

Laws of Shabbat Chapter 14 (Auto Translated)

English

Auto Translated

Shiur Overview

Summary of Shiur – Rambam Hilchos Shabbos Chapter 14: The Four Domains of Shabbos

Introduction

Chapter 14 begins with the **four domains of Shabbos**, after Chapter 13 dealt with akirah v'hanachah (lifting and placing) and meleches machsheves (purposeful labor). According to the Rambam's order, this perhaps should have been a better beginning for all of Hilchos Hotza'ah, because here is where it's first explained what the domains are.

Halacha 1 – Reshus HaRabim

The Rambam: "What is a reshus harabim? Deserts, forests, marketplaces, and roads leading to them, provided they are sixteen amos wide and have no roof."

Explanation

Reshus harabim is: deserts, forests, marketplaces, and roads leading to them – on condition that they are sixteen amos wide and have no roof.

Insights and Explanations

1. Why does the Rambam begin with reshus harabim? Because reshus harabim is the primary place where hotza'as Shabbos occurs – taking out from reshus hayachid to reshus harabim, or four amos in reshus harabim.

2. Why does he begin with deserts and not marketplaces? Marketplaces are the most obvious reshus harabim. The Rambam begins with what is more of a novelty – that even deserts and forests are reshus harabim. The principle: reshus harabim doesn't necessarily mean where the public **is**, but all places where the public **can** be – open places where no one has ownership and one can easily pass through.

3. Question from the Gemara about the desert: The Gemara says that the Torah was given in a desert which is reshus harabim. Rashi and other Rishonim understand: only **when** Klal Yisrael was in the desert was it reshus harabim (because the public walked there); **today** when no one walks in the desert, it's a karmelis. How does the Rambam write simply that deserts are reshus harabim?

4. The Rambam's answer (Birkas Avraham): The Rambam learns the Gemara **the opposite way**: When Klal Yisrael was in the desert, one could **not** pass through freely – one had to ask permission from the tribe of Reuven to go through their territory, so it was **not** reshus harabim (perhaps karmelis). **Today** when a desert is open to everyone, **on the contrary** – it is reshus harabim.

5. Distinction between desert and sea: A sea is a karmelis (as stated explicitly), because one cannot easily pass through – one needs to build a ship. But a desert, a person can enter easily, therefore it is reshus harabim.

6. The condition of 16 amos wide: This presumably refers to the "roads leading" – the roads that lead to the

marketplaces/deserts. The deserts and marketplaces themselves are automatically wide enough.

7. Covered reshus harabim: If one places a roof over a reshus harabim, it's no longer reshus harabim – it becomes like a building, a reshus hayachid. This is a principle in the Gemara.

Halacha 2 – Reshus HaYachid

The Rambam: "What is a reshus hayachid? A mound ten tefachim high and four by four tefachim wide or more, or a ditch ten deep and four by four wide or more, and likewise a place surrounded by four walls ten tefachim high with four by four or more between them, even if it's several mil, if it was enclosed for dwelling purposes such as a city surrounded by a wall whose gates are locked at night, or courtyards that have three walls and a lechi on the fourth side, and likewise a courtyard, animal pen, and enclosure that were enclosed for dwelling – all are complete reshus hayachid."

Explanation

Reshus hayachid is: (1) a mound ten tefachim high and four by four tefachim wide; (2) a ditch ten tefachim deep and four by four wide; (3) a place surrounded by four walls ten tefachim high with four by four inside. Even a place of several mil, if it's mukaf l'dirah – like a city with a wall that's locked at night, courtyards with three walls and a lechi, courtyard, animal pen, enclosure – all are complete reshus hayachid.

Insights and Explanations

1. Reshus hayachid doesn't mean ownership: "Reshus hayachid" does **not** mean that it belongs to one person. It has nothing to do with ownership. A reshus harabim that belongs to the city ruler but is open to everyone is still reshus harabim. In both domains, we're not talking about who it belongs to.

2. The Rambam begins with the novelty: By reshus harabim he began with deserts (the novelty), not marketplaces (the obvious). Similarly, by reshus hayachid he begins with a mound and ditch (the novelty), not with a place enclosed by four walls for dwelling (the obvious).

3. Three examples of reshus hayachid – all are mechitzos: All three categories (mound, ditch, enclosed by walls) are essentially mechitzos – but by a mound, the hill itself is like a mechitzah (because one must climb up ten tefachim), by a ditch the descent is like a mechitzah, and the third is actual mechitzos.

4. Why is a mound in reshus harabim a reshus hayachid? Because people don't go up on a mound that's ten tefachim high – it's not something one steps through, it becomes a place unto itself.

5. Mukaf l'dirah – what does it mean? "Mukaf l'dirah" doesn't mean that one person should live there, but that the walls were made **for dwelling purposes** – to separate the

place from the surroundings. This excludes a karfef (large open area not enclosed for dwelling purposes), which doesn't have the status of reshus hayachid mid'oraisa.

6. **"Its gates are locked at night":** This shows that it's not a hefker place – it's closed, it's a thing unto itself.

7. **Vessels as reshus hayachid:** Even vessels – like a ship or a wooden tower (a large wooden structure/cabinet) – if they have a width of four tefachim and height of ten tefachim, they are complete reshus hayachid. The novelty is that a vessel, which one might think isn't a "domain" at all, can indeed be reshus hayachid. (A refrigerator that's ten high and four wide is a complete reshus hayachid.)

8. **Mukaf l'dirah by vessels:** By vessels there's no condition of mukaf l'dirah – the condition is only by very large areas.

Halacha 3 – The Thickness of the Walls of Reshus HaYachid

The Rambam: "The thickness of the walls of reshus hayachid is like reshus hayachid, and if a net placed outside makes a reshus hayachid, it itself all the more so."

Explanation

The thickness of the walls of reshus hayachid itself has the status of reshus hayachid. If one places something on the wall, it's as if one placed it in reshus hayachid.

Insights and Explanations

The Rambam brings a kal vachomer from the Gemara: if the walls can make the inner space into a reshus hayachid, kal vachomer that they themselves should also be reshus hayachid.

Question on this kal vachomer: Why must something that creates a status also have that status itself? It's comparable to a "guardian" who doesn't necessarily need to be able to guard himself, or something that makes others tamei but isn't itself tamei.

Answer: It's the language of the Gemara, and one can also understand that reshus hayachid begins from where the wall begins – the walls aren't just a cause for reshus hayachid, but part of it.

Halacha 3 (continued) – The Airspace of Reshus HaYachid and Reshus HaRabim

The Rambam: "The airspace of reshus hayachid is like reshus hayachid... reshus hayachid extends to the sky (pierces and rises to the sky). But the airspace of reshus harabim is only like reshus harabim up to ten tefachim; above ten in the airspace of reshus harabim is a makom patur."

Explanation

The air above reshus hayachid has the same status as reshus hayachid, without a height limit – until the sky. But by reshus harabim, only up to ten tefachim is reshus harabim; higher than that is makom patur.

Insights and Explanations

The fundamental distinction: reshus harabim is defined by **use** – a place that the public uses, and above ten tefachim one doesn't use. Reshus hayachid is defined by **boundaries/mechitzos** – it belongs to the individual, and

the individual's domain doesn't end at ten tefachim. The **use** is the essence by reshus harabim, but not by reshus hayachid.

Halacha 4 – Four Domains for Shabbos

The Rambam: "There are four domains for Shabbos – reshus hayachid, reshus harabim, karmelis, and makom patur."

Explanation

Besides reshus hayachid and reshus harabim, there are two more domains: karmelis and makom patur.

Insights and Explanations

About the text: In the printed version, the chapter begins with "four domains for Shabbos," but in other versions it begins with "reshus harabim, reshus hayachid" – because reshus harabim and reshus hayachid were already discussed earlier; the novelty comes only when the other two are mentioned.

Essentially there are only three domains: Makom patur is not a domain – it's not even called a "reshus." The whole point of makom patur is that it's a place that's **exempt from all laws**. That we call it "four domains" is only to make it easier to understand.

Halacha 4 (continued) – What is Karmelis: The Five Types

1) Mound

The Rambam: "A mound that has four by four or more, and is high from three to ten – karmelis. For karmelis only extends up to ten."

Explanation: A mound that's four by four tefachim wide, high from three to ten tefachim. If it were ten high – reshus hayachid; less than three – lavud, considered like flat ground. Between three and ten is an intermediate – karmelis.

2) Ditch

The Rambam: "A ditch that has four by four wide or more, and depth from three to ten."

Explanation: A ditch with the same measurements as a mound, but sunken instead of raised.

3) Place Enclosed by Four Walls

The Rambam: "A place enclosed by four walls high from three to ten, with four by four width or more."

Explanation: A place surrounded by walls that aren't high enough (3-10 tefachim) to make a reshus hayachid.

4) Corner Adjacent to Reshus HaRabim

The Rambam: "A place enclosed by three walls and the fourth side is reshus harabim, like a mavoy."

Explanation: A mavoy with three walls and the fourth side open to reshus harabim. With a lechi or koreh it becomes reshus hayachid; without it – it's not reshus harabim (because of three walls), but also not reshus hayachid (because open to reshus harabim), therefore karmelis.

5) Seas and Valleys

The Rambam: "Seas and valleys, whether in summer or winter."

Explanation: Seas (water) and valleys are karmelis without distinction between summer and winter. A sea is hefker like a

desert, but one doesn't go there freely – one needs a ship, therefore it's not reshush harabim.

Insights about valley: "Bik'ah" means a valley that's deeper, where one doesn't frequent as much. "A valley without walls" – a place that's not enclosed, perhaps grows wild, it's not reshush harabim (because one doesn't go there) and not reshush hayachid (because no walls).

Meaning of the Word "Karmelis" – Three Explanations

1. **Rambam in Perush HaMishnayos:** Karmelis = karmelis (like a widow). A widow doesn't belong to anyone – similarly karmelis is not reshush hayachid (belongs to an individual) and not reshush harabim (belongs to the public).

2. **Tosafos:** Karmelis = language of karmel, grain that's not yet dried – a "bein hashmashos" of grains, an intermediate state. Note: "bein hashmashos" is a doubt, but karmelis is not a doubt – it's an intermediate, a state in between with characteristics of both domains.

3. **Rashi (the preferred explanation):** Karmel = a field/place of fruit trees (like an orchard), like the verse "forest and like karmel" (Yeshayahu). This is a direct example of a karmelis – a valley where things grow but it's not enclosed.

Halacha 4 (continued) – Airspace of Karmelis

The Rambam: "The airspace of karmelis is like karmelis up to ten tefachim, but above ten tefachim the airspace of karmelis is like makom patur."

Explanation

The air above a karmelis is karmelis only up to ten tefachim; higher than that it becomes makom patur.

Insights

By seas and rivers, one measures the ten tefachim from **above the water surface** – from the surface of the water, not from the bottom of the sea.

Halacha 4 (continued) – A Pit in Karmelis

The Rambam: "A pit in karmelis is like karmelis, even if it's a hundred amos deep, and doesn't have four."

Explanation

A pit in the middle of a karmelis is part of the karmelis, even if it's a hundred amos deep – but only when it doesn't have four tefachim wide. When it does have four tefachim and is very deep, it would become a reshush hayachid.

Insights

The principle of **kol omek hamale mayim harei hu k'karka avah** – water fills the space and becomes like solid earth. One doesn't measure ten tefachim from above the water, but from the ground under the water. When a person throws down onto water or takes out from water – one considers as if he took out from the entire water, not just from the top.

Halacha 4 (continued) – Other Types of Karmelis

The Rambam lists other cases that have the status of karmelis: (1) reshush harabim with a roof; (2) a street narrower than sixteen amos; (3) itztaba between pillars in reshush harabim; (4) sides of reshush harabim.

Explanation

1. A reshush harabim that gets a roof – it's no longer reshush harabim, but not yet reshush hayachid, rather karmelis.

2. A street that's not sixteen amos wide – also karmelis.

3. Itztaba (a platform/stand for sitting) between pillars in reshush harabim.

4. Sides of reshush harabim – the sides of reshush harabim.

Insights

- **Distinction between essential karmelis and status of karmelis:** Seas, valleys are natural areas that are karmelis in themselves (essential karmelis). Mound, ditch, enclosed place are "technical" karmelis – things that get the status of karmelis for specific reasons.

- **Itztaba** is a Roman word for a platform/stand where one sits, sells things – a corner by the side of reshush harabim that's not the active part where people walk.

- **Distinction between itztaba between pillars and between pillars itself:** Itztaba between pillars is karmelis because it's separated from reshush harabim. But **between the pillars itself – since the public treads there, it is reshush harabim.** The Gemara says that people go there to fix their things by the pillars, therefore it remains reshush harabim.

- **Sides of reshush harabim** is a place next to reshush harabim – not exactly part of reshush harabim, but open to it (like a sidewalk or shelf). Even if it has the same walls, but since there isn't the proper use of reshush harabim (people don't frequent as much), it's karmelis. It's also presented as **a corner adjacent to reshush harabim.**

Halacha 5 (approximately) – Makom Patur

The Rambam: "A place that has less than four by four, and is high from three to the sky... anything less than three is like the ground... even thorns and thistles or dung in reshush harabim, high three and doesn't have four by four, this is makom patur. And likewise a ditch that doesn't have four by four and its depth is from three... to the depths."

Explanation

Makom patur is a place smaller than four by four tefachim, high from three tefachim to the sky (or deep from three tefachim to the depths). Less than three tefachim high is considered like the ground itself (lavud). Even natural things like thorns, dung, or garbage in reshush harabim – if they have the measurement, they are makom patur.

Insights

1. **Anything less than three is like the ground:** Less than three tefachim high is considered like the ground itself (lavud), therefore it would have the status of the domain around it. But when it's three high but not four by four – it's makom patur. Lavud doesn't mean it doesn't exist at all – even when one sees a small mound or hole, but because it's close enough, it's nullified and not a thing unto itself.

2. **Thorns and thistles** – two types of thorns/bad growths. The Rambam brings this to show that makom patur is not only a man-made structure, but even natural accumulations of junk/garbage where people don't go.

3. **Why does the Rambam write "place" instead of "mound"?** All four domains began with mound and ditch, but here the Rambam writes "place" – because he wants to

add the "even thorns," which is not a classic "mound," but garbage heaps and other accumulations.

4. What about thorns and thistles that do have four by four? That would be a karmelis (if 3-10 tefachim high), and even larger a reshus hayachid (if ten tefachim).

Halacha 5 (continued) – An Enclosed Place

The Rambam: "A place enclosed that doesn't have four by four, even if its length is a thousand amos and its width is four minus a bit, and its height is from three and up, this is makom patur."

Explanation

A place surrounded by walls, even if it's a thousand amos long, if the width is a bit less than four tefachim and it's high from three and up — it's makom patur.

Insights

Why must an area be four by four to be considered a domain? A narrow long place can have a lot of square feet, but it's still makom patur. The point: it must be "boxy" (four by four) to be considered a usable domain. A narrow structure is practically not usable as a domain unto itself.

Halacha: A Place Nine Tefachim High Exactly in Reshus HaRabim

The Rambam: "A place that is exactly nine tefachim high, no less and no more, in reshus harabim — it is like reshus harabim, and we don't consider its length or width, whether wide or narrow it is like reshus harabim, and the public shoulders on it."

Explanation

A raised place in reshus harabim that's **exactly** nine tefachim high — not more, not less — is considered like reshus harabim, even though we don't look at width or length.

Insights

1. **"Shouldering on it":** The concept "kessef" (shoulder) means that people carrying packages in reshus harabim can **rest, lean, or help themselves with their packages** there. Nine tefachim is exactly the height that's convenient for such use. Therefore it's not an "external structure" in reshus harabim, but like **"furniture" of reshus harabim** — something that's set up for the public's convenience.

2. **Why specifically nine tefachim exactly?** It's a specific measurement for a vessel/structure that one places in reshus harabim so that one can shoulder on it. If it's **too small** — it's not usable; if it's **too high** (ten tefachim) — it becomes a **domain unto itself**.

3. **If it's more than nine:** The Rambam says "if it was more than nine... if it was four by four or more — karmelis" — this must mean when it's **more than nine but not ten** (between nine and ten). When it's four by four and ten tefachim high — it's explicitly reshus hayachid. **If it doesn't have four by four — it's makom patur.**

Halacha: A Roof Adjacent to Reshus HaRabim Within Ten Tefachim

The Rambam: "A roof adjacent to reshus harabim within ten tefachim... it's forbidden to carry to the roof until one makes a fixed ladder to go up on it."

Explanation

A roof of a house that extends into reshus harabim within ten tefachim — people use it "to shoulder." The homeowner would think that the roof is reshus hayachid, but because it's so close to reshus harabim and the public uses it, one may not carry — until one places a fixed ladder.

Insights

1. **Fixed ladder as disclosure of intent:** The fixed ladder is a **sign/indication** that someone uses the place — people see that someone goes up and down, and this is enough **disclosure of intent** that it's reshus hayachid.

2. **"Forbidden" not "liable":** The Rambam says only **forbidden**, not liable — which implies it's not a Torah-level reshus harabim, but a **rabbinic concern**.

3. **Discussion about "makom patur" — whether it means "permitted place":** "Makom patur" doesn't mean a place where one may do so initially, but a place where one is exempt but forbidden. "Poor man's reshus harabim rabbinically" can be called karmelis — karmelis has an original meaning (a specific type of area), but in practice one also calls "poor man's reshus harabim rabbinically" by the name karmelis.

Halacha: A Pillar in Reshus HaRabim Ten High and Four Wide

The Rambam: "A pillar in reshus harabim... ten high and four wide — this is reshus hayachid."

Explanation

A pole in reshus harabim that's ten tefachim high and four by four wide — is reshus hayachid.

Halacha: Any Peg in a Pillar

The Rambam: "If one stuck a peg of any size in its height, even if it's not three high, since it's suitable to hang on — pegs to use..."

Explanation

If one sticks a nail in the **side** of the pillar (not on top), even if the nail isn't three tefachim high — because people can hang their packages there, it becomes used.

Insights

1. **"In its height" doesn't mean on top of the pillar** — it means **on the side**, there where the height goes up.

2. **Under three tefachim — lavud:** A peg that's under three tefachim from the ground of the pillar is **close to three mixed** — it's nullified to the ground of the pillar through the principle of lavud. But because it's **suitable to hang on**, it makes a difference.

Halacha: If He Filled It All with Pegs

The Rambam's position: If one sticks pegs into a pillar in reshus harabim, it reduces the height of the pillar, because one only measures **from the base upward**. Even **if he filled it all with pegs** — the entire pillar is reduced and becomes a **karmelis**.

Explanation

The pegs make the lower part of the pillar used by people of reshus harabim (one hangs things on them), therefore one only counts from the peg and higher. This reduces the height,

and if there don't remain ten tefachim, it becomes a karmelis instead of a reshush hayachid.

Insights

1. **Why karmelis and not reshush harabim?** The Rambam says explicitly "it becomes karmelis" — the pillar no longer has enough measurement for reshush hayachid (less than ten tefachim high), but it's also not exactly reshush harabim.

2. **What does "all of it" mean?** Not that every inch is covered with nails (which would make it impossible to hang anything), but that every few tefachim there's a hook, so one can still use it. The Rambam writes explicitly "they hang the pegs and use them."

3. **The Rambam learns the Gemara differently than most Rishonim:** Rashi, Ra'avad, and other Rishonim learn the Gemara completely differently. The Rambam doesn't say that the peg makes the lower part into part of reshush harabim (like "amah shemakefes hakol"), but only that one counts the height differently.

4. **Practical difference:** In modern times it's not so relevant practically, because according to many commentators there's no Torah-level reshush harabim today.

Halacha 11 – A Hole in Reshush HaYachid and a Hole in Reshush HaRabim

The Rambam: "A hole in reshush hayachid is like reshush hayachid. A hole in reshush harabim is not like reshush harabim unless it has four by four." **How so:** "If it has four by four and is ten high — reshush hayachid. And if it's not ten high — it is like karmelis. And if it doesn't have four by four — it is makom patur, provided it's three high, for anything less than three is like the ground."

Explanation

A hole in a wall of reshush hayachid is automatically reshush hayachid, without any conditions. But a hole in a wall next to reshush harabim is not automatically reshush harabim — it depends on the measurement: four by four and ten high = reshush hayachid; four by four but not ten high = karmelis; less than four by four but three high = makom patur; less than three = like the ground (part of reshush harabim).

Insights

1. **The basis of this distinction:** Reshush hayachid belongs to one person — everything that's in his domain (even a hole in his wall) is his, without any condition of measurement. Reshush harabim however needs to have a form that the public can actually use — therefore not every hole is automatically reshush harabim. Reshush hayachid goes to the sky without measurement, whereas reshush harabim is only up to ten tefachim, because it must be a place that has a form for use by the public.

2. **Hole vs. pit:** A hole (in a wall) is **essentially a different thing** than a pit (hole in the ground). The only similarity is that both have the three measurements (reshush hayachid, karmelis, makom patur), but a hole is a hole in a wall (on the side), and a pit is a hole in the ground (downward).

3. **Question — how small can a hole be?** If every tiny hole in a wall in reshush harabim is no longer reshush harabim (but makom patur if three high), that's a big novelty. By a pit we didn't say that a tiny pit stops being reshush harabim. A reshush

harabim that goes hilly — should we say that reshush harabim ends when it gets a bit deeper? The answer: a hole (in a wall) is a completely different thing than a pit (in the ground), and one can't compare.

4. **The measurement system:** Less than 3 tefachim = nullified (lavud); from 3 tefachim but less than 4 by 4 = makom patur; 4 by 4 but less than 10 tefachim = karmelis; 4 by 4 and 10 tefachim = reshush hayachid.

Halacha 12 – Laws of Karmelis and Makom Patur

The Rambam: "Reshush hayachid and makom patur, one may carry in all of them, even if the length of each is several mil. But reshush harabim and karmelis, one may only carry within four amos. And if one transferred or extended or threw outside four amos — in reshush harabim one is liable, and in karmelis one is exempt, because the prohibition of karmelis is rabbinic, because it resembles reshush harabim, lest it be confused with reshush harabim."

Explanation

Reshush hayachid and makom patur — one may carry in them without limit. Reshush harabim and karmelis — only within four amos. The distinction: in reshush harabim one is liable, in karmelis exempt but forbidden (rabbinically).

Insights

1. **Makom patur several mil:** The Rambam says that even makom patur can be "several mil" — which is difficult, because makom patur must be less than four by four. The answer: it's talking about a narrow, long place — an enclosed place that's less than four by four in width but very long.

2. **Reason for the prohibition of karmelis:** The Rambam gives a reason — "lest it be confused with reshush harabim" — if one will think one may carry in karmelis, one will come to carry in reshush harabim.

3. **Karmelis is clearly a rabbinic stringency, not a leniency:** Biblically, a place that lacks something from being a reshush hayachid (for example, not ten tefachim high but wider than four tefachim) would have been a **makom patur** — one could carry to it, from it, and in it. The Sages were stringent and made it a karmelis. One can't say that the Sages "made" a reshush hayachid — reshush hayachid is a Torah law. The Sages only made that certain places which are biblically makom patur should have stringencies like reshush hayachid (one may not carry inside) **and** stringencies like reshush harabim (one may not carry in from reshush harabim).

Halacha 12 (continued) – Melachah She'einah Tzrichah L'gufah in Karmelis

The Rambam: "Therefore, if one didn't need the carrying itself, such as one who transferred a thorn in karmelis so that the public wouldn't be injured by it, and the like — it's permitted."

Explanation

When one doesn't need the hotza'ah for itself (like removing a thorn so one won't be injured), it's permitted in karmelis.

Insights

1. **Question according to the Rambam's position:** The Rambam holds that melachah she'einah tzrichah l'gufah is liable biblically! Why should this help? **Answer:** Perhaps by a

rabbinic prohibition (karmelis) there's a leniency when it's "she'einah tzrichah l'gufah" – a shvus d'shvus. Or: the reason of "lest it be confused" doesn't apply when it doesn't look like a normal

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Insights

1. **Question according to the Rambam's position:** The Rambam holds that melachah she'einah tzrichah l'gufah is liable biblically! Why should this help? **Answer:** Perhaps by a rabbinic prohibition (karmelis) there's a leniency when it's "she'einah tzrichah l'gufah" – a shvus d'shvus. Or: the reason of "lest it be confused" doesn't apply when it doesn't look like a normal hotza'ah – when one sees someone removing a thorn, it doesn't look like carrying, therefore one won't come to carry in reshush harabim.

2. **What does "and the like" mean?** Other types of damage. But when it's "a need for itself or its place" (one actually wants the thing or the place), seemingly there's no permission – because then it's too similar to a normal hotza'ah, and one will come to carry in reshush harabim. This remains somewhat open.

3. **In reshush harabim – a thorn:** In reshush harabim itself one may remove a thorn only "less than four amos at a time" (less than four amos at once). But in karmelis one may do it properly (without this limitation).

Halacha 12 (continued) – Makom Patur: Bringing In and Taking Out

The Rambam: "Just as it's permitted to carry in all of makom patur, so it's permitted to bring in from it to reshush hayachid or to reshush harabim or to karmelis, and to take out from them to it."

Explanation

Makom patur is easier than reshush hayachid – not only may one carry inside, but one may also bring in and take out from/to all other domains.

Insights

1. **Makom patur – what kind of definition?** Makom patur is not exactly nullified to the adjacent place (because then it would become reshush harabim), but it's a special domain that has a special leniency – one may carry both inside and in/out from all domains.

2. **Karmelis – the opposite of makom patur:** Karmelis has a stringency: one may not carry more than four amos inside, and one may not carry from/to reshush hayachid or reshush harabim. One who takes out/brings in is exempt but forbidden (rabbinically).

3. **Question from Pri Chadash – why may one not carry from reshush harabim to karmelis?** If karmelis is forbidden because it's "similar to reshush harabim" – one should be able to carry from reshush harabim to karmelis, like

from reshush harabim to reshush harabim (which is permitted within four amos)! **Answer a:** On the contrary – then karmelis is too similar to reshush hayachid, and one would come to carry from reshush harabim to reshush hayachid. **Answer b:** One can't make it easier than other domains – karmelis is a definition unto itself, and without this definition it would have been a makom patur or a reshush hayachid. The Rambam doesn't mean that it's actually reshush harabim – it's **similar** to reshush harabim **and sometimes similar to reshush hayachid**. This remains not fully clarified.

Halacha 14 – One Who Takes Out from Reshush HaYachid to Reshush HaYachid with Karmelis in Between

The Rambam: "One who takes out from reshush hayachid to reshush hayachid, or from reshush harabim to reshush harabim, with karmelis in between – exempt. And likewise one who extends or throws from one to the other with karmelis in between – exempt."

Explanation

When one carries from reshush hayachid to reshush hayachid (or reshush harabim to reshush harabim) through a karmelis, one is exempt but forbidden.

Insights

1. **What is the novelty?** Seemingly that it's exempt is obvious – even if reshush harabim were in between (instead of karmelis) he would be exempt. **The novelty is that it's forbidden** – the Sages who forbade carrying in karmelis also forbade carrying from reshush hayachid to reshush hayachid **through** a karmelis.

2. **The Rambam's language:** The Rambam should have said "forbidden" instead of "exempt," because the main novelty is the rabbinic prohibition. But because the Rambam hasn't yet begun to speak about rabbinic prohibitions (he will bring this later), he stays with the language "exempt" – but he means exempt but forbidden.

Halacha: One Who Takes Out from Reshush HaRabim to Karmelis and Places It There, and Returns and Lifts It from Karmelis and Brings It to Reshush HaYachid

The Rambam: "One who takes out an object from reshush harabim to karmelis and places it there, and returns and lifts it from karmelis and brings it to reshush hayachid – exempt. Or took it out from reshush hayachid to karmelis and placed it there, and returned and lifted it from karmelis and took it out to reshush harabim – exempt."

Explanation

When one carries from reshush harabim, places it down in karmelis, and then takes it further to reshush hayachid – one is exempt from biblical liability (from carrying reshush harabim to reshush hayachid), because the placement in karmelis interrupted the act.

Insights

Contradiction between two halachos: In the previous halacha the Rambam says that karmelis in between makes you **not easier** (it's rabbinically forbidden to carry through karmelis). But here he says that karmelis **does make you easier** – it saves you from biblical liability!

Answer: It's not the rabbis who exempt him – even by a **makom patur** he would be exempt. The placement in karmelis breaks up the act of hotza'ah exactly like a placement in makom patur would. The novelty is that the stringency of karmelis (that one may not carry there) doesn't make one also be stringent to consider it as a continuation of the hotza'ah.

Halacha: One Who Takes Out from Reshus HaYachid to Reshus HaRabim Through Makom Patur

The Rambam: "One who takes out from reshus hayachid to reshus harabim and passed through makom patur in his walking – liable. And needless to say by throwing that the object passed through makom patur."

Explanation

When one goes from reshus hayachid to reshus harabim through a makom patur **without stopping** – one is liable, because **walking is not like standing** (walking is not like standing). Only when one stops (stands) in makom patur does it break up the act.

Insights

By **throwing** it's even more obvious – if the object flies through makom patur without stopping, he's liable, because **passing through is not like being placed** (flying through is not like placing down).

Halacha: Standing in Makom Patur and Taking/Giving

The Rambam: "One who stands in makom patur and takes an object from reshus hayachid and gives it to reshus harabim, or takes from reshus harabim and gives it to reshus hayachid – exempt."

Explanation

Whoever stands in a makom patur (between reshus hayachid and reshus harabim) and takes an object from one and places it in the other – is exempt, because he's standing in makom patur.

Insights

Investigation: One could argue that this doesn't mean "stopped" – he's taking over and carrying it, he's not really stopping. **But the Rambam holds** that this does mean stopped – because he is **at rest** in makom patur, it's enough to break up the act. This is different from **walking** (passing through), where we say walking is not like standing.

Halacha: A Pillar in Reshus HaRabim Ten High and Four Wide with a Narrow Base

The Rambam: "A pillar in reshus harabim ten high and four wide, and its base doesn't have four, and in the short height doesn't have three – this is reshus hayachid, and if one threw from reshus harabim and it rested on top of it he's liable."

Explanation

A pillar in reshus harabim that's ten tefachim high and four wide on top, but the lower part is narrower than four (like an "upside down cone"), and the narrow part is less than three tefachim high – it's reshus hayachid.

Insights

The basis is **lavud** – since between the place where it becomes four tefachim wide and the ground is less than three tefachim, one considers it as **gud achis mechitzasa** – the wall goes down to the ground. If it were three tefachim or more, it would be a separate domain (makom patur, because it doesn't have four by four at ten high).

Halacha: A Mound That Slopes

The Rambam: "A mound that slopes ten tefachim within four amos – this is reshus hayachid, and one who throws from reshus harabim into it is liable."

Explanation

A mound in reshus harabim that rises ten tefachim within four amos (steep enough) – is reshus hayachid.

Insights

1. If it takes **more** than four amos to rise ten tefachim, it's only a high reshus harabim, not a separate domain. But if "within" four amos one reaches ten tefachim, one views it as a **wide wall**.

2. **Why specifically four amos?** It's connected with the law of **gud asik** – from where it's four tefachim wide, one considers that even where it's narrower, it's like four.

3. **Question:** Does one measure the four amos according to the **curved** surface (surface distance) or the **straight** horizontal distance from below? (Not resolved)

4. **Rabbi Chaim** is mentioned as having wanted to understand where exactly the mechitzah is in such a mound.

Halacha: Reshus HaYachid Rises to the Sky – A Pole in Reshus HaYachid

The Rambam: "One who places a pole in reshus hayachid, even a hundred amos high, and throws from reshus harabim and it rests on top of it – liable, for reshus hayachid rises to the sky."

Explanation

A pole in reshus hayachid, even a hundred amos high – whoever throws from reshus harabim and it remains lying on top, is liable, because reshus hayachid goes to the sky.

Insights

1. **Fundamental question:** Why does reshus hayachid rise to the sky but reshus harabim doesn't? **Answer:** Reshus harabim is defined by **use** – above ten tefachim one doesn't use. Reshus hayachid is defined by **boundaries/mechitzos** – the individual's domain doesn't end at ten tefachim.

2. **Placement is needed:** If something remains in the air above reshus hayachid without placement, there's no liability. Only when it lies on something (like the pole), is there placement.

3. **Question about four by four:** The pole on top doesn't have four by four tefachim – why is there placement? A possible reasoning: the pole is connected to the ground of reshus hayachid, like a continuation of the ground, and therefore one doesn't need four by four on top.

4. **[Digression: flying with a plane]** – question about flying above a contaminated place, or a kohen above a cemetery. "To the sky" is presumably an exaggeration. Also, in a plane there's no placement.

Halacha: A Tree Standing in Reshus HaYachid with Its Branches Extending to Reshus HaRabim

The Rambam: "A tree standing in reshus hayachid with its branches extending to reshus harabim, and one threw and it rested on its branches – exempt, for the branches don't follow the trunk."

Explanation

A tree standing in reshus hayachid but its branches extend into reshus harabim – whoever throws from reshus harabim and it falls on the branches (which are in the airspace of reshus harabim) – is exempt, because the branches don't follow the trunk.

Insights

1. One could have argued the opposite: if one throws onto the branches, one should be **liable** because "the branches follow the trunk" – the trunk stands in reshus hayachid! But **here one doesn't follow the trunk**, rather one looks where the thing itself is – and the branches are in the airspace of reshus harabim, which is above ten tefachim (not reshus harabim).
2. **There is a dispute** on this matter, but the Rambam rules exempt.
3. **Exempt but forbidden** – one may not do this initially.

Halacha: A Pole in Reshus HaRabim with a Basket on Top

The Rambam: "A pole in reshus harabim with a basket on top, and one threw and placed on top of it – exempt, for reshus harabim doesn't rise to ten."

Explanation

A pole in reshus harabim with a basket on top – whoever throws and it remains lying on top – is exempt, because reshus harabim doesn't go higher than ten tefachim.

Insights

1. **Why does the Rambam need to mention a basket (vessel for receiving)?** Seemingly it should be exempt even without a basket.
2. **Maggid Mishneh:** The halacha is even **less than ten** – because reshus harabim doesn't go up to the sky, it must actually fall on the ground to be liable.
3. **Ra'avad's objection:** The Ra'avad says explicitly that even **up to ten** (less than ten) is exempt – it's not reshus hayachid (no walls), and not reshus harabim (not on the ground), therefore it's a **karmelis**, and exempt but forbidden.
4. **Ra'avad vs. Rambam:** The Ra'avad holds that above ten in reshus harabim is not reshus hayachid because there's no mechitzah, but a karmelis.
5. **Question on the exemption below ten:** Why should one be exempt by a pillar below ten? The pillar is a "foreign growth" – it doesn't belong to reshus harabim, it's something else (pillars for decoration).
6. **Maggid Mishneh's position:** The Maggid Mishneh argues that the Rambam actually agrees with the Ra'avad. The Rambam says it only to explain why it's different from reshus hayachid – by reshus hayachid one would be liable because it rises to the sky, but by reshus harabim anything above three tefachim is a "separate domain unto itself." This is "a bit forced, but it's indeed difficult."

Halacha: One Who Throws and It Gets Stuck in a Wall – A Lump of Sand or Mud

The Rambam: "One who throws four amos in reshus harabim and it gets stuck in a wall – a lump of sand or mud and it stuck to the wall – exempt from desecration."

Explanation

Someone throws a sticky thing (sand/mud) and it sticks onto the wall.

Insights

1. **If it stuck above ten tefachim** – like throwing in the air, because above ten in reshus harabim is makom patur, therefore exempt.
2. **If it stuck below ten tefachim** – like throwing on the ground and liable, because it's in the airspace of reshus harabim.
3. The wall means a place of four by four, therefore it counts as placement.
4. **But by a tiny hole** (a small hole in the wall) – exempt, because the hole is not four by four, and we don't say "we carve to complete" (Maggid Mishneh).

Halacha: One Threw a Pole or Spear from Reshus HaYachid to Reshus HaRabim

The Rambam: "One threw a pole or spear in reshus hayachid and it got stuck in reshus harabim while standing – exempt, for part of it is makom patur."

Explanation

A pole/spear that's higher than ten tefachim, gets stuck standing in reshus harabim – exempt because part of it is above ten (makom patur).

Insights

1. **Question:** Why don't we say the opposite – liable, because part of it is in a place of liability (the lower part stands on reshus harabim)?
2. **Answer:** As we learned earlier, one must lift and place the **entire** thing – if part is in makom patur, there's no complete placement in reshus harabim. This is a principle: by hotza'ah one needs the entire thing.

Halacha: One Who Throws a Large Vessel from Reshus HaYachid to Reshus HaRabim

The Rambam: "One who throws a vessel from reshus hayachid to reshus harabim, and the vessel was large and has four by four at a height of ten – exempt, because this vessel is complete reshus hayachid, and it turns out like taking out from reshus hayachid to reshus hayachid."

Explanation

A vessel that's itself four by four at a height of ten is a reshus hayachid – when one throws it, it's like taking out from reshus hayachid to reshus hayachid.

Insights

1. **Important question:** If one throws the vessel from reshus harabim to reshus hayachid – he made an akirah from reshus harabim! When he lifts the vessel in reshus harabim, the vessel is however a domain unto itself. The Rambam only says "like taking out from reshus hayachid to reshus hayachid."

2. **Karmelis-vessel:** What about a vessel that's four by four but less than ten (status of karmelis)? The Rambam doesn't speak of it; later authorities who discuss this are brought.

3. **[Digression: why is the Gemara so lengthy in laws of hotza'ah?]** Practically such cases (throwing a refrigerator box on Shabbos) come up very rarely. The holy Zohar (Rabbi Shimon) says that when something doesn't fit in verses/contradictions, one must say that it means hidden aggados/secrets — so too one must say that the length of laws of hotza'ah contains deep secrets of the Torah, not just practical halacha. The Rambam's approach is simply to write the conclusion of the Gemara — "want to learn the details? Figure it out yourself."

Halacha: A Pit of Nine in Reshus HaRabim — Akirah/Hanachah and Mechitzah Together

The Rambam: "A pit of nine in reshus harabim and one removed a clod from its bottom and completed it to ten — exempt. Akirah and mechitzah together — exempt." Also the opposite: "If the pit was ten (reshus hayachid) and he threw into it a clod and reduced it to nine — exempt."

Explanation

A pit of nine tefachim (karmelis, if four by four) — someone scrapes out a piece from the bottom and makes it ten (reshus hayachid). He's exempt because akirah and mechitzah together. Also the opposite — a pit of ten that one fills until it becomes nine — exempt, because hanachah and mechitzah together.

Insights

1. **Principle:** One can't make hotza'ah and mechitzah together. First there must be a domain, and then one can take out/bring in.

2. **By akirah:** When he lifted the clod, it was still part of reshus harabim (karmelis), because the pit is not yet ten. Only after the akirah does it become reshus hayachid — but then the akirah is already past. Therefore: akirah from reshus harabim to reshus harabim.

3. **By hanachah (opposite):** When he throws in the clod, at the time of hanachah the pit is already no longer reshus hayachid (because it's reduced to nine). Therefore: hanachah in a karmelis, not reshus hayachid — exempt.

4. **Interesting point:** One can distinguish between "beginning of hanachah" (when the sand starts touching the floor) and "end of hanachah" (when everything is already lying) — this can make a practical difference in this law.

5. **Plowing:** By scraping out the clod he's also transgressing plowing (or at least close to plowing), but that's a side point.

Halacha: A Board on Top of Pegs — Mechitzah and Hanachah Come Together

The Rambam: "One who throws a board and places it on top of pegs in reshus harabim and it becomes reshus hayachid — even a vessel on top of the board — exempt, for the making of the mechitzah and the placement of the vessel come together."

Explanation

When someone throws a flat board that falls on stakes (pegs) in reshus harabim and it becomes a reshus hayachid (ten

tefachim high), and even if on the board there was lying a vessel — he's exempt, because the creation of the mechitzah and the placement of the vessel come in one moment.

Insights

The great novelty: One doesn't count according to when you began doing the melachah. One could have said: you actually carried from one domain to another, but one views it "very technically" — one needs a valid akirah and a valid hanachah, and if one of them isn't there (because the domain doesn't yet exist or no longer exists), one is exempt.

Halacha: A Pit in Reshus HaRabim — Divided by a Mechitzah

The Rambam: "A pit whose depth is ten and width is eight in reshus harabim, one threw into it a mechitzah and divided the pit in its width into two — exempt, for the mechitzah was nullified and it turns out each place doesn't have four by four."

Explanation

A pit in reshus harabim that's ten deep and eight wide (reshus hayachid) — when one throws in a mechitzah that divides it in two, each part becomes less than four tefachim, and it's no longer reshus hayachid.

Insights

This is another case of "mechitzah and hanachah together" in reverse — here the reshus hayachid is nullified at the moment of hanachah, instead of being created.

Halacha: A Pit Filled with Water — Water Doesn't Nullify Walls

The Rambam: "A pit in reshus harabim ten deep and four wide, filled with water — one who takes from it and places on top of it, liable, for water doesn't nullify walls."

Explanation

A pit in reshus harabim that's ten deep and four wide, even when it's full of water, remains a reshus hayachid. Water doesn't nullify walls.

Insights

1. **Water versus fruits:** When the pit is full of **fruits** — exempt, because fruits fill the space and one can't enter without removing them. But **water** — a person can still enter into water, the measurement of the pit remains, therefore it remains reshus hayachid.

2. **Long discussion — whether fruits nullify reshus hayachid of a house:** If one fills a house (which is a "real" reshus hayachid with walls) with fruits until there remains less than four tefachim of space — does it stop being reshus hayachid? **Distinction:** By a **pit in reshus harabim** which is only reshus hayachid because it has a measurement (depth ten and width four), when fruits fill it the smaller space is nullified to reshus harabim. But by a **person's house** — which is the "father of all reshuyos hayachid" — it's reasonable that it remains reshus hayachid even when it's filled, because the essence of reshus hayachid is the walls, not the space.

3. **[Digression: meaning of "reshus hayachid"]** — the true meaning of "reshus hayachid" is "a domain of an individual" — a place where a person lives. The halacha from it is however based on walls, which makes it similar to the true

reshus hayachid. Therefore a house with walls is different from a pit in reshush harabim.

4. **Practical question:** Can one fill a "storage" full of things with people until there remains less than four tefachim, and then take out something on Shabbos because it's a makom patur? This remains as a question.

Halacha: A Shallow Stream of Water in Reshus HaRabim
The Rambam: "A shallow stream of water that the public walks in — if it doesn't have ten tefachim depth, it is like reshush harabim... and if it has ten or more — it is like karmelis like other seas. And if it has four tefachim width — it is karmelis, and if it doesn't have four tefachim — it is makom patur."

Explanation

A shallow stream of water in reshush harabim: if it's not ten tefachim deep — it's like reshush harabim (because people walk through or jump over). If it's ten deep — it becomes a karmelis like all seas. If it's ten deep but narrow (less than four tefachim) — it's a makom patur.

Insights

1. **What is a "shallow stream":** "Shallow stream" doesn't mean a spit (as the word might look), but a "water channel" — a flat, shallow water stream. "Similar to shallow" means something flat, low.

2. **The main distinction:** By reshush harabim the condition is that "the public" must be able to walk there. If people walk in the water (or can walk), it's still part of reshush harabim. Only when it becomes ten tefachim deep — people don't walk in it, and it becomes a karmelis like all seas.

3. **[Digression: splitting of the Sea of Reeds]** — at the splitting of the Sea of Reeds, when the Jews passed through, it wasn't Shabbos. But according to the law — when people walk through water that's not ten tefachim deep, it's reshush harabim.

General Notes

- All laws of "mechitzah and hanachah come together" are **exempt but forbidden**, and therefore it's not in Shulchan Aruch — because it's not relevant practically regarding punishment or sin offerings.

- This is the end of the study of the laws of derivatives of domains on Shabbos in Chapter 14.

Full Transcript

Rambam Laws of Shabbat Chapter 14 – The Four Domains of Shabbat

Introduction to Chapter 14

Speaker 1:

Good, good, dear friends, we are learning Rambam, Sefer Zemanim, Laws of Shabbat, Chapter 14. We have already finished the 39 melachot (categories of prohibited labor), and the last few chapters all discuss the melacha (prohibited labor) of hotza'ah (carrying). In the previous two chapters we already discussed the essential law of hotza'ah, the law of akirah (picking up), which is that every hotza'ah on Shabbat must have akirah v'hanachah (picking up and putting down), and it must be akirah v'hanachah in a manner that he intended, this is melachet machshevet (purposeful labor), with all the laws that we learned in Chapter 13.

Here the Rambam is going to give us more of the order. The truth is, according to how the Rambam organizes things, perhaps this would have been a good beginning to all the laws of hotza'ah on Shabbat, because here the Rambam begins with what are the four domains of Shabbat. The Rambam is going to enumerate the four domains for Shabbat, that there are four domains regarding Shabbat. And the Rambam begins with reshut harabim (public domain), because reshut harabim is like the essential prohibition of Shabbat takes place, because either one carries out from reshut hayachid (private domain) to reshut harabim, or four amot (cubits) in reshut harabim. He begins with reshut harabim.

Law 1 – Reshut Harabim

What is reshut harabim? The Rambam says, what is reshut harabim? **Deserts, forests, and marketplaces.** I would have started with marketplaces. Marketplaces is the most obvious reshut harabim. He means a street where people move about, where people conduct business. That is reshut harabim.

The Rambam adds that also deserts or forests are also called reshut harabim. The simple meaning of this is apparently, the Rambam says that reshut harabim is not simply specifically where the public is, but all places where the public can be. A desert is a place that is open. People who go from one land to another, or caravans go places, they have the right to pass through deserts. And a desert is not a place where someone has placed ownership on it. And the same thing with forests. A forest is a place where one can pass through.

Discussion: The Question of the Desert and the Gemara

And the commentators on the Rambam struggle a bit with this, because apparently it seems that a desert is not... like an empty place, perhaps others would have said that it's a karmelit or a makom patur (exempt place). But the essential idea I think is, the Rambam says that a place where the public has permission to pass through, that it's a large open place where the public can pass through without difficulty. Otherwise it's for example like a sea where one must come up with and one must build a ship to cross over. A place where a person can walk in easily is called a reshut harabim.

Speaker 2:

Let me mention the Gemara, because I know, no king, it's important. That is, a marketplace, a marketplace is, as you say, is clear, that is indeed a reshut harabim, according to everyone, there is a certain dispute, there are opinions of Rishonim regarding shishim ribo (sixty myriads), but it's clear in the Gemara that a marketplace is a reshut harabim. Deserts, apparently here it is explicit in the Gemara which says that it is not a reshut harabim. That is, the Gemara states that the Torah was given in a desert which is reshut harabim, the Gemara says, "As long as Israel was in the desert, as long as it's not". Most Jews understood, Rashi and others, that when the Jews were in the desert, there were people in the desert, all the people were there, then it was reshut harabim. Today when no

one goes in the desert, it's not called reshut harabim, it's a karmelit. So, it's not a reshut hayachid, but it's a karmelit. The Rambam didn't even ask, the Rambam says "and so", I don't know what the simple meaning of the Rambam is, but it states clearly in the Gemara that a desert nowadays is not a reshut harabim. And the Rambam says, why?

Speaker 1:

Because the Rambam in his responsa, Birkat Avraham, which is brought here on the side, was asked this question, how does the language of forests and desert come? He said that the simple meaning in the Gemara is exactly the opposite. When the Jews were in the desert, then one couldn't go, there were various people there, one had to ask permission from the tribe of Reuben to go in his territory. It wasn't a reshut harabim, it was perhaps a karmelit, or parts of it.

Speaker 2:

It seems like one learns from how the Bedouins acted, which it seems. Yes, yes, yes. It depends which part.

Speaker 1:

Today when a desert is open to everyone, on the contrary, it's called a reshut harabim. Eh, it's indeed as you say here, places like a sea, which it clearly states that it's a karmelit. The simple meaning is, a sea one cannot easily go. Just as it is indeed a forest, when it says "forest" it means a grove or what one can properly travel through. If it's indeed difficult, it will indeed be a karmelit. One can hear, it states that the Torah was given in the desert, where everyone can go. A desert is like it doesn't belong more to me than to you, it's a hefker (ownerless) place. And reshut hayachid are also places where it's harder for a person to go, because it's perhaps a difficult path to go up and the like.

Darchim Hamefulashim and the Conditions of Reshut Harabim

The Rambam says further, what else is called reshut harabim? Not only the deserts, forests, marketplaces, but also **roads that lead to them**, roads that lead to the marketplaces, deserts, that the forests are part of the reshut harabim. But reshut harabim has two conditions, **that it should be wide, sixteen amot**, that it should be sixteen amot wide, presumably meaning the roads leading to them, because the deserts, forests, marketplaces are automatic, it's talking about large streets. The roads that are obligated are also only the large well-traveled roads that lead to the places that are hefker.

And it should not have a roof, if one places a roof on it, it already has a new law, it becomes like a building which is already called a reshut hayachid. This is like a principle from the Gemara, reshut harabim that is covered is not a reshut harabim, reshut harabim is a place without a roof.

Law 2 – Reshut Hayachid

The Rambam continues, **And what is reshut hayachid?** What is reshut hayachid? The second domain is reshut hayachid. What is reshut hayachid? So the Rambam will also bring two examples, besides the obvious, that reshut hayachid means a person's house, but he says even a place that is yes... not a person's house, just to be clear. The Rambam doesn't say about a person's house, a person's house is not a reshut hayachid. He means unless it fulfills the conditions.

Speaker 2:

Yes, but I mean that he means yes to say, that he means to explain that he doesn't mean only literally and simply a domain that belongs to an individual, but any place that is not so convenient, is not a place where it's natural for the public to pass through.

Reshut Hayachid Is Not a Matter of Ownership

Speaker 1:

Right, but let's be clear. Reshut hayachid, fundamentally, there are points regarding this, but the essential law is... The Rambam gives here three examples of reshut hayachid. Three, right? Not just two. I counted it a bit that way because it's a bit easier, but he gives here three examples of reshut hayachid. And there is yes a condition, soon we'll see, one must learn further. But reshut hayachid, from the essential definition of reshut hayachid is a place four by four by ten, which either has a partition or there is a mound that is like a partition. That is what it is. For whom it belongs has no... simply, he says generally no matter of ownership. It's not that reshut hayachid means it belongs to one person. The truth is, reshut harabim there is yes a condition that it must be a place where the public comes and goes, in a certain sense reshut hayachid is the opposite of that, but the essential law that the Rambam says here is not the law. Reshut hayachid doesn't mean specifically... One doesn't speak of ownership. Both things one doesn't speak of whom it belongs to. It belongs to the ruler of the city, but it's open to everyone, it's still reshut harabim.

Speaker 2:

But... I mean he does begin yes, I mean in both places, he doesn't want to first say... He does say first the less obvious. A marketplace is the most obvious, or a place surrounded by four partitions for dwelling is also the most obvious. That means reshut hayachid. But he doesn't say only that.

The Three Examples of Reshut Hayachid

Speaker 1:

He begins with what is a bit more of a novelty. That also a mound that is **ten tefachim (handbreadths) high and four tefachim by four tefachim wide**, just that because it's a bit high and it has a certain thing, it's a domain unto itself. Even let's say it's in a desert or in a place where the whole place around is open, but this place becomes like a place unto itself, because it's not something that one treads through. It's for example, it's next to a reshut harabim, people don't walk on it, because it's... one must climb up on it ten tefachim, and it's a thing unto itself, it becomes a thing unto itself, it becomes a reshut hayachid.

Or a mound means a hill **ten tefachim high and four tefachim by four tefachim wide or more**. The same thing a ditch, there are two ways how it shouldn't be the reshut harabim level, because it's a deeper pit down, **ten deep and four by four wide or more** is also called reshut hayachid. **And so a place that is surrounded by four partitions**. Essentially all three is partitions, but the third is actual partitions. The others are such... it's a mountain up, so it's automatically like a partition, or the ditch down becomes like a partition. Or a place that has actual four partitions. How high must the partitions be? They should be ten tefachim, and between them must be four by four tefachim or more.

Mukaf L'dirah – What Does It Mean?

He says, **even if it contains several mil**, even if the size of the place is a few mil, a mil I think is two thousand amot, but if

it is **if it was surrounded for dwelling**, if it was surrounded, meaning the partitions were made to separate it from the place around so that it should be for dwelling, **such as**, he's going to bring what it means mukaf l'dirah, that it doesn't belong to an individual, what does "mukaf l'dirah" mean? **Such as**, he says, "mukaf l'dirah" doesn't mean one person should live there. "Mukaf l'dirah" – for dwelling, for habitation. **Such as, a city**, a city that is **surrounded by a wall whose gates are locked at night**, that is surrounded by a wall where the gates are locked at night. So it's simple that it's locked, it's simple that it's not a hefker place, it's a place that gets closed, and it's a thing unto itself. Or **alleyways**, alleys where one can pass through, but which have three walls, it has three walls, it's surrounded by dwellings on the sides, or walls, **and a lechi on the fourth side**, and on the fourth side which is yes open, but there is also something a lechi – we will learn much more later about the lechi. **And so, or a courtyard, or a pen** – a place for animals, **or a sahar**, ah... what does sahar mean?

Speaker 2:

Sahar means a... a circle?

Speaker 1:

Yes, a half-moon, a corral, okay. **That were surrounded for dwelling**, that were surrounded for dwelling, **all of them are complete reshut hayachid**. All these things are called a reshut hayachid.

The mukaf l'dirah means to exclude what we will learn a karfef, which is open, which is a large corral, and it's not for people to dwell in, but for some other reason, then it doesn't have the law of reshut hayachid from the Torah. It's a different law, it can become a makom patur or the like. Right, a karmelit, a karfef. That is the meaning that it's reshut hayachid.

Vessels as Reshut Hayachid

Let's say one more law. Even vessels, a vessel can also be called a reshut hayachid, if it's a large vessel. **Such as a ship**, a ship, **or a wooden tower** – a large... generally a wooden tower means a cabinet, but here one means something a structure made of wood. It can mean a cabinet, one doesn't speak of a larger cabinet. **If it has a width of four**, if it's only a vessel, the novelty is that it's a vessel, it's not included in any domain at all. A refrigerator that is ten high four wide, is a complete reshut hayachid. **If it has a width of four and a height of ten**, so... **it is a complete reshut hayachid**.

It's not mukaf l'dirah, but mukaf l'dirah is only a condition for very large things. For a small thing it doesn't always mean so. And reshut harabim which is, has the dwelling, one may not place into it, which means reshut hayachid.

Law 3 – The Thickness of the Partitions

Okay, let's take a bit more laws of reshut hayachid, one more law. Because we will further... We discussed that reshut hayachid is when it's four by four, how does one calculate the walls themselves? He says thus, "The thickness of the partitions".

Migdal Shel Etz – Complete Reshut Hayachid

Generally a wooden tower means a cabinet, but here one means something a structure made of wood. This can mean a cabinet, a larger cabinet. **If it has four by four**, not so four.

If it's only a vessel, so it's simple that it's a vessel, it's not included in any domain at all? Certainly this is a reshut hayachid. A fridge that is ten high four wide, this becomes a complete reshut hayachid. **If it has four by four at a height of ten, this is a complete reshut hayachid**. It's not mukaf l'dirah, but mukaf l'dirah is only a condition for a large thing. For a small thing, a box, is automatically reshut hayachid, and not reshut harabim which is mutual, you must not place into it, which means reshut hayachid.

The Thickness of the Walls of Reshut Hayachid

Okay, let's learn a bit more laws of reshut hayachid, one more law. Because we discussed that reshut hayachid is when it's four by four, how does one calculate the walls themselves? He says thus, **the thickness of the walls of reshut hayachid, the thickness of the walls of reshut hayachid, is like reshut hayachid**. This is a kal vachomer (a fortiori argument). That is, if someone places something on the wall itself, it means as if he placed it on the reshut hayachid. And he says why? Because **"And if the wall that is placed outside makes a reshut hayachid, is it itself not all the more so?"** What makes the reshut hayachid a reshut hayachid? The walls. So it's simple that the walls make the reshut hayachid, so kal vachomer that it can make reshut hayachid, it is itself also a reshut hayachid.

Discussion: The Kal Vachomer of the Thickness of the Walls

I don't understand this kal vachomer. It's like the guard must be able to guard himself. Not the opposite, the principle is that there can be a thing that makes impure things pure. Not always is there the principle that a thing must have... Yes, I don't understand that it's good this. The Gemara says that it's a kal vachomer. One can hear why, one can hear that the reshut hayachid begins from where the wall begins, not the holes themselves is simple. Why must one say the kal vachomer? You say it could be that one learns it from a kal vachomer. I'm explaining that it's so. Aha, it's the language of the kal vachomer. This is the language of the Gemara.

The Airspace of Reshut Hayachid and Reshut Harabim

The Rambam further, **the airspace of reshut hayachid**, something that hasn't landed on the floor of reshut hayachid, but it came into the airspace of reshut hayachid, **is like reshut hayachid**.

What happens above the reshut hayachid? Reshut hayachid, the airspace or the airspace above the reshut hayachid, or below reshut hayachid **up to the sky**, it is **pierces and rises up to the sky** means the domain. If he threw something in the air above reshut hayachid, it's simple that he threw it in reshut hayachid. There it falls wherever, down down down, whatever, that is reshut hayachid.

But **the airspace of reshut harabim, the airspace of reshut harabim is not like reshut harabim except up to ten tefachim**. Reshut harabim is only up to ten tefachim. **Above ten in the airspace of reshut harabim is a makom patur**. This is already a separate domain.

Law 4 – Four Domains for Shabbat

Section 4 further, four domains for Shabbat. We have already discussed two domains, we discussed reshut harabim and reshut hayachid, and if one carries from reshut harabim to reshut hayachid or vice versa, one violates the prohibition of hotza'ah. But there are two more domains, which together makes four domains. That is, besides reshut hayachid and

reshus harabim which we have already enumerated, there are two more which are called karmelit and makom patur. And we will soon see what the laws are, what the definitions of these two places are. But first he's going to enumerate what they are, and afterwards he's going to say what their laws are.

What is Karmelit – The Five Types

He's going to enumerate **what is karmelit. What is karmelit?**

1) A Mound

A mound, a hill that has four tefachim by four or more on the ground, which is at least four by four tefachim wide, **and is between three and ten high**, and the height is from three to ten, this is a karmelis. **For a karmelis only extends up to ten.** If it were ten tefachim high, it would be a reshush hayachid, it would be a separate domain. But if it were less than three, it would be lavud, it would be considered as if it's a flat place. But since it's higher than three, it's no longer regular ground, it's something separate, and it's not high enough to become a reshush hayachid, so it's a kind of intermediate place that is called a karmelis. **For a karmelis only extends up to ten, and its width can even be less than four by four.**

2) Charitz

Further, **and likewise**, a mound is something that sticks out higher than the ground, and a charitz is something that goes deep into the ground. **And likewise a charitz, a ditch that is four by four wide or more, and a depth of three to ten.**

3) A Place Enclosed by Four Partitions

And likewise, there is another place that has the status of karmelis, **a place enclosed by four partitions**, where the partitions are **between three and ten high**. They're not full partitions, if they were higher than ten it would already be complete partitions. It's partial partitions, **and it has a width of four by four or more**, this is a karmelis.

4) A Corner Adjacent to Reshus Harabim

And likewise, another... the fourth type of karmelis, **a corner adjacent to reshush harabim**. A corner that is open to reshush harabim, but it's not part of reshush harabim. **And this is a place enclosed by three partitions**, it's surrounded by three partitions, **and the fourth side is reshush harabim**, the fourth side is reshush harabim. **For example**, he says for example, what's an example, **a mavoy**, a mavoy is an alley that has... that is surrounded by walls on all sides, or houses on all sides, three sides, from three sides, and it's open to reshush harabim.

So the corner where it's open to reshush harabim, meaning there where it's deep into the mavoy... ah, no, the entire mavoy, excuse me. A mavoy that is surrounded on three sides, and the fourth side is open to reshush harabim, if one places a lechi or a korah, then it's not called reshush harabim at all, it's called reshush hayachid. But if one places nothing, it's still not reshush harabim, because it's surrounded on three sides, but since it's open to reshush harabim, it has something in which it's similar to reshush harabim, so it doesn't become completely reshush harabim, and it's called a karmelis.

5) Seas and Valleys

And likewise, the fifth thing is, **seas and valleys**. Water or a deep valley, **both in summer and in winter**. He doesn't distinguish between summer and winter, because regarding other things, I mean fields or whatever, there will be a

difference between reshush harabim and reshush hayachid. These things are karmelis. Meaning, for example, a sea is different from a desert, they're both places that are so ownerless, but people don't go there. But a desert people can go, large groups can go, or we learned that a desert is a reshush harabim. But a sea is technically one may go, it belongs to the public, but one must build a ship, it's a whole enterprise, meaning it's not reshush harabim, so it has the status of karmelis.

Discussion: What Does "Bik'ah" Mean?

What is the meaning of the word karmelis, have you already told me? Kar-me-lis. One says the word karmel. Karmel is a mountain in Eretz Yisrael, Har HaKarmel, I don't know. Why is the mountain called that? It's a name, right? Yes, Har HaKarmel. Why is it called Har HaKarmel? I don't know.

Three Explanations of the Word "Karmelis"

Explanation 1: Rambam – K'Armelis (Widow)

So he brings that the Rambam says in Peirush HaMishnayos that karmelis is the language of k'armelis, which is a widow. The domain is like a widow. It's not a domain of the individual, and not a domain of the public. Not the individual, because the individual belongs to the individual. Reshush harabim belongs to the public. Karmelis belongs to no one.

Explanation 2: Tosafos – Grain That Is Karmel

There are other explanations. Yes, Tosafos says it's the language of karmel, but not Har HaKarmel, rather grain that is karmel. When it's still completely moist, it's still grain that's growing. When it starts to dry out, it has a different name. Karmel is the bein hashmashos of grains. And karmelis is something like the bein hashmashos, the intermediate state between reshush harabim and reshush hayachid.

Bein hashmashos is a doubt. This is not a doubt. It has things in which it's similar to reshush harabim, and things in which it's similar to reshush hayachid. Yes, it's an intermediate. That's a better word.

It's interesting, when there's such a word and one finds such kinds of Torah insights, k'armelis, it sounds like somehow the truth hasn't yet been discovered, like it must be something simpler.

Explanation 3: Rashi – Field of Trees

No, Rashi's explanation that he brings, the third explanation, that makes the most sense, that karmel is a... I mean before that it's called Har HaKarmel. Karmel means like a field or a place of trees. That's what I think is the usual meaning of karmel. "Ya'ar v'khakarmel," he brings there a verse in Yeshayahu. I think that karmel is a place of fruit trees, something like a pardes. So. I remember that there are other places in Tanach with this word. And apparently this is an example of a karmelis. A bik'ah, as if, bik'ah means like a place where things grow. That means karmel, one word, I think makes good sense. Karmelis.

Bik'ah, it's not known that this word means that things grow. Bik'ah means a place that is lower, that is a valley. Therefore it's not reshush harabim.

It's a place where people don't move around, because it's something at the bottom of a mountain. No, no, no. Bik'ah, if I remember, as it says here? "Bik'ah mesuderes she'ein bah mechitzos." Bik'ah is at the foot of a mountain, on the mountain. It could be the mountain too, actually. But a mountain plain one doesn't usually plant, no one moves

around, it's difficult, one must crawl. And the bik'ah one plants outside, and it becomes reshush hayachid. This is a place that is not really, perhaps it's a natural place that grows on its own, wild grown, it's not that someone grew it. Even let's say one plants, but it's not... not fenced in.

Air of Karmelis

Okay, and what happens with the... it depends which partitions, so here, so here, captured, whatever. Yes, what happens with the air? We already learned, I think, that the air of each domain gets the same status as that domain. That is, reshush hayachid is oleh reshush hayachid, meaning also the air above is reshush hayachid. Reshush harabim higher than ten is not reshush harabim. And he says, what is the air regarding karmelis, yes? That is, it will be relevant if someone throws higher than a karmelis. He says, **the air of karmelis is like karmelis up to ten tefachim**. Up to ten tefachim it has the same status as karmelis. That is, for example, someone throws from the karmelis to the air of karmelis, he hasn't left the karmelis, he's still remained in the karmelis. **But above ten tefachim, the air of karmelis is like a makom patur**. But above ten tefachim, much higher than the karmelis, the air doesn't become part of the karmelis, rather it's a separate status called makom patur.

Air of Seas and Rivers

Therefore, it is so, **the water in seas and rivers**, what happens with the air above the water in the seas and rivers? So **up to ten tefachim in their air**, up to ten tefachim close to the sea in the air, has the status of karmelis, because the sea itself we discussed seas and valleys are karmelis, also up to ten tefachim is karmelis, but **above ten it's already out of the domain of karmelis and it already becomes a makom patur**. Says the Rambam, but this is calculated **from the surface of the water**.

Karmelis – A Pit in a Karmelis

Speaker 1:

But no, the entire depth full of water is like solid ground. One doesn't say that ten tefachim above the water is actually a hundred tefachim above the earth from under the water. The water is the thing that fills the space, and it becomes like solid ground.

But one can't go into the water. On the contrary, if one goes into the water it's still everything. We learned similar to this, a person throws down onto water, versus a person places down, or a person takes out from the water. What did we say there? That when he takes out from the water, it means as if he took out from the entire water. One doesn't say he only took from the top.

Okay, not necessarily.

What happens with **a pit in a karmelis**? In the middle of the karmelis there is a pit. **It is like karmelis**, it's part of the karmelis. **Even if it's a hundred amos deep**, even if the pit is a hundred amos deep, it's still part of the karmelis, **and it doesn't have four**. If it doesn't have four tefachim.

If it had four tefachim and it's very deep, it would become a reshush hayachid.

Karmelis – Other Types

What else is karmelis? He lists other things. The Talmud Korah listed the types of karmelis. Here he lists more such interesting ways when something becomes a karmelis, yes?

Speaker 2:

Yes, I would have thought even earlier that if one thinks of the word karmelis, apparently the main karmelis is like the sea, seas and valleys, which is apparently a karmelis, that a kind of area in the world that is a karmelis.

The first three or four, mound, ditch, a place of four by three up to ten and the like, it seems to me it's like, it's such a technical law of karmelis, you understand? It's compared to a karmelis. It has the same law, but apparently the original karmelis is apparently the valley, I would just think.

Speaker 1:

Okay. There are other things that have the status of karmelis. There are other things that halachically have the status of karmelis, that they receive the status of karmelis for some reason.

He says thus, **a reshush harabim that has no roof**, they discussed earlier that once it has a roof it's no longer reshush harabim. Reshush harabim is an open place. When it gets a roof, it still doesn't become reshush hayachid, it becomes a karmelis.

Speaker 2:

Oh, nice.

Speaker 1:

Or it doesn't have a width of sixteen amos. They discussed that reshush harabim is an alley that is sixteen amos wide. If it's not that wide, it's also not reshush hayachid. What is it? Yes, a karmelis.

The platform between the pillars standing in reshush harabim. In reshush harabim there used to be places where there are poles and on them a canopy. If there's a canopy, it's already a reshush harabim that has no roof. Or that has no roof.

What does platform mean? Platform means a place where one walks?

Speaker 2:

He says it's a place where one sits. Something a... there by the pillars people used to sit selling things.

Speaker 1:

Platform means such a stand, such a platform, something one can sit on. Just, it's a Roman word for something. Yes, and I think the Gemara says so, it's a place made to rest. It's not the reshush harabim itself, no one rests, one walks, one goes, it's active. Platform is such a corner on the side, such an external territory of the reshush harabim, where one can rest, **between pillars standing in reshush harabim**.

This will be the case, if it's in front of the pillars it's implied... no, there one will lean on the pillars. But **between the pillars**, here in your text it only says **between the pillars**, because then apparently pillars was one and on, but what was under the pillars, and in short there is no place where one walks, as you say, it's a ruin, it's a collapsed, if I remember correctly, a type of karmelis.

Speaker 2:

Also **the sides of reshush harabim**, what does the sides of reshush harabim mean? The side of reshush harabim? What does it mean? It's a place that stands in reshush harabim.

Speaker 1:

Okay, we'll see. No, pillars go to the reshus harabim, he must already mean a mavoy. Okay, we'll see what the sides of reshus harabim are. No, sides means, this is a bit different, with a different name. **A corner adjacent to reshus harabim.** Not in reshus harabim, but something from all sides that is open to it.

The sides of reshus harabim is for example something like a shelf in reshus harabim, or one would apparently learn laws that come out from the law of the sides of reshus harabim. One can say today also that it's like a sidewalk perhaps, I don't know. The place is what not... okay, next to the reshus harabim perhaps. In any case, something a... not really a part of reshus harabim.

That is, even if it's the same partitions, no difference in partitions, such things, but since there is no place that is the proper use of reshus harabim, the way people move around so much, it's a karmelis.

Discussion: Between the Pillars – Reshus Harabim or Karmelis?

Speaker 1:

But between the pillars, ah, he clarifies the difference between the... but not platform, he doesn't say platform between the pillars, he says between the pillars.

Speaker 2:

Ah, between the pillars themselves. It says between the pillars there is an area that is like a platform, where one rests there, but between the pillars just so. Platform is a... something a building, something a step, or something a... a place for... but between the pillars, even if it's between the pillars which is a bit separated from reshus harabim, but **since the public treads there,** people move around there, **it is reshus harabim,** it is indeed part of reshus harabim.

Speaker 1:

If I remember correctly, the Gemara says that people go there when they want to fix their things that they're carrying on themselves, it's useful for the pillars, people move around there, so **it is reshus harabim.** This is karmelis.

Makom Patur – Definition

The Rambam goes on to list the fourth type of place of the four domains for Shabbos.

What is a makom patur? Which place is called makom patur?

He says, **a place that is less than four by four,** a place that is smaller than four by four, **and is three high up to the sky,** and it's higher than three, and however high it may be, any height can be a makom patur.

Says the Rambam, it must be higher than three, because **anything less than three is like the ground,** a place that is less than three is like the ground, it wouldn't help, it would be like the ground around it, it would be either reshus hayachid or reshus harabim.

So a karmelis is less than four by four. So earlier we had that it does have four by four, three high. Now we say, it's not larger than four by four, it's not important enough to become a domain by itself, so it's a karmelis. A domain that's not high enough is called a karmelis. But if it's not even wide enough, it's barely anything, anything, then it's a makom patur, it's called. Yes.

Speaker 2:

Wonderful.

Makom Patur – Thorns and Thistles

Speaker 1:

Even? He says, **even thorns and thistles or dung in reshus harabim,** thorns... what are thistles? Also types of thorns? Thorns and thistles, two kinds of thorns? Plants that don't grow well. **Or dung or waste in reshus harabim,** if there's a pile that is **three high and doesn't have four by four,** people don't go there because there are thorns and thistles, and it's higher, you won't go, and won't enter. **Three high and doesn't have four, this is a makom patur.**

What does he want to show us? It's not only when it's a place built by people, but just nature made it, it's a small piece of junk, a place where one doesn't go, but if it has the measurement that it's **three high and doesn't have four by four,** it also has the status of makom patur.

And likewise a ditch that doesn't have four by four and its depth is three, and how high, how low must be three tefachim into the ground, and how deep down is already **to the abyss,** it doesn't matter anymore.

Discussion: Mound and Ditch by Makom Patur

Speaker 2:

It's interesting, because all three domains or four domains began with the two things, mound and ditch. Here it changed to place and ditch. I must say place means mound, right? A built high place. I don't know why he forgot the word mound.

Speaker 1:

But he wants to add something even thorns, because mound usually means a hill. Here he says it's not necessarily a hill, it can be what a person built, it can be just garbage piled up.

One must be aware what happens with thorns and thistles, which is indeed four by four, which becomes a karmelis, which becomes larger it becomes a reshus hayachid. It seems here that this is a special law for a makom patur. But if the word is all about the size, there's no difference on top.

Speaker 2:

Okay.

Makom Patur – An Enclosed Place

Speaker 1:

And likewise which other place is a makom patur? **An enclosed place,** a place that is surrounded by walls, **that doesn't have four by four.** It's not four by four. That is, even if it has a lot of space, **even if its length is a thousand amos,** it's a narrow long place, **and its width,** but if the width of it is **less than four by a bit,** a bit less than four, **and its height is three and above,** and the height is as we discussed three and above, **this is a makom patur.**

A space that doesn't have four by four, even if it has a lot of square feet because it's very long or whatever, then this becomes a makom patur.

Discussion: Why Must It Be Four by Four?

Speaker 2:

English Translation

It's a bit interesting, why must it be less than four tefachim? Why must an area be boxy? After all, a large area emerges here that is enclosed.

Speaker 1:

Yes, but that's the point of a makom patur, that one can do almost nothing with it. It's less than four tefachim, yes? It must be very small. Perhaps there's a small structure. No one makes a long structure. If it's a structure, it's something for a gate, I already know for something for a Jew, but... that's the point. Yes.

Above Ten

Speaker 1:

And so, but Reish Lakish's rabbi, if he can teach him above ten, they discussed that Reish Lakish's rabbi goes up to ten, higher than that he didn't go. What is higher than that? He now says,

General Overview of the Four Domains

Speaker 1:

Place. Yes, but that's the point of a makom patur, that one can do almost nothing with it. It's less than four tefachim, yes?

Yes, it must be very small. Some small structure. No one makes... I mean, if there is such a structure, it's something for a gate, I already know what, for something for a Jew, but... that's the point. Yes. Yes.

Rabbi Chaim, "**avar reshut harabim, or avar karmelit above ten**" — they discussed that reshut harabim goes up to ten. Higher than that is not reshut harabim. The same thing with karmelit. He now says, what is higher than that? The same thing, "**avar karmelit**" — we discussed goes up to ten. What is higher than that? Into makom patur. Ahh. Very good.

And now the Rambam will go into more... no, he's not going now into karmelit and makom patur. He wanted to introduce karmelit, he's going to turn back to reshut harabim. And there's still more not learned. Until now, let's stop for a moment, I can look here by you, yes? We've learned the four domains.

Version of the Beginning of the Chapter — "Four Domains" or Not

And we spoke before the lesson, I didn't say it out loud, that the Rambam, in the printed version it says the first beginning of the chapter "**four domains for Shabbat**". And our version says it begins only "**reshut harabim, reshut hayachid**", and afterwards he says all the domains. Why? Because reshut harabim and reshut hayachid we've already learned about until now, and they are essentially simple. Only when one must speak of the next two, comes a novelty that there are essentially four.

But I wanted to make it also be the beginning, it's not... I think, I'm precise that essentially there are only three domains, because makom patur is not simply that it's a domain. The whole point of it is that it's not any domain. That which we call it four domains, is like we say to make it easier to understand. Yes, but makom patur is nothing. The whole point of it is that it's a place that is a place. Yes, makom patur, it's not any domain. It's not even called a domain. Reshut harabim, reshut hayachid, karmelit which is good for nothing, and makom patur which is not even a place.

Introduction to the Coming Laws

Anyway, that's what the Rambam will do. He'll give us the four domains. If they are within an opening in reshut harabim, because such a thing isn't relevant, but they become nullified. That means, we learned earlier from the side of reshut harabim, or what's called makom hapatur in reshut harabim,

which has a din of karmelit, it's yes extra. Now we're going to learn about different ways that there's a place, some distinction in reshut harabim, but it doesn't become different, it's nullified in reshut harabim.

He's going to say about a place in reshut harabim and in reshut hayachid, that a person might have thought it's a karmelit or a makom patur, because it's not properly reshut harabim or reshut hayachid, but if it has halachic reasons, it becomes part of reshut harabim and reshut hayachid. Therefore he's going back to explain the laws of karmelit and makom patur.

Law 9: A Place That Has a Height of Exactly Nine Tefachim in Reshut Harabim

Speaker 1:

He says thus: "**A place that has a height of exactly nine tefachim, no less and no more, in reshut harabim**" — someone has such a piece, in the reshut harabim there's a little hill. He doesn't say it's relevant here, but on top there's a little something, but it's high nine tefachim, exactly nine tefachim, in reshut harabim, **it is like reshut harabim**, it becomes part of the reshut harabim. That means, if it were a bit higher, it would be ten, it would be a reshut hayachid, and if it were a bit smaller, it would be part of the reshut harabim. That's it, because it's only exactly nine tefachim, it is like reshut harabim.

But the distinction is thus, "**and we don't pay attention to the measure of its length and the measure of its width**" — one doesn't need to look, be precise exactly how long or how wide it is, "**whether wide or narrow, it is like reshut harabim, and the public shoulders upon it**".

Explanation: "Shoulders Upon It" — Convenience for the Public

Such a sort of place is a place that comes exactly to use, the size of exactly nine tefachim is a place that people can use "for shouldering". "For shouldering" means "shoulders upon it", he means something that has to do with the shoulder, with the shoulder. People walk in reshut harabim and carry packages, and one can rest there, lean, or help with the packages, somehow one uses it for convenience. Therefore, it's a place that the public uses, one doesn't look at it as an extra structure in reshut harabim. But looks at it as furniture of the reshut harabim, as something in the reshut harabim that's provided for the public.

If It's More Than Nine or Less

"**But if it was more than nine or less**", rather this is only if in the height it's exactly nine tefachim, but if it's higher than that or lower than that, it's already a different category. He turned thus, "**if it was four by four or more**", if it's wide four by four it's a reshut hayachid, it becomes karmelit. **When are these words said? With four by four.** If it's a smaller thing that doesn't have four by four, it's a makom patur.

Why? Why isn't there any... then it's a makom patur. This is the makom patur is only when it's...

Discussion: Why Specifically Exactly Nine Tefachim?

Speaker 2:

Yes, I understand that, but if it's more than nine, in other words, if it's ten, and I'm not speaking does more than nine mean from nine to ten? I ask, if it's ten tefachim and four by four, it's reshut hayachid, it's even a karmelit. That which he

says more than nine or less, does he mean less, or more but it doesn't have ten tefachim?

Speaker 1:

Agreed?

Speaker 2:

I'm not sure.

Speaker 1:

Why not?

Speaker 2:

I don't understand, because what should actually be the distinction? Why does a person scratch his back, does he check if it's exactly a certain area?

Speaker 1:

Again, wait wait wait, now you're asking a question on the law.

Speaker 2:

No, I don't understand, in any case something is still missing for us the Baal HaMaor.

Speaker 1:

I understand very well. The answer is that there's such a sort of stick, such a sort of thing, in hand there isn't, perhaps only the law remains for practical purposes that this is the measure, but there must be such a sort of stick that one places in reshut harabim so that one should shoulder there. The one who builds the reshut harabim, in his order for the builders, sends this. And this is exactly in such a manner, if it's too small it's useless, if it's too big it's a domain unto itself, too high, because the main thing is the height, because people walk, need it to fit in the height. If it's not that sort of vessel, one goes back to the normal law, in total it's an exception. The way in which I've defined the exception is with the version of exactly nine tefachim. You might want to say differently, if it has a hook, where one hangs the brit case. I don't know, other things, that's how they defined the thing. But I understand it. I just want to know if it's more than ten, apparently it's reshut hayachid, so I think. It must be, they didn't learn. Explicitly, four by four, is reshut hayachid.

Speaker 2:

Okay.

Law 9: A Roof Adjacent to Reshut Harabim Within Ten Tefachim

Speaker 1:

Further he says thus, **a roof adjacent to reshut harabim within ten tefachim**, in reshut harabim extends a roof from an adjacent house to what, and within ten tefachim, it's ten tefachim away from where the public turns, it also becomes a place where people come to shoulder, because within ten tefachim means it's suitable for shouldering. **It's forbidden to carry to the roof**, the person who lives in the house next to the roof may not, he would have thought that the roof is reshut hayachid, but since it's so close to reshut harabim, and the public uses it for shouldering, he may not carry there. **It's forbidden to carry to the roof until he makes for himself a fixed ladder to go up on it**. He should make, if he makes a fixed ladder, he puts down there a ladder in a fixed manner, so the public will see that the place is, even if they use it first, and they will further perhaps even they will further shoulder, but they will know, the ladder will be a sign that someone uses it, here someone is indeed, someone goes up

and down, and with this it will become permitted. That means then it's enough a revelation of intent that the people who shoulder won't change, it won't take away the category that it's still a reshut hayachid.

Discussion: "Forbidden" Not "Liable" — Is It Karmelit?

Speaker 2:

But he doesn't say forbidden that it becomes a reshut harabim, it could be that it's forbidden that it's a concern of reshut harabim, he doesn't say liable. Apparently it's with the Rabbis. Does he say it like that? Why does a fixed ladder help?

Speaker 1:

Okay, the fixed ladder I would say, that makes it for reshut hayachid. It doesn't really make, it doesn't change the domain, only it's a sign, that you say that he's declared ownership over it. The question is whose is the walkway? If the residents of the courtyard, the people who live there put a ladder, they've declared that it's theirs. If not, it becomes part of reshut harabim.

Speaker 2:

No, but I say from the ten, it seems that there's no din of reshut harabim. It's perhaps... I want to know, makom patur means a permitted place or only makom patur? Because if it's exempt... that means, a permitted place means a place where one may, let's say. Because if it's not reshut harabim, only one may not initially, something that one may not becomes a karmelit or... like karmelit. There is indeed a din of karmelit. But the din is because it looks like a reshut harabim. But it's forbidden, not liable. What's the distinction?

Speaker 1:

Any reshut harabim derabbanan you can call karmelit if you want, but this is already a question on lines. It's different than... karmelit is a type of area unto itself that was given a din that one is stringent like a reshut harabim in certain things. But here one says that it's a type of reshut harabim, it's just not a Torah-level reshut harabim.

Speaker 2:

True, but we've already learned, that when one says the word karmelit, it has like an original meaning, whatever a karmelit is, or as you say that it's a real karmelit. But in practice, any reshut harabim derabbanan we call karmelit in the end, as the Gemara says about less than ten.

Law 10: A Pillar in Reshut Harabim High Ten and Wide Four

Speaker 1:

The Rambam says further, **"a pillar in reshut harabim"**... ah, he says the explanation. A pole, yes, he's going to say. A pole in reshut harabim, but it's yes high ten. It's not under the ten where people would still scratch their backs on it. It's higher ten and wide four, **this is reshut hayachid**. Like everything that is high ten and wide four, is a domain unto itself.

A Peg of Any Size in a Pillar

So it is, but how can one use such a thing? A person thinks he's grabbed a piece of reshut hayachid. But if he puts in a peg of any size, on top of the pillar he puts in a little nail, **even if it's not high three**, even if the little nails are not high three... he means to say, the nail is high, it's close to three mixed. Apparently the nail becomes so nullified to the ground that's in the pillar. Ah, in its height doesn't mean on top of the pillar,

in its height means therefore on top. In its height means by the side, there where the height goes up, that's what he means to say, not versus on the width of the top of the pillar.

Even if it's under the three, but **since it's suitable to hang pegs on it to use it**, people will use the pegs, once there's such a peg people will make themselves comfortable and hang on it their packages or what.

Law 10 (Continued): Pegs in a Pillar in Reshut Harabim

Speaker 1:

This diminishes it. So the foundation is as if one diminishes from the area, **and it becomes karmelit. And we only measure from the foundation and up.**

That means, we look at the foundation as this is a sign for the residents of reshut harabim that this is something that can be used, because it comes practically to use, so one can shorten. Therefore, it's not nullified, it doesn't make it for reshut harabim, but it makes that up to where the peg is people look at it like reshut harabim, like a reshut harabim. Therefore you're left only with the area from the nail and further. Therefore, it lacks from the area and it becomes a karmelit, because now it becomes a pillar that's not high ten and wide four, but high less than ten.

And we only measure from the foundation and up. He says, **even if he filled it entirely with pegs**, which means that he placed everywhere, he placed on the entire pillar nails, hooks, **its height is diminished**, so where you place a nail, up to where the nail is one doesn't count as an extra domain, one counts it as reshut harabim.

So therefore if you've placed pegs everywhere, the entire area will be, won't be called a reshut hayachid. He doesn't say that it becomes actually reshut harabim, perhaps the whole thing becomes a karmelit, it says "becomes karmelit" explicitly.

Discussion: Why Karmelit and Not Reshut Harabim?

Speaker 2:

But here it's a bit interesting, no, because there the word karmelit is because one diminishes it. If filled you're left only with the area that's from the nail and higher. But if he filled it entirely with foundations, I perhaps thought to make the whole thing for use for reshut harabim, it becomes like the pillars where one sits in the reshut harabim. Could it be that it's the same thing?

Speaker 1:

No?

Speaker 2:

What's the din? It becomes a karmelit, and what's the din?

Speaker 1:

Rabbinically one wasn't allowed to carry from the reshut harabim there, and from there to the reshut harabim.

Speaker 2:

No. What's the din of a karmelit? From the reshut harabim?

Speaker 1:

One doesn't take rabbinically. It's not called reshut harabim.

Speaker 2:

Yes, but there's indeed a rabbinic prohibition to carry less than four amot from a reshut harabim to a karmelit, if I remember. So it makes a difference. Isn't that so? A karmelit that's adjacent to reshut harabim, what's the din?

Speaker 1:

Not clear. The Rambam says yes, there's a... one may not place from a karmelit to reshut harabim.

Speaker 2:

Okay, we'll see. It's perhaps not. What I want to know, the adjacent height, does the place mean...

Speaker 1:

Okay, we don't know what the place means. What it says here is that it's explicit that it becomes a karmelit?

Speaker 2:

No, it's not really explicit. It's so, the questioner asks if it's neutralized, but he said... it's advice in any case if it's neutralized.

Speaker 1:

Very good. It becomes less, it becomes very small. It counts, if it's nothing, perhaps nothing remains.

Speaker 2:

Perhaps nothing remains, perhaps it's not enough. Perhaps zero remains. He doesn't really say...

Speaker 1:

Yes, but entirely... he means every inch, but perhaps there doesn't remain enough an area by itself. Whatever there is, what's the din of that area? It could be, he brings that the adjacent... sorry, filled entirely is essentially a novelty, because usually filled entirely one says that one can't use it. Because when there's one hook, one can use it. A whole thing with hooks, you can't hang anything.

Speaker 2:

No, he doesn't mean... it's the opposite. He says the holy... no, he doesn't mean entirely foundations, he means that he placed as many foundations as needed, but every few inches there's a hook.

Speaker 1:

No, good. But for some reason, people call it. All the Jews who learned Gemara, who know where the Rambam comes from, they say this interpretation. So... what's the simple meaning?

Speaker 2:

Okay. You say it's nothing different?

Speaker 1:

I don't know. The Rambam says very clearly, he writes "**they hang the foundations on it and use them**". But one uses it yes.

Speaker 2:

Very good. He writes that one can, yes, still use it a bit. He writes that which he moves it. It can still. So he's explaining the...

English Translation

Speaker 1:

So that's how he explains it. The entire Tur in general, who learns the entire Gemara differently. That's not the problem. But this means, the entire halacha is strange. Let's be clear. The entire halacha is something peculiar. A yesod (fundamental principle), like what is the interpretation in the Gemara, Rashi, the Ra'avad, they all learn completely differently from the Rambam in the Gemara. It's not at all the chiddush (novel interpretation) that the Rambam had.

But according to the Rambam's interpretation they learn... So if he introduced such a yesod, then that place which was made into a reshus hayachid (private domain), it becomes a karmelis (semi-public domain). The Rambam himself would make sense if you say that a yesod makes the whole thing as you say, that it makes it into a reshus harabbim (public domain), because the Rambam doesn't say that. He says it becomes a karmelis.

Speaker 2:

Very good. That means, in other words, and not only does he not say that, he also doesn't say that the yesod makes the whole thing underneath like the amah shemekefes hakol (the cubit that surrounds everything). That would make a lot of sense. We learned that there is such a thing as an amah, and this is the amah that belongs to the reshus harabbim. But the Rambam doesn't say that. He only says, one begins to calculate the numbers differently. It's very peculiar. Why? Why shouldn't one say that it becomes a... a... like a shimush reshus harabbim (use of the public domain)?

Speaker 1:

Yes. But you want to learn by kilayim (forbidden mixtures), but what does kilayim have to do with it? It's not clear.

Speaker 2:

Okay. In short, it's all because the Rambam learned the Gemara differently from most other Rishonim to begin with, and we don't even understand what the Rambam meant. I don't know. It's not relevant to the halachos anyway, right? We need to check. Why are we looking for reshus harabbim's. Anyway. There aren't any reshus harabbim's anyway nowadays, according to the meforshim (commentators).

Halacha 14: Chor Reshus Hayachid and Chor Reshus Harabbim

Speaker 1:

Okay, next. **Chor reshus hayachid** (a hole in a private domain), now he's going to tell us what happens with... there's a hole made in the... in a wall or something. So **a hole in the reshus hayachid, behold it is like a reshus hayachid.**

But it's not that everywhere there's a hole we count it like the place around the hole, because **a hole in the reshus harabbim is not like a reshus harabbim, unless it is four by four**, it depends how big the hole is, **how so.**

So apparently, let me just try to think, what is the difference? The difference is apparently simple. A reshus hayachid belongs to one person, one person - the hole also belongs to him, it's still part of his domain. But the reshus harabbim we see here in all these halachos, there's a condition that reshus harabbim only means the part that the reshus harabbim uses.

It shows you that like a... how should I say, reshus hayachid doesn't have any... we're going to learn eruv (Sabbath boundary) is a rabbinic commandment, but reshus hayachid doesn't have a boundary that the individual needs to be able to use it. The entire reshus hayachid is still part of the reshus hayachid up to the sky, yes? As opposed to reshus harabbim, for example reshus harabbim is only up to ten tefachim (handbreadths), because reshus harabbim must actually... it doesn't have to be mukaf mechitzos (surrounded by partitions), but it also has to be a place that has such a form

that the public can use. If not, it's not called reshus harabbim. Do you agree?

Speaker 2:

More or less. But I don't know what the chiddush of chor (hole) is, because a chor becomes a kind of bor (pit). There's a bor that's called a bor, and there's a bor that's called a chor. What are we talking about here, right?

Speaker 1:

They're saying, not a chor, a chor means like the... the wall, let's say. I mean when chor means in a wall.

Speaker 2:

In the wall of what? What's next to the reshus harabbim?

Speaker 1:

Yes.

Speaker 2:

Or in the reshus hayachid?

Speaker 1:

Yes. A hole in a wall, not a hole in the floor. So a chor and a bor are the same thing. He says that just as there's an area in the reshus harabbim that becomes a reshus hayachid, or in a karmelis, it's the same thing, there's no difference whether the hole is down or it's in the side in a wall.

Speaker 2:

Yes yes, you're right apparently that a reshus hayachid... that a bor in a reshus hayachid is also a bor. You're right apparently that in a reshus hayachid it doesn't become an extra domain if there's a hole or a hill. True. But here it clearly states the difference between reshus harabbim and reshus hayachid. There it doesn't state it clearly. You see that reshus harabbim... because you could say, just as the hole serves the reshus harabbim, it's reshus harabbim. Here we have Amoraim who held that way, they're not rejected, as we learn. There are things that are batel (nullified), but can be used. I don't know. Here it says no. And similar names, the laws aren't the same laws for each... right. But a hole in reshus harabbim isn't automatically reshus harabbim. It depends on the size.

Speaker 1:

How so? It's never a reshus harabbim.

Speaker 2:

Never. Right. Or it's a... it depends on its size.

Speaker 1:

Yes. No, if it's very small, it's a... it's batel, it's not a hole, it's part of the reshus harabbim. We're talking about a hole.

Speaker 2:

You'll see, okay. Now read something.

The Three Measurements of a Hole in Reshus Harabbim

Speaker 1:

If it is four by four and ten high, we already discussed regarding bor and tel (mound), it should be the same thing regarding a hole, that a place that is four by four and ten high, becomes a reshus hayachid.

And if it's not ten high, behold it is a karmelis, as we discussed.

And if it doesn't have four by four, if it doesn't have four by four, **behold it is a makom patur (exempt place), and this is when it's three high, for anything less than**

three is like the ground. If it's higher than three and doesn't have four by four, then it's a makom patur.

Discussion: How Small Can a Hole Be and Still Count as Makom Patur?

Speaker 2:

Until now we know about things that are basically things in the reshus harabbim, which are or aren't... he's already telling me, if it doesn't have a place of four by four, until how much? That means, does every hole automatically have its makom patur? If there's a small hole in any wall in any reshus harabbim, it's not a reshus harabbim? Interesting.

Speaker 1:

Yes, it's interesting. By a bor we didn't say such a thing. A tiny bor doesn't now become a bor. That means, if there's a small... somewhere in the reshus harabbim there's a place that becomes a drop deeper, does it stop being reshus harabbim, because one has to walk a bit lower? A reshus harabbim that goes hilly, will we say that the reshus harabbim ends when we have to calculate according to the...

Speaker 2:

No, because you're the one who came up with the idea that a chor and a bor are similar. They're actually completely different things. The only similarity is that... the only similarity is that here we say that a hole also has... the same three measurements that make the three different measurements, but essentially a chor is a completely different thing. A bor is only if it's a bor.

Speaker 1:

How small? I don't know how small. When is it no longer a bor? It's certainly not simply a reshus harabbim. How small? I don't know. Not clear. When is it actually three tefachim?

Speaker 2:

No, we know that it's a karmelis. If there's a hole, yes.

Halacha 11 - Measurements of a Hole and the Different Domains

Speaker 1:

Yes, the only similarity is that here we say that a hole also has the same three measurements that make the three different domains. But essentially a chor is a completely different thing. A bor is only if it's a bor. How small? I don't know. I don't know, not clear. When is it a bor? When it's three tefachim. I mean, in the ground, I mean that it's deep. If there's a hole, yes there's a difference. Understand?

What did we learn? A bor must be, how big must the bor be? What does it mean? Anything, what is a karmelis, yes, in the reshus harabbim is that? Yes. A charitz (groove) is what it's called in the Rambam's language, right? **Four by four and deeper than three.** If it's less than four by four, it's a makom patur. And less than three, less than three. That's the measurement. Less than three is lavud (considered connected). Just as it goes... but lavud is the word, and not the word that it's not at all extra. It's interpreted as lavud.

Speaker 2:

No, lavud means even when there actually is a clear hill.

Speaker 1:

Okay, yes, good. It means lavud, that we don't notice it so strongly, yes. Rav Yosef, that if it's close enough, therefore it's not a thing in itself. But when it's very good, that the

measurement is three tefachim. Higher, a hill that's less than three tefachim is actually batel, or a hole that's less than three tefachim is actually batel. But if it's more than three tefachim, then it depends, if it's four tefachim wide, then it's a karmelis. If it's less it's a makom patur. That's the step. If it's also ten tefachim deep, then it's a reshus hayachid. Understand?

Halacha 12 - Laws of Carrying in These Domains

Speaker 1:

Now the Rambam is going to tell us what happens with the karmelis and makom patur, what is their boundary in halacha? What may one do and not do? He says like this, in other words, from reshus hayachid to reshus harabbim we already know basically that one may not carry, it was stated earlier in the chapter, in the first chapter it says, right? Twelve, it's a place to learn. What happens with the other domains actually?

He says, it's like this, **reshus hayachid and makom patur** are two places where one may **carry in all of them, even if the length of each of them is several mil**, no difference how big it is. If it's a reshus hayachid, a reshus hayachid can be as big as several mil, one may carry in all of them. The same thing with makom patur. A makom patur can't be several mil, but yes, I mean, yes, except that peculiar long, long narrow thing. They learned.

A Place Surrounded That Doesn't Have Four by Four

Speaker 1:

They also learned about **even if it's several mil long, yes, a place that is surrounded that doesn't have four by four.** Because usually the makom patur must be less than four by four, it can only be if it's a place of partitions, it's very narrow and long, one may carry the entire thing. Yes.

Laws of Carrying in Reshus Harabbim and Karmelis

Speaker 1:

But in the reshus harabbim and the karmelis, one may only carry within four amos (cubits). And if one transferred or extended or threw, carried or gave to another, or threw beyond four amos, here is the difference, in the reshus harabbim one is liable, but in the karmelis one is exempt, because the prohibition of karmelis is rabbinic. That which was said that one may carry in it within four amos is rabbinic, from the words of the Sages. And the reason is **because it resembles the reshus harabbim**, karmelis has similarities to reshus harabbim, therefore there's a concern **lest it be confused with the reshus harabbim**, if a person will think that one may carry there, one will come to also carry in the reshus harabbim.

A Labor Not Needed for Its Own Sake in Karmelis

Speaker 1:

The Rambam says, **therefore**, once you understand with this, that karmelis is only rabbinic, the prohibition to carry in karmelis is because it resembles reshus harabbim, it's like this, **if one didn't need the body of the carrying**, if he doesn't need the essence of carrying, meaning he doesn't need the labor of carrying, meaning usually carrying is he wants a place to arrive from one place to the next place, that's not yet another way how one carries, but that carrying is a melachah she'einah tzrichah legufa (labor not needed for its own sake). But when one only wants that the thing shouldn't lie here because it's in the way, **like one who transferred a thorn in a karmelis so that the public won't be injured by it**, there's a thorn, now he carried it into the karmelis, he carried

it in the karmelis, let's say, to the corner of the karmelis, so one won't be injured. In reshush harabbim one may do it even carrying four amos, because generally melachah she'einah tzrichah legufa one is liable, but when it's rabbinic and we're lenient by... when it's rabbinic and it's for a need, for the need that the public won't be injured by it.

Discussion: Why Is There a Leniency?

Speaker 2:

So it's very peculiar, so one doesn't need to come to the essence of carrying. Right. You need to come to the leniency of melachah she'einah tzrichah legufa, not that one needs to come, it doesn't do anything, because the Rambam holds melachah she'einah tzrichah legufa one is liable. It doesn't make a difference. Perhaps by rabbinic there's sometimes an exemption, perhaps so. But it's certain that so one doesn't just leave something for a need, that they won't be injured by it. Just as we always learn rabbinic they allow things for a need that they won't be injured by it and the like.

Speaker 1:

Perhaps the word is, the not needed for the essence of carrying, they will go needed for the essence of carrying, because they'll be afraid that it resembles reshush harabbim. What do you think, what kind of need or not injury is that which is about the essence of carrying? For example, he wants to carry in a karmelis something that's important, he wants to carry medicine, not for danger, he wants to carry medicine that's in a karmelis. It's a need, it's a need of the public, he wants to carry a siddur (prayer book) for the public in the karmelis.

Speaker 2:

So one needs to know why. If you say that melachah she'einah tzrichah legufa doesn't make a difference according to the Rambam, it can have to do with shevus d'shevus (double rabbinic prohibition). Right. That when it looks like hotza'ah (carrying out), one sees a person carrying, one sees a person doing hotza'ah, one will do hotza'ah in reshush harabbim. But when it doesn't look like hotza'ah, because one sees him he's simply a thorn, right. So that makes sense. **And thorns and all similar things.** That means another type of injury, but the Rambam says "similar to this" means when one is needed for its body or for its place. If it's needed for its body, apparently there's no leniency, even if you have a need apparently. Because then it's not different enough, then it's still mis'asek (unintentional). How do you say the explanation?

Speaker 1:

Okay. So what do we know? Ah, and later the Rambam is going to say that if there's a thorn in the reshush harabbim, one may only take it out less than four amos. And in karmelis one may properly. Okay. What's the problem? Do I have a problem? No, now one who is needed for its body remains a bit open that we need to better understand.

Laws of Makom Patur - Bringing In and Taking Out

Speaker 1:

Ah, next he says, **just as it's permitted to carry in any makom patur**, so until now we learned that inside a makom patur, just as in a reshush hayachid. He says, makom patur is something that's even easier, because **just as it's permitted to carry in a makom patur, so it's permitted to bring in from a reshush hayachid or from a reshush harabbim**

or from the karmelis. From a reshush hayachid one may not carry to a reshush harabbim or to a karmelis. But makom patur, which inside one may carry just as in a reshush hayachid, is however easier than a reshush hayachid, because one may also carry from reshush hayachid or from reshush harabbim or from karmelis to there.

Discussion: What Is the Boundary of Makom Patur?

Speaker 2:

What does it mean a makom patur is not at all an extra place? Makom patur is something a place that's batel to the place next to it, something like that, yes? Could be, because a makom patur is usually such a little place. I don't know if it's batel. I don't know if it's batel. If it's really batel, it would become reshush harabbim. But it remains a makom patur, but it gets the law of the place next to where it is, or what? Okay, let's see. Let's see.

Speaker 1:

No, no, it doesn't get the law of the place where it is. Let's call it an extra domain, but this is makom patur, that one may carry both inside, and also one may carry from the next place to there. And karmelis is exactly the opposite, one may not carry out four amos inside the karmelis. That's the stringency that the Sages said that one shouldn't carry more than four amos, which according to the Rambam one may not carry more than four amos in the karmelis. And also one may not carry from the reshush hayachid or from the reshush harabbim to the karmelis, or conversely, take out from the karmelis to the reshush hayachid, or bring into the karmelis from the reshush hayachid or reshush harabbim. And the one who takes out and brings in is exempt, because it's a rabbinic prohibition, it's forbidden but one is exempt from Torah law.

Discussion: Question from Pri Chadash - Why May One Not Carry from Reshush Harabbim to Karmelis?

Speaker 2:

Ahh. Okay. But I don't understand something that was said that the karmelis the Sages prohibited because it resembles reshush harabbim, true?

Speaker 1:

Yes.

Speaker 2:

So from reshush harabbim to reshush harabbim one may carry, true?

Speaker 1:

We mean one may not less than four amos. Correct.

Speaker 2:

It's only a bit similar, it's not similar enough. It looks like one is carrying. It's worse than reshush harabbim, because the Rambam says one may not carry from reshush harabbim to a karmelis.

Speaker 1:

Correct. Even less than less, he's not talking here about the four amos, yes. Correct. So it's enough as if it's a reshush hayachid then, understand?

Speaker 2:

Yes, because the Chachamim (Sages) wouldn't be lenient more than... the Chachamim were stringent regarding karmelis, they made it like a reshush harabbim (public domain) that one may not carry. But if they would say that one may carry from

reshus harabim to there, they would have made a kula (leniency), yes? Because we see it's not a reshus hayachid (private domain), rather it's a karmelis. They didn't say it as a leniency. Right.

Speaker 1:

No, it wouldn't be a reshus hayachid, it would be a makom patur (exempt place).

Speaker 2:

Aha. He brings that the Pri Chadash asked this question, and he says like this, on the contrary, then one says perhaps it's too similar to reshus hayachid. I hear. I don't know. Um... most say perhaps that it's like... one can't make it easier than other reshuyos (domains), something like that. I'm not sure. Because there's a case like karmelis when not that it's a geder letzmoh (fence unto itself) it wouldn't be a makom patur, rather a reshus hayachid. We need to know which karmelis.

Speaker 1:

No, it can't be. Ah... let's go, a karmelis that... it can't be, because then they should have made a kehillah (community). They didn't make any kehillah, because they said to themselves that one may not walk around in the sanctity of reshus harabim there.

Speaker 2:

Yes, but you need to have one karmelis that... with its father. Eh.

Speaker 1:

I mean, it says in the Magen Avraham, it says in the Rambam like this. I don't believe that all karmelis are things that are essentially year.

Karmelis is a Chumra, Not a Kula

You can ask who made the precise division. Let's say there's something that's a drop different from what gets a din (law) of reshus hayachid, or a drop different from what gets a din of reshus harabim. So will the Chachamim now be lenient and say that one may carry in there from reshus harabim? Why? Because the Chachamim said it's not a reshus hayachid, and they were stringent that it's not a reshus hayachid, and therefore one may not carry inside.

Again, a bit more of a drop different actually becomes a makom patur, right? It depends on the situation. One must see what makes it out. Let's say a place that's a karmelis because it only has a buleh a buleh, it's not bigger than that, yes? It's not ten tefachim high, it's fenced, it's not a reshus hayachid. So? It's not a reshus hayachid, it lacks a drop from being reshus hayachid. Should you say that one may now carry there from reshus harabim?

So, what's the problem? The Chachamim were stringent that this shouldn't have any din of reshus hayachid, and therefore they gave it a name karmelis, that one may not carry inside. But they weren't lenient and said that now there's reshus harabim. Why shouldn't one carry inside? It's no longer reshus harabim, it's a karmelis. So, the Chachamim said it's not a reshus hayachid. If it were a reshus hayachid one could carry. One may not carry because it's a karmelis. But to say that one carries from reshus harabim there, they would have been lenient.

I don't see any case where it's a kula. There's no thing that would be different in a reshus hayachid. If it were a reshus hayachid, one could carry in that place. Very good, but that's

not the story of the karmelis. It's also when that is the story of the karmelis. A karmelis is a place that lacks something from being a reshus hayachid.

Speaker 2: Don't understand what you're saying. It's not big enough for a reshus hayachid.

Speaker 1: So, it's not a kula. The Chachamim made a karmelis. The Chachamim didn't make a reshus hayachid. Reshus hayachid was d'oraisa (from the Torah). From where do you come that the Chachamim made a reshus hayachid? The Chachamim didn't make a reshus hayachid. Reshus hayachid is from the Torah. The Torah said, or the Chachamim say that the Torah said, however it is, that something that's not ten tefachim high is not a reshus hayachid. What is it? It should have been a makom patur. But if it's wider than four tefachim, the Chachamim come and say it's karmelis.

True. Mid'oraisa (from Torah law) actually wide like four tefachim and less, both are a makom patur. Neither is a reshus hayachid. And the Chachamim say it's a karmelis.

Speaker 2: You want to say that it's similar.

Speaker 1: That you can say yes, it's similar enough. You find me a case, the amah (cubit) that's not yet ten tefachim, you say it's similar enough to a reshus hayachid that one can understand that a karmelis should also have stringencies as if it's a reshus hayachid. Okay, that can be.

It's actually, lemaaseh (in practice) a karmelis is a chumra (stringency). It's actually, the Chachamim by making karmelis made that one shouldn't be liable with carrying there, but in a reshus harabim one may carry in reshus harabim less than four amos, and in a reshus hayachid one may carry properly in the reshus hayachid, and in karmelis one may not. It's certain that karmelis is a chumra, again. It's certainly not a kula. Because again, mid'oraisa one could lechatchila (initially) carry to it and in it and everything. It would have been a makom patur. Karmelis is something that was once a makom patur, kiveyachol (so to speak), before the Chachamim forbade it, let's say. And they make a chumra. That's certain that they make a chumra.

The question was only, that if you say that a karmelis is like reshus harabim, like the Rambam said, it should be permitted to carry from reshus harabim into it. He explains that it's not precise, it's similar to reshus harabim and sometimes similar to reshus hayachid. That's what you're saying, basically. In any case, it doesn't say so in the Rambam, but perhaps it's true. Okay.

Halacha 14: One Who Carries From Reshus to Reshus With Karmelis in Between

The Rambam says further, section 14: **One who carries from reshus hayachid to reshus hayachid, or from reshus harabim to reshus harabim**, that's permitted. But **with karmelis in between**, between in the middle of reshus hayachid there's an area called karmelis, or in the middle of reshus harabim, lechatchila one may not carry, as you just said, but **one is exempt**. It's not simple that...

Speaker 2: Yes, simply because it's only an issur miderabbanan (rabbinic prohibition).

Speaker 1: And so one who extends or throws, from this to that with karmelis in between, is exempt. Exempt means exempt but forbidden.

The Chiddush of the Halacha

This is perhaps the chiddush (novel point). The question is whether the chiddush of the halacha is that it's exempt, or the chiddush is that it's forbidden? Because seemingly if it's exempt it's obvious.

Speaker 2: He asks, that even when it's a reshus hayachid... even when it's two reshus harabim in between he would be exempt, except for extending in a certain case, right? That's what we learned earlier.

Speaker 1: So seemingly the chiddush is that it's forbidden. The Chachamim who forbade carrying in a karmelis, also forbade when reshus hayachid to reshus hayachid through a karmelis.

Speaker 2: Ah, he means to say forbidden. The Rambam should have said forbidden.

Speaker 1: But the Rambam says, we haven't yet had forbidden meanwhile. Forbidden he'll say where he'll speak about the rabbinical laws. So he stays with his language of exempt, but he means to say the halacha that one may not carry through a karmelis.

One Who Carries From Reshus Harabim to Karmelis and Places It There

One who carries an object from reshus harabim to karmelis and places it there, he carried from reshus harabim to karmelis, which would have been the first rabbinical prohibition, and he made a hanachah (placement) there, **and returned and lifted it from the karmelis and brought it into reshus hayachid**, or the opposite, **he took it out from reshus hayachid to karmelis and placed it there, and returned and lifted it from the karmelis and took it out to reshus harabim, behold this one is exempt.**

It means, he carried from a reshus harabim and later he carried it to reshus hayachid, but meanwhile he put it down in the karmelis, he's not liable, and one doesn't say that it means he carried from reshus harabim to reshus hayachid. Why? Because there wasn't an akirah (lifting) from reshus harabim and hanachah in reshus hayachid, there was meanwhile an akirah with a hanachah in the karmelis.

Discussion: The Karmelis Makes It Easier?

It's actually a chiddush, because the previous thing he says that the karmelis doesn't make you easier, and here he says that the karmelis does make you easier, because it saved you from an issur d'oraisa (Torah prohibition) from being liable.

Speaker 2: It's not the rabbinical law that exempts him, because even if it were a makom patur he would be exempt.

Speaker 1: Ah, that's what you mean, that the chumra makes him easier to the extent that it should be called like that...

Speaker 2: Yes, okay. It should be called like the previous one, exactly, that there's actually no akirah.

Halacha 15: One Who Carries From Reshus Hayachid to Reshus Harabim Through Makom Patur

Further, **one who carries from reshus hayachid to reshus harabim**. But now he says, what happens if he went from reshus hayachid to reshus harabim, and he went through a makom patur between them? Okay, let's now go to makom patur. Okay, again.

One who carries from reshus hayachid to reshus harabim, and meanwhile he passed through a makom patur, but he didn't put down his object in the makom patur, he

didn't stop. If he had stopped in the makom patur, it would have been like by the karmelis, he certainly would have been exempt, perhaps he would have even been permitted. But if he walked through the makom patur **in his walking**, he is indeed liable.

One doesn't say that his being in the middle in the makom patur cuts off between the reshus hayachid and reshus harabim. Why? Because **walking is not like standing**, because he only walked through, and walking through, mehalech (walking), doesn't mean like omed (standing). Standing cuts off, he was in reshus hayachid, but now he stopped, he became an omed in makom patur. But mehalech is not like omed, one looks at it as he walked from reshus hayachid to reshus harabim, and one doesn't count the place in the middle as a stop.

He says, **and needless to say by throwing that the object passed through makom patur**. If it's a zorek (thrower) who threw from reshus hayachid to reshus harabim through makom patur, he's still liable, because even though it flew through the makom patur, but it's one considered as if it was placed, and one doesn't look at it as the thing, the object that one carries, landed, had a rest, stopped in the makom patur, therefore the object is still like carrying from reshus hayachid to reshus harabim.

One Standing in Makom Patur and Taking an Object

These halachos we've already learned actually. He said that mehalech is not like omed. If mehalech is not like omed, he has the same halacha that we already also had regarding reshus harabim.

One standing in makom patur and taking an object, he stands there and he takes an object **from reshus hayachid**, a person stands there, he stands in a makom patur next to the reshus hayachid, and he takes over from the reshus hayachid and he puts it into the reshus harabim, or he lifts it up in the reshus hayachid, or he takes it from a person standing there. And the same thing, he puts it down in the reshus harabim, or he gives it over to a person standing in the reshus harabim. He is **exempt**, says the Rambam, exempt because he made the akirah or the hanachah in makom patur.

Both he did, the akirah and the hanachah he did both, he made the akirah from reshus hayachid and the hanachah in the reshus harabim, but because he stands in the makom patur, yes? He stands in the makom patur exempts him.

Discussion: Did He Stop?

Speaker 2: Ha, taking an object from reshus hayachid, he stands there, it's a small makom patur that's between a reshus hayachid and a reshus harabim. Right, but he doesn't stand here, he was a... what does nach mean? Because he's nach. We learned, yes, that if it were reshus harabim he would be liable. Right? So, because he stops in the middle.

Speaker 1: It doesn't say here exactly, it doesn't look like he stops, he takes it over and he carries it. But because he stands in the middle, here there's actually a chakirah (investigation), he brings that there are those who argue that this doesn't mean it stopped, and then he should have been liable. But the Rambam looks like this means stopped, it's enough.

And so one who carries from reshus harabim to reshus hayachid and he stands in makom patur, exempt. The same thing, earlier he said from reshus hayachid

to reshus harabim, and from reshus harabim to reshus hayachid.

Beginning of New Halachos - Questionable Reshuyos

Okay, so we're going to learn a few more halachos about reshus harabim, reshus hayachid really, things in... I don't know how it comes in here, I'm trying to give a keppel (chapter), but... questionable reshuyos and the solution they have. This is still all part of the laws of reshuyos. This is all more or less part of what is a reshus, and how does which reshus become, and what is with all kinds of, how do you say, questionable or edge cases it's called in English, boundary cases.

So like this, **one standing in reshus harabim ten high and four wide**, it's ten high, it's four wide, so seemingly it's a reshus hayachid. But it lacks something.

Halacha 16: A Pillar in Reshus Harabim That Doesn't Have Four at Its Base

Speaker 1:

It's still all part of the laws of reshuyos, this is all more or less part of what is a reshus, and how does which reshus become, and what is with all kinds of, as you say, "questionable" or "edge cases" it's called in English, boundary cases.

So like this, **a pillar in reshus harabim ten high and four wide**, it's ten high and it's four wide, so it's seemingly reshus hayachid. But it lacks something, **and at its base there isn't four**, and the bottom of the pillar doesn't have four tefachim. One needs to have pictures here, they have a picture where one can see clearly all these things, I need to show on the video somehow, by days, yes? From below it's simply less, it's something like this... it becomes triangular from below. Yes, it's an "upside down cone" like a bit.

And it doesn't have at the short height three, and the short height, there where it becomes smaller, there where there isn't four, there isn't three tefachim. Ah, if it were three, it would actually be a new reshus, it would be extra, and since there isn't ten tefachim here, it's not essentially four, it would be a makom patur. But since there isn't three tefachim as I know here, between how it begins to be four tefachim wide and the ground, there isn't three tefachim, so it's all connected, **behold this is reshus hayachid**, it becomes properly reshus hayachid, because this means like gud achis mechitzasa I think, it goes down from above, the four tefachim go above, in any case since it's not less than three tefachim empty, the place doesn't bother us. If it were a place, it would indeed bother. Therefore **behold this is reshus hayachid**, it becomes properly reshus hayachid like a pillar that's ten by four, **and if one threw from reshus harabim and it rested on top of it he's liable**.

Halacha 16: A Sloping Mound

Speaker 1:

Now there's another interesting case, which is if one has a high thing like a pillar in reshus harabim, but it doesn't have straight walls, it's a tel hamistalek (sloping mound), that means, it goes up sloped like a little mountain, like a kevesh (ramp), a ramp. So one needs to know when it's called that it has a wall. The rule is, if **it slopes ten tefachim in height within a length of four amos**, then it's a reshus hayachid, **and one who throws from reshus harabim into it is liable**. This means like this, that if it's very, like in English there's a word for it, right? Not "steep", yes? It's very laid out,

it takes ten amos to become ten tefachim high, then it doesn't mean any reshus, that's a high reshus harabim, like we asked earlier. But if "within" four amos it goes up to ten tefachim, one looks at it that this is the wall, it's simply such a very wide wall. I don't know exactly what the reasoning is for this measurement, but it's a measurement that says if "within" four amos you come to ten tefachim, that means it's a wall, and therefore it's a reshus unto itself, it becomes a reshus hayachid, it has all the laws of an extra reshus hayachid. Right?

Discussion: Why Specifically Four Amos?

Speaker 2:

Yes. Do you understand why this is so? I mean, I understand, that if it's just very steep, it's out mechitzah (wall). But what is exactly four amos? What is there?

Speaker 1:

The four amos has to do with the law of gud asik. One says that from where it's four, one looks that also there where it's not four, it's four.

Speaker 2:

I'm asking about the tel hamistalek. That if actually in the four amos it becomes ten tefachim...

Speaker 1:

Clear. The other side is that it's just a mountain, it also becomes the reshus harabim. If it's steep enough, it's enough... if it would slope ten tefachim over longer than four amos, it's like a little mountain, it's a reshus hayachid, but suddenly it's a reshus harabim. On this it does make enough of an extra area that one should be able to give a place of reshus hayachid.

Speaker 2:

Right. I'm trying now to catch to understand the measurements of this, it's just something a... one says that there's even a question, what is the meaning of four amos? The four amos is the curved part? Or the straight part from below, understand? Because it's longer. Yes, lechatchila it should be longer, it should be shorter. I would have had to be shorter to be. Anyways.

Speaker 1:

English Translation

Ah, he brings Rabbi Chaim, yes, he wanted, what does it mean, where is the partition? What is the simple meaning that every piece? Okay, scholars don't have time. Okay, dear groom, they learn very beautiful Torah insights, but we need to understand the point.

Law 17: One Who Plants a Reed in a Private Domain - A Private Domain Rises to the Heavens

Speaker 1:

Now we can learn about the actual law. The next law is a simple law about the fact that a private domain goes up to the heavens, as we have learned. Therefore the Rambam says, **one who places a reed in a private domain, even if it is a hundred** - reed means a pipe, or perhaps a... reed is a type of small tree, a small tree, a tall pole. A hundred cubits, presumably a good pole. Even, okay, yes, **even if it is a hundred cubits high, and one throws from a public domain and it lands on top of it, he is liable**. Why? **A private domain rises to the heavens**, a private domain goes to the sky. Therefore one must remain on Shabbos in a

private domain, because one must reach the heavens. No, that is according to Kabbalah. According to the simple meaning, a private domain is not like a public domain, which we already learned earlier in the law. A public domain stops at ten handbreadths, and a private domain goes to the heavens. In total there must be a placement. So if it's in the air, there is no placement. If he has a reed and it becomes a placement, then one transgresses, even if it's very high.

Discussion: Why Does a Private Domain Rise to the Heavens and a Public Domain Not?

Speaker 2:

I don't understand for one minute, why does a private domain rise to the heavens and a public domain not?

Speaker 1:

Yes, I don't know. That is... we learned earlier about a private domain, like the place below, and therefore a private domain rises to the heavens, because it must be a public domain.

Speaker 2:

No, I told you, because a public domain is a place that the public must be able to use, as we learn from all the laws. A private domain is your fence. A private domain is what belongs to you, belongs to you, who are they? It's not a public domain, you don't say that a person won't go so high. It's not relevant at all. An individual ten, he moves on the ground, he moves on the ground.

Speaker 1:

Okay, you're asking a different question, why is the measure ten handbreadths? You would want to make the measure to the ground. That's a question on all the measures of the Sages.

Speaker 2:

And even, I'm asking two questions. Today you would say that for example a person asks if he may use something, he wants to use a drone, if it's higher than a public domain, there's no question of permission.

Speaker 1:

No, that is a Choshen Mishpat question. Now we're learning the laws of Shabbos. And in the laws of Shabbos there is less than Choshen Mishpat. That means, it's not only dependent on... the sexton is right. So you see clearly, the sexton is the main thing. That's what happens when the public domain is ten handbreadths. A private domain doesn't need to have such a strong connection with the sexton. That's what I think is the reasoning. One can understand it. Perhaps there are other answers.

The Mishnah says that the holiness rises to the heavens, that is the private domain of the Almighty. I don't remember. What happens with such questions when one flies with a plane higher than... higher than a public domain, higher than a designated place. Or higher than a... conversely, higher than a place, like a Kohen higher than a cemetery. Technically it goes to the heavens, but perhaps there is less than four handbreadths. To the heavens is presumably an exaggeration. Someone flies with an airplane... okay, there's no placement. We're talking about what to count when there is a placement.

Discussion: The Question of Four by Four by the Reed

Speaker 2:

Here there is another problem, that the beams... the Rambam doesn't say that the beams need to be four by four. Seemingly, there must be a placement on top of a place of four

handbreadths. So anyway, the commentators discuss this problem. It's not clear.

Speaker 1:

Now one can learn another law. It seemingly has nothing to do with the previous laws.

Speaker 2:

But I think, the placement on top of a beam in a private domain is specifically in a manner when there is something. For example, if a person threw something into the air higher than a private domain, and I know a bird came and caught it. There might be a question about... I don't know, it's not a placement. But if there would be no placement... the beam must be a placement, or the beam also, as if there must be something that should have a connection to the private domain below it. Do you know what might have to do with the question of four by four? Do you have something to say here? That why... that when it's in a private domain there isn't the law of four by four? Because the beam, as you say, the beam connects it to the ground, it's as if still part of the ground. In a public domain it doesn't help. But... okay.

Law 17: A Tree Standing in a Private Domain with Its Foliage Extending to a Public Domain

Speaker 1:

A tree, a new law that has nothing to do with anything. **A tree standing in a private domain with its foliage extending to a public domain** - there is a tree in a private domain, but its leaves, "foliage" means its leaves, its branches, extend out into a public domain. **And one threw and it landed on its foliage** - it fell on the... "and threw" from where? From a public domain. Yes. **And it landed on its foliage** - that it went onto the... not in the private domain. If it only rises to the heavens, it went onto the air of the public domain, then **he is exempt, because the foliage follows the main part**. One could have argued the same law as liable, he could have said if he throws it into a private domain, liable, because the foliage follows the main part.

True, there is indeed such a thing. But one doesn't look, in other places one says that one follows the main part, here one doesn't follow the main part, rather one follows where the thing itself is. True, there is a dispute about this, but yes. This also says exempt, it turns out that it's exempt but forbidden, one may not do this initially.

Law 18: A Reed in a Public Domain with a Basket at Its Top

Speaker 1:

Now one can take the opposite law. The law of the pole I don't understand what comes in here, it's not the actual topic. But still, what about a reed in a public domain? Just a reed in a public domain, but here he says yes that at its top there must be a basket. Why? I don't know why, perhaps because in a public domain... I really don't know why there must be a basket here. Seemingly it should be even without a basket. Basket means a basket or some receptacle. **And one threw and placed on top of it, then he is exempt, because a public domain does not rise up to ten.**

So this is not clear. Even if at its top is a basket, what makes it more of a place that is convenient, I don't know what? But look, he doesn't say a reed ten high, it can be even a reed less than ten, if it's not part of the public domain that is nullified as

we learned earlier. Is there what to argue, he brings that the Maggid Mishneh says that the law is even less than ten. Since a public domain does not rise to the heavens, even less than this, it must actually fall on the ground from... but he says that a public domain does not rise up to ten. I know, but it turns out that even not less than ten. So says the... and the glosses, the Raavad says certainly so, the Raavad says explicitly even up to ten is exempt, he argues with the Rambam. He says that it's not a private domain because there is no partition, and a public domain it also isn't, so it's a karmelis. It is exempt as in a karmelis. It's forbidden, certainly it's forbidden. Yes, the Rambam also says that exempt means that it's exempt but forbidden.

Discussion: Why Exempt But Forbidden?

Speaker 2:

Again, the reason why one should be exempt here is if not forbidden, but why then? Because of saving a life? If it's in the forbidden, what should be the permission that it should be exempt?

The Dispute Between the Raavad and the Rambam: A Pole Above Ten in a Public Domain

The Raavad says explicitly, "**even up to ten is exempt**". He even argues with the Rambam. He says that it's not a private domain, because there is no partition. Not what the Rambam holds. It's essentially a karmelis, and it's exempt as in a karmelis. This is a punishment. Certainly this is a punishment. Yes, the Rambam also says that exempt means that it's exempt but forbidden.

Question: Why Exempt If the Pole Is in the Ten?

Again, the reason why one should be exempt here is, if not forbidden, but why then? Because there is a pole? If it's in the ten, what should be the permission that it should be exempt? It should be a placement on the public domain. And in the ten handbreadths won't it be a public domain? If there would be a pole in the ten handbreadths, would it be called a public domain, yes?

But the point is because it's a pole which it's a pole that has a basket. It occurred to me earlier, poles that are made for decoration, I don't know what. It fell on the poles. Yes, certainly. Because that pole is... because the pole itself is a public domain. So the point is because the pole is some strange growth, and doesn't belong here. It's nothing. Not clear.

The Position of the Maggid Mishneh: A Private Domain Rises to the Heavens

There is one weak proof from those who say like the Raavad. The Maggid Mishneh argues that the Rambam is essentially agreeing with the Raavad. The Rambam says it perhaps only to say that... why is it different from a private domain? A private domain would indeed be liable, because it rises to the heavens. But a public domain, everything that is higher than three is a separate domain. Do you understand? In a private domain there are no things that are separate domains. So learns the Maggid Mishneh. It's a bit forced, but it's indeed difficult why it goes here.

Law 18: One Who Throws and It Sticks in a Wall — A Clump of Dirt or Mud

Okay. Now one can learn about other ways that are above... how... the latter part is essentially about the permission of a public domain above ten, right? One way is when one places a

pole. And another way is thus: **One who throws four cubits in a public domain**, he stands in a public domain four by four cubits, **and it sticks in a wall**, the thing that he throws sticks on the wall.

How can a thing stick on a wall? A wall is a wall. The Rambam says an answer, "**a clump of dirt or mud that sticks to the wall, he is exempt from desecration**". I threw something sticky, that it stuck to the wall. This was a measure, a measure of sticking.

Above Ten — Like Throwing in the Air

So thus, **if it stuck above ten handbreadths, it is like throwing in the air**. If it actually stopped, it must be a placement, because that's called a placement. Let's say, it's called even a placement on a place of four by four, because the wall is four by four, I don't know exactly why. But since it's above ten handbreadths, it is like throwing in the air, because above ten in a public domain is an exempt place.

Below Ten — Like Throwing on the Ground and Liable

But **if it stuck below ten handbreadths**, because then it is in the air of the public domain, **it is like throwing on the ground and liable**. And this is only when it's on a wall, because a wall means a place of four by four.

Threw Above Ten in Any Hole — Exempt

But **one who throws above ten**, and he threw it **in any hole**, it fell into a hole, then **he is exempt**. Because with a hole one must calculate how big the hole is, since the hole is not a place of four by four. One doesn't say we dig to complete, says the Maggid Mishneh, and therefore he is exempt. I said that a hole is generally an exempt place, yes, that's the point? Right. Yes. Except if the hole is four by four, but here it says any hole.

Why does he say this? A hole of a private domain, a hole of a public domain, is always called a separate domain it seems. So we learned there, that it depends how big it is, but here he speaks of any size, there's no measure, it's not even three handbreadths which would be a karmelis, and would be exempt. In short, yes.

Law 19: One Who Throws a Reed or Spear from a Private Domain to a Public Domain

Okay. Until now we learned about what if someone throws something onto a reed. Now we're going to learn about the person who throws the reed itself. After that we're going to learn about one who throws an entire domain.

So thus, **one who throws a reed or spear in a private domain**, I threw a reed or a spear, okay, both are the same shaped things, **and it stuck in a public domain while standing**. The reed is higher than ten handbreadths, we assume, and it stuck into a public domain standing. Then he is **exempt**. Why? **Because part of it is not in an exempt place**.

Question: Why Not Liable Because Part of It Is in a Liable Place?

Although the bottom of it is certainly on the ground, since a part of it is still above ten, yes, the upper part, they explain the law. Why don't we say the opposite, that he's liable? Because part of it is in a liable place. Does that mean as if he didn't throw a whole thing, does that mean as if he threw half a thing?

Answer: One Must Uproot the Whole Thing

Ah, as we learned earlier, that one must throw the whole thing, one must uproot the whole thing, in order for it to be the opposite, as if it rolls. I know there... ah, now they learned thus, laws must be the whole thing. Interesting.

Law 19: One Who Throws a Large Vessel from a Private Domain to a Public Domain

Look at the next one. After that stands another similarity: **"One who throws a vessel from a private domain to a public domain"**, yes, say an answer. The thing is, you say, this is made a whole... you know exactly how I wrote it. He threw a vessel, **"and the vessel was large and it has four by four at a height of ten"**, the vessel itself is a private domain, basically. He throws himself with a private domain. So he is **exempt**. Why? **Because this vessel is a complete private domain, and it turns out to be like taking out from a private domain to a private domain.**

Question: What If He Throws from a Public Domain?

Even though he says he is taking out, but from where is he taking out? From one private domain to another private domain. It's true, he must make an eruv, and rabbinically it's forbidden, but he is exempt.

The thing is, the Rambam doesn't say that he threw the entire domain. The Rambam says because **"like taking out from a private domain to a private domain"**. And if he throws it from a public domain to a private domain? Further, he did an uprooting from a public domain, he throws it into a public domain. That means, he now threw from a public domain to a private domain, because the vessel itself is a private domain? I don't know.

But when he lifts up the vessel, he carries it out from whatever it is. Why? He lifts it up in a public domain. But the vessel is a domain unto itself. How is it relevant? Where does the vessel go? To a private domain, right? You're asking a question, what if he throws it from a public domain, right? I don't know. He indeed made an uprooting from a public domain.

Discussion: What Is the Rambam Innovating About an Entire Domain?

What is the Rambam innovating about an entire domain? Perhaps the point here is that a domain is not a thing that one can throw? That's what I would have thought, but the Rambam doesn't say that. The Rambam says... I don't understand, actually.

You need to think, yes, uprooting from its place a bushel, he lifts up a mountain, yes. In practice, there by Moses our teacher in the Gemara, yes. One certainly may not do this on Shabbos. He lifted up a public domain, yes.

Engineer. He says, he brings that for example, what about a karmelis? What about a smaller vessel that is four, but it's less than ten, which is a law of karmelis? He doesn't say, but he brings later authorities who say.

But throwing a karmelis is not one karmelis, is established. He says that here there are those who say. The Rambam doesn't speak about this case. I don't know.

Digression: Why Is the Gemara So Lengthy in the Laws of Carrying Out?

All this is stuck in a Gemara, which is much more fun when one learns it in the Gemara, because then one thinks about all these things. I think these laws exist still because it was fun for the Gemara to think about them. The Rambam who made into all laws, these types of laws, in my opinion it's...

I learned this week in the holy Zohar that when something doesn't fit in the verses, contradictions, there one must say that we mean the hidden legends, so says Rabbi Shimon the living. Because if not, there are indeed scribes who can do a better job. So, one must say that all these Gemaras are deep secrets of the Torah. Yes, it's full of scholarly analysis, scholarly analysis is very enjoyable, the Gemara also loved scholarly analysis. But for practical law it's difficult, yes. It makes a practical difference if there will be a case, but seriously, how many times do people throw in a private domain? A large vessel one can throw, it means, it happens sometimes, a person throws a refrigerator box... I hear, I hear. But not because of this does the law exist, that it should happen so often that people throw refrigerator boxes on Shabbos. There are many more lofty essences of Shabbos that one could have discussed in the laws of Shabbos, yes.

Right. The length, the Gemara is very lengthy in the laws of hotza'ah, and there's certainly a secret in this. A secret can be according to the simple meaning a secret, but it's not because there happened to be many questions in hotza'ah. That's not the reason. It can't be.

Observation About the Rambam's Approach

Okay. For this I need to... But the Rambam is a question. I don't want a question, I know why, the Rambam needs to write every law in the Gemara. But many questions that the commentators ask here, and what's the point? The Rambam apparently didn't care. He said, I'll write you the conclusion more or less from the Gemara. You want to learn all the details? Figure it out yourself. I have many questions on the Rambam.

Law 20: A Pit Nine Deep and He Removed Sediment and Completed It to Ten — Uprooting and Partition Together

Anyway, where are we here? Another interesting case. There was a Jew who made a domain at the same time that he made a hotza'ah, similar to our case. Yes. **A pit nine [tefachim deep] in the public domain, and he removed sediment from its bottom and completed it to ten**, yes, there was a pit nine [tefachim deep], what is the pit now? A karmelis. Yes, let's say it's four by four wide. The young man gave a scratch, he tore out a piece from the bottom, right? A piece of sand, whatever, and it became ten. Yes.

Discussion: He Also Transgresses Plowing

Apparently, apparently he also transgresses plowing. He transgresses plowing. True. He transgresses plowing. But he transgresses plowing, he was also on... when he tore out the sediment, he tore it out from the public domain, but with this he also made it into a private domain. So he took from the private domain to the public domain, right?

Answer: At the Time of Uprooting It Was Not Yet a Private Domain

After he lifted it from the public domain, the piece of sediment, apparently, right? No, but when he took it, it was still part of the public domain, because when he lifted it, it wasn't yet ten. He took it from a place of the public domain to the public domain. He throws out the sediment, ah? No, let's say he leaves the sediment inside. On the side of the pit. He throws it out into the public domain. Whatever it is, the law is **exempt**. There's no difference. Even if the uprooting was liable, but **uprooting and partition together is exempt**. At the beginning of the three and the partition tenth first, forbidden, sorry, **at the beginning**. That means, one must

have... when he made the uprooting it was still a public domain. A karmelis actually, presumably, but yes. A karmelis, ah.

Principle: One Cannot Make Hotza'ah and Partition Together

The point is that one cannot make hotza'ah and partition together. First there must be a domain, and afterwards one can be motzi from it. The same thing, in reverse. But in reverse, no, then it does help yes.

Law 20: The Pit Was Ten and He Threw Sediment Into It and Reduced It to Nine — Placement and Partition Together

The pit was ten, it was ten, for a private domain, **and he threw into it sediment and reduced it to nine**, now it became a karmelis, so he is also **exempt**. Why? For the same reason. That means, for the same reason. When he made the placement, he didn't make a placement in a private domain. He didn't make a placement in a private domain, because the moment that the placement happened it was already a... It's obvious to everyone this. Behold placement is liable, uprooting and partition together, but at the time... ah, at the time of the placement. So earlier was at the time of the uprooting. At the time of the uprooting earlier it was not yet a private domain.

Point: Beginning of Placement and End of Placement

It's interesting, because one can say that the beginning of placement is when the sand starts to touch the floor, the end of placement is when everything is already lying, because then one will be able to divide.

Law: One Who Throws a Board and It Rests on Pegs — Partition and Placement Come Together

The Rambam's words: One who throws a board, and it rests on pegs in the public domain, and it becomes a private domain, even a vessel on the board — exempt, for the making of the partition and the placement of the vessel come together.

Speaker 1: A board means a... not a patch, a straight piece of wood. A straight piece of wood, like a tabletop. And it rests on pegs in the public domain, the board fell on like a table, basically, four posts, like pegs in the public domain, pegs that touch the ground. And it becomes a private domain. Yes, it became a private domain. Why? Because it was ten tefachim high? It must be ten, right?

Even a vessel on the board, on the board he threw together with a... he threw the top of his table, and on the top was a wine cup. Okay. Exempt.

It's a question why, he threw the whole table. And he is exempt. Why? For the making of the partition and the placement of the vessel come together. He takes down the partition and he makes the vessel at the same time. He makes the partition and the vessel at the same time.

And further, at the time of the uprooting, basically, there was no domain where he throws it in, there was no private domain. And he throws it from the public domain, not like from the mismar, he throws it out from there. Okay.

Innovation: We Don't Reckon Like When You Started Doing the Melacha

Speaker 1: One good thing. The innovation of all these things is that we don't reckon like when you started doing the melacha. One could have reckoned like this: what's the matter? You don't want to carry from one domain to another,

and here you did it. We don't look at it like that, yes? We look at it very technically.

Law: A Pit Ten Deep and Eight Wide — The Partition Divides the Pit in Its Width Into Two

Speaker 1: But in reverse, the same thing in reverse. There is the same case, and another case of the case, where at the time he makes the placement the domain changes.

The Rambam's words: A pit that is ten deep and eight wide in the public domain, and he threw into it a partition and it divides the pit in its width into two — exempt, for the partition is nullified and each place doesn't have four by four.

Speaker 1: There is a pit that is ten deep and eight wide, which is two measures of a private domain vessel. What does he do? He makes a partition in the public domain, and it divides the pit in its width into two. The partition appears to be a bit wide, it has a bit of width. It comes out that the pit becomes two [sections] less than four tefachim. Exempt. For the partition is nullified, and each place doesn't have four by four.

Law: A Pit in the Public Domain Filled With Water — For Water Doesn't Nullify Partitions

Speaker 1: Yes, okay. Let's [discuss] another pit in the public domain, another law that isn't... ah, a new law. Now we come to the matter of water. We've already spoken that water is exceptional from all the laws, because water... I don't know, water is different from other things. Let's see.

The Rambam's words: A pit in the public domain ten deep and four wide, filled with water — one who takes from it and places on top of it, is liable, for water doesn't nullify partitions.

Speaker 1: But it's full of water, filled with water. You might have thought that water, it's full, it's not a pit. No, liable. One who takes from it and places on top of it water, liable. For water doesn't nullify partitions. And also water, as we learned that a vessel that one places on the ground, is liable, because water doesn't nullify partitions.

Distinction: Water Versus Fruits

Speaker 1: If it was filled with fruits, what's the law? Exempt. Why? To go into the fruits is indeed a measure. It should be interesting, even fruits that one can remove, fruits that one can take away. No, but if he wants to go into the pit now, can he go in? The water doesn't prevent him from being able to, there is the measure. Fruits he needs to move things, so he can go in.

Discussion: Do Fruits Nullify the Private Domain of a House

Speaker 2: In any domain, a private domain too, if one fills it with fruits does it become nullified? Or only a pit?

Speaker 1: No, a domain must be an empty thing. If it's full it's nullified. It doesn't break the private domain, the pit. If it's full of fruits it became another thing.

Speaker 2: But he's saying that in practice there isn't any empty space in the pit. This is a private domain, I want to fill it with fruits.

Speaker 1: Ah, it's a pit that's in my house, it can't be a private domain. Okay, it's... So why do I go into a house, I fill it with mattresses until only three tefachim are left, I don't know what. So, is it still a private domain? Why? Filled with fruits, you've now learned. It's less than the measure, it becomes less than the measure.

It becomes less than the measure, but only when it's in the public domain. We want to say that such a kind of private domain that is only a private domain because it has space, but every private domain is exempt like this.

This is what I'm trying to bring out, that a house of a person that belongs to a person is the father of all private domains. We say that even a small space also has this law, because it's a place where a person can dwell. I filled my house with fruits, I imagine it should be truly exempt. I don't believe it.

Why? It will become exempt or forbidden, let's remember, it won't help much, perhaps except that it becomes an exempt place. I don't believe that the fruits nullify it as a private domain. This says that it makes it worse, because the place remains, it's a small place, so it's nullified to the public domain.

But if a person has the actual house which is truly a private domain, I don't know, this is such an exception, but when a person has a house that's full of people, a person has like the side dresser, the smaller the room the more people, it's filled with people, we say that the people are a barrier, it must truly fill the measure, yes.

Imagine you have some small storage, you want to remove something from there on Shabbos, you stuff in a bunch of people until only less than four tefachim of space remain, can you remove it because it's an exempt place. I don't know. One will ask, I agree. We've never encountered such an exception, but you say perhaps yes.

Everything is a private domain because there are partitions, it's a private domain. There are distinctions like... and in logic it makes sense, as I say that in the public domain, because it's a small space that isn't nullified to the public domain, it's like the true private domain which means because a person has his domain. The simple meaning of private domain means a domain of an individual. Yes, but the law of it is the partitions. There is a rabbinic [element]. The partitions are there, because that makes it similar to a private domain, we still call it a private domain. I don't know.

So be it.

Law: A Puddle of Water — A Stream of Water in the Public Domain

Speaker 1: Now, further another law, how water doesn't disturb. Yes, there is a rekak means a puddle? A puddle? A puddle? What's the language? A pool? No, bigger than a puddle. A big puddle of water. A puddle of an angel, not just a puddle. This is like the reed that Gavriel placed under the sea and it became an island. He says that rekak means a stream of water. And so it says "similar to a rekak". A rekak is like a matzah, a cookie? No, a rekak isn't like that. It's so low, flat, shallow, it's flat water, as we'll learn, it's not deep.

In short, water that passes through, that the public walking in the world don't go through there, because it's not too deep.

The Rambam's words: A puddle of water that the public walks through — if it doesn't have ten tefachim in its depth, behold it's like the public domain, whether it's wide even four amos, or whether it

doesn't have four tefachim in its width, for behold most people jump over it. Since it doesn't have ten, behold it's like the public domain. And if it has ten or more — behold it's a karmelis like other seas. And if it has four tefachim in its width [behold it's a karmelis], and it doesn't have four tefachim — behold it's an exempt place.

Speaker 1: That means, when it's a small puddle, people don't need to go in it, they jump over, it doesn't disturb. Since it doesn't have ten, behold it's like the public domain. And if it has ten or more, behold it's a karmelis like other seas. If it has four tefachim in its width, and it doesn't have four tefachim, behold it's a karmelis less than four. That means, if it's less than four it's an exempt place.

But water, this is what, if the public go in the water... by the public domain sometimes the condition is that the public must be able to go. If they go in the water, or even they don't go, if they can go, it's still called part of the public domain. Only if it becomes ten tefachim deep, then they don't go in it apparently, then it becomes a karmelis like all other seas in the world.

Digression: The Splitting of the Sea of Reeds

Speaker 1: Wonderful. Yasher koach. I've finished.

So at the Sea of Reeds, when we went through the Sea of Reeds on holy Shabbos, it wasn't Shabbos. So for the Jews it was a private domain, because it's standing on its [bottom] walking in it. Okay, it wasn't ten tefachim. No difference.

Conclusion

Speaker 1: In short, this is the law of the laws of the offspring of domains on Shabbos. This is the rekak, basically.

General Notes from the Lecture

Speaker 1: It worked leniently this way. For behold this placement is liable, whereas uprooting and partition come together. But at the time of the placement, so earlier was at the time of the uprooting. At the time of the uprooting earlier there wasn't yet a private domain. And here at the time of the placement there was already no private domain.

It's interesting, because one can say that the beginning of placement... the beginning of placement is when the sand starts to touch the floor. The end of placement is when everything is already lying. According to this one can divide. You have here a beginning and an end of a placement. The contradiction is about this, since you need both an uprooting and a placement, so the first way there's no uprooting, and the second way there's no placement.

It's certain that this was made for the scholars, as we discussed if someone is drunk or a fool, and what one shouldn't do. In general, all these things are exempt, exempt means exempt but forbidden. It's not relevant in forgetfulness, it's not in the Shulchan Aruch this law. It's simple because it's not relevant in practice, it's all exempt but forbidden.

Further, threw a board, we brought that in the Shulchan Aruch it's not stated. Yes, there's no practical difference regarding punishment, or sin offerings, there's no practical difference regarding. Yes.