This one may carry to the base of the former partition, and that one may likewise carry to the base of the partition, as he maintains that since it was permitted at the beginning of Shabbat, it remains permitted until the conclusion of Shabbat.

The Gemara asks: And this ruling of Rav was not stated explicitly; rather, it was stated by inference; i.e., it was inferred by his students from another one of his teachings. As once Rav and Shmuel were sitting in a certain courtyard on Shabbat, and the wall between the two courtyards fell. Shmuel said to the people around him: Take a cloak and suspend it on the remnant of the partition.

Rav turned his face away, displaying his displeasure with Shmuel’s opinion, as Rav maintained it was prohibited to carry a cloak in this courtyard. Shmuel said to them in a humorous vein: If Abba, Rav, is particular, take his belt and tie it to the cloak, to secure it to the partition.

The Gemara asks: And according to Shmuel, why was it necessary to suspend the cloak? He himself said: If a wall between two courtyards collapsed on Shabbat, this one may carry to the base of the former partition, and that one may likewise carry to the base of the partition.

The Gemara answers: Shmuel did not do so to render it permitted to carry in the courtyard. He did so merely for the purpose of privacy, as he did not want the residents of the other courtyard to see into his own courtyard.

The Gemara asks: And Rav, if he maintains that in this case carrying is prohibited, he should have said so to him explicitly. The Gemara answers: It was Shmuel’s place. Rav did not want to disagree with his colleague in his jurisdiction, as he accepted the opinion of the local authority.

The Gemara asks: If so, if he accepted the jurisdiction of the local rabbinic authority, why did he turn his face away? The Gemara answers: He acted in this manner so that people would not say that he holds in accordance with the opinion of Shmuel, and that he retracted his opinion with regard to this halakha.

**MISHNA**

With regard to a courtyard that was breached into the public domain, and the breach was more than ten cubits wide, so that it cannot be considered an entrance, one who carries an object from inside the courtyard into the private domain, or from the private domain into it, is liable, as it ceases to be a private domain and is subsumed into the public domain. This is the statement of Rabbi Eliezer.

And the Rabbis disagree and say: One who carries from inside the courtyard into the public domain, or from the public domain into it, is exempt, because its legal status is like that of a *karmelit*. Although it ceases to be a private domain, it does not become a full-fledged public domain.

A wall between courtyards that fell – אַתְרֵיר דִּשְׁמוּאֵל רֲוָר.

With regard to a wall between two courtyards that collapses after the residents of each courtyard established an independent eirus, if the wall collapses on Shabbat, it is permitted to carry throughout the courtyard up to where the wall once stood, as though it had not fallen. The halakha is in accordance with the opinion of Shmuel, who acted upon his own ruling. In addition, the halakha is in accordance with the principle that something permitted at the onset of Shabbat remains permitted throughout Shabbat (Shulhan Arukh, Orach Hayyim 314:2).

A courtyard that was breached into the public domain – נַחֲתַו דְּלָא ֵיוֹנֶה לְאִירּ. אֲמַר לְרוּ שְׁמוּאֵל דְּלָא ֵימוּר כִּשְׁמוּאֵל סְבִירָא לֵירּ, (וַרֲדַר אִי ָ׳ֵיד אַבָּא – שְׁ וֹלוּ (רֵים) וּ ְטוּר, מִ׳ ֵי מְטַלְטֵל עַד עִי ַַר מְחִיצָּר, וְזֶרו מְטַלְטֵל אִי ָ׳ֵיד אַרַדְרִי ְרוּ לְאַ׳ֵּירּ? אַרַדְרִי ְרוּ רַב לְאַ׳ֵּירּ. אֲמַר לְרוּ שְׁמוּאֵל דְּלָא ֵיוֹנֶה לְאִירּ, (וַרֲדַר אִי ָ׳ֵיד אַבָּא – שְׁ וֹלוּ (רֵים) וּ ְטוּר, מִ׳ ֵי מְטַלְטֵל עַד עִי ַַר מְחִיצָּר, וְזֶרו מְטַלְטֵל אִי ָ׳ֵיד אַרַדְרִי ְרוּ לְאַ׳ֵּירּ.

Rav turned his face away – רַב מְטַלְטֵל עַד עִי ַַר מְחִיצָּר, וְזֶרו מְטַלְטֵל אִי ָ׳ֵיד אַרַדְרִי ְרוּ לְאַ׳ֵּירּ. אֲמַר לְרוּ שְׁמוּאֵל דְּלָא ֵיוֹנֶה לְאִירּ, (וַרֲדַר אִי ָ׳ֵיד אַבָּא – שְׁ וֹלוּ (רֵים) וּ ְטוּר, מִ׳ ֵי מְטַלְטֵל עַד עִי ַַר מְחִיצָּר, וְזֶרו מְטַלְטֵל אִי ָ׳ֵיד אַרַדְרִי ְרוּ לְאַ׳ֵּירּ.

According to Rav, this case involves two prohibitions, and he maintains that placing the cloak in place of a fallen partition creates a full-fledged partition (Tosafot). Consequently, one who erects a partition of this kind on Shabbat performs the prohibited labor of building. Shmuel, in contrast, maintains that its legal status is not that of a partition, and therefore its construction does not violate the prohibition against building (Rabbeinu Yehonatan; Tosafot).

Take his belt – מִקָּה לְאִירּ: This comment was certainly spoken in jest. Some commentaries explain that Shmuel is pointing out that if Rav feels that a partition consisting of a cloak is not sturdy enough, he should use his belt to tighten it.

Shmuel’s place – שְׁמוּאֵל הַמְּטַלְטֵל: Although it is improper to defer to a Torah authority in a case involving a Torah prohibition, since this incident involves a rabbinic prohibition, one may remain silent in deference to the local Torah scholar (Meiri). Furthermore, as no definitive halakhic ruling was reached, it is not considered a mistake contrary to an explicit teaching of a mishna. Therefore, there is no reason to rule against the local scholar (Ritva).

A courtyard that was breached into the public domain – רַב מְטַלְטֵל עַד עִי ַַר מְחִיצָּר, וְזֶרו מְטַלְטֵל אִי ָ׳ֵיד אַרַדְרִי ְרוּ לְאַ׳ֵּירּ. אֲמַר לְרוּ שְׁמוּאֵל דְּלָא ֵיוֹנֶה לְאִירּ, (וַרֲדַר אִי ָ׳ֵיד אַבָּא – שְׁ וֹלוּ (רֵים) וּ ְטוּר, מִ׳ ֵי מְטַלְטֵל עַד עִי ַַר מְחִיצָּר, וְזֶרו מְטַלְטֵל אִי ָ׳ֵיד אַרַדְרִי ְרוּ לְאַ׳ֵּירּ.

From inside the courtyard into the public domain – יַגְדִּיל הַמְּטַלְטֵל: The difference in phrasing between Rabbi Eliezer and the Rabbis, where Rabbi Eliezer speaks about carrying out into or from a private domain, while the Rabbis refer to carrying out into or from a public domain, is deliberate and serves as a point of emphasis. Rabbi Eliezer is underscoring the point that the status of this courtyard is not that of a private domain at all, and therefore one who carries an object into it is liable. In contrast, had the Rabbis merely exempted one who carries an article from a private domain, this would have created the impression that they consider the courtyard a private domain, and consequently their ruling was stringent as a precaution. To avoid this erroneous conclusion, they emphasize that the courtyard is a full-fledged karmelit, even when this entails a leniency (Tosafot; Ritva).
GEMARA The Gemara asks: And according to Rabbi Eliezer, due to the fact that the courtyard was breached into the public domain, does it become the public domain? The Gemara answers: Yes, as in this regard the opinion of Rabbi Eliezer conforms to his standard line of reasoning.

As it was taught in a baraita that Rabbi Yehuda said in the name of Rabbi Eliezer: In a situation where the multitudes selected a path for themselves in a field, or between fields, the path that they selected, they selected, and they retain the right to traverse this path even if the place belongs to an individual. Here too, as the partition of the courtyard was breached to the extent that the public can enter, its status is that of a public domain.

The Gemara expresses surprise at this opinion: Is that so? But didn’t Rav Giddel say that Rav said: And this applies only if they had misplaced a path. Generally speaking, the public does not have the right to establish a path wherever it chooses. The baraita is referring to a case where a public path used to run through that field, but it fell into disuse, and no one remembers its precise course. In this case the public may once again select a path through the field.

And if you say: Here too, the mishna is dealing with a case where the public misplaced a path in that courtyard. They do not remember the exact position of the partition that once separated the courtyard and the public domain. The public claims that the residents of the courtyard appropriated that part of their domain. It is only this area that Rabbi Eliezer says is considered a public domain. The Gemara asks: But didn’t Rabbi Hanina say: The dispute between Rabbi Eliezer and the Rabbis is with regard to the entire courtyard to [ad] the place of the fallen partition, not only the small section that might have been a public path.

The Gemara rejects this argument: Say that Rabbi Hanina stated that Rabbi Eliezer and the Rabbis disagree over [al] the place of the partition, i.e., the dispute does not concern the entire courtyard, but only the former location of the partition, where a public path might once have passed.

And if you wish, say instead that the mishna is dealing with a case where the location of the original partition is known, and the tanna’im disagree with regard to the legal status of the sides of a public domain. As Rabbi Eliezer maintains that the sides of a public domain are considered like a public domain, i.e., the areas adjacent to the public domain are subsumed into the public domain. The same applies to the place of the partition that once separated the courtyard and the public domain but was breached. And the Rabbis maintain that the sides of a public domain are not considered like a public domain.

The Gemara asks: If so, let them disagree with regard to the sides of a public domain in general; why did they disagree about this particular case? The Gemara answers: Had they disagreed with regard to the sides of a public domain in general, we would have said: When do the Rabbis disagree with Rabbi Eliezer? This dispute applies only where there are stakes alongside the houses, which interfere with the use of the sides of the public domain. However, where there are no such stakes, say that they concede to him that the sides of a public domain are considered like a public domain. By formulating the dispute with regard to a courtyard that was breached into the public domain, the mishna is teaching us that they disagree in all cases.

The Gemara raises a difficulty: But didn’t Rabbi Eliezer say with regard to a courtyard that was breached into the public domain, that one who carries an object from inside the courtyard into the private domain is liable? Apparently, he is liable if he carries an article into the private domain from anywhere in the courtyard, not only from the area adjacent to the public domain, as the entire courtyard is considered a public domain.
The Gemara answers: As the Rabbis said: From inside the courtyard, Rabbi Eliezer also said: From inside the courtyard. No conclusion can be inferred from his use of the term, as he was referring only to the section adjacent to the public domain.

The Gemara asks: But, if that is the case, the statement of the Rabbis is difficult. Rabbi Eliezer said that the legal status of the sides of the public domain is like that of a public domain, and they replied to him by referring to: From inside the entire courtyard? They appear to be addressing two different cases.

The Gemara answers: This is what the Rabbis are saying to Rabbi Eliezer: Don’t you concede to us with regard to a case where he carried an object from inside the courtyard to the public domain, or from the public domain to the courtyard, that he is exempt, because the courtyard is considered like a karmelit? The sides of the public domain are no different, and should have the status of a karmelit as well.

And how does Rabbi Eliezer counter this argument? There, the public does not tread on the courtyard; here, the public treads on the edge of the courtyard adjacent to the public domain, and therefore its status is that of a public domain in every sense.

MISHNA With regard to a courtyard that was breached on Shabbat into a public domain from two of its sides, and likewise with regard to a house that was breached from two of its sides, and likewise with regard to an alleyway whose cross beams or side posts were removed on Shabbat, the residents of that domain are permitted to carry there on that Shabbat, but are prohibited from doing so in the future. This is the statement of Rabbi Yehuda.

Rabbi Yosei says: This cannot be the halakhah, as if they are permitted to carry there on that Shabbat, they are likewise permitted to do so in the future, and if they are prohibited from carrying there in the future, they are also prohibited from carrying there on that Shabbat.

GEMARA The Gemara poses a question: With what case are we dealing? If you say the mishna is referring to a case where the breach was up to ten cubits wide, in what way is a breach on only one side different? It is due to the fact that we say: It is an entrance rather than a breach, and carrying is therefore permitted. If so, if it was breached on two sides as well, say: It is an entrance, and there are entrances on two sides of the courtyard. Rather, the mishna is certainly dealing with a breach that is greater than ten cubits. If so, it should be prohibited to carry even if the courtyard was breached on only one side, as a breach that size negates all the partitions.

Rav said: Actually, the mishna is dealing with a breach that is no wider than ten cubits,
HALAKHA

The courtyard was breached in a corner on two sides – The edge of the roof descends and seals. However, if Tosafot A house that was breached from two sides – In this case, the house was breached in a corner, even if the breach was narrower than ten cubits wide, in accordance with Rav's explanation of the mishna (Shulhan Arukh, Orah Hayyim 361:2).

A house that was breached from two sides – A house that was breached from two sides – With regard to a house that was breached in a corner with a breach less than ten cubits, if the ceiling also partially collapsed such that the breach runs diagonally across as explained by Tosafot, or if the roof was inclined as explained by Rashi, it is considered breached and it is prohibited to carry there. This ruling is in accordance with the opinion of Rav (Shulhan Arukh, Orah Hayyim 361:2).

Its roofing was inclined – Its roofing was inclined – The Gemara asks: The reason that it is prohibited only if it is breached on two sides, if it were breached even from one side. If it is breached on one side different?

We learned in the mishna: And likewise, with regard to a house that was breached on Shabbat from two of its sides into a public domain, the residents are permitted to carry in the house on that Shabbat, but not a future Shabbat. The Gemara asks: In what way is a breach on one side different? The difference is due to the fact that we say: The edge of the roof descends and seals the house, as if there were a full-fledged partition there. So too, when it is breached on two sides, let us say: The edge of the roof descends and seals.

And Shmuel said: The mishna is referring to a case where the house was breached in a corner, and its roofing was inclined, as in that case, one cannot say: The edge of the roof descends and seals, as the edge of an inclined roof does not appear to be the beginning of a partition.

The Gemara answers: The Sages of the school of Rav said in the name of Rav: The mishna is referring to a case where the house was breached in a corner,

its roofing was inclined, as in that case, one cannot say: The edge of the roof descends and seals, as the edge of an inclined roof does not appear to be the beginning of a partition.

And Shmuel said: The mishna is referring to a case where the house was breached in a corner, and its roofing was inclined, as in that case, one cannot say: The edge of the roof descends and seals, as the edge of an inclined roof does not appear to be the beginning of a partition.

The Gemara answers: The reason that it is prohibited only if it is breached from two sides is due to the fact that it is a house. In the case of a courtyard, the same halakha would apply even if it were breached on only one side. However, the mishna sought to teach the halakha of a house as well, in which case, it is prohibited to carry only if it is breached on two sides. If it is breached on one side, the edge of the roof descends and seals, and carrying is permitted.

The Gemara asks: But the halakha of a house itself should pose a difficulty according to this explanation. In what way is a breach on one side different? It is due to the fact that we say: The edge of the roof descends and seals the house, as if there were a full-fledged partition there. So too, when it is breached on two sides, let us say: The edge of the roof descends and seals.

BACKGROUND

The house was breached in a corner – The house in the image below is breached at a corner, while its roof above is also breached at an angle. According to Shmuel, the principle: The edge of the ceiling descends and seals, is not applicable to this case. This illustration follows the interpretation of Tosafot.

Its roofing was inclined – The house in the image below, with an inclined roof, is breached at a corner. This illustration follows Rashi's interpretation.
And furthermore: Is Shmuel of the opinion that there is a principle: The edge of a roof descends and seals? But wasn’t it stated that there is an amoraic dispute with regard to a portico located in a valley, which has the status of a karneiḥ? Rav said: It is permitted to carry in the entire portico, as he maintains that the edge of the roof of the portico descends and seals, rendering it a private domain. And Shmuel said: One may carry only within four cubits. Apparently, Shmuel does not accept the principle: The edge of a roof descends and seals.

The Gemara answers: This is not a difficulty. Where Shmuel is not of the opinion that this principle is applied, it is with regard to a structure where walls on all four sides are formed in that manner. However, with regard to a structure where only three sides are formed in that manner and the fourth side is an actual wall, he is of the opinion that the principle is applied.

The Gemara comments: In any case, this is difficult. Although the contradiction between the two statements of Shmuel was resolved, the question remains: Why do we not apply the principle: The edge of a roof descends and seals, to two sides of the house?

The Gemara answers: The reason is as the Sages of the school of Rav said in the name of Rav: The mishna is referring to a case where the house was breached in a corner, and its roofing was inclined, as in that case, one cannot say: The roof of the house descends and seals. Here too, Shmuel’s opinion can be explained in a similar manner: The mishna is dealing with a case where the house was breached in a corner, and its roof is at a distance of at least four handbreadths from the breach, and is uneven. In that case, the principle: The edge of a roof descends and seals, would have to be applied to four corners, and Shmuel is of the opinion that it may not be applied in that case.

The Gemara explains: Shmuel did not say his explanation of the mishna in accordance with the opinion of Rav, as the mishna does not teach that the roof was slanted, which is the crux of Rav’s explanation. And Rav did not say his explanation of the mishna in accordance with the opinion of Shmuel, as if so, even if the roof was breached on several sides, its legal status would be that of a portico, and Rav conforms to his standard line of reasoning, as he said: With regard to a portico, it is permitted to carry throughout the entire portico.

The Gemara proceeds to cite the dispute between Rav and Shmuel in a more comprehensive manner. As it was stated that Rav said: It is permitted to carry in the entire portico as it is considered sealed. And Shmuel said: One may carry only within four cubits. As the portico does not have actual partitions it is subsumed into the field, and shares its status of a karneiḥ.

The Gemara elaborates on their respective opinions. Rav said: It is permitted to carry in the entire portico, as he maintains that we say: The edge of the roof descends and seals the portico to form a partition. As there is a roof over the portico, it is considered sealed with partitions on all four sides. And Shmuel said: One may carry only within four cubits, as we do not say: The edge of the ceiling descends and seals.

The Gemara elaborates further: If the openings on the sides of the portico are no wider than ten cubits, everyone agrees that they are considered sealed, as the status of even an unroofed breach of ten cubits or less is that of an entrance, and one is permitted to carry throughout the entire domain. They disagree only in a case where the openings are more than ten cubits wide.

And some say: On the contrary, if the openings are more than ten cubits wide, everyone agrees that they are considered breaches, and the principle: The edge of the roof descends and seals, is not applied. They disagree only in a case where the openings are no wider than ten cubits.

And that which Rav Yehuda said:

The text in the Gemara is in accordance with Rashi’s reading. This reading is the subject of a fundamental dispute between Rashi and Tosafot, here and elsewhere, with regard to the definition of the term akhsadra, translated here as portico. Rashi maintains that an akhsadra located in a valley consists of only four posts and no partitions, whereas Tosafot and most commentators explain that an akhsadra has three walls and is open on only one side. Consequently, according to Tosafot, the correct version of Shmuel’s statement is: Where Shmuel is not of the opinion that this principle is applied, it is with regard to a structure where there are walls on three sides. In other words, if there are only three partitions, Shmuel does not accept the principle that the edge of the roof descends and seals. However, if there are four partitions, three of which were properly constructed while the fourth has protrusions or side posts, Shmuel concedes to Rav that the principle is applied. The entire discussion is subject to two different explanations, in accordance with these two approaches.

BACKGROUND

A roof that collapsed at a distance of at least four handbreadths from the breach – הַרְכָּזָה בְּ ֶרֶן זָוִית

NOTES

Shmuel’s statement is: Where Shmuel is not of the opinion that this principle is applied, it is with regard to a structure where walls on all four sides are formed in that manner. However, with regard to a structure where only three sides are formed in that manner and the fourth side is an actual wall, he is of the opinion that the principle is applied. This reading is the subject of a fundamental dispute between Rashi and Tosafot, here and elsewhere, with regard to the definition of the term akhsadra, translated here as portico. Rashi maintains that an akhsadra located in a valley consists of only four posts and no partitions, whereas Tosafot and most commentators explain that an akhsadra has three walls and is open on only one side. Consequently, according to Tosafot, the correct version of Shmuel’s statement is: Where Shmuel is not of the opinion that this principle is applied, it is with regard to a structure where there are walls on three sides. In other words, if there are only three partitions, Shmuel does not accept the principle that the edge of the roof descends and seals. However, if there are four partitions, three of which were properly constructed while the fourth has protrusions or side posts, Shmuel concedes to Rav that the principle is applied. The entire discussion is subject to two different explanations, in accordance with these two approaches.