

Laws of Shabbat Chapter 15 (Auto Translated)

English

Auto Translated

Shiur Overview

Summary of Shiur – Rambam Hilchos Shabbos, Chapters 15-16

Introduction: Why Does Hotza'ah Have So Much Length in Hilchos Shabbos?

With the completion of Chapter 15, we have finished **half of Hilchos Shabbos** (30 chapters in total). We are still in the middle of the topic of **melachas hotza'ah** – carrying from reshush to reshush / four amos in reshush harabim.

[Digression: Why does specifically hotza'ah – an inferior melachah – have the most length?]

Several explanations:

1. **Practical:** Hotza'ah happens more often in daily life – people constantly hold things in their hands. Also **muktzeh** is because of hotza'ah.

2. **Lomdish:** The Chachamim loved lomdishe halachos. Hotza'ah is more of a **machshavah-melachah** – almost only thought. All melachos have "melech machsheves asrah Torah," but by hotza'ah it's almost **only** machshavah. A **reshush** is a **spiritual matter** – you can't see a reshush harabim; it depends on subtle distinctions.

3. **City melachah:** The Chachamim were city people (as it says "margla befumei derabbanan" – I work in the city and he works in the field). Hotza'ah is almost the only melachah relevant to city life. (But this isn't very strong, because borer is relevant to eating, kotzer to combing hair, etc.)

4. **Tosafos's reason:** Tosafos asks why Maseches Shabbos begins with yetzios haShabbos – because it's a **melachah geru'ah** one must be **distant** from it. **Chiddush:** "geru'ah" means inferior **in physicality** (less physical), but **in spirituality** it's **better/higher** – because it's more thought-based.

Chapter 15, Halachah 1: Standing in One Reshush and Moving Objects in Another

The Rambam's words: One standing in reshush harabim and moving objects in reshush hayachid entirely – permitted. Standing in reshush hayachid and moving objects in reshush harabim, as long as he doesn't take out beyond four amos – permitted. And if he took out – exempt.

Explanation

When a person **stands** in one reshush but **moves** (manipulates objects) in a **second reshush**, we look at where the **object** is, not where the **person** is. If he stands in reshush harabim and moves objects in reshush hayachid – he may do so throughout the entire reshush hayachid. If he stands in reshush hayachid and moves objects in reshush harabim – only within four amos.

Chiddushim and Explanations

1. **Four amos in reshush harabim lechatchilah:** That one may move objects four amos in reshush harabim **lechatchilah** fits with the Rambam's position that four amos in reshush harabim is **permitted lechatchilah**, unlike other opinions that permit only in certain circumstances.

2. **Contradiction in the approach – leniency and stringency:** As a **stringency** the Rambam says we look only at where **the object** is (not the person) – therefore one may move objects throughout the entire reshush hayachid even when the person stands in reshush harabim. **But as a leniency** – if he took out beyond four amos in reshush harabim when he himself stands in reshush hayachid – he is **exempt** (not liable for a chatas). This means that **regarding liability** we **do** look at where the **person** stands.

Question: If one is exempt from chatas (because we also look at the person), why shouldn't we also **prohibit** moving objects throughout the entire reshush hayachid (because the person stands in reshush harabim)?

Answer: There is **no contradiction**. From a **melachas hotza'ah** standpoint, the normal way is that the person stands in the same place where he performs akirah. When he stands in a second reshush, it's a **deviation** from the normal manner – enough to exempt from chatas, but **not** enough to prohibit moving objects in the other reshush.

Chapter 15, Halachah 1 (continued): Opening and Closing in Another Reshush

The Rambam's words: A person may stand in reshush hayachid and extend his hand into reshush harabim – opening and closing.

Explanation

A person may stand in reshush hayachid, extend his hand into reshush harabim, and **open or close** a door/lock there.

Chiddushim and Explanations

1. **What is the chiddush?** It's strongly asked: **What would be the hava amina that it should be prohibited?** He's not carrying anything! He's only opening a door. In all other cases in this halachah we're talking about **moving objects** – moving an object. Here there is **no carrying at all**. A door that hangs on hinges isn't a matter of carrying at all.

2. **Key problem:** It's suggested that perhaps we're talking about a key – the person takes a key from his reshush and opens a lock in the other reshush. **But** the Rambam doesn't mention **any** key – he simply says "opening and closing."

3. **The main chiddush with the key:** The chiddush isn't about opening the door itself, but about the **key** that lies in (or near) the door. One might have thought that because the key is there, there's a concern that the person will move the key. The chiddush is that **because the key already lies in the door** (he's not carrying it anywhere), it's permitted. If he were holding the key in his hand, it wouldn't be allowed.

4. **Rabbi Meir's position:** **Rabbi Meir** held that one **may not** open a door from another reshus – one must stand in the **same reshus** as the door. The Rambam **doesn't** rule like Rabbi Meir. It's difficult to understand Rabbi Meir's position – it would mean that a person standing in reshus harabim may not open a door to enter reshus hayachid.

An Animal Standing Outside with Its Head Inside

The Rambam's words: **An animal standing outside with its head inside – one may feed it. But a camel – until one brings most of its body inside, since its neck is long.**

Explanation

An animal standing outside (reshus harabim) with its head inside (reshus hayachid) – one may give it food. But a camel, which has a long neck, one may not feed until one brings in most of its body.

Chiddushim and Explanations

- **The reason why a camel is different:** Because the camel has a long neck, there's a concern that the person will be **drawn after the camel** – he'll extend further until he's already in reshus harabim. With a regular animal, if it walks away, one notices immediately. But with a camel with a long neck, the person can extend his hand just a bit more and already be transgressing hotza'ah from reshus to reshus. This is an **explicit Gemara in Eruvin**.

A Person May Not Stand in Reshus Hayachid and Drink in Reshus Harabim

The Rambam's words: **A person may not stand in reshus hayachid and drink in reshus harabim, or in reshus harabim and drink in reshus hayachid, unless he brings his head and most of his body to the place where he drinks.**

Explanation

According to the rule that one may hold one's hands in another reshus, one would think that one may also drink in another reshus. But one may not – one may not stand in one reshus and drink in another, in either direction, unless one is there with one's head and majority.

Chiddushim and Explanations

1. **The reason for the prohibition:** The Rambam explains that it's talking about **nice vessels** – vessels where there's a concern that the person will take them back after drinking. **A decree lest he take them out** – we're afraid that after drinking he'll take the vessel to himself in his reshus, which is hotza'ah from reshus to reshus.

2. **Exception with vessels that aren't nice:** If they're vessels he'll leave there (he doesn't need them), there's no concern.

3. **Exception with karmelis:** If one of the reshuyos is a **karmelis** (not reshus harabim d'Oraisa), then even with nice vessels, even without head and majority – **it's permitted**, because even if he'll be drawn and take the vessel, it will only be a derabbanan, and **we don't make a decree for a decree** (lo gezrinan gezeirah legezeirah).

4. **Note about the Rambam's order:** In the beginning when the Rambam spoke about moving objects in another reshus, he didn't mention any concern about taking out an

object. The concern was only "born" in the case of drinking. The Rambam could have made this a separate halachah, but he combined them. **The Aruch** organized this differently, but the Rambam made a distinction.

One Standing in Reshus Harabim and Catching from the Air (catching water from a pipe)

The Rambam's words: **One standing in reshus harabim and catching from the air – permitted. But if he extended his hand to touch the pipe and wall and receive – prohibited.** Further: **If he touched, if the place he touched was above ten and less than three near the roof – this is prohibited, as it's found to be removing from the roof.** Also: **If the pipe was wide four by four – whether within ten or above ten – prohibited, because it becomes a reshus hayachid or karmelis.**

Explanation

A person standing in reshus harabim and catching water running down from a pipe/wall of a reshus hayachid – if he doesn't touch the wall/pipe, it's permitted. If he touches, it's prohibited in certain circumstances.

Chiddushim and Explanations

1. **Why isn't he liable (only prohibited)?** The Rambam answers: **because the water isn't resting there** – the water hasn't rested on the reshus hayachid. It's not "holech venach" – the water is running, it's no longer in the reshus hayachid.

2. **A sharp question:** The person is standing entirely in reshus harabim – he's not entering reshus hayachid at all! How could he possibly be liable? He's not taking from reshus hayachid, he's taking from the air! **The Bigdei Yesha** (R' Yeshaya Weiner, a commentary on the Magen Avraham, brought in Mishnah Berurah) asked the same question, which confirms it's a legitimate question.

3. **The answer (chiddush):** "Lo nach" means the same as if **it comes by itself** – he only performs the **hanachah** (he receives it), he doesn't perform the **akirah** (he doesn't tear it from its place). If the water **were resting** (lying still on the pipe/roof), he **would have to perform an akirah** – he would have to tear the water from its place in reshus hayachid, and that would be akirah from reshus hayachid. But because it's **not resting** – the water is already running by itself – he doesn't need to perform any akirah, it comes to him by itself, and he only performs hanachah in reshus harabim. Therefore he's not liable mid'Oraisa (because akirah is missing), but it's prohibited miderabbanan because it looks like removing from reshus hayachid.

4. **Fundamental question: Status of a wall of reshus hayachid: The outer side of a wall of reshus hayachid is reshus harabim** (or makom petur above ten). There's no position that says otherwise. Reshus harabim goes right up to the wall – that's the partition. All reshuyos on Shabbos don't go into the height – that is, the outer side of a wall of reshus hayachid is **automatically reshus harabim**.

5. **The pipe inside:** Inside the pipe is reshus hayachid (because a pipe is an enclosed place). But when the water runs out of the pipe, it's already in reshus harabim. The person never takes water that lies in reshus hayachid – all the water he takes is already in reshus harabim.

6. Distinction between a solid object and liquids: When a solid object lies on the pipe and one takes it down, he would have taken from reshus hayachid. But with water that's running, it's never "resting" on the pipe, and when it comes out it's already in reshus harabim.

7. With a pipe wide four by four: The pipe itself becomes a separate reshus – if above ten it's a reshus hayachid, if within ten it's a karmelis – and therefore it's prohibited to take from there to reshus harabim.

8. Note about versions: Some versions may be missing the words "because he performed akirah in reshus hayachid."

A Ledge Before a Window

The Rambam's words: A ledge projecting from the wall before a window – if it rises above ten tefachim – permitted to use it.

Explanation

A shelf/board that sticks out from the wall in front of the window, into reshus harabim. Reshus harabim only rules up to ten tefachim high. Higher than ten tefachim is no longer reshus harabim. Therefore, a person who lives in a house next to reshus harabim, even if the ledge sticks out into reshus harabim, as long as it's higher than ten tefachim, he may use it.

Two Ledges One Above the Other

The Rambam's words: If the upper ledge has four by four tefachim, and there's a window before it or above it, it's prohibited to use it because it's a reshus by itself. If neither the upper nor lower has an eruv – the upper one may use both. If the lower has an eruv and the upper doesn't – the upper may only use directly opposite his window.

Explanation

When two ledges stick out from a wall, one higher than the other, and the upper one has four by four tefachim, it becomes a "reshus bifnei atzmo" – it's not reshus harabim (because it's not on the ground) and not reshus hayachid (because it doesn't have partitions of ten). Therefore the Rabbis prohibited that two reshuyos shouldn't use one reshus – "two kings don't use one crown."

Chiddushim and Explanations

1. The foundation of "reshus bifnei atzmo": A ledge of four by four tefachim isn't nullified to any reshus – it's "some new strange thing" – a reshus unto itself. The prohibition is miderabbanan: the Chachamim were afraid it would look like one is carrying from reshus to reshus on Shabbos.

2. Why both are prohibited and not just one: Because we won't know which one may be used, we'll make a mistake. Both become prohibited as a stringency.

3. When both don't have an eruv: Both ledges become nullified to the reshus hayachid from which they project, because they're like a makom hapetur – therefore the upper one may use both.

4. When the lower has an eruv: The upper may only use opposite his window – the part of the ledge that's directly opposite his window. **The explanation:** The part opposite the window, when it's less than four tefachim, becomes nullified to the window. But the sides that aren't opposite the

window don't become nullified – they remain part of the lower reshus (because reshus hayachid rises to the sky), and therefore prohibited.

5. Question about eruv between the two: It's difficult to make an eruv chatzeiros between the two floors, because in order to make an eruv one must first have a partition, and here we're talking about there not being any partition.

6. Summary of laws: One ledge (small or large) – permitted. Two large ledges – they interfere with each other. The upper one large – interferes with both. The lower one large – only interferes with the upper, but not opposite its own window.

Decree by a Ledge – Earthenware Vessels

The Rambam's words: Any ledge projecting over reshus harabim that's permitted to use – when using it, one doesn't take from it or place on it except earthenware vessels and the like, lest they fall into reshus harabim and break.

Explanation

When using a ledge that hangs over reshus harabim, one may only place earthenware there (which break when they fall) – because if they fall down, they'll break, and the person won't go down to pick them up. But expensive vessels or metal vessels – prohibited, because if they fall down, he'll go down to get them, and he'll transgress hotza'ah.

Chiddushim

1. The reason for the decree: Similar to the decree with "nice vessels" by drinking – we're afraid the person will come to carry four amos in reshus harabim or perform hotza'ah.

2. The Rema's distinction: This is only with a small ledge where it's likely that things will fall down. But a whole roof – there's no concern, because it won't fall.

Two Houses on Two Sides of Reshus Harabim – Throwing Above Ten

The Rambam's words: Two houses on two sides of reshus harabim – one throws from one to the other above ten, provided both belong to him or they made an eruv between them. And even if they were clothing and metal vessels, it's permitted to throw. But if one was higher than the other and not level – prohibited to throw such items lest they fall and he bring them, but earthenware and the like one may throw.

Explanation

Two houses on both sides of reshus harabim – one may throw from one to the other above ten (through makom petur), on condition that both belong to one person or they made an eruv. When both are at the same height – one may even throw clothing and metal vessels. But when one is higher than the other – only earthenware, because it's harder to throw accurately and it might fall down.

Chiddushim

1. Why does one need "both his": Miderabbanan there's a prohibition of carrying from one reshus hayachid to another reshus hayachid when two people have it without an eruv. Therefore the Rambam must add "or they made an eruv between them" – this is the whole matter of eruv chatzeiros.

2. The distinction between level and not level: When both houses are at the same height, it's easy to throw

accurately above ten, therefore one may even throw expensive vessels. But when one is higher – it's harder to aim, and it might fall into reshus harabim, therefore only earthenware.

3. The foundation of throwing through makom petur: One may throw from reshus hayachid to reshus hayachid through makom petur (above ten over reshus harabim).

A Pit in Reshus Harabim with a Window Above It

The Rambam's words: A pit in reshus harabim, and a window from a reshus hayachid is above it – the pit and its rim combine to make ten, and one may draw from it on Shabbos. Further: But if it's distant – the rim must be ten high.

Explanation

When the pit with its rim (the edge/ground around the pit) together reach ten tefachim, one may draw water on Shabbos, because one is carrying from one reshus hayachid (the pit) to another reshus hayachid (through the window).

Chiddushim and Explanations

1. Why does the pit belong to the window owner: The pit is technically ownerless – it belongs to everyone in reshus harabim. But because **no one else can use it** (only the person with the window can reach it), it becomes as if "his vessel" – it practically belongs to him. Therefore there's no problem of eruv between two reshuys hayachid.

2. Condition: Close to the wall: The pit must be **close to the wall** of the reshus hayachid, **and high four tefachim** so that no person from reshus harabim can pass between the pit and the wall.

3. But if it's distant: When the pit is distant from the reshus hayachid, the **rim itself** must be ten tefachim high. **The reason:** When the pit is distant, a person can stand in reshus harabim and draw – when he lifts the bucket, he's standing in reshus harabim and he's moving from reshus hayachid to reshus harabim. **The solution:** If the rim is ten tefachim high, then when the bucket passes the ten tefachim, it passes through a **makom petur**, which makes it permitted.

A Garbage Heap in Reshus Harabim with a Window Above It

The Rambam's words: A garbage heap in reshus harabim ten tefachim high, with his window above it – one may pour water into it on Shabbos. But only a public garbage heap that isn't normally cleared. But a private one, one doesn't pour into it – lest it be cleared.

Explanation

One may pour water from a window (reshus hayachid) into a garbage heap (which is also reshus hayachid because it's ten high). But only with a public garbage heap that isn't removed.

Chiddushim and Explanations

1. Public garbage heap vs. private: A public garbage heap remains permanently – one may pour because it's always a reshus hayachid (ten high). A **private garbage heap** the individual will eventually remove – **lest it be cleared** – the person won't know it's already gone, and he'll continue pouring directly into reshus harabim.

2. The parable to Haman's daughter: The person stands above in the window and doesn't know what's below – he can

mistakenly think the garbage heap is still there, when it's already been removed. Therefore it's a **decree**.

A Water Channel Passing Through a Courtyard

The Rambam's words: A water channel passing through a courtyard – if it has a depth of ten tefachim and width of four or more up to ten amos, one doesn't draw from it on Shabbos, because it's like a breach in the partition. **Solution:** make a partition ten high at its entrance and exit. But if it doesn't have a depth of ten and width of four – one may draw from it without a partition.

Explanation

A water channel that cuts through a courtyard (reshus hayachid): if it's deep 10 tefachim and wide 4+ tefachim (up to 10 amos), one may not draw from it, because it's considered like a karmelis within the reshus hayachid. With partitions at the entrance and exit – one may. Smaller than this measure – it's nullified to the courtyard, one may without a partition.

Chiddushim and Explanations

1. Why is a water channel a karmelis: A water channel comes from a sea or river – which is a **karmelis**. When the channel has a measure of ten tefachim deep and four wide, it's significant enough that we view it as a **part of the karmelis** that penetrates into the reshus hayachid. It doesn't become nullified to the courtyard.

2. Smaller than the measure: If the channel is **not** deep ten or not wide four – it's **nullified to the reshus hayachid**, like a puddle of water in a field.

3. Karmelis is derabbanan: "One doesn't draw" means a prohibition derabbanan, not a liability mid'Oraisa.

4. The solution of a partition at its entrance and exit: One builds a partition ten high at the entrance and exit of the channel into the courtyard. This **cuts off** the channel from the rest of the karmelis, and then the water in the courtyard becomes part of the reshus hayachid.

5. "In its height" means depth: The Rambam says "height" for what is actually **depth**. From the standpoint of one standing **in** the channel, it's "height" – how high the walls are around him.

A Water Channel Wider Than Ten Amos

The Rambam's words: If the water channel is wider than ten amos, even if it doesn't have a depth of ten, one doesn't draw from it until one makes a partition for it, because anything more than ten is a breach and invalidates the partitions.

Explanation

When the water channel is wider than ten amos, it's a "breach" in the walls of the courtyard, which nullifies the partitions. One may not draw water without a partition.

Chiddushim

- Here there are **two separate problems:** (1) the water channel itself is a karmelis, (2) the breach of more than ten amos nullifies the partitions of the entire courtyard. When it's wider than ten amos but **doesn't** have a depth of ten (not ten tefachim deep), we wouldn't say it's a reshus unto itself within the courtyard, but **nevertheless** the problem remains that it's

a karmelis running through, because the breach nullifies the wall.

The Law of a Post Here and a Post There

The Rambam's words: If there remained on the side of the breach a post here and a post there of any amount – permitted to carry in the entire courtyard. If a post four tefachim wide from one side – permitted to carry in the entire courtyard. And it only prohibits the water lying there. But if there's no post at all – prohibited to carry in the entire courtyard, as the courtyard has been breached to the sea which is a karmelis.

Explanation

If there remained a bit of wall (post) on both sides of the breach – even any amount – it's permitted to carry in the courtyard. If only from one side – the post must be four tefachim. Without any post – prohibited to carry in the **entire courtyard**.

Chiddushim

1. **The post doesn't mean one needs to build something** – it means there **remained** a bit of the original wall on both sides of where the water channel breaks through.

2. **The main reasoning is similar to tzuras hapesach:** When there's a post on both sides, it looks like one **intentionally opened** an opening in the wall (like a large door), not like a breach that broke a wall. A large door doesn't destroy the wall.

3. **Important distinction:** The post only helps so that **the breach shouldn't nullify the partitions of the courtyard** – one may carry in the courtyard. But the post **doesn't** help for the problem of drawing water from the water channel itself, because it remains a karmelis.

A Partition by the Water – The Law of a Hanging Partition

The Rambam's words: If one added above the water – a tefach of the partition must descend into the water. And if the entire partition was in the water – a tefach of it must emerge above the water, so that the water in the courtyard will be separated. And even though the partition doesn't reach the ground, since it has ten tefachim it permits.

Explanation

When one builds a partition by the water channel: if it's above – a tefach must go down into the water; if it's entirely in the water – a tefach must come out above. A partition of ten tefachim is sufficient even if it doesn't reach the ground.

Chiddushim

1. **The tefach descending into the water** is necessary to show that the partition is **for the water** – that it separates between the water of the courtyard and the water from outside.

2. **Main chiddush – hanging partition:** Generally a **hanging partition** (that doesn't reach the ground) doesn't help, but **in water** Chazal permitted. The reason: the prohibition of carrying in water is only *miderabbanan* (karmelis), therefore **they were lenient with its partition**

– the partition only needs to be **to make a distinction**, not a full partition *mid'Oraisa*.

3. **Two levels derabbanan:** Here is a **double leniency:** (1) karmelis itself is *derabbanan*, (2) that when a water channel enters a courtyard it's still part of the karmelis – even this is a stringency *derabbanan*. The distinction separates the piece of water in the courtyard from the larger karmelis.

4. **Question about "as if placed":** We learned earlier that all water is viewed "as if placed" – as if it lies on the ground. If so, why must the partition reach the ground? It should be enough that it reaches the surface of the water! **Answer:** The principle of "as if placed" was said only regarding specific laws (regarding "recognized and placed it" and regarding "reshus harabim above ten"), but this doesn't mean that the surface of water actually becomes ground for all matters.

5. **Foundation:** The water that's in the courtyard, when one separates it from the water outside, becomes a **part of the courtyard**. The problem is only when it's connected to the larger karmelis.

A Water Channel Passing Between Courtyards

The Rambam's words (approximately): A water channel passing between courtyards, with windows open to it – if it doesn't have the measure (ten tefachim high and four by four wide), one may lower from the windows and draw from it on Shabbos. When does this apply? When it's not distant from the wall three tefachim. But if it's distant three, one doesn't draw from it unless there were posts projecting from the corners on both sides.

Explanation

A water channel running between courtyards, with windows open to it – if it doesn't have the measure of a karmelis (10 tefachim deep/high, 4×4 wide), one may lower a bucket through the window and draw water. This only applies when the channel is no more than 3 tefachim from the wall. If it's more than 3 tefachim, one needs "posts" (small partitions) on both sides.

Chiddushim and Explanations

1. **Parallel to the law of a pit in reshus harabim:** The same law as with a pit under a house: when the pit is right next to the house (within 3 tefachim), we view it as nullified to the house, because no one can pass between them.

2. **Each piece of water channel is nullified to its courtyard:** When the channel runs by several courtyards, we view each piece of water channel next to each courtyard as nullified to that courtyard. If the courtyard has an *eruv chatzeiros*, there's no problem.

3. **Why doesn't one need an eruv when it's within 3 tefachim?** Because the water is nullified to the courtyard – it's like a service for the house. One only draws through the window, no one else has access.

4. **What do "posts" do when it's more than 3 tefachim?** When the channel is more than 3 tefachim from the wall, it's not "attached" to the courtyard. The posts show that this piece of water belongs to the house/courtyard. But this only helps when the channel doesn't have the measure of a karmelis. When it does have the measure, it's an actual karmelis, and one needs a real partition – posts don't help.

5. Chiddush in the distinction between with measure and without measure: Without the measure of karmelis — the channel isn't a separate reshush, but a question of "outside the courtyard." Posts help nullify it to the courtyard. With the measure of karmelis — it's an actual karmelis, and one needs a proper partition. The Rambam doesn't bring explicitly what to do when there is a measure.

[Note about the Raavad and Maggid Mishneh]

The Maggid Mishneh brings that the **Raavad disagrees with the Rambam** in these halachos — he holds that the Rambam learned the Gemara's incorrectly. But the Maggid Mishneh says: "And these matters aren't worth elaborating on" — because these halachos aren't relevant practically (because we already have eruvin), he didn't elaborate.

Chiddush about the Maggid Mishneh's method: The Maggid Mishneh, and even the Tur, when it comes to a sugya that isn't relevant practically, they move on without elaborating. The Rambam himself works differently — he wants to cover all of Torah she'be'al peh, even non-relevant halachos.

[Digression: Conspiracy theory] It's suggested: perhaps the Rambam is less precise in halachos that aren't relevant practically, and that a mistake there isn't

Summary of Shiur – Rambam Hilchos Shabbos, Chapters 15-16 (continued)

[Digression: Conspiracy theory] It's suggested: perhaps the Rambam is less precise in halachos that aren't relevant practically, and that a mistake there isn't such a great transgression. But it's immediately rejected — we don't see that the Rambam would take, for example, Hilchos Kiddush HaChodesh less seriously.

A Gezuztra (Balcony) Above the Sea

[Introduction: What is a gezuztra?]

A platform that sticks out from a wall over water — a balcony-type structure above a sea or pond. In the past, people built such small rooms projecting from the house over the water, so that one could easily draw water (in a time without sinks and water pipes). When learning these halachos one must thank the Almighty for modern plumbing!

The Rambam's words: A gezuztra above the sea, with a window in it above the water — one doesn't draw water on Shabbos unless one made a partition ten tefachim high above the water opposite the window in the gezuztra, or make a partition descending from the gezuztra toward the water. Just as one may draw from it on Shabbos because of the partition, so one may pour from it into the sea.

Explanation

A gezuztra (a small room/platform) that stands over a sea (water), with a window through which one can draw water. The room is reshush hayachid, the water is a karmelis. Miderabbanan one may not draw from karmelis to reshush hayachid. The solution is to make a partition — either around the area of water (ten tefachim high), or a partition that goes down from the gezuztra to the water.

Chiddushim and Explanations

1. Two methods of partition: (a) build a partition around the area of water from which one draws, ten tefachim high, which separates that piece from the karmelis and makes it into a reshush hayachid; (b) a partition that goes straight down from the gezuztra toward the water.

2. Why does a partition help with flowing water? The water flows constantly, it doesn't remain still in the reshush hayachid — how does a partition help? **The answer:** Since the first drawing/pouring enters into a reshush hayachid (the fenced-off area), we don't care that the water flows further out to the karmelis. The act of hotza'ah/hachnasah is judged according to where the water is at the time of the act, not where it goes afterward.

3. "So one may pour from it into the sea": One may also pour out water through the same place. The fenced-off piece is actually a complete reshush hayachid — only because the water flows further, there was a stringency that one shouldn't do it; and the leniency is that once the first moment is in reshush hayachid, it's permitted.

4. The foundation of the leniency with karmelis: The entire karmelis is miderabbanan, and with such a practical need (drawing water) the Chachamim were lenient that if the place of drawing is reshush hayachid, we don't care that the water originates from a karmelis or goes back afterward to a karmelis.

A Ship in Karmelis — Drawing Water from the Sea

The Rambam's words: One may not draw from a ship water from the sea, unless one made a place four by four projecting from the ship over the sea.

Explanation

One may not draw water from the sea (karmelis) into a ship (reshush hayachid), unless one builds a platform (gezuztra) of four by four that sticks out from the ship over the sea.

Chiddushim and Explanations

1. Distinction between pouring out and drawing in: Pouring water from the ship onto the ship's wall is permitted (from his power to karmelis), but drawing in water from the sea is different — this is actually drawing from karmelis to reshush hayachid, therefore one needs a solution.

2. What does the gezuztra do? The place of four by four that sticks out over the sea becomes as if a reshush hayachid, and then one draws from reshush hayachid to reshush hayachid.

3. Distinction between within ten and above ten: When the person stands within ten tefachim of the water, he must make a place of four by four. But if the ship is high and he stands above ten tefachim from the sea, the upper part of the sea is already makom petur (higher than ten tefachim from karmelis), and he draws through makom petur — then a small marker is enough, not a full four by four.

A Small Courtyard Less Than Four Amos — Pouring Water

The Rambam's words: A courtyard that's less than four amos by four amos — one doesn't pour water into it on Shabbos, unless one made a pit that holds two se'ah. Or make a hole in reshush harabim next to the courtyard so that the water will collect into it, and build a dome from outside so that this pit won't be

seen from reshus harabim. If the courtyard and the exedra combine to four amos — permitted. Half an amah by half an amah in a height of three-fifths of an amah — this is the measure of two se'ah.

Explanation

A small courtyard (smaller than four amos by four amos) — one may not pour water there on Shabbos, because the water will immediately run out to reshus harabim, and it looks like one is pouring out into reshus harabim. The solution is to make a pit (groove) that holds two se'ah.

Chiddushim and Explanations

1. **Why is it a problem?** In practice one is pouring into reshus hayachid (the courtyard). But because the courtyard is so small, it's understood that the purpose is for the water to pour out to reshus harabim. With a large reshus hayachid we view it as if he's pouring into reshus hayachid; with a small courtyard it looks like he's sending something out to reshus harabim. This is a gerama — he causes the water to go out — and it's not a prohibition d'Oraisa, but miderabbanan it's prohibited.

2. **Two methods of pit:** (a) a groove in the courtyard itself that holds two se'ah; (b) a groove outside in reshus harabim right next to the courtyard. If one makes it outside, one must build a dome (a roof/cover) so that the groove won't be seen from reshus harabim — this is a marker that he's not pouring out into reshus harabim, but into the pit.

3. **The measure of two se'ah in dimensions:** Half an amah by half an amah in a height of three-fifths of an amah.

4. **Courtyard with exedra:** Even if the courtyard itself is smaller than four amos, if the courtyard with the exedra together are four amos, there's no longer the problem.

5. **A pit smaller than two se'ah:** One may only pour as much as the pit can hold — not more. But if the pit holds two se'ah, one may pour even sixty se'ah — because once there's the measure, it no longer looks like one is pouring out into reshus harabim, even though it will overflow from the pit.

6. **The hole becomes a makom petur:** In practice one pours from reshus hayachid to a makom petur, not directly to karmelis/reshus harabim. **Why makom petur and not reshus hayachid?** Because the measure is half an amah by half an amah — it doesn't need four tefachim. But if one makes it larger, it becomes a reshus hayachid.

7. **Dispute among Rishonim:** The Rambam holds that the pit is **simply a marker** (appearance). Other Rishonim hold that it has to do with an actual halachah — that through the pit it halachically doesn't become pouring into reshus harabim.

8. **[Digression: Modern plumbing]** A practical question is raised about modern toilets that flush — the water goes through pipes under the ground and out into reshus harabim. The side for leniency is that the pipes are reshus hayachid, or until it comes out it goes through many more reshuyos hayachid.

Summer Days vs. Rainy Days

Explanation

In the rainy season one may pour, because everything is full of water and no one will say "the person is using water that comes from reshus hayachid." But in the summer: if the pit

holds two se'ah — one may; if less than two se'ah — one may not pour at all.

Chiddushim

1. **With less than two se'ah in summer** it's a great stringency — one may not pour at all. The foundation is **appearance:** when it's not raining, one clearly sees that the person is pouring water to reshus harabim.

2. **"Rainy days" means winter** — in ancient times an entire winter the street was dirty and full of water, even when it wasn't actively raining. The Rambam says "because many passersby and they have no place to pass."

3. **The Rambam's reason for rainy days:** "A person wants the water to come to its place" — he doesn't want it to go out to reshus harabim at all. This is somewhat different from the simple explanation that no one sees that it comes from reshus hayachid.

A Pipe and Gutter

The Rambam's words: A pipe (an underground pipe/channel) into which one pours water and it runs under the ground and comes out in reshus harabim; a gutter (a pipe on the wall) into which one pours and it runs on the wall out to reshus harabim — even if the wall or the path is a hundred amos long, since one only pours through the pipe/gutter and the water goes out from his power to reshus harabim — it's prohibited.

Explanation

A pipe is an underground pipe/system under the house; a gutter is on the walls of the house. Even if the path is long, since the water comes out from his power — prohibited.

Chiddushim

1. **Question:** What difference does it make whether one pours into the pit or next to the pit? The observer ultimately sees that the person pours and it comes out into reshus harabim! **Answer:** It's a marker — when one pours next to the pit (not directly into it), it looks different.

2. In the rainy season one may indeed pour even through a pipe/gutter, because one doesn't see that it comes from reshus hayachid.

From His Power in Karmelis — The Great Chiddush

The Rambam's words: If the water reaches a karmelis (not reshus harabim), it's permitted even waste water — they didn't decree on his power in karmelis.

Explanation

With reshus harabim they prohibited even from his power (when one pours in reshus hayachid and it runs out from his power to reshus harabim). But with karmelis — which is itself only derabbanan — Chazal didn't add another decree on from his power.

Chiddushim

1. **Foundation:** From his power is a prohibition derabbanan (because one doesn't actually carry with one's hands). On a derabbanan (karmelis) they didn't make another derabbanan (from his power).

2. **Practical application — ship:** One who travels in a ship (reshus hayachid) on a sea (karmelis) — he may pour water on

the ship's wall, and from there it runs into the sea. This is from his power to karmelis, which is permitted. But **pouring directly into the sea** would mean carrying from reshus hayachid to karmelis, which is prohibited.

Reading a Book in Karmelis and It Rolled to Reshus Harabim

The Rambam's words: One reading a book in karmelis and part of the book rolled to reshus harabim while part is in his hand — if it rolled within four amos, he rolls it to himself. Beyond four amos — he turns it over onto the writing.

Explanation

One is reading a scroll in karmelis, and part has rolled out into reshus harabim. If it's within four amos — he may roll it back. If it's beyond four amos — he turns it over onto the writing (so the writing will be covered).

Chiddushim and Explanations

1. **Why may one roll it back at all?** Because as long as he's still holding the end, there was no hanachah in reshus harabim, and it's not a complete akirah-hanachah. This is rolled, which is exempt.

2. **Decree lest he fix the bed and carry it four amos:** When it's beyond four amos, the Chachamim didn't allow dragging it back, because we're afraid it will fall from his hand, and then he'll have to carry it four amos in reshus harabim — which is a prohibition d'Oraisa.

3. **"Turn it over onto the writing" — honor of the book:** The permission to leave it lying in reshus harabim is only when one turns it over so the writing won't be exposed — this is honor for the book.

4. **[Digression: Honor of the writing vs. honor of the book]** In Shulchan Aruch Yoreh De'ah it says that one may not turn over a Sefer Torah (face down), but must cover it. This apparently contradicts our halachah where one turns it over. **The answer:** The main honor is for the writing (the words), not for the binding. Once the writing is covered, it's already proper. Here one can't bring a cloth to cover it, so turning it over is a practical solution.

Reading a Book in Reshus Hayachid and It Rolled to Reshus Harabim

Explanation

When one is reading in reshus hayachid and it rolls out into reshus harabim — this is a more serious situation because it's a prohibition d'Oraisa (reshus hayachid to reshus harabim).

Chiddushim

1. **If it rested on the ground of reshus harabim:** If it's already reached the ground of reshus harabim, he may not drag it back — even less than four amos — because it's already a hanachah in reshus harabim, and pulling it back will be hotza'ah from reshus harabim to reshus hayachid (d'Oraisa).

2. **If it didn't rest, but is hanging in the air of reshus harabim:** If it's still hanging in the air of reshus harabim (not resting on the ground), then **he rolls it to himself** — he may roll it back. As long as it's not resting, there's no hanachah, and one may pull it back.

3. **Question about three tefachim (lavud):** Whether if the book hangs within three tefachim of the ground, we should say lavud (as if it's lying on the ground). The **Gur Aryeh** says that within three tefachim is indeed prohibited because of lavud. But **the Rambam doesn't say this** — the Rambam holds that it's not called lavud in this context.

4. **Why is there a distinction between resting and not resting?** Two approaches: (1) because without hanachah there's no completion of the melachah; (2) practically — when it's still hanging in the air it's less likely to fall from his hand.

Whether the Leniency Is Only with Holy Writings

Chiddushim

- The **Rambam** writes simply "book" — not specifically a holy book. This could mean that the leniency also applies to a regular book, because there's a loss (he doesn't want to lose his book).

- The **Rema** says it's specifically holy writings.

- But there are opinions that even a regular book is also included (because of loss).

One Who Removes a Thorn in Reshus Harabim and in Karmelis

The Rambam's words: One who removes a thorn so that the public won't be harmed by it — carries in reshus harabim less than four amos at a time, and in karmelis carries it in the normal way even a hundred amos.

Explanation

One may remove a thorn/spike from reshus harabim so people won't be injured. In reshus harabim — only less than four amos at a time; in karmelis — one may carry normally even a hundred amos.

Chiddushim

1. This is already **the third time** that the Rambam brings the law of a thorn in Hilchos Shabbos. The main chiddush here is to emphasize the **leniency in karmelis**.

2. According to the Rambam this is also a **melachah she'einah tzrichah legufa**, which according to the Rambam doesn't help (he's liable mid'Oraisa). Nevertheless they permitted in karmelis because of the public need.

3. **Tosafos** says that less than four amos at a time is only permitted in a place of need, but the Rambam says that four amos at once one may do in general, not only in a place of need.

A Corpse That Has Decomposed

The Rambam's words: A corpse that has decomposed and become degraded excessively and the neighbors cannot stand with it — one may take it out even to karmelis.

Explanation

A corpse that stinks so strongly that the neighbors cannot bear it — one may carry it out even into karmelis.

Chiddushim

1. **Honor of the dead or honor of the neighbors?** It's not about the corpse (the dead are free), but it's an honor/comfort

for the neighbors. Perhaps we're also talking about a carcass (dead animal) or even a non-Jew where there's no law of honor of the dead.

2. The Rambam writes **both conditions**: (a) degraded excessively, (b) and the neighbors cannot stand with it. This implies that one needs both — a disgrace to the corpse **and** a stench for the neighbors. If a corpse lies outside and stinks but no one is standing there — one may not carry it into karmelis.

3. A corpse is also **muktzeh**, which is another prohibition. **R' Binyamin Shlomo Hamburger (Wiesel Holland)** addresses this somewhere later, perhaps in Chapter 23 about muktzeh. Here in our halachah it only says that in karmelis one may in general, but the muktzeh problem isn't touched upon here.

One Who Goes Down to Bathe in the Sea — Drying Off Before Coming Out

The Rambam's words: One who goes down to bathe in the sea, when he comes up he should dry himself well before he exits from the sea, lest he carry water on himself four amos in karmelis.

Explanation

One who goes down to wash in the sea, when he comes out he should dry himself well before he leaves the sea, so that he won't carry water four amos in karmelis (the area around the sea is karmelis).

Chiddushim

1. **How does he wipe himself if he can't take a towel?** He should shake/splash the water off himself.

2. **It's a davar she'eino miskavein** — a person walks and he doesn't intend to carry water! It's a **decree miderabbanan/stringency**, and the Rambam says it with the language "lest he carry" — it's a concern.

3. **When it rains, may one also not go in the street?** No — there the person doesn't bring the water upon himself intentionally.

4. **Practical application:** Ehrliche Jews who go to the mikveh on Shabbos, water remains in the beard (because they're afraid of squeezing), and then they have a problem of carrying water four amos in reshus harabim. This is a **great stringency** — that the bit of water in the beard should be considered like hotza'ah.

5. **The language "when he comes up":** This implies he's already in the process of coming out. As long as he's in the water, it's like **concealment** in the water — the water on him is nullified to the sea. Only when he comes out does it become a separate entity of water that he's carrying.

6. **About bathing on Shabbos in general:** Here we're talking about a situation where one may bathe — for example for a tevilah/mikveh. In a sea (cold water) one may fundamentally, but **swimming** one may not (a decree lest he make a barrel of swimmers). The Rambam says "to bathe" — not swimming. **Some Acharonim** don't conduct themselves to bathe in the sea on Shabbos.

Thus far Chapter 16 of Hilchos Shabbos.

Full Transcript

Rambam Hilchos Shabbos Chapter 15 – Various Decrees Regarding Hotza'ah (Carrying Out)

Introduction to the Chapter

Good, we are learning Rambam, Sefer Zemanim, Hilchos Shabbos, Chapter 15, the fifteenth chapter of Hilchos Shabbos. And with this we will have finished, when we finish this chapter, we will have finished half of Hilchos Shabbos. Yes, that's right, Hilchos Shabbos is thirty chapters.

Before we begin learning, we must, as part of expressing our hakaras hatov (gratitude) and strengthening our shiur further, bring praise and blessing to the master provider, the baal hakemach (provider of sustenance) who enables the Torah to continue, our dear friend the generous donor Rabbi Yoel Halevi Wexberger, who supports our shiur. May it be the will before Him that he continue to do so, and whoever wants to have a share in supporting this shiur and the other Torah shiurim of my friend Rabbi Yitzchak, should find a way to carry it out.

Very good. And also those who learn on their own, and whoever has questions on our shiur, or thinks that we learned incorrectly, should send them to the notes group. One can ask questions, and this way we come to unity. And also may their numbers increase for the Jews who already do so.

Digression: Why Does the Melacha of Hotza'ah Have So Much Length?

Very good. We are in the middle of the topic of yetzias Shabbos (carrying out on Shabbos). The section among all thirty-nine melachos, the melacha of motzi b'Shabbos, carrying in reshus harabim or four amos, has the most length in Hilchos Shabbos. And it's clear, we've already had several approaches explaining why yetzi'ah has such great length. Although yetzi'ah is a melacha geru'ah, a weaker melacha, perhaps it's something that happens more often, or perhaps it's something where there are more doubts.

Seemingly, you say that when you dig in the ground, you're not digging, but carrying is something where people go and are always holding things in their hands. Yes, we see that muktzeh is also because of hotza'ah. We see that hotza'ah needs to have the most length.

I mean because it's more, more according to kabbalah. Not according to kabbalah, it's more explicit. The Chachamim loved what's more explicit. Speaking about plowing in the ground, the Rabbinic sages in general, it says "margla b'pumei d'rabanan" of Abaye and Rava: "I am expert and my colleague is expert, I do my work in the city and he does his work in the field." A chacham is one who sits in the city, the worker works in the field. Presumably he occasionally asks a question, he asks the rav, but he's in his field. "Yaakov ish tam yoshev ohalim" (Yaakov was a simple man dwelling in tents). He occasionally asks a question, but the things the Chachamim deal with are city matters. So hotza'ah is essentially almost the only melacha. I mean, cooking, the wife does cooking. But

hotza'ah, that's what the Chachamim do, what one does in the city. Business, you could perhaps say that business involves hotza'ah. But in any case, friends, this doesn't really work, because borer is also relevant to eating, and tearing is also relevant to combing one's hair.

I mean to say, daily things that touch on the thirty-nine melachos. Perhaps the main reaping is when one stands and cuts off the stalks. But Chazal say clearly, that if one pulls out two hairs, or even one, when it's meleches boneh (building). Yes, in short, it's not so clear why specifically hotza'ah needs to stand out so strongly. It's more lamdus (analytical). The Chachamim loved more analytical halachos.

It says that it's chamur (stringent), because Tosafos speaks about this, why does the tractate begin with yetzios haShabbos? Yes, because it's a melacha geru'ah, one must distance oneself. What's more interesting, geru'ah means geru'ah in physicality, it's more... but spiritually it's better, because it's less physical, it's more thought. Almost the entire... all melachos are "bilvat machsheves asrah Torah" (the Torah prohibited with thought), but one does something. By hotza'ah it's almost only the thought. Yes, one moves something from reshus to reshus. And how do you see what the reshus is? The reshus isn't something one can see. How one shouldn't place, how one shouldn't carry. No, the reshus is a spiritual matter. A reshus is a spiritual matter. Have you ever seen a reshus harabim? You can't see it. It depends on so many subtle distinctions.

Now we're speaking about yes, somewhat practical things. Certain things appear yes, it's practical. This is actually also interesting to see, they even stripped the words reshus harabim, reshus hayachid.

Okay, now it says that they took reshus harabim, reshus hayachid, and they said that it has nothing to do with the need or with the authority of whom it belongs to. It has to do with how the structure generally looks, how high, how large it is. They made everything into sizes. Yes, I could have thought that reshus harabim is a place that belongs to the public. And it belongs to the first Rambam and it's completely not relevant.

Halacha 1: Standing in One Reshus and Moving Objects in Another Reshus

Language of the Rambam

Okay, says the holy Rambam, yes, halacha 1. We're essentially learning about the first few halachos, there's a list speaking about this, regarding when the person who is carrying, or who is motzi - why do they call the melacha carrying? The melacha isn't carrying, the melacha is taking out or bringing in.

Akirah and hanachah, yes. Not carrying. Hotza'ah means taking out, not carrying. Carrying is more ha'avarah. Four amos in reshus harabim is already carrying, there isn't the word carrying. A bit. Also, ha'avarah means transferring. Carrying is like a burden, no? Carrying. It's not a meleches nesi'ah (melacha of carrying).

Anyway, we're going to speak about carrying. When the person who does the action is not in the same reshus as... no, when a person stands between two reshuyos. Actually we already learned this a bit, I mean we already learned it at the end of the previous chapter, but we're going to learn here, and actually with this Maseches Shabbos begins. Maseches Shabbos begins with one standing on one side of the window,

and one standing on the other side of the window, and there's a half akirah, half hanachah, these sorts of things.

So, the Rambam says thus: **"One standing in reshus harabim"**, a person may stand in reshus harabim, for example he stands in reshus harabim right next to an open window of a reshus hayachid, for what? **"and moves objects throughout the reshus hayachid"**, he may carry around in the reshus hayachid. Simply, we don't look at where the person is, rather we look at where the moving happens. The object is being carried in the reshus hayachid.

The Novelty: It's Even Permitted L'chatchilah

The novelty is that it's even permitted. Seemingly I would have said, yes, he can enter like rosho v'rubo (his head and majority) into it, we're afraid he won't enter. I would have said that one must think this way. We'll see in the next halacha that there was actually a concern for such a way, because we're afraid that he'll bring it in to where he is. But simply moving around is permitted. If he remembers, and when there isn't that concern, one may.

The Reverse: Standing in Reshus Hayachid and Moving in Reshus Harabim

"One standing in reshus hayachid", one may also do the reverse, be standing in reshus hayachid **"and move objects in reshus harabim"**, meaning essentially four amos. As he says, **"provided that he doesn't take out beyond four amos"**. Provided, in reshus hayachid, he already said reshus hayachid entirely. In reshus hayachid one may more than four amos, but one moves in reshus harabim provided that he doesn't take out beyond four amos.

Very good. This is according to the Rambam's approach which holds that four amos in reshus harabim is permitted l'chatchilah, unlike the Rav who said that only in certain situations is it permitted. Right? Right. Very good.

And If He Took Out – He's Exempt

"And if he took out", if he indeed stood in reshus hayachid and he was motzi four amos in reshus harabim, **"he's exempt"**. But he's in a state of "sit and don't do." To be liable for a chatas or a punishment, it must be that he actually carries four amos in reshus harabim when he's also in reshus harabim. But he's in another reshus, it appears that the other reshus is taken stringently in practice, but regarding being liable he's in another reshus.

Discussion: Contradiction in the Approach – Leniency and Stringency

And so, it's a bit interesting, because if you say one moves in reshus hayachid entirely, the simple meaning is that you're saying that we only look at where the object is. If so, one should also be liable. Yes? What does it mean we're lenient in this matter. I would have wanted to say that if one is exempt from chatas, the simple meaning is that we also look at the person, so one should also be concerned not to be permitted to move in reshus hayachid entirely. There is a leniency here.

It's not a contradiction, because first of all, this isn't a contradiction of a meleches hotza'ah. When you go with a melacha, that you stand in the place of the object where you make an akirah, that's normal. It's not like a change, some rabbinic penalty, but this isn't the normal way of being motzi. It's similar to how the Torah didn't speak of some plague or one of these sorts of things, it's a standard way, something like that.

Extending His Hand and Opening and Closing

Yes. **"And so, a person stands in reshus hayachid, and extends into reshus harabim"**. He may open the door, he may take a key and take it out from where he stands in reshus hayachid. What am I including? What is the opening? The key already lies there. What's the novelty of opening? One may open a door everywhere, what's the novelty here?

This is the novelty. The novelty is that he carries a bit, or opens a door. What does he carry? He carries nothing, he opens a door. Because you could think that one should decree, because perhaps we'll see inside what the Chachamim decreed. This is the novelty, this is permitted. These are things that are completely permitted.

Discussion: What's the Hava Amina?

It would have made a lot of sense, think about it, a person has a store or something, a locked thing, lying in the other reshus. He has a key in the door, let's say, or the key lies next to it. He takes the key from there and he opens it. But he opens it to lift, normally one takes the key and puts it in the pocket. So there's here some object called a key that gets moved. The Rambam doesn't say it. He doesn't say that he doesn't move the key, he leaves the key. This is certainly forbidden. Let's say he moves the key, doesn't he move from reshus to reshus. Right, right. But there's here some key, we're not speaking simply of opening a door. The Rambam doesn't say anything about a key, even without a key.

What's the hava amina? What's the hava amina? There's no carrying at all here. In the hava amina is the decree of the Chachamim, let's say clearly. There's a situation that one doesn't do, and it has nothing to do with opening. Actually therefore it's permitted, but other things are forbidden.

Yes, but all other things we speak of carrying. The opening has nothing to do with carrying at all. We're speaking of all situations where there's no prohibition of carrying. Not a prohibition of carrying, but we're speaking of carrying, one moves an object. Here he's not speaking at all about moving, here he's speaking about opening a door. May one open a door on Shabbos? I would have wanted to understand, may one open a door on Shabbos from another reshus? Why should there be a distinction? He carries nothing. Look further, in the other case he also carries nothing. That's not the question.

The Opinion of Rabbi Meir

And this is still our opinion of Rabbi Meir, the holy Tanna Rabbi Meir held that one may not. Let's see. One may not what? Open a door from another reshus. Exactly like the house. One must stand in the same reshus where one opens the door. Because every time a person stands in the street and he opens the door of a house, exactly, one may only remain in the house according to Rabbi Meir. Or you stand in reshus harabim and you want a door to enter into reshus hayachid, you may not. You may not enter between the two reshuyos according to Rabbi Meir. Okay, I don't think so. It's hard for me to believe that. One must see what we're speaking of. One must see... Yes, some key in the wall. The institute didn't learn the sugya, how can I tell him? One doesn't carry the key.

Chapter 15: Various Decrees Regarding Hotza'ah — Standing in One Reshus and Moving in Another**Halacha: Opening a Door on Shabbos****Speaker 1:**

We're speaking of carrying, moving an object. Here he's not speaking at all about moving, here he's speaking about opening a door. May one open a door on Shabbos.

I would have understood that one may open a door on Shabbos from another reshus. Why shouldn't one even open a door from another reshus? What's the difference? He carries nothing. Look further, in the other case he also carries nothing.

It's not the question, it's not after what was the opinion of Rabbi Meir, the holy Tanna Rabbi Meir held that one may not. Let's see, one may not what? Open a door in another reshus. Exactly like the permission, one must stand in the same reshus where one opens the door. Because every time a person stands in the street and opens the door of a house, one may only remain in the house according to Rabbi Meir, and all people should remain in the house.

What is this? Does he say so? If there is reshus harabim and there's a door to enter, it shouldn't be opened, one may not enter between the two reshuyos, according to Rabbi Meir you're saying? Okay, I don't think so, it's hard for me to believe that.

The Novelty with the Key**Speaker 1:**

One must see what we're speaking of, when we see yes some key in the wall, I didn't learn that one doesn't carry the key, there's no difference. Not carrying, but something... how there's a place like some concern, something is being carried there.

Very good, one may open a door. No one thought that opening a door means that one carries a door. Like what? Like what are you saying? A door that lies on hinges, yes? He didn't say anything about carrying the door. I didn't tell you anything, I only said what one may yes. It's not a problem, you're looking for everything one may not, but the Rambam says that one may yes, so it's not pure.

I told you the great novelty, that one may carry because we are reshus hayachid, if your hand is in reshus harabim, there one may. But what's the novelty? He's speaking something about a key. Okay, why is he speaking about a key? But it's only that the key already lies in the door, or it lies next to the door, there's no difference. He doesn't carry the key anywhere, that's the novelty.

The novelty is because you could think other righteous ones decreed, he'll carry the key, he'll take it back. The answer is that he won't.

There's something to add, that there's a concern about the key. That when there's a key in the door, there's an opinion that perhaps one should be afraid that he'll go to honor moving the key. Okay, yes. And here he doesn't see himself moving in reshus harabim when... when he opens, because he's still outside. Yes, he wants to open the door.

So if he would have held the key in his hand, one wouldn't be permitted. So because the key lies in the door, one may. If he would have brought the... yes, but here it's not like during seclusion in a bed during public, because... yes? I already know how it is with a tallis, in general. With a tallis there must be an open door where his hand should already lie inside. I mean so. There's no tallis. There's a piece that perhaps the normal way is that the person puts the key in his pocket, I don't know,

something like that it is. But anyway, it's permitted, so it doesn't matter to explain what the permission is, it's just a permission. Very good.

Halacha: An Animal Standing Outside with Its Head Inside

Speaker 1:

Further, "**An animal that stands outside with its head inside**", an animal that stands outside the reshush, and its head sticks into the reshush hayachid, "**it's forbidden to feed it**", one may give it to eat. "**But a camel**", but a camel is such, "**until most of its body enters inside, since its neck is long**", a camel that has a long neck, one may not give it to eat when it's outside and its head is inside.

Why? Because from when it swallows until it reaches its stomach it goes four amos? No, no, we're now holding by being concerned. So the rest of the halacha is, he'll lift up with it, he won't do this. Because the camel woke him up a bit, and you extended your hand to it, that's the word.

Yes, or the camel will take it out. No, it's not a problem that the camel takes it out. What's the permission? He makes a... yes, he brings here such language of the Rambam, we're afraid that he'll be drawn after the camel's long neck.

It's not like a regular animal, if the animal walks away, you catch that you're now walking out from reshush harabim. But here there's a long neck, we're afraid that the person will go out to the camel. Because he's now sticking in, let's think, he stands here and he sticks into its mouth. The camel stands far and it has a long neck. If he extends his hand just a bit longer, he transgresses hotza'ah from reshush to reshush.

Discussion in Hilchos Shabbos: Pipes, Walls of Reshush Hayachid, and Ledges Before Windows

The Case of the Pipe and the Question of Akirah (Lifting)

Speaker 1:

He's standing in reshush harabim, he touches the pipe, yes, the pipe has water, when it would be nach (at rest), and he goes, and he fills his hand with water from the pipe, and he drinks it there.

Ah, but ah, that has no connection. Lo nach (not at rest) means the same as that it comes by itself. He only makes the hanachah (placing down), he doesn't make any akirah (lifting). If it would have been nach, he would have had to make an akirah in reshush hayachid. But precisely because it's not nach, he doesn't need to.

Speaker 2:

No, because it could be that if he takes it in a vessel, it's still called an akirah. The water is flowing, but the moment he takes it away from the flow, it's called an akirah.

Speaker 1:

I'm not talking now, I'm talking about a simple thing, the person was never in reshush hayachid. Not him, not his hand, no one in reshush hayachid. His action means, he took water from reshush hayachid. You didn't take, it comes by itself.

Speaker 2:

What does it mean he takes with a vessel? He stands, and here is his vessel, and here is his hand, and he takes the water and he drinks it. But he takes it from reshush harabim.

Speaker 1:

He doesn't take it from reshush harabim, he takes it from reshush hayachid, which is flowing on the wall.

Speaker 2:

You weren't enough, but he takes it back.

Speaker 1:

I'm speaking simply, what's the nafka minah (practical difference)? Why shouldn't he make the akirah when he takes the water? The akirah he makes already in reshush harabim. He's entirely in reshush harabim. The akirah he makes when he grabs his hand by the wall of reshush hayachid. His hand is higher than the wall, or in reshush harabim already.

Discussion: Status of a Wall of Reshush Hayachid

Speaker 2:

When someone takes something down from a wall, you asked this before, someone has a vessel on a wall. He goes on the wall, something falls down from the wall, and I catch it afterward. Yes, it's taken from a wall.

Speaker 1:

What are you thinking? You need to take it from reshush hayachid. There's no such heter (permission) in the world. He took from the wall, something fell from it, it's lying on the wall, it fell from the wall. I don't understand what you're saying.

The person is standing entirely in reshush harabim, not him, not his hand, was never in reshush hayachid. There's no such heter in the world, like you don't put anything into the other reshush. There's no such thing. The person was never in reshush hayachid. True?

Do you understand what I'm saying? There's a house, and there's a wall. On the wall there crawls a sheretz (creeping creature), yes? And he takes it down from the wall. Did he now make an akirah from a wall? Did he put his hand into reshush hayachid?

Speaker 2:

No, no, from the wall. The wall is reshush hayachid.

Speaker 1:

But the wall, the wall from the outside...

Speaker 2:

But the wall from the outside is kosel reshush hayachid, is reshush hayachid.

Speaker 1:

Again, he only touches it, but he doesn't take it from there. He doesn't take from reshush harabim.

I'm telling you, there's a pipe. I'm telling you, there's a pipe. I'm telling you, there's a pipe.

Still days with meaning, there's no hanachah. It doesn't need to be still days. Versions can mistakenly say "because he made an akirah in reshush hayachid."

Explanation: Why It's Not an Akirah

Speaker 1:

Imagine there's a pipe. It's not an akirah, because it's not nach. When it would have been nach, it would be called akirah. The subject of nach doesn't come in. The subject comes in that the person didn't make any akirah. He didn't make an akirah, because he doesn't need to. But precisely, even when he would have needed to, when it would be called nach, when at the moment that he takes it down from there it would be called

akirah, it wouldn't be... because he doesn't take it from there, he takes it afterward.

Speaker 2:

I don't understand what you're saying. Here is reshus hayachid, here he stands. How does he take the water from reshus hayachid? You said that it flows on reshus hayachid. It flowed yesterday, what do I care about yesterday?

Now, the person, he's not in reshus hayachid, he's outside, yes? Here there's a pipe, yes? Two hundred pipes, the pipe ends, now he touches it, let's say, but here he takes. True? How is he? Where does reshus hayachid end? Show me. Here, yes? He takes from where? From reshus hayachid or from reshus harabim?

Speaker 1:

I don't understand. Do you understand at all what I'm asking, or am I confused? God forbid.

Clarification: The Halachah of Kosel Reshus Harabim

Speaker 2:

No, didn't you learn something? Let's speak halachah, yes? What happens when something sticks on a wall of reshus hayachid, and the person stands in reshus harabim, and something is lying on the wall of reshus hayachid, and he takes it from reshus harabim? They learned this explicitly, this is kosel reshus harabim. The other side of the wall is reshus harabim, not reshus hayachid.

Speaker 1:

No, there's a halachah to take if it's his wall.

Speaker 2:

No, it's not the wall of reshus hayachid. Besides that, the wall of reshus hayachid is indeed reshus harabim. These are from the Rabbanan.

Return to the Pipe: Inside and Outside

Speaker 1:

A pipe. Plain a pipe, a water pipe. Let's say the pipe is reshus hayachid. After the pipe is what? After the pipe, since the water flows, it flows already in reshus harabim, it's no longer lying in reshus hayachid.

This is a pipe, rabbosai. The space is what? Reshus hayachid, because a pipe is reshus hayachid. Inside the pipe, but on top we said that it turns out what, if something hangs on the pipe, if on the pipe someone puts something on it. Nothing hangs, it falls out, it's already gone out.

But this is a thing let's say, about this it's not called like it's lying on the pipe, because if something, a solid object is lying on the pipe and he takes it down from the pipe, he would have taken from reshus hayachid. When it's inside, it was never in reshus hayachid. It has no width.

The Main Point: Nishpach L'maalah (Spilled Upward)

Speaker 1:

But the main point that's relevant to us here is, because when he takes when something that's lying on the pipe... and by the way, the halachah that you're saying now, you just made a new halachah, that something hangs into reshus harabim from reshus hayachid, it's called in reshus hayachid. That's plainly not true. Plainly not true.

But now it's no longer lying on it. He never takes any water that's lying on reshus hayachid. All the water that he takes is

already lying in reshus harabim. It's not lying on it.

Speaker 2:

Exactly, that's what I'm saying, because the nishpach l'maalah (spilled upward) it's already in reshus harabim.

Speaker 1:

Okay.

Confusion and Frustration

Speaker 1:

Either I'm confused, or I don't understand the halachah, or the halachah doesn't mean this, because I don't understand a single word. There's this whole halachah of nogei'a v'samuch l'shloshah (touching and close to three), what do all these things have to do with me? You take, you come in, you're not in reshus hayachid. That's what he says in part, and I don't understand. Perhaps it's because of this that it's only miderabanan, but the Rambam makes a different reason why it's only miderabanan, and that I don't understand.

And he brings that there are others who say that it's actually forbidden mid'oraisa in the pipe. I plainly don't understand. Negi'ah (touching), what is he talking about? I plainly don't understand.

You ask me, the person was never in reshus hayachid, be well. He says, it looks like... but he's oker (lifting) a thing from what... he's not, he doesn't do anything to the water in reshus hayachid! He's literally kolek (catching). Do you know what kolek means? Kolek means I catch. I don't move water. Without negi'ah one would have taken it. Even with negi'ah you don't move water. With negi'ah it would have been forbidden if not for the chiddush (novel point) that the water is flowing. It would mean that you're taking something that's lying on the wall. But the yesod (foundation) is, it's not lying on the wall. So therefore it means that you're doing... when he takes something that's lying on the wall he would be chayav (liable), because the wall is reshus hayachid.

Confirmation: The Foundation of Reshus Harabim Up to the Wall

Speaker 2:

One needs to check this.

Speaker 1:

This needs checking? Everyone... everyone... everyone outside of reshus hayachid is reshus harabim.

Speaker 2:

Yes, if it's reshus harabim, certainly.

Speaker 1:

Everyone knows that reshus harabim goes right up to the wall itself. Certainly it goes right up to the wall itself, that's the mechitzah (partition). What are you talking about? Certainly it goes. There's no doubt.

Speaker 2:

No, no, you're making a doubt.

Laws of Shabbat – Chapter 15: A Pit in the Public Domain, Garbage Heaps, and Water Channels

Continuation of the Study

Speaker 1:

That's right?

Speaker 2:

Yes.

Speaker 1:

Okay. Should we continue?

Speaker 2:

Yes, a bit more.

A Pit in the Public Domain with a Window Above It

Speaker 1:

So, now we're going to learn all these laws, the entire chapter is essentially about ways in which one carries from one domain to another. The situation arises, there is in one domain, there is something that makes it a domain unto itself, such a thing that's not exactly a public domain, rather there is a ledge that becomes a domain unto itself, or similar things. Right, in the manner of a ledge, and he doesn't carry when he stands in that domain, because one doesn't stand in a ledge, he carries when he stands in the private domain. And then, that's what I mean, that is, if the person were standing in the ledge, I don't know, always the question is, something stands in the other domain, and he carries into the domain above, and questions arise, sometimes it's permitted, sometimes it's not.

So now there's a new thing. A pit in the public domain, there is a pit, a water pit, mayim, in the public domain, and a window above it, but his window is higher than it, so he can stick out his head and draw his water from the pit. So the law is as follows, **the pit and its rim combine**, that the pit and the chulia of the pit, that is the chulia of the pit, around the pit there is such a rim, such an excavated groove, the chulia that lies in the groove, **combine to make ten**, that is, if together the groove with the, like, vessel, I don't know exactly what it's called, it's called a chulia, okay, **combine to make ten, and one may draw from it on Shabbat**. That is, as long as you are in the private domain, one may draw. You're going from one private domain to another private domain. You are in the same private domain, well, okay, in the same one.

Discussion: How May One Take to the Next Private Domain?

Speaker 2:

So, ah, how may one take to the next private domain? Also with an eruv?

Speaker 1:

What with an eruv? There can be an eruv between two private domains. But here the water well doesn't belong to anyone, it belongs to everyone. So that's how he brings here that a vessel enters there, so it belongs to the only person who can use it, because he has a window. So it becomes his vessel, no one can use it, so it's his. Even though it doesn't belong to him, it belongs to the public domain, but the public domain can't use it anyway, they can't crawl into the private domain, crawl into the well.

Condition: Adjacent to the Wall

Translation

Speaker 1: And from the words of the Rambam it appears that it is adjacent to the wall, but it is **ten handbreadths high**, that an individual person cannot pass through there four handbreadths, and no one can go through. Therefore what is the place? The place is in a public domain, but the place itself is a private domain, and it is next to the private domain, and one doesn't walk through between the private domain and that pit. So this makes it that it's his

vessel, it belongs to him, therefore one can say that it's still a private domain that he may take from.

But if it is distant

Speaker 1: But if it is distant, but if it is removed from the private domain, **one may not draw from it**, then it doesn't help if the pit together with the rim becomes forbidden. Then one can only speak, only the rim can become forbidden, then only if the rim around, the sand around the pit is high enough, forbidden.

Why? He takes a bucket, he pours it from the rim, he throws it into a place of exemption. Why is it a place of exemption? That means if he goes even higher. The concern is that if one can go not just from the rim, one can simply stand in the public domain, he will pick up the bucket, and afterwards the person stands in the public domain. If he just moves the bucket a bit, he carries it properly from a private domain to a public domain, right?

But what does this have to do with whether an individual person can pass through there? That then one can carry from the public domain to there. But if no one can go through, the only one who will take from that pit is the person who is already standing in the other private domain, which then is only a problem of eruv, and we don't have that problem.

But if you can stand in the public domain, basically, forget the whole person. There's a pit in the public domain, and one carries, one asks whether one may draw from it. It's technically a private domain. The problem is though, the moment you lift it up, you position yourself in the public domain, you bring it to yourself, you are carrying from a private domain to a public domain. If you make this ten handbreadths higher, even if he goes over the entire ten handbreadths, and one is already holding in the public domain, we already have a place of exemption, then it's permitted. Right?

A garbage heap in the public domain and a window above it

Speaker 1: Now it can be the opposite, not drawing from a pit that is in the public domain into the person's window, but the opposite, one pours out from the window into the public domain. Garbage heap, garbage heap means what, garbage, I don't know exactly, garbage heap literally. In the public domain... a pile of dirt in the public domain.

Speaker 2: Okay, a pile, a pile, a pile.

Speaker 1: It must be some kind of domain, that's what I'm saying. One pours, it's water, it's basically a pit, that's what I'm saying. Because if it's just a pile, then it needs to have a height of ten, which makes it a domain unto itself.

Speaker 2: Okay, the Gemara says that the garbage heap is a private domain.

Speaker 1: And **his window is above it**, further, the person lives with a window above it, **he pours water on Shabbat**, he may pour water into that garbage heap on Shabbat, because he pours from a private domain to a private domain. And further the same thing, and further, here there isn't the trouble of four handbreadths, I don't know.

Garbage heap of the public vs. of an individual

Speaker 1: A garbage heap of the public that they don't customarily clear away, so it stays there. **But of an individual one may not pour into it, why? Lest it be**

cleared away, and he will be found pouring as usual into the public domain. Of an individual one doesn't leave it there, so at some point, I don't know, the person himself or someone comes and he pours it into the public domain.

Speaker 2: No, he says differently, he says lest it be cleared away, the person will remove it, the individual who makes garbage doesn't leave his garbage there, it's only temporary. The problem is, next week they won't know that there's no longer any garbage there, and they will pour in, and it will be a proper public domain.

Speaker 1: I mean the word is apparently a legitimate garbage heap versus such a private one, just an individual made himself a garbage heap.

Speaker 2: There are places where there one pours garbage, yes, that is apparently the word that he says.

Speaker 1: He says that this is a decree, that since he said specifically, he didn't know that there are no longer any birds, he stands at the window, he is like Haman's daughter, he doesn't know what lies below, so he will make a mistake, and therefore one may not. Okay.

May it be good. Okay.

A water channel that passes through a courtyard

Speaker 1: A water channel that passes through a courtyard.

Speaker 2: Yes, a water channel that passes through a courtyard. A stream of water, yes?

Speaker 1: Channel, what does the word channel mean?

Speaker 2: Water channel, it means from the sea flows out a small canal of water, a small stream of water, and it cuts through the courtyard.

Speaker 1: A courtyard is a private domain that is usually surrounded by walls, but here there is something that is a breach, it tears through the courtyard. So, **if it is ten handbreadths high, and four wide or more up to ten cubits, one may not draw from it on Shabbat, because it is like a breach in the partition.** It becomes like a breach in the partition. The sea itself is in the courtyard, a courtyard is a place that is surrounded by walls.

Discussion: Why is this a breach?

Speaker 2: Yes, but what comes in specifically? It has to do with the measure of a karmelit. We learned in chapter 14 that if water is like a karmelit, if there is from flowing...

Speaker 1: Again, this is a private domain, the courtyard is a private domain, yes?

Speaker 2: No, also the measure that he says now, **and ten handbreadths high and four wide or more**, is the measure that makes from this usually a private domain, like a domain in its own right. Right. But what's going on if it's a domain...

Speaker 1: But it's water that comes from the karmelit, yes? It's a part of the karmelit. It went out from the water, comes the water channel. A water channel is not like a pit of rainwater. A water channel is... now, the next chapter we will learn that more than ten cubits becomes a brand of the breach. But now, when it's not yet... he's not talking about any breach yet. He's talking about more than that. So what is the matter? Because it becomes like a part of the karmelit.

Speaker 2: Which karmelit?

Speaker 1: The water channel comes from the water, which is a karmelit. A water channel is a piece of water that comes from the sea or from the river, which is a karmelit, and it comes into your field. If it's really a tiny water channel, one says it's nothing, it becomes nullified to the field, despite that it comes from the karmelit. But if it's a bit of a measure in the field, in the courtyard, yes, in the private domain, if it's however a bit of a measure of a water channel, one looks at it as the karmelit comes into your field.

Speaker 2: Interesting. Okay.

Speaker 1: So **one may not draw from it on Shabbat**, because it would mean carrying from a karmelit. I thought that it would mean fundamentally by law, or it's similar, it's a stringency, it's a fundamental law, I don't know. I need to look in the commentators. One looks at it as he now takes out from a karmelit to a private domain.

Speaker 2: Ah, the whole karmelit is... It doesn't matter. The whole water is a karmelit, and also the water channel that comes out from it.

Speaker 1: Let's be clear, there's no difference. Karmelit is initially rabbinically, so **one may not draw from it** means **one may not draw from it rabbinically**. Yes, not liable. It will certainly not be liable, even as a public domain it's certainly not.

The solution: A partition at its entrance and exit

Speaker 1: What is the solution? If it's smaller, again, if it's smaller than ten in width of four, one would say it's nullified to the private domain, it would be like a puddle in a private domain. But if it's important enough, one looks at it as it's a karmelit that goes into a private domain. So what does one do? How does one permit a karmelit in a private domain? One makes a **partition ten high at its entrance and exit**. At its entrance and exit means from where the channel comes in and where the channel ends, where it goes in and out of the courtyard. Nothing, then it's closed, then it's still part of your courtyard. Then one looks at it as it's separated from the rest of the karmelit, it's a part of your courtyard, one may indeed already take out water from there.

And if it is not ten in its height

Speaker 1: And if it is not ten in its height, but if the channel is not ten deep. Interesting, he says in its height, we're talking here about depth, yes?

Speaker 2: I can hear.

Speaker 1: It means, when someone stands on the floor of the channel, it's how high it is. But it means depth, it means when someone stands above, he looks down how deep. Perhaps it's built up with as we learned earlier, with a large pipe. Not a pipe, such a whatever, such a partition. Yes, okay.

But partitions ten high and four wide, then it doesn't mean like a karmelit that comes into a private domain, it is **one draws from it without a partition**.

A water channel that passes through a courtyard – continuation of laws

Width more than ten cubits – law of a breach

Speaker 1:

So the meaning is, I can hear, the meaning is, when someone stands on the floor of the channel it's how high it is, but it

means in depth. It's like someone who stands above looks down how deep. Perhaps it's built up as we learned earlier with such a large pipe, not a pipe, such... whatever, such a partition. Yes, okay. But **if it is not ten in height, or if it is very wide**, then it doesn't mean like a karmelit that comes into a private domain, it is **one draws from it without a partition**.

Very good. But **if it is wider than ten cubits**, if the water channel is very wide, it's ten cubits, then there is another problem, as you said, that then the problem is that it nullifies the walls of the courtyard. You made a... why is it a courtyard? Because it's surrounded by walls. But if there is such a large breach in the courtyard... soon we will see about the courtyard, first let's see about the water channel itself.

Okay, **if it is wider than ten cubits**, if the width of the water channel is more than ten cubits, **even if it is not ten in height, one may not draw from it until one makes for it a partition**, one cannot draw water from the water channel until one makes a partition. Why? **Because anything more than ten is a breach**, the law is that anything that is greater than ten cubits is a breach in the walls of the courtyard, **and it invalidates the partitions**, it invalidates the partitions.

Two separate problems

Speaker 1:

So the Rambam asks immediately, if so the problem is greater than the water channel itself. Not only the problem whether one may draw from the water channel, now the question is whether the entire courtyard now becomes nullified. Very good, but let's first understand what is the law of the water channel itself.

True, it begins with "one carries vessels inside", so the novelty of the width of ten is only that then, even when it's not more than ten handbreadths, that means it wouldn't have been, one wouldn't have said that it's a domain unto itself within the courtyard, and nevertheless, now the breach nullifies, and therefore the whole thing still means a karmelit, and it has the same problem that we had earlier when it is indeed a domain unto itself.

Now however a problem remains, as you said, with the entire courtyard itself. Now again, the problem is not only that the water is a karmelit, and perhaps the entire field should now become breached to a karmelit. The entire courtyard is now as if breached to a karmelit. But on this we will see that there is more of a leniency. It's not the same thing.

What is the law? **How may one carry in the entire courtyard?** If you say that the breach, the more than ten cubits is a breach, this makes the partition bad, how may one carry in the courtyard?

Law of a post on this side and a post on that side

Speaker 2:

The first law said that the breach makes the partition bad in the sense that now this piece is a continuation of the karmelit. Now one can learn...

Speaker 1:

Yes. So. So, how may one? The language is "how"? How may one? What can one do about the matter of the breach?

So, **if there remains at the side of the breach**, if by the side where the water channel breaks through the walls of the

courtyard, if however there remains at the side of the breach, **a post on this side and a post on that side of any amount**, it's not just broken through, but it's made a post means a piece, a... again, there's still a post on this side and that side, as if it looks like a door such, yes? It looks like an opening was made there. It's not just a breach, but it was made like an opening.

Discussion: What is a post?

Speaker 2:

If I understand, "post" literally means that something remained. The courtyard is simply there are walls on all three sides, right? On this side there's still something from both sides of the channel. It's not simply that the wall from the side became gone, and there's only the water channel. There's something a post, still part of the wall that remained so, and still remained so. Not more than that.

Speaker 1:

I mean that perhaps the word is that ten cubits indeed means a breach, but if it has a doorway form, one looks at it as a large door. Here there is no doorway form, but something similar to that, that since it has some certain form... a post, it has a hook. But I want to say, something when a wall is broken through, one looks at it as there's no longer any wall. But if it's built in a way that one sees that here the wall is open, and it's made nicely, one sees that it's not just a breach that broke a wall.

This is a special law for the case of the water channel, and I assume that there was the water channel there. But the post... doesn't mean that one must build something special. I say, it means that something remained from the wall. Or the second side there is still another option, then it is indeed more like a marker.

You're right that it's about how it looks. It's the similar thing, just as a doorway form saves a breach, so here the post must save the breach. It's mixing two things, because I with sight with sight. There is a rule, that ten cubits breaches the partition, but however there is also a rule that when it has some certain form, sometimes it's a doorway form, here is some form and one sees that one opened here in the wall. It's not like a breach, but it's like a wall that has an opening. Just as a large door doesn't kill the wall.

Law of a post four handbreadths wide

Speaker 1:

If a post four handbreadths wide on one side, one side from where the water channel comes in, one made a post, one laid a piece of wood, four handbreadths wide, **it is permitted to carry in the entire courtyard**. Even if from the other side it's completely open, if both sides don't need to be four handbreadths, it's enough, anything, some little piece still remained from the wall, it's already good. If it's completely yes, then one must lay four handbreadths, which then becomes like a bit more of a marker.

Yes, so **it is permitted to carry in the entire courtyard**, it's the breach, it's no longer a breach that nullifies a partition, but it doesn't help however for the problem that the water itself is a karmelit that runs through in the field, **and it only forbids the water that is placed alone**. From the water channel one still may not take out any water, because it indeed means a partition. The word was said earlier. The post doesn't help for the water. The post only helps that the breach should not nullify the partitions.

But if there is no post at all, if it is forbidden to carry in the entire courtyard, one may not carry in the entire courtyard. Because behold the courtyard is breached to the sea, which is a karmelit. The courtyard becomes breached to the water channel, which is a part of the sea, which is a karmelit. Yes, one doesn't mean specifically an ocean. Yes, yes, means water. Yes.

A partition by the water – law of a suspended partition

Speaker 1:

So now one can learn that regarding the partition there is a certain leniency. It's, one makes a partition, simply one will close the water, the water won't always come. So one must see how one makes the partition, a line that one must make, to be below, to hold, so one lets the water, how does one do it? Yes? Yes, so. Ah, there is here a problem of how one makes the partition by the water.

Discussion: Where does one place the partition?

Speaker 2:

How does one establish... it means so, the water is deep, yes? So one solution is to make the partition above on the wall, higher completely than the water, yes?

Speaker 1:

Water Channel Passing Through a Courtyard and Laws of Drainage

Continuation of Discussion: Partition That Doesn't Reach the Ground

Speaker 1: Okay, so how does one place the partition around the water? Just like with the water, yes, with the part of the karmelis. Around the water, there where it enters into the courtyard, right? Yes.

Partition Above the Water

Speaker 1:

So, **if one added above the water**, if one wants to place the partition, one wants to hang it higher than the water, the water is deep down, one wants to make it higher, but it's not enough that it's simply at the level, at the ground level of higher than the water, rather one must see that the partition is for the water, one must go in a bit to the water. **It must be that a tefach of the partition descends into the water**, that is, the partition can be built on the ground, but it must be dug down under to the water, one tefach of it should be within the water, that is under the ground level to the water level, yes, in the water, however the water is.

Partition Within the Water

Speaker 1:

And if the entire partition was within the water, if one makes, builds the partition down in the water, this too is not enough, **it must be that a tefach of it emerges above the water**. Because then one also won't see clearly that the partition is for the courtyard, one will think that it's a part of the structure of the water or something. It must also come out a tefach above the water to show that the courtyard, that the water is separated from the entire courtyard. **So that the water in the courtyard should be separated**, the piece of partition that comes out shows, separates the water from the courtyard, from the water that is outside the courtyard, right? The problem here is that a sea is... to separate from the karmelis for me in the courtyard, I make a partition, stop, here

begins a new matter, an entirely different matter begins, a reshush hayachid.

He says, the water itself that is in the courtyard, if one separates it from the water outside, it's a part of the courtyard. It's only the problem that is connected to the larger karmelis, and with the partition one separates it from the larger karmelis.

Explanation: Entire Partition Within the Water

Speaker 1:

The Rambam says, yes, when one says the entire partition is within the water, it means to say, let's say the water is twenty tefachim high, you shouldn't make ten tefachim of partition there somewhere deep under the water, no one will see it, one must be able to see it. One must see that it separates between the courtyard and the water.

Innovation: Partition Suspended in Water

Speaker 1:

The Rambam says, **even though the partition doesn't reach the ground**, even the partition that one builds for example above the water, yes, even if it doesn't reach the ground, **since it has ten tefachim it permits**, a partition of ten tefachim is enough, it doesn't have to reach the ground.

And no, says the Rambam, generally it wouldn't help, a suspended partition wouldn't help, perhaps only if it's close to three tefachim, perhaps lavud, but just so wouldn't help a suspended partition. But in water the Sages permitted that even a partition that hangs, it's not a partition that touches the floor, is called a partition.

Reason for the Leniency: Karmelis is Rabbinic

Speaker 1:

However, they only permitted in water, however they only permitted in water, and that which the prohibition of carrying in water is from their words, the prohibition of carrying in water is from their words, it's the matter of karmelis, it's not a reshush harabim or reshush hayachid which is from the Torah. It's a makom patur, it's only the Sages made it into a domain of its own which is forbidden by rabbinic decree, therefore **they were lenient regarding its partition**. Since the whole thing is a rabbinic stringency, they were also lenient that the partition is enough, **which is only to make a distinguishing mark**.

The essential partition, from the Torah it's not an external domain, so what is the whole partition, why did the Sages require making a partition? In order to make a distinguishing mark between the karmelis and the courtyard around it. Therefore it's enough, for a distinguishing mark it's enough even the external karmelis and the water that is in the courtyard, therefore the partition is enough even if it doesn't reach the ground.

Discussion: Two Levels of Rabbinic Law

Speaker 2:

Yes, seemingly there are two levels of rabbinic law. That is, this is one matter, and seemingly there's another thing that even let's say karmelis is rabbinic, but that when a water channel comes into a courtyard it's still a continuation of the same karmelis, even rabbinically, but an additional rabbinic law.

The distinguishing mark doesn't help you regarding the matter of karmelis itself, because one doesn't make a distinguishing mark between the entire karmelis. One makes a distinguishing

mark to say between the other water and the water. One nullifies the water to the courtyard, that's what it should be.

Question: Water as if Placed

Speaker 1: But I want to understand something else that we learned yesterday, that all water is viewed as if it's on the floor, yes? That's what we learned regarding when one throws onto water. I thought, that when the partition touches on top of the water, it seems that fundamentally the law would be when the partition had to reach the floor. I'll ask, with the law that all water is viewed as if placed, which we learned now regarding another topic, regarding the topic of the ground beneath it, now we're not talking... Good, but I want to understand regarding what we learned regarding that the... something one thing that you added which isn't necessarily the same law, regarding that one doesn't say that it's as if within the ground. Well, what did we learn about ten tefachim? I don't remember anymore.

Speaker 2: There isn't really such a law here that water doesn't count. That's a bit exaggerated with that. There is a law that... a note that... No, if that law were that every water is viewed as if placed, exactly like the ground, but that's not the problem with the ground. Okay, well, I have another note if anyone wants to hear what I'm saying. We learned yesterday that if someone throws up or takes down water from above, one doesn't say how he took it down from the water, but how he took it down from the ground. But it seems that it doesn't mean enough that the top water should already be called the ground, that when the partition touches until that water it should already be called as if it touches the ground. That's a good note.

Answer: The Problem Isn't the Water Itself

I say, here there's a different problem. The problem isn't really the water. The problem is really that here it seems that another domain continues into your courtyard. The water, the size of the water isn't what makes the problem. One says it makes the problem, but it's only because otherwise, because it was a small puddle, let's say, you would have been right that it's nothing. But when perhaps whole water comes in, and it holds like that problem itself, not the problem that he recognized and placed it helps or such things. We learned, let's not go in again, regarding he recognized and placed it the simple meaning is that it has a certain law that we view the ground. Regarding he recognized and placed it, or regarding that reshut harabim above ten. These are the two things that we saw that it's relevant, and they said that it doesn't mean that above ten one throws into the sea, although a karmelis is above ten, because that's like the thick ground. Okay, but there are other problems. For that problem it would help, for other problems it wouldn't help.

Law 16: Water Channel Passing Between Courtyards

Speaker 2: The question is... what is a partition? We already learned in fourteen. Already, further. Here one speaks of a case, not when the water channel is in one courtyard, but there's a mavoi with courtyards, and a water channel runs through there. It's such a plumbing system that was built, one made that the water channel should run through between the courtyards, and so people should be able to draw water. And the law how one may do it in the field is thus: **A water channel passing between the courtyards.** So this is a similar law like we learned earlier in a courtyard when there's a water cistern that one may draw from the windows. It's a

similar... the same law essentially. So the water channel runs through between the courtyards. So we said that this is like a karmelis that runs through between courtyards.

And windows are open to it, and the windows of the courtyards are open to the water channel, so they can draw. So, **if it has the measure,** if the water channel is a small water channel, smaller than the measure that we said of ten tefachim and four by four tefachim, **it doesn't have the measure,** then it has the law like the area around. And let's say, if this is a mavoi on which one made an eruv, **one may lower from the windows and fill from it on Shabbos.** One may, one views this like the place around. If this is a place where one may carry, one may also carry from the water channel. **Lower from the windows and fill,** one can lower a bucket and draw from it. We learned earlier that even when there's no eruv, right? Since one can't do anything with the water channel or with the cistern except draw from the windows, it's nullified to the windows, one doesn't even need an eruv, because that's what we learned from the previous law.

Discussion: Does One Need an Eruv with Multiple Courtyards?

Speaker 1: But also when it runs by courtyards? What does it mean, if the area is an area where one may not carry, wasn't one obligated in an eruv? Because an eruv one would only be obligated from one domain to another, but this is... because this is nullified. That's what we learned, everything when it's one person. You're asking a question whether by courtyards is it the same? I don't know. Do you understand what I'm asking?

Speaker 2: We learned that it goes from a reshut hayachid to the same reshut hayachid, and the water channel only he has access, no one else has access, it's not a problem. Since one can't fill from the reshut harabim, or from the window. Does that mean the cistern in the reshut harabim and a window over it? But then there was also a condition that only if it's not separated from the wall. Here the same condition is here too.

Speaker 1: Ah, very good. Like the previous law.

Speaker 2: Ah, very good, you say very good.

Explanation: The Same Law as with a Cistern Under a House

We learned earlier the law that if a person has a cistern under his house, if it's right next to the house, even if technically the cistern is in the reshut harabim, but since one views the cistern as a service for the house, as it's a cistern that the house uses, one views it, if it's very close to the house and no one can walk through between the house and the cistern, it becomes as if nullified to the house and one can draw from it, right?

He says, the same thing will be also when it runs to multiple houses, that is, each piece of water channel next to each courtyard one views it as if it's nullified to that courtyard. So it seems, or to the courtyard. And the courtyard has an eruv chatzeros, there's no problem.

The Condition: That It's Not Separated from the Wall by Three

In what case are we speaking? That it's not separated from the wall by three, like earlier was in the law, when it's not far from the wall more than three tefachim. But if it's far from the wall three tefachim, one can't view it as attached to the courtyard, yes. Within three is attached, one views it as if

it's actually water that's connected to the house. But if it's more than three tefachim, it's not connected to the house, to the courtyard, yes. Therefore now it's like a person draws out from a... from something that's not a house, from another domain, from outside the courtyard.

The Law of Boards

"One may not fill from it unless there were boards extending from the edges on both sides". Only if there are boards, there are... how should one translate? One will often learn the word pasim - small partitions. Pasim means small partitions. Very good. If there are small partitions, just a pas, let's say pasim. The problem isn't pasim with a tav which is bread, but a pas with a samech. Pasim is like a partition, or through a pas that one eats bread, or a pas with a samech is like an eruv, you mean. Yes.

If there are such small partitions **extending from the edges on both sides**, shows, the pas shows that the piece of water belongs to the house, to the courtyard, and it's a bathtub and vessels extending to the courtyard. Very good.

Discussion: Boards Only Help Without the Measure

Speaker 1: This is further seemingly because the whole thing is rabbinic, because the water is a karmelis, should the rabbis allow... It's a karmelis!

Speaker 2: No, it's not a karmelis, it's only the question is something water that's outside the courtyard. If it has the measure, one will need... if it does have the measure, seemingly the boards also helped. It once came after, if it has the measure it doesn't help.

Speaker 1: Interesting, if it has the measure, then it's actually a karmelis, one had to make a real partition. One will learn it later, yes? He'll come to if it does have the measure? He doesn't say, no.

Speaker 2: He says, it's implied from this that if there is the measure, then... this only helps as long as it doesn't have the measure, there's a place after, it's only that it seems that one can help with the pas and the like. So he says, yes.

That is, the previous pas only helped that there shouldn't be a breach, but here one speaks of a courtyard, it's not surrounded with partitions. Here is the outside of the courtyard, it's not surrounded with partitions. So the pas only helps that when there's no measure of karmelis, it should be called nullified to the house, it shouldn't be called like you're taking from outside the courtyard. There are no partitions here.

Note About the Raavad and Maggid Mishneh

Yes, one must know, if anyone wants to conduct themselves in practical law, he should look, the Maggid Mishneh brings, I mean the Raavad disagrees with all these laws, he holds that the Rambam learned the gemaras incorrectly, and the Maggid Mishneh says that he has no time to speak about this. Because it's not practical anyway, "and these matters are not practical to elaborate on them". And if you want to know the Rashba's position, you should look in his book. In short, the Maggid Mishneh was such, in things that aren't practical he didn't elaborate. So, here I made it long, when it was relevant.

No, it's very interesting. We think that if someone writes a commentary on a book, he must explain every piece. The Maggid Mishneh, or even the Tur one will see sometimes, comes a whole sugya, four positions in the Rishonim, a whole mess, so he comes, he conducts himself one way, "not relevant, I move on".

So, the Rambam himself doesn't work that way. The Rambam doesn't look at whether it's relevant to law, because the Rambam wants to cover the Oral Torah. But the Maggid Mishneh wants you to know regarding law. I can make a conspiracy theory, that the Rambam, when things that are less relevant or less strongly worked out, is he less elaborate? He's not less elaborate, because he must bring every law. But it can be that he takes it less seriously, and if he has an error there it's not a big deal. The Rambam's chances of not coming to clarity aren't so great. But I have no proof for this, this is a conspiracy theory. I don't see that he should for example take Hilchos Kiddush HaChodesh less seriously than Hilchos... He wants to know, he has reasons. Or Hilchos... Yes, I'm not saying he doesn't take it seriously, I'm only saying that you can always say that perhaps he was precise, precisely because it's not relevant he was less precise. I don't know.

Law 17: Like a Tzotzrah

Speaker 2: Very good. Okay, now we're going to learn about a gzuztra. The Gemara calls it gzuztra, the Rambam calls it ketzutzra. Is there such a version? Is there such a version, yes. I think it's the same thing, it's very similar, kaf-tzadi, tzadi-reish, whatever. A ketzutzra. A gzuztra, how do you translate gzuztra into Yiddish? Look at the picture. A little piece that sticks out from the wall. A platform like that which comes out. What is a ketzutzra? Yes, ketzutzra, whatever, something. Yes, what is there? Such a frame, such a small room like, above the water. That means, it comes out from the... There's a wall, a house, on one side of his house there is water. Today there are sinks, there's all of that, but in the past there were various tricks for how to bring water to the house. So it seems that there's a thing that next to water one should build such a small room where one can easily draw water.

I say, when one learns the halachos one must thank the Almighty that there are sinks and sewer systems and water pipes and all things.

Laws of Shabbos – Gzuztra Above the Water and a Small Courtyard

Gzuztra Above the Water – Drawing Water from a Karmelis

Speaker 1: So there is such a frame, such a small room like, above the water. That means, it comes out from the... There's a person, he has a house, on one side of his house there is water. Yes. Today there are sinks, there's all of this. In the old times there were various tricks for how to bring water to the house. So it seems that there's such a thing that next to water one should build such a small room where one can easily draw water. Yes.

It's like this, yes, we save ourselves every day, we've saved a lot of time, every day we have a few extra hours, we don't have to go to the gzuztra to schlep water. We had much more time, yes.

So it is, **gzuztra above the water**, such a platform which is a room, and next to it there is like a window and a projection extending from the window. Can the students see the picture? No. We need to put the picture in the... Yes. I'll try when you want, yes. Let's see if we can. There are very nice pictures here, chevra. Let's just see, let's see. Now I don't see any picture. Okay. There's a platform, and there's a window, and on the window there's such a projection extending from the window, and through there one can draw out.

So it is, **gzuztra above the water, and a window in it above the water**, from the gzuztra comes out a window, through which the window one should be able to draw water. The gzuztra means that piece, I understood. The gzuztra looks like a sink, and this is your house, and there stands a window opposite it, through which one goes and draws from the... from the water.

So it is, the room is a reshush hayachid, the water is a karmelis. One may not rabbinically take out water from the karmelis to bring into the house. So what is the solution? So it is, **one may not fill water on Shabbos**, one may not fill water from the water on Shabbos, **unless they made a partition ten tefachim high above the water, opposite the window in the gzuztra**.

Oh, let's first learn the whole piece. **"Or one makes a partition descending from the gzuztra opposite the water, or we view it as if it descends and touches until the water"**. So it is, here we're talking about a karmelis, which is rabbinically forbidden. The Sages came up with ways how one can permit people to draw from the gzuztra. Normally one would say that you must actually surround a portion of the water with full three-sided partitions, or with full partitions, but since it's a karmelis, the Sages were lenient that it's enough that there's a piece of a partition. And this piece of partition gives you two options. Either one built a partition right next to the gzuztra, one surrounds it so that a wall should come down from the gzuztra. Or, first, okay, the first one he says, that the gzuztra should go down into the water, but it shouldn't go directly into the water, rather around the water one should build a small, around the area of the water from where one wants to draw, one should build a small partition, partitions of ten tefachim, which will separate so that this piece is not a karmelis, rather this piece is like separate from the karmelis.

Discussion: Why Does a Partition Help by Flowing Water?

And this piece becomes a reshush hayachid, because the water underneath is not... the water is flowing all the time, you didn't ask me that it goes to the floor of the water? That's a problem, one needs to know. That's the good whatever... Okay. That if one builds the partition, one makes it so that this piece of the karmelis becomes like a reshush hayachid. Or the other way that one makes the partition is that it comes directly down from the gzuztra opposite the water. One of the two partitions helps that one should be able to draw water from the gzuztra from the water to the area underneath.

The Partition Also Helps for Pouring Out

And the partition doesn't only help for drawing water, but it also helps for pouring out water, if one uses the same place for a sewer system. **"Just as one fills from it on Shabbos because of the partition, so one pours from it to the water"**, one may also pour out onto the karmelis, they're pouring onto the karmelis. One sees here from the words "onto the karmelis" not that it remains a karmelis. The partition makes it work. The Malbim explains this, that we'll see next week that it goes like this. It seems here that it's still called a karmelis, and the partition gives permission to draw from the karmelis.

Explanation: How the Partition Works

What it means is, I already said what it means, and I see this in our Mishnah Lamelech, it means that the piece is certainly a reshush hayachid, the ten tefachim is proper ten tefachim which has the law of a complete reshush hayachid. However, the water

doesn't remain there, it flows out. On this the stringency was that if initially the first pour or the first draw goes into a reshush hayachid, we don't care that it flows further from the karmelis. That's the way of the leniency first.

Just like that, you say that this is the karmelis, it keeps flowing, it's as if the water doesn't lie in the reshush hayachid, it could still be called as if you're drawing from the karmelis, because the water doesn't lie in the reshush hayachid, it lies in the karmelis, so you're taking from the karmelis, but it's similar to a reshush hayachid. But here that won't help. It goes through a reshush hayachid. We're going to learn a similar halacha. The next halacha from the Rambam is very explicit that this is the way of the leniency. From whom I think that here is also like this. The entire karmelis is rabbinic, and when such a situation with water seems that it's lacking that one should be able to draw water, the Sages said that if one first makes the place where I draw originally a reshush hayachid, it doesn't concern me that the water comes from a karmelis, or in a second later it will go to the karmelis. It's already permitted. That's the way it works.

A Small Courtyard Less Than Four Amos – Pouring Out Water

And it can be similar... Yes, it's like this, **a courtyard that is less than four amos by four amos**, a small courtyard that is smaller, we view it as four amos by four amos... **one may not pour water into it on Shabbos**... one may not pour water into the courtyard, normally one would be allowed to pour into the courtyard which is a reshush hayachid, but since it's a very small courtyard, and the point of pouring is that it should pour out from the courtyard because the courtyard wants it so that the water should pour out and one indeed pours into the courtyard but the purpose is that it should pour out to the reshush harabbim, when one pours into a large reshush hayachid, we would look at it as if he's pouring into a reshush hayachid, but when it's a small reshush hayachid, we understand that he intends to pour into the reshush harabbim, it looks like he's pouring into the reshush harabbim, or it's as if when he pours he's sending something out to the reshush harabbim. So the halacha is, one may not pour water on Shabbos that goes out to the reshush harabbim quickly. It's a bit interesting, what do I care if he pours into the reshush harabbim quickly, and in practice his pouring is still in a kosher place. So what's the issue? It's such an indirect causation, he causes the water to go out. It's not a Torah prohibition.

The Solution: Making a Pit

Apparently, what does one do? **Therefore one must make a pit that holds two se'ah within the courtyard**, so one must make a pit, one must make a hole in the courtyard, so that one should be able to pour out there the water that one wants to pour out, and the pit must be large enough to hold two se'ah. **Or one makes a pit in the reshush harabbim next to the courtyard**, or deeper out from the reshush harabbim, right by the courtyard, **so that the water will collect into it**, so that the water should gather there. It seems here apparently that even if one will pour more than two se'ah, but once there's such a large measure, it's no longer called as if he's pouring out to the reshush harabbim, because you're just telling him a practical solution for how to make plumbing. It could be it's already full, whatever. The point is, one doesn't

pour directly into the reshus harabbim, one pours into the pit, the septic system like that.

But, if one makes it from outside in the reshus harabbim next to the courtyard, one must build **a covering from outside**, one must build such, covering usually means a rounded structure, a roof, a cover, **so that this pit should not be seen from the reshus harabbim**, one shouldn't see the pit from the reshus harabbim. Because if one sees the pit from the reshus harabbim, it still looks like he's pouring out into the reshus harabbim. Oh, so it shouldn't be seen, I thought it shouldn't look like it's still part of the reshus harabbim. It should be a distinguishing sign. But it should be hidden, one will be able to see that there's water from below. It will be a simple piece, a distinguishing sign that he's not pouring from the reshus harabbim, he's pouring into the pit. The pit, a person will see it, the pit belongs to the courtyard. This is a very difficult situation.

Courtyard with a Porch

Yes, already, he says, we learned that less than two se'ah is a problem. That if it's a small courtyard, he says that even if the courtyard itself is not large, but **if the courtyard and the porch combine to four amos** – then there's no longer this problem. Ah, by you one may pour. Yes, if it's already larger.

The Measure of Two Se'ah

And how does one make a pit that holds two se'ah?

How does one make a pit that is large enough for two se'ah? How large is the size that should hold two se'ah? Two se'ah is a measure in weight, not in size. It's a size of water, but how large must it be in amos that one should build it? Yes, he says, **half an amah by half an amah in the height of three-fifths of an amah**. Half an amah by half an amah in the height of three-fifths of an amah.

Digression: Modern Plumbing

It's interesting, because for example if a person has a small, let's say, he has a small room and there's a toilet there that flushes, one must think that it goes as if it goes into the reshus harabbim, it goes down deep under the ground. Oh, the pipes are reshus hayachid, or it never goes down under the ground, it goes out outside in the advanced countries at least. Or by the time it gets there, one already holds a bunch of reshus hayachids, which we saw is permitted. Apparently.

A Pit Smaller Than Two Se'ah

Yes, so now, **if there was a pit**, yes, **if there was a pit less than two se'ah**, if the pit is smaller than two se'ah, **one should not pour more than what it holds**, one may not pour more than how much the pit can hold. He pours to the amah, he may pour as much as he wants into the pit, because then you're not carrying out to the reshus harabbim. But if it was two se'ah, but if you pour more than that... ah, excuse me, if it's smaller than two se'ah, it's not a leniency that one may pour more than that, you may only pour as much as you need. But once it has the measure of two se'ah, it no longer looks like one is pouring into the reshus harabbim, then there's a leniency that **even sixty se'ah of water** one may pour much more.

Why is there a leniency? Because it's obvious, as he causes pitchers upon pitchers, even if it will pour out from the pit, the more he pours the more will pour out from the pit.

Pouring Water Through a Gutter and Pipe, and His Power in a Karmelis

Halacha 17 (Continued) — The Measure of Two Se'ah in a Pit

Speaker 1: But if you pour more than that... ah, excuse me, if it's smaller than two se'ah, it's not a leniency that one may pour more than that, you may only pour as much as you need. But once it has the measure of two se'ah, it no longer looks like one is pouring into the reshus harabbim, then **one pours even sixty se'ah of water**, one may pour much more. It's obvious, as he causes pitchers upon pitchers, even if it will pour out from the pit, the more it will pour out from the pit.

Discussion: What is a Pit and a Hole?

Speaker 2: What is this pit? Is a hole the same thing?

Speaker 1: A hole... yes. I don't know, this is the word pit, pit, from the pit... pit I think is a name for a sewer. Like they used to call the cesspool in the courtyard. And a hole is simply a hole. A hole means a hole. So a hole that serves as a pit. That's what I think, that's how I imagine it.

Speaker 2: Yes.

Speaker 1: Yes, very good.

Innovation: The Pit Becomes a Makom Patur

Speaker 1: Actually I'm reconciling... I see that he brings here that this is not just a distinguishing sign that you're not pouring into the reshus harabbim, but that a pit becomes a makom patur, I see. Do you see? In practice it's like you're pouring from a reshus hayachid to a makom patur.

Speaker 2: Yes, it's similar to what we said earlier.

Speaker 1: Why I think both are similar, because the simple explanation is one doesn't pour directly into a karmelis, but one pours into something else, another domain, a reshus hayachid, or the pit is already larger. Why is it only a makom patur? It's perhaps a...

Speaker 2: No, because half an amah by half an amah in the height of three-fifths of an amah, it means... it doesn't need four tefachim.

Speaker 1: But why does one make it larger? I see that one may make it larger. If one makes it larger, then it will be besides a makom patur, it will be a reshus hayachid, and it will be pouring from reshus hayachid to reshus hayachid. The point is that it's not straight into the karmelis.

The Rambam's Approach: The Pit is a Distinguishing Sign

Speaker 1: Okay, the Rambam says it must be small. He also says the pit, because the pit already looks... once one makes the pit it already looks like the word is makom patur. Okay, it's the simple explanation of a distinguishing sign.

Speaker 2: No, you see here that they're talking about the pit is just a distinguishing sign.

Speaker 1: The Rambam says it's just a distinguishing sign. Other Rishonim said that it has to do with an actual halacha, that it doesn't become through this... in short, one needs it... Very good.

Halacha 17 (Continued) — Summer Days vs. Rainy Days

Speaker 1: The Rambam says further, the halacha that if the pit is large enough, one may pour in even a lot of water, even if it will eventually reach the reshus harabbim. **This is speaking of a place where there is no outlet to the sky, where the courtyards become ruined**. Courtyards become ruined presumably means the water systems of the courtyards. Whatever, when one has a system where the water should go, it becomes clogged, everything becomes flooded,

the whole thing becomes ruined. And when there are pipes, it flows.

Therefore, **and those who see will not come to say this one is using water that comes from the power of the reshush harabbim**. One won't be able to point, "Ah, you see the water? That's from the reshush hayachid." Because in the winter everything is full of... because it's rainwater.

But if it was summer, and if it held two se'ah, even if it's large enough for two se'ah, there's no leniency to be able to pour in without limit, **one may not pour into it at all. And if it was less than two se'ah, one may not pour into it at all**, one may not pour in at all. Which seems like a great stringency. What's the issue? It's simply appearance.

Discussion: Why is Less Than Two Se'ah Forbidden?

Speaker 2: Yes, when it will be immediately seen, one may not. If it's... in other words, it's because people will see. But people see that it goes into a makom patur or into a place that they see is reshush harabbim. It still, it doesn't remain in the pit.

Speaker 1: You're not talking about that. If it's as much as it goes into the pit... you're talking about the less than two se'ah?

Speaker 2: By both I want to understand.

Speaker 1: Okay.

Speaker 2: No, I want to understand that once you have two se'ah, then the rest is just a decree, it flows out by itself, because first I said that it flows into the pit.

Speaker 1: Yes, but the less than two se'ah I also think that it doesn't remain there forever, it goes further somewhere.

Speaker 2: At the time... the point is, you can't say that when you pour, people see that you're pouring into the reshush harabim (public domain).

Speaker 1: According to the less than se'asayim, it's not enough that it can hold even however much one pours out on a regular Shabbos. So the simple understanding is that you can, yes, that it gets poured back out into the reshush harabim. Is it a matter of maris ayin (appearance of wrongdoing), or is it a matter like a gezeirah (rabbinic decree) regarding shofchin (pouring) altogether?

Halacha 18 – Biv and Tsinor

Speaker 1: He says further, "biv". A biv is such a... a pipe, yes.

Speaker 2: A pipe or something like that.

Speaker 1: Or an excavation in the ground?

Speaker 2: A pipe, part of a pipe.

Speaker 1: Okay.

Speaker 2: Not a pipe, it can be a closed pipe because it's under the ground. A little ditch like that.

Discussion: Difference Between Biv and Tsinor

Speaker 1: A biv is a difference, a biv and a tsinor. A biv is a... a tsinor?

Speaker 2: A biv is a... one of them is open and one of them is closed, that's what I think. A tsinor sounds like a closed pipe.

Speaker 1: The opposite, we spoke earlier about tsinor, that it's a thing that catches the water from the roof, no?

Speaker 2: No, a tsinor is a... it's an open thing. Usually tsinor means a pipe. In our language, tsinoros hamiklechin (shower pipes), I mean the opposite.

Speaker 1: What does he say he can derive? What does he say? "Biv charitz", he says, and tsinor is... ah, so a biv is just a hole? In short, it's not a big difference, I just want to know the meaning.

Speaker 2: Yes, one channels the water.

The Rambam's Language

Speaker 1: Yes, "**biv sheshofchin bo mayim**" (a biv into which water is poured), such a plumbing system, "**vehu nishpach vehoilech tachas hakarka**" (and it flows along under the ground), and through the biv the water goes in deep under the ground.

Speaker 2: No, so the biv is under the ground, but afterwards it flows out from it, "**veyotzei lireshush harabim**" (and exits to the public domain). So a piece buried in the reshush hayachid (private domain), such a... until the reshush harabim, there it should pour out.

Speaker 1: Vechen tsinor sheshofchin al piv mayim (and likewise a tsinor into whose opening water is poured), which one pours into, a pipe into which one pours water, "**vehu nishpach al hakoisel...**" (and it flows on the wall...) ah, it seems that a biv is a pipe that's under the house, and a tsinor is on the walls of the house. **Tsinor sheshofchin al piv mayim, vehu nishpach al hakoisel veyoreid lireshush harabim** (a tsinor into whose opening water is poured, and it flows on the wall and descends to the public domain), the tsinor goes on the wall, and the water runs out on the wall and it goes into the reshush harabim, so "**afilu hayah orech hakoisel o orech haderech hashoifech alav mei'ah amah**" (even if the length of the wall or the length of the path onto which it flows was a hundred amos), even if it's far, from where the person pours until the reshush harabim is far, but "**hoil ve'eino shoifech ela al pi habiv o al pi hatsinor, vehamayim yotz'im mikocho lireshush harabim**" (since he only pours into the opening of the biv or into the opening of the tsinor, and the water exits from his power to the public domain), because through his pouring there in the reshush hayachid into the biv, it nevertheless flows out into the reshush harabim from his power, and what does that mean, like he's carrying from reshush hayachid to reshush harabim, or is it similar to that?

We saw this earlier, one may not cause people to see that you're sending into the reshush harabim in the middle of Shabbos.

Question: What's the Difference Between Pouring Into the Pit and Next to the Pit?

Speaker 1: Rather, what can one do? Pour out your wrath upon the nations, let them pour directly into the pit or directly into the tsinor, seemingly. Because in the summer when it flows in by itself, what kind of grama (indirect causation) is that? What difference does it make? I mean that the person who sees the whole thing, what's the difference whether you poured into the pit or next to the pit? He sees that the person is pouring, and it comes out into the reshush harabim.

Speaker 2: Here you see that he pours next to it, yes, that's the same rabbinic decree, it's a heiker (distinguishing sign), or it looks different.

Halacha 19 – Summer vs. Winter

Speaker 1: Okay, **what we're speaking about is in the summer**. Further, the same distinction. In the summer when you have little water, and water isn't running all over the place,

if water runs out, one sees, "Ah, the person has now poured out water to the reshus harabim." **But in the winter** one may pour out, one may pour once, and even one may pour twice, and even one doesn't need to hold back. **Shofchin tsinoros hamiklechim mayim** (one may pour water from shower pipes).

Discussion: What Does "Winter" Mean?

Speaker 2: It's interesting, does winter mean days when it rains, or does it mean winter? It's not that in winter it rains all the time in Eretz Yisrael, or that it needs to rain all the time. And the days when it doesn't rain, it's just shower pipes with water. Perhaps he means really strong rainy days.

Speaker 1: No, no, winter means winter.

Speaker 2: We live in a fancy city with...

Speaker 1: Okay, shall I speak seriously? By us actually one wouldn't do it.

Speaker 2: Does one say winter only when it rains?

Speaker 1: Even not when one says winter. All these halachos, yes yes, wait, all these halachos speak, you need to remember...

Speaker 2: If you know it's raining, does one weigh yes?

Speaker 1: No, no, it has nothing to do with whether it's raining. You pour, again, if water runs out from you, one must first know what we're talking about. In olden times, a whole winter the street was dirty. One learns many times, you'll ask an old Jew who still remembers, not just an old Jew, but someone who doesn't live in a very built-up city with asphalt everywhere. There isn't today any built-up city where there isn't a sewer system and so forth. The whole thing is a lawless world, I don't know exactly how it looked.

So a whole winter it happened, one wanted, how does he say here, "**mipnei sheravu ovrei derachim ve'ein lahem makom la'avor**" (because the passersby are many and they have no place to pass). Today that's not the reality, so one needs to know what one does today.

The Rambam's Reason for Winter

Speaker 1: But in the winter one may, yes, because it happens that the water gets dirty, but **adam rotzeh sheyavo'u hamayim binkoman** (a person wants the water to come to its place), he doesn't seek that it should go out specifically into the reshus harabim.

Speaker 2: Ah, I thought the reason is because a person won't see that this comes from the reshus hayachid, because everywhere around is water, but here it seems more...

Speaker 1: Adam rotzeh sheyavo'u hamayim binkoman, he doesn't seek at all that it should go out to the reshus hayachid, as it is there in the opening it goes into the ground. **O shoifech al pi habor vehamayim yotz'im lekarmelis** (or pours into the opening of the pit and the water exits to the karmelis).

Halacha 19 (Continued) – His Power in Karmelis

Speaker 1: So, all these things we're speaking about when the water goes out to the reshus harabim, you can't make such a kind of arrangement. What happens if the... until now we've spoken about when he pours from the reshus hayachid and the water arrives in the reshus harabim, but if the water arrives at the karmelis, it's permitted, yes, it's even permitted, even mei hashofchin (waste water). **Shelo gazru al kocho**

bekarmelis (they didn't decree regarding his power in a karmelis).

By reshus harabim they permitted even when he doesn't carry it, usually carrying means actually carrying with the hands. Here it's not carrying with the hands, it's rather pouring and it goes from his power. Or the simple meaning of kocho (his power) is that you don't pour directly out into the reshus harabim at all. All these cases here speak of pouring in a reshus hayachid and it goes from his power. And on kocho they also prohibited, there is a prohibition of kocho. The prohibition of kocho is only on reshus harabim. On karmelis it seems that kocho is a rabbinic prohibition, and on a rabbinic prohibition they didn't add another stringency, even mei hashofchin **shelo gazru al kocho bekarmelis**.

Practical Application – Pouring from a Ship

Speaker 1: Lefikach (therefore), he says, how does the leniency come out? When does one use the leniency of karmelis? He says, if someone travels on the sea with a ship, he's traveling in a karmelis, and he wants to pour out water from the ship into the sea, one pours from a reshus hayachid to a karmelis, one may, one doesn't need to build there all those things we spoke about regarding making partitions with things. One may not pour out directly to the water, because pouring out directly to the water would mean carrying from reshus hayachid to karmelis, but **al pi hakoisel hasefinah** (onto the wall of the ship), the calculation is that you pour it still onto the reshus hayachid, and from there it goes in from his power to the sea.

Laws of a Ship

Speaker 1: Further he speaks about the laws of a ship, that a ship is a reshus hayachid that's in the karmelis. It's a reshus hayachid only if it's built in a certain way, if it has the measure. I haven't said exactly what makes a ship? A ship is a reshus hayachid. It's not about how big the ship is or because the ship has walls. The ship has walls of three tefachim, it depends how.

Speaker 2: How can there be a ship that's not a reshus hayachid? It has walls of something?

Speaker 1: I mean, every ship has walls. It's different that it's a ship.

Ship in Karmelis – Continuation: Drawing Water from the Sea, and Reading in a Book That Rolled to Reshus Harabim

Halacha 20: Drawing Water from a Ship – The Law of a Gizuztra

Speaker 1:

We're speaking about a ship, that a ship is a reshus hayachid that's in the karmelis. It's a reshus hayachid only if it's built in a certain way, if it has the measure. I'm not saying much, what makes a ship a reshus hayachid. It's not about how big the ship is.

But a ship, it seems, if it doesn't have partitions of three tefachim, what is he speaking about here? How can there be a ship that's not a reshus hayachid? Is that that one turns something? I mean, every ship has walls, so how is a ship different? I don't know. Did he once check the small ships that don't have partitions? Okay, they know.

He says, when a person is in a ship, he can pour out onto the wall of the ship. But when he wants to bring in water, how

does he do that? For this there isn't this solution, because he will anyway be drawing water from the karmelis to the reshush hayachid. For this one also needs to build something, so **lo yemalei min hasefinah** (one should not fill from the ship), one shouldn't pour water from the sea to the ship, **ela im kein asah makom arba'ah al arba'ah yotzei min hasefinah al hayam** (unless he made a place four by four extending from the ship over the sea). Just as earlier we had that one needs to build some kind of partition, one needs to build a place four by four that should extend from the ship above the sea, and so it won't be called like he's drawing from a karmelis to a reshush hayachid.

Here it's more lenient than the previous halacha, it doesn't say one needs to make partitions, one needs to make a gizuztra (platform) basically. Right, but what does that help? Then it will be called like he's drawing from the sea to... from the karmelis to... to not a reshush hayachid, at least not to a reshush hayachid. Ah, from reshush hayachid to reshush hayachid, as if the place from where he draws is a reshush hayachid. The last place becomes as if a reshush hayachid.

Another Matter: Breaking Within Ten

Another matter, breaking within ten. When the wall that one builds to, the four by four, is not a very high ship, and the four by four is within the ten tefachim from the water, then one needs four by four. If the person stands within ten from the water, he needs four by four. But above ten, since it's higher than ten tefachim, there's a karmelis from the sea. But if above, we're speaking that the ship is a high ship and he stands initially higher than ten tefachim from the sea, he doesn't need to build a whole eruv, but it's enough that there are something, and it's enough that he places some small thing, and above is permitted, through a makom patur (exempt place) anyway. Because above one measures everything as a makom patur.

Okay good, so he takes it from above the karmelis, he takes it from ten tefachim above the karmelis, water comes from all sides from below, but the last piece of the vessel is through a makom patur. So he takes it from the makom patur, from the karmelis to the ship he doesn't take it from the surface of the karmelis, but he takes it through a makom patur. And for this purpose one says, that you need to have some kind of heiker. It's such a small piece.

Halacha 21: Reading in a Book in Karmelis That Rolled to Reshush Harabim

Speaker 1:

Right here. Now we're going to take another two leniencies of how one may bring something from a karmelis, which in other places one is more stringent. But one can say more generally how one guards the sanctity of a book when necessary all around. The next two halachos are that when necessary one may do in karmelis what one may do in reshush harabim when necessary. So, **one reads in a book in karmelis**, one reads in a book, we mean a scroll, something that's a long roll, **venisglgal miktzas hasefer lireshush harabim umiktzas beyado** (and part of the book rolled to the reshush harabim and part is in his hand), a part he still holds, but a part has rolled out into the reshush harabim. So, **im nisglgal chutz le'arba amos** (if it rolled outside four amos), if the book has rolled out beyond the four amos from where the person sits, so, if he's now going to roll it back in, he's going to have to bring it within the four amos of the reshush harabim,

may he roll it back in, but a decree, since we've learned that one may not roll, as long as I still hold it doesn't yet mean that it's placed in the reshush harabim, so when he's going to roll it back in it won't be called like he actually moved from reshush harabim to karmelis, he may not do it. But what's the solution? If it's outside the four amos, the Shulchan Aruch allows, why? Because a decree, if it's more than the four amos, **hoseich kesav munach** (he turns over so the writing is placed down), it's not respectful for a book to lie dragged like that in the reshush harabim. So he turns it over, yes? That means he makes that the... yes? No. He makes that the... the outside should cover it. It seems that this is a way of respect for a book, yes? Just as we learned in the laws of a Torah scroll, that one rolls up the Torah scroll with the writing on the inside. Not where one can see. Do you understand what I mean?

Discussion: Honor of the Book – Turning Over or Covering? Speaker 2:

Well well, didn't the Chida and Rabbi allow doing this? Don't you remember? Well? They didn't allow?

Speaker 1:

Because they held that it's not respectful? Here one sees that it is respectful. On the contrary, it's not respectful. That means, to leave it outside in the reshush harabim is not respectful. That means, he wants to alert us to the respect of the book, so to the respect of the words of the book. Once the words of the book are covered, it's already arranged. That means, the matter is not the respect of the binding, but the respect of the words. Sacred writings, certainly it's better when it's already put away, but that's the...

Right. And why? **Gezeirah shema yesaken hamitah veyavirenu arba amos** (a decree lest he fix the bed and carry it four amos). As long as he doesn't hold, as we said, actually one may even four amos, because it hasn't become an uprooting from his hand.

Innovation: Rolled Is Not a Placement

Right, here there's a great innovation, because if it hasn't completely gone out from his hand, it doesn't yet mean that it has landed, it's only a karmelis. One would seemingly have to be able.

Speaker 2:

In reshush harabim.

Speaker 1:

Good, but it's only from a reshush hayachid to a karmelis, it's only rabbinic, and it's not carrying because it's rolled. But still there's a decree. But it's four amos in reshush harabim. Ah, if it's not with him, he would have to drag it in the reshush harabim. There will be a fear that he won't be with him, don't let him have to drag it back here. But if it's actually little...

Speaker 2:

And carry it four amos means actually carrying or means rolling? Because if he rolls four amos it would still not be called carrying.

Speaker 1:

No, true. It's a decree that he shouldn't actually carry it. If it's already started to slip out, fall out, lest he fix the bed. And likewise, as long as it rolls one may. That's the halacha actually, rolled. That means, even... let's... the Rambam writes it the other way. **Nisglgal lesoch arba amos, then roll it to him**. So, actually one may, as long as it still holds, it's

rolled, he still holds the end of the Torah, the scroll, he may drag it back. Only if it's outside four amos, the Sages don't allow, a decree it should fall out, then he won't be able, it will be actually four amos in reshus harabim, which that's a Torah prohibition.

That is, rolled to reshus hayachid, roll it to him. That means, even if it went into a reshus hayachid, there's no difference, a karmelis, reshus hayachid, reshus harabim, both are rabbinic, right? That's when he's in a karmelis. What if he's reading the book in a reshus hayachid, and it rolled into the reshus harabim, which then is a Torah prohibition, so obviously even less than four amos, still, ah, he'll have, he's holding on a way to become reached. Still, if it stopped on the ground of the reshus harabim, then he may not drag it back, again, if he would have said if rolled he could have, but the same decree...

Speaker 2:

No, we learned yesterday rolled is exempt, it's not permitted, it's exempt. Carrying through throwing must be permitted.

Speaker 1:

Chapter 16: Various Laws in a Karmelit – A Thorn, A Decomposing Corpse, and One Who Descends to Bathe in the Sea

Review: The Law of Covering Something Disgusting – Three Tefachim and Lavud

Ah, right, because there is a place of honor for the Sefer Torah (Torah scroll), but nevertheless they were not lenient. So if it fell out completely, they were not lenient because they were afraid it would fall out and he would bring it in from a reshut harabim (public domain) into a reshut hayachid (private domain).

If It Has Not Come to Rest – Suspended in the Air of the Reshut Harabim

If it has come to rest, then if it fell out completely, but **if it has not come to rest, that means there wasn't even a hanachah (act of placing) in the reshut harabim, rather it is suspended in the air of the reshut harabim, he should not bring it in**, that means here we're still talking about him holding it, right? The novelty is that it's simply hanging in the air, not even having rolled on the ground of the reshut harabim, then **roll it back to himself**, he may roll it back to himself.

Speaker 2:

Air of the reshut harabim means higher than ten or even what is...

Speaker 1:

No, there's no distinction. But if it came into the air, why shouldn't we say in the three tefachim of the reshut harabim? Perhaps it's not... No, the point is, no, I don't know, the "resting" is because it's going to become a hanachah, or perhaps it's simply because in this manner it's less likely that it will fall out. But it doesn't look like a clear reason, it can't be, it's more a practical matter also because... Still. That means, the whole thing is there's a rabbinic decree, even still, as long as he's holding it regarding rolling, essentially rolling, or the Sages say that it fell out. If he's still holding it, they're not afraid that it fell out. Perhaps that's the... perhaps also that he doesn't want it to happen that it fell down. I don't know.

Discussion: Three Tefachim and Lavud

Speaker 2:

Someone is talking something about three tefachim, whether we look at lavud in this.

Speaker 1:

What does it mean he's still holding it? By serious transgressions we see that even if it's in the three tefachim we see that... one must think, yes, well okay, it's not... I'm still holding it. It's only that it should look complete. Perhaps then he's not particular about lavud, only particular about when it's... right.

Is the Leniency Specifically for Holy Writings?

But all these leniencies according to this are only for holy writings. That means, when one is reading a book. The Rambam doesn't say "holy book," but it comes out that "book" means a Sefer Torah, not just any book. Although perhaps not, perhaps the Rambam doesn't say, perhaps he means any loss. It could be a loss. It means he doesn't want to lose his book. I don't know. It's not clear. He brings down here that the Rema says specifically that it's specifically holy writings, but there are those who say no, that perhaps any book. One must know, because it's also not a leniency that one may read on Shabbat. We're talking about something that one may read on Shabbat. It's a different question whether one may read on Shabbat. Ah, you'll say it's not a revelation, but it's forbidden to read lying down. Okay.

Discussion: Contradiction to Yoreh Deah – Turning Over a Sefer Torah

Speaker 2:

Ah, see, he brings my question. In Shulchan Aruch it says in Yoreh Deah that one may not turn over a Torah, one must cover it. See? Okay. And here we see but... yes, there's a labor.

Speaker 1:

Well, that's what I meant. The Rebbe says it's a labor. Yes, but here we see that there is indeed such a thing as turning it over on the writing. He asks indeed on this question. I mean... interesting.

Okay, it will be automatically covered. It's better than when it's open. Maybe. No, but I did tell you that in the laws of a Sefer Torah it says that one makes the writing turned inward, the writing should not be open. That's the truth, that there's a certain honor that it shouldn't be open. I agree.

But, ah, you want to say perhaps, you can't cover it here, because you can't bring any cloth and no rag, you have nothing here to cover with. Yes. Ah, see...

Speaker 2:

What is he talking about the three tefachim?

Speaker 1:

Yes, he brings it yes. The Gur Aryeh says, that on the contrary, three tefachim is indeed forbidden because it's lavud.

But the Rambam doesn't say, does he mean Rashi yes, or what. The Rambam doesn't say. The Rambam means that it's not called lavud.

Speaker 1: Ah, David, you'll say, you can't cover David, because you can't bring any cloth in a reshut harabim or in a karmelit to cover it with. Ah, see, he talks about the three tefachim, yes, he brings the Gemara that says that even so three tefachim is forbidden because it's lavud. But the Rambam doesn't say, perhaps he means this? Could be the

Rambam who says reshut harabim, means when it's not called lavud it makes it a reshut harabim? Or he says still, could be here it's a practical matter, then it doesn't matter. We want to know if it's more the legal theory, because it's more a substantive prohibition he'll bring it back, or not? Okay.

Law 22: One Who Removes a Thorn So That the Public Should Not Be Injured by It

Speaker 1: Okay, another one, more, a few more things that are permitted in a karmelit to do because of necessity. Yes.

One who removes a thorn so that the public should not be injured by it. We've already had the thorn a nice few times in the laws of Shabbat. It happens quite often. Yes, it probably happened more times when it was part of plants, when there are plants there are thorns. He carries away a thorn so that the public should not be injured by it, so people shouldn't tear their garments on it. So he carries it in a reshut harabim, this was permitted. Generally one may not carry in a reshut harabim, only less than four amot, also only in a place of necessity. Yes, we didn't have this. The Tosafot and the Rambam is not necessarily a place of necessity. Ah, the Rambam says that within four amot one may, and not like those who say that one may only in a place of necessity. Less than less, one may certainly only in a place of necessity. Less than less at once. Ah, it says there that one may through a friend, Tosafot says that one may ab initio. Here it appears that one may only because it's so that the public should not be injured by it.

The Rambam's Intention: Reshut Harabim or Karmelit?

The Rambam would perhaps have said, he means to say carries in a reshut harabim, he's not permitting more than the usual less than four amot. He wants to come to say that carrying in a karmelit one may indeed carry it in its normal way even a hundred amot. In a karmelit, which is a rabbinic prohibition, they permitted carrying such a thorn.

A Labor Not Needed for Its Own Sake

Is this also, we've already learned three times that this is also a labor not needed for its own sake. According to the Rambam it doesn't help that it's a labor not needed for its own sake. If so, the splitting of the Red Sea with the public, perhaps they noticed even more than four amot. Or perhaps this is because of less than less. I don't know. You're actually right, why he brings the law three times, already the third time, I don't know.

Law 22: A Corpse That Has Decomposed and Is Excessively Degraded

Speaker 1: And similarly a corpse that has decomposed and is excessively degraded, there's a measure of how much it's normal for a person to be degraded, more than that is no longer, **and the neighbors cannot stand with it.** It appears that it doesn't concern the corpse. The corpse is free among the dead, it's the neighbors.

Speaker 2: No, he is so, perhaps that's the measure of excessively, he stinks so strongly that one cannot stand there.

Speaker 1: Ah, that's the reason. **They take it out even to a karmelit,** so it shouldn't be near the neighbors, so they shouldn't be bothered. It's not an honor for the corpse, this is an honor for the neighbors.

Speaker 2: Because you're talking... seemingly we're talking about a carcass, I mean the point isn't the honor of the dead.

Speaker 1: I don't know, perhaps there's a non-Jew, I don't know, there's no law of honor of the dead. We're talking here all about honor of the neighbors. They take it out even to a karmelit one may.

Discussion: Corpse or Carcass?

Speaker 2: The woman in childbirth... yes, it appears seemingly that we mean here "and the neighbors cannot stand with it," we don't mean the word specifically corpse, we mean such a type of thing, like for example a dead animal.

Speaker 1: But he says that it could be, Rabbi Binyamin Shlomo Vizel of Holland writes about this somewhere further, perhaps in a later one it will say that a corpse one may carry a whole infant in that other rabbi's law? Here it doesn't say that, but here it says that in a karmelit one may in general. Here there's still a problem that a corpse is muktzeh, it's another prohibition. Perhaps there, regarding that, one needs an infant. Here he says that it could be, we'll see in chapter 23 about the topic of muktzeh.

Degradation of the Corpse or Distress of the Neighbors?

It could be that it's a degradation for the corpse that people cannot stand near it. We see here that it must be both, because he says degraded excessively and the neighbors cannot stand with it. There's a degradation of the corpse and a stench to the neighbors. That means, a person is lying outside and he stinks, it's not dangerous. If people are standing there, this isn't a burden, this isn't for him either. Okay. One may not carry him even to a karmelit. Yes. Another law.

Law 22: One Who Descends to Bathe in the Sea – Drying Oneself Before Coming Out

Speaker 1: What's the law? One who descends to bathe in the sea. When someone goes down to wash in the sea, what comes in here, we've talked about the laws of a sea, of drawing water from a sea and the like, so **"when he comes up he should dry himself well before he exits from the sea."** He should wash himself off before he comes out completely from the sea.

Speaker 2: Wipe off.

Speaker 1: "When he comes up," that means when he comes out from the sea, still before he comes out completely from the karmelit to the reshut harabim or reshut hayachid there where it is, he should wash himself off, **"lest he carry the water that's on him four amot in a karmelit."** I don't understand exactly how the... how the wetness is there on him.

Speaker 2: Yes, but how... ah, he shouldn't walk around in the... let's say that the whole area around the sea is called karmelit, near the sea, right near the sea, he shouldn't carry the four amot in a karmelit, and he should wipe off the water.

Discussion: How Does One Wipe Oneself Off?

Speaker 1: How does he wipe himself off? With a towel he can't take.

Speaker 2: He should shake off the water from himself.

Speaker 1: What's actually the plain meaning? It's... before we carry... he walks, and there's a thing not intended.

Speaker 2: This is a stringency. He doesn't say that it's... it's not clear.

Speaker 1: No, he says it like a... "lest he carry." It's not clear. And the whole karmelit is only rabbinic anyway, but...

Discussion: Is This Carrying or Not?

Speaker 2: It's... it would not be such a Rambam that also seemingly would have meant carrying in a reshut harabim to be liable. That's not called carrying, it's not a normal way. A person walks wet, does that mean he's carrying water? Like a person carries water, that he has water in his beard?

Speaker 1: Ah, he brings this only. I'm talking about this, that what is when it rains, may one not go in the street?

Speaker 2: No, when it rains there's no prohibition.

Practical Ramification: Water in the Beard from the Mikveh

Speaker 1: I know that there are proper Jews, when they walk from the mikveh there's water in the beard, because they're afraid of squeezing, first of all, water remains in the beard, and now he has a problem of carrying the water four amot in a reshut harabim.

Speaker 2: What does it say here about squeezing? Here it says the opposite, that it's advice that one should dry oneself because not squeezing.

Speaker 1: Okay, drying oneself we're not talking here about how one deals with the hair, with the hair, but it's interesting to me to say that the bit of water that lies in your beard you're taking out. It seems like a great stringency.

Speaker 2: It's not such a stringency, it's a rabbinic decree that...

Explanation: "When He Comes Up" – Concealment in the Water

Speaker 1: But the "when he comes up" is interesting, because "when he comes up" implies that... you've already walked up four amot.

Speaker 2: He says that as long as you're in the water it's as if it's concealed in the water. And also in general, he goes in the water, he also travels four amot by acquisition with the water, and then it's like earth within water.

Discussion: Bathing in the Sea on Shabbat

Speaker 1: And we're also talking here in a manner that one may bathe in the sea. Later we'll still learn laws about bathing on Shabbat, and we're talking here in a manner when one does it for purification, for mikveh, one may. Why do we say one may not bathe on Shabbat only in hot water?

Speaker 2: Aha, right. Simply in a sea one may. The thing of being foolish, of swimming.

Speaker 1: Aha, one can't swim. It says he went to bathe.

Speaker 2: Aha, not swimming.

Speaker 1: Indeed, you're right. There are indeed several later authorities who say that one doesn't conduct oneself even not to bathe in the sea on Shabbat, even though they claim that according to the basic law it's permitted. Yes. For example regarding the law, most of the world doesn't know, one may not carry. But according to the basic law with claims it's certainly permitted.

Speaker 1: Yes. Until here chapter 16 of the laws of Shabbat.