

Part III

Carrying on Shabbat



1. Four Domains of Shabbat

אַרְבַּע רְשׁוּיֹת הַשַּׁבָּת

1. There are four kinds of domain with respect to carrying on Shabbat: a private domain (*reshut hayachid*, רְשׁוּת הַיַּחֲדִיד), a public domain (*reshut harabim*, רְשׁוּת הָרַבִּים), a semi-public domain (*karmelit*, כַּרְמְלִית) and a free place (*mekom petur*, מְקוֹם פֶּטוּר). For a formulation of the *melachah* which prohibits carrying on Shabbat, see Part II, *Melachah* 39.

2. A private domain, *reshut hayachid*, is an area with the minimum dimensions of four *tefachim* (four handbreadths, approximately fifteen inches) square—which is a minimally useful space—enclosed with a wall, a fence, or other partition no less than ten *tefachim* (ten handbreadths, approximately three feet) high. The partitions need not be whole. If the area is bounded by a trench ten *tefachim* deep and four *tefachim* wide, it is also a *reshut hayachid*. Similarly, an excavation such as a pit, or an elevation such as a mound of earth or stones,¹ or an object such as a box, or a vessel such as a barrel, that measures ten *tefachim* in

1. **Slope of the Pit or Mound** The pit or excavation, and the mound or elevation, must reach a depth or a height of ten *tefachim* (about three feet) within a slope of less than four *amot* (about seven feet) for it to be considered a private domain. But if it is more than four *amot*, with a more gradual incline affording greater accessibility to people, it is regarded as part of the public domain.

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depth or in height, and is four *tefachim* square, forms a separate premises and is considered to be private domain, even when it is situated in a public domain² or in a *karmelit*.

The airspace above a *reshut hayachid* is, to an unlimited height, considered a private domain. The airspace above the walls and any space within the walls of a *reshut hayachid* are considered *reshut hayachid*.

3. A public domain, *reshut harabim*, is an area frequented by the public, such as a street, road or public square.³ Its minimum area is sixteen *amot* (sixteen cubits, approximately twenty-eight feet) by sixteen *amot*. In the case of an intercity highway, it must be sixteen *amot* wide—this being the width of the road in the camp of the Levites in the desert.

Anything in a *reshut harabim* that is less than three *tefachim* (three handbreadths, approximately eleven inches) high—for example, a mound of dirt or stones, or even thorns and dung which people avoid stepping on—is subordinate to the ground and considered part of the *reshut harabim*.⁴ Also, a ditch less than three *tefachim* deep that is in a *reshut harabim* is considered to be a part of the *reshut harabim*. A hole in the side of a wall facing the *reshut harabim* that does not extend through the wall into a *reshut hayachid*, if situated less than three *tefachim* from the ground, is subordinate to the ground and considered *reshut harabim*.

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2. **A Tower in a Reshut Harabim** A structure such as a tower which stands in the public domain upon one or more pillars or posts, and measures ten *tefachim* in height and four *tefachim* square is considered a *reshut hayachid*, although the space beneath it is *reshut harabim*.
 3. **A Public Square and Market Place** To be considered a *reshut harabim*, the public square or market place should have no roof and no walls. If it has walls it should be open at both gates and its doors unlocked at night, so that it is accessible to the public at all times.
 4. **Airspace Above a Reshut Harabim** The airspace over a *reshut harabim* to a height of ten *tefachim* is considered to be part of *reshut harabim*; above ten *tefachim*, it is regarded as a “free place” (מקום פטור).

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If it is three *tefachim* or more from the ground it is judged in accordance with its measurements, as follows: If it measures four *tefachim* by four *tefachim*, and is lower than ten *tefachim* from the ground it is considered a *karmelit*. If it is more than ten *tefachim* from the ground it is considered a *reshut hayachid*. If it does not measure four *tefachim* by four *tefachim*, it is considered a *mekom petur*, irrespective of whether it is more or less than ten *tefachim* from the ground.

An alley leading into a *reshut harabim* is at times regarded as *reshut harabim* and at times as a *karmelit*, inasmuch as its status is subject to many particular laws.

Some authorities are of the opinion that any place that does not have six hundred thousand people (ששים ריבוא) passing by daily⁵—the number of Israelites encamped in the desert—is not considered to be a public domain, but is regarded as a *karmelit*.⁶ According to

5. **Six Hundred Thousand People** It is uncertain whether the condition of six hundred thousand means that many people must actually pass through an area daily for it to be regarded as a *reshut harabim*. The *Shulchan Aruch* so states it, but the *Mishnah Berurah* points out that earlier authorities do not mention this fact. He therefore maintains that it suffices if there is that number of people present or residing in the area.
6. **A Consideration in Establishing an Eruv** The presence of six hundred thousand people as a requirement for an area to be regarded as a *reshut harabim* is not explicitly stated in the Gemara, and it is therefore the subject of debate among *Rishonim*. The question revolves around whether the area must conform to the Israelite encampment in the wilderness in this respect. Rashi, Rosh, Semag, Semak and other authorities believe six hundred thousand to be required. Rambam, Ramban, Rashba and others, however, are of the opinion that if the place has the essential characteristics, namely, that it is a public square or a road that is unroofed, measuring sixteen *amot* in width, and open at both ends, it is considered a public domain. The view which deems six hundred thousand a requirement is cited in the *Shulchan Aruch* and has come to be accepted as normative. This is significant because it is a condition that is of primary consideration in the establishment of an *eruv* in cities and populous metropolitan areas of considerable size. If the area does not qualify as a *reshut harabim*, it is regarded as a *karmelit* and carrying on Shabbat is only rabbinically prohibited. In such cases, rabbinic law allowed carrying where the area was encompassed with a series of *tzurot hapetach*, commonly known as an *eruv*, consisting of wires or cables strung along a series of posts, forming nominal partitions, alongside actual walls, partitions and natural boundaries that may already exist.

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this opinion, there are hardly any areas⁷ that have the status of a public domain.⁸

4. A *karmelit* is a semi-public domain⁹ that does not serve as a thoroughfare, and is also not properly enclosed by partitions. Some examples of a *karmelit* are: an open field; the sea; a river¹⁰ that is at least ten *tefachim* deep and four *tefachim* wide; an alley that has partitions on three sides; a portico at the entrance to a shop (where the merchants sit) and a balcony (used as a stand for traders' stalls) erected in front of columns in the *reshut harabim*, which measure four *tefachim* in width and from three to ten *tefachim* in height; an area in the *reshut harabim* that is four *tefachim* by four *tefachim* and enclosed by partitions that are less than ten *tefachim* high; a mound in the *reshut harabim* which measures

7. **No Reshut Harabim Today** According to Rav Moshe Feinstein, *zt"l*, the requirement of six hundred thousand is not to be applied to a particular street. Rather, if all streets in a city have six hundred thousand people in them collectively, the entire city grid is considered *reshut harabim*, provided the area in question is no larger than twelve *mil* squared, which was the size of the encampment in the desert. Rav Moshe estimated that a quarter of the populace can be expected to be in the streets at any given time. Therefore, a city that has a population of 2.4 million residents within an area of twelve *mil* squared should be assumed to be *reshut harabim*. Thus, the status of *reshut harabim* might be found today in densely populated urban areas. Rav Moshe stood firmly behind his opinion even while noting its novelty.
8. **Stringency in Personal Practice Regarding the Eruv** While there is due regard for the above-stated view, and general acceptance of the validity of the *eruv* even in populous metropolitan areas, some *poskim* advise those who are more stringent in religious observance to be stricter in their personal practice and to refrain from carrying even where there is an *eruv*. However, they caution against imposing such a restriction on those who are inclined to be lenient—whether for reasons of convenience or necessity, as in the case of families with young children who, in the absence of an *eruv*, would be confined to their homes on Shabbat. Indeed, the *eruv* has become a flashpoint for great strife in communities, which is clearly unfortunate. Regarding this issue, or any other, a Jew must be motivated to act *lesheim Shamayim*, for the sake of Heaven.
9. **Airspace Above a Karmelit** A *karmelit* extends only to a height of ten *tefachim*. The airspace above that is regarded as a *mekom petur*.
10. **A Stream Running Through a Reshut Harabim or Yachid** A small stream that is less than ten *tefachim* deep or four *tefachim* wide is considered subsidiary to and part of the domain, whether public or private, through which it runs.

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four *tefachim* by four *tefachim* and is from three to ten *tefachim* high;¹¹ and a pit in *reshut harabim* that is four *tefachim* by four *tefachim* and from three to ten *tefachim* deep.

The above, and others of a similar nature,¹² can be classified neither as *reshut hayachid*, since they do not have adequate partitions, nor as *reshut harabim*, since they do not serve as a public thoroughfare. They are designated, therefore, as a *karmelit*.

5. A *mekom petur*, a “free place,” is an area in the *reshut harabim* that is raised three *tefachim* or more above ground level and measures less than four *tefachim* by four *tefachim*;¹³ a ditch that is three *tefachim* or more deep and measures less than four *tefachim* by four *tefachim*; or a space measuring less than four *tefachim* by four *tefachim* enclosed by partitions three *tefachim* or more in height.

In the above instances it is a *mekom petur* only if it is in a *reshut harabim*. If it is in a *karmelit* it is regarded as a *karmelit*. For example, a fire hydrant situated in a *reshut harabim* is a *mekom petur*. A fire hydrant situated in a *karmelit* remains a *karmelit*.

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11. **An Article in the Reshut Harabim** An article or utensil in *reshut harabim* that is less than ten *tefachim* in height does not have the status of a *karmelit*, but is considered part of the *reshut harabim*. If it is attached to the ground, it is considered a *karmelit*, provided it is four *tefachim* square.
 12. **An Enclosed Wetlands or Nature Reserve** An area such as a wetlands or nature reserve which is larger than seventy and two-thirds *amot* by seventy and two-thirds *amot*, is not enclosed for dwelling purposes, and doesn't serve as a courtyard of a dwelling, is considered a *karmelit*, even though it is enclosed by a wall, fence, or other partition. See Chapter 3.
 13. **Measurements of a Mekom Petur** An area is considered a *mekom petur* so long as it measures less than four *tefachim* in width regardless of its length. For example, a guardrail running along a highway is a *mekom petur* despite its length.