

2.1.6

7a (ורבנן סברי לא אמרינן שדי נופו בתר עיקרו) → 8a (אמר רבה בר שילא אמר רב חסדא לבינה זקופה ברשות הרבים)

- I. Variations on **מקום פטור** – bricks, bushes and feces in **רה"ר**
- a. **ד' חסדא** if he threw a fig (e.g. – something sticky) **ד"א** in **רה"ר** and it land on a brick
 - i. *If*: it landed on its side – **חייב**
 - ii. *But if*: it landed on its top – **פטור** (reasoning below)
 - iii. **אבני ורבא**: only if the brick is at least **ג"ט** high (no longer **בטל** to **רה"ר** – is its own place – **מקום פטור**)
 1. *But not*: if it landed atop thornbush – even if lower than **ג"ט** he is **פטור**, as people don't walk on it
 - iv. **חייא בר רב**: even thornbushes must be 3 high to be considered distinct place, but not feces
 - v. **ד' אשי**: even feces must be **ג"ט** high, else **חייב** if it lands atop the **צואה** (**בטל** to **רה"ר**)
- II. Further definitions of **כרמלית**
- a. **ד' יוחנן** a **כרמלית** is no smaller than **4x4 טפחים** high
 - i. **ד' ששת**, and it reaches until 10 **טפחים** high
 1. *Which cannot mean*: that only if there is a **מחיצה** 10 high it is a **כרמלית**
 2. *Proof*: per **רב**'s ruling – if a house is only **י"ט** high including its roof beam
 - a. *Then*: you may carry on top of the house (**רה"י**), but inside – only **ד"א** (i.e. it is a **כרמלית** inside)
 3. *Rather, means*: it is only a **כרמלית** until 10 – above that, considered **מקום פטור**
 - a. *Support*: **ר' יהודה** instructed **שמואל** that he should have “no dealings above **י"ט**” in **הלכות שבת**
 - i. *Cannot refer to*: either **רה"י**, which extends infinitely (per **ר' חסדא**'s ruling – see below)
 1. *Nor*: to **רה"ר**, which is an explicit **משנה** (**יא:ג**)
 - ii. *Must refer to*: **כרמלית**
 - b. *Summary*: **רבנן** established **כרמלית** with leniencies of **רה"י** (must be at least **4x4**) and of **רה"ר** (only extends **י"ט** high)
- III. Revisiting **רב**'s ruling (above) about a house that is only **י"ט** high with roofbeam included
- a. **אבני**: if he dug a **4x4 טפחים** hole inside, at which point it is **י"ט** high, he may carry throughout
 - i. *Reason*: it becomes like **חורי רה"י** (holes in a wall on the **רה"י** side) which are **רה"י**
 - ii. *Per*: **מימרא** – **חורי רה"י** – **רה"י** are **חורי רה"י**
 - iii. *But*: **חורי רה"ר** (holes on the **רה"ר** side of the wall) are a subject of dispute
 1. **אבני**: they are considered **רה"ר**
 2. **רבא**: not considered **רה"ר**
 - a. *Argument* (**רבא**): how is this different from corners of **רה"ר**, which **ר' יוחנן** defined as **כרמלית** (p. 5)?
 - i. *Answer* (**אבני**): in that case, usage is difficult, unlike **חורי רה"ר**
 - b. *Argument* (**רבא**): **שבת יא:ג** – if he throws something at a wall – if it lands above **י"ט**, like throwing in the air (**פטור**); if below **י"ט** – like throwing on the ground (**חייב**)
 - i. *And*: we questioned how he could be liable – it didn't come to rest on the wall
 - ii. **ד' יוחנן** referent is to a “fat fig” (will stick to wall)
 1. *But if*: **חורי רה"ר** are like **רה"ר**, no need to posit a fig – could've answered that it fell into a hole in the wall which was below **י"ט**
 2. *Answer1*: an object will typically bounce in and then out (not come to rest)
 3. *Answer2*: the referent is (even) a wall without holes
 - a. *Proof*: from **רישא** – if it landed above **י"ט**, exempt – but if it is a wall with holes (and it landed in the hole) – should be liable
 - i. *Perhaps*: it may be a hole smaller than **4x4**, even in that case he may be liable
 - ii. *Per*: **ר"מ**'s opinion, that we consider the hole as if it is **4x4** (**חכמים** dissent)

IV. Revisiting **ר' חסדא**'s ruling about **רה"י** – if he put a stick in **רה"י**, no matter how high, and threw an object which came to rest atop the stick, he is liable, since **רה"י** extends infinitely high

 - a. *Proposal*: perhaps **ר' חסדא** is following **רבי**, in re: throwing an object which lands atop a beam, of any size (even less than **4x4**) – **רבי** maintains (*contra* **חכמים**) that he is liable
 - b. *Rejection* (**אבני**): all (**רבי** and **חכמים**) would agree with **ר' חסדא** if it is in **רה"י**
 - c. *Disagreement*: in case of a tree that is planted in **רה"י** but the branch extends over **רה"ר** and he threw it on the branch
 - i. **רבנן**: the branch is defined by the trunk → he threw it into **רה"י** and is liable
 - ii. **חכמים**: the branch is independent → he threw it within **רה"ר** and is exempt