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Shabbos Daf 6

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Daf Notes is currently being dedicated to the neshamot of

**Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h**

**Tzvi Gershon ben Yoel (Harvey Felsen) o”h**

Mav the studing of the Daf Notes be a zechus for their neshamot and mav their souls find peace in Gan Eden and be bound up in the Bond of life

The *Gemora* cites a *braisa*: If one carries (*an object*) from a shop to a public plaza through a colonnade, he is liable. [*The shop is a private domain, the public plaza is a public domain, and the colonnade is regarded as a karmelis, being occupied by blocks which served as benches – a place where the merchants sat to sell their merchandise.*] Ben Azzai holds that he is exempt.

The *Gemora* asks: As for Ben Azzai, it is well, for he holds that walking is like standing. When he walks through the colonnade, it is as though he stood there. [*Therefore, he performs two separate actions: (1) carrying an object from private ground to a karmelis; (2) carrying an object from a karmelis to a public domain. Neither of these imposes any liability.*] But according to the Rabbis, granted that they hold that walking is not like standing, yet where do we find liability for such a case? [*He did not go from a private domain to a public one, or from a public domain to a private one!?*]

Rav Safra answers in the name of Rabbi Ami in the name of Rabbi Yochanan: It should be compared to one who carries an article (*four amos*) in the public domain; there, surely, though he is not liable as long as he holds it and proceeds, yet when he places it down he is liable; so here too, it is not different.

The *Gemora* asks: How can the two cases be compared? There, wherever he places it down it is a place of liability; but here, if he places it in the colonnade, it is a place of non-liability!?

The *Gemora* answers: Rather, it should be compared to one who carries an object (*in the public domain*) from the beginning of four to the end of four (*exactly four amos*). There, surely, though he is exempt if he places it down within the four *amos*, yet when he places it at the end of the four *amos*, he is liable; so here too, it is not different.

The *Gemora* asks: How can the two cases be compared? There (*within the four amos*), it is a place of exemption (*only*) as far as this

man is concerned, but to all others, it is a place of liability; but here (*in the colonnade*), it is a place of exemption for all!?

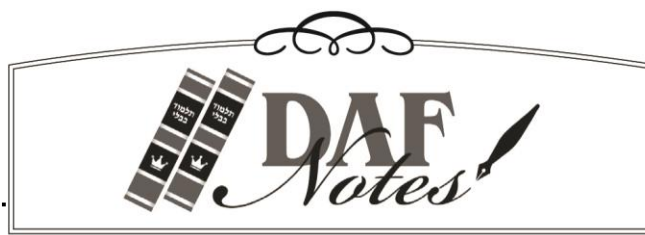
The *Gemora* answers: Rather, it should be compared to one who carries (*an object*) from a private domain to a public domain through the sides of the street (*a place where people walk when there is heavy traffic in the street; this is considered a karmelis*). There, surely, though he is exempt if he places it down in the sides of the street, yet when he places it down in the public domain, he is liable; so here too, it is not different.

Rav Pappa asked: That is well according to the Rabbis, who maintain that the sides of the street are not regarded as the public domain; but according to Rabbi Eliezer, who holds that the sides of the street are regarded as the public domain, what can be said?

Rav Acha the son of Rav Ika said to him: You have heard that Rabbi Eliezer rules that the sides of the street are regarded as the public domain where there is no fencing (*nothing obstructing that public traffic will be blocked*), but have you heard him to rule like that even where there is fencing? Therefore, it is comparable to this.

Rabbi Yochanan said: Yet Ben Azzai agrees in the case of one who throws (*from a private domain into a public domain through a karmelis; Ben Azzai only maintains that he is exempt when he is walking, for he holds that walking is like standing; this, however, does not apply when the object is being thrown*).

The *Gemora* notes: It was taught likewise in the following *braisa*: If one carries (*an object*) from a shop to a public plaza through a colonnade, he is liable, whether he takes it out (*from a private domain to a public one*), or brings it in (*from a public domain to a private one*), or whether he hands it over, or whether he throws it. Ben Azzai said: If he takes it out (*from a private domain to a public one*), or brings it in (*from a public domain to a private one*), he is exempt; if he hands it over, or throws it, he is liable.



The *Gemora* cites a *braisa*: There are four domains in respect to the *Shabbos*; a private domain, a public domain, a *karmelis*, and a place of exemption.

And what is a private domain? A trench ten (*tefachim*) deep and four (*tefachim*) wide, and likewise a wall ten (*tefachim*) high and four (*tefachim*) wide - that is a complete private domain.

And what is a public domain? A highway, a great public plaza, and open streets (*on both ends*) - that is a complete public domain.

One may not carry out from this private domain to this public domain, nor may he bring in from this public domain to this private domain. If one does take out or bring in - if he did so inadvertently, he is liable to a *chatas*; if deliberately, he is punished by *kares* or stoned (*if he was warned and there were witnesses*).

But the sea, an area of open fields, a colonnade, or a *karmelis*, are not considered as a public domain, or as a private domain. One is Rabbinically prohibited from carrying objects (*four amos*) within it, and if he does, he is exempt; and one must not take out (*an object*) from there into a public domain, or from a public domain into it, nor may he bring in (*an object*) from a private domain, nor may he take things from it into a private domain; yet, if he does carry outtake out or bring in, he is exempt (*for it is a Rabbinical decree, not a Biblical one*).

Regarding courtyards with many owners, and streets that are not opened on both ends, if an *eruv* is made (*by the residents of the area*), they are permitted; if an *eruv* is not made, they are forbidden.

A man standing on a threshold (*of a house*) may take (*an object*) from a householder (*standing in a private domain*), or give one to him. He may also take (*an object*) from a poor man (*standing in a public domain*), or give one to him; as long as he does not take from the householder and give to the poor man, or from the poor man and give it to the householder. If he does take and give, the three are exempt.

Others state: A threshold serves as two domains: if the door is open, it is as the inside (*a private domain*); if it is shut, it is as the outside (*a public domain*). But if the threshold is ten (*tefachim*) high and four (*tefachim*) wide, it is a separate domain (*by itself*).

The master said: That is a complete private domain.

The *Gemora* asks: What is this coming to exclude?

The *Gemora* answers: It excludes the following opinion of Rabbi Yehudah, for it was taught in a *braisa*: Even more than this (*of a case where a public domain had two walls (one on each side) which supported a roof above it; R' Yehudah ruled that one is permitted to carry in such a place, for there is a principle of 'pi tikrah yoreid v'so-seim' - 'the edge of the roof extends downwards and closes up'; it is viewed as if it is surrounded by four walls*) did Rabbi Yehudah say: If one has two houses on the opposite sides of a public domain, he can make a *lechi* (*sidepost*) on one side and a *lechi* on the other side, or a *korah* (*crossbeam*) on one side and a *korah* on the other side, and then he may pick things up and place them down between them. [*R' Yehudah holds that two walls facing each other render the space between a private domain by Biblical law. The outside walls of the houses are two such walls. The Tannaim who disagree with him maintain that this is true only by an area enclosed by three walls. The Rabbis, nevertheless, forbade carrying in such areas unless the opened sides were marked by a lechi or a korah, for otherwise, it would appear as if people were carrying in a public domain.*] The Sages to him: A public domain cannot be made fit (*for carrying*) in this manner. [*Our braisa is thus disagreeing with R' Yehudah.*]

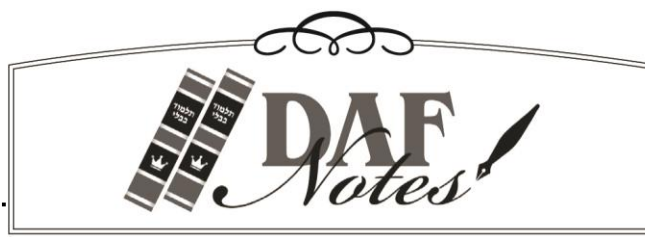
The *Gemora* asks: And why was it called a complete private domain?

The *Gemora* answers: You might have thought that the Sages disagreed with Rabbi Yehudah, maintaining that it is not a private domain only in respect of carrying inside of it; but in respect of throwing (*an object from a public domain into there*), they agree with Rabbi Yehudah (*that one would be liable, for by Biblical law, two walls constitute a private domain*); we are therefore informed that this is not so.

The master said: That is a complete public domain.

The *Gemora* asks: What is this coming to exclude?

The *Gemora* answers: It excludes the other opinion of Rabbi Yehudah, for it was taught in a *Mishna*: Rabbi Yehudah said: If the public thoroughfare interposes between the posts, he must divert it (*the thoroughfare*) to the side, but the Sages maintain that it is unnecessary. [A well ten *tefachim* deep and four wide in a public domain is regarded as its own private domain; consequently, if one draws water and places it at the side, he desecrates the *Shabbos*. The Rabbis were concerned for the people who stopped on *Shabbos* on their way to Jerusalem for the festivals. They needed water for their animals and would not be able to draw from these wells. Therefore, the Rabbis enacted that they should be surrounded, on their four corners, by a pair of boards, one *amah* in each direction



(shaped like the letter “L,” providing that there is not a gap of more than ten *amos* between any two; this renders the entire ‘enclosed’ area as a private domain, as though it were entirely enclosed. R’ Yehudah, however, maintains that if the actual public thoroughfare runs between these boards, it destroys its character as a private domain and makes it a public domain in spite of the boards, and therefore, the thoroughfare must be diverted.) [Our *braisa* is thus disagreeing with R’ Yehudah.]

The *Gemora* asks: And why was it called a complete public domain?

The *Gemora* answers: Since the first clause states ‘complete,’ the second does likewise.

The *Gemora* asks: Now, let the desert too be enumerated (as a *public domain*), for it was taught in a *braisa*: What is a public domain? A highway, a great public plaza, and open streets (on both ends), and a desert?

Abaye said: There is no difficulty, as one *braisa* refers to the time when the Israelites dwelt in the desert, and the other *braisa* refers to our own days.

The master said: If one does take out or bring in - if he did so inadvertently, he is liable to a *chatas*; if deliberately, he is punished by *kares* or stoned (if he was warned and there were witnesses).

The *Gemora* asks: If he did so inadvertently, he is liable to a *chatas*; but isn’t this obvious?

The *Gemora* answers: It is necessary to state: If it was done deliberately, he is punished by *kares* or stoned (if he was warned and there were witnesses).

The *Gemora* asks: But isn’t this obvious as well?

The *Gemora* answers: We are informed the following, as Rav stated, for Rav said: I found a secret scroll in the school of Rabbi Chiya, where in it, it was written: Issi the son of Yehudah said: There are forty minus one (thirty-nine) primary labors (that are forbidden on *Shabbos*), but one is liable only for one (if he transgresses them all; at least, according to the *Gemora’s* understanding at this point).

The *Gemora* asks: Now is that so? But we learned in a *Mishna*: There are forty minus one (thirty-nine) primary labors (that are forbidden on *Shabbos*), and we had asked: Why state the number? And Rabbi Yochanan answered: It is to teach us that if one performs all of them in one state of unawareness, he is liable for each one separately!?

The *Gemora* answers: Rather, say that he meant as follows: For one of those (forbidden labors), he is not liable (to stoning; however, it was not specified which one of those that was); and so we are informed here that this one (carrying from one domain to another) is of those about which there is no doubt.

The master said: But the sea, an area of open fields, a colonnade, or a *karmelis*, are not considered as a public domain, or as a private domain.

The *Gemora* asks: But is an area of open fields neither private nor public domain? Surely we learned in a *Mishna*: [If there is a case of doubtful impurity, the law depends on whether or not this doubt occurred in a private or public domain. If it is in a private domain, one is ruled impure. If this occurred in a public domain, one is ruled pure.] An area of open fields is considered in the summer to be a private domain regarding *Shabbos* and a public domain regarding impurity. In the winter, it is considered to be a private domain both regarding *Shabbos* and impurity.

Ulla answers: In truth, it is a *karmelis*, yet it is called a private domain because it is not a public domain.

Rav Ashi said: It is dealing with a case when it has barriers, and this is in accordance with that which Ulla said in the name of Rabbi Yochanan: An enclosure (*karfef*) more than two *se’ahs* (in area) which is not enclosed for residential use, even if it is a *kor* or two *kor* (in area), the *halachah* is that if one throws (an object) into it (from a public domain), he is liable. What is the reason for this? It is because it is a partitioned area, but it lacks inhabitants.

The *Gemora* notes: Now, as for Rav Ashi, it is well that he does not explain it as Ulla, but why does Ulla not explain it in accordance with his own dictum?

The *Gemora* answers that Ulla would say that if it has barriers, is it called an open area of a field; surely, it is an enclosure!?

Rav Ashi would answer that a private domain was taught in the *Mishna* (and not a *karmelis*).