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If there was a breach in a wall between a courtyard and a public domain, one who brings any object from the breached courtyard into a private domain, or from a private domain into it is liable (*since the breach changes the status of the courtyard from that of a private into that of a public domain*); these are the words of Rabbi Eliezer. The Sages, however, said: Whether a man carried an object from it into the public domain, or from the public domain into it, he is exempt, because it has the same status as a *karmelis* (*which is not a public or private domain*).

The *Gemora* asks: As to Rabbi Eliezer, does it become a public domain because there was a breach between it and the public domain?

The *Gemora* answers: Yes; for Rabbi Eliezer follows his own view, as it was taught in the following *braisa*: Rabbi Yehudah said in the name of Rabbi Eliezer: If the public chose a path for themselves (*from someone's property without his permission*), that which they have chosen is theirs.

The *Gemora* asks: Can this be so? But Rav Giddal explained in the name of Rav: Rabbi Eliezer is speaking of a case where their path (*which they once had*) had been lost in that field? [*You cannot prove from here that they can also appropriate a courtyard in which they have lost nothing.*] And should you reply that here also, it is a case where their path had been lost in that courtyard, surely Rabbi Chanina stated (*in explanation of our Mishna*): The dispute (*in our Mishna*) referred to the courtyard up until the position of its (*breached*) wall (*thus including the entire courtyard and not merely the original position of the breached wall*)?

The *Gemora* answers (*by emending that which R' Chanina stated*): Read: The dispute concerned only the position of the wall.

The *Gemora* suggests an alternative answer: And if you prefer, I might reply that their dispute refers to the status of the sides of a public domain; Rabbi Eliezer holds that the sides of the street are regarded as the public domain, while the Sages hold that the sides of a public road are not like the public domain.

The *Gemora* asks: Why then didn't they express their difference of opinion in respect of an ordinary case of the sides of public roads?

The *Gemora* answers: If they had expressed their difference of view in respect of an ordinary case of the sides of the public roads, it might have been assumed that the Sages differed from Rabbi Eliezer only where there were obstructions (*on the side of the road, which makes it unsuitable for traffic*), but where there were no obstructions, they agree with him; therefore, we were informed (*that even in a case where there are no barriers, such as the collapsed wall, they also differ from him*).

L'zecher Nishmas HaRav Raphael Dov ben HaRav Yosef Yechezkel Marcus O"H

The *Gemora* asks: But didn't he say 'from within it' (which obviously refers to the entire courtyard and not merely to the position of the former wall)?

The *Gemora* answers: Just as the Sages used the expression 'from within it,' he also used a similar expression.

The *Gemora* asks: As to the Sages, however, how is it that Rabbi Eliezer speaks of the sides of a public road and they retort to him 'from within it'?

The *Gemora* answers: It is this that the Sages said to Rabbi Eliezer: You agree with us, do you not, that where a man carried an object from it into a public domain or from a public domain into it, he is exempt because it is a *karmelis*; well the same law should apply to the sides as well. And Rabbi Eliezer disagrees, for there (*in the actual courtyard*), not many people tread, but here (*where the wall collapsed*), they do.

There are three cases where Rabbi Yehudah and Rabbi Yosi disagree. One case is when a *chatzer* (*courtyard*) was breached on two of its sides on *Shabbos* (*i.e. the walls separating the chatzer from the public domain were partially breached, and the chatzer no longer has a status of a private domain*). A second case is when a house was breached on two of its sides on *Shabbos*. The third case is when the *korah* or *lechi* of a *mavoi* was removed on *Shabbos*. Rabbi Yehudah rules that in all three instances, carrying is permitted for the rest of the *Shabbos*, and forbidden for future *Shabbosos* (*until the situation is remedied*). Rabbi Yosi, however, maintains that if they are permitted for that *Shabbos*, then they are permitted for future *Shabbasos*. If they are forbidden for that *Shabbos*, then they are forbidden for future *Shabbosos* as well.

The *Gemora* asks: With what kind of breach are we dealing? If it be suggested that we are dealing with one that was not wider than ten *amos*, the following objection may be raised: Does a breach in one side differ from breaches in two sides? Just as a breach in one side may be regarded as an entrance, shouldn't breaches (*that are no wider than ten amos*) in two sides also be regarded as entrances? If, however, the breach spoken of was wider than ten *amos*, shouldn't the same restrictions apply even where it was only in one side?

Rav replied: The fact is that the breach spoken off was not wider than ten *amos*, but it was one, for instance, that occurred in a corner, because people are not accustomed to fashioning entrances in the corner.

The *Mishna* had stated: A house was breached on two of its sides on *Shabbos*.

The *Gemora* asks: Does a breach in one side differ from breaches in two sides? Just as we say regarding a breach in one side that the edge of the ceiling is deemed to extend downward and to close the gap, why should it not be assumed in the case of breaches in two sides as well that the edge of the beam extends and closes them up?

The *Gemora* answers: At the school of Rav it was explained in the name of Rav that this is a case of a house whose breaches, for instance, occurred in a corner (*where it cannot be regarded as an entrance*), and whose roof was lying in a slanting position, so that it cannot be said that the edge of the ceiling extends downwards and closes them up (*which is a principle that only applies to a straight roof, where its edge is perpendicular to the ground*).

Shmuel, however, said (*to explain the Mishna*): The breach could have been even wider than ten *amos*.

The *Gemora* asks: If so, shouldn't the same restrictions apply even where the breach was made in one side?

The *Gemora* answers: It was written on account of the (*case of the*) house.

The *Gemora* asks: But doesn't the same difficulty arise in respect of a house: Does a breach in one side differ from breaches in two sides? Just as we say regarding a breach in one side that the edge of the ceiling is deemed to extend downward and to close the gap, why should it not be assumed in the case of breaches in two sides as well that the edge of the beam extends and closes them up? And furthermore, it may be objected, does Shmuel at all uphold the principle that the edge of a ceiling is deemed to descend downwards to close a gap, seeing that it was stated: If a pavilion (*one with a flat roof*) was situated in a valley, Rav ruled: It is permitted to carry objects within its entire interior; but Shmuel said: Objects may be carried only within four *amos*. [Rav ruled that it was permitted to carry objects within its entire interior, because we apply the principle: The edge of the ceiling descends and closes up (*and is a valid partition*), but Shmuel ruled that objects may be carried only within four *amos*, because we do not apply the principle: The edge of the ceiling descends and closes up.]

The *Gemora* answers: This is no difficulty: He does not uphold the principle in respect of four walls where the ceiling has to supply the place of four walls (*as is the case of the open pavilion that has only a roof resting on poles*), but in respect of three walls, he does.

The *Gemora* asks: Doesn't the first difficulty, at any rate, remain? As at the school of Rav it was explained in the name of Rav that this is a case of a house whose breaches, for instance, occurred in a corner (*where it cannot be regarded as an entrance*), and whose roof was lying in a slanting position, so that it cannot be said that the edge of the ceiling extends downwards and closes them up (*which is a principle that only applies to a straight roof, where its edge is perpendicular to the ground*); so too here, it may be explained: This is a case of a house whose breaches, for instance, occurred in a corner, and whose roof was lying in a slanting position.

INSIGHTS TO THE DAF

Rulings

The Ritva comments on Rav's allowing Shmuel to rule against him because it was Shmuel's hometown. He explains that this was because the ruling was an argument between them that depended on what argument seemed more logical. They argued about that matter, and Rav allowed Shmuel to rule as he saw fit. However, the Ritva says, it is clear that if Shmuel had ruled to do something that Rav held was clearly one hundred percent forbidden he would have protested. The same holds true, the Ritva says, for a student who sees his Rebbi doing something wrong. If he is sure his Rebbi is one hundred percent wrong (not a matter of debatable logic) he must protest in a respectable fashion.

Of course, a Rebbi is not usually wrong. This is why the Gemora earlier (67b) says that if a student sees a Rebbi issuing a ruling that he thinks is wrong, it depends on whether or not the prohibition is a Torah or Rabbinic prohibition. If it is a Torah ruling, he must immediately ask his Rebbi whether or not this is correct (and present any proofs that he has that it is not). If it is a Rabbinic ruling, he may wait until afterwards, even after the person has already acted on his Rebbi's advice, to ask whether or not the ruling is correct.

While the Nesivos famously says that we see from this Gemora that a Rabbinic prohibition done accidentally must not need atonement, others (such as the Teshuvos Beis Yitzchak) argue that the Gemora is saying something else entirely. The reason for not having to ask right away when it comes to a Rabbinic prohibition is because the fact that it is only Rabbinic combined with the high probability that the student is wrong equals a ruling that the student need not ask right away. In short, while a

person should always learn as much possible and not just rely on his Rebbi to know everything, he must also give his Rebbi respect to the point where we assume that the Rebbi knows better.

The Elevated Train in Brooklyn

About fifty years ago, R' Moshe Feinstein (Igros Moshe O.C. I, 138) was asked to voice his opinion on creating an eiruv in Brooklyn. At that time, a prominent Rav named R' Rafael Ber Weismandel published a treatise in which he suggested an eiruv could be made, since Brooklyn is surrounded on three sides by man-made walls that hug the ocean and the river, and the fourth side is closed off by elevated train tracks that run as an extension of the New York City subway system. According to the sugya of *pi tikra,* the edge of a roof can be considered like a wall, which descends to close off a *reshus hayachid*. R' Weismandel ruled that the train tracks formed such a wall.

R' Moshe responded with a lengthy teshuva in which he rejected the proposal. One of his arguments was based on our *sugya*, in which we find a *machlokes* over when the Halacha L'Moshe M'Sinai of *pi tikra* applies. According to the opinion accepted in halacha by the Rema (O.C. 361:2), *pi tikra* applies only if there are already two solid walls with a common corner that form an "L" shape. *Pi tikra* can then form a third wall. However, if the two solid walls are parallel, such that people can freely pass between them, they negate the "imaginary" wall of the *pi tikra*. In the case of the elevated train, there is nothing to stop people from passing freely beneath the tracks. Therefore, the Halacha L'Moshe M'Sinai of *pi tikra* does not apply.

Furthermore, argues R' Moshe, *pi tikra* is only relevant to the area beneath the roof. *Pi tikra* allows us to make an imaginary wall to enclose the area beneath the roof. In this case, the area beneath the tracks may very well be a *reshus hayachid*. However, the *pi tikra* of the tracks does not enclose the area beyond the tracks, i.e. the rest of Brooklyn. We find this argument presented in our sugya by Rava, who claims that if a Sukka is built next to a canopy, we cannot apply *pi tikra* to the edge of the canopy to form a wall for the Sukka. *Pi tikra* can only form a wall for the area beneath the canopy, not for the area beyond it.

For these and other reasons, R' Moshe concluded that Brooklyn cannot be considered a *reshus hayachid*, in which an eiruv is feasible. It is interesting to note that the Chazon Ish (O.C. 79:1) ruled in a very similar case, that an eiruv can be made. In a certain city, the government did not permit the Jews to build a *tzuros hapesach* over the main street. The street was wider than ten amos, so a *lechi* or *kora* would have been ineffective. They therefore built a balcony extending over part of the street, such that from the end of the balcony until the opposite side was less than ten *amos*. They then considered the edge of the balcony to be a *pi tikra,* forming an imaginary wall, which closed off half the width of the street. The remaining half was less than ten amos, and a *lechi* was then sufficient to permit carrying.

Apparently, the Chazon Ish considered the *pi tikra* of the balcony a valid *mechitza*, even in regard to the street beyond the balcony, and even though people passed freely underneath.