



# OVERVIEW of the Daf

## 1) The status of an open field

R' Ashi answers the contradiction between our Baraisa that identifies an open field as a karmelis and the Mishnah that identifies it as a private domain. Explains R' Ashi, the Mishnah is referring to an open field larger than two Beis se'ah surrounded by a fence constructed without the intent for residential use (קרפף) which, although the Rabbis restricted carrying in such an enclosure, it still maintains its Torah status as a private domain.

The Gemara explains why Ulla did not answer like R' Ashi did and why R' Ashi chose not to answer as Ulla did.

## 2) The karmelis

R' Dimi in the name of R' Yochanan explains that the karmelis mentioned in the earlier Baraisa (ו) refers to the area in front of a house which is set back from the rest of the houses, and at times the public will push their way in and make use of the area.

R' Dimi in the name of R' Yochanan also rules that the area between the pillars where merchants display their merchandise is a karmelis. Others rule that the benches in front of these pillars are a karmelis. The Gemara points out which opinion is more encompassing.

If one throws an object which sticks to the side of a brick standing on its side in a public domain they are liable, but if it lands on the top of the brick there is no liability because it is an exempt area (מקום פטור). Different Amoraim discuss different examples of areas that could qualify as an exempt area.

R' Dimi in the name of R' Yochanan rules that a karmelis cannot be less than four tefachim. R' Sheshes adds that it must be ten tefachim in height. The Gemara explains that R' Sheshes is expressing a leniency that a karmelis only extends to a height of ten tefachim and above that height is an exempt area. This is supported by a similar statement made by Shmuel.

## 3) The house less than ten tefachim

Rav ruled that one may carry on a house with less than ten tefachim of internal air space but whose total height including the roof is ten tefachim, but one may not carry within the house itself. Abaye added that if one was to dig a pit four tefachim by four tefachim to create an area of ten tefachim of internal air space, one would be permitted to carry anywhere inside the house, because even the area not dug out is no worse than the holes in the walls of the private domain.

Rava and Abaye disagree whether a hole in the wall off a public domain is considered like the public domain or not. Rava tries to prove his position that it should not be treated as the public domain correct but is unsuccessful.

## 4) Placing a pole in the ground of a private domain

R' Chisda rules that if one places a pole into the ground of a private domain and throws an object from a public domain onto the pole he is liable. The Gemara suggests that R' Chisda follows the opinion of Rabbi when he issued this ruling. ■

# Distinctive INSIGHT

## How to count

אמר אביי: ואם חקק בו ד' על ד' והשלימו ל' מותר לטלטל בכולו  
 The Gemara describes a walled enclosure which is less than ten tefachim in height, but it has an excavated area which, with its depth, supplements the height to be ten tefachim. The Rishonim explain that even if this dug out area is remote from the walls, the walls are still considered as part of the dimensions to make the total height of ten tefachim as a private domain.

This is in contrast to the laws of sukka, where we need that the height of the schach be at least ten tefachim above the floor. Again, if the roof of the sukka is too short, and an area of four by four tefachim is dug out of the floor, the height of ten tefachim has been achieved. However, by sukka, we only allow this provided that the walls are within a three-tefachim distance of the excavated area. If they are removed farther than this, the walls are not considered to be part of the enclosure of the full height. Why by Shabbos do we allow the walls to be farther away, and why by sukka do we require that they be within three tefachim of the dug out area?

Tosafos Yeshanim and Rosh explain that by Shabbos, the outside height of the wall is a full ten tefachim, but the inside dimension from floor to roof is less than ten. This would occur when the roof is recessed below the top edge of the wall. In this case, the enclosure is a private domain, being that it is ten tefachim high on the outside. We do not need the floor to be hollowed out to make this into wall of a private domain, for the wall is already ten tefachim high. By sukka, we are talking about where the outside dimension of the wall is not ten tefachim, and it is only in addition to the dug out area that the total height is now ten. In this case, it

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# REVIEW and Remember

1. What are the defining characteristics of a קרפף?  
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2. Does an exempt area (מקום פטור) have a certain height requirement?  
\_\_\_\_\_
3. In what way is a karmelis treated leniently like a private domain?  
\_\_\_\_\_
4. What is the dispute between R' Meir and the Rabanan (חוקקין להשלים)?

Today's Daf Digest is dedicated  
 ל'לוי נישמא חיה לאה בת יוסף  
 Mrs. Lois Lefkovich, today on her yahrtzeit  
 By her children

# HALACHAH Highlight

## Rules for reducing the severity of transferring between domains when necessary for an ill person

והאמר רב חסדא נעץ קנה ברשות היחיד, וזרק ונח על גביו, אפילו גבוה מאה אמה - חייב, מפני שרשות היחיד עולה על לרקיע

For Rav Chisda has said that if one drove a pole into the ground in a private domain, and then threw something from a public domain, which landed upon the pole, even if the pole is one hundred Amos tall, the person is liable for transferring between domains. The reason for this is because a private domain is seen as rising until the sky, and has no limit.

Rav Yitzchak Zilberstein<sup>1</sup> שליט"א discusses what a person should do in the event that they need to transport medicines from a public domain to a private domain or from a private domain to a public domain on behalf of a *חולה שיש בו סכנה* (an ill person with a potentially life threatening condition). The question is what can be done to downgrade the prohibition of transferring between domains from a Scriptural interdiction to one of Rabbinic origin. [This is assuming that the any delay to accomplish the adjusted task of transfer will not endanger in any way the ill person, because if such a concern exists, then one should not hesitate at all and should do all the tasks necessary in the most expedient manner possible<sup>2</sup>.] <In regard to a *חולה שאין בו סכנה* (an ill person in no danger to their life) - see *שמירת שבת כהלכתה*<sup>3</sup>> Here are some of the options that he suggests:

- *שינוי*—unusual fashion. The person should carry the medicine in an unusual fashion, such as between his shirt and his body. Under these conditions, the interdiction is downgraded to a prohibition of Rabbinic origin<sup>4</sup>.
- *יד למעלה מעשרה*—a hand above 10 handbreadths. According to the opinion of the Rashba<sup>5</sup>, if one transfers an item from a private domain and places it upon the hand of the poor person standing in a public domain while the hand is more than 10 handbreadths above the ground, the hand has the status of a *מקום פטור* (an exempt space), and the act is prohibited by Rabbinic legislation alone. Although this opinion is challenged, according to the Rashba at least the option to transfer the medicine from a private domain to a public one by placing the medicine in the hand of someone when that hand is more than 10 handbreadths from the ground does exist.
- *ראש אדם*—a person's head. Another option that Rav Zilberstein proffers is to place the medication upon the head of someone,

(Insight...continued from page 1)

is essential that the excavation be adjacent to the existing wall structure itself, in order for it all to combine into one solid wall. Chazon Ish (65:61) elaborates further.

R' Chaim Brisker explains that by *sukka*, we need that the *sukka* itself have a wall - a *מחיצה*. Therefore, the built wall must be seen as combining with the side of the excavated hole. However, by *Shabbos*, we do not necessarily need a *מחיצה*, but merely that the area be enclosed. If the excavated area is enclosed, and the height is now a total of ten *tefachim*, we do not care that the wall itself is composed of two disjointed parts, one of structure and another part, remote from it, which is the wall of the dug out area. ■

since the person's head does have the 4 handbreadths by 4 handbreadths dimensions. This is based upon the view of the Ran<sup>6</sup> who writes regarding our passage of the Gemara that said "that if one drove a pole into the ground in the a private domain, and then threw something from a public domain, which landed upon the pole, even if the pole is one hundred Amos tall, the person is liable for transferring between domains". The Ran comments that from this passage we can derive that when something is placed into a private domain, there is no requirement that the area where the item is rested should have the 4x4 dimensions. However, adds the Ran, this would only be true if the item is being placed on the pole which is driven into the ground, and thus becomes like the ground itself; but, if the item was placed on a person, who can not be considered as the private domain itself, than there would be a requirement for the item to be placed upon a spot seen as fulfilling the dimension requirement. Rav Zilberstein understands this to be referring to the hand specifically, and as such, to place the item on the head of a person, which is not considered as 4x4, the person would not be Scripturally liable. Accordingly, an option would be that after the transfer between domains, the medications should be placed upon a person's head. ■

1. חשוקי חמד כאן (עמי עד ואילך)
2. ע"פ רמ"א (סי' שכח ס"י"ב). ועי' בש"י"כ ח"א (פרק לב סעיף כח, עמי תלח ובהערה פו).
3. ח"א (פרק לג סעיף ד הערה כט, עמי תסב). ואכמ"ל בזה
4. ע"י משנ"ב (סי' שא ס"ק קכג). וכן ראה בש"י"כ ח"א (פרק לב סעיף כח ובהערה פו, עמי תלח)
5. הרשב"א בחידושו לעיל (ה ע"א), והובא בקצרה במגיד משנה (פ"יג מהלכות שבת ה"ב). ע"ש
6. הרי"ן (דף ב' ע"ב בדפי הרי"ף ד"ה אמר רב חסדא) ■

## Gemara GEM

### What's the chidush?

אמר ר' זורא אמר ר' יהודה איצטבא שלפני העמודים נידון בכרמלית

The *איצטבא* mentioned here is exactly the *איסטונית* mentioned in the Baraisa on 6a. Therefore, it must be understood what *זורא* ר' יהודה is teaching us that we did not know already.

Rashb"א explains that the Baraisa was talking about a row of benches or display stands in front of the stores. Although they are technically still in the public domain, they impede the flow of the crowds, and the area is only a *כרמליס*. Here, R' Zeira is adding the law of *כרמליס* as it applies to short blocks in front of the pillars. Although they are farther into the street, even though the area is cordoned off by items which are less than three *tefachim* high, they still interfere with the public's access, and we do not say that these stools or curbs are insignificant.

The smaller blocks do serve the same purpose as the higher benches which are off to the side.

Tosafos Ri"d explains the insight of R' Zeira from a different perspective. These pegs or blocks are described as being in front of the pillars. This means that because these blocks are in front of the pillars, we might have thought that the public tramples over them, and that the area should be a full fledged *רשות הרבים*. The *חידוש* therefore is that it is a *כרמליס*. ■