According to Shmuel everyone agrees – רֲלָכָר כְּרַבִּי יוֹסֵיד כְּשֵׁם שֶׁאֲסוּרִין לֶעָתִיד לָבֹא, כָּךְ יָשָׁר לָא סְכָּרְכִי עֲבִידִי. אֲבָל רָכָא, וְםְחִיצּוֹת לְאַכְסַדְרָר עֲבִידִי. אֵינָהּ שֶׁאֲסוּרִין לְתוֹטְלָה אָסֶר הַיָּאִבָּא, כָּךְ אֶלָּא דְּרָ ֵי מְחִיצּוֹת לָאו לְסוּכָּר עֲבִידִי – לָא. אֲבָל רָכָא דְּרָ ֵי מְחִיצּוֹת לָאו לְסוּכָּר עֲבִידִי. אֲבָל רָכָא, לָא שֶׁאֲסוּרִין לֶעָתִיד לָבֹא, כָּךְ אָמַר רַבָּר בַּר אֲבוּרּד וּרְוָר אַרְבָּעָר מַתִּיר בַּחוּרְבָּר. וְרַב ַחְמָן אָמַר כְּשֵׁירָר דְּרָ ֵי מְחִיצּוֹת לָאו לְסוּכָּר עֲבִידִי – לָא. אָמַר רַבָּר בַּר אֲבוּרּד וּרְוָר אַרְבָּעָר מַתִּיר בַּחוּרְבָּר. וְרַב ַחְמָן אָמַר כְּשֵׁירָר דְּרָ ֵי מְחִיצּוֹת לָאו לְסוּכָּר עֲבִידִי – לָא. אָמַר רַבָּר בַּר אֲבוּרּד וּרְוָר אַרְבָּעָר מַתִּיר בַּחוּרְבָּר. וְרַב ַחְמָן אָמַר כְּשֵׁירָר דְּרָ ֵי מְחִיצּוֹת לָאו לְסוּכָּר עֲבִידִי – לָא. אָמַר רַבָּר בַּר אֲבוּרּד וּרְוָר אַרְבָּעָר מַתִּיר בַּחוּרְבָּר. וְרַב ַחְמָן אָמַר כְּשֵׁירָר דְּרָ ֵי מְחִיצּוֹת לָאו לְסוּכָּר עֲבִידִי – לָא.

A cross beam four handbreadths wide renders carrying in a ruin that is breached into a public domain permitted, as the edge of the cross beam is considered to descend and seal the breach. And that which Rav Naĥman said that Rabba bar Avuh said: A cross beam four handbreadths wide renders carrying in water permitted like a partition. In accordance with whose opinion were these rulings stated?

The Gemara explains: According to this version that you stated, that Rav and Shmuel agree with regard to an opening no wider than ten cubits, here it is referring to a cross beam that is no longer than ten cubits, and everyone, both Rav and Shmuel, agrees with these rulings. According to that other version that you stated, that they disagree with regard to an opening no wider than ten cubits, these rulings are in accordance with the opinion of Rav alone.

The Gemara suggests: Let us say that Abaye and Rava are disagreeing with regard to the point that was the subject of a dispute between Rav and Shmuel. As it was stated: If one placed roofing on top of a portico that has doorposts, i.e., pillars that form the beginnings of partitions, it is a valid sakkō. If, however, he placed the roofing atop a portico that has no doorposts, there is a dispute. Abaye said: It is a valid sakkō. And Rava said: It is invalid.

The Gemara elaborates: Abaye said: It is valid. As he said: The edge of a roof descends and seals. Since the portico is roofed, it is considered to have partitions as well. And Rava said: It is invalid, as he did not say: The edge of a roof descends and seals. Let us say that Abaye holds in accordance with the opinion of Rav, and Rava holds in accordance with the opinion of Shmuel?

The Gemara answers: According to the opinion of Shmuel, everyone, including Abaye, agrees that this sakkō is invalid. Where they disagree is according to the opinion of Rav. Abaye holds in accordance with the opinion of Rav in a straightforward manner. And Rava claims: Rav stated his opinion, that the edge of the portico descends and seals, only there, where those partitions formed by the roof were built for the portico, and they are therefore viewed as sealing. However here, where these partitions were not built for the mitzva of sakkō, no, even Rav would agree that the partitions are not sufficiently significant to utilize for the purpose of this mitzva.

We learned in the mishna: Rabbi Yosei says: If they are permitted to carry even 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. A dilemma was raised before the Sages: Did Rabbi Yosei intend to prohibit carrying even on that Shabbat, or to permit carrying even in the future?

Rav Sheshet said: His intention was to prohibit carrying even on that Shabbat. And similarly, Rabbi Yoĥanan said: His intention was to prohibit carrying even on that Shabbat. This opinion was also taught in a baraita: Rabbi Yosei said: Just as they are prohibited from carrying in the future, so are they prohibited from carrying on that Shabbat.

It was stated: Rav Hiyya bar Yoĥef said that the halakha is in accordance with the opinion of Rabbi Yosei, while Shmuel said that the halakha is in accordance with the opinion of Rabbi Yehuda.
An upper story atop two houses – רחובות משתרעים. An upper story constructed above two houses on either side of a street has the status of an alleyway in its own right, as there is a private domain on both sides. If the principle: The edge of a roof descends to the ground and closes off the area between the houses from all sides, it is an alleyway that is open at both ends. An alleyway that is open at both ends – ב겠습니다. An alleyway that opens at both ends into a public domain or a karmelit cannot be rendered fit for carrying within it by means of a side post or a cross beam. Instead, the form of a doorway must be constructed at one end and a side post or a cross beam placed at the other end, as the halakha is in accordance with the majority opinion of the Rabbis, and contrary to the opinion of Rabbi Yehuda (Shulhan Arukh, Ohal 2:244).

NOTES

Where the courtyard was breached into a karmelit – the majority opinion of the Rabbis, and contrary to the opinion of Rabbi Yehuda (Shulhan Arukh, Ohal 2:244). The Meiri explains that Shmuel was stringent with regard to a case where the courtyard was breached into a karmelit, in accordance with the principle: One type found a similar type and was revived, i.e., when the measure of each of two items is less than the measure that renders an action prohibited and the two items are combined, resulting in a measure that renders an action prohibited, the prohibition takes effect, rendering the entire entity prohibited. However, if the courtyard was breached into the public domain, it is not prohibited to carry in the domain, as it is completely set apart from the courtyard.

Rabbi Yehuda’s opinion with regard to an upper story – עירוב בקרן. In the Jerusalem Talmud as well as in the Tosafot, the explanation is given that the decisive factor is the presence of a roof, as everyone agrees that carrying within a roofed domain is not prohibited by Torah law, but rather by rabbinic decree. Consequently, even the Rabbis, who dispute Rabbi Yehuda’s opinion, rule that carrying is prohibited by rabbinic law.

Background

Upper story above two hoasts

Bridges over an underpass – גשרים מעבר לקמרליט. Below is a view of the Roman bridge in Ourense, Spain, that traverses the Miño River. On the right-hand side, a street can be seen running below the bridge.

MISHNA

With regard to one who builds an upper story atop two houses⁴ on opposite sides of a public domain that passes beneath it, and likewise bridges with a thoroughfare beneath them⁵ that rest on walls on opposite sides of a public domain, one may carry beneath the upper story and beneath the bridge on Shabbat. This is the statement of Rabbi Yehuda, who maintains that these areas are considered private domains.⁶ And the Rabbis prohibit carrying in these areas.

And furthermore, Rabbi Yehuda said: One may establish an eiruv even for an alleyway that is open at both ends,⁷ with no need for any additional measures, and the Rabbis prohibit doing so.
GEMARA  

Abaye raised an objection to Rabba from a baraita: Furthermore, Rabbi Yehuda said: With regard to one who has two houses on two sides of a public domain and seeks to carry from one house to the other on Shabbat via the public domain, he places a side post here, adjacent to one of the houses, and another side post from there, adjacent to the other house, or he places a cross beam from here and another cross beam from there, and he may subsequently carry objects and place them in the middle of the area, as he transformed it into a private domain. His colleagues said to him: One cannot establish an eiruv to transform a public domain into a private domain in this manner. Clearly, the rationale for Rabbi Yehuda’s opinion in that case is not that the edge of the roof descends and seals, as the area is not covered. Rather, he apparently holds that by Torah law, two walls suffice to form a private domain.

Rabba said to him: From that baraita, yes, it is indeed possible to arrive at this conclusion. But from this, the mishna, nothing can be learned from this source, as there could be a different reason for Rabbi Yehuda’s opinion.

Rav Ashi said: The mishna is also precise in its wording, as it indicates that the rationale for Rabbi Yehuda’s opinion is that the edge of a roof descends and seals. As the mishna teaches: And furthermore, Rabbi Yehuda said: One may establish an eiruv even for an alleyway that is open at both ends, and the Rabbis prohibit doing so.

Granted, if you say that the reason for Rabbi Yehuda’s leniency with regard to carrying beneath an upper story and a bridge is that he maintains that the edge of a roof descends and seals, that is why the mishna states: And furthermore, to introduce the ruling for an alleyway. In other words, the tanna of our mishna is saying that the ruling applies not only to a roofed area, but also to an unroofed alleyway, despite the fact that the reason there is that two partitions suffice to create a private domain by Torah law.

However, if you say that Rabbi Yehuda permitted the first case as well because he maintains that by Torah law two partitions suffice to create a private domain, what is the need for the introduction: And furthermore? The rationale for the second ruling is no different from the rationale for the first. The Gemara concludes: Indeed, learn from here that this is correct.
One who finds phylacteries\(^{19}\) outside the city on Shabbat, where they are in danger of becoming lost or damaged, brings them in to his house pair by pair by donning them in the manner in which they are typically donned for the mitzva. Rabban Gamliel says: He brings them in two pairs by two pairs. In what case is this statement that one is permitted to carry phylacteries inside said? It is with regard to old phylacteries, which have already been used and are designated for the mitzva. However, with regard to new ones, as it is unclear whether they are phylacteries or merely amulets in the form of phylacteries, he is exempt from performing the task.

If one finds phylacteries tied in bundles or in wrapped piles, in which case he is unable to carry them in pairs, he sits there and waits with them until dark,\(^9\) guarding them until the conclusion of Shabbat, and then brings them in to his house.

And in a time of danger, when it is dangerous to carry them outside town, he covers the phylacteries and proceeds on his way.

Rabbi Shimon says that there is an alternative method of transferring the phylacteries: One gives them to another who is less than four cubits from him, and the other passes them to another, until the phylacteries reach the outermost courtyard of the city. Since carrying less than four cubits in a public domain is not prohibited by Torah law, in this case, the Sages permitted carrying in that manner due to the sanctity of the phylacteries.\(^{23}\)

And similarly, with regard to one’s son who was born in a field and may not be carried on Shabbat, since that is akin to carrying a burden in the public domain: One gives him to another, and the other passes him to another, even if it requires a hundred people. Rabbi Yehuda says: A person may even give a barrel to another,\(^{24}\) and the other may pass it to another, and in that way even take it beyond the Shabbat limit, provided that no one person carries it more than four cubits. They said to him: This barrel may not go a greater distance than the feet of its owner, i.e., it may not be carried any farther than its owner may walk.\(^8\)


MISHNA

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GEMARA

We learned in the mishna that a person who finds phylacteries in a field may carry them by pairs, indicating that one pair, yes, it may be carried; however, more than one pair, no, they may not be carried. The Gemara asks: Let us say that we learned the unattributed mishna not in accordance with the opinion of Rabbi Meir,\(^{26}\) despite the principle that an unattributed mishna usually reflects Rabbi Meir’s opinion.

As, if you say that the mishna is in accordance with the opinion of Rabbi Meir, didn’t Rabbi Meir say: In order to rescue items from a fire, one is permitted to remove items from his house by wearing them, and he dons all the clothes that he can wear, and wraps himself in all items in which he can wrap himself. As we learned in a mishna: And one removes all the utensils to the courtyard adjacent to the fire, and dons all the garments that he can wear, and wraps himself in all the items in which he can wrap himself in order to rescue his property.

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\(^{19}\) See Sefer Zemanim 19:23; Shulḥan Arukh, Oraḥ Ħayyim 349:3.

\(^{23}\) See Tosafot.

\(^{24}\) See Tosafot.

\(^{26}\) See Tosafot.
There is room on one's head. It is evident from this discussion that phylacteries must be a certain size. Otherwise, the concept of sufficient room for phylacteries is moot. There is a dispute as to whether the size mentioned in Tosafot represents the average or the minimum size. For many generations, Jews who were scrupulous in the fulfillment of mitzvot adopted the custom to don two pairs of phylacteries due to uncertainty; one set was configured in accordance with Rabbeinu Tam. Many Sephardic and other Jews adopted the custom of placing these two pairs of phylacteries on the head at the same time, relying on this passage in the Gemara.

The Gemara asks: And from where do we know that this unattributed mishna with regard to Shabbat is a reflection of the opinion of Rabbi Meir? As it teaches with regard to that mishna: If there are many garments there, one dons a garment, and takes it out to a safe place, and removes it there, and returns to the fire, and dons another garment, and takes it out and removes it. And he may do so even all day long; this is the statement of Rabbi Meir. Apparently, according to Rabbi Meir, one may don only one garment at a time.

In answer to the question, Rava said: Even if you say that the mishna is in accordance with the opinion of Rabbi Meir, there is a distinction between the cases. There, if he dons the clothes in the manner that he typically wears them, the Sages rendered the legal status of wearing garments on Shabbat like the status of wearing garments during the week and permitted him to remove clothes from his house by wearing them in that manner. And here, too, if he dons phylacteries in the manner that he typically dons them, the Sages rendered the legal status of donning phylacteries on Shabbat like the status of donning phylacteries during the week.

Consequently, there, where during the week he may wear as many clothes as he wishes, with regard to rescue from a fire the Sages likewise permitted him to wear as many clothes as he wishes. However, here, in the case of phylacteries, even during the week, donning one pair, yes, one may do so; but donning more than one pair, no, he may not do so. Therefore, with regard to rescue as well, the Sages said: Donning one pair, yes, one may do so; however, donning more than one pair, no, he may not.

We learned in the mishna that Rabban Gamliel says: He brings the phylacteries in two pairs by two pairs. The Gemara asks: What does he hold? What is the rationale for this halakha? If he holds that Shabbat is a time for phylacteries, and one is permitted or even obligated to don phylacteries on Shabbat, then the ruling should be: Donning one pair, yes, this is permitted; donning more, no, it is prohibited. It should be prohibited to wear more than one pair as there is room to don only one set of phylacteries on one's head.

And if he holds that Shabbat is not a time for phylacteries, and it was only due to the fact that rescue was permitted only in the manner that one typically wears clothing that the Sages permitted him to don phylacteries, he should likewise be permitted to don even more than two pairs. He should be permitted to don as many pairs of phylacteries as possible, not only two.

The Gemara raises a difficulty: If so, then one pair, yes, it should be permitted, but more, no, it should not be permitted, as the second pair is necessarily positioned out of place. Rav Shmuel bar Rav Yitzḥak said: There is room on one's head to place two phylacteries. One can place two phylacteries on his head and don them both in the proper manner.

The Gemara asks: Actually, he holds that Shabbat is not a time for phylacteries, and when the Sages permitted one to don phylacteries for the purpose of rescue, it was only by donning them in the manner that one typically wears clothing, i.e., in the appropriate place for phylacteries. He may not don them anywhere else on his body, as in that case he is considered to be carrying, not wearing them.

The Gemara raises a difficulty: If so, then one pair, yes, it should be permitted, but more, no, it should not be permitted, as the second pair is necessarily positioned out of place. Rav Shmuel bar Rav Yitzḥak said: There is room on one's head to place two phylacteries. One can place two phylacteries on his head and don them both in the proper manner.

The Gemara asks: It works out well with regard to donning two phylacteries of the head, as there is room; however, with regard to the phylacteries of the arm, what is there to say? How can one wear two phylacteries on his arm simultaneously?

The Gemara answers that even when one dons two phylacteries on his arm, he is regarded as donning them in the typical manner, in accordance with the opinion of Rav Huna. As Rav Huna said: Sometimes a person comes from the field with his bundle on his head, and in order not to crush the phylacteries, he removes them from his head and binds them on his arm. This indicates that there is room for additional phylacteries on his arm.
Shabbat is a time for phylacteries*. The Gemara says that in accordance with the opinion of Ramban, the Gemara rejects this: Say that Rav Huna said that one may remove the phylacteries from his head and tie them on his arm so that he will not come to treat them in a degrading manner by placing a bundle on top of them. However, did he say that the spot on his arm is fit for two phylacteries? Can proof be cited from here that one may don additional phylacteries on his arm ab initio?

Rather, it is in accordance with that which Rav Shmuel bar Rav Yitzhak said: There is room on one’s head to place two phylacteries. Here, too, there is room on the arm to place two phylacteries.

The Gemara comments: The school of Menashe taught the following. The verse states: “And you shall bind them for a sign on your arm and they shall be as frontlets between your eyes” (Deuteronomy 6:8). “On your arm,” this is the biceps muscle of the arm; “between your eyes,” this is the crown of the head. The Gemara asks: Where exactly on the crown of the head? The school of Rabbi Yannai say: Phylacteries are placed on the spot where a baby’s head is soft after birth.¹⁰

The Gemara asks: Let us say that the tanna'im of the mishna disagree about the principle of Rav Shmuel bar Rav Yitzhak, such that the first tanna is not of the opinion that the ruling is in accordance with the opinion of Rav Shmuel bar Rav Yitzhak that there is room on one’s head for two phylacteries, while Rabban Gamliel is of the opinion that the ruling is in accordance with the opinion of Rav Shmuel bar Rav Yitzhak, and therefore one is permitted to bring in two pairs of phylacteries at a time.

And Rabban Gamliel holds that Shabbat is not a time for phylacteries. Consequently, one may don more than one pair, as the day itself is not at all suitable for donning phylacteries. When he dons the second pair, he is not adding to the mitzva by donning an extra pair. If he does so, it is tantamount to carrying a prohibited burden.

And if you wish, say instead that the dispute should be understood as follows. Everyone agrees that Shabbat is a time for phylacteries, and here they disagree with regard to whether or not Shabbat is a time for phylacteries.⁴ The first tanna holds that Shabbat is a time for phylacteries. Although one may don one pair of phylacteries, he may not add to the mitzva by donning an extra pair. If he does so, it is tantamount to carrying a prohibited burden.

And Rabban Gamliel holds: In order to fulfill a mitzva, one does not need intent. Therefore, if one dons two pairs of phylacteries he fulfills his obligation with one of them, but does not violate the prohibition against adding to mitzvot with the other. In order to do so, he would require specific intent to fulfill a second mitzva with the additional pair.

NOTES

Shabbat is a time for phylacteries*. In the Jerusalem Talmud it is stated that it was clear to Rabban Gamliel that Shabbat is not a time for phylacteries, which is why he permitted donning two pairs, whereas the first tanna maintains that the matter remains undecided. Therefore, he was reluctant to permit bringing in more than one pair at a time.

The Gemara according to most commentators (Rashi, Rabbeinu Hananel, Meiri, Rina, and others) is the opposite of the version that appears here. The first tanna maintains that intent is not required in order to fulfill a mitzva. Therefore, one may not don two pairs of phylacteries, because he will perforce fulfill the obligation and violate the prohibition against adding to mitzvot. On the other hand, Rabban Gamliel maintains that intent is required to fulfill a mitzva, and therefore one may don an additional pair.

To fulfill a mitzva one needs intent – לִפְרֹּבָּה. The correct version of the Gemara according to most commentators (Rashi, Rabbeinu Hananel, Meiri, Rina, and others) is the opposite of the version that appears here. The first tanna maintains that intent is not required in order to fulfill a mitzva. Therefore, one may not don two pairs of phylacteries, because he will perforce fulfill the obligation and violate the prohibition against adding to mitzvot. On the other hand, Rabban Gamliel maintains that intent is required to fulfill a mitzva, and therefore one may don an additional pair.