

Laws of Shabbat Chapter 16 (Auto Translated)

English

Auto Translated

Shiur Overview

Rambam Hilchot Shabbat Chapter 16 — Mukaf Shelo L'dirah, Laws of Mechitzot

[Digression: The Rambam's Order — D'oraita and D'rabbanan]

The Rambam is generally careful to separate d'oraita and d'rabbanan — he writes first all 39 melachot (d'oraita), and only later (chapters 21–23) does he bring the shevutim/d'rabbanan. But by **hotza'ah** he already writes in chapter 16 (and earlier) many d'rabbanan laws (karmelit, mukaf shelo l'dirah, etc.) together with the d'oraita laws, instead of waiting until chapter 23. A possible explanation is that the Rambam goes somewhat according to the order of the Mishnah, which first lists the 39 melachot and then elaborates on the details of hotza'ah. But there remains a problem with this order, and the conclusion is that **hotza'ah was simply impossible to divide** into d'oraita/d'rabbanan, so he didn't do it.

Halacha 1 — Makom She'hukaf Shelo L'dirah

The Rambam's Words

"A place that was not enclosed for dwelling... such as gardens and orchards, and similarly one who encloses a place in the field to guard it, and the like — if the height of the mechitzot is ten tefachim or more, this is a reshut hayachid to be liable for one who carries out, throws, or passes from reshut harabim to this... but one may not carry in all of it unless it is a beit sa'atayim or less. But if it contains more than a beit sa'atayim — it is forbidden to carry in it except four amot like a karmelit."

Explanation

A place that is mukaf with mechitzot but **not for dwelling** (like gardens, orchards, or an area that one guards), if the mechitzot are 10 tefachim high — it is **reshut hayachid for stringency** (liable for hotza'ah/zerikah/hoshtah from reshut harabim to there). But **for leniency** (carrying within it) — only if it is **beit sa'atayim or smaller**. Larger than beit sa'atayim — one may only carry four amot, **like a karmelit**.

Chiddushim and Explanations

1. **"Hukaf l'dirah" vs. "Shelo l'dirah"**: If it is **hukaf l'dirah** there is no problem — even a very large palace is a reshut hayachid without any limitation. The entire law of beit sa'atayim only applies to **mukaf shelo l'dirah**.

2. **Meaning of "l'aver"**: "Kdei tashmeesho l'aver" means **guarding/watching** (one makes mechitzot so animals/people shouldn't run in), or **relaxing** (one goes there to stroll, not to live).

3. **The double law — stringency and leniency**: The place is **biblically a reshut hayachid** (because it has mechitzot of 10 tefachim). The **stringency remains**: carrying out from reshut harabim to there is biblically liable. But **rabbinically**

the Sages forbade carrying within it (if larger than beit sa'atayim), because it receives a **law of karmelit** regarding carrying within it.

4. **Explanation why the Sages treated it like a karmelit: Reshut hayachid/reshut harabim is not literally "private"/"public" — it has to do with how it looks.** A large mukaf shelo l'dirah **looks like reshut harabim** — it's large, one doesn't live there, one moves around there like in a karmelit. It doesn't look like a private dwelling, therefore the Sages treated it like a karmelit regarding carrying.

Amud She'gavoah Asarah V'rachav Beit Sa'atayim

The Rambam's Words

A large platform (amud) that is ten tefachim high and wide up to beit sa'atayim — one may carry in all of it. More than beit sa'atayim — only four amot.

Explanation

A high platform receives the law of reshut hayachid biblically (because it is ten high), but the Sages limited the carrying to beit sa'atayim. More than beit sa'atayim it receives the law of karmelit regarding carrying within it.

Chiddushim

- The term "amud" doesn't mean a narrow pillar, but **any raised area** — an entire island, a platform, a wide stone. It can also be a charitz (sunken area) or a luach. The Rambam counts in each halacha the different ways it can become a reshut hayachid: (1) mechitzot, (2) amud (raised area), (3) luach — all three are ways to receive the law of reshut hayachid.

Sela Shebayam — Rock in the Sea

The Rambam's Words

A sela in the sea: if less than ten — it is nullified to the sea (karmelit), one may carry from it to the sea and from the sea to it. If ten high and wide up to beit sa'atayim — reshut hayachid, one may carry in all of it, but it is forbidden from it to the sea and from the sea to it. If ten high but more than beit sa'atayim — even though it is a reshut hayachid, since it is forbidden to carry in it except four amot like a karmelit, it is permitted to carry from it to the sea and from the sea to it.

Explanation

Three examples of sela in the sea:

1. **Less than ten** — karmelit like the sea itself.
2. **Ten high, up to beit sa'atayim** — complete reshut hayachid, with leniency (one may carry in all of it) and stringency (not carrying to/from sea).
3. **Ten high, more than beit sa'atayim** — receives the law of karmelit for leniency (permitted from it to sea) and for

stringency (only four amot within it).

Chiddushim

1. **Question:** Why by sela in the sea more than beit sa'atayim do we give only one stringency (four amot within it) but not both stringencies (both not carrying within it and not carrying to sea)? By a normal karpef more than beit sa'atayim we have both stringencies!

2. **Answer — davar she'eino matzui lo gazru bei:** Chazal didn't decree both stringencies because it is a "davar she'eino matzui." The **Rashba** brings that the meaning of "davar she'eino matzui" is **not** that such rocks don't exist in the world (there are thousands of them), but that **it is not common for a person to carry from a ship to the rock and from the rock to a ship**. That is, the act of carrying between the sela and the sea is not an everyday thing.

3. **Parable of the elephant:** A proof is brought from the blessing "meshaneh habriyot" on an elephant — even though there are many elephants in the world, for the individual person it is not matzui. "Matzui" is measured relative to how many people encounter it, not how much it exists in the world. **But the chavruta doesn't agree** with this parable, because by a rock near a city it is matzui for the city residents.

4. **The main explanation (Raavad/Rashba):** "Davar she'eino matzui" means that the **act of carrying** from ship to sela is not a regular thing. The principle of the Sages' decrees is: they only decree on things that happen often, where it can lead to a breach. Something that happens rarely — "lo gazru bei."

5. **Another question:** Why didn't the Sages do the **opposite** — leave the law of reshut hayachid (not carrying to sea) and remove the decree of karmelit (four amot)? **Answer:** What one carries **within it** is a "tamid" thing, a normal thing — on that the stringency remains. The "crazy" person who goes to take from sela to sea — **that** they permitted because that is the davar she'eino matzui.

6. **Coherence of the Sages' enactment:** The Sages made a coherent law — when it receives the law of karmelit, it receives **both** — leniency (permitted from it to sea) **and** stringency (only four amot within it). One doesn't make contradictions within it.

Shiur Beit Sa'atayim — Calculation

Explanation

Beit se'ah = 50 amah × 50 amah = 2,500 square amot. Beit sa'atayim = 5,000 square amot. If square — **seventy and a bit × seventy and a bit** amah.

Chiddushim

1. The square root of 5,000 is an irrational number — it cannot be expressed precisely. The Rambam therefore says "seventy and a bit" (70 with a remainder).

2. The expression "**b'makom sheyesh bo shevira**" / "**b'bishvira**" / "**b'tashboret**" means: even if the area is not a straight box, but an irregular shape, one calculates the area — if one can extract 5,000 square amot, it is beit sa'atayim. The word "tashboret" comes from shevira/brokenness — that is, the area as it is, even broken/irregular. The Gemara speaks of "igul" (circle) — "bishvira" means one calculates the area of whatever shape it is.

3. This is an **area problem**, not a **circumference problem**. The conversion from a rectangle (100×50) to a square with the same area doesn't have a simple formula — one can't simply double one side, because then the area becomes four times larger.

Arko Kishnayim B'rochbo — Like the Courtyard of the Mishkan

The Rambam's Words

"A place not enclosed for dwelling that contains beit sa'atayim — if its length is twice its width, like the courtyard of the Mishkan, it is permitted to carry in all of it." But "if its length is more than twice its width, even one amah — one may carry in it only four amot."

Explanation

A place that is mukaf with mechitzot but not hukaf l'dirah, up to beit sa'atayim one may carry — but only when the length is exactly twice the width (100×50, like the courtyard of the Mishkan). If the length is more than twice the width, even slightly, it becomes a karmelit and one may only carry four amot.

Chiddushim

1. **Source of the shiur beit sa'atayim:** The entire heter of beit sa'atayim comes from **the courtyard of the Mishkan**. All laws of hotza'ah are learned from carrying vessels from the Mishkan (reshut hayachid) to the desert (reshut harabim). The courtyard of the Mishkan was exactly beit sa'atayim (100×50), and this is the source why up to beit sa'atayim is permitted.

2. **Question: Is the Mishkan "hukaf l'dirah"?** The verse "v'shachanti b'tocham" is brought up — which could make the Mishkan "hukaf l'dirah." But it is not maintained as proof, because the law is rabbinical.

3. **Two conditions for the heter of carrying in a place not hukaf l'dirah:** There are **two conditions:** (a) the area may not be larger than beit sa'atayim (5,000 square amot), (b) the length may not be more than twice the width. Even when the area is smaller than beit sa'atayim, if the length is more than twice the width — it is forbidden.

4. **Dispute: Does the condition of arko kishnayim b'rochbo apply only at exactly beit sa'atayim, or also when smaller?** The **Sha'ar Hatziyun** (brought by R' Avraham Domb) says that the condition of arko kishnayim b'rochbo applies only when it is **exactly** beit sa'atayim. When smaller than beit sa'atayim it is simply permitted without this condition. This fits with the language of the Rambam "makom sheyesh bo kamidah hazot" — which means exactly this measure.

5. **Question on this approach:** If the condition applies only at exactly beit sa'atayim, it's difficult — because when smaller than beit sa'atayim one could have a very long narrow area, which doesn't look like a courtyard at all. This is not finally resolved.

Paratz V'gadar L'shem Dirah — How to Make a Place Shelo Hukaf L'dirah into Hukaf L'dirah

The Rambam's Words

"A place that was enclosed not for dwelling — if one made a breach in it of more than ten amot at a height

of ten tefachim and closed it for dwelling — it is permitted to carry in all of it. Even if one breached one amah and closed it for dwelling, [and then breached another amah and closed it for dwelling], until completing more than ten — it is permitted to carry in all of it, even if it contains several mil."

Explanation

A place that is mukaf with mechitzot shelo l'shem dirah can be converted to "hukaf l'dirah" by making a breach of more than 10 amot in the old mechitzot (which nullifies them) and then rebuilding for dwelling. This applies even when done bit by bit — one amah at a time.

Chiddushim

1. **Mechanism of this heter:** The principle is that a breach of more than 10 amot nullifies the old mechitzot. When one rebuilds, this is a new construction for dwelling, and this makes the entire place "hukaf l'dirah."

2. **Chiddush — bit by bit (one amah at a time):** We don't say that each amah is nullified by itself (because a one-amah breach doesn't nullify mechitzot). We look at the cumulative result — when all the small breaches together are more than 10 amot, and all were rebuilt for dwelling, that is enough.

3. **No size limitation on the place:** When the place is already "hukaf l'dirah" through this correction, it is permitted to carry in all of it **even if it is several mil** — because the law of beit sa'atayim only applies to shelo hukaf l'dirah.

Law of a Place That Was Hukaf L'dirah But Its Majority or Minority Was Planted

The Rambam's Words

A place that was indeed hukaf l'dirah, but if its majority was planted — it is forbidden to carry in all of it. If its minority was planted — it depends: if the planted portion is less than beit se'ah (the planted part is smaller than beit se'ah) — it is permitted to carry in all of it. But if the planted place was more than beit se'ah — even though it's a minority — it is forbidden to carry in all of it.

Explanation

When the majority of a mukaf-l'dirah place becomes a field, the entire place is nullified — even the part that is still for dwelling also becomes forbidden, because everything is around the same mechitzot. By a minority: a small field (up to beit se'ah) is nullified to the dwelling. But a field larger than beit se'ah is a "significant field" and is not nullified — and it nullifies even the majority that is dwelling.

Chiddushim

1. **A field (sadeh) is not a dwelling** — this is the principle. A sadeh has a law like a karmelit when it is shelo hukaf l'dirah.

2. **Nullification applies to the entire mechitzah-content:** There is no law that is only partial — either the entire place is permitted or the entire is forbidden, because everything is around the same mechitzot.

3. **Beit se'ah is the measure of significance for a field:** A field smaller than beit se'ah is nullified to the dwelling part. But a field larger than beit se'ah is significant enough that it nullifies even a majority that is dwelling.

4. **Interesting question:** Why should a minority that is more than beit se'ah nullify a majority? There is no clear

reason for this — it's simply how the entire law of beit se'ah works.

Distinction Between Planted Grain and Trees

The Rambam's Words

If trees (neti'im) — its majority was planted — it is like a courtyard, and one may carry in all of it.

Explanation

Trees don't nullify a courtyard/dwelling, because it's normal for a person to have trees in his courtyard for dwelling (for beauty). But grain (planting) nullifies, because a field is not a house.

Chiddushim

- **Distinction between planting/trees:** Planting always means grain, trees always means trees — as we learned by the melachah of planting.

- **Trees are part of dwelling life:** The principle is that trees fit a courtyard for dwelling, but a grain field doesn't fit.

Law of Water in the Mukaf-L'dirah Area

The Rambam's Words

Water in the area, even very deep — if it is suitable for use (one can use it, wade in it, or use it for beauty) — it is like trees, and one may carry in all of it. And if it is not suitable — one may carry in it only four amot.

Chiddushim

- **Water suitable for use = like trees:** Just as trees are normal for beauty in a courtyard, so a water basin (pool) is normal for beauty in a dwelling.

- **Water not suitable = karmelit:** When the water is not clean or not accessible, it becomes like a karmelit with only four amot.

- **Limitation:** This only applies when the essence of the place is for dwelling initially. If the place is initially mukaf to be a lake (like gardens and orchards), it doesn't help at all — it depends what the purpose of the place is.

Law of Kiruyo Matiro — A Roof Permits the Area

The Rambam's Words

A place that was enclosed not for dwelling that contains three se'ah and one roofed a se'ah of it — its roofing permits it.

Explanation

The roof creates a mechitzah through the principle "**sefat tikrah yored v'sotem**" — we view the edge of the roof as going down and closing like a wall. This separates the covered part (beit se'ah) with its own "walls," and what remains open is only beit sa'atayim — which one may carry.

Chiddushim

- **Sefat tikrah yored v'sotem** is one of the laws of mechitzot (like lavud) — a roof is viewed as having walls.

- The Rambam uses here for the first time the word **karpaf** — until now he hasn't used it.

V'nifratz B'milu'o L'chatzer — Karpaf That Opens to a Courtyard

The Rambam's Words

When a karpaf (place hukaf shelo l'dirah) is breached in its entirety to a courtyard — the wall between the karpaf and a courtyard (hukaf l'dirah) falls away, and also the courtyard is breached opposite it (the courtyard's wall from the other side also falls away) — the courtyard remains permitted as it was, and the karpaf remains forbidden as it was.

Explanation

Two problems: (1) the beit sa'atayim now becomes larger because it's open to the karpaf; (2) the courtyard has a large breach. The law is: the courtyard remains permitted because the karpaf is only a rabbinical stringency (not truly open to a karmelit/reshut harabim), and the karpaf remains forbidden.

Chiddushim

1. The karpaf is sufficient mechitzah for the courtyard: Regarding the courtyard, the karpaf serves as a mechitzah — it's not open to reshut harabim, only to a place that is essentially a rabbinical stringency.

2. We don't say that the courtyard permits the karpaf: One could make a calculation that the beit sa'atayim remains beit sa'atayim, and the courtyard is permitted, therefore everything should be permitted — but we don't say this. The karpaf remains forbidden because it now has no walls around it, and it's larger than beit sa'atayim. **"Even though the courtyard permits it"** — we don't say that the courtyard's heter spreads to the karpaf.

3. The karpaf helps the courtyard, but the courtyard doesn't help the karpaf. The reason: the karpaf was previously completely separate with a separate wall. Only after the wall fell away did it become breached. In such a case the karpaf doesn't become permitted. But if the karpaf had been built from the beginning together with the courtyard — open to a place mukaf l'dirah — it would perhaps look like a larger courtyard, even larger than beit sa'atayim, and would perhaps be nullified.

Mi'ut Beit Sa'atayim — How to Make a Karpaf Smaller Than Beit Sa'atayim

Trees Are Not a Reduction

Rav Huna said in the name of Rav: If one has a karpaf larger than beit sa'atayim (which receives a rabbinical law of karmelit), and one wants to make it smaller — **trees are not a reduction** — planting trees doesn't make the area smaller.

Amud B'tzad Hakotel

But if one built an amud next to the wall, ten high and three wide or more — this is a reduction. If one builds an amud next to the wall, ten tefachim high and three tefachim wide, this is indeed a reduction — the place becomes smaller than beit sa'atayim, and one may carry.

But less than three is not a reduction — because **anything less than three is like lavud** — less than three tefachim from the wall is considered like the wall itself (lavud), therefore one has added nothing.

Mechitzah Harechukah Min Hakotel

If one distanced from the wall three and made a mechitzah — it reduces. If one moved three tefachim away from the wall and made a mechitzah, this is a reduction. **But**

less than three — one has done nothing, the same law of lavud.

Tach Et Hakotel B'tit

If one plastered the wall with clay — even if it cannot stand by itself — this is a reduction. If one smeared clay on the wall, even if the clay cannot stand on its own, this is a reduction — because one has actually made the wall thicker, and the area has actually become smaller.

Chiddush — The Distinction Between Amud/Mechitzah and Plastering with Clay

By an amud or mechitzah next to the wall one needs at least three tefachim wide/away, because less is lavud. But by plastering with clay — where one makes the wall itself thicker — no measure is needed, because one has actually enlarged the wall. The reasoning: an amud or mechitzah that stands next to the wall is not connected to the wall, and is also not large enough to be a wall by itself — therefore it's as if one places something in the middle (like trees, which doesn't make the area smaller). But when one makes the wall itself thicker, one has actually made the area smaller.

Tel K'mechitzah — Mechitzah on Top of Mechitzah

The Principle: Tel Becomes a Mechitzah

A **tel** (mound) that is ten tefachim high can serve as a mechitzah, and the place on top of the tel becomes a reshut hayachid. If the place on top is **larger than beit sa'atayim**, it becomes a karmelit (not a reshut hayachid), because it is shelo hukaf l'dirah.

Mechitzah on the Tel — Hirchik Min Hatel Shloshah V'asah Mechitzah

If one distanced three tefachim from the edge of the tel and made a mechitzah inward — it reduces, it helps. One begins to calculate the beit sa'atayim from where the mechitzah stands, and if the area is now smaller than beit sa'atayim, it is permitted.

Asah Mechitzah Al Sefat Hatel — Mechitzah on Top of Mechitzah Doesn't Help

But if one made a mechitzah on the edge of the tel — that is, one simply made the edge of the mound higher — **it doesn't help**. The reason: the tel itself is already a mechitzah, and **mechitzah on top of mechitzah doesn't help**.

Chiddush

One would have thought that a tel is not really a mechitzah (it's a natural mound), therefore one should be able to add a mechitzah on it. Comes the chiddush that the tel is indeed viewed as a mechitzah, and adding a mechitzah on it is mechitzah on top of mechitzah, which doesn't help. The distinction: making a mechitzah **inward** on the tel (distanced from the edge of the tel) — helps, because one makes the area smaller. Making a mechitzah **on the edge of the tel** — doesn't help, because it's mechitzah on top of mechitzah.

Rechavah She'achorei Habatim

The Rambam's Words

A rechavah (open space behind the houses) that is larger than beit sa'atayim — one may not carry in it more than four amot, even if there is an opening from a house to the space. But if one first opened the

opening and then made the enclosure — it is like hukaf l'dirah and it is permitted to carry in all of it.

Explanation

A rechavah behind the houses is not like a courtyard (which is in front of the house and is used for household purposes). The rechavah is treated as not mukaf l'dirah, even when a door is open to it. The distinction is: if one first opened the opening and then made the mechitzot — then it is considered built for dwelling (like a courtyard), and one may carry.

Chiddushim

- **Distinction between courtyard and rechavah:** A courtyard is in front of the house and is used for household purposes. A rechavah is behind the houses — perhaps one strolls there, but one doesn't use it for practical things. Therefore a rechavah larger than beit sa'atayim has a law like a karmelit.

- **Chiddush that even with an open opening:** We don't say that because the opening is open to the house it means mukaf l'dirah. The order of building is critical — only when one first opened the opening and then built the mechitzah, is it considered for dwelling.

- **The reasoning:** It's not just a question of goal/intention, but a law — the order of building (opening first, enclosure afterward) determines the status.

Rechavah Open to the City from One Side and to the River Path from the Other Side

The Rambam's Words

A rechavah that is open from one side to a mavoy (reshut hayachid/city) and from the other side to a path that leads to the river — one makes a lechi from the city side, and one may carry from the rechavah to the city and back.

Chiddushim

- **Difficult question:** Why must one specifically mention the river? A lechi should help without the river too! And from the river side (karmelit) one may not carry anyway.

- **Possible answer:** The river makes the rechavah become part of the city's use — people go through the rechavah to bring water from the river. This gives the rechavah a level of use/dwelling.

- **Conclusion:** It remains unclear. This is one of the cases where the Rambam brings a case from the Gemara as it is, and information is missing to understand the full mechanism.

Yachid U'shnayim She'shavtu Babik'ah — Law of Shayara

The Rambam's Words

An individual who spent Shabbat in a valley and made a mechitzah around — if it contains up to beit sa'atayim it is permitted to carry in all of it, and if it exceeds beit sa'atayim it is forbidden. And so too two. But three Jews or more who spent Shabbat in a valley — they are a shayara, and it is permitted for them to carry all they need even several mil. Condition: that there not remain in the mechitzah a beit sa'atayim empty without vessels. If yes — it is forbidden to carry except four amot.

Explanation

A valley is a karmelit. One or two who make a mechitzah — up to beit sa'atayim they may carry, no more (because it is not mukaf l'dirah). But three or more receive a law of "shayara" (caravan) and may carry even several mil, on condition that every beit sa'atayim should have vessels in it.

Chiddushim

1. **Shulchan Aruch's distinction:** The Shulchan Aruch says that the prohibition by more than beit sa'atayim is only by a weak mechitzah. The Rambam doesn't bring this distinction.

2. **Reasoning of shayara:** For a large group, beit sa'atayim is not a large area — it no longer looks like a karmelit but like a dwelling. Because a shayara needs more space (camels, packs, sacks), the entire area they use is considered mukaf l'dirah.

3. **Slight contradiction:** First the Rambam says "even several mil" (implying unlimited), and then he sets a condition that every beit sa'atayim must have vessels. This is a slight contradiction — because "several mil" sounds unlimited, but the condition of vessels practically limits it. **Answer:** A shayara indeed has enough vessels and packs to fill the area, because they travel with merchandise.

4. **"Empty without vessels":** This doesn't mean one can simply place one vessel every ten feet. It must be that the area is actually used — "tzrichin lehu" — they need the area. If they don't need the area (beit sa'atayim empty), it becomes forbidden.

5. **Law of if one of them died:** If one of the three dies in the middle of Shabbat — because at the entrance of Shabbat they were three, the law of shayara remains in effect. The status is established at the entrance of Shabbat.

6. **Minors:** Minors don't count toward the count of three for shayara — it must be three adults.

Three Places Mukafin Next to Each Other and Open to Each Other

The Rambam's Words

If two of the outer ones are wide and the middle one is narrow — so that the two outer ones have strips on both sides — they become like a shayara, permitted to carry. If the middle one is wide and the two outer ones are narrow — we don't give them all they need but each one has only beit sa'atayim.

Explanation

Three places that are open to each other. When the two outer ones are wide and the middle one is narrow, it turns out that the outer ones have strips (pieces of wall) from both sides — we view them as one shayara. When the opposite (middle wide, outer ones narrow), each receives only beit sa'atayim.

Chiddushim

- If **two in the middle** (two people in the middle one) **or two in this one and two in that one and one in the middle — we give them all they need.** The principle is that one must calculate that three people meet together in one place.

Halacha 2 — Principles of Mechitzah

Mechitzah That Cannot Stand in a Common Wind

Any mechitzah that cannot stand in a common wind — is not a mechitzah.

A mechitzah that is too weak and will fall from a normal wind, is not a mechitzah.

Mechitzah That Is Not Made to Remain

**And any mechitzah that is not made to remain — is not a mech

Mechitzah That Is Not Made to Remain

And any mechitzah that is not made to remain — is not a mechitzah.

A mechitzah that is not made to stay — is not a mechitzah. The explanation: **for permanence** — that the mechitzah should remain there. A temporary mechitzah (a collapsible mechitzah, a temporary structure) is not a mechitzah.

Mechitzah That Is Made Only for Privacy

And any mechitzah that is made only for privacy — is not a mechitzah.

A mechitzah that is only made for privacy (for dressing/undressing), not to enclose a place — is not a mechitzah.

Mechitzah That Is Not Ten Tefachim High

And any mechitzah that is not ten tefachim high or more — is not a complete mechitzah.

A mechitzah that is not ten tefachim high is not a complete mechitzah — it becomes a karmelit but not a reshut hayachid. The case of **goder chamishah v'chakak chamishah** is also discussed — when one digs five tefachim below the ground and builds five tefachim above, together ten.

Parutz Merubeh Al Ha'omed

The Rambam's Words

Any mechitzah that has parutz merubeh al ha'omed — is not a mechitzah.

Explanation

When the breaches (open places) are more than the standing part of the mechitzah — it is not a mechitzah.

Chiddushim

1. When **parutz and omed are equal** (shaveh) — there is a dispute, but it is valid.

2. **A breach that is more than ten amot** — one breach larger than ten amot **nullifies** the entire mechitzah.

3. **Ten amot** itself — **is like an opening** (like a door) and does not nullify, **provided it has a tzurat hapetach** — one needs a tzurat hapetach (two side posts with something on top).

4. With a **tzurat hapetach** — even **more than ten amot** is valid.

5. **However:** if **parutz merubeh al ha'omed** — a tzurat hapetach **does not help!** This is a **major chiddush in the Rambam's approach.**

6. **Chiddush regarding modern eruvin:** According to the Rambam's approach, our modern eruvin that consist primarily of tzurat hapetach (wires between posts) — where there is certainly parutz merubeh al ha'omed — **doesn't help.** Therefore, whoever wants to be a "great Rambamist" should not rely on such eruvin. (Of course other Rishonim disagree.)

Lavud by Mechitzot

The Rambam's Words

We are speaking of a mechitzah when the breaches are three tefachim or more... but if the breaches were each less than three, this is a mechitzah even if parutz merubeh al ha'omed, because anything less than three is like lavud.

Explanation

The principle of parutz merubeh only applies when each breach is three tefachim or more. If each breach is less than three tefachim, it is **lavud** — we view it as closed, even when parutz merubeh al ha'omed.

Chiddushim

1. **Kanim** (reeds): if between every two kanim is less than three tefachim — it is a complete mechitzah.

2. **Chavilin** (bundles): the same principle.

3. **Sheti blo erev or erev blo sheti** — one needs only one (only horizontal or only vertical), not both.

4. Even when there are a full three tefachim empty in one direction (on top or on the side) — it is still a complete mechitzah, because one needs only sheti or erev.

5. **And the kaneh must be ten high** — the kanim must be ten tefachim high, or **from the ground to the end of the thickness of the upper rope ten** — by ropes, from the ground to the uppermost rope together ten tefachim.

Tzurat Hapetach — Details of the Laws

The Rambam's Words

The tzurat hapetach mentioned everywhere — a kaneh on one side and a kaneh on the other side and a kaneh on top of them. The height of the two lechayim is ten tefachim or more. It requires two kanim that are suitable to receive a door, even a door of straw.

Explanation

A tzurat hapetach consists of two side posts (lechayim) with a kaneh on top. The lechayim must be at minimum ten tefachim high. The kanim must be strong enough to hold a door — even a minimal door of straw.

Chiddushim

- The Rambam calls the side posts of a tzurat hapetach "lechayim" — which usually means a lechi without a tzurat hapetach. Here "lechi" means like a mezuzah/side post. One should not confuse this with the regular concept of lechi.

- Even if the two lechayim are far from each other ("several amot"), it is valid as long as both are ten tefachim high with a kaneh on top.

Petach of Tzurat Kipah (Arched Opening)

The Rambam's Words

If the length of the legs of the arch is ten tefachim — this is a tzurat hapetach.

Explanation

By an arched opening, if the "feet" of the arch (the straight part on both sides) have ten tefachim, it is a valid tzurat hapetach.

Chiddushim

- If the entire structure is arched, one could argue that there is no full ten tefachim high. But the Rambam says that we look at the "legs of the arch" — the straight part from below.

- A question remains: Must the straight part be ten tefachim, or do we also count the arched part? The explanation is "from before the opening begins to curve" — the straight part until where it begins to become arched. But it is not stated clearly in the Rambam.

Tzurat Hapetach Min Hatzad

The Rambam's Words

A tzurat hapetach that one made from the side — is nothing. And similarly if one made it in the air in the middle.

Explanation

A tzurat hapetach that is made on the side (not in the middle of the wall) is invalid. Also in the middle in the air (without a piece of wall) is invalid.

Chiddushim

- Other approaches have different explanations of "min hatzad."

- A tzurat hapetach must be in the middle of a wall — like a normal door.

B'chol Osin Mechitzah — Materials for a Mechitzah

The Rambam's Words

With anything one makes a mechitzah, whether with vessels, whether with food, whether with a person, even with an animal, beast, or bird. And they must be bound so they won't move.

Explanation

One can make a mechitzah from anything — vessels, food, people, animals, beasts, birds. Only animals/beasts need to be tied (kofin) so they won't move.

Chiddushim

- By a person it's not clear if one needs to bind him — a person can restrain himself, but an animal will run away.

- A person doesn't need to stand an entire Shabbat — only for a few minutes.

Mechitzah Ha'omedet Me'elehah / Na'aseit B'Shabbat

The Rambam's Words

A mechitzah that stands by itself is valid. A mechitzah that was made on Shabbat — if it was made inadvertently it is permitted to carry in it until the end of Shabbat. And this is when it was not made with the knowledge of the one carrying.

Explanation

A mechitzah that stands by itself (not specially built) is valid. A mechitzah made on Shabbat inadvertently — one may use it, but not if it was made for the person who wants to carry.

Chiddushim

- Even inadvertently, if the maker had in mind the specific person who needs the mechitzah, it becomes forbidden — this is a penalty.

- If one intentionally made a mechitzah but not for the one carrying, or inadvertently for a second person — the one

carrying may use it.

Mechitzah Me'adam B'Shabbat

The Rambam's Words

It is permitted to make a mechitzah from people on Shabbat, that one should stand them side by side, provided one doesn't inform those standing that it is in order to make a mechitzah that one is standing them. And the person who wants to use this mechitzah should not stand them, but another should stand them without his knowledge.

Explanation

One may position people as a mechitzah on Shabbat, but: (1) one may not tell them that they are standing there as a mechitzah, (2) not the person who needs the mechitzah should position them, but a third party.

Chiddushim

- **Why may one not tell them?** Because if they know, it becomes similar to "boneh kli" — one positions them with "torat mechitzah." Without knowing, the person is simply a person standing there, and one uses him as a mechitzah.

- **Why not the one carrying himself?** Because he is "busy making mechitzot" — it is more similar to boneh when the person who needs it is the one organizing it.

- **The practical method:** One sends a messenger, he tells the people to stand there, without explaining why.

Ilan She'mityasher Al Ha'aretz — A Tree That Bends

The Rambam's Words

A tree that bends over the ground, if it is not three tefachim high from the ground — one fills between its branches with straw and hay, and ties it and tightens it until it stands in a common wind and doesn't sway, and one may carry under it. And this is when there is under it up to beit sa'atayim.

Explanation

A tree that bends over the ground, if its branches are not higher than three tefachim from the ground (lavud), one can insert straw between the branches, tie it, and it becomes a mechitzah. One may carry under the tree, up to beit sa'atayim.

Chiddushim

1. **Question:** If it's already within three tefachim (lavud), why does he need to fill it with straw and hay at all? The lavud itself should be enough!

2. **Answer (from Perush Hamishnayot):** The filling is not about lavud to the ground, but so that the branches won't move in the wind — "koshro u'mahdiko" makes it stable.

3. But it remains not entirely clear — the "koshro u'mahdiko" itself should be enough for stability, so what does the "filling" do?

4. The measure of **beit sa'atayim** is applied as learned earlier — larger than beit sa'atayim doesn't help, because it is shelo hukaf l'dirah.

5. According to the **Perush Hamishnayot** the measure of "l'malah" (the height of the mechitzah) is also connected to the concept of "**shelo yirbu**" — so that one won't jump too much. But this remains **unclear**.

Summary of Chapter 16 – Two Main Laws

The chapter deals with two main topics:

1. **Halacha 1:** A **place not hukaf l'dirah** that is larger than **beit sa'atayim** — one may not carry more than four amot on Shabbat, and this is a **rabbinical decree**. Including all the details: the measure of **beit sa'atayim**, **arko kishnayim b'rochbo**, **paratz v'gadar l'shem dirah**, planted

majority/minority, trees, water, kiruyo matiro, breached to a courtyard, reduction of **beit sa'atayim**, **tel as mechitzah**, **rechavah** behind houses, law of **shayara**.

2. **Halacha 2:** What is a **mechitzah** — the details of **mechitzah**: standing in a common wind, made to remain, not only for privacy, height of ten **tefachim**, **parutz merubeh al ha'omed**, breach of more than ten amot, **tzurat hapetach**, **lavud**, materials for **mechitzah**, **mechitzah** from a person, **mechitzah** made on Shabbat, tree that bends over the ground.

Full Transcript

Rambam Hilchot Shabbat Chapter 16 – A Place Not Enclosed for Dwelling

Introduction to the Chapter

Speaker 1: We are learning Rambam, Hilchot Shabbat, in Sefer Zemanim, Chapter 16. We are in the middle of learning a beautiful, large chunk of Hilchot Shabbat about the melacha of **hamotzi m'reshut l'reshut** (transferring from domain to domain), like the last few chapters and the coming few chapters.

Before we continue, we must praise those who support our shiur, and at their head the main supporter of our shiur, our dear friend, the generous Rabbi Yoel Halevi Wertzberger, who supports our shiur, and may it be granted that he should support our shiur physically, meaning he should attend the shiur, not physically but with his wealth, with his mind, with listening, and by sharing with other people. It's a tremendous shiur, **baruch Hashem** they have already finished, with the coming shiur they will have learned most of Hilchot Shabbat. Yes, right? Yes, very good.

Summary of Topics Already Learned

So, as we've seen here a bit, we learned the essential prohibition of **hotza'ah**, how one may not carry out. And afterwards the Chachamim added two more domains, as they are called the four domains for Shabbat, two are **d'oraita** and two are **d'rabbanan**. I can call it that, meaning **karmelit**, the **makom patur** is not **d'rabbanan** either, it's not, which is permitted, but mainly **karmelit**. And they also added, we learned in the previous chapter, various ways that one may not carry, for example when one is in one domain carrying to another domain, or ways that one domain runs through another domain, for example **reshut hayachid** runs through a **karmelit** and the like, such types of decrees.

Topic of the Chapter: A Place Enclosed Not for Dwelling

And now we're going to learn about situations that are ostensibly from the essential law, **d'oraita**, should be a **reshut hayachid**, like a place that is enclosed, enclosed with partitions, but because it's not enclosed for dwelling, or we'll see other situations, that it has a breach, even a place that has partitions, sometimes it doesn't have the status of **reshut hayachid**. That's the essence, I think that the main topic of the chapter, it's a whole long chapter, but I think almost the whole thing speaks about such types of things, how it can be something that has a partition but it's not a valid partition. That's the content.

Digression: Question on the Rambam's Order – D'oraita and D'rabbanan

One must truly ask, I'm sure someone has already asked this question, that the Rambam is very careful to separate **d'oraita** and **d'rabbanan**. He wrote all 39 **melachot** first with the **d'oraita**, and only later, in chapter... do you remember which chapter? After a few chapters he begins to say that there are **shevutim** from all the 39 **melachot**. But here in these laws, it's already the second or third chapter where most of the laws are **d'rabbanan**. That is, in general the law of **karmelit**, why did he have to write this in a separate place? Perhaps **hotza'ah** is an exception, or perhaps there's some approach to this order. Do you understand what I'm asking?

Speaker 2: Yes.

Speaker 1: Ah, interesting. I just want to see, let's check. **Hamotzi...** where. So basically, **Hilchot Hotza'ah** goes until Chapter 19. After that Chapter 20 speaks about **shevitah behema**, it's a separate prohibition or something. And afterwards begins in Chapter 21 the topic of **shevut**, and the Rambam goes through all 39 **melachot**, in order, 21, 22, 23, that's all. But he actually doesn't go through all of them, let's see, until **mevarer**. So it's very interesting. So actually, the **d'rabbanan** laws of **hotza'ah** don't stand later in Chapter 23 where they would ostensibly belong. He already calculated all the **d'rabbanan** laws. Right. So it's interesting. So you perhaps have an exception to his order.

Discussion: Why Didn't the Rambam Separate D'oraita and D'rabbanan by Hotza'ah?

But **hotza'ah**, ostensibly actually because it's very difficult. The truth is, all **melachot** are truly difficult. I thought that perhaps it's that the Rambam goes a bit like the Mishna, because the Mishna first lists the 39 **melachot**, and afterwards it lists many details about **hotza'ah**, and afterwards it goes into details about certain of the 39 **melachot**. So the Rambam didn't want to just list the 39 **melachot** like a list, rather he wanted to give on each **melacha** a drop more, the shiur or the obligation.

Speaker 2: No, what do you mean to say, but the Mishna has very many laws of **hotza'ah** before "**ha'ofeh**". And the list... the Rambam made a list, his list is in Chapter 7. Afterwards he goes through, he says the laws of each one, not just a longer list. That's an expansion on the list. And after he finishes the list, he begins with the **hotza'ah** and **masa** and **matan**, like the Mishna which elaborates on this, and the Rambam continues on the...

Speaker 1: No, I don't agree. There's a problem, it's generally a problem what the Rambam did, and the Mishna has this distinction of **d'oraita** and **d'rabbanan**, I don't mean organized in this manner. The Mishna actually goes a bit like this, there's a list, afterwards it speaks a bit about the 39 **melachot**, but not in this order. One must learn the Mishna to see the Mishna's

order better. But what the Rambam separated d'oraita and d'rabbanan of Shabbat we've already learned initially very much, because every time he says "patur", the simple meaning is he's saying "forbidden d'rabbanan". That's not an indication that it's forbidden, that's the translation. "Patur but forbidden" he already said in the introduction in Chapter 1. And in general, all d'rabbanan laws are like "this thing" a bit more. It's very fine how he separated, he wanted to strongly separate and not write extra, but still it doesn't work out. And it seems that hotza'ah was simply impossible to do, so he didn't do it as we say. Okay.

Halacha 1: A Place Not Enclosed for Dwelling

Chapter 16. So here we're going to speak about places that should have been a reshut hayachid because they have partitions, but they have problems, the partitions have problems, and how one fixes the problems, and so on, yes?

The Rambam says thus: A reshut hayachid is a place that is enclosed with partitions. An enclosed with partitions exists when it's enclosed with partitions to be able to dwell there, like a house, or enclosed with partitions for other reasons.

Language of the Rambam

He says thus: "**A place that was not enclosed for dwelling**" – a place that was surrounded with partitions, but it wasn't surrounded with partitions so that it should be a private place, a separated place where one could dwell, rather "**in order to use it for air**". The partitions were made to protect the place. I don't know exactly what "for air" means. But not for dwelling... one uses it to air oneself out, that's what I think is the translation of "air". For example, he's going to say a garden, one goes there for air, and still one uses it for air, and not a place where one dwells. One airs oneself out. Perhaps... one knows... but one is going to protect the work of the place. That is, one puts there the walls to protect so that one shouldn't run in, because there is a garden there.

Speaker 2: Ah, you mean that it's not to guard the work? It's a matter of guarding, but it guards the work. It guards the... yes.

Speaker 1: Okay, maybe.

For example, one airs oneself out, the simple understanding isn't the translation. **For example, gardens and orchards, fields and orchards, and likewise one who encloses a place in the land to guard it**, he has an area on his... on his land, and he surrounds it with partitions so that people shouldn't wander there, whatever, to guard it, **and the like**.

So, he begins immediately with the place that was not enclosed for dwelling. That means thus, if it is enclosed for dwelling, there's no problem, even if it's a very large dwelling. A person builds a very large palace, it's a reshut hayachid. They remembered from Rashi, the language when the Rambam says, before reshut hayachid, a place enclosed for dwelling. Right, but when it's not enclosed for dwelling, then there are details when the partitions make it actually into a reshut hayachid and when not.

Law of Partitions in Gardens and Orchards

So, **if the height of the partitions is ten tefachim or more**, and it's a complete partition which is the measure of partitions ten tefachim, **this is a reshut hayachid**. Regarding what? Both... first there are the stringencies, yes.

So, it's a reshut hayachid for stringency, so **to obligate one who carries out and throws and passes**. Someone does

one of the three types of hotza'ah, through hotza'ah, throwing or passing, **from reshut harabim to this reshut harabim, he is liable**. Because the partitions make it into a reshut hayachid.

But the leniency that a reshut hayachid has, that in a reshut hayachid one may carry around, it's different from a reshut harabim where one may only carry within four amot, this leniency it doesn't have. **"One may not carry in all of them"**, one cannot carry in these gardens and orchards, **"unless it is a beit sa'atayim or less"**, only if it's not very large, and it's from a beit sa'atayim and smaller. **"But if it has more than a beit sa'atayim"**, if it's larger than a beit sa'atayim, even if it has partitions, but since the partitions don't make it truly into a house, the partitions are only made for guarding or so the animals shouldn't go out, **"it's forbidden to carry in it except four amot like a karmelit"**, one may only carry in it four amot, **"karmelit"** means d'rabbanan, one may only carry in it four amot.

Discussion: Explanation of "Like a Karmelit"

Speaker 2: That word "karmelit" goes on the whole thing, that it gets a status like a karmelit, and one may not carry in it except four amot. It means d'rabbanan, in other words, it gets a status like a karmelit, it becomes like a karmelit. The place d'oraita is a reshut hayachid, but the Rabbanan cannot be more lenient than reshut hayachid. The meaning, if you put something into it and you take out, you're liable d'rabbanan, you're liable. The stringency remains that it's a reshut hayachid.

Speaker 1: The leniency and the stringency d'oraita, it remains, you're right, there's a stringency, but it's essentially a reshut hayachid. The Chachamim say that regarding carrying within it, it's forbidden, like a reshut harabim, that means like a karmelit, which is a reshut harabim d'rabbanan, that one may not carry within it.

Explanation: Why Does It Look Like a Karmelit

Ostensibly, what's the simple meaning of this? Is there an explanation for this law? Because it looks like a karmelit, it looks like a reshut harabim.

Speaker 2: Yes, is it hard to understand? A bit, yes.

Speaker 1: I don't see what's hard to understand. There's a large area, it's just an old partition. One must explain that reshut hayachid and reshut harabim doesn't mean, it's never literal that reshut hayachid means a domain for one person and reshut harabim means a domain for many people, because if yes, then this is also a reshut hayachid. It means that it also has to do with how it looks. Reshut hayachid looks like a reshut hayachid, and reshut harabim looks like a reshut harabim. And this place looks like a reshut harabim, because a partition was made in reshut harabim. Because it's so large, it doesn't look like a dwelling, it doesn't look like a private place of a person, it doesn't look like a reshut hayachid, and because one walks there like a karmelit. One doesn't dwell there, it's a place where one wanders, and it's similar to reshut harabim which is a place where one wanders.

Hilchot Shabbat: Laws of Karmelit, Reshut Hayachid, and the Measure of Beit Sa'atayim

Halacha 2: A Pillar Ten High and Wide as a Beit Sa'atayim

Speaker 1:

The Rabbanan... reshut hayachid and reshut harabim means partitions, it never means anything other than partitions. That's from the essential law d'oraita. The Rabbanan say that such a large place, we already look at it like a karmelit, as if.

And likewise, the same thing is not just a makom patur, rather it's a large platform, a pillar, a platform **that is ten high and wide as a beit sa'atayim. Which is wide up to a beit sa'atayim, one may carry in all of it.** Because since it's a pillar ten high, it gets a status of reshut hayachid, and the law of reshut hayachid goes up to a beit sa'atayim. The Chachamim said, up to the width of a beit sa'atayim, one may carry in it, **more than a beit sa'atayim, it's only four amot.**

Speaker 2:

Yes, very good. Continue.

Sela Shebayam — A Rock in the Sea

Speaker 1:

A rock in the sea, he brings three examples of the same thing. A rock in the sea, in the middle of the water there's a large rock that sticks out like a mountain in the water.

Since it's less than ten high, if it's less than ten, one may carry... the sea is indeed a karmelit. So the rock in the sea, if it's not a very large rock, it's nullified to the sea, it's a karmelit. **One may carry from it to the sea and from the sea to it**, it's all karmelit, it's the same karmelit, actually one may not carry more than four amot, but within the four amot one may carry from the rock to the sea and so on.

But **since it's ten high**, if it is indeed ten high, it becomes a separate area by itself. So, **if its length is four tefachim up to a beit sa'atayim**, if it's under a beit sa'atayim, less than a beit sa'atayim, then it gets a status of reshut hayachid, **and since it's permitted to carry in all of it**, since it's permitted to carry in all of it, it gets a status, it's not like a karmelit where in a karmelit one may only carry like in reshut harabim less than four amot, it gets a status that one may indeed carry on it, because it's an area by itself, it becomes like a reshut hayachid.

And consequently, because I said like a reshut hayachid and I said it's permitted to carry in all of it, it also gets a stringency, because there can't be a contradiction within itself, you can't say that it's both a karmelit and also a reshut hayachid. It's a reshut hayachid, from the essential law d'oraita it's a reshut hayachid, yes, and the since, he says that it's permitted to carry in all of it. Yes, like the next law you saw. It gets a status like a reshut hayachid, and just as it gets a status of reshut hayachid for leniency that one may carry in all of it, it also gets the stringency that one may not carry from a karmelit to there or from there to a karmelit, and consequently from it to the sea one may not carry from the rock to the sea and not from the sea to the rock in the sea.

Since it's more than a beit sa'atayim, even though it's a reshut hayachid, if it's larger than a beit sa'atayim, even though it has a status of reshut hayachid, but **since it's forbidden to carry in it except four amot like a karmelit**, we spoke that a place that is larger than a beit sa'atayim gets a status like a karmelit, consequently since it gets a status of karmelit for stringency that one may only carry within four amot, one is also lenient that it also has the laws that the rock doesn't become like a reshut hayachid by itself, rather the rock gets a status like a karmelit, consequently **it's**

permitted to carry from it to the sea and from the sea to it.

Question: Why Not Both Stringencies?

Ah, he asks why? He asks, don't we have a law by us in another thing, always the karpaf has both stringencies actually. Both one may not carry from it, and one may not carry inside except four amot, right? So what's different here? What's different about the rock in the sea? The boundary of the rock in the sea is properly a place enclosed with partitions, it's high and tall and wide, only it's too large, and consequently one doesn't allow carrying inside. So why does one allow carrying from the sea into it, and vice versa? Why shouldn't one say that one should make both sides stringent? Just as it's essentially a reshut hayachid, only one is stringent, one should also have to make both sides stringent?

Answer: Something Uncommon They Didn't Decree About

He says that Chazal didn't make both sides the stringency, rather they did allow it with the leniencies of a karmelit, that it's like the water around, that it's called a karmelit, **it's permitted to carry from it to the sea, and from the sea to it.** Why? **Because it's something uncommon**, they did decree that one shouldn't carry from a karmelit to something that has a status of reshut hayachid, but this, since it's something uncommon that such a type of rock should happen to form in the sea, **the Rabbanan didn't decree.**

Discussion: What Does "Something Uncommon" Mean?

Speaker 2:

What does that mean? What does something uncommon mean? If there's one place, then that place is already something common. The Chachamim don't decree on things that don't happen. That's the whole prohibition of carrying. If there are four of them in the sea, it's something common, there are the four places, there's the rock, the rock doesn't move.

Speaker 1:

No, that's not the simple meaning. The simple meaning is, as the Rashba brings, that it's something uncommon that one should carry from the rock to the ship, and from the ship to the rock. Not because it's something uncommon that such a rock should form. Such a rock, where it exists, it exists today, one can determine with satellite that there are a hundred thousand such rocks. It's not something uncommon, the rock. It's something uncommon that one should carry from the ship to the rock, and from the rock to the ship.

Translation

"Matzui" means relative to how many people there are. Not matzui that there are five thousand in the world. There are also very many elephants in the world, yet every time a Jew encounters an elephant he makes a blessing "meshaneh habriyos." Why? Because in his house there aren't many elephants. He very rarely sees the sight of an elephant. But that's the meaning of davar she'eino matzui. A davar she'eino matzui is that a person should be carrying between this type of reshut hayachid and this type of karmelis.

Speaker 2:

Why? Why? Why is there a city that knows that next to the city there is this rock? Meaning, for the city it's not a davar she'eino matzui, the city knows that next to the city, on the

shore of Lod, there is such and such a rock. How does it become a davar she'eino matzui?

Speaker 1:

The answer of davar she'eino matzui is that it's not matzui that a person should carry from the ship to the rock.

Speaker 2:

Forget it already, but... I don't agree with your Torah about the elephant. The elephant is the elephant, and here we're talking about the rock, and it's not such a great davar she'eino matzui. And so says the Raavad, that it's not matzui that one should be carrying from the ship to the dry land.

Speaker 1:

I didn't want to interrupt you, I just want to explain the plain meaning of davar she'eino matzui. You, he's talking, the Rashba that you see, he's talking about a different problem, why does he do it backwards, why didn't they say, you answer with your Torah, why don't they say it backwards? If it's a davar she'eino matzui, there are two decrees, let them do it backwards, let them make it a reshus hayachid, and not make the new decree of karpef. It's seemingly a new decree. Therefore he says that they want it differently, because this is always, because this is a normal thing. The normal person who goes to take from the rock, that they permitted. That's what he comes to say with this.

The meaning of davar she'eino matzui is not that it doesn't happen in the world. Every thing that exists in the world, there are ten thousand of them. Davar she'eino matzui, and you can find another Torah about davar she'eino matzui lo gazru rabanan. Therefore I say this, because it's a rule, this is a rule, davar she'eino matzui lo gazru beih. Because it makes sense.

Why do the Chachamim make... I just want to know, why for a davar she'eino matzui is there no decree? What's wrong if it's not matzui? A decree from the Rabbanan, simply, the Chachamim see that every Shabbos people do this, gradually something becomes a breach, one thinks that one may carry in reshus hayachid, reshus harabim, right? That's the meaning. But something that happens, it's not a daily thing, one must travel on a sea on a ship and fight, and I don't know what. Then there are no decrees.

Now you have another question: which decrees should one remove? Because this is made entirely so there shouldn't be a contradiction. You see, the Chachamim felt... felt weird with this, so they made here a place that has the stringency of reshus hayachid and not the leniency of reshus hayachid. It's funny, that in this way they actually made it coherent. It actually has this leniency and not this stringency.

Speaker 2:

Not necessarily, because we see that the amud shegavoah asarah verochav arba al arba is also there's a specific case. Have you ever seen a pole on which one builds a huge structure of a beis sasayim?

Speaker 1:

Amud doesn't mean a pole. Amud just means to say, that just as they learned by every thing, the truth is it can even be by a ditch also. Meaning to say, that there are two ways how it can become a reshus hayachid, either through a mechitzah, or through an amud. True, there is a third way, it can also be a board. There are actually three ways besides a mechitzah, but we call all three, and every halachah he counted these two or

three ways how it can become a reshus hayachid. Maybe one drags a whole island, because it's a whole... amud one shouldn't mean a pole.

Speaker 2:

You're saying, it says the word amud, but it doesn't mean a pole.

Speaker 1:

But it's not a pole, it's some elevated area.

Speaker 2:

Okay.

Halachah 3: How Much is a Beis Se'ah?

Speaker 1:

How much is a beis se'ah? We discussed that the measure is up to beis sasayim. How much is a se'ah? **A se'ah is fifty amos by fifty amos**, it comes out that **beis sasayim in a place that has a broken shape**, in the... square, yes? Actually the whole thing, it means when you calculate everything together, it means even if it's not a box, not a straight box, but if you can make from it an area of five thousand amos...

Speaker 2:

What does bishvirah mean, in its brokenness?

Speaker 1:

Tishbores is, it comes from the word tishbores?

Speaker 2:

Yes, seemingly, its brokenness.

Speaker 1:

Let's... let's... it means even if it's not a straight stone, if it's a stone that sticks out... whatever shape it is, if you can extract from it five thousand amos... it's very simple, 50 amos by 50 amos is a beis se'ah, it's 100 by 50, 100 times 50 is 5,000, yes? It comes out 5,000 square feet. Therefore, **kol makom sheyesh bo**, it came out like this, generally when there is this measure of beis sasayim, 5,000 amos... **beis se'ah if it's square, seventy amos and a bit...**

Speaker 2:

How would it come out square? And we would come out that it should be seventy and seventy amos by seventy and seventy amos, if it's boxed.

Speaker 1:

The Gemara says "round", when it's circular, that means bishvirah. Whatever the shape is, somewhere it sticks out from a straight area. Which is that area? **This is called a beis se'ah.**

Speaker 2:

Ah, perhaps shvirah means in English is that.

Laws of a Place Not Enclosed for Dwelling - The Measure of Beis Sasayim and the Square Shape

Halachah 3: The Measure of Beis Sasayim in a Square - Seventy and a Bit Amos by Seventy and a Bit Amos

How will it come out square? Square will come out that it should be seventy and a bit amos by seventy and a bit amos. That's the box. But the beis se'ah is not a square shape, it's the area, the area of a large space, which is that area, it is then called beis sasayim.

Ah, some area is the meaning in English is "area". It's not the perimeter, the "circumference", but the "area". Right. The seventy and a bit is a problem, because it's very difficult, there is, everyone knows that there's no "rational" way of making a "square" larger. So, there isn't that yes, what is twice fifty amos by fifty amos? One hundred by fifty is a "rectangle". But how does one make from this a "square"? There's no "formula", no easy way to make it. The Rambam says seventy and a bit. Do you understand what I'm saying? How does one do it? It shouldn't be twice as large, because twice will already be four times. It's made smaller from one side and larger from the other side.

Right, how to calculate. To make both sides larger so it remains a "square", but it's very hard to find the exact "size". Okay, anyways, this is "math", "geometry".

Halachah 4: Its Length is Twice its Width - Like the Courtyard of the Mishkan

The Rambam says further, "**A place that was not enclosed for dwelling**", a place that has mechitzos, but the mechitzos are not for dwelling, "that has a beis sasayim", which we discussed that then it becomes a reshus hayachid, it becomes, the Chachamim make it like a karmelis, "if its length was twice its width", that is, the law is thus, beis sasayim makes it a reshus hayachid, but there is in this a condition, that "if its length was twice its width", if the length is exactly double the width, it comes out that it's one hundred by fifty, it comes out that the measure now becomes like a measure of one hundred by a measure of fifty, one hundred by fifty, "**like the courtyard of the Mishkan**", the "size" is like the measure of the Mishkan which was also one hundred by fifty, "**one may carry in all of it**". One may indeed carry in the entire thing, then there isn't the law that it becomes a reshus hayachid, it still remains a reshus hayachid.

Discussion: What is the Reason? Does it Have to Do with the Mishkan?

Speaker 1: What is the reason? Does it have to do with the Mishkan?

Speaker 2: I'm going to start explaining to you, come to the next one, okay, yes.

But if its Length was More than Twice its Width

But if its length was more than twice its width, but if it's not exact that the length is twice the width, but the length is more than twice the width, even a bit, even just one amah that the length is greater than the width, **one may only carry in it four amos**, then it also gets a law, as we learned earlier, that it becomes a karmelis, and one may only carry within four amos.

Explanation of the Reason: They Only Made Beis Sasayim from the Courtyard of the Mishkan

He says, why indeed? What is the matter that if it is length twice the width, if it is like the measure of the courtyard of the Mishkan, then it is indeed a reshus hayachid? **They only made beis sasayim whose use is for air like other courtyards from the courtyard of the Mishkan.** The law that the Chachamim made that once it becomes a beis sasayim and it's not fixed for dwelling, but it's fixed for air, it gets a law of karmelis, they didn't make.

Discussion: The Foundation of the Law - The Mishkan as the Source

It's again backwards, I said that one may up to beis sasayim, up to beis sasayim one may, why? Because the Mishkan was like a beis sasayim, then one may. And it appears that one derived this from there seemingly, because we learn all the laws of hotza'ah from carrying the vessels from the Mishkan to the Mishkan, and we calculate the whole time how one carries out for example the vessels from the Mishkan, which is a reshus hayachid, to the desert outside, which is a reshus harabim. Don't you have a clear proof on the spot that a place that is not fixed for dwelling, it's fixed for use... ah, the Mishkan is not fixed for dwelling?

Speaker 1: That we said, you can say "veshachanti besocham", "veshachanti besocham" makes it for fixed for dwelling, no? I don't know if that's... I'm not sure if that's the proof. Okay, it's rabbinic. It's true, but it goes backwards. Actually, the Chachamim permitted the size, up to beis sasayim one may, just as by the Mishkan one was allowed, so here one may also.

Speaker 2: One was allowed regarding us, it was a reshus hayachid.

Speaker 1: The Mishkan is more than beis sasayim.

Speaker 2: No, the courtyard of the Mishkan was exactly beis sasayim.

Speaker 1: Up to beis sasayim means even a normal courtyard that is indeed enclosed for dwelling, that means even if it's not enclosed for dwelling, meaning it's small enough, one may. It's correct, but what it says here... no, it's stringent. At least fifty like the courtyard of the Mishkan one may. If it's a bit longer than... So the law that I said that larger than beis sasayim becomes forbidden, is only when it looks like the Mishkan. It's really not relevant for one thing, for the exact measure. It says even more than that doesn't concern me that it's length twice its width. Again, it goes on the leniency, as it were the leniency. That which one may when it's beis sasayim, that's only when it's a rectangle. If it's even less than beis sasayim, but it's longer than one hundred amos, right? Ah, or its length is more than twice its width, even if it's less than beis sasayim, one still may not carry. It's a new law.

Innovation: Two Conditions for the Leniency of Carrying

In other words, let me say how I understand. One must add to the previous law another rule. We learned that more than an area of five thousand square amos one may not carry, number one, no difference what shape it is. More. Another law is, any area, even a small area, if it's longer more than twice the width, one also may not carry. And this one learns from the courtyard of the Mishkan, because the courtyard of the Mishkan was exactly twice as long as it was wide, so that is still a measure of a courtyard, but anything that is longer than it is wide more than twice, one may not carry, even if it's smaller than beis sasayim, and not enclosed for dwelling.

Discussion: How Much Smaller Does the Condition Apply?

Speaker 2: Even if it's beis sasayim. Even if it's smaller than beis sasayim. How much smaller?

Speaker 1: Even if it's smaller. How much smaller? He says when it's a beis sasayim. And not enclosed for dwelling.

Speaker 2: One doesn't agree. Every place that is not enclosed for dwelling... no.

Speaker 1: He says here that a beis sasayim is permitted, and only higher than beis sasayim it becomes like a karmelis, is only when it's length twice its width. If it's not this measure,

then even a beis sasayim gets the law like greater than a beis sasayim.

Speaker 2: If it's not what?

Speaker 1: If it's more length greater than its width. Yes, even if it's a beis sasayim, it's at the measure of beis sasayim, if it's smaller it's simply permitted. He says here that exactly beis sasayim is permitted is only when it's the measure. It's actually interesting, but so it appears that he says here.

Speaker 2: He doesn't say that a beis sasayim must always be a certain... he said earlier that one can extract bishviro, because when he says bishviro he said that. There's no difference how one does it, how one estimates it. The Baal Hagahos said that there's no difference how one does it.

Speaker 1: No, it appears that he adds to the measure of beis sasayim itself. Seemingly he adds a condition.

Speaker 2: Yes, there are those who say as you say, like every law, it doesn't hold up when one looks, because people think what they say. It's certainly according to all the earlier opinions that there is another condition here, right? Besides the beis sasayim there is another condition. There is a question whether the condition is only when it's exactly beis sasayim, or perhaps even less. He brings from the Sha'ar Hatziyon as you say, that it's only when it's exactly beis sasayim. So brings Rabbi Avraham Domb. So it appears that about this he said that **"a place that has bishviro, and every place that has this measure"**, meaning, whether the shape is square or whether the shape is less.

Speaker 1: I understand. **This is called beis sasayim.** Only in the one form which is its length greater than its width, which is hard to say.

Speaker 2: I agree that generally... no, and he also doesn't say until when, until which size. Every time when it's length greater than its width it can't be a reshus hayachid, it can't be. If it's not enclosed for dwelling it also can't be. Every time when it's not enclosed for dwelling is only permitted in a way that it's not length... no. Only there's a special status in the beis sasayim, in the exact measure of beis sasayim is... yes, I don't know, it can't be that it can be.

Halachah 5: Breach and Fence for the Sake of Dwelling - How One Makes a Place Not Enclosed for Dwelling into Enclosed for Dwelling

He says further, **"A place that was enclosed not for the sake of dwelling"**. Another law with the place that is surrounded by mechitzos but not for the sake of dwelling is thus: **"If one made in it a breach of more than ten amos at a height of ten tefachim"**, if there is in it a large breach in the... his question is how one makes from a place not enclosed for dwelling into a place of dwelling, how much must one rebuild as it were, right?

The Leniency: Breach and Fence for the Sake of Dwelling

He says quite a leniency, a place that was enclosed not for the sake of dwelling, which normally the law would have to be that it's like a karmelis, he says, that even if all the mechitzos were not laid for the sake of dwelling, but if one fixed the last bit one indeed made for the sake of dwelling, meaning one made a breach, and with this one broke the old, the breach breaks the old mechitzos, and one rebuilt, **and fenced it for the sake of dwelling**, one rebuilt, now that one made the fence it's as if one re-erected mechitzos, it means as if one made the

mechitzos indeed for the sake of dwelling, **one may carry in all of it.** This is advice.

Innovation: Even Bit by Bit - One Amah at a Time

He says, **even if one breached an amah and fenced it for the sake of dwelling**, first what it says here is that he makes a proper breach of ten amos at a height of ten tefachim, which already nullifies the old mechitzos, therefore now when he makes the new mechitzos it means enclosed for dwelling. When he makes the door as it were, he fixes the breach.

The Rambam says, the measure of more than ten amos is not necessarily that he makes at once a breach of more than ten amos, but even if he made smaller breaches in the fence, but together they were ten amos, and he rebuilt, even if he rebuilt bit by bit, but in practice he built the wall for the sake of dwelling, which if he hadn't fixed it the mechitzos would have been nullified, therefore it means as if it's built for the sake of dwelling and it's permitted. **Even if he breached an amah and fenced it for the sake of dwelling, and afterwards breached the next amah and fenced it for the sake of dwelling, until he completed more than ten**, that all together he now took down from the old wall ten amos and built up ten amos, even if it's one amah at a time, **one may carry in all of it.**

Explanation of the Innovation: We Look at the Cumulative Result

The innovation here is that we don't say that each amah (cubit) is nullified by itself, each amah is not a complete breach. We look, yes, among all of them, he says yes, among all the breaches that he made, he made a breach of ten amos, and it becomes as if hukfaf ledira (enclosed for dwelling), **permitted to carry in all of it even though it contains several mil.** It's even a huge place, but he fixed ten, because the din (law) of hakavua (fixed) has now become, because before it was called not mekuva, essentially seemingly ledira.

The Law of a Place Enclosed Not for Dwelling — Fixing Through a Breach, Planting, Trees, Water, Roofing, and Breached to a Courtyard

Fixing a Place Enclosed Not for Dwelling Through a Breach of Ten Amos

Speaker 1:

We look, yes, among all of them, we say yes, among all the breaches that he made, he made a breach of ten amos, and it becomes a mukaf ledira, **nullified to the lenient side even if it contains several mil.** That means, even a huge place, but he fixed ten, because the din of hekef has now become, because before it was called not mukaf, essentially lechumra (stringently) usually, because now one cannot carry in it because of the breach that is spread out, and therefore the problem is also nullified, and he may now carry in it. This is a solution. The Gemara that says that they delayed the well, because when they made it, they didn't make it leshem dira (for dwelling). There's always a way to make it now leshem dira through this trick.

The Law of a Place Larger Than Beis Sasayim Enclosed for Dwelling — If Most or Minority Was Planted

Speaker 1:

Now let's see this way. **A place larger than beis sasayim that was not enclosed for dwelling.** Until now we've been talking about shelo leshem dira. What happens when a person

did make it ledira? He thought, "I want to make a place where people can live there." But in this place he also made a section that should be a field. The question becomes, at which point does the field nullify the place that is hukfaf ledira? Because a field, we've discussed, has a din like a karmelis.

So, it's like this, **a place larger than beis sasayim that was not enclosed for dwelling**. A field is not a dwelling, that's the point. It has a din like a karmelis if it's lo hukfaf ledira. Even, even beis sasayim, yes, what is the matter of calculating exactly beis sasayim? We said that here is the innovation that it's even though it's mukaf mechitzos (enclosed by partitions). But when there's a place that is only a field, it's called not hukfaf ledira, that's certain. The question is only how this becomes hukfaf ledira, at which stage, as was said.

So, **if most of it was planted**, if most of the place became planted, we follow the majority, we look at the entire place like a garden, we look at the entire place like a field, and its mechitzos don't help, and we don't look at the entire place as a dwelling, which is ledira. **Nullified to the lenient side**, even let's say the part of the area that he does use for dwelling, but since it's surrounded by the same walls, it becomes nullified, even the place that he uses ledira also becomes nullified.

What is this? **Forbidden to carry in all of it**.

One may not carry in the entire area, even in the part that is ledira.

Yes, the entire thing is ledira. Even in the place it remained entirely, he still lives there entirely. Let's say he doesn't bring... he doesn't actually live there.

If a minority was planted, if only a minority of the area became planted, it's like this: it depends, **if a beis haseah was planted from it**, if the area that was planted is a beis haseah, **permitted to carry in all of it**, one may carry in the entire place. Only a beis haseah, that means up to beis haseah. Ah, up to beis haseah, very good. But it means this way, a minority, and in the field is smaller than a beis haseah, then also the beis haseah becomes nullified to the place that is not a field, which is the dwelling.

But **if the planted place was more than a beis seah**, even if it's a minority, but it's too large a minority, because it's too significant a field. Beis seah is already a significant field. Such a significant field we don't say becomes nullified to the place of dwelling. **Forbidden to carry in all of it**. Yes, because the entire thing which is larger than beis seah nullifies, even a majority that is larger than it.

Discussion: Why Does Beis Seah Nullify Even a Majority?

Speaker 2:

A majority that nullifies the entire thing, or one piece that is more than beis seah, that's a large majority, it nullifies the minority and it nullifies the majority. Why? What is the matter that if beis seah is planted, one nullifies the majority? Because it's more than beis seah. I don't know, just like the entire din here is beis seah. It's actually interesting. I don't know, I don't have a reason for you.

Speaker 1:

Even, yes, we see that a field that is larger than a beis seah doesn't become nullified to the dwelling house.

Speaker 2:

Right, but now the entire thing is a dwelling, so he says, so he says that the part that is dwelling, he doesn't say that, because it's all around the same mechitzos. It could be that he permits through the mechitzos, the field. And nullifies the mechitzos. The mechitzos around the field don't help, it still remains a karmelis. There's no law that is only a part, always it's either the entire thing is this way or that way.

Distinction Between Planted Grain and Trees

Speaker 1:

So this is when one made planted, one planted grain. But if one planted trees, didn't we learn by the melacha (forbidden labor) of planting, or did we calculate there is planting and there is tree-planting? Planting always means grain, and tree-planting always means trees. If one planted trees in most of it, **it is like a courtyard**, it's called like a courtyard, it's a reshus hayachid (private domain), **and one carries in all of it**. That means, planted trees don't nullify. But grain nullifies, because a field is not a house. But trees don't nullify a courtyard, it's normal that a person should have a courtyard ledira and there should be trees there.

The Law of Water in the Mukaf-Ledira Area

Speaker 1:

And we learn from this regarding water, what happens if the area became filled with a lot of water there, **even very deep**, even deep water, a deep lake formed there? It's like this, **if they were fit for use**, if it's water that can be used, such water where one can wade in, or water that can be used, **they are like trees**, it's called like trees, and it's part of the beis sasayim, of the reshus hayachid, **and one carries in all of it**. But **if they are not fit**, what does not fit mean? It's not clean water, it's not a place where one can go in. How can one use water for a dwelling? Can one live in a lake? A pool? Yes, he has a pool in his dwelling, in his reshus hayachid. Like trees, like you see trees, it's normal that a person should have trees for beauty, he has water for beauty. Yes, I know, not clear.

And if they are not fit, one only carries in it within four amos. What happens here? Like a karmelis where one may only carry within four amos. He says leshitasay adam, not clear. But it's interesting. This doesn't help, we learned earlier, for example gardens and orchards, which also have trees, don't help. The entire thing is only that it doesn't nullify a place whose essence is ledira from the outset. If it was from the outset mukaf to be a lake, it won't help. Right. Nothing will help. It means I, certainly, when it's a garden, it's not a house where one planted beautiful trees in it. Right. It depends from the outset what is mukaf, what the purpose of the place is. Very good.

The Law of Kiruy Matiro — A Roof Permits the Area

Speaker 1:

Good, the Rambam says this way, a new halacha: **"A place that was enclosed not for dwelling"**. Okay, until now it was one type of halacha, yes? About how a beis sasayim becomes a din of karmelis. Okay, **"A place that was enclosed not for dwelling"**, a place where the mechitzos are shelo leshem dira, **"that contains three seah"**, it's larger, it's more than beis sasayim, it's three seah, **"and he roofed a beis seah of it"**, but a third of it he made a roof. It means he covered one seah, and now an open place of beis sasayim remains. Now the question is, regarding beis sasayim

we said that more than beis sasayim one may carry. That's the distinction. The more than beis sasayim becomes nullified to the place that is mukaf.

So now we have a question here, it means it's essentially larger than a beis sasayim, which would have had to be like a din of karmelis, but a third of it, meaning the one seah that makes it more than a beis sasayim, is surrounded by a roof. There's an innovation here, a halacha. The halacha says this way: "**Its roofing permits it**", the roof permits the entire place, the entire area one may carry. This is called karpof, but we haven't yet had the word karpof from the Rambam. The area, the enclosed place, we calculate further that the beis sasayim is permitted, because "**its roofing permits it**", the roof permits it. Why? Because there's a halacha, one of the halachos of mechitzos, just as there's a halacha of lavud and such things, there's a halacha that we look at a place that has a roof, "**the edge of the ceiling descends and closes**", that the place that has the roof we look at as if it also has walls. Like that area, the third of the place, the extra seah that would have had to be looked at as an area by itself that is surrounded by walls. That means because it's surrounded by a roof, we look at it as if it's also surrounded by walls. So what remains open now that is not surrounded by... that is only surrounded by the other walls, by the old walls, the original enclosure, the beis sasayim, therefore one may carry, it doesn't get a din of karmelis.

The Law of Venifrats Bemiluo Lechatzer – A Karpof That Opens to a Courtyard

Speaker 1:

Good. So, what happens **if it was breached in its entirety to a courtyard**? What is venifrats? The place that was enclosed not for dwelling opened to the courtyard. It's next to a courtyard that is hukaf ledira, and the door opened between the place that was enclosed not for dwelling and the courtyard. Venifrats... let me bring you the picture. **Venifrats chatzer kenegdo**, yes? Do you understand what he's saying? Venifrats chatzer kenegdo, here is the karpof and here is the courtyard. It became, the courtyard's wall here went away, and also on the other side the courtyard's wall went away. It's very interesting. So now there remains a courtyard that essentially barely has mechitzos, it has a large breach. But the halacha is this way, yes? Right. So we have here two problems. First we have a problem that the beis sasayim has now become larger than beis sasayim, so now the question is whether the entire place becomes a karmelis. And again we have a question whether in the courtyard area one will be able to carry, because the courtyard area has torn down the walls.

But we say the halacha this way, **the courtyard is permitted as it was**, the courtyard is still permitted, and we're not afraid of the fact that it opened between the courtyard and the karpof. Because regarding the courtyard, the karpof is also just a light partition. Aha, the karpof can be enough of a partition for the... It's no longer open to reshush harabim. It's only open basically to a place that is only a stringency derabbanan that we should look at it like a karmelis, it's not truly open to a karmelis. Therefore the courtyard is permitted. Right. **But the karpof is forbidden as it was**, the karpof is however forbidden. Good. **Even though the courtyard permits it**. We don't say that the... because one can make such a calculation. You can say that this beis sasayim remains only a beis sasayim, and the courtyard is

permitted, because it's a courtyard, therefore everything is permitted. We don't say that way. Rather we say that the one side, the courtyard permits the place of beis sasayim, and since it's now open, it has no walls around it, we look at it as if it's larger than beis sasayim. Why would it have had to become permitted? It's seemingly obvious.

Laws of a Place Not Enclosed for Dwelling – Karpof, Beis Sasayim, and Reducing Area

A Karpof Breached to a Courtyard – That the Courtyard Side Doesn't Permit

Speaker 1: But in practice it's not completely surrounded, it's breached, therefore it's forbidden. I would have thought that as if the courtyard now uses as if the wall of the karpof.

Speaker 2: What would you have meant? That it becomes part of the courtyard?

Speaker 1: No, it doesn't become part. Regarding the courtyard it's kosher, but regarding itself... The courtyard, it helps the courtyard, but the courtyard doesn't help it. That's how I would have interpreted it, but I see that...

Speaker 2: Is the reason why the courtyard is permitted because of the walls, or because it's not a karmelis?

Speaker 1: If it were open to a karmelis, perhaps the karmelis could invalidate it. It's open to a place that is essentially min hatorah (from Torah law) a reshush hayachid, we discussed.

Speaker 2: It doesn't mean "poretz", it's this way, not clear. People don't know clearly, it's discussed a breach more than ten amos or less than ten amos, and what makes the entire innovation. I don't know. We need to ask the rabbis.

Speaker 1: In short, we're learning here halachos, this is the first time the word "karpof" appears. That is, I didn't figure out the word. Perhaps "karpof" is a word for a certain type of area that is made next to a courtyard, before it appears here.

What he learns is that the courtyard side doesn't permit, because one could have said that the karpof is secondary to the courtyard. It's a courtyard that is open to a larger piece of reshush hayachid. But we don't say that way.

But ah, it was never breached. It would have been like a karpof that is open to a place mukaf ledira, such a karpof perhaps wouldn't get a din like a separate karpof, it would look like a larger courtyard, even larger than beis sasayim, and it wouldn't have been separate, but one officially built it that way. And even if the area is not really a courtyard, it's really not leshem dira, but it's built together, it perhaps would have become nullified.

But it wasn't that way, rather there was previously the wall, and it was completely separate. Now when the wall fell, this doesn't become permitted. The courtyard also doesn't become forbidden, but this doesn't become permitted.

Speaker 2: Okay, very good.

Halacha 9 – Reducing Beis Sasayim

Trees Are Not a Reduction

Speaker 1: So, what happens? **If it was larger than beis sasayim**, he has a place, a karpof that is larger than beis sasayim, and therefore it will get a din like a karmelis midrabbanan (rabbinically), he wants to make it smaller than beis sasayim. But instead of building now a wall to make it smaller than beis sasayim, he puts in trees.

Rav Huna said in the name of Rav, trees are not a reduction, it's not called a reduction. What does it mean, a beis sasayim that has trees inside, the trees don't nullify the area.

A Pillar Next to the Wall – Ten High and Three Wide

But if he built a pillar next to the wall, if he built something, he built a pillar next to the wall, close to the wall, **ten high and three wide or more**, the pillar is ten tefachim high and three tefachim wide, **this is a reduction**. That means something built that makes the beis sasayim smaller, so this is a reduction, now the place becomes a place that is not a beis sasayim, one may carry in it.

But it must be, the pillar must be three, because otherwise it's a small thing.

But less than three is not a reduction, why? **Because anything less than three is like lavud**. If it's next to the wall, if it's not as large as three, we would say that it's counted like the wall.

Speaker 2: Aha, so it must be that he makes the courtyard a bit smaller than beis sasayim.

Speaker 1: Yes, catch me. But it can happen later, that means once it became a din of beis sasayim, we don't count what he does later.

Speaker 2: Because it's lavud it says as if you built on the wall. It says as if... less than three tefachim is nothing, doesn't nullify.

A Partition Distant from the Wall by Three

Speaker 1: What happens? Ah, **and similarly, if he distanced from the wall three and made a partition**, he moved away a... not a pillar, but he made a partition. **He reduced!** With this he made the place smaller. It became smaller than beis sasayim.

But if it's **less than three? He did nothing**, he did nothing, because of the same matter of lavud.

He Plastered the Wall with Clay

Speaker 1: What happens? Not that he made a partition or pillar. But **he plastered the wall with clay**. He simply made the wall thicker. He smeared clay on it. **Even if it cannot stand by itself**, even if the clay, it's not some building. It's simply made the wall thicker with clay. But he's called **he reduced**. With this he made the wall now thicker, and there doesn't remain a beis sasayim from the end of the wall and further. It's called yes, he reduced. It's little.

Discussion: The Distinction Between a Pillar Next to a Wall and Plastering a Wall with Mortar

Speaker 2: Ah, the three tefachim means it should be three tefachim wide. Not three tefachim away from the wall.

Speaker 1: No, we're talking about distance. Hirchik min hakosel.

Speaker 2: Ah, but the tach kosel betit...

Speaker 1: No, here it's a different thing, because here he made the wall larger. A partition is nothing, a pillar, someone who builds just a pole in the middle of a beis sasayim, he does nothing. Because you want the pole to be viewed as a new wall. Like you've now built a new wall. This piece of wall you should look at as extra. One doesn't look at it as extra to the wall when it's close to the wall.

But if one made the wall thicker, one has actually made the entire wall. The entire place has become smaller.

Speaker 2: Ah, seemingly, a not... a not... a... you know, one needs a certain amount less than a beis sasayim. It can't be the whole thing, but there needs to be some significance that it will encroach into the beis sasayim something.

Speaker 1: The question is the distinction between tach kosel and a pillar. A pillar next to a wall. Because if it's... because... the same thing, you make it smaller, to add a piece to the wall, as if next to the wall you're adding something. That's not a real thing, because it's not connected to the wall on one side, and it's also not big enough that it should be called a wall by itself.

But when you've actually made something, the wall has become larger, your area has actually become smaller. There your area hasn't become smaller, it's as if you're placing something down in the middle. You place something down, you take away the area. There placing boxes, you haven't taken away the area. It's like planting trees, which doesn't make the area smaller. But by making the wall thicker, you've actually made it so there's less than a beis sasayim.

Speaker 2: Okay.

Hikifuhu Betel – A Partition Upon a Partition

The Tel in the Text

Speaker 1: "**Hikifuhu betel shelosha**", well, how does the tel come in? We haven't had a tel here yet, so we're still missing a bit of information.

Speaker 2: Again, what is here? "Hikifuhu betel", what does that mean? Like, in the place of the beis sasayim there's a tel?

Speaker 1: It says "kosel" in the other printing, I don't know.

Speaker 2: Ah, "hikifuhu bekosel". Not "betel".

Speaker 1: It does say that. No. "Sefer Eretz Yisrael" says "betel".

Speaker 2: Ah, perhaps there's... no, no, it does say "hikifuhu betel".

Speaker 1: Um... there was some tel. It's a tel. The partition was a tel. I don't know what happened here, how a tel came in here.

Speaker 2: Someone says... um... here further I don't catch the... he says that words are missing here, but it's like in the beis sasayim there's a tel.

Speaker 1: Okay, and?

Speaker 2: It seems that the tel isn't yet mevatel, it doesn't yet become a beis sasayim. The tel... not clear.

The Explanation: Tel as a Partition in a Deep Place

Speaker 1: He says like this, that we're talking about a place that's a deep place, and the tel is the partition. Then, if one makes a partition, it helps three tefachim away.

Speaker 2: If he makes a partition as what did he... he makes the partition higher, what comes... why should it help? I don't catch exactly what he's saying.

Speaker 1: He wants to derive from "tocho shel kosel betit". Once he said "tocho shel kosel betit", he thinks that this same way one can do all ways too. If it's down, but seemingly down should also need to help. There's no distinction how the place becomes a beis sasayim.

He says that it's being said that it means, it can't... let's first say the halacha that's written, and afterwards we'll see what he's

saying.

Halacha: Hirschik Min Hatel Shelosha – Effective; Al Sefas Hatel – Not Effective

Speaker 1: He says like this, if one makes a partition next to the tel, it helps. If one makes a partition "on top" of the tel, it doesn't help. "**She'oseh mechitza al gabei mechitza ein mo'il**".

Speaker 2: Perhaps he means to say because he makes a new partition leshem dirah, like the next piece.

Speaker 1: So, let's go inside.

Explanation: Tel as Reshus Hayachid, and How One Makes It Mukaf Ledirah

Speaker 1: So, until now we've been talking about a beis sasayim that's surrounded by a wall, a wall, and the wall makes it into a beis sasayim. There's another way that a place becomes a beis sasayim, a place that's a little pit.

Speaker 2: Tel means... tel means a pit or a hill?

Speaker 1: Tel means a hill. The hill is around, so he's "inside" the hill. So there's a hill that's the size of a beis sasayim. If it were smaller than a beis sasayim, it's called like a place unto itself, because the hill that's ten high and so forth makes it into a place like a reshus hayachid, like we learned earlier that a place becomes a reshus hayachid.

If it's larger than a beis sasayim, it becomes a reshus hayachid. What happens if he wants it to become again a place of... it should again be called a reshus hayachid, not a karmelis? What does he do? He makes a partition al sefas hatel, and he thinks that with this he'll make it mukaf ledirah.

He says, "**Horchak min hatel shelosha ve'asah mechitza**" – if he made a partition on the tel, it means that one begins to calculate that the beis sasayim isn't the entire tel, but from where the partition begins. From where the partition begins there's less than a beis sasayim, so it's permitted, since it helped. It actually becomes a place that becomes less than a beis sasayim, or it becomes a place mukaf ledirah.

The new partition can do one of two things: either with this it becomes smaller, and that's when he makes the partition into the tel.

But "asah mechitza al sefas hatel", he simply made the edge of the tel become higher, he built like this on the mountain, at the edge of the mountain there should be another wall, it doesn't help. One doesn't say that with this it becomes as if now mukaf ledirah. Because there isn't any partition here. What he makes a tel itself is already a partition, that makes the place into an extra beis sasayim. If he only makes a partition al gabei mechitza, **eino mo'il**, it doesn't help.

The Novelty: Mechitza Al Gabei Mechitza Eino Mo'il

Speaker 1: That's the novelty. Everyone would have understood that simply if he makes holes in a wall it doesn't help. Here where you might think that a tel isn't really a partition, he's adding on, he says no, it doesn't help.

Laws of Mukaf Ledirah, Rechavah, and Shayara Babik'ah

Rechavah She'achorei Habatim

Speaker: Ah, the lower one has gone away. The tel has collapsed, and now only the wall remains? It sank into the ground, I don't know. It lived right near Sodom or what?

Veharei ha'elyonah kayemes, ho'il vene'eset ha'elyonah leshem dirah. The problem why the partition doesn't help is because it's mechitza al gabei mechitza. One no longer uses mechitza al gabei mechitza because the old lower partition has fallen. I'm left now with only one partition, and the partition was indeed made leshem dirah. **Veharei achshav nir'in elu**, now one sees only the one partition that's a partition leshem dirah, **harei zehu, ein emtza'o zorkin venitlin**, one may indeed.

So until now we've learned about a normal, like a fixed place, or no, that's not what I wanted to say, I'm not yet at that. Until now we've learned about a karpef, or a place that's not mukaf ledirah. Now we're going to learn something a new sort of manner which is basically the same sort of problems. I don't know what the novelty is. The novelty is perhaps that even in such a manner it's still a problem.

This is larger than a beis sasayim, so it becomes like a karmelis. It's not only when it's not mukaf ledirah at all, but even if it's on the other side, it's in back of houses. Therefore, one can perhaps say that this is called regarding that it's called like a courtyard for the houses. The Gemara says, but if it's larger than a beis sasayim, one still needs an extra heter, and it doesn't become a karmelis. It becomes a rechavah.

There's such a thing called rechavah. The Eruvin brings from the Mishnah that there are different things. A courtyard also means an open place, but one uses it. It's not just a yard, a nice yard. It's not just a place that one uses, a courtyard is part of the tashmishei habayis. And the courtyard is usually in front of the house.

But rechovos sheme'achorei habatim, which is in the back, if one doesn't use it, perhaps one walks there, but one doesn't use it to do things, then even if it's surrounded, once the elder decreed, like a karmelis, that one may not carry more than four amos.

Ve'afilu hayah pesach habayis paso'ach lesocho, even if it's open to your house, one doesn't say that because of this it's called hekeif ledirah that's connected. No, since one built it not leshem dirah, it has the law of a place she'eino mukaf ledirah, and one may not carry in it except less than four amos.

But, **ve'im pasach hapesach leshem ve'achar kach hikifah**, if one built it initially like this, it seems, one first opened the door and afterwards made the enclosure, then, the simple meaning is that it wasn't built simply as some guarded place to pass through, it was built initially in order to be more like a guardian for the house, then **harei zo kehekeif ledirah umutar letaltel bechulo**, then one may carry in all of it.

I understand that even I don't know what it has to do with the purpose, not because then one built it for use, but it seems it's a law, because one built it after one opened to a door, it's called like a courtyard. And this is the manner how it becomes a courtyard. In other words, the previous laws spoke when first one built the street and afterwards one opened a door. Very good.

Rechavah Pesucha Lamedinah Uleshevil Hanahar

Now there's another interesting law, I didn't understand the law exactly either. There's a street, I brought a picture. **Pesucha lamedinah mitzidah**, it's open to the city, that means to the houses, not necessarily, to what? To a reshus

hayachid, because medinah means... ah, he says mavoï. Yes, it must be a mavoï, because not a reshush harabim won't help.

Umitzad acher hi pesucha lishvil hamagi'a lanahar, it's some vacation place. So on the other side is such a path that leads to the river. So this is also a way a rechavah that's not mukaf ledirah seemingly. One side it's open to reshush hayachid, and one side it's open to karmelis. Yes, something like that, yes.

So then what? **Osin lah lechi mitzad hamedinah**, he makes a lechi on the side of the city, **vehi metaleles kulah, umitocha**, that means he may now, it becomes all, I don't know what it becomes, **umitocha lamedinah umedinah lesocha**, and one may carry all ways.

Why the lechi helps exactly, I have no idea. What does it mean, one won't be able to carry from the river, there one won't carry. From the karmelis one won't be able to carry. So I don't know what the river helps. I could have changed it simply without the river.

What? Why do we care about a river at all? Yes, what's missing the river? That simply a rechavah one may not carry. He says, no, the lechi permits it. No, he says here something about a lechi. A condition of halacha, a lechi permits. So what comes in the river? Yes, what is the other side open? Is that what makes the lechi able to work? Interesting. Not clear.

Perhaps the point is, because then one knows that one will go around in the enclosed area to get to the river, and it's all like a... I don't know. One is missing some information in the story. But it's very specific. It's some river. Yes, one is talking here about something. It's such a case the rechavah becomes part of a use of the city. It's a rechavah that one uses to be able to go and come from the river, to be able to bring water from the river. Perhaps that's how it looks. Sometimes through bathing, so he says.

Not clear. It's a story in the Gemara. This is one of the cases that the Rambam brings exactly as it was a story in the Gemara, and to be able to ask a question the rabbis argued with each other how one should do it. Okay. No, it's not clear.

Yachid Veshayara Sheshavsu Babik'ah

Now we're going to learn not in a city, but in valleys. That means people were in a valley, which we learned means a large open area where one travels, or one has fields there sometimes and the like. And there was one person, a yachid.

What's the law of a valley? A valley is a karmelis, yes? A valley is basically a karmelis, yes. We learned explicitly, a valley is a karmelis, yes. So a person was Shabbos in a valley, he didn't go home, he was on the way, he made a camping Shabbos. Yes, good, he made a camping.

Law of Yachid and Two

But it depends how many people. It's an interesting halacha, it depends how many people. So, **yachid sheshahah babik'ah, asah mechitza saviv lah**, a Jew went into a valley, he made a partition, he wants to be able to carry his cholent on Shabbos to the camping tent, yes. So, **im yesh bah ad beis sasayim, mutar letaltel bechulah**, because it's made a reshush hayachid, properly made a partition.

Ve'im hosif al beis sasayim, asur letaltel bah, he made it too big, yes, that's a problem. If a person goes into a valley and he makes a partition, according to what we're learning here, he needs to make sure it's less than a beis sasayim,

because if not there will be the decree that one may not carry in it. The partition seems that it's not made leshem dirah, it's made leshem passing through like. It's being said because it's a valley, he's going for a walk, he comes here for a walk, yes.

He brings, the Shulchan Aruch says that this is actually interesting, this is only if he makes a weak partition, seemingly. And here the Rambam doesn't say the distinction.

Vechen im hayu shenayim, two Jews also, now further, it's called a beis sasayim, it's mukaf ledirah, and one can't carry there.

Law of Shayara — Three or More

Aval shelosha Yisra'elim o yoser al ken sheshahu babik'ah, more than three Jews who went for a Shabbos in a valley, a new halacha, **harei hen shayara**, they receive a law called shayara. **Mutar lahen letaltel bechol tzorchan, afilu kamah milin**, then they may carry as much as they want, even several miles.

Why? Because seemingly, a camp was made seemingly weapons on the way, that's what it looked like. It seems something like because for such a large crowd a beis sasayim isn't a large area, it no longer looks like a karmelis. The entire beis sasayim is too large to say it's a reshush hayachid for a person. We're talking actually if one isn't intending for dwelling. But if there's there, it's interesting because the halacha one could have basically not two earlier, that if the place is for a large crowd to live, one views it as if it's not proper. It's only when one travels on the way, which had their Shabbos... only the, let's think the whole story.

It's not clear if it's not specifically ledirah. It's like half ledirah, it's a diras arai. He only makes for Shabbos a dwelling for Shabbos. So, if it's abundant, perhaps that's what you're saying, one person doesn't need so much space, but more than three people can have as much space as they want.

Condition: That a Beis Sasayim Not Remain Empty Without Vessels

But I think this is a leniency only on the way, on such a sort of aspect, when it's a shayara. And this also says a condition, this sounds like you, **"shelo yisha'aru bamechitza shehikifu beis sasayim panui belo kelim"**. There may not remain from the partition that they enclosed, that there should be two se'ah beis sasayim empty without any vessels. That means, he must place in every beis sasayim something that they have.

"Aval im nish'aru beis sasayim panui belo kelim, velo tzerichin lehu", that means they don't need the space, if they do need it, it means there are vessels, it's tzerichin lehu, yes, they use it, they do something there, then **"osrin letaltel bechol hamechitza ela be'arba amos"**. Then it doesn't help, and they may not carry in the space.

It actually looks like this, that because it's a shayara he needs more space, so all the places that he uses are called a dwelling place. If it's a shayara. It's even several miles.

Question: Contradiction Between "Several Miles" and the Condition "Without Vessels"

Contradictions in the Shiura and Laws of Mechitzos

There seems to be a bit of a contradiction in my ear, if it's camel camel milin... they travel, I mean camels, they travel like a... right, they need more space, you can hear it. It's a whole machaneh that doesn't... It's a bit interesting, first he says even camel milin, and now... "panui belo keilim" he probably

doesn't mean that you can now make an army and place one vessel every ten feet.

It seems like, naturally back then you need more space, because you come together with pack and sack, because you travel a shayara, you travel and you have things. I don't know.

Ketanim in a Shayara

For one katan you don't make a shayara, but if there are two people who are ketanim, it doesn't help, there must be three gedolim. Yes, three gedolim. I asked the chachamim, they say that ketanim... what's the connection?

The Law of Met Echad Mehen

But one dies, "**shelosha shehayu mehalchin baderech, umet echad mehen,**" he made kodesh shevi'i, he made Shabbos, in the middle of eight kerech unfortunately, it could be a tragedy. One of them died, and now they become yoresh, they won't carry anymore.

The answer is, no, **harei hem tehorim litvol bekli**, seemingly, because when Shabbos came it was called yes makom mikach uledira, or makom mikach uledira leshelosha, that's what he means. But on the contrary, be good, so he says, it can't be. On the contrary, granted you should say a chumra comes out, it can't be.

Mechitzos of a Shayara and General Laws of Mechitzos

Shelosha Mekomos Hamukafin Zo Betzad Zo

Speaker 1:

But on the contrary, be good, so he says, "**hayu shnayim,**" on the contrary, naturally a chumra should come, "**hayu shnayim veshavtu bebayis zeh,**" they were kove'a shevisa in a large place where you're not allowed to carry there, "**ve'achar kach ba lahem shelishi,**" in the middle of Shabbos a third one came, how did he come in the middle of Shabbos, who knows, "**asurin letaltel ela arba amos, keshem shehayu kodem sheyavo zeh.**" The shevisa is the cause, not the residents, at the time when Shabbos comes there must already be three residents, not the actual dwelling, even now during the meal there are already three people, it doesn't help because... yes.

What's the new halacha? This isn't the view of the students of the shiur, he has a new case. "**Shelosha mekomos hamukafin,**" we saw a picture of how it should be, "**shelosha madiros zo betzad zo, upesachin zo lezo,**" three places that are all three such sorts of situations, are open one to the other, it turns, "**im shnayim min hachitzonim rechabim vеха'emtza'i katzar,**" yes, as he shows here a picture, shnayim rishonim chitzonim rechabim vеха'emtza'i katzar, yes, we'll see, yes, that means, there's a place, the middle one is like, they stick out one from the other and the other second, "**shenimtza lishnayim min hachitzonim pasim mikan umikan,**" it comes out that the, again the pasim meet, it has such a piece of wall on both sides for the outer ones, "**ve'ein echad bazeh,**" and then, "**ve'ein echad bazeh,**" it causes one dwelling and one dwelling, not from the opposite, if it already causes one dwelling, he speaks yes further of a shayara, or it's like a shayara, it's as if we look at them as one group, right, it presses one dwelling here and one dwelling here and one dwelling here, "**harei eilu na'asim keshayara, mutarin letaltel.**" So the shayara gets all their needs, not he gets the whole world. Anyway, the twilight of

Shabbos they make an eruv, he'll need to make a mechitza, he'll take as much as he needs.

But on the contrary, yes, "**im ha'emtza'i rachav,**" if you can imagine the opposite picture, I don't need to write it in, yes, "**im ha'emtza'i rachav usheni hachitzonim ketzarim,**" the middle one is between the pas, "**usheni hachitzonim,**" yes, the pasim are there for the other way, "**usheni hachitzonim**" it comes out that the pasim are like mechitzos, simply the middle place is surrounded with mechitzos.

Right, "**lefikach im sharu zeh bazeh vezeh bazeh vezeh bazeh, ein nosnin lahem kol tzorchan, ela kol echad ve'echad yesh lo beis sa'atayim bilvad,**" each Jew doesn't get beis sa'atayim, but three Jews who got more than that, right, here he doesn't get. But there's another way that you can yes get, "**im hayu zeh bazeh vezeh bazeh ushnayim ba'emtza'i,**" if there are two people in the middle one, "**or shnayim bazeh ushnayim bazeh ve'echad ba'emtza'i, then nosnin lahem kol tzorchan,**" that means even when there is yes, when the chitzonim are rechabim.

Discussion: Why Does Two in the Middle Help?

Speaker 2:

It seems, what's the matter? Why? We don't know, unless when the middle one is rachav, we don't know the secret. What's the secret? Nosnin lahem kol tzorchan, why? We don't know clearly.

Speaker 1:

I mean because... how is he explaining? That means, whoever is open to the other is included together with him, right? For example in the case, and they all together, all three Jews together. If it's the case, yes, middle rachav and the chitzonim are narrow, yes, let's say so, so he is, not all three are separate, perhaps only two are separate, so three already meet together in the middle, or one with one is separate, perhaps there's a rule of carrying, somehow three people become together. This is all about how the three Jews are arranged, that's the topic here. You need to understand precisely the details, if one has carrying in the case, he needs to look up the halacha.

Yes, now we're going to look at mechitza. Yes, good. We learned that mechitza, what makes a reshush hayachid? Reshush hayachid makes leniencies and stringencies etc. You need to know what is a mechitza? General laws of mechitza.

Halacha 15: General Laws of Mechitza

A Mechitza That Cannot Stand in a Common Wind

Speaker 1:

I'll say the Rambam like this, what does a mechitza mean? Says the Rambam, "**kol mechitza she'eina yechola la'amod beruach metzuya,**" you built something, but you built very weakly, that from a regular wind, a normal wind that is frequent, it will fall, "**eina mechitza,**" because it doesn't hold truly.

A Mechitza That Is Not Made for Settling

Further, "**vechol mechitza she'eina asuya lanachas,**" it's not made that you should be able to rest there, or you should be able to use the place, "**eina mechitza.**" For example, when it was built for other reasons. I know, an old wall that was built for a house that wasn't built for traveling, I don't know what, it wasn't built for a mechitza, it's not a mechitza. You need to explain later, it's not made lanachas. He says that he didn't bring it, it's not clear what it means, what does asuya

lanachas mean? The meaning of asuya lanachas means that it's not made leshem kevi'us, leshem that it should remain there forever, lanachas that the mechitza should remain there. That means, it's a mechitza, a temporary mechitza, or it's a mechitza that isn't a... that is temporary, it's not a mechitza.

A Mechitza Made Only for Privacy

Another condition in mechitza, "**vechol mechitza she'eina asuya ela letzniyus bilvad,**" only that you should be able to dress there, undress, such a sort of thing, it's not made to use that the place should now be surrounded with a wall, but to be able to hide underneath, "**eina mechitza.**"

A Mechitza Without Ten Tefachim in Height

And now the size, "**vechol mechitza she'ein begovha asara tefachim o yoser,**" it's not high enough, "**eina mechitza gemura.**" Perhaps it's a bit of a mechitza, and certain other halachos. He says it becomes a karmelis, but it doesn't become a reshus hayachid. Something it becomes yes, a makom patur, but it's not...

What happens if a person dug under the ground five? Or didn't dig, he even made a little hill, goder chamisha, and geder, he made a hill with stones or something, a tel, and on that he built a mechitza that's steep, it's not one wall, it's half a wall and half a wall, like we had earlier by the tel. Okay, more halachos.

Halacha 16: Parutz Merubeh Al Ha'omed

The Rule of Parutz Merubeh

Speaker 1:

Yes, "**kol mechitza sheyesh ba parutz merubeh al ha'omed,**" that the mechitza has large breaches and it's more open than closed, and the place that is open, the breaches, is as large as the standing part, one mechitza. It's larger, it's parutz merubeh. "**But if the breaches come, if they are both the same size, it's a question with doubts.**"

A Breach Greater Than Ten Amos

But this is only when it's truly parutz as much as omed, because it has many small breaches. But if one breach is very large, it's a big problem. He says so, "**certainly these breaches won't help, a breach that is more than ten amos.**" A breach of more than ten amos completely nullifies the wall, the mechitza. But this is when it's greater than ten amos. But ten amos itself, "**harei hi kepesach.**" Ten amos means like an opening and it doesn't nullify.

Speaker 2:

Harei hi kepesach also means that regarding the matter of parutz merubeh al ha'omed, that you don't count the ten amos because it's a pesach? Or not necessarily? I say, there are several breaches, but one breach is ten amos. So once we say it's a pesach, do you not count it at all?

Tzuras Hapesach

Speaker 1:

The next piece, "**uvilvad shetihyeh la tzuras hapesach,**" an actual form, not just a square. That ten amos is a pesach and greater than ten amos is a breach, not a pesach, is only when it doesn't have tzuras hapesach. But if it has tzuras hapesach, there's something that looks like a door, with two poles on the sides, or there's a threshold, something that makes it into a pesach, then even more than ten amos is fine for the mechitza, it doesn't cause any damage to the mechitza, because it's a door.

But he says, "**aval im yesh ba parutz merubeh,**" if the door is greater than the entire mechitza, even the door being a pesach doesn't help.

Discussion: Tzuras Hapesach and Parutz Merubeh

Speaker 2:

But I still don't know what happens when there's the door, the door is a certain number, and there are still several small breaches. The same thing, it will be parutz merubeh.

Speaker 1:

No, you must have the same, the breach, the breach, the ten shouldn't be greater than the...

Speaker 2:

No, parutz merubeh is the rule, as we learned, parutz merubeh is even a breach of one amah. So even on the... and do you also count the door? With the pesach?

Speaker 1:

With the pesach? Right.

The Rambam's View: Tzuras Hapesach Doesn't Help for Parutz Merubeh

Parutz merubeh, so there are other poskim who bring that the view of the Rambam is that parutz merubeh, that tzuras hapesach doesn't help for parutz merubeh. In other words, tzuras hapesach helps for the problem of ten amos, but otherwise it doesn't help. I mean the same thing, ten and less than ten amos doesn't help, it only helps... Both leniencies must be present. It must be both parutz merubeh, according to the Rambam there's no solution for an eruv. That's the point. Parutz merubeh is never... always nullifies the mechitza.

Innovation: Practical Difference Regarding Modern Eruvin

For example our sort of eruv that we make a tzuras hapesach, which is basically only tzuras hapesach, but certainly parutz merubeh al ha'omed, according to the view of the Rambam, according to the view of the Rambam it doesn't help. And therefore there are those who want to be great Rambamists who shouldn't rely on such sorts of eruv generally. It could be actually that for example here in the street... there are places that yes. For example in my street, it could be that there is yes parutz omed merubeh that it works, that it works.

Speaker 2:

Yes, but if most is a tzuras hapesach, then it's no longer most.

Speaker 1:

Yes, if parutz merubeh al ha'omed, according to the view of the Rambam it's a problem. It doesn't help.

Speaker 2:

He hasn't yet said Rambam. He hasn't yet said the truth.

Speaker 1:

Okay. More more more.

Halacha 17: Lavud by Mechitzos

Breaches Less Than Three

Speaker 1:

"**We're speaking about a mechitza when the breaches are from three tefachim and up, that the breaches are air, but if the breaches were each breach less than three, this is a mechitza even though the parutz is greater than the omed, because anything less than three is considered lavud.**" Each less than three means

like lavud. In other words, regarding lavud there's no problem of parutz merubeh. Right.

Halacha 18: A Mechitza of Reeds and Ropes

Reeds

Speaker 1:

He gives an example of the breach. He gives advice. "**Harosh yakev vekanim,**" he didn't build a wall, he only placed many little sticks. "**Ve'im ein bein kol echad vachaveiro shelosha tefachim,**" we look between every two reeds as if there's a wall. This makes lavud.

Ropes

So too "**yakev vechabilin, ve'im ein bein chavila lachavarta shelosha tefachim, harei zo mechitza gemura, af al pi shehi shesi belo erev o erev belo shesi, shetzorich rak o shesi o erev**". Here three tefachim from above, he also speaks the path in Yiddish, so it could mean that three tefachim must be three tefachim square. No, even if there's a full three tefachim empty until above, or the other way, and still it's called a mechitza gemura.

The Measure of Height

"**Vetzorich sheyehe govah hakaneh asara,**" when you make the mechitza with reeds, the reeds must be ten tefachim at least, so it should be the measure of a mechitza. "**O sheyehe min ha'aretz ad sof ovi hachevel ha'elyon asara,**" if you went with ropes,

Laws of Mechitza - Tzuras Hapesach, Materials for Mechitzos, and Laws of Mechitza from a Person

Tzuras Hapesach - Height of Ten Tefachim

Speaker 1: That from the ground until the end of the thickness of the upper rope must be ten tefachim. You've already laid ropes, but it must be every three, there can't be between three tefachim, and the actual one must be ten tefachim, you can't lay one tefach or two or three, right? Because there's no mechitza less than ten, a mechitza must be at least ten high.

How do we learn this? **Al hashiurim ha'elyonim, halacha leMoshe miSinai.** The Rambam means that the ten, the mechitza is halacha leMoshe miSinai, that it was received that a mechitza is ten tefachim, and that lavud is three tefachim, such things. Very nice.

Tzuras Hapesach - The Definition

Speaker 1: And further, now he'll say what is the tzuras hapesach that he said, he says that if it has a tzuras hapesach, then even if it's greater than ten tefachim. Yes, mah zeh? What is this? **Tzuras hapesach ha'amura bechol makom, hi? Hi afilu kaneh veyotze bo mikan vekaneh mikan, two poles, vekaneh al gabeihen,** with a tzuras hapesach, a kaneh al gabeihen.

Speaker 2: A what?

Speaker 1: Yes. **Govah shnei halechayim,** so the reeds from the side he now calls lechi. The lechi usually means that there's no tzuras hapesach, yes, don't get confused, but here it's called, the lechi means like the mezuzah, yes, the side, must be ten tefachim. **Govah shnei halechayim asara tefachim o yoser, vehakaneh veyotze bo she'al gabeihen, or shnei halechayim, ela sheyesh beineihem kama amos,** even if they don't touch, but govah halechayim ten.

The Reeds Must Be Able to Hold a Door

Speaker 1: What is tzuras hapesach? Says the Rambam, what must there be? A tzuras hapesach, we say "**tzorich shnei kanim hare'uyim lekabel deles.**" Ah, the tzuras hapesach must be such strong reeds that should be able to actually make a door on them. Even if you didn't make a door, but it must be able to hold a door. **Aflu deles shel kash,** even if it's a weak door, it doesn't need to be such a strong door, but it's such a thing as a door of straw. It's something a minimum door. Straw, okay.

Speaker 2: Yes, you mean to say the reeds, it must be strong enough the pole that you lay that you should be able to put on something a piece of door.

Speaker 1: Yes.

An Opening in the Form of a Dome

Speaker 1: Another form of a tzuras hapesach that you need to be strong there.

Speaker 2: Yes, an opening in the form of a dome.

Speaker 1: He says that you have here two reeds, and higher than that you lay another reed. But what happens if the top is round, is a dome? So how do you count that? You might think that this isn't ten tefachim, because it bends, there isn't a full height of ten tefachim. But we don't look at it that way, rather "**im yesh be'orech raglei hakipa asara tefachim,**" even if it goes round, and there isn't... it doesn't stand at a height of ten tefachim, this is a tzuras hapesach.

Discussion: The Measure of Ten Tefachim by a Dome

Speaker 2: But it must be ten tefachim from both sides. There is yes ten tefachim, but not certainly... I don't know if I'm asking well, it could be less than ten tefachim is it a valid beam?

Speaker 1: You must be able to walk into the opening. If it's exactly ten tefachim in the entire roundness, it's a tiny door.

Speaker 2: Right, but from both sides, after all it becomes round, must it already be ten tefachim, or... I don't know precisely. I don't know if I'm asking well, must it be ten tefachim straight?

Speaker 1: "**Umikodem shematchil hapesach le'agel,**" so he says.

Speaker 2: Right, but it doesn't say in the Rambam properly. I don't know.

Tzuras Hapesach Made from the Side

Speaker 1: Here there's something an interesting foundation of a rule, how you can't make the tzuras hapesach.

Speaker 2: Yes, "**tzuras hapesach she'asaha min hatzad, eina klum.**" Interesting.

English Translation

Speaker 1: Right, the tzuras hapesach (form of a doorway) that we're talking about must be in the middle of a wall. A regular door is made in the middle of the wall, and one makes the tzuras hapesach. "**And so if he made it in the air in the middle,**" it's an interesting thing. There needs to be some piece of wall, but there's no lechi (side post), so one must place something wider, and one wants to make a tzuras hapesach there. The halacha and the commentators ask this question, and actually you have other opinions that don't hold this halacha, they have other interpretations of "from the side."

Speaker 2: Okay.

Discussion: Tzuras Hapesach and Partitions

Speaker 2: Let's continue with what makes a partition. If I didn't understand, a full tzuras hapesach is enough with two partitions, two sides?

Speaker 1: No, that's... no, why? No, tzuras hapesach is like this. But a mavoy (alleyway) only needs a lechi on one side. I don't need a tzuras hapesach at all. But other places that only need a lechi, but tzuras hapesach is on both sides, that's what I mean.

Speaker 2: Okay.

With Anything One Makes a Partition - Materials for Partitions

Speaker 1: Let's continue with what one can make the partition from, yes? **"With anything one makes a partition,"** one can make a partition with anything. We already spoke about the size, now we're talking about the material of the partition. **"Whether with vessels, whether with food,"** one can use food. **"Whether with a person,"** one can take a person and tie them and place them there. **"Even with an animal, beast, or bird. But 'provided they are bound,'"** if it's a person or an animal, one must tie them **"so that they won't move,"** because if they move it's like "one standing and one sitting," it doesn't work.

It's not clear that a person needs to be bound, an animal needs to be. A person can restrain himself.

Speaker 2: Yes, an animal will run away. A person... put him there erev Shabbos (Sabbath eve), come back motzaei Shabbos (Saturday night) to see if he's still standing.

Speaker 1: No, he doesn't have to stand the whole Shabbos. He has to stand for a few minutes, we'll see this matter later.

Speaker 2: Yes, we'll see. Look in the next halacha, we'll talk about this.

Speaker 1: But there is, yes, if one needs to carry something and wants to make a partition, one cannot place people and have them be the partition. It doesn't have to be with knowledge, we'll see.

A Partition That Stands By Itself and a Partition Made on Shabbos

Speaker 1: **"A partition that stands by itself is valid."** It doesn't have to be "by itself," it doesn't have to be built. There is a partition, one cannot count it as a partition. And **"a partition that was made on Shabbos,"** if one makes a partition on Shabbos, it's also good.

Speaker 2: But is it permitted?

Speaker 1: It's not permitted, it's building. **"And if it was made inadvertently, it's permitted to carry in it until motzaei Shabbos."** **"Provided it wasn't made with the intention of carrying,"** one may not do it with the intention of carrying. If there is carrying, we punish him like "in order that he should do," is that the word?

Discussion: A Partition Made With the Intention of Carrying

Speaker 1: He's now talking, let's not get confused, about a partition that one may not make. And let's say not this way, yes, a person stands. A person.

Speaker 2: Right.

Speaker 1: You don't want to make it knowingly for the purpose of carrying.

Speaker 2: Right.

Speaker 1: Did I intend it knowingly for the purpose of carrying? Did I intend that this is a partition that is forbidden on Shabbos for the purpose of carrying? Even if this is inadvertent, even if I did it intentionally, even if I didn't intend it, it's forbidden to carry in it. That means, if someone else inadvertently made a partition, you may use the partition for Shabbos. A long time he made it for you, even inadvertently, he didn't know it was Shabbos, he thought he was just making a partition for the sake of this, I don't know what, and nevertheless, since he had you in mind, it becomes forbidden. This is some sort of penalty.

Speaker 2: But, or intentionally, he didn't mean you, yes?

Speaker 1: But if he inadvertently made it for another minute, for another person, then you may use the partition on Shabbos.

Speaker 2: Right, good.

A Partition From People on Shabbos

Speaker 1: How does one make from people, **it's permitted to make a partition from a person on Shabbos, that he should stand one next to the other, provided that he doesn't inform those standing that it's for the purpose of making a partition that he positioned them.** One tells them, stand here, but one may not tell them that they're standing there to make a partition.

Discussion: Why May One Not Tell?

Speaker 2: Why the awareness, when one thinks it's a partition it doesn't work?

Speaker 1: It seems it's a kind of building, that he brings here perhaps a concern of building, that one may not make on Shabbos. It's not actual building, it's something like a... if they know, they'll feel like they're doing some kind of building on Shabbos, or it's something similar to building. One tells them, stand here, the rabbi said don't ask questions, and meanwhile one carries already.

Speaker 1: **And he shouldn't position them, that person who wants to use this partition,** not the same person, the person who positioned them.

Speaker 2: No, even, that means, one must position the person, one may not tell him that they're making a partition. Even not that person should make it, the one who needs the partition, **rather another should position them without his knowledge.** That means, one sends an agent, he should tell the people to stand there, and not tell them why. Right?

Speaker 1: Right. So if suddenly someone calls him and tells him erev Shabbos, position yourself here for a minute, he should know that he's now being used as a partition. He shouldn't know, because then it will become forbidden. Don't say it. Interesting.

Speaker 2: Yes.

Discussion: The Explanation of These Laws

Speaker 2: What's the explanation of these things? Why shouldn't one tell? What is it that the awareness makes it invalid?

Speaker 1: Because it becomes like a kind of building a vessel. If they'll bring them here, it's obvious to me. But if they don't know, I mean, a person is a partition, simply he doesn't know, I'll use him, but I don't position him with the nature of a partition explicitly. And also the person who needs the partition shouldn't be the one who positions them.

Speaker 2: Right, it's also more similar to building, because he's here busy making partitions.

Speaker 1: That's assistance. It's not clear.

Speaker 2: Okay, another halacha.

A Tree That Bends Over the Ground

Speaker 1: A tree, ilan, a tree that bends over the ground, a tree that bends over the ground, it's like this, **if it's not higher than three tefachim (handbreadths) from the ground**, if the leaves, the thing from the tree, is not higher than three tefachim from the ground, then **one fills between its branches with straw and hay**, he can put in more pieces of wood between the branches so it will indeed reach to the floor. **And ties it and packs it**, and he must tie the straw and hay, **until it stands in a common wind and doesn't sway**, we spoke that the partition must be stable, it should be able to stand in a common wind, **and one may carry under it**, and with this it becomes a partition.

Discussion: Why Must He Fill?

Speaker 2: Right. Why does he need at all the space that's there more than three tefachim between the leaves?

Speaker 1: Right, right, because the leaves aren't close enough to the ground for lavud (legal fiction of connection), that it should be a... the ground yes, but they're not close one to the other, because there are three tefachim, it's not higher than three tefachim from the ground.

Speaker 2: Right. If it's higher, he can also perhaps fill, but I don't know. It's not clear. Ah, what does it say?

Speaker 1: No, he says if it's not higher than three tefachim from the ground, therefore he must add.

Speaker 2: No, on the contrary, if it's not higher three tefachim, it should be lavud. If he adds on the side, just so, so it won't... ah, he must add to bring so it won't jump around, that's assistance.

Speaker 1: That's the word, because this can move around.

Speaker 2: No, the moving around is the problem. Actually the tree is good, the problem is that it can move around, therefore he must compress it.

Speaker 1: But why must he fill between its branches?

Speaker 2: Because that makes it so it won't move around.

Speaker 1: No, the tying and packing makes it so it won't move around. I know, I don't know. So, that's assistance, but he doesn't say the three tefachim. It's not that he makes a... he

makes a... I don't know. Do you understand? It means that actually it's good, but the advantage is, so they bring from the commentary on the Mishnah, the advantage is also so it won't go jumping around, not clear.

The Measure of Beis Sasayim

Speaker 1: But **provided there is under it up to beis sasayim (area of a field requiring two se'ah of seed)**, but only if it's up to beis sasayim. If it's larger than beis sasayim, as we learned earlier, this doesn't help. Up to beis sasayim, true, **under it four amos (cubits), provided there is under it**

Chapter 16: Summary — A Place Not Enclosed for Dwelling and Partition

Halacha 2 (Continued) — Upper Partition and Height

Speaker 1: So in any case, actually it's good, but the advantage is, so they bring from the commentary on the Mishnah, that the advantage is also so they won't multiply jumping. Not clear.

But **provided there is under it beis sasayim**, but only if it's up to beis sasayim, if it's larger than beis sasayim, as we learned earlier, it doesn't help.

So also a partition, a place not enclosed for dwelling, it's indeed height not greater than a regel (foot) of the partition, it will make it better.

Speaker 2: Yes, but that's completely simple.

Speaker 1: Yes.

Summary of Chapter 16

Speaker 1: Okay, until here chapter 16. What we learned in this chapter, two halachos:

Halacha 1 — A Place Not Enclosed for Dwelling

One halacha is, a partition, a place not enclosed for dwelling that is larger than beis sasayim, one may not carry four amos on Shabbos, a rabbinic decree.

Halacha 2 — Details of a Partition

The second halacha is, what is a partition? Everyone understands more or less what a partition is, but several details about a partition:

- What if there's more breach than standing wall
- What if there's an opening in it
- Etc.