

פרק תשיעי: כל גגות Introduction to

Until this point, we have explored various ways in which to increase or (artificially) modify a residential area – either by combining properties (עירוב חצירות) or by redefining location of residence (עירוב תחומין) – both to allow more flexibility of movement and interaction during שבת. This chapter will focus on the essential definition of the various רשויות היחיד, including rooftops, yards, open lots etc. that we have tried to combine and their status.

3.9.1

89a (אלא בארבע) → 90a (תחילת הפרק)

I. משנה א': status of roofs

- a. ד"מ: all roofs in the city consist of a single רשות and carrying is permitted if vertical differential is <10
 - i. Analysis (students before אב"י): חכמים' position (below) is understood – just as דיוורין are distinct on ground level
 1. Similarly: they are distinct on roofs
 2. However: ר"מ's position is hard to figure – if דיוורין are distinct above – proximity of י"ט shouldn't matter
 - ii. explanation (אב"י): ר"מ accepts גזירה of עמוד ברה"י which is 10*4 – precaution against a תל ברה"ר (same with roof)
 1. note: ר"מ only applies גזירה to fixed structures (hill or building) – not a pot (e.g.)
 2. challenge: ר"מ permits carrying from 1 חצר to another with wall between them (assumption – use wall)
 - a) correction: he permits carrying through an opening, not over wall (ר"מ applies גזירת תל ברה"ר)
- b. חכמים: each roof is an independent and distinct רשות
 - i. Reason: independent residents create independent peripheral areas
 1. If: walls are easily seen (מחיצות ניכרות), permitted to carry on entire roof
 2. But if: walls are not readily seen
 - a) דב: may only carry in ד"א – "independent" means cannot carry even 2 אמות on 1 גג and 2 on another
 - b) שמואל: may carry on entire roof
 - i. משנה ב' – אב"י רב יוסף taught שמואל's ruling apropos of 'משנה ב' –
 1. Small roof: is אסור only if there residents there, otherwise, both are permitted
 - ii. דב יוסף: claimed that he had only taught it if there are מחיצות for both; if no מחיצות both are אסור
 - iii. אב"י רב יוסף had said "דיוורין"
 - iv. דב יוסף: if so, only if there are מחיצות fir for דיוורין on both roofs
 1. If: only on big roof, both re מותר for דיוורין of גדול גג
 - a. Reason: since the other דיוורין didn't make a מחיצה, they removed their claim
 - i. Follows: ר"נ, if one resident affixed a ladder, others removed their claim
 - c. ד"ש: roofs, courtyards and open lots (קרפיות) are a single רשות for vessels that were there before שבת

II. Related discussions

- a. Dispute: אב"י/רבא regarding permission to carry on roof with a דקה
 - i. אב"י: if 1 resident builds a 2nd story on roof with a דקה, he may use entire roof
 - ii. רבא: if he faces the דקה towards his garden, it's not a claim on the roof; rather to watch the garden
- b. דב's question (after clarification): is it permitted to carry 2 אמות on a roof and 2 אמות on an adjacent portico?
 - i. דב בני בר אב"י: if it is, what about 2 אמות on a גג and 2 on an adjacent חורבה?
 1. Clarification: is habitability the criterion or habitation?
- c. Clarifying ר"מ and חכמים' positions: adjacent (even-leveled) roofs (לר"מ) or 1 roof (לרבנן): how far may one carry?
 - i. דב: entire breadth – unlike earlier case – here the מחיצות are ניכרות
 - ii. שמואל: only ד"א; unlike earlier case – here the area is larger than בית סאתיים – if שלא לדירה – אסור, הוקף שלא לדירה