The Gemara did not cite the fact that the Jerusalem Talmud, similar to the resolution that appears in our Gemara, rules that it is permitted to carry only four cubits on any roof, the fact that despite the fact that it is a shelf, and therefore he was an amora who completely isolated himself from all the other roofs. Therefore, the Gemara chose to carry on the adjacent roofs as well. Moreover, the Gemara states 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 he is able to build this partition to provide himself with a vantage point from which he could survey his garden, there is no longer any proof that he is carrying from one to the other. On the other hand, if his house and the sides facing the other roofs were sealed. The failure of the other owners to erect a ladder indicates that they relinquished the right to their roofs to the one who affixed the permanent ladder.

However, if there is a partition that renders the area fit for a residence on all sides of the large roof, but there is no partition that renders the area fit for a residence on the small roof, carrying even on the small roof is permitted for the residents of the large roof. What is the reason for this? Since the residents of the small roof did not erect a partition around their roof, they thereby removed themselves from here and transferred the right to their domain to the residents of the large roof.

Abaye: 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. The failure of the other owners to erect a ladder indicates that they relinquished the right to their roofs to the one who affixed the permanent ladder.

Rava: Sometimes the small partition leads to prohibition. 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 Hama, 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: With regard to what matter is he raising a dilemma? Is it with regard to a karmelit and a private domain or is he raising a dilemma? The halakha is fit for residence, nor is this partition roof fit for residence, nor is it portico roof fit for residence, nor is it portico roof fit for residence, nor is it portico roof fit for residence, nor is it portico roof fit for residence, nor is it portico roof fit for residence, nor is it portico roof fit for residence, nor is it portico roof fit for residence, nor is it portico roof fit for residence, nor is it portico roof fit for residence, nor is it portico roof fit for residence, nor is it portico roof fit for residence, nor is it portico roof fit for residence, nor is it portico roof fit for residence, nor is it portico roof fit for residence, nor is it portico roof fit for residence, nor is it portico roof fit for residence, nor is it portico roof fit for residence, nor is it portico roof fit for residence, nor is it portico roof fit for residence, nor is it portico roof fit.
Rav Beivai bar Abaye raised a similar dilemma: If one carries two cubits on the roof of a house and another two cubits on the roof of a ruin belonging to someone else, one side of which was completely open to a public domain, what is the halakha?

Rav Kahana said: Is that not precisely the same dilemma raised by Rami bar Hama with regard to a portico? Rav Beivai bar Abaye said: And did I come late [me’aher] merely to quarrel, and meddle in other people’s questions? That is not the case, as the two dilemmas are not identical. A portico is not fit for residence, while a ruin is fit for residence. Therefore, the halakha might differ in each case.

The Gemara is surprised by this explanation: And now that it is fit for residence, what dilemma is he raising? The situation is comparable to the case of two standard roofs. The Gemara answers: Rav Beivai was unaware of the resolution to the dilemma raised by Rami bar Hama, and therefore, he states the dilemma employing the style: If you say. If you say that a portico is not fit for residence, and therefore carrying is permitted, it can be argued that as a ruin is fit for residence, the legal status of its roof should be like that of a standard roof. Or perhaps that is not the case, as now in any event there are no residents in the ruin, and therefore its roof is not comparable to a standard roof. No resolution was found for these dilemmas, and they stand unresolved.

The Gemara discusses a different question. With regard to roofs that are level, i.e., with a height disparity of less than ten handbreadths, according to the opinion of Rabbi Meir, or an isolated roof that does not border other roofs, according to the opinion of the Rabbis, Rav said: It is permitted to move an object throughout the entire roof; and Shmuel said: One may move an object in it only within four cubits.

The Gemara seeks to clarify the conflicting opinions. Rav said that it is permitted to move objects throughout the entire roof. This is difficult, as there is an apparent contradiction between one statement of Rav and another statement of Rav. With regard to level roofs, Rav said that according to the Rabbis one may carry on each roof only within four cubits. The Gemara answers: There, in the case of a roof among roofs, the inner partitions between the houses are not conspicuous, and therefore, are not taken into consideration. Here, however, the outer partitions of a single house or group of houses are conspicuous, meaning that they are considered to extend upward and delineate the edge of the roof.

The Gemara returns to discuss Shmuel’s ruling. And Shmuel said: One may carry only within four cubits. Once again, it is difficult, as there is an apparent contradiction between one statement of Shmuel and another statement of Shmuel, who said that in the case of level roofs, according to the Rabbis one may carry throughout each separate roof. The Gemara answers: There, the area of the roof is no greater than two beit se’i’a; whereas here, the area is greater than two beit se’i’a. And these partitions of the house were erected for use below as partitions for the residence itself; they were not erected to serve as partitions for use on the roof above. Consequently, even if the walls are viewed as extending upward so that they constitute surrounding partitions for the roof, the legal status of the roof is like that of an enclosure greater than two beit se’i’a that was not enclosed from the outset for the purpose of residence; and the principle is that with regard to any enclosure greater than two beit se’i’a that was not enclosed from the outset for the purpose of residence, one may move an object in it only within four cubits.6

It was further stated that these same amora’im disagreed with regard to a large ship. Rav said: It is permitted to move an object throughout the entire ship, as it is all one domain; and Shmuel said: One may move an object in it only within four cubits. The Gemara proceeds to clarify their respective opinions. Rav said: It is permitted to move an object throughout the boat,
The partitions are erected to keep water out; apparently, Shmuel’s rationale is not that the sides of a boat are designed solely in order to keep water out, and that consequently they cannot serve as a residence. Instead, Shmuel maintains that their primary function is to support the ship, while their use for a residence is a secondary one. However, some commentators explain that Rabbi Zera prohibits carrying in the entire boat, even if the boat is smaller than two beit se’a. This ruling is also in accordance with Shmuel’s opinion that the partitions are not used for a residence at all (Gen. 49:14).

Is the halakha in accordance with your opinion? According to the Sages frequently disagreed with each other, and each held firm to his own principles, occasionally one Sage would rule in favor of the Sage with whom he disagreed if he concluded that the other’s reasoning was more convincing. In some cases, the Sage would completely retract his opinion. In other cases, despite the fact that he still considered his own opinion the correct one, he deemed the rationale behind the opposing opinion more compelling.

Portico: According to Rashi, the portico mentioned here is open on all sides, as it consists merely of four posts and a roof. Tosafot, in contrast, maintain that this portico, like all others mentioned by the Sages, is closed on three sides and entirely open on the fourth side.

Lest the area of the roof diminish – לָא חָסֵד דָּא. The Mekhilta explains that the height of the roof might decrease to the point that it is no longer a private domain, for example if dirt piled up around the outside of the house within ten handbreadths of the roof. This explains why this difference is not immediately visible, as those living in the house might not notice the change. Conversely, the decreased partitions of an enclosure are visible to all. See Tosafot, who suggest a very different explanation.

HALAKHA:

Moving objects on a boat: It is permitted to carry on a boat, even if it is more than two beit se’a, as it is considered to be enclosed for the purpose of residence. The halakha is in accordance with the opinion of Rav, as even Shmuel agrees with him in this case (Shuṭhan Arukh, Orah Hayim 162:4).

An overturned ship: If a boat is overturned, enabling one to live beneath it, it is permitted to carry on the underside of the boat, which then serves as the roof of this house, as in a private domain. However, if it is overturned to be tarred, and its area is greater than two beit se’a, one may carry only four cubits beneath it (Rashi; Shuṭhan Arukh, Orah Hayim 162:4).

A portico in a field: It is permitted to carry in a portico with three walls and a roof that is located in a field, based on application of the principle: The edge of the roof descends to the ground and seals the portico on all sides, rendering it a private domain. And Shmuel said: One may move an object in it only within four cubits.

The Gemara elaborates: Rav said: It is permitted to move an object throughout the entire portico, as we say: The edge of the roof descends to the ground and seals the portico on all sides, rendering it a private domain. And Shmuel said: One may move an object in it only within four cubits, as we do not say: The edge of the roof descends to the ground and seals the portico.

The Gemara asks: But according to Rav’s statement in accordance with the opinion of Rabbi Meir that one is permitted to carry from one roof to another if they are level, it should also be permitted to carry from a roof to a courtyard. Why then does Rabbi Meir rule that roofs and courtyards are separate domains and that carrying between them is prohibited? The Gemara answers: It is prohibited because Rabbi Meir issued a decree, due to the opinion of Rav Yitzḥak bar Avdimi. As stated previously, Rav Yitzḥak bar Avdimi rules that one may not transfer objects between two halakhically equivalent but physically distinct domains ten or more handbreadths high. This is a decree lest one standing in a public domain adjust a burden on a mound ten handbreadths high and four handbreadths wide, which is a private domain, an act prohibited by Torah law.

The Gemara continues: And according to Shmuel’s statement in accordance with the opinion of the Rabbis that the legal status of an isolated roof greater than two beit se’a is that of a karmelit, it should be permitted to move an object from an isolated roof to an enclosure within four cubits of the roof, as the legal status of the enclosure is also that of a karmelit. Why then do the Rabbis rule that roofs and enclosures are separate domains and carrying from one to the other is prohibited? Rava bar Ulla said: It is prohibited because the Rabbis issued a decree lest the area of the roof diminish to less than two beit se’a, in which case it would assume the status of a private domain, as it is prohibited to carry between a private domain and an enclosure.
The Gemara asks: If so, one should also not be permitted to move an object from one enclosure to another enclosure, due to the concern that perhaps the area of one of the enclosures will diminish and become a private domain, and he will come to move an object from one to the other as before. The Gemara answers: There, if the enclosure is diminished, the matter is conspicuous, as its walls are clearly visible. Here, however, if the roof is diminished, the matter is not conspicuous, as the roof does not have walls.

Rav Yehuda said: After careful analysis, you will find that you can say that according to the statement of Rabbi Meir, roofs are a domain in and of themselves, and one may carry from one roof to another; and likewise courtyards are considered a domain in and of themselves, and one may likewise carry from one courtyard to another.

Similarly, enclosures are a domain in and of themselves, and one is therefore permitted to carry from one enclosure to another. According to the statement of the Rabbis, roofs and courtyards constitute one domain, and therefore, one may carry even from a roof to a courtyard; however, enclosures are one discrete domain.

The Gemara comments: A baraita was taught in accordance with the opinion of Rav, and a baraita was taught in accordance with the opinion of Rav Yehuda. The Gemara elaborates. A baraita was taught in accordance with the opinion of Rav, that according to the Rabbis one may carry only four cubits on each roof. All the roofs of a city are one domain, and it is prohibited to carry objects up or carry them down, from the roofs to the courtyard or from the courtyard to the roofs. And with regard to vessels that were inside a courtyard when Shabbat began, it is permitted to carry them in the courtyard even if an erev was not established, and it is likewise permitted to carry them from that courtyard to other courtyards. With regard to vessels that were on the roofs when Shabbat began, it is permitted to carry them on the roofs, provided that one roof is neither ten handbreadths higher nor ten handbreadths lower than the other. 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, and one may move objects on each roof only within four cubits.

Likewise, a baraita was taught in accordance with Rav Yehuda’s interpretation of the opinion of Rabbi Shimon. Rabbi Yehuda HaNasi said: When we were studying Torah with Rabbi Shimon in Tekoa, we would carry oil for smearing and a towel for drying from roof to roof, and from roof to courtyard, and from courtyard to courtyard, and from courtyard to enclosure, and from enclosure to enclosure, to refrain from carrying in a prohibited place, until we reached the spring in which we would bathe.

And similarly, Rabbi Yehuda said: There was an incident during a time of danger, when decrees were issued that banned religious observance, and we would carry a Torah scroll from courtyard to roof, and from roof to courtyard, and from courtyard to enclosure, to read from it.

The Sages said to him: The halakha cannot be determined from that incident, as an incident occurring during a time of danger is no proof. At a time of danger it is permitted to carry even in places where carrying is ordinarily prohibited by rabbinic law.