

IX.

BAVLI ERUBIN CHAPTER NINE

FOLIOS 89A-95A

9:1

- A. “All roofs of a town form a single domain,
- B. “so long as one roof is not ten handbreadths higher or lower [than the others],” the words of R. Meir.
- C. And sages say, “Each and every one is a domain unto itself.”
- D. R. Simeon says, “All the same are roofs, courtyards, and outer areas –
- E. “each constitutes a single domain in regard to utensils which have been kept for the Sabbath therein,
- F. “and not [a single domain] for utensils which have been kept for the Sabbath in the house.”

- I.1** A. “All roofs of a town form a single domain, so long as one roof is not ten handbreadths higher or lower [than the others],” the words of R. Meir:
- B. *In session, Abbayye bar Abin and R. Hanina bar Abin, with Abbayye in session with him, stated, “There is no problem understanding rabbis theory of matters: Just as the residents are divided in their apartments down below, so the residents are divided above. But as to R. Meir, what can he possibly be thinking? If he maintains that just as the residents are divided in their apartments down below, so the residents are divided above, then why do the roofs form a single domain? But if he maintains that they are not divided, because everything above ten handbreadths forms a single domain, then even if one roof is ten handbreadths higher or lower than another, it should still form one domain!”*

- C. *Said to them Abbayye, "Haven't you fellows heard what R. Isaac bar Abdimi said? R. Meir would say, 'In any situation in which you find two domains of the same classification, one within another, for example, a pillar ten handbreadths high and four wide in private domain [thus, two distinct areas both of them private domain], it is forbidden to put loads down to rearrange them as a precaution against doing so on a mound in public domain.' Here, too, the distinction in the height of the roof represents an occasion for a precautionary measure against doing so on a mound in public domain."*
- D. *They interpreted him to mean that the same consideration [on carrying objects from domain to domain] applies to a mortar or a water tank. Said to them Abbayye, "This is what the master said: 'R. Meir made that statement only concerning a pillar and an enclosure of millstones, since in such cases, their owner places them there permanently.'"*
- E. But what about the case of a wall between two courtyards, which is assigned a permanent place, and said R. Judah, "When you take a good look, you will notice that, in the opinion of R. Meir, roofs are deemed a distinct domain, courtyards likewise, enclosures likewise," *and that surely implies that it is permitted to move objects across a wall [between two courtyards].* [Slotki: No preventive measure was enacted against a similar act in the case of a mound in public domain, so is it likely, as Abbayye has said, that the provision against such a possibility was Meir's reason for his ruling in our Mishnah?]
- F. Said R. Huna bar Judah said R. Sheshet, "No, what it implies is that it is permitted to take objects in and out through the doors" [but not across a wall].

II.1 A. And sages say, "Each and every one is a domain unto itself":

- B. *It has been stated:*
- C. Rab said, "It is permitted to carry on a roof adjoining another roof [at the same level] for only four cubits."
- D. And Samuel said, "It is permitted to carry through the whole area" [treating the walls of the houses as extended and thus as partitions around the roofs (Slotki)].
 - E. *Where the partitions are discernible, all parties concur [the walls extend up and form partitions]. Where there is a difference, it concerns walls that cannot be discerned.*
 - F. Rab said, "It is permitted to carry on a roof adjoining another roof [at the same level] for only four cubits." *He does not maintain the principle of the upward extension of the walls.*

G. And Samuel said, "It is permitted to carry through the whole area." *For he maintains the principle of the upward extension of the walls.*

H. *We have learned in the Mishnah: And sages say, "Each and every one [89B] is a domain unto itself."* Now from the perspective of Samuel, that poses no problems. But it surely is a difficulty for Rab [who allows no movement beyond four cubits]!

I. *Members of the household of Rab said in the name of Rab, "The meaning is, one must not carry an object for two cubits on one roof and another two cubits on an adjacent roof [but one can move on a single roof for four cubits]."*

J. But lo, R. Eleazar said, "When we were in Babylonia, we said, 'Members of the household of Rab said in the name of Rab, "They may carry on a roof only within four cubits," while the members of the household of Samuel repeated, "Householders have only the use of their roofs."'" Now, what is the meaning of the rule, Householders have only the use of their roofs? Doesn't it mean, they are permitted to carry throughout the area? [But Rab allows no movement beyond four cubits.]

K. *So is this cited passage more influential than our Mishnah paragraph, which we have already explained to mean, one must not carry an object for two cubits on one roof and another two cubits on an adjacent roof? Here, too, the meaning is: two cubits on one roof and another two cubits on an adjacent roof.*

II.2 A. *Said R. Joseph, "I never heard this tradition."*

B. *Said to him Abbaye, "You yourself told it to us. And it was with reference to the following that you told it to us: If a large roof was next to a smaller one, it is permitted to carry around the big one and forbidden to carry around the small one. [Being exposed along its entire length at one side to the big roof, that side is not a door but a breach, so people of the bigger roof impose restrictions on its use.] And you said to us in this regard, 'Said R. Judah said Samuel, "They stated this rule [about not carrying things on the smaller roof] only in a case in which people were dwelling on the one as well as on the other [who walked across their roof to the neighbor's roof], so that the imaginary partition of the smaller roof is one that is*

walked on; but if there were no residents on the one as well as on the other, using both roofs is permitted.””

C. He said to him, “This is what I said to you people: ‘This has been taught only in a case in which there was a partition on the one as well as on the other, *since using the bigger roof is made permissible by the railings* [Slotki: the imaginary upward extensions of its projections on either side of the smaller roof], but the smaller roof may not be used, since it has a breach that runs along its entire length; if there was no partition on the one or the other, using both is forbidden.””

D. “*But lo, you spoke of residents to us!*”

E. “*If I made reference to you concerning residents, this is the sense of what I said to you: ‘This has been taught only if there was a partition that was suitable for a dwelling place for this one and for that one [so both parties planned to use the roofs as living spaces], since using the bigger roof is made permissible by the railings* [Slotki: the imaginary upward extensions of its projections on either side of the smaller roof], but the smaller roof may not be used, since it has a breach that runs along its entire length; if there was a partition suitable for a dwelling place on the big one but not on the little roof, *then even the little roof is permitted for the people who live on the big roof.*’ *How come? Since they made no partition, they entirely withdrew from the area, along the lines of what R. Nahman said, ‘If someone made a permanent ladder for his roof, he is permitted to use all the roofs.’”*

- II.3** A. Said Abbaye, “If someone built an upper story on his house and made in front of it a little door of four handbreadths [opening toward the other roofs], he may utilize all the other roofs.”
- B. Said Raba, “Sometimes the little door may impose restrictions [on the use of the other roofs, on the part of all parties, in line with Meir’s theory that **all roofs of a town form a single domain** (Slotki)]. *How so? If he made the door open toward his own house, since someone might say, [90A] it was made to serve as a watchtower for his house garden* [and he didn’t plan to use the roofs at all].

- II.4** A. *R. Ammi bar Hama raised this question: “As to moving an object two cubits along a roof and two cubits along a column [that is ten handbreadths high and four wide standing near the roof in public domain], what is the law?”*
- B. *Said Rabbah, “So what’s bothering him? Is neglected public domain alongside private domain what’s on his mind? [Well, then, we all know that the column is private domain and moving objects from neglected public domain to private domain is forbidden.]”*
- C. *And R. Ammi bar Hama?*
- D. *He was too brilliant to ask a lucid question. This is what he meant to ask him: “As to moving an object two cubits along a roof and two cubits along a portico – what is the law? Do we say that since neither this nor that is suitable for a dwelling place, they constitute a single domain, or perhaps just as moving objects from roof to roof is forbidden [since the roofs belong to different tenants], so moving objects between a roof and a portico is forbidden?”*
- II.5** A. *R. Bibi bar Abbaye raised this question: “As to moving an object two cubits along a roof and two cubits along a ruin [belonging to another party and in the status of neglected public domain], what is the law?”*
- B. *Said R. Kahana, “Isn’t this the same problem as was raised by R. Ammi bar Hama?”*
- C. *Said R. Bibi bar Abbaye, “Now do you really suppose that I’d come along and bring up the question just to cause problems? Obviously, a portico is not suitable for a dwelling, but a ruin is suitable!”*
- D. *“Well, then, if the ruin is fit for a dwelling, why in the world did Bibi raise the question [since it’s obvious that the answer is negative]?!”*
- E. *“What he had in mind was ‘well, if you’d like to speculate...,’ in this wise: If you’d like to speculate that a portico is not suitable for a dwelling, then, is a ruin suitable for a dwelling? Or, perhaps, maybe the operative consideration is, well, now, anyhow, it hasn’t got any residents?”*
- F. *That question stands.*
- II.6** A. *Roofs that are at the same level, from R. Meir’s viewpoint [all roofs form a single domain], or a roof belonging to a single individual [each roof is a distinct domain, imposing restrictions on adjoining roofs, not applying here], from rabbis’ perspective –*
- B. *Rab said, “It is permitted to carry objects through the whole of the specified area.”*

C. And Samuel said, "People may carry objects only for four cubits in the specified area."

D. Rab said, "It is permitted to carry objects through the whole of the specified area": *Then there is a contradiction between two statements of Rab.* [He has said that if roofs are on the same level, rabbis hold that objects may be moved only within four cubits, so he doesn't recognize the principle of the upward extension of walls (Slotki)].

E. *Not at all. In that case the partition is not readily discerned, but here the partition is readily discerned.*

F. And Samuel said, "People may carry objects only for four cubits in the specified area": *Then there is a contradiction between two statements of Samuel.*

G. *Not at all. When Samuel dealt with the position of rabbis, who regard each roof as a distinct domain, the area was no bigger than that of two bet seahs [the walls of each roof, smaller than two bet seahs, are deemed to be extended upward], but here the area of all the roofs in Meir's view or a single roof in rabbis' view is bigger than two bet seahs, and since the walls were made for dwellings only below, within the houses, but not on the roof above, the roof area is comparable to an enclosure that is bigger than two bet seahs not surrounded by walls for dwelling purposes, and in the case of an enclosure bigger than two bet seahs not surrounded by walls for dwelling purposes, objects may be moved only within four cubits.*

II.7 A. *It has been stated:*

B. As to a ship—

C. Rab said, "It is permitted to carry around the entirety of the ship."

D. And Samuel said, "People may carry objects only for four cubits in the specified area."

E. Rab said, "It is permitted to carry around the entirety of the ship": **[90A]** *For lo, it has partitions.*

F. And Samuel said, "People may carry objects only for four cubits in the specified area": The partitions were put up to keep the water out.

G. *Said R. Hiyya bar Joseph to Samuel, "Is the law in accord with your position or is the law in accord with the view of Rab?"*

H. *He said to him, "The law is in accord with the view of Rab."*

I. Said R. Giddal said R. Hiyya bar Joseph, "But Rab concedes that if it was turned upside down [and was higher than ten handbreadths], objects may be moved on the ship for only four cubits."

J. *For what purpose did one turn it over? Should I say to dwell underneath it? Then how would it differ from a roof of a private dwelling* [in which case, Rab maintains, even according to rabbis one may move objects through the whole area, even if it was bigger than two bet seahs; the sides of the ship are now like the sides of a house (Slotki)].

K. *It was turned over to coat it with pitch* [and the sides now are not comparable to those of a dwelling house, so the roof is the top of a column; when they extend upward, they encompass an area bigger than two seahs with walls not put up for dwelling purpose, and it is then neglected public domain, where moving objects is permitted for only four cubits or less (Slotki)].

L. *R. Ashi repeated the matter with reference to a ship [as just now spelled out]. But R. Aha b. Raba repeated it with reference to a portico. For it has been stated:*

M. If there was a portico in a field [with a roof but no walls],

N. Rab said, "[On the Sabbath] it is permitted to carry about the entire area [as a single, enclosed domain]."

O. And Samuel said, "One may on the Sabbath carry in that area only within [the ordinarily permitted space of] four cubits [which in any event one may utilize for carrying in the public domain]."

P. Rab said, "[On the Sabbath] it is permitted to carry about the entire area [as a single, enclosed domain]": *We invoke the principle that the edge of the roof fictively descends and closes off the area [so forming a private domain].*

Q. And Samuel said, "One may on the Sabbath carry in that area only within [the ordinarily permitted space of] four cubits [which in any event one may utilize for carrying in the public domain]": *We do not*

have a private domain in the present case, [for] we do not invoke the principle that the edge of the roof fictively descends and closes off the area [so forming a private domain].

R. Now, with reference to R. Meir's view, shouldn't Rab hold that it is permitted to carry from the roof to a courtyard? [Why did Meir treat gardens, courtyards, and enclosures as separate, so it is forbidden to move objects from one to the other?]

S. It is a precautionary decree in line with what R. Isaac bar Abdimi said [which is, R. Meir would say, In any situation in which you find two domains of the same classification, one within another, for example, a pillar ten handbreadths high and four wide in private domain [thus, two distinct areas both of them private domain], it is forbidden to put loads down to rearrange them as a precaution against doing so on a mound in public domain].

T. And with reference to rabbis' view, shouldn't Samuel permit carrying objects from a roof to an enclosure [so why did sages rule that enclosures are separate from roofs and courtyards, and transfers of objects from enclosures to those other areas on the Sabbath is forbidden]?

U. Said Rabbah bar Ulla, "It is a precautionary decree lest the area of the roof be diminished [to less than two bet seahs, at which point it would be private domain, and it would be forbidden to move objects from an enclosure of such a size into those other areas]."

V. Well, then, for the same reason it should also be forbidden to move objects from one enclosure to another, lest the area of one of them be cut down, and people would continue to move objects from one to the other enclosure!

W. Well, if such a thing were to happen in the area of an enclosure, it would be pretty obvious, but if it took place in a roof without a clearly marked space, it wouldn't be obvious at all.

- II.8** A. Said R. Judah, "When you take a good look, you will notice that, in the opinion of R. Meir, roofs are deemed a distinct domain, courtyards likewise, **[91A]** enclosures likewise. In the opinion of sages, roofs and courtyards form one domain, and enclosures a domain unto themselves. In the opinion of R. Simeon, they all constitute a single domain."

- B. *It has been taught on Tannaite authority in accord with the position of Rab [upward extension does not apply to walls that cannot be distinguished, adjoining roofs on the same level impose restrictions upon each other, nothing may be moved on either for more than four cubits]. And it has been taught on Tannaite authority in accord with the position of R. Judah [roofs are deemed a distinct domain, courtyards likewise, enclosures likewise].*
- C. *It has been taught on Tannaite authority in accord with the position of Rab [upward extension does not apply to walls that cannot be distinguished, adjoining roofs on the same level impose restrictions upon each other, nothing may be moved on either for more than four cubits]:*
- D. “All roofs of a town form a single domain, so it is forbidden to carry up or bring down objects from the roofs to the courtyard or from the courtyard to the roofs. And utensils assigned for the Sabbath to the courtyard may be carried in the courtyard. If they were assigned to the roofs, it is permitted to carry them on the roofs, so long as no roof is higher than ten handbreadths or lower than ten handbreadths,” the words of R. Meir.
- E. And sages say, “Each roof forms a domain unto itself, and people may carry in that area for only four cubits.”
- F. *And it has been taught on Tannaite authority in accord with the position of R. Judah [roofs are deemed a distinct domain, courtyards likewise, enclosures likewise]:*
- G. **Said Rabbi, “When we were studying Torah with R. Simeon in Teqoa, we used to bring oil in an unguent from the courtyard to the roof, and from the roof to the shed, and from one shed to another, until we got to the spring, and there we would wash ourselves using the oil we had carried” [T. Erub. 5:24L-M].**
- H. Said R. Judah, “There was the case, at the time of repression, that we would carry up a scroll of the Torah from courtyard to roof and from roof to courtyard and from courtyard to enclosed area to read therein.”
- I. They said to him, “There is no proof as to the normative law to be derived from what was done in the time of repression.”

III.1 A. R. Simeon says, “All the same are roofs, courtyards, and outer areas – each constitutes a single domain in regard to utensils which have been kept for the Sabbath therein, and not [a single domain] for utensils which have been kept for the Sabbath in the house”:

- B. Said Rab, "The decided law is in accord with R. Simeon, so long as no fictive fusion meal has been prepared; *but if a fictive fusion meal has been prepared [so the residents of the courtyard can carry objects into their courtyards from their houses], there is a precautionary decree to take account of the possibility of carrying objects from the houses of one courtyard into some other courtyard.*"
- C. And Samuel, said, "Whether or not they prepared a fictive fusion meal [that is the law]."
- D. And so said R. Yohanan, "The law is in accord with R. Simeon, whether or not they prepared a fictive fusion meal."
- E. *Objected R. Hisda*, "In line with the views of Samuel and R. Yohanan, people will say, there are two objects in the same courtyard, one that may be moved into an adjoining courtyard, one not [the ones in the courtyard when the Sabbath began may be moved into another courtyard, those in the house may not be moved into another courtyard from that courtyard] [and there should be a precautionary decree to take account of that error]."
 - F. *R. Simeon is in accord with principles expressed elsewhere, in maintaining that there is no such precautionary decree, for we have learned in the Mishnah:*
 - G. **[If] there were two persons –**
 - H. **part of [the four] cubits of this one are in the [four] cubits of that one –**
 - I. **they bring [their food] and eat in the middle,**
 - J. **on condition that this one not take something out of his area and put it into the area of his fellow.**
 - K. **[If] there were three, with the [limit of the] one in the middle wholly overlapped by the limits of the other two,**
 - L. **[the one in the middle] is permitted [to eat] with them, and they are permitted [to eat with him].**
 - M. **And the two outer ones are prohibited [to eat] with one another.**
 - N. **Said R. Simeon, "To what is the matter comparable?**
 - O. **"To three courtyards open to one another and open to the public way.**

P. “[If] two of them were covered by an erub with the one in the middle, that one in the middle is permitted [access] to both of them, and they are permitted [access] to it.

Q. “But the two outside courtyards are prohibited [access] from one to the other” [M. 4:6] – so there is no precautionary decree against the chance of carrying objects from the courtyard to another; and the same is so here, there is no precautionary decree against the possibility of carrying objects from the houses of one courtyard into the next courtyard.

R. Objected R. Sheshet: “R. Simeon says, ‘All the same are roofs, courtyards, and outer areas – each constitutes a single domain in regard to utensils which have been kept for the Sabbath therein, and not [a single domain] for utensils which have been kept for the Sabbath in the house.’ Now, there is no problem if you maintain that they did prepare a fictive fusion meal; that is why objects from the house can be located in the courtyard; but if you say the ruling applies only where no fictive fusion meal exists, then how are you going to find a case in which objects from the house are going to be found in the courtyard [so why is it necessary to say, and not [a single domain] for utensils which have been kept for the Sabbath in the house?”

S. Anyhow, he presented the objection and he resolved it: “The objects might be caps or hats [that people wore from the house into the courtyard and then left there].”

T. [91B] Come and take note: The residents of a courtyard and the residents of a gallery [above a courtyard] who forgot and did not prepare a fictive fusion meal for a courtyard [a fictive fusion meal for a courtyard joining the courtyard and the gallery] – all the area [for example, a mound or pillar] which is above ten hand-breadths is assigned to the gallery. [All the area] lower than this is assigned to the courtyard [M. 8:3]. Under what circumstances are both groups of tenants forbidden to use the same courtyard? When both areas belonged to many tenants, and each one made a fictive fusion meal for itself; or where it belonged to individuals who did not have to prepare a fictive fusion meal. But if the areas were occupied by many tenants who forgot to prepare a fictive fusion meal, a roof, courtyard, portico, and gallery form a single domain. So the operative

consideration that it is permitted to move objects is that there was no individual fictive fusion meal for the various domains respectively, so objects couldn't be moved from the houses into the courtyard and the like, but if there were a fictive fusion meal, it would not have been permitted [Slotki: as a preventive measure against the possibility of carrying objects from the houses of the one into the other; since Simeon regards roofs, courtyards, and so forth as one domain, this ruling that regards them as one domain must be attributed to him; and since a fictive fusion meal would have forbidden movement of objects between courtyard and gallery, that is a problem for Samuel and Yohanan].

U. *But for whom does this formulation stand? It is for rabbis* [who hold roofs and courtyards form a single domain; they would invoke the preventive measure; Simeon wouldn't (Slotki)].

V. *A close reading, moreover, shows that that is so, for there is no reference to enclosures or alleys [but Simeon regards these as equivalent to the items that are mentioned].*

W. *Come and take note:* Five courtyards that open out into one another and also open out into an alleyway, and all of them forgot and prepared no fictive fusion meal – it is forbidden to bring in or take out objects from the courtyard to the alleyway or from the alleyway to the courtyard; and utensils that established their locus for the Sabbath in the courtyard may be carried about in the courtyard, but not in the alley. But R. Simeon permits, for R. Simeon would say, “So long as the areas belong to many people, who forgot to prepare a fictive fusion meal, a roof, courtyard, portico, gallery, and enclosure, and alley are all regarded as a single domain [and carrying in them all is permitted].” *So the operative consideration is that they didn't make a fictive fusion meal. Then if they made a fictive fusion meal, that would not be the case [so we draw a distinction between a case in which there is or is not a fictive fusion meal, as against the position of Samuel and Yohanan].*

X. *Not at all. What is the meaning of, and prepared no fictive fusion meal? The residents of the courtyards didn't prepare a fictive fusion meal jointly for the courtyards, but the courtyard and the houses adjoining it were covered by a fictive fusion meal.*

Y. *But isn't the exact language, prepared no fictive fusion meal?*

Z. *What is the meaning of* and prepared no fictive fusion meal? *It means*, they didn't prepare a fictive fusion meal for the alleyway [Slotki: the question of a fictive fusion meal between the houses of each courtyard is disregarded, since the use of the alley is permitted without regard to the preparation of a fictive fusion meal for the courtyards].

AA. *But if you prefer, I shall say, R. Simeon addressed rabbis within their premises, not his, thus: "According to my view there is no distinction to be drawn between a case in which a fictive fusion meal has been prepared and one where it has not, but from your perspective, shouldn't you concur with me that, in any event, if no fictive fusion meal has been prepared [by each group of tenants for their own courtyard (Slotki)], the roof, courtyard, portico, gallery, and enclosure should be formed into a single domain?"*

BB. And rabbis?

CC. "Not at all, the enclosure and alley are deemed two distinct domains [only courtyard, roof, and gallery being joined].

III.2 A. The master has said, "But not in the alley" –

B. *May one say that this supports what R. Zira maintained Rab said, for said R. Zira said Rab, "In an alleyway the residents of which did not form a fictive partnership they carry objects only four cubits and no more [as in public domain]"?*

C. *Say: But into an alley it is forbidden [to carry objects from a courtyard, but in the alley it is permitted to carry them about (Slotki)].*

D. *So isn't that what the opening clause of the same formulation states [it is forbidden to bring in or take out objects from the courtyard to the alleyway]?*

E. *The redundant Tannaite formulation was required, for what might you otherwise have thought? Where rabbis differ from R. Simeon, that is a case in which they prepared a fictive fusion meal [for each individual courtyard, and the reason one can't move objects from the courtyard into the alley is a precautionary measure against moving them from houses into the alley (Slotki)], but in a case in which they prepared no individual fusion meals, they would concur with his position? So we are informed that that is not the case.*

- III.3** A. *Said Rabina to R. Ashi, [92A] “But did R. Yohanan make any such statement? And lo, said R. Yohanan, ‘The decided law is in accord with the unattributed Mishnah rule,’ and we have learned in the Mishnah: A wall between two courtyards, ten handbreadths high and four broad – they make a fictive fusion meal individually, and they do not make a single fictive fusion meal [for both courtyards]. [If] there was produce on top of it, these climb up from this side and eat it, and those climb up from that side and eat it, on condition that they not bring [the fruit] down [M. 7:2].”* [Slotki: Since it’s forbidden to carry the fruit down into the courtyards, it is clear that it is forbidden to carry any object from one courtyard to the other; thus is the law given anonymously; now Rab has held that we draw a distinction between courtyards, for each of which a separate fictive fusion has been provided and courtyards for which none has been provided, so this refers to courtyards that have separate meals; but if no such distinction is drawn, and Simeon treats them all as one domain in either case, how is the rule to be reconciled with the Mishnah?]
- B. *What is the meaning of down?* It means, down into the houses.
- C. *But lo, R. Hiyya repeated as a Tannaite rule: “And that is on condition that neither of the tenants stands in his own courtyard and eats”?*
- D. He said to him, “Since Rabbi didn’t teach this ruling [speaking only of prohibitions against carrying food down, meaning, into the houses], how could R. Hiyya his disciple have known it?”

III.4 A. *It has been stated:*

- B. Two courtyards with a single ruin between them –
- C. the residents of one courtyard prepared a fictive fusion meal, and the residents of the other courtyard didn’t prepare a fictive fusion meal –

- D. Said R. Huna, “They assign the ruin to the residents who didn’t prepare a fictive meal [and they can move objects from their courtyard into the ruin], but not to the residents of the courtyard that had prepared a fictive fusion meal, *lest they end up carrying out objects from their houses into the ruin.*”
- E. And Hiyya bar Rab said, “They assign it also to the residents of the courtyard who prepared a fictive fusion meal, so that both groups are forbidden to utilize the ruin. For if you should propose that both parties are permitted to use it, then how come a courtyard for which no fictive fusion meal has been made may be assigned to a courtyard for which such a meal had been made [Slotki: why shouldn’t the tenants of the latter be permitted to carry objects from their courtyard into the other]?”

F. *In that case [Simeon’s ruling as Rab reads it], since utensils from the houses are secure in the courtyard, someone might carry them there [Slotki: so many objects are likely to be carried from the houses into the courtyard that they might be mixed up with those of the courtyard and carried like them to the next courtyard, hence the restriction]. But here, with respect to a ruin, since objects aren’t safe there, it’s not likely that people will carry out a lot of things from the courtyard to the ruin.*

G. *There are those who say:*

H. Hiyya bar Rab said, “[The ruin is assigned] also to the residents of the courtyard that made a fictive fusion meal, and both groups are permitted. And if you should say, both should be forbidden, for they do not assign a courtyard that didn’t prepare a fictive fusion meal to the use of the residents of the courtyard that prepared a fictive fusion meal,” *in that case, since the utensils are guarded in the courtyard, they didn’t relax the prohibition, since otherwise people would readily carry out lots of objects, but in a ruin possessions aren’t safe [so there was no need not to relax the rule].*

9:2A-E

- A. **A large roof near a small one –**
- B. **the large one is permitted [as an area for carrying], and [to take something from the large to] the small one is prohibited.**
- C. **A large courtyard [the wall of] which was breached [so as to give access] to a small one –**

- D. the large one is permitted, and the small one is forbidden,**
- E. for it [the smaller roof or courtyard] is like a doorway to the large one.**

- I.1**
- A. *Why say the same thing twice [concerning roofs, then courtyards]?*
 - B. *From Rab's perspective [maintaining the walls must be discernible], the Tannaite formulation makes the point that the roof is comparable to the courtyard; just as in a courtyard, walls are discernible, so in the case of the roof, the walls must be discernible. From Samuel's [the rule of upward extension applies even when the walls are not discernible from the roof (Slotki)] perspective, the roof is presented as comparable to a courtyard. Just as the courtyard is a place where lots of people walk about, so the roof [use of which is forbidden] must be a place in which lots of people walk about [if many people don't walk about the roof, the rule of upward extension applies even where the walls are indistinguishable from above (Slotki)].*
- I.2**
- A. *In session, Rabbah and R. Zira and Rabbah bar R. Hanan, with Abbayye in session with him, stated, "The inference to be drawn from our Mishnah paragraph is that the residents of the larger area [influence the rights of] the residents of the smaller area, but the residents of the smaller area don't affect the rights of the residents of the larger area. How so? If there are vines in the larger area, it is forbidden to sow seed in the smaller area. If one sowed seed in the smaller area, the seed is forbidden, [92B] the vines are permitted. If there are fines in the smaller area, it is permitted to sow in the larger area. If a woman was in the larger area and her writ of divorce landed in the smaller, she is held to have received the writ and to be divorced; if the woman is in the smaller area and her writ of divorce landed in the larger, she is not deemed to have been divorced [until the writ reaches her hand]. If the congregation is in the larger area and the reader of prayers for the congregation in the smaller, the congregation has accomplished its duty through the prayers of the reader. If the congregation is in the smaller area and the reader of prayers for the congregation in the larger, the congregation is not deemed to have carried out its obligation. If nine persons are in the larger area and one in the smaller, they join together [to form a quorum]. If nine are in the smaller area and one in the larger, they are not deemed to combine to form a quorum. If there is shit in the larger area, it is forbidden to recite the Shema in the smaller area. If it is in the smaller area, it is permitted to recite the Shema in the larger area."*
 - B. *Said to them Abbayye, "If so, we find a case here in which a partition [Slotki: the virtual doorway formed by the projection of the sections of the larger*

courtyard on both sides of the smaller one, which has the status of a partition] is the cause of a prohibition, for, in the absence of a partition one may sow at a distance of four cubits from the vines, *but now this is forbidden [throughout the whole of the smaller courtyard]!*”

- C. *Said R. Zira to Abbaye*, “So don’t we ever find a case in which a partition is the cause of a prohibition? *And lo, we have learned in the Mishnah: A large courtyard [the wall of] which was breached [so as to give access] to a small one – the large one is permitted, and the small one is forbidden, for it [the smaller roof or courtyard] is like a doorway to the large one.* But if its projections had been straightened out [Slotki: by building partitions that cut out these projections from the larger courtyard], the use of the larger one, too, [which is now fully exposed to the smaller one as the latter is to it (Slotki)] would also have been forbidden [so here is just another case in which a partition is the cause of a prohibition (Slotki)].”
- D. *He said to him*, “*In that case, it is a case of removing the partitions*” [Slotki: putting up new partitions removes the old ones, so that one cancels out the other; in the case at hand, there is only one set of partitions and these cause the prohibition].
- E. *Said Raba to Abbaye*, “So don’t we ever find a case in which a partition is the cause of a prohibition? *And lo, it has been stated: [93A]* If one put sukkah roofing over a peristyle [covered hall in front of a house] which has door frames, the arrangement forms a valid sukkah. But if the sideposts had been straightened [Slotki: by putting up walls that covered them so that only two walls remained], it would have been invalid [so the partition causes a prohibition].”
- F. *Said to him Abbaye*, “*But in my opinion it is valid. In your opinion, it constitutes a removal of the partitions [as in the case just given].*”
- G. *Said Rabbah bar R. Hanan to Abbaye*, “So don’t we ever find a case in which a partition is the cause of a prohibition? *And lo, it has been taught on Tannaite authority: A house half of which is roofed over and half not – if there are vines here [in the uncovered part], it is permitted to sow seed there. But if vines grew in the covered part wouldn’t it have been forbidden to sow there?*” [Cf. M. **Kil. 4:1I-J: If there are not there in the bald spot sixteen cubits square of space, he shall not put seed into it. If there were there [in the bald spot] sixteen cubits square of space, then they allow the vineyard its**

area of tillage and he sows the rest. Slotki: Here a partition may be the cause of a restriction.]

- H. *He said to him, “In that case, it is a case of removing the partitions.”*
- I. *Raba sent word to Abbaye through R. Shemayya bar Zeira, “So don’t we ever find a case in which a partition is the cause of a prohibition? And lo, it has been taught on Tannaite authority: Partitions in a vineyard may serve as the cause of rendering a lenient ruling or rendering a strict ruling. How so? A vineyard that was planted to the very foundation of a partition – one may sow from the foundation of the fence and outward; but if there had been no partition, one may sow only at a distance of four cubits from the vineyard. That is a case in which a partition in a vineyard yields a lenient ruling. How may a partition serve as the source of a strict ruling? If a vineyard was eleven cubits distant from a wall, it is forbidden to sow seed in the intervening area, but if there had been no wall, it would have been permitted to sow at a distance of four cubits. That is an example of a partition in a vineyard that is a source of a strict ruling.”*
- J. *He said to him, “By your reasoning, however, you ought to be able to raise an objection against my position from a Mishnah passage [not merely from a Tannaite formulation external to the Mishnah], for we have learned in the Mishnah: **The bald spot of the vineyard – the House of Shammai say, ‘[It] need measure twenty-four cubits.’ The House of Hillel say, ‘[It need measure only] sixteen cubits [square].’ [The] outer space of the vineyard – The House of Shammai say, ‘[It need measure] sixteen cubits.’ The House of Hillel say, ‘[It need measure only] twelve cubits.’ And what is [the] bald spot of the vineyard? A vineyard which is bare in its middle. If there are not there [in the bald spot] sixteen cubits [square of space], [then] he shall not put seed into it. [If] there were there [in the bald spot] sixteen cubits [square of space], [then] they allow it [the vineyard] its area of tillage and he sows the rest. What is [the] outer space of the vineyard? [The area] between the vineyard and the fence. If there are not there [in the outer space] twelve cubits of space, then he shall not put seed into it. [If] there were there [in the outer space] twelve cubits [of space], then they allow it [the vineyard] its area of tillage and he sows the rest [M. Kil. 4:1-2]. [Slotki: Thus If there are not there in the bald spot sixteen cubits square of space, he shall not put seed into it. If there were there [in the bald spot] sixteen cubits square of space, then they allow the vineyard its area of tillage and he sows the rest has a partition as a cause of***

restriction, so why not appeal to that case?] *So isn't this the operative consideration, namely: Any space of four cubits adjoining a vineyard is assigned for the tillage of the vineyard, and so, too, the same amount of space along a wall; but then, since it cannot be sown [since sowing will undermine the foundations of the wall], it is renounced by the owner [and not used for cultivation], so that the intervening area [between the four cubits on the side of the vineyard and the four on the side of the wall] if it measures four cubits [thus, the space would be twelve cubits in all] would be reckoned as important, but otherwise not?"* [Slotki: The Mishnah passage doesn't support Raba's objection, and the external Tannaite formulation for the same reason also doesn't sustain any objection.]

- I.3** A. Said R. Judah, "In the case of three enclosures, one beside the other, [Slotki: the enclosure consisted of not a proper fence but only ropes drawn horizontally or reeds stuck in the ground], and the two outer enclosures had projections, but the middle one didn't, with a single individual in this one and in that one – the three men are treated as a caravan, and they assign to them all the space they require [for transporting objects on the Sabbath]. [The outer two of the three influence the rights of the third, who is in the middle, because of the larger size of their enclosures, and they are regarded as joint occupants with him of the middle enclosure (Slotki).] And if the one in the middle had projections and the two outer ones didn't have projections, with a single individual in each enclosure, they give them only a space of six bet seahs [for moving objects about] [Slotki: Since the man in the middle enclosure, which is bigger than those occupied by the other two and has virtual doorways opening toward them, now influences the others; the latter are not occupiers of his enclosure to form a joint group of three and thus a caravan, and he himself is regarded only as the occupier of the one or the other of the outer enclosures, so that no more than two men ever occupy any one of the enclosures, and we don't have the minimum number to constitute a caravan and to enjoy the benefit of the space allotted to a caravan.]"
- B. *The question was raised:* If there was one person on the enclosure on the one side and one on the other, and two in the middle, what is the law? *Do we say, if they are assigned to the one side, they form three, and if to the other side, they form three [so that we have a caravan and they have as much space as they require]? Or maybe we assign one to the enclosure on the one side, and one to the enclosure on the other side [so all they get is two bet seahs of space, as usual]? And if you should conclude that we assign one of the*

persons in the center enclosure to one side and the other to the other side, then what if there were two persons on the one enclosure and two on the other, and one in the middle enclosure – what is the law? Here we surely must conclude that, if the person in the middle enclosure went to the one enclosure at the side there would be three, and if he went to the other, there would be three? Or do we maintain that, it is a matter of doubt as to which direction the man would go [so the space assigned on either side remains two bet seahs]?

C. *The decided law is, in questions such as these, we adopt the more lenient ruling.*

I.4

- A. Said R. Hisda, [93B] “An embankment five handbreadths high and a partition five handbreadths high don’t combine [to form a single partition ten handbreadths high, such as is required for an enclosure around private domain (Slotki)], for a partition must be such that the entire height is comprised of either the embankment or the partition.”
- B. *An objection was raised:* Two courtyards, one above the other, with the upper one ten handbreadths higher than the lower, or [on the side on which the upper adjoins the lower (Slotki)], the upper has an embankment five handbreadths high and a partition five handbreadths high – they make two distinct fictive fusion meals but they don’t make a single common fusion meal. If the distance between them is less than that, they make a single common fusion meal and don’t make two distinct ones.
- C. Said Raba, “R. Hisda concedes in the case of the lower courtyard, that, since its tenants see a frontage of ten handbreadths [the embankment and partition combine into a unit of ten handbreadths] [they could do so; but Hisda’s ruling concerned the residents of the upper courtyard].”
- D. *Well, then,* shouldn’t the tenants of the lower courtyard prepare a fictive fusion meal as one of two distinct courtyards, but not a single fictive fusion meal [covering the two jointly], and those of the upper courtyard should prepare neither a single fusion meal covering the two courtyards nor even one for themselves alone as a distinct courtyard?
- E. Said Rabbah bar Ulla, “It would be a case in which the upper one had rims [that left a gap no wider than ten cubits] [Slotki: and this gap may be regarded as the doorway, and there the partition on the embankment was only five handbreadths high; the upper courtyard is thus separated from the lower one by both a valid partition and a doorway, while the lower one is separated from the

upper completely by a valid partition; so the ruling is that one imposes no restrictions on the lower one and two separate fusion meals must be prepared; but a joint fusion meal is not allowed on account of the valid partition of the lower one].

- F. *If so, then look at what is coming:* If the distance between them is less than that, they make a single common fusion meal and don't make two distinct ones! Now, *if the residents wanted, shouldn't they be allowed to prepare one fictive fusion meal [the gap forming a valid doorway], or, if they wanted, shouldn't they be allowed to make two?*
- G. Said Rabbah b. Raba, "It is a case in which the gap extended along the entire side of the lower courtyard" [so the tenants of the upper courtyard impose restrictions on those of the lower, unless there is a joint fictive fusion meal]."
- H. *If so, then shouldn't the tenants of the lower courtyard be allowed to prepare a single fictive fusion meal with the ones above, but not a fusion meal for themselves alone, while those who live up above should be allowed if they wanted to make a fictive fusion meal for themselves alone, or, if they wanted, a fictive fusion meal jointly for both courtyards?*
- I. *Yes indeed, and the language,* If the distance between them is less than that, they make a single common fusion meal and don't make two distinct ones, *applies only to the residents of the lower courtyard.*

I.5 A. Mar Emar expounded, "An embankment five handbreadths deep with a fence on it five handbreadths high combine."

- B. *Rabina came across R. Aha b. Raba. He said to him, "Has the master learned a Tannaite rule about a partition?"*
- C. *He said to him, "Nope. But the decided law is as follows:* An embankment five handbreadths deep with a fence on it five handbreadths high combine."

I.6 A. *R. Hoshayya raised this question:* "Residents of a courtyard who arrive on the Sabbath – what is the law on their imposing restrictions?"

- B. *Said R. Hisda, "Come and take note: A large courtyard [the wall of] which was breached [so as to give access] to a small one – the large one is permitted, and the small one is forbidden, for it [the smaller roof or courtyard] is like a doorway to the large one."* [Slotki: This shows that restrictions are imposed.]
- C. *Said Rabbah, "But might one not suppose that the breach was made while it was still day?"*

D. *Said to him Abbaye, "Master, don't say, 'Might one not suppose...', but rather, it is certain that the breach was made while it was still day. For lo, it is the master himself who has said, 'I asked R. Huna and I asked R. Judah: The rule where a fictive fusion meal was set out depending on a certain door [that connected two courtyards inhabited by different tenants], and the door was blocked up during the Sabbath, or on a certain window, and the window got stopped up, and he said, "Once it is permitted to rely upon that area for the Sabbath, it continues through the day."'"*

I.7

A. *It has been stated:*

B. *A wall that was between two courtyards that fell down –*

C. *Rab said, "People may carry therein only four cubits."*

D. *And Samuel said, [94A] "The tenants on this side may carry objects up to the foundation of the wall, and the tenants on that side may carry objects up to the foundation of the wall."*

E. *This position of Rab was not said in so many words but inferred. For Rab and Samuel were in session in a certain courtyard when the wall separating that courtyard from another fell down. Said Samuel to those present, "Take a cloak and spread it across [the gap, forming a partition, so that the residents of the courtyards will not impose restrictions on one another]."*

F. *Rab turned his face away.*

G. *Said to them Samuel, "If Abba objects, then go and take off his pants and tie the cloak into place with them!"*

H. *Now how could Samuel have taken such a position? Didn't he say, "The tenants on this side may carry objects up to the foundation of the wall, and the tenants on that side may carry objects up to the foundation of the wall"?*

I. *Samuel took the position that he did merely to provide privacy.*

J. *And if Rab maintained that it was forbidden, why didn't he tell him that?*

K. *It was the locale in which Samuel was authority.*

L. *Well, if that was so, then how come he turned his face away?*

M. *It was so that people wouldn't say that he concurred with Samuel.*

9:2F-I

- F. **A courtyard which [on the Sabbath] was breached [so as to give access] to the public way [or to any other distinct domain] –**
- G. **“He who brings [objects] from within it to private domain, or from private domain into it, is liable,” the words of R. Eliezer.**
- H. **And sages say, “[He who brings objects] from within it to the public way, or from the public way into it, is exempt,**
- I. **“for it [now] is like neglected public domain.”**

- I.1**
- A. *So from R. Eliezer's viewpoint, does the courtyard become public domain merely because it was opened by a breach onto public domain?*
 - B. *Well, as a matter of fact, it does, and R. Eliezer is consistent with positions expressed elsewhere, because it has been stated on Tannaite authority: R. Judah says in the name of R. Eliezer, “If the public selected a path for themselves, what they have chosen is theirs.”*
 - C. *Yeah, well is that so? Lo, said R. Giddal said Rab, “We deal with a case in which, for instance, a path belonging to the public had been lost in that field.” And should you say that, here, too, it's a case in which a path belonging to the public had been lost in that field, didn't R. Hanina say, “The dispute [before us in our Mishnah rule] involves the whole courtyard to the walls” [not merely the position of the broken wall]?*
 - D. *Say: The dispute concerns the place at which the wall was located.*
 - E. *Or, if you prefer, say: The dispute concerns the sides of public domain, for R. Eliezer holds that the sides of public domain are classified as public domain, and rabbis maintain that the sides of public domain are not classified as public domain.*
 - F. *Well, then, why not express the conflict in the context of the sides of public domain in general [and not in the rather elliptical manner before us]?*
 - G. *Had they formulated the dispute in terms of the sides of the public domain in general, we might have maintained that where rabbis differ from R. Eliezer, it is a case in which there were border stones, but where there were no border stones, they would confer with him. So we are informed by the formulation of*

the dispute before us that even in the case where there were no border stones, they also differ from him.

- H. *But lo, the language that is used is, **from within it** [which means, the entire courtyard, not only the place where the wall had been located (Slotki)]!*
- I. *Since rabbis used the language, **from within it**, he, too, used the same language.*
- J. *As to rabbis, if R. Eliezer is talking about the sides of public domain, how come they answer him using the language **from within it**?*
- K. *This is the sense of what rabbis said to R. Eliezer: Don't you concur with us that, where someone moved something from it into public domain or from public domain into it, he is exempt, since it is neglected public domain? The same surely should apply to the sides of public domain as well.*
- L. *And R. Eliezer?*
- M. *In that case, lots of people don't walk on that spot, but here lots of people do walk on that spot.*

9:3

- A. **A courtyard which [on the Sabbath] was breached [to give access] to public domain on two sides,**
- B. **and so, too: a house which was breached on two sides,**
- C. **and so, too: an alleyway the beams or sideposts of which have been removed –**
- D. **“They are permitted on that Sabbath but prohibited in time to come,” the words of R. Judah.**
- E. **R. Yosé says, “If they are permitted on that Sabbath, they are permitted in time to come. And if they are prohibited in time to come, they are prohibited on that Sabbath.”**

- I.1 A. *With what sort of a breach do we deal here? If I say that it is one that wasn't wider than ten cubits, then what difference does it make whether it is on one side or on two sides? If it was on one side, it is classified as a doorway, so if it is on both sides, it should also be classified as a doorway [and why are restrictions invoked here]? So it must be wider than ten handbreadths. But if so, then even if the breach were only on one side, the same rule should apply!*

- B. Said Rab, “In point of fact it refers to a breach of ten handbreadths. [94B] And it is a case in which the breach was in a corner where two walls meet, *a place in which people don’t make doors [so it cannot be regarded as a door here].*”

II.1 A. And so, too: a house which was breached on two sides:

- B. *What would mark the case of a breach on one side? We would then invoke the principle, the edge of the ceiling is imagined to extend downward and close the gap? Then if it were breached on both sides, why not invoke the same rule, that the edge of the beam extends and closes them up?*
- C. *Said a member of the household of Rab in the name of Rab, “It is a case in which the breach was in a corner where two walls meet, and the ceiling was in a slanting position, so that we cannot invoke the fiction that the edge of the ceiling extends downward and closes up the gap.”*
- D. And Samuel said, “Even if the breach in the two sides of the courtyard was more than ten handbreadths wide [the Mishnah’s rule pertains].”
- E. *If so, then even if the breach were on one side only, the same rule should hold [so why do we speak of breaches on two sides]?*
- F. *[The case of a breach on one side of the courtyard only was omitted] because of the house [dealt with here as well].* [Slotki: As in the case of the house, where a breach in one wall imposes no restrictions, because of the principle of the downward extension of the beam that closes up the breach, they had to speak of two sides, and they did here, too.]
- G. *Well, then, ask the same question in regard to the house: What distinguishes the case of a breach on one side? That we invoke the fiction, the edge of the ceiling descends downward and closes the breach? Then if the breach is on two sides, do we not say as well, the edge of the ceiling descends downward and closes the breach? Furthermore, does Samuel in any event affirm the principle, the edge of the ceiling descends downward and closes the breach? Lo, it has been stated:*
- H. If there was a peristyle in a field [with a roof but no walls],
- I. Rab said, “[On the Sabbath] it is permitted to carry about the entire area [as a single, enclosed domain].”
- J. And Samuel said, “One may on the Sabbath carry in that area only within [the ordinarily permitted space of] four cubits [which in any event one may utilize for carrying in the public domain]. [We do not have a private domain in the present case, for we do not invoke the principle that the edge of the roof fictively descends and closes off the area [so forming a private domain].]”

- K. *That's no problem. While he does not invoke the principle of the fictive extension in the case of four walls, in the case of three walls, he does.*
- L. *Well, anyhow, there's still the other problem* [the slanting ceiling answer that Rab gave cannot be given by Samuel, since the latter holds that the breach to which our Mishnah refers might have been wider than ten cubits, and such a gap cannot be treated as a doorway and so could have caused the same restrictions even if it had occurred in one wall only (Slotki)].
- M. *It is in accord with what a member of the household of Rab stated in the name of Rab:* "It is a case in which the breach was in a corner where two walls meet, and the ceiling was in a slanting position." *Here, too,* it is a case in which the breach was in a corner where two walls meet, and the ceiling [Slotki:] presented a four-sided breach [Slotki: the breach having left a ceiling of such a shape, so that four walls are needed to close up the breaches; the principle of downward extension in Samuel's view applies where no more than three walls have to be made up].
- N. *Samuel does not give the same explanation as Rab, because there is no formulation of the rule that encompasses the detail that the ceiling was slanting.*
- O. *And Rab did not explain the matter as Samuel does, for, if so, the house would have had the same legal status as a portico [where four walls have to be supplied].*
- P. *And Rab is consistent with a position expressed elsewhere, for Rab said that, in the case of a portico, it is permitted to move objects throughout the area, for it has been stated:*
- Q. *If there was a portico in a field [with a roof but no walls],*
- R. *Rab said, "[On the Sabbath] it is permitted to carry about the entire area [as a single, enclosed domain]."*
- S. *And Samuel said, "One may on the Sabbath carry in that area only within [the ordinarily permitted space of] four cubits [which in any event one may utilize for carrying in the public domain.]"*
- T. *Rab said, "[On the Sabbath] it is permitted to carry about the entire area [as a single, enclosed domain]": We invoke the principle that the edge of the roof fictively descends and closes off the area [so forming a private domain].*
- U. *And Samuel said, "One may on the Sabbath carry in that area only within [the ordinarily permitted space of] four cubits [which in any*

event one may utilize for carrying in the public domain]”: *We do not have a private domain in the present case, [for] we do not invoke the principle that the edge of the roof fictively descends and closes off the area [so forming a private domain].*

V. *Where the breach was less than ten cubits, there is no difference between Rab and Samuel [the gap is treated as a doorway, and the issue of the fictive extension of the roof is not raised]. Where they differ, it is where the breach was wider than ten cubits.*

W. *And there are those who say, in the case in which the breach was ten cubits or wider, there is no difference of opinion. They disagree where it was less than ten cubits.*

X. *And with respect to what R. Judah said, [95A] “A crossbeam that is four handbreadths wide renders a ruin permitted for carrying on the Sabbath [if it reached from one wall to another opposite], and with regard to what R. Nahman said Rabbah bar Abbuha said, namely, “A cross beam of four handbreadths effects it permissible to utilize water in a cistern [if the beam lay across the mouth of a cistern between two courtyards],” whose view prevails here?*

Y. *In terms of the version, where the breach was less than ten cubits, there is no difference between Rab and Samuel, [the rulings of Judah and Nahman] would address a case in which the breach was no wider than ten cubits, and there is a unanimous opinion at hand. In line with the version that says, in the case in which the breach was ten cubits or wider, there is no difference of opinion, [Judah’s and Nahman’s] opinion stands in the line of Rab.*

Z. *May we say that Abbayye and Raba differ on what is at issue between Rab and Samuel? For it has been stated:*

AA. *If one put sukkah roofing over a peristyle [covered hall in front of a house] which has door frames, the arrangement forms a valid sukkah.*

BB. *If it had no door frames,*

CC. *Abbayye said, “It is valid.”*

DD. Raba said, "It is invalid."

EE. Abbaye said, "It is valid. We invoke the fictive principle that the edge of the roof descends and closes off [the sides and so forms a valid partition on the sides of the peristyle]."

FF. Raba said, "It is invalid. We do not invoke the fictive principle that the edge of the roof descends and closes off [the sides]."

GG. *Shall we then say that Abbaye accords with Rab, and Raba with Samuel?*

HH. *With respect to the position of Samuel, all parties concur [even Abbaye agrees that Samuel, who rejects the principle that on the Sabbath we extend the edges of the peristyle, would not maintain that idea in respect to a sukkah, since in the case of the former, the edges were made for the structure while in the case of the sukkah they were not (Slotki)]. Where there is a point of disagreement it concerns the principle of Rab. Abbaye obviously concurs with the position of Rab. Raba for his part holds that Raba takes the position that he does only in that case, in which instance the partitions were expressly made for the peristyle, but in this case, the partitions were not made for the sukkah, so he would not take that same position.*

III.1 A. R. Yosé says, "If they are permitted on that Sabbath, they are permitted in time to come. And if they are prohibited in time to come, they are prohibited on that Sabbath":

- B. *The question was raised: Did R. Yosé intend by his ruling to impose a prohibition or a remission of the rule?*
- C. Said R. Sheshet, "He intended to impose a prohibition."
- D. And so said R. Yohanan, "He intended to impose a restrictive rule."
- E. *And so it has been taught on Tannaite authority:* Said R. Yosé, "Just as they are prohibited on future Sabbaths, so they are forbidden on that Sabbath."

III.2 A. It has been stated:

- B. R. Hiyya bar Joseph said, "The decided law accords with R. Yosé."

C. And Samuel said, “The decided law accords with R. Yosé.”

D. *But did Samuel make any such statement? And haven't we learned in the Mishnah:*

E. **Said R. Judah, “Under what circumstances? In the case of a fictive fusion meal serving for the mingling of Sabbath limits. But in the case of fictive fusion meals serving to join together courtyards, they prepare a fictive fusion meal for a man both with his knowledge and consent and without his knowledge and consent. For they acquire a benefit for a man not in his presence. But they do not exact a penalty for a man not in his presence” [M. 7:11]**

F. And said R. Judah said Samuel, “The decided law accords with R. Judah. And not only so, but in any passage in which R. Judah repeated a rule having to do with fictive fusion meals, the decided law accords with him.”

G. And said R. Hana of Baghdad to R. Judah, “Did Samuel's statement apply even to the case of an alley the cross beam or side post of which was removed?”

H. And he said to him, “I made my statement to you concerning fictive fusion meals, not concerning partitions.”

I. *Said R. Anan, “To me personally Samuel explained: The statement that the law accords with R. Judah pertains to a courtyard where the breach was made toward neglected public domain, and the statement about partitions, where the law is not in accord with R. Judah, applies where the breach was made toward public domain.”*

9:4

- A. **He who builds an upper room on top of two houses [opposite one another on a public road],**
- B. **and so, too, viaducts –**
- C. **“They carry objects below them on the Sabbath,” the words of R. Judah.**
- D. **And sages prohibit.**
- E. **And further did R. Judah say, “They prepare a fictive fusion meal for an alleyway which is a thoroughfare.”**
- F. **And sages prohibit.**

- I.1** A. [**“They carry objects below them on the Sabbath,” the words of R. Judah:**] *Said Rabbah, “Don’t suppose that the operative consideration behind the ruling of R. Judah is that he takes the view that two walls [the public domain, the viaduct, have two walls on either side] are sufficient so far as the law of the Torah is concerned. Rather, it is because he takes the view that the edge of the ceiling is fictively imagined to descend downward and enclose the space down below.”*
- B. *Objected Abbaye: “Still further did R. Judah state, ‘He who owns two houses on two sides of public domain may put a board on this side and a board on that side, or a beam on this side and a beam on that side, and carry things around in the middle.’ They said to him, ‘A symbolic fusion of space in the public domain may not be undertaken in such a way.’” [This proves in so many words that two walls suffice; why shouldn’t Rabbah then not wish to impute that position to Judah in this present setting (Slotki)?]*
- C. *He said to him, “True enough, from that passage one may derive the proposition at hand, but from the one before us here, you can’t.”*
- D. *Said R. Ashi, “A close reading of our Mishnah yields the same result, since the formulation is given: **And further did R. Judah say, ‘They prepare a fictive fusion meal for an alleyway which is a thoroughfare.’ And sages prohibit.** Now, there is no problem if you maintain that it is because the operative consideration for R. Judah’s position is, the edge of the ceiling is fictively imagined to descend downward and enclose the space down below. That is why the language is used, **and further.** But if you maintain that the operative consideration is that he maintains, two walls [the public domain, the viaduct, have two walls on either side] are sufficient so far as the law of the Torah is concerned, then what’s the point of **and further?**”*
- E. *That’s decisive.*