**MISHNA** A person may stand in a private domain and move objects that are in a public domain, as there is no concern that he might mistakenly bring them into the private domain. Similarly, one may stand in a public domain and move objects in a private domain, provided that he does not carry them beyond four cubits in the public domain, which is prohibited on Shabbat.

However, a person may not stand in a private domain and urinate into a public domain, nor may one stand in a public domain and urinate into a private domain. And likewise, one may not spit in such a manner that the spittle passes from a private domain to a public domain or vice versa.

**GEMARA**

Rabbi Yehuda says: Even once a person’s spittle is gathered in his mouth, he may not walk four cubits in the public domain until he spits it out, for he would be carrying the accumulated spittle in his mouth, which is akin to carrying any other object.

The Gemara rejects this contention: Is the mishna teaching that if he carried the object beyond four cubits he is liable to bring a sin-offering? Perhaps the mishna means: If he carried the object beyond four cubits, he is exempt from bringing a sin-offering, but it is nevertheless prohibited by rabbinic decree to do so.

Moving objects in a different domain — The Gemara says:

One may stand in one domain and move objects that are in another domain, provided that he does not carry them four cubits in the public domain. However, one may not move any objects he needs, as he might inadvertently draw them to him. According to the Rambam, one is permitted to stand in one domain and move even utensils he needs, with the exception of utensils used for drinking, in another domain (Shulhan Arukh, Orah Hayyim 350:1).

Spitting into a different domain — It is prohibited to stand in a public domain and spit or urinate into a private domain or vice versa. The same halakha applies to a karmelit (Rosh; Shulhan Arukh, Orah Hayyim 350:2).

Once a person’s spittle is gathered in his mouth, he may not walk four cubits in the public domain or move from one domain to another until after removing the spittle, as the Rabbis did not disagree with Rabbi Yehuda in this regard (Tur). The later commentaries rule likewise (Eliya Rabba, Shulhan Arukh, Orah Hayyim 350:3).

**NOTES**

Have you abandoned the Rabbis? — The Riva explains that Rav Hinnana bar Shelommiya sought to be more stringent than the basic halakha of the mishna. Rav replied that this stringency itself is a matter of dispute between the tanna’im, and the halakha is not in accordance with the stringent ruling.
One who urinates or spits is liable to bring a sin-offering – Shabbat 13:3. Rava said: With regard to one who carries an object in a public domain from the beginning of four cubits to the end of those four cubits, he is exempt but it is prohibited to do so; perhaps the tanna means that if he carried it beyond four cubits, he is liable to bring a sin-offering. The Gemara raises a difficulty: But for an act of carrying to be consid- ered a prohibited Shabbat labor that entails liability, we require that the lifting and placing of the object be performed from atop an area four by four handbreadths, the minimal size of significance with regard to the halakhat of carrying on Shabbat. And that is not the case here, as one’s mouth, which produces the spittle, is not four by four handbreadths in size.

Some say a different version of the previous discussion: The Gemara’s initial inference was actually that if he carried the object beyond four cubits he is exempt from bringing a sin-offering, but it is prohibited by rabbinic decree to do so. The Gemara asks: If so, let us say that this is a conclusive refutation of Rava’s opinion, as Rava said: With regard to one who carries an object in a public domain from the beginning of four cubits to the end of those four cubits, even if he carried it above his head, he is liable. The Gemara rejects this suggestion: Is the mishna teaching that if he took it beyond four cubits he is exempt, but it is prohibited to do so? Perhaps the tanna means that if he carried it beyond four cubits, he is liable to bring a sin-offering.

The Gemara states: A person may not stand in a private domain and urinate or spit into the public domain. Rav Yosef said: One who urinates or spits in this manner is liable to bring a sin-offering.

The Gemara answers: One’s intent renders it an area of significance. Here too, his intent renders his own mouth a significant area.

Rather, the person’s intent to throw the object into the dog’s mouth renders it an area of significance. Here too, his intent renders his own mouth a significant area.

Rava raised a dilemma: If one is standing in a private domain, and the opening of his male member is in the public domain, and he urinates, what is the halakha? How should this case be regarded? Do we follow the domain where the urine is uprooted from the body, i.e., the bladder, which is in the private domain? Or do we follow the point of the urine’s actual emission from the body, and since the urine leaves his body through the opening of his member in the public domain, no prohibition has been violated? Since this dilemma was not resolved, the Gemara concludes: Let it stand unresolved.

The mishna states: And likewise, one may not spit from one domain to another. Rabbi Yehuda says: Once a person’s spittle is gathered in his mouth, he may not walk four cubits in the public domain until he removes it. The Gemara asks: Does this teaching mean that it is prohibited to do so even if he has not turned the spittle over in his mouth, i.e., after he has dredged up the saliva but before he has rolled it around in his mouth in preparation to spit it out? Didn’t we learn in a mishna the halakha of one who was eating a dried fig of teruma with unwashed hands? By Torah law, only food that has come into contact with a liquid is susceptible to ritual impurity, and no liquid had ever fallen on this fig. The significance of the fact that his hands are unwashed is that by rabbinic law, unwashed hands have second degree ritual impurity status and therefore invalidate teruma. If this person inserted his hand into his mouth to remove a pebble, Rabbi Meir deems the dried fig impure, as it had been rendered liable to contract impurity by the spittle in the person’s mouth, and it subsequently became impure when it was touched by his unwashed hand.
And Rabbi Yosei deems the fig ritually pure, as he maintains that spittle which is still in one’s mouth is not considered liquid that renders food liable to contract impurity; the spittle does so only after it has left the mouth. Rabbi Yehuda says that there is a distinction between the cases: If he turned the spittle over in his mouth, it is like spittle that has been detached from its place, and it therefore its legal status is that of a liquid, which means the fig is impure. However, if he had not yet turned the spittle over in his mouth, the fig is pure. This indicates that according to Rabbi Yehuda, spittle that has not yet been turned over in one’s mouth is not considered detached.

Rabbi Yoĥanan said: The attribution of the opinions is reversed, as the opinion attributed to Rabbi Yehuda is actually that of a different tanna, while Rabbi Yehuda himself maintains that the fig is ritually impure in either case.

Reish Lakish said: Actually, do not reverse the opinions, and the apparent contradiction can be reconciled in accordance with the original version of the text: With what we are dealing here in the mishna? We are dealing with his phlegm that is expelled through coughing.

The Gemara raises a difficulty: Wasn’t it taught in a baraita that Rabbi Yehuda says: If one’s phlegm was detached, he may not walk four cubits in the public domain with it in his mouth. What? Is it not the case that this halakha refers to spittle that was detached? The Gemara rejects this contention: No, this ruling applies only to one’s phlegm that was detached. The Gemara raises a difficulty: Wasn’t it taught in a baraita that Rabbi Yehuda says: If one’s phlegm was detached, and likewise, if his spittle was detached, he may not walk four cubits in the public domain before he spits it out, even if he has not yet turned it over. Rather, it is clear as we originally answered, that the opinions in the mishna with regard to spittle and ritual impurity must be reversed.

Having mentioned phlegm, the Gemara cites a related teaching: Reish Lakish said: One who expelled phlegm in front of his master has acted in a disrespectful manner and is liable for the punishment of death at the hand of Heaven, as it is stated: “All they who hate Me” love death” (Proverbs 8:36). Do not read it as: “They who hate Me,” rather, read it as: “Those who make themselves hateful to Me,” i.e., those who make themselves hateful by such a discharge.

The Gemara expresses surprise at this ruling: But doesn’t he do so involuntarily, as no one coughs and emits phlegm by choice; why should this be considered a transgression? The Gemara answers: We are speaking here of someone who had phlegm in his mouth and spat it out, i.e., one who had the opportunity to leave his master’s presence and spit outside.

MISHNA A person may stand in a private domain and extend his head and drink in a public domain, and he may stand in a public domain and drink in a private domain, only if he brings his head and most of his body into the domain in which he drinks. And the same applies in a winepress, as will be explained in the Gemara.

GEMARA The Gemara registers surprise at the mishna: It would seem that the first clause, i.e., the previous mishna, is in accordance with the opinion of the Rabbis, who maintain that a person located in one domain is permitted to move objects in another domain, whereas the latter clause, i.e., this mishna, is in accordance with the opinion of Rabbi Meir, who maintains that it is prohibited for a person in one domain to move objects in a different domain.

Rav Yosef said: This mishna is referring to objects that one needs, and the ruling is accepted by all. In this case, even the Rabbis concede that it is prohibited to move objects in another domain, lest one absent-mindedly draw the objects to him and thereby violate a Torah prohibition.
A dilemma was raised before the Sages. If one of the domains is a *karmelit*, what is the halakha? Abaye said: This case is equal to that case, i.e., in this situation a *karmelit* is governed by the same halakha that applies to a domain defined by Torah law, just as the Sages prohibited one in the private domain from drinking from the public domain and vice versa, so too, they prohibited one in a *karmelit* from drinking in the same manner. Rava said: How can you say so? The prohibition against carrying to or from a *karmelit* is itself a rabbinic decree. And will we then proceed to issue a decree to prevent violation of another decree?

Abaye said in explanation of his opinion: From where do I say that halakha? From the fact that it is taught in the mishna:

And the same applies in a winepress. This winepress cannot be a private domain, as the first clause of the mishna already dealt with a private domain. The winepress must therefore be a *karmelit*, which proves that it is prohibited to drink from a *karmelit* while standing in a public domain.

And Rava said: This proof is not conclusive, as the words: The same applies in a winepress, do not refer to Shabbat but to the matter of the halakhot of tithes, as explained below. And similarly, Rav Sheshet said that the statement that the same applies in a winepress refers to the matter of tithes.

The Gemara clarifies this statement. As we learned in a mishna: One may drink grape juice directly on the winepress  *ab initio* without tithing, whether the juice was diluted with hot water, even though he will then be unable to return the leftover wine to the press, as it would ruin all the wine in the press, or whether the juice was diluted with cold water, in which case he could return the leftover wine without ruining the rest, and he is exempt. Drinking that way is considered incidental drinking, and anything that is not a fixed meal is exempt from tithing. That is the statement of Rabbi Meir. This is the statement of Rabbi Meir. Rabbi Eliezer bar Tzadok deems one obligated to tithe in both cases.

And the Rabbis say: There is a distinction between these two cases. When the juice is diluted with hot water, since one cannot return what is left of the juice to the press, he is obligated to tithe it, as this drinking is like fixed drinking for which one is obligated to tithe. However, when the juice is diluted with cold water, he is exempt from tithing, because he can return the leftover juice to the press. Therefore, it is considered incidental drinking, which is exempt from tithing. The teaching of the mishna: The same applies to a winepress, is in accordance with the opinion of Rabbi Meir, as it teaches that the leniency to drink without separating tithes applies only if the drinker’s head and most of his body are in the winepress.

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That ruling, that there is a distinction between catching water falling from a gutter and pressing one’s hand or mouth to it, was also taught in a baraita: A person may stand in a private domain and raise his hand above ten handbreadths, until it is within three handbreadths of the roof, and catch any water falling from his neighbor’s roof in a vessel, provided that he does not press his hand or mouth to the roof.

It was likewise taught in another baraita: A person may not stand in a private domain and raise his hand above ten handbreadths, to within three handbreadths of the roof, and press his hand to the gutter, but he may catch water falling from the gutter and drink.

It was stated in the mishna: But from a pipe one may drink in any manner, as it protrudes more than three handbreadths from the roof. A Sage taught in the Tosefta: If the pipe itself is four by four handbreadths wide, it is prohibited to stand in the public domain and press one’s hand or mouth to the water, because he is like one who carries from one domain to another, as the pipe is considered a domain in its own right.

A careful reading of the mishna indicates that to catch, yes, one may catch the water from a distance, but to press his hand or mouth to the gutter, no, that is prohibited. The Gemara asks: What is the reason for this distinction? Rav Nahman said: Here, we are dealing with a gutter within three handbreadths of the roof, and the halakha is in accordance with the principle that anything within three handbreadths of a roof is considered like the roof itself, based on the principle of land, according to which two solid surfaces are considered joined if there is a gap of less than three handbreadths between them. Since the roof of the house is a private domain, one would be carrying from a private domain to a public domain, which is prohibited.

Similarly, with regard to a garbage dump in a public domain that is ten handbreadths high, which means it has the status of a private domain, if there is a window above the dump, one may throw water from the window onto the dump on Shabbat, as it is permitted to carry from one private domain to another.

The Gemara asks: With what are we dealing here? If you say we are dealing with a cistern that is adjacent to the wall of the house, i.e. the cistern and wall are separated by less than four handbreadths, why do I need the cistern’s embankment to be ten handbreadths high? Presumably the cistern is ten handbreadths deep, which makes it a private domain, and as it is too close to the house for the public domain to pass between them, one should be permitted to draw water from the cistern through the window, regardless of the height of the embankment.

Rav Huna said: With what are we dealing here? With a case where the cistern or garbage dump is four handbreadths removed from the wall of the house, i.e., a public domain separates the house from the cistern or heap. It is prohibited to carry from one private domain to another by way of a public domain. However, if the cistern’s embankment is ten handbreadths high, the one drawing the water transfers it by way of an area that is more than ten handbreadths above the public domain, which is an exempt domain.
HALAKHA

Drawing water from a cistern – It is permitted to draw water into a private domain from a cistern in the public domain by way of a window ten handbreadths high (Magen Avraham). If the cistern is within four handbreadths of the private domain. However, if the cistern is more than four handbreadths away, it is permitted to draw water from it only if the embankment of the cistern itself is ten handbreadths high. This ruling is in accordance with the statement in the mishna as explained by Rav Huna, as even Rabbi Yohanan does not disagree with him (Shulhan Arukh, Oraḥ Ḥayyim 354:1).

Throwing into a garbage dump – It is permitted to throw objects onto a garbage dump that has the dimensions of a private domain but is located in the public domain, from a private domain located within four handbreadths of the heap. However, if the heap is privately owned, it is prohibited to throw into it, as the heap might be removed. If the pile is not a garbage dump, one may not throw objects there, as the owner might change his mind and remove the pile (Rema, citing the Maggid Mishne and the Rashba; Shulhan Arukh, Oraḥ Ḥayyim 354:2).

A tree that was hanging over – The space formed under a tree that has large hanging branches is considered partitioned off. Therefore, one is permitted to carry beneath it as he would in a private domain, if the following conditions are met: The tips of its branches are no higher than ten handbreadths from the ground; its branches are at least ten handbreadths high at the spot where they join the tree; and the branches are tied so that they cannot move in the wind. This ruling is in accordance with the halakha stated in the mishna, as explained by Rav Huna, son of Rav Yehoshua (Shulhan Arukh, Oraḥ Ḥayyim 362:1).

He did not say anything about it, either prohibition or permission – Since Rabbi Yehuda HaNasi did not expressly permit carrying in the alleyway, one must treat the alleyway as though carrying is prohibited there. Rabbi Yehuda HaNasi’s noncommittal response reflects the fact that the prohibition against carrying in the alleyway is merely due to the concern over a possible future change, not because there is any problem with the domain as it currently stands.

BACKGROUND

A tree that was hanging over the ground – The image shows a tree with branches hanging down on its sides, forming a kind of canopy that encloses the area surrounding the trunk.

MISHNA

With regard to a tree that was hanging over the ground,7 i.e., its branches hung down on all sides like a tent so that it threw a shadow on the ground, if the tips of its branches are no higher than three handbreadths from the ground, one may carry under it. This applies even if the tree is planted in a public domain, as the branches form partitions which turn the enclosed area into a private domain.

GEMARA

Rav Huna, son of Rav Yehoshua, said: One may not move objects in the area under the tree if it is more than two be’it s’e’a. What is the reason for this prohibition?