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Daf Notes is currently being dedicated to the neshamah of
Tzvi Gershon Ben Yoel (Harvey Felsen) o”h

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

If one is reading a scroll (*of Scripture*) on a threshold (*which has a status of a karmelis, for it is four tefachim wide, between three and ten tefachim high, and a public domain passing before it*), and it rolls out of his hand, he may roll it to himself. [*There is no Biblical prohibition to transport a partial object from one domain to another. If one side of the scroll remains in his hands there cannot be a Biblical prohibition. Now, in this case, even if it entirely fell out of his hand, it is still only Rabbinically prohibited to carry it back, for we are dealing with a karmelis; therefore, here, where he retains one end, there is no Rabbinic decree on account of a case where the entire scroll fell from his hand.*] If one is reading on the top of a roof (*which is a private domain*), and the scroll rolls out of his hand, before it comes within ten tefachim of the ground, he may roll it back himself (*for it never entered the airspace of a public domain*); if it comes within ten tefachim of the ground (*he cannot roll it to himself, for we are concerned that he might come to do so – even when the scroll fell completely from his hand, and then he will have violated a Biblical transgression*), he must turn the written side over (*because it is degrading for a scroll to lie open the rest of Shabbos with its written part facing upward*). Rabbi Yehudah said: Even if it was removed from the ground only by the thickness of a pin, he may roll it back himself. Rabbi Shimon said: Even if it was on the ground itself, he

may roll it back himself, for there is no Rabbinic law that stands in the way of treating Holy Scriptures with respect. (97b)

GEMARA: What kind of threshold is one to imagine? If it be suggested that the threshold was a private domain,¹ and that in front of it was a public domain,² and that no preventive measure³ was enacted against the possibility that the entire scroll might fall down and that one might then carry it in,⁴ who then, [it may be asked,] is the author?⁵ Obviously Rabbi Shimon who ruled: No prohibition that is due to shevus retains its force in the presence of the holy writings; but then read the final clause: Rabbi Yehudah rules, even if it was removed from the ground by no more than a thread's thickness he may roll it back to himself. Rabbi Shimon ruled: Even if it touched the actual ground, he may roll it back to himself. Is it likely that the first and final clauses represent the view of Rabbi Shimon while the middle one represents that of Rabbi Yehudah?-Rav Yehudah replied: Yes the first and final clauses may represent the view of Rabbi Shimon while the middle one represents that of Rabbi Yehudah: Rabbah replied: We deal here with a threshold that was trodden upon [by the public] and in order [to avert]

¹ One, for instance, that was no less than ten tefachim high and four tefachim wide.

² Into which one end of the scroll had rolled.

³ Forbidding to roll it back to the reader in the private domain who was still holding its other end.

⁴ Back into the private domain, and thus incur the obligation of a chatas.

⁵ Of this ruling of our Mishnah according to which no preventive measure was deemed necessary. It cannot be Rabbi Yehudah, since he permits the rolling back only where the end of the scroll does not touch the ground, but where it does, the rolling back is forbidden as a preventive measure against the possibility of doing so when both ends dropped from the reader's hands.

disrespect to the holy writings the Rabbis have permitted [to roll it back].⁶

Abaye raised an objection against him: [If it rested] within four amos one may roll it back to oneself, [but if it rested] without the four amos one must turn it over with its writing downwards. Now if you maintain that we are dealing with a threshold that was trodden upon by the public⁷ what does it matter whether the end of the roll rested within the four amos or without the four amos?⁸ Rather, explained Abaye, we are dealing here with a threshold that was a karmelis⁹ in front of which passed a public domain. [Hence it is that if the end of the scroll rested] within four amos where, even if [all the scroll] had fallen down and one would have carried it back, no obligation of a chatas would be incurred,¹⁰ the Rabbis have permitted the man to roll it back;¹¹ but where it rested without the four amos in which case, if he had brought it back,¹² he would have incurred the obligation of a chatas, the Rabbis did not permit it to him.¹³ But if so,¹⁴ why shouldn't a preventive measure be enacted, even [where

the end of the scroll rested] within the four amos, lest one might come to carry [the scroll]¹⁵ from the public into a private domain? And should you reply: Since a karmelis intervened this need not be provided against, didn't Rava, [it may be objected,] state: if a man transferred an object from the beginning of four amos to the end of the four amos, and the transfer was made above his head,¹⁶ he is guilty of an offence?¹⁷ — Here we are dealing with an extensive threshold¹⁸ in crossing which one is sure to recollect [to pause].¹⁹

If you prefer I might reply: The fact is that we are dealing here with a threshold that was not extensive, but one usually looks through the holy writings before putting them away.²⁰ But why shouldn't the possibility be taken into consideration that one might look through them while in the public domain and then carry them directly into the private domain? — The author of this ruling is Ben Azzai who laid down that walking is like standing.²¹ But is it not possible that he might throw them, Rabbi Yochanan having stated: Ben Azzai agrees in the case of throwing?²²

⁶ Since only a shevus is thereby affected. The threshold, however, cannot be compared to a roof where a preventive measure could well be enacted since in that case the scroll is not exposed to so much abuse.

⁷ And that, in order to protect the sacred scroll from abuse, a shevus was dispensed with.

⁸ Surely none; for just as a shevus was dispensed with for the reason given, in the case of the threshold where one end of the scroll is transferred from a public into a private domain, so it should also be dispensed with for the same reason in the case of carrying the end of the scroll along a greater distance than four amos in a public domain, since one of the ends is in his hand.

⁹ One that was four tefachim wide but less than ten tefachim high.

¹⁰ Since the prohibition to carry from a public domain into a karmelis is only a shevus.

¹¹ I.e., where an end is retained in the reader's hand, a shevus to safeguard a shevus was not considered necessary.

¹² Where the whole of [he scroll had fallen down and he carried it along a distance of more than four amos in a public domain.

¹³ Even where one end remained in his hand and only a shevus is involved. To safeguard a Biblical prohibition a shevus was justifiably instituted.

¹⁴ That according to Rabbi Yehudah a preventive measure was enacted, even in the case of holy writings, against the possibility of the infringement of a Biblical law.

¹⁵ I.e., where both ends dropped from the hands of the reader into the public domain.

¹⁶ Lit., 'the way above him', sc. he carried the object high in the air at a level above ten tefachim from the ground, which is regarded as a free domain.

¹⁷ Against the laws of carrying a greater distance than four amos in a public domain. This shows that an offence is not mitigated even though the object passed on its way through a free domain. Why then should the passing of the scroll across the threshold mitigate in any way the offence of carrying from a public into a private domain?

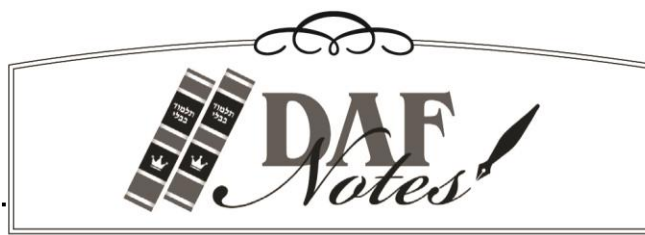
¹⁸ The crossing of which, on one's way from the public into the private domain, would take some time.

¹⁹ On it; and thus avoid the direct transfer from the public into the private domain. By making a pause on the karmelis the object is deemed to have been taken from the public domain into it and from it into the private domain which is Biblically permitted so that no chatas would be incurred even where the entire scroll had been carried in this manner.

²⁰ One would consequently pause for the purpose on the threshold and, by thus avoiding direct transfer from the public into the private domain, no obligation of a chatas would be incurred.

²¹ Lit., '(he who) walks is as (he who) stands', sc. since every step made represents a 'lifting up' of the foot from one spot and a 'putting down' of it in another spot, the very passing across the threshold constitutes a pausing on it.

²² That it is not like standing. As in such a case a Biblical law would be infringed where the entire scroll rolls out into the public domain, why was not a preventive measure enacted against this possibility even where only one end had rolled out?



Rav Acha bar Ahavah replied: This proves that holy writings may not be thrown. (97b – 98a)

If he was heading it on the top of a roof etc. But is this²³ permitted, seeing that it was taught: The writers of the scrolls of Scripture, tefillin or mezuzos were not permitted to turn a skin with the writing downwards, but a cloth must be spread over it? There this is possible whereas here this is impossible; and if one were not to turn it over the holy writings would be exposed to much greater abuse. (98a)

He must turn it over with its writing downwards. But, surely, it has not, has it, come to a rest?²⁴ — Rava replied: This is a case where the wall was slanting.²⁵ Said Abaye to him: You have explained our Mishnah as referring to a slanting wall; read them the final clause: Rabbi Yehudah ruled, even if it was removed from the ground by no more than a thread's thickness, he may roll it back to himself, but, surely, I may ask, has it not come to rest?²⁶ — Some words are wanting, the proper reading being as follows: This applies only to a slanting wall, but in the case of a wall that was not slanting and it came to rest above three tefachim [from the ground], he may roll it back to himself; but if below the three tefachim, he must turn it over with its writing downwards.

Rabbi Yehudah ruled: Even if it was removed, from the ground by no more than etc., because it is essential²⁷ that the object shall come to rest on something.²⁸ But then what of the statement of Rava that even if the entire object came within three tefachim [from the ground] it is

necessary according to the Rabbis that it shall rest on something, must it be assumed that he based his teaching on what is a dispute between Tannaim? — The fact is that all this represents the view of Rabbi Yehudah, but some words are missing, the correct reading being as follows: This applies only to a slanting wall, but in the case of a wall that was not slanting, even if it was below three tefachim from the ground, he may roll it back because Rabbi Yehudah ruled: Even if it was removed from the ground by no more than a thread's thickness, he may roll it back to himself. What is the reason? Because it is essential that the object shall come to rest on something. (98a – 98b)

MISHNAH: If there was a ledge²⁹ in front of a window it is permitted to put objects upon it or to remove objects from it on the Shabbos. (98b)

GEMARA: Into where did the ledge project? If it be suggested that it projected on to a public domain, why should no provision be made against the possibility that an object might drop and one would be tempted to carry it?³⁰ If, on the other hand, it be projected on to a private domain, isn't this obvious?³¹ — Abaye replied: The fact is that it projected on to a public domain, but the ruling, that it is permitted to put objects upon it, refers only to breakable objects.³² So it was also taught: If a ledge in front of a window projected into a public domain it is permitted to put upon it dishes, cups, ladles or bottles; and [it is permitted] to use all the wall as far as its lowest ten tefachim.³³ If there was a ledge below it³⁴ one may use it,³⁵ while the upper one may be used only in front of one's window. Now what kind of ledge is one to imagine? If its

²³ To turn a holy scroll with its writing downwards.

²⁴ In the public domain. Why then should it be forbidden to roll it back into the private domain seeing that such an act would not infringe even a shevus?

²⁵ So that the end of the scroll inevitably comes to rest on the slope.

²⁶ It must have done. Why, then, did Rabbi Yehudah permit it to be rolled back?

²⁷ If it is to be deemed to have come to rest in a certain domain, and if the prescribed penalties are to be incurred.

²⁸ It is not enough that it passed through the air of the domain however low the level.

²⁹ That was no less than four tefachim wide and no less than ten tefachim raised from the ground.

³⁰ Back to the private domain and thus transgress a Biblical law.

³¹ Since the ledge is a private domain within a private domain.

³² If these were to drop from the ledge no one would be likely to carry the fragments back into the house. Hence no preventive measure was necessary.

³³ But not lower, since a height that is less than ten tefachim is counted as the public domain.

³⁴ But above ten tefachim from the ground.

³⁵ Even if it extends along the entire length of the wall.

width was less than four tefachim, is it not a free domain which³⁶ one must not use even in front of one's window?³⁷ If, on the other hand, its width was four tefachim, why shouldn't one be allowed to use it along the entire length of the wall? — Abaye replied: This is a case where the lower ledge was four tefachim wide, while the upper one was not four tefachim wide but the window-sill made it up to four tefachim. [Consequently] One may use it in front of the window since it is regarded as an extension of the window-sill but its section on the one side or on the other³⁸ remains forbidden. (98b)

MISHNAH: A man may stand in a private domain and move objects in a public domain or he may stand in a public domain and move objects in a private domain, provided he does not take them beyond four amos. A man may not stand in a private domain and urinate in a public domain or in a public domain and urinate in a private domain, and the same applies to spitting. Rabbi Yehudah ruled: Even where a person's spittle accumulated in his mouth, he must not walk four amos before he spat out. (98b)

GEMARA: Rav Chinena bar Shelemya taught Chiya bar Rav in the presence of Rav: A man may not stand in a private domain and move objects in a public domain.³⁹ 'Do you', he said to him, 'ignore the Rabbis and act according to the view of Rabbi Meir?' He thought that since the final clause represented the view of Rabbi Meir the first clause also must represent the view of Rabbi Meir. In fact, however, this is not so. While the final clause represents the view of Rabbi Meir the first represents the view of the Rabbis. (98b – 99a)

INSIGHTS TO THE DAF

Status of a Ledge

The Mishna says that if a person has a ledge that is four *tefachim* wide and ten *tefachim* tall, he may carry to and

³⁶ Though its occasional use is permitted to the people of both the public and the private domain.

³⁷ As its area is small, objects are certain to fall off, and the placing of such objects upon it assumes the appearance of direct throwing from a private into a public domain.

from it on Shabbos. The Gemora says that this only applies to breakable things. This is because we otherwise suspect that if something from the ledge falls down, he will go and bring it back into his house from the public domain. However, if it is breakable, he will not retrieve it because it will be broken and worth very little.

The Ritva discusses whether or not the same law, that one can only use this ledge for breakable vessels, applies to a ledge that is hanging over a karmelis. He quotes an opinion that indeed it does. This is because we often find that Abaye considers a karmelis to follow the same laws as a public domain. This is in the spirit of the rule, "Whatever the Rabbanan instituted, they made its laws follow (i.e. like) Torah laws."

However, the Ritva quotes Tosfos who says that this is only up to a point. Where there is a common problem that is likely to happen and is strong reason for a decree, Abaye will indeed say that a karmelis is like a public domain. However, in a case like this where it is uncommon to have such a wide window ledge hanging over the public domain, and being that it is uncommon to use such a ledge, Tosfos holds that Abaye would not extend this decree to include a karmelis. Accordingly, if one had such a ledge that extended over a karmelis, Tosfos holds that Abaye would allow one to carry back and forth even vessels that are not breakable.

³⁸ Since it cannot be regarded as an extension of the window, and its own width is less than the minimum prescribed for a private domain.

³⁹ This being a preventive measure against the possibility of transferring the object from the public into the private domain.