

OVERVIEW of the Daf

1) Placing a pole in the ground of a private domain (cont.)

The Gemara earlier (ו) suggested that R' Chisda was following the opinion of Rabbi, that an object does not have to come to rest on an area of four tefachim to be liable, when he ruled that a person who threw an object onto the top of a pole standing in a private domain is liable. Abaye disagrees with this assertion and maintains that everyone agrees with the ruling of R' Chisda and the disagreement between Rabbi and the Rabanan revolves around a different point entirely.

2) Throwing objects and domains

Abaye rules that if a person throws a cylindrical object ten tefachim tall and six tefachim in diameter one is not liable because there is no liability for throwing a domain. If however, the basket is less than six tefachim in diameter he would be liable.

Rava disputes this latter ruling because inevitably some of the reeds will extend above the height of ten tefachim which exempt area and once part of the object lands in a place where there's no liability the Torah prohibition is no longer violated.

If the basket was turned upside down and thrown in a public domain, if its height is greater than 7.5 tefachim there is no liability because due to the principle of lavud the object was considered at rest while some of it was still above ten tefachim. R. Ashi disputes this ruling because he rules that lavud can not be applied under such circumstances.

3) Objects of different heights

Ulla rules that objects less than three tefachim are part of the public domain because people step on them, objects between three and nine tefachim are not considered part of the public domain because they are not trampled or used for adjusting packages, and above nine tefachim is considered part of the public domain because it is used for adjusting packages.

R' Yosef and Rava disagree whether the same halachos would apply to pits of varying depths.

R' Yehudah rules that if a person continuously flips a bundle of reeds from top to bottom and bottom to top there is no liability until both ends are moved simultaneously.

4) Classifying a threshold

The Baraisa earlier (ו) mentioned halachos relevant to use of a threshold and our Gemara accordingly classifies the threshold as an exempt area (מקום פטור).

The earlier Baraisa ruled that an object can not be passed from a private domain to a public domain even if it passes through an exempt area in the process. The Gemara finds this ruling at odds with Rava who ruled that if an object is transported four amos in a public domain even if in the process it was raised above ten tefachim he is still liable.

The Gemara differentiates between the two cases because in Rava's case the object never came to rest whereas in the Baraisa's case the object came to rest in the exempt area. ■

Distinctive INSIGHT

The Height of a Post

אמר עולא : עמוד תשעה ברשות הרבים ורבים מכתפין עליו וזרק ונח על גביו - חייב

Ulla teaches that a post that is nine tefachim tall has a status of **רשות הרבים** on its top. This is a function of its height and its utility.

Tosafos Ri'd explains simply, that the truth is that the people in the public domain also place packages down on a post that is ten tefachim to readjust them. In fact, this may be easier for them to use, even more than a post that is nine tefachim. However, once the post is a full ten tefachim high, the area on top is automatically in the realm of being a private domain, and the manner in which the public uses it cannot diminish its status of being an area of **רשות היחיד**.

Rashi here writes that the post is of the public domain whether it is wide (four by four tefachim) or that it is narrow (less than 4 by 4 tefachim). It seems clear from Rashi that if the post would be a full ten tefachim high, it would no longer be a **רשות הרבים** even though it cannot be considered a **רשות היחיד** because it is too narrow. Rashi, however, also seems to hold that once the post is a full ten tefachim tall, people in the street no longer use it to adjust

(Continued on page 2)

Daf DIAGRAM



REVIEW and Remember

1. "The branches follow the trunk;" regarding which halach is this relevant?
2. Why isn't the top of a nine tefach post an exempt area?
3. What activities are permitted during twilight (**בין השמשות**) that aren't permitted the rest of Shabbos?
4. Why isn't a person liable for flipping bundles in a public domain?

HALACHAH Highlight

Under what conditions are Rabbinic interdictions waived during twilight

ורבי היא, דאמר כל דבר שהוא משום שבות לא גזרו עליו בין השמשות

This would be in accordance with the opinion of Rabbi who said that any activity forbidden due to Rabbinic restriction is permitted during twilight (בין השמשות) on Friday.

Rashi¹ explains that the restrictions that the Rabbis imposed were instituted only for the actual Shabbos, however, when it comes to twilight, which is a period of time in doubt as to whether it is day or night, the Rabbis were lenient and did not apply their restrictions.

However, it is important to understand that this is no comprehensive suspension of Rabbinic injunctions during twilight, and there are specific criterion to determine which actions are indeed permitted. Any action which is prohibited by Rabbinic injunction, and is of the type that may lead to transgressing a Scriptural prohibition, would not be permitted during twilight².

The Magen Avraham³ questions whether this exemption applies to twilight of Shabbos afternoon as well, or only to twilight on Friday. The Mishnah Berura⁴ discusses this and appears to rule stringently. However, it should be noted that Rav Ovadiah Yosef composed a lengthy responsum⁵ on this subject, in which he cited many sources⁶ who rule that there is no difference in regard to this law between twilight of Friday and twilight of Shabbos, in both cases the Rabbis waived restrictions that meet the required criteria.

The Shulchan Aruch⁷ rules that the criteria are that there must exist either a matter of Mitzvah (דבר מצוה) or a matter of urgent need (דוחק).

- **מצוה דבר**—a matter of Mitzvah: It would be permitted to climb a tree or swim to bring a Lulav or Shofar⁸. Similarly, if there be some kind of a need for his guests⁹. As well, if the need be for the Shabbos itself, although it is not an absolute necessity, yet it makes the Shabbos more pleasurable, it is also permitted¹⁰.
- **דוחק**—a pressing or disquieting matter. If a person needed light¹¹ in his dining room, or in a bedroom, he may request from a gentile to turn on the light during twilight. However, it is important to note that the gentile must turn on the light while it is still twilight, and not simply be given the instruction.¹² As well, if the person could possibly incur a great financial loss, or there exists a

(Insight...continued from page 1)

their packages.

Rambam (Hilchos Shabbos 14:8) writes that a post that is anywhere between nine and ten tefachim is a carmelis. It is clear from Rambam that he holds that people only use a post that is nine tefachim precisely. Between nine and ten is not used by them, and therefore it is a carmelis. ■

matter of great need, he may ask a gentile to perform an act during twilight¹³.

All of the above is only if the person has not accepted Shabbos upon themselves. However, if the person has accepted Shabbos, then he may no longer do any actions that are prohibited by the Rabbis, even if it be for a Mitzvah, unless the action is done by a gentile¹⁴. The Poskim¹⁵ discuss the status of a woman who lit Shabbos candles without making stipulation as to the acceptance of Shabbos.

Once twilight passes, or even if there is a state of doubt whether twilight has passed, then it is prohibited to do all activities, even if they be solely of Rabbinic origin, and even if there is a need for Shabbos or a Mitzvah¹⁶. ■

1. ד"ה ורבי היא דאמר
2. ע"י משנ"ב (ס"י שמב ס"ק א')
3. ס"י שמב
4. משנ"ב (ס"י שמב ס"ק ב) ובביאור הלכה שם (ד"ה בין השמשות)
5. לוי' חן (אות קכה, עמ' רכט ואילך)
6. ביניהם: הערוך השלחן שם ובשו"ת תורת חסד לובלין (חאו"ח ס"י טו סוף אות ד') ובשו"ת תפארת צבי (חיו"ד בדנין ספק ספיקא, דף עא ע"ד) ובס' תורת שבת (ס"י שז ס"ק כח וס"י שמב ס"ק כח וס"י שמות ס"ק א') ועוד טובא, ובפרט שהגלות נגלות דעת הרשב"א (עירובין לב ע"ב סוד"ה באילן) ועוד. ע"ש באורף
7. ס"י שמב
8. שו"ע שם
9. כף החיים (ס"י רסג אות יג) ע"פ הרמ"א (ס"י שלא ס"א) שכל שהתירו לצורך מצוה, התירו לצורך אורחים. ע"ש. וע"י בדעת תורה (ס"י שלג ס"א) בשם שו"ת עטרת חכמים (חיו"ד ס"י ה' באמצע התשובה) שאם האורחים משלמים בעד הסעודה אין זה בכלל כבוד אורחים. ע"ש.
10. ע"י ביאור הלכה (ס"י שמב ד"ה מותר בין השמשות)
11. משנ"ב (ס"י שמב ס"ק ז)
12. שם
13. ע"י משנ"ב (ס"י שמב ס"ק ה') ובשער הציון שם (ס"ק ה'). ע"י גם בשש"כ (ח"ב פרק מו סעיף יט)
14. משנ"ב (ס"י שמבס"ק א')
15. ע"י שש"כ (ח"ב פרק מו סעיף יב) ובפסקי תשובות (ס"י שמב אות ג ובהערה) וכן ראה להגר"ע יוסף באורך בס' לוי' חן (אות קכד, עמ' רכו ואילך).
16. בשש"כ (כ"ב פרק מו סעיף כ, עמ' פח) ■

Gemara GEM

Twilight Exceptions

כל דבר שהוא משום שבות לא גזרו עליו בין השמשות

The Gemara reports that rabbinic prohibitions do not apply during the period of twilight, between sunset and when three medium stars appear.

Reb Menachem Azarya from Pahnno com-

ments that it must be noted that this only applies to the period of twilight late Friday afternoon, as Shabbos is about to start. We are entering into Shabbos from the weekday, and due to the ongoing doubt, we can take into consideration the possibility that it is still Friday, and rabbinic precautions do not yet apply. However, late on Shabbos afternoon, when the period of בין השמשות signals that Shabbos is waning, the status of the holiness of the day is still in effect until we know otherwise. In this case, the category of prohibi-

tions which are שבות, only rabbinic, are still applicable.

It is in regard to this period of the day that the Gemara (Beitza 16a) decries, "וי אבדה נפש"—How unfortunate that our extra soul is about to depart!" It is only when our opportunity to hold on to the Shabbos has expired that we are willing to let go and admit that the next week will begin anew. In this manner, the extra moments of Shabbos which are added from the weekdays are more significant at the end of Shabbos than it is at

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