

## OVERVIEW of the Daf

### 1) Clarifying the opinion of Chachamim

Rami bar Chama inquired whether it is permissible to carry from the roof of a house to the roof of an awning. Do we say that since neither is fit for residence they are one domain and it is permitted, or do we say that since they are both roofs it is prohibited?

R' Bibi bar Abaye asked a similar question but substituted a ruin rather than an awning. He explained how his question is an extension of Rami bar Chana's question.

### 2) Examining the dispute between Rav and Shmuel

In a case of adjoining roofs according to R' Meir, or a single roof according to Chachamim: Rav ruled it is permitted to carry in the entire area and Shmuel ruled one may only carry four amos.

The Gemara points out that their rulings seemingly contradict their previous rulings (89a).

The Gemara explains how their rulings are, in fact, consistent.

### 3) Carrying on a ship

Rav ruled that it is permitted to carry throughout the entire area of a ship, even if it is more than two beis se'ah, because of its walls. Shmuel ruled that one may not carry more than four amos, since the walls were constructed to keep the water out.

R' Gidal in the name of R' Chiya bar Yosef ruled that if the ship was turned upside down on land to apply tar, carrying is limited to four amos.

R' Ashi maintained that Shmuel conceded that the halachah follows Rav in the case of the ship. R' Acha the son of Rava learned that Shmuel's concession was in the case of an awning in an open field.

### 4) Examining the dispute between Rav and Shmuel (cont.)

The understanding of Rav and Shmuel regarding the dispute in the Mishnah is further developed.

R' Yehudah presents a concise summary of the different opinions recorded in the Mishnah. ■

## REVIEW and Remember

1. How did Gemara defend Rami bar Chama against Rabbah's challenge?  
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2. How did the Gemara resolve the apparent contradiction between the two rulings of Rav ?  
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3. Why does Rav agree that when the ship is overturned on land that it is prohibited to carry more than four amos?  
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4. Why, according to Shmuel's understanding of Chachamim, is it prohibited to carry from roof to a karpaf but permitted to carry from one karpaf to another ?  
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## Gemara GEM

*When the building walls are noticeable or not noticeable at the roof level*

גגין השוין לר' מאיר וגג יחידי לרבנן — רב אמר מותר לטלטל בכולו ושמואל אמר אין מטלטלין בו אלא בד' אמות

The conclusion of the Gemara is that from the perspective of Rav Meir, Rav is lenient because he considers the walls of the houses below as if they "stretch up" (גוד אסיק), while Shmuel sees all the roofs as if they join into one large area which is greater than two se'ah, and carrying is therefore prohibited.

Earlier, when Rav and Shmuel discussed the halachah of carrying within a roof area according to Rabbanan (89a), everyone understood that if the walls below are noticeable above the roof level, that they can be legally seen as rising up. The point of disagreement was in a case where the walls below are not perceptible from above. Rav stated that being that the walls below were not noticeable at all, they were therefore not able to be "stretched up." Shmuel held that once the Rabbanan say that each roof is treated as separate, we can consider the walls below as stretching up. This discussion is within the opinion of the Rabbanan. Here, however, where they outside walls are noticeable, Rav would say that we do say גוד אסיק.

Sefer שער ציון explains that Rav only requires the walls to be noticeable in order to say גוד אסיק in a case of roofs which are wide open to each other. In order to avoid this drawback, we need some element of a wall to see the roofs as being distinct. However, in general, in order to create a private domain, walls of any kind—even walls from below which are stretched up—are adequate, even if they are not perceptible from above. Even so, Shmuel holds that even in a case of פרוץ במילואו למקום האסור, walls that are not noticeable are adequate.

Chazon Ish (108:2) takes exception with this explanation. As we see here, we are dealing with roofs which are not prohibited due their being open wide to areas which are prohibited, but the condition is rather one where the area is too big. Yet, Shmuel holds that the fact the wall from below is not perceptible prevents out using these walls to separate the roofs.

The reason Shmuel allows the roofs to be viewed as separate domains according to Rabbanan must be a special dispensation by eiruvei chateiros. The fact that the dwellings below are independent allows us to view the roofs above as also being separate. However, according to Rav Meir's view, being discussed in our Gemara, the area above is more than two se'ah, and we would need walls -מחיצות- in order to divide it. The walls of the houses below which are not noticeable above cannot be viewed as מחיצות. ■

# HALACHAH Highlight

*A bridge that runs over a river*

*A pavilion in an open field*

**R**av and Shmuel disagree whether it is permitted to carry under an **אכסדרה** located in an open area. Their disagreement revolves around the question of whether or not we can employ the halachic principle of **פי תקרה יורד וסותם** to a structure that is open on all four sides. Later authorities wonder why Rav and Shmuel disagree about the application of **פי תקרה יורד וסותם** when seemingly an **אכסדרה** has a *tzuras hapesach* and it should be permitted to carry based on that principle. The discussion of this issue is the basis of the discussion of the use of telegraph poles and wires to form a *tzuras hapesach* to enclose an urban area.

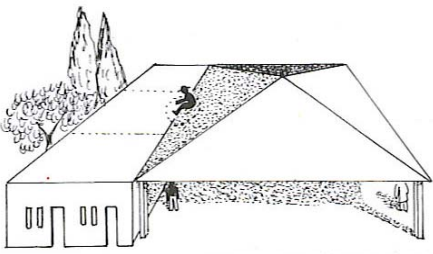
Avnei Nezer<sup>1</sup> ruled that one may not utilize telegraph wires as a *tzuras hapesach* and he presents a number of arguments why they may not be used. One of the arguments is that the Gemara in Menachos (33b) states that the vertical poles of an **אכסדרה** do not form a *tzuras hapesach* since their purpose is to hold up the roof rather than form a *tzuras hapesach*. Seemingly, this principle precludes the use of telegraph wires as a *tzuras hapesach* since they were certainly not constructed to form a *tzuras hapesach*.

Chazon Ish<sup>2</sup> disagreed with Avnei Nezer's analysis. He contends that the reason the Gemara in Menachos does not perceive the **אכסדרה** as a *tzuras hapesach* is that the poles serve no other function other than to support the roof since the function of the

אכסדרה בבקעה

# Daf DIAGRAM

שתי אמות בגג ושתי אמות באכסדרה מהו



**R**ami bar Chama inquired whether Chachamim would permit carrying two amos on the roof of a house and an additional two amos on the roof of an adjacent awning. Do we say that since neither roof is fit for residence we can consider them to be one domain and permitted or perhaps it will be prohibited similar to the restriction against carrying from one roof to another? ■

**אכסדרה** is to produce shade. If one constructed an **אכסדרה** next to a public domain or a *karmelis* so that the **אכסדרה** serves as an entrance to the other domain there would certainly be an obligation to affix a *mezuzah*. Furthermore, it does not even matter whether the **אכסדרה** originally stood by itself or whether it was originally constructed to serve as an entrance to the other domain. Therefore, telegraph wires may be utilized as a *tzuras hapesach*. The fact that they were not constructed for this purpose and even now that is not their primary function is irrelevant, since people wish to use it as such, it qualifies as a functional *tzuras hapesach*. ■

<sup>1</sup> שו"ת אבני נזר או"ח סי' רצ"ג אות י"ב.  
<sup>2</sup> חזו"א או"ח סי' קי"א סק"ה. ■

# Distinctive INSIGHT

*Pi Tikra*

פי תקרה יורד וסותם

From *The Contemporary Eruv*

**I**n 1952, Rabbi Raphael Ber Weissmandel wrote a proposal to permit carrying on Shabbos in Brooklyn on the basis of the elevated train lines. His rationale, however, was not based on the principle of *tzuras ha'pesach*, but on that of "pi tikra yored v'sosem" (literally: the lip of a roof comes down and closes). The principle, as defined in the Shulchan Aruch (361:2) is that, when a roof is at least four tefachim by four tefachim and set atop two complete walls, we view the

thickness of the roof as an imaginary wall for the remaining two sides.<sup>2</sup> Rabbi Moshe Feinstein disagreed with Rabbi Weissmandel's application of this principle to elevated train lines (Igros Moshe, Orach Chaim 1:138). Among his reasons was his observation that several Rishonim do not view the principle of pi tikra as creating walls, but as creating a defined area (underneath the ceiling) in which one is allowed to carry. Thus, perhaps one might be permitted to carry directly underneath the elevated tracks, but the tracks could still not serve to enclose the area that they cover.

The Tikvas Zecharia (Rabbi Zecharia Rosenfeld, first Chief Rabbi of St. Louis, MO) notes that telegraph poles often support a thicket of wires at their tops. These wires are well within three tefachim of each other. Viewing them,

halachically, as connected, allows one to consider the thicket as a roof. One could then apply the principle of pi tikra yored v'sosem to them. In practice, however, Rabbi Rosenfeld does not utilize this approach in sanctioning the use of the telegraph poles and wires as halachic walls, preferring instead the already accepted trend to view them each as comprising a *tzuras ha'pesach*. He does, however, propose that the presence of these "roofs" along the length of a street will diminish their potential to be regarded as a *reshus ha'rabbim*, since roofed over *reshuyos ha'rabbim* are automatically downgraded to *carmelis* status. - see Nesivos Shabbos 3:1 and note 6, where he considers (inconclusively) how much of a roof is necessary to negate a *reshus ha'rabbim*. ■