma, and Rami bar Ḥama, due to his keen mind, did not analyze the dilemma carefully and was imprecise in its formulation. Rather, this is the dilemma he is raising: If one carries an object two cubits on a roof and another two cubits on a pillar ten handbreadths high and four handbreadths wide adjacent to the roof, what is the halakha? Rabba said: With regard to what matter is he raising a dilemma? Is it with regard to a karmelit and a private domain5 that he is raising a dilemma? The roof is a karmelit and the pillar is a private domain; certainly carrying from one to the other is prohibited.

The Gemara elaborates on Rami bar Ḥama's dilemma: Do we say that since neither this roof is fit for residence, nor is this portico roof fit for residence, it is regarded as one domain, and therefore carrying between them is permitted? Or perhaps since carrying from a roof to another roof is prohibited, carrying from a roof to a portico is likewise prohibited, as the latter is also a domain in and of itself.