

## 2.1.5

6a (כרשות הרבים דמיה) → 7a (ת"ר ארבע רשויות לשבת [תוספתא שבת א:א-ו])

- I. שבת רשויות of תוספתא שבת א:א-ו
- a. **רשות היחיד (א:א):** a ditch י"ט deep and ד"ט wide, or a fence י"ט high and ד"ט wide – this is a "complete" רה"י
- Note:* exclusive phrasing in ברייתא is meant to exclude יהודה ר' opinion about houses facing each other
  - ד' יהודה:** if he owns 2 houses on 2 sides of רה"י, he may set up a לחי on each side or a קורה on each side and carry between them ( חכמים - cannot be מערב רה"י this way)
    - Note:* "complete" - סד"א that חכמים disagree לחומרא (may not carry), but would consider it a רה"י such that if he threw something in there from the adjacent רה"י he'd be חייב – קמ"ל that it is not רה"י at all
- b. **רה"ר (ב:א):** main streets, city plaza and alleys that cut through from main road to main road
- Note:* exclusive phrasing in ברייתא is meant to exclude another ruling of ר' יהודה (עירובין ב:ד) in re: פסי ביראות
    - Ruling:* if רה"ר went through the fenced off-area (for access to the cistern), set up detour around פסים
    - Note:* "complete" is just parallel construction with first clause
  - Question:* why not include "the desert" – which is included in list of רה"ר in another ברייתא
    - Answer (אב"י):* that ברייתא is referring to the desert period (מחנה ישראל was in desert) – ours is current
- c. **Rules of interaction and consequences (ג:א):** may not take out from רה"י to רה"ר or bring in from רה"ר to רה"י
- Consequences of violation:* בשוגג – חטאת; intentionally – כרת or סקילה (if והתראה)
  - Range:* whether he takes out, brings in, hands over or throws – liable
    - Justification:* רב found a private document in ר' חייא's house, in the name of בן יהודה, איסי, indicating that the canonical count of 39 מלאכות teaches that there is only liability for one of them
      - Challenge:* ר' יוחנן interpreted ז"ב שבת as implying that there is liability for each מלאכה
      - Rather:* there is one מלאכה for which the usual consequences don't apply – but והוצאה isn't it
- d. **כרמלית (ד:א):** the sea, איסטונית (like סטי above), a field or כרמלית are neither רה"י nor רה"ר
- Therefore:* we may not carry within these areas, but there is no liability for doing so
  - And:* we may not take an object from these areas to or from רה"י or רה"ר – but there is no liability for doing so
    - Challenge:* an open field is considered רה"ר and רה"י
      - In summer:* רה"ר for טומאה and רה"י for שבת
      - In winter:* רה"י for both
    - Answer1 (עולא):* it is a כרמלית; called "רשות היחיד" insofar as it is not a רה"ר
    - Answer2 (ר' אשי):* in case it was fenced in, per ר' יוחנן's ruling (quoted by עולא) that if a field is fenced in for non-residential purposes, if someone throws an object into that area (no matter how large) from רה"ר – רה"י (i.e. it is רה"י)
      - Reason:* it has מחיצות, but is just lacking residents
  - Challenge:* why single out "כרמלית"? Aren't all of these classified as כרמלית?
    - Answer (ר' יוחנן):* this includes a corner which is adjacent to רה"ר
      - Even though:* it is sometimes used – in exigent circumstances – by the public,
        - Nonetheless:* since using that area isn't convenient, considered כרמלית
      - ד' יוחנן:** the area between the pillars (where shopkeepers set up their wares) considered כרמלית
        - Reason:* even though the public goes there, but can't do so comfortably (must squeeze through)
      - דב יהודה:** איצטבא (where sellers would sit) is a כרמלית
        - Note:* ר' יוחנן would certainly agree with this, but רב יהודה might not accept העמודים בין
          - Reason:* access there is easier
          - Alternately:* between the pillars is accessed by the public → considered רה"ר
- e. **publicly held courtyards and dead-end alleys (ה:א):** only if they make an עירוב חצירות may they carry there
- f. **status of the threshold-מקום פטור (ו:א):** man may stand there and give/take to/from person inside or person outside
- he may even:* pass an item from/to inside or from/to outside
    - but:* he may not pass from inside to outside (or vice-versa), but if he does, all 3 are פטור
  - dissent:* אחרים – if door is open, אסקופה considered part of רה"י; if closed, part of outside (רה"ר);
  - Note:* if it is י"ט high it is considered an independent רשות היחיד