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YESHIVAS IYUN HALACHA
HILCHOS EIRUVIN PROGRAM

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SIMAN 345:1-3
THE FOUR DOMAINS OF SHABBOS

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METHODOLOGY

In our shiurim on Shabbos we would first learn the sugya and then follow it up with the Tur, Bais Yosef, Shulchan Aruch, Taz and Magen Avraham. From there we would continue with the many poskim available to us. Eiruvim is more complicated and I do not think that in our capacity we can afford ourselves such a luxury.

We will therefore attempt to begin with the sugya in the gemora, as usual, and we will usually state the relevant Taz and M"A, but you are not expected to learn every Taz and M"A, unless explicitly stated. We will concentrate more on the Mishna Berura while incorporating the poskim into his work. I hope that this will make learning this subject an easier task.

The diagram at the end of this shiur is taken from the sefer Peirush Chai, with the full permission of the author. It is a book of diagrams that accompanies maseches Eiruvim. It is very worthwhile having.

INTRODUCTION

The melacha of הוצאה - transferring an item from one domain to another, is one of the 39 melachos and intentional violation of this melacha carries the death penalty. The Rambam (12:8) writes as follows, taking (an item) outside and bringing (an item) inside is one of the melachos. Although this was passed on from Moshe from Sinai together with the rest of the Torah, nevertheless the possuk says (Sh'mos 36:6) "Man and woman should cease from doing the melacha of donating to the Holy, and the people refrained from bringing". We see that 'bringing' is termed a melacha. It was likewise learned in the oral law that one who transports an item from the beginning of four amos to the end of four amos is equivalent to carrying from one domain to another.

SIMON 345:1 – THE FOUR DOMAINS OF SHABBOS

The Shulchan Aruch writes:

The four domains of Shabbos are a private domain, a public domain, a carmelis (i.e. damp, neither dry nor wet, it is not a private domain due to the lack of walls and it is not a public domain due to its dissimilarity to the camp of B'nei Yisroel, as it is not a public thoroughfare) and a void space.

Mid'oraisso

Mid'oraisso one is only liable for transferring an item from a reshus harabim (a public domain) to a reshus hayachid (a private domain) and vice versa, and for transporting an item

four amos in a reshus harabim. The halacha sets the parameters for the various domains, which is the subject of the present simon.

There are many ways to transfer an item, for example, throwing, and passing, carrying and rolling. These methods of transfer are discussed later.

Mid'rabanan

Chazal added two other domains, the carmelis and the m'kom p'tur. The carmelis is not a reshus harabim because it is not a thoroughfare and it is not a reshus hayachid because it lacks walls - מחיצות. (The terms מחיצה - singular and מחיצות - plural are defined in this simon. We will use the word partition).

◆ Carmelis

One may not transfer an item - mid'rabanan - from a reshus harabim to a carmelis and vice versa, or from a reshus hayachid to a carmelis and vice versa. The violation obviously does not carry the death penalty or necessitate a korban (sacrifice) because it is only a rabbinical violation.

◆ M'kom p'tur

A מקום פטור is a space void of restrictions, and indeed one may transfer an item from a reshus hayachid to a מקום פטור and vice versa and from a reshus harabim to a מקום פטור and vice versa. Chazal prohibited the transferring of an item from a reshus harabim to a מקום פטור and to continue and transfer that very item to a reshus hayachid.

This simon deals with the definitions of the various domains.

SIMON 345:2 - A RESHUS HAYACHID

The Shulchan Aruch writes:

Which is a private domain: a space that is enclosed by walls ten tefachim high and four tefachim by four tefachim wide or more; a ditch that is ten tefachim deep and four by four wide; a mound that is ten tefachim high and four by four wide. RAMA Some say that these must be four by four plus their diagonal, which will be explained in simon 349.

One of the sources of this halacha is in the gemora Shabbos 6a.¹

¹. Center of the amud after the colon.

Definition

A reshus hayachid is a space surrounded by walls that are at least 10 tefachim high and has a minimum inner space of 4 tefachim by 4 tefachim.

Number Of Walls

There is a machlokes Rishonim as to the number of walls needed to define a reshus hayachid.

◆ Rambam

The Rambam holds (Shabbos 14:1) that it requires 4 walls to be considered a reshus hayachid. These walls can be 4 full walls (including openings in the walls and many other issues, which do not detract from the validity of the wall) or 3 full walls and a lechi - לחי - for the 4th wall.

A לחי is a stick of any width at least 10 tefachim high, which is placed adjacent to the 3rd wall, jutting into the space of where a 4th wall would be. When certain conditions are met a לחי has a status of wall.

◆ Other Rishonim

Most other Rishonim (namely Rashi, Tosefos, the Ra'avad, the Rosh, Rashba and Ritva) hold that 3 walls define a reshus hayachid, or even 2 walls and a לחי for the 3rd wall.

See the 1st Bi'ur Halacha in simon 363 ד"ה אסרו חכמים , who discusses this machlokes in greater detail and adds several clauses.

Space Between The Walls

The Taz 2 discusses at length the issue of the space between the walls and holds (based on many Rishonim according to his understanding) that the thickness of the walls is taken into account. Accordingly, for example, if the space between the walls is 3 tefachim and the thickness of the walls is $\frac{1}{2}$ a tefach each, it is a reshus hayachid.

The M"A 1 plainly says that the empty space must be 4 tefachim, see inside.

The M"B 3 says that most Rishonim hold that the empty space must be 4 tefachim, and se'if 19 is proof of that.² He adds that indeed there are Rishonim who hold that the walls are measured with the space, see Sha'ar Ha'tsiun 3.

2. Se'if 19 says that if the space between the walls is less than 4 tefachim it is a m'kom ptur, and the Mechaber does not discuss the thickness of the walls at all.

He then quotes the Elya Raba who cites the Rashba saying that if the walls are sufficiently wide to enable items to be placed on top, the thickness will be calculated as part of the space to make up the 4 tefachim.

The M"B concludes, in the name of the poskim - see Sha'ar Ha'tsiun 5, that the debate regards the wall itself but in order for the space to be considered a reshus hayachid it must be at least 4 tefachim wide.

TO SUMMARIZE

For the space to be considered a reshus hayachid it must be 4 tefachim wide. Therefore if one were to throw an article from a reshus harabim into a space that it is 3½ tefachim wide, regardless of the thickness of the walls, one would be pottur. (Possibly it is even permitted to do so if that space is defined as a (מקום פטור).

In a case where the space between the walls is 3 tefachim and the thickness of the walls makes up the 4 tefachim and it is possible to place items above the walls, if one were to throw an item into the space between the walls one would be pottur, but if one threw it and it rested on a wall, one would be chayav (obviously we are referring to a case where the walls are 10 tefachim high).

Ditches And Poles

A ditch that conforms to the measurements of 4 by 4 by 10 tefachim will be a reshus hayachid, as mentioned in the gemora. The M"B 4 adds that a pole with similar measurements, even when situated in a reshus harabim, is a reshus hayachid.

In order for the space above the pole to be considered a reshus hayachid we must use a term called גוד אסיק מחיצתא - 'the walls rise'. This means that we imagine as if the walls of the pole rise and surround the space above the pole, thus forming a reshus hayachid. Without that we cannot say that the space above the pole is a reshus hayachid because it is not surrounded by walls. Indeed there are cases when we will not say גוד אסיק מחיצתא because there is for example a certain ledge above the pole "preventing" the sides from rising.

♦ A post box

A post box that is 4 by 4 and 10 tefachim high is a classic example of a reshus hayachid, and thus it is ossur mid'oraisso to raise an item from the ground (when a reshus harabim) and place it on top of a post box.

♦ A car

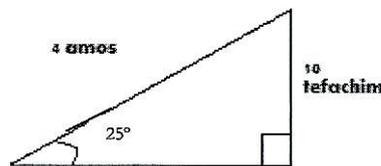
The same could be said of a car. Although we are aware of the halacha that says that one may not transport an item in a reshus harabim over a distance of more than 4 amos, it is

easy to overlook this simple halacha that one may not (mid'oraissa) raise a slice of bread from the floor and place it on a car that is next to the bread, because one is raising it from a reshus harabim and placing it on top of a reshus hayachid.

A Mound

A mound that is 10 tefachim high and has a surface area of 4 by 4 tefachim is a reshus hayachid.³ See the diagram on the last page.

The sides need not be vertically upright. If the sides are at an angle that rise 10 tefachim over a surface area of 4 amos or less, the mound will be a reshus hayachid. If the angle is shallower, the mound is not a reshus hayachid.



1. The angle is approximately 25°.

The reason for this is that an angle so steep is not easily traversed and the mound cannot be considered a part of the reshus that it is in. If the angle is shallower it is easily climbed and the mound is part of the reshus it is in. See Rashi in Shabbos 100a ⁴ ד"ה תל המתלקט.

The same approach is to be taken when estimating the steepness of the sides of a ditch or pit. The sides need not be perpendicularly straight down, it is sufficient if they drop ten tefachim within 4 amos to consider the pit a reshus hayachid.

SIMON 345:2 - ABOVE THE WALLS

The Shulchan Aruch writes:

The top of walls that enclose a private domain are considered a private domain even though they are not four tefachim wide.

3. We will come across the exact method of measuring the surface area because sometimes a certain portion of the sides, usually when diagonal, will be included in the surface area.

4. 29 lines from the bottom of the amud.

The walls enclosing a reshus hayachid have a status of the reshus hayachid and placing an item above the walls are similar to placing it within the reshus hayachid.

The reason is because they "cause" the enclosed space to become a reshus hayachid and therefore they קל וחומר - all the more so are a reshus hayachid.

This is not to be confused with the discussion in se'if 2 regarding the thickness of the walls, because the above refers to a space that is 4 tefachim together with the walls, whereas here the space is 4 tefachim wide without the thickness of the walls.

- ◆ One may not raise an item from a reshus harabim and place it on a fence that encloses a reshus hayachid, even if the fence is less than 4 tefachim wide, because the fence itself is a reshus hayachid.
- ◆ One may not remove an item from such a fence and place it on the ground of a reshus harabim, or even hold it in one's hand for that matter, because it is considered as passing it from a reshus hayachid into a reshus harabim and is an issur d'oraisso.⁵

A Mound



5. We have to learn to the intricacies of passing where certain requisites apply such as raising, putting down or holding stationary, however the purpose is to demonstrate the practicality of the halacha.

CHAZORA PART 1

1. Is הוצאה an issur d'oraisso and what is the punishment for הוצאה?
2. Which domains are mid'oraisso and which mid'rabanana?
3. Why is a Carmelis only mid'rabanana?
4. What are the basic parameters of a Reshus Hayachid?
5. Is the thickness of the walls taken into account?
6. When does a pit become a Reshus Hayachid?
7. How is a pole measured?
8. How high must the sides of a mound be to consider the mound a Reshus Hayachid and must they be perpendicular?