

2.1.7

8a (גזירה משום תל ברשות הרבים) → 9a (אמר אבני זרק כוורת)

Note: an *עירוב תחומין* must be in a location which is accessible – both physically as well as Halakhically, during *בין השמשות* on Friday night; therefore, if an *עירוב* was in a *רה"י* surrounded by a *רה"ר* with no way to eat it in the *רה"י* – it is invalid

- I. **ה"ר** (in this case, evidently a wicker basket, per *בן-יהודה*'s 2nd entry), thrown into **רה"ר**
- a. **אבני**: if it was **י"ט** high but not **ר"ט** wide (i.e. 4x4 – which would produce a circumference of ~6) – **חייב** (כלי)
 - i. *But if*: it was 6 wide – not liable – as it is a **רשות** and there is no liability for throwing a **רשות**
 - ii. *Dissent* (**רבא**): even if less than 6, **פטור**; since strands of the wicker stick up above **י"ט** (into **פטור**)
 - b. **אבני**: he turned it upside down (so that open side is facing down) – if it is 7.5 (or taller) – **פטור**; 7+ – **חייב**
 - i. *Reason*: **לבור** – as soon as the bottom enters **ג"ט** from ground, considered on ground – and top is over **י"ט**
 - ii. *Dissent* (**ר' אשי**): even if 7.5 – still **חייב** – since the **מחיצות** are made to hold things inside, not considered extending down via the virtual mechanism of **לבור**
- II. Inconvenient use in **רה"ר**
- a. **עולא**: if a pillar is 9 **טפחים** high and the public uses it (to rest their packs etc.) – and he threw something and it came to rest on it – **חייב**
 - i. *Schema*: if lower than **ג"ט**, everyone walks on it; from 3→9, they neither walk on it nor use it for rest
 - ii. *Question* (**אבני לר' יוסף**): does the same hold true for a pit (if 9 deep)?
 1. *Answer* (**ר' יוסף**): same applies
 2. *Dissent* (**רבא**): not liable for a **גומא** – since it is inconvenient usage, not considered **רה"ר**
 - a. *Challenge* (**ר' אדא בר מתנא**): if he had a box in **רה"ר** and it was 10x4 – may not carry from/to **רה"ר**
 - i. *But if*: less than 10x4 – may carry from/to **רה"ר**
 - ii. *And*: same applies to a pit
 1. *Supposition*: "pit" is same for 2nd rule (היתר) if less than 10 → considered **רה"ר**
 2. *Rejection*: "pit" is same for 1st rule (אסור) if it is 10 deep → considered **רה"י**
 - b. *Challenge*: (see note) – if he made his **שביתה** in **רה"ר** and put the **עירוב תחומין** in a cistern
 - i. *Then*: if it was above **י"ט**, valid; if below **י"ט**, invalid
 1. *Cannot mean*: a **בור** deeper than **י"ט**, "above" meaning he placed it higher up (closer to ground)
 - a. *Reason*: in any case, his **עירוב** is in **רה"י** and he is in **רה"ר** (inaccessible)
 2. *Must mean*: that the pit is deeper than **י"ט** (or not) → inconvenient use is valid
 - ii. *Answer1*: in this case, perhaps he and **עירוב** were in **כרמלית**; called "**רה"ר**" as it isn't a **רה"י**
 - iii. *Answer2*: follows **רבי** – **שבות** (such as carrying to/from **כרמלית**) isn't prohibited during **בין השמשות** **בין השמשות**
 - c. *Proof* (for **רבא**): from extra wording in **יא:ד**, **שבת**, only inconvenient walking (in a creek) is considered **תשמיש**, but **ע"י הדחק** is not considered **תשמיש**
 - b. *Related ruling of יהודה*: if he rolls a bundle of sticks in **רה"ר**, not liable until he picks it up, moves it and places it
- III. Revisiting **א:ו** (above, p. 5) – where he may pass to **רה"י** and to **רה"ר**
- a. *Question*: where is **אסקופא** – if **רה"ר**, how may he take from **בעה"ב**; if **רה"י**, how may he hand to **עני**? If **כרמלית**, how would we permit him to do either **לכתחילה**?
 - i. *Answer*: it is a **מקום פטור** (less than 4x4)
 1. *Per*: **יהוה**'s ruling that a place that is less than 4x4 may be used by **בני רה"י** and **בני רה"ר** – as long as they don't use it to pass things from **רה"י** to **רה"ר**
 - b. *Next ruling*: if they use **אסקופא** as conduit, they are **פטורים**
 - i. *Note*: this seems to be a challenge to **רבא**, who ruled that if someone carries **ד"א** in **רה"ר**, even if he carried it over his head (in **מקום פטור**) he is **חייב** (i.e. carrying through a **מקום פטור** doesn't exempt the act)
 - ii. *Block*: in that case, it never came to rest (overhead); in the case of the **אסקופא**, it came to rest (on **אסקופא**)
 - c. *Analysis of position of אחרים* (*ibid*): **אסקופא** can be **רה"י** (if door is open) or **רה"ר** (if closed)
 - i. *Challenge*: how can it be considered **רה"י** without a **לחי** (on other side of doorway) – per **רב**
 - ii. *Proposal*: perhaps doorway is less than 4x4
 1. *Rejected*: **רב**'s ruling even applies to doorway that is less than 4x4
 - iii. *Answer1* (**רב**): referent is **אסקופא** of the **מבוי**, inner half has roof; if door is open, **קירוי** permits area; if closed – not
 - iv. *Answer2* (**ר' אשי**): **אסקופא** belongs to house; has two boards on top, each less than **ד"ט** with less than **ג"ט** between them and doorway splits them; if open, all merge to create a **קירוי** (may carry); if closed – separated (may not)
- IV. Last ruling in **תוספתא** – if **אסקופא** is 4x4 and **י"ט** high, it is a separate **רשות** (may not be used by others)
- a. *Note*: this supports ruling (**ר"מ**) that wherever we find 2 **רשויות** that are the same, may not carry from one to the other as a precaution against a **תל** (**רה"י**) in **רה"ר**