"שְׁנֵיהֶן פְּטוּרִין". וְהָא אִתְּעַבִידָא מְלָאכָה מִבֵּינַיְיהוּ! תַּנְיָא, רַבִּי אוֹמֵר: "מֵעִם הָאָרֶץ בַּעֲשׂוֹתָהּ" – הָעוֹשֶׂה אֶת כּוּלָּהּ וְלֹא הָעוֹשֶׂה אֶת מִקְצָתָהּ, יָחִיד וְעָשָׂה אוֹתָהּ – חַיָּיב, שְׁנַיִם וְעָשׂוּ אוֹתָהּ – פְּטוּרִין. אִיתְּמַר נַמִּי, אָמַר רַבִּי חִיָּיא בַּר גַּמְדָּא; נִזְרְקָה מִפִּי חֲבוּרָה וְאָמְרוּ: "בַּעֲשֹׂתָהּ" – יָחִיד שֶׁעָשָׂאָהּ חַיָּיב, שְׁנַיִם שֶׁעָשָׂאוּהָ פְּטוּרִין.

The Gemara asks about the mishna itself: In the latter section of the mishna, instances in which **they are both exempt** are enumerated. However, **wasn't a prohibited labor performed between** the two of **them?** Since together they performed an act prohibited by a severe Torah prohibition, how is it possible that their partnership will result in both being exempt? The Gemara answers that **it was taught** in a *baraita* that **Rabbi** Yehuda HaNasi **said:** It is written: "And if one soul sins unwittingly **from the people of the land when he does it,** one of the laws of God that should not be done and he is responsible" (Leviticus 4:27). The verse's emphasis on the words "when he does it" means: **One who does all of it,** i.e., the entire transgression, is liable **and not one who does part of it.** Therefore, **an individual, and he performed** an action in its entirety**, is liable.** However, **two** people, **and they performed** an action together**, are not liable,** as each one performed only part of the action. The Gemara comments: **It was also stated** in support of Rabbi Yehuda HaNasi's opinion: **Rabbi Ḥiyya bar Gamda said:** Amidst a discussion of these matters, **it emanated from the group**[N] of Sages **and they said:** From the verse's emphasis on "**when he does it**" it is derived: **An individual who performed it is liable.** However, **two who performed it are not liable.**

בָּעֵי מִינֵּיהּ רַב מַרְבִּי: הִטְעִינוֹ חֲבֵירוֹ אוֹכָלִין וּמַשְׁקִין וְהוֹצִיאָן לְחוּץ מַהוּ? עֲקִירַת גּוּפוֹ כְּעֲקִירַת חֻפָּץ מְמֻקּוֹמוֹ דָּמֵי – וּמִיחַיַּיב, אוֹ דִּילְמָא לָא? אָמַר לֵיהּ: חַיָּיב, וְאֵינוֹ דּוֹמֶה לְיָדוֹ. מַאי טַעְמָא? גּוּפוֹ נָיֵיחַ, יָדוֹ – לָא נָיֵיחַ.

Rav raised a dilemma before Rabbi Yehuda HaNasi: One **whom another** person **loaded with food and drink** on his back in the private domain on Shabbat, **and** he **carried them out** while they were still on his back, **what is** the *halakha* with regard to the prohibition of carrying out on Shabbat? Clearly, one who lifts an object with his hand in the private domain, and carries it out into the public domain is liable, as he performed the complete act of carrying out. However, in the case of one who is laden with an object; is **moving his body**[H] from its place in the private domain **considered like lifting the object** itself from its place? In that case, he would be liable. **Or, perhaps** it **is not** considered like lifting the object from its place, and therefore he would not be liable. Rabbi Yehuda HaNasi **said to him: He is liable, and it is not similar to** the *halakha* of one who had an object placed in **his hand** and carried it out to the public domain, with regard to which we learned in the mishna that he is not liable by Torah law. **What is the reason** for the distinction between these two apparently similar cases? **His body is at rest,** in a defined place. However, **his hand is not at rest.**[N] Since a hand is not generally fixed in one place, moving it and even transferring it to a different domain without a bona fide act of lifting is not considered lifting. However, the body is generally fixed in one place. Moving it from its place is considered lifting in terms of Shabbat, and he is liable for doing so.

NOTES

It emanated from the group – נִזְרְקָה מִפִּי חֲבוּרָה: The reason that the Gemara cited the anecdote by saying that this *halakha* emanated from the group, in addition to citing the explicit *baraita* of Rabbi Yehuda HaNasi's statements, is explained in various ways. Some explain that it was necessary because the *baraita* alone could have led to the conclusion that this is Rabbi Yehuda HaNasi's individual opinion, and the Rabbis disagree with him. The Gemara cited this anecdote to indicate that this is the consensus opinion (Rashba; Ritva). Others explain that the conclusion: An individual who performed it is liable, etc., is not part of the original text of the *baraita*. Rather, it is an elaboration by the Gemara. Therefore, the need arose to reinforce that conclusion with the statements emanating from the group (*Tziyyun LeNefesh Ḥayya*; see *Tosafot* for two additional explanations).

His hand is not at rest – יָדוֹ לָא נָיֵיחַ: The Gemara only said this in a case where one's hand and body are in different domains. However, if they are in the same domain, his hand is considered part of his body (Ran).

HALAKHA

Moving his body – עֲקִירַת גּוּפוֹ: Moving his body when it is laden with a burden on Shabbat is tantamount to lifting the object itself. Coming to a stop with the object on his body is tantamount to placing the object on the ground upon which he is standing. Therefore, if he were laden with an object and he carried it out from domain to domain he is liable (Rambam *Sefer Zemanim, Hilkhot Shabbat* 13:8).

Perek **I**
Daf **3** Amud **b**

אָמַר לֵיהּ רַבִּי חִיָּיא לְרַב: בַּר פַּחֲתֵי! לָא אָמִינָא לָךְ: כִּי קָאֵי רַבִּי בְּהָא מַסֶּכְתָּא לָא תְּשַׁיְּילֵיהּ בְּמַסֶּכְתָּא אַחֲרִיתִי, דִּילְמָא לָאו אַדַּעְתֵּיהּ. דְּאִי לָאו דְּרַבִּי גַּבְרָא רַבָּה הוּא – כְּסָפְתֵּיהּ, דְּמַשַּׁנֵי לָךְ שִׁינּוּיָא דְּלָאו שִׁינּוּיָא הוּא.

Rabbi Ḥiyya said to Rav, his sister's son: **Son of great men, didn't I tell you that when Rabbi** Yehuda HaNasi **is involved in this tractate do not ask him** questions **in another tractate,**[H] **as perhaps it will not be on his mind** and he will be unable to answer? The dilemma that Rav asked was not related to the subject matter of the tractate which they were studying. **As, had** it **not been** for the fact that **Rabbi** Yehuda HaNasi **is a great man, you would have shamed him, as he would** have been forced to **give you an answer that is not an** appropriate **answer.**[B]

HALAKHA

When Rabbi is involved in this tractate do not ask him questions in another tractate – כִּי קָאֵי רַבִּי בְּהָא מַסֶּכְתָּא לָא תְּשַׁיְּילֵיהּ בְּמַסֶּכְתָּא אַחֲרִיתִי: It is improper for a student to ask his teacher a question dealing with a topic not included in the subject matter that he is studying. His teacher might be temporarily unable to answer and be embarrassed (Rambam *Sefer HaMadda, Hilkhot Talmud Torah* 4:6).

BACKGROUND

An answer that is not an appropriate answer – שִׁינּוּיָא דְּלָאו שִׁינּוּיָא הוּא: The answer [*shinuya*] is one of the common forms of talmudic discourse. In general, a *shinuya* distinguishes between the case under discussion and the case upon which the question is based. Many times the answer is merely an attempt to stave off that difficulty. If that is the case, even if the attempt to stave off the difficulty is successful, it is not viewed as a definitive explanation of the matter at hand. Consequently, at times the Gemara emphasizes that a certain answer is not merely an attempt to deflect the question but an actual explanation.

BACKGROUND

It is obvious to me – פְּשִׁיטָא לִי: This is one of the set forms in the organized presentation of a complex question. First, the questioner explains what is obvious to him in the matter, and only after laying the groundwork with that prelude, does he proceed with: Rabbi…raised a dilemma.

HALAKHA

His hand was filled with fruits and he extended it outside – הָיְתָה יָדוֹ מְלֵאָה פֵּירוֹת וְהוֹצִיאָהּ לַחוּץ: If someone in the private domain extended his hand filled with objects out to the public domain, within ten handbreadths of the ground, he may not bring his hand back to the private domain. If he extended his hand unwittingly, he is permitted to bring his hand back to the private domain. This is in accordance with the final explanation suggested by the Gemara, which is apparently the conclusion. Others explained that if he did so intentionally, the Sages, nevertheless, permitted him to bring the object back. They did so in order to avoid placing him in a situation where he will come to throw the objects from his hand and thereby violate a prohibition punishable by stoning. According to that opinion, only in a case where he took the object out into the public domain while it was still day and kept it there until after dark did the Sages penalize him and prohibit him from bringing it back. Others explained that this is not a concern in modern times (*Shulḥan Arukh HaRav*). If he extended his hand with an object in it out into a *karmelit*, whether he did so intentionally or unwittingly, it is permitted to bring it back (Rambam *Sefer Zemanim, Hilkhot Shabbat* 13:20; *Shulḥan Arukh, Oraḥ Ḥayyim* 348).

NOTES

Here below ten and there above ten – כָּאן לְמַטָּה מֵעֲשָׂרָה, כָּאן לְמַעְלָה מֵעֲשָׂרָה: The question was raised: What is the novel element in that explanation? More than ten handbreadths above the ground of a public domain is an exempt domain into which one is permitted *ab initio* to take out an object and all the more so he may return it. Some explain that the phrase: Here above ten, means that one who took the object into the public domain below ten handbreadths is even permitted to raise it above ten handbreadths and take it back inside. Even if the *halakha* is that his hand is considered like a *karmelit*, it is permissible to take an object from a *karmelit* to an exempt domain and from an exempt domain to a private domain (Ritva).

הָשְׁתָּא מִיהַת שַׁפִּיר מְשַׁנֵּי לָךְ, דְּתַנְיָא: הָיָה טָעוּן אוֹכָלִין וּמַשְׁקִין מִבְּעוֹד יוֹם וְהוֹצִיאָן לַחוּץ מִשֶּׁחָשֵׁיכָה – חַיָּיב, לְפִי שֶׁאֵינוֹ דּוֹמֶה לְיָדוֹ.

Now, he was involved in another tractate. **Nevertheless, he answered you well, as it was taught** in a *baraita*: **One who was laden with food and drink while it was still day,** before Shabbat began, and, consequently, did not perform the act of lifting on Shabbat, **and he carried them out** into the public domain **after dark** on Shabbat **is liable. Since,** as a rule, his body is fixed in one place, moving it is considered like lifting an object, and he is liable. **It is not similar to** lifting **his hand** and moving it from place to place. Since his hand is not fixed in one place, moving it is not considered lifting.

אָמַר אַבָּיֵי: פְּשִׁיטָא לִי, יָדוֹ שֶׁל אָדָם אֵינָהּ לֹא כִּרְשׁוּת הָרַבִּים וְלֹא כִּרְשׁוּת הַיָּחִיד. כִּרְשׁוּת הָרַבִּים לָא דָּמְיָא – מִידֵּי דְּעָנִי, כִּרְשׁוּת הַיָּחִיד לָא דָּמְיָא – מִידֵּי דְּבַעַל הַבַּיִת.

Abaye said: It is **obvious to me**[B] that **the hand of a person** in and of itself, when he moves it out of the domain where he is located, **is** considered to be **neither like the public domain nor like the private domain,** even if it is the hand of someone standing in one of those domains. Proof that the hand **is not considered like the public domain** can be derived **from** the ruling of the mishna with regard to **the hand of the poor person.** As we learned with regard to the poor person who brought his hand carrying an object that he lifted from the public domain into the private domain and the homeowner took the object from his hand; the homeowner is not liable. Apparently, the hand of the poor person is not considered part of the public domain, even though he himself is located in the public domain. Proof that **it is not considered like the private domain** can be derived **from** the ruling of the mishna with regard to **the hand of the homeowner.** As we learned with regard to the homeowner who moved his hand carrying an object that he lifted from the private domain into the public domain and the poor person took the object from his hand; the poor person is not liable for carrying out from a private domain.

בָּעֵי אַבָּיֵי: יָדוֹ שֶׁל אָדָם מַהוּ שֶׁתֵּעָשֶׂה כְּכַרְמְלִית, מִי קָנְסוּהּ רַבָּנָן לְאַהֲדוֹרֵי לְגַבֵּיהּ אוֹ לָא?

However, **Abaye raised a dilemma: What is** the ruling with regard to **the hand of a person** with an object in it, when that person reached his hand into a different domain? Does **it assume *karmelit*** status? A *karmelit* is an intermediate domain established by the Sages that is neither a private nor a public domain. This dilemma is based on the fact that his hand left one domain and did not yet enter a second domain. In terms of practical *halakha*, the two sides of this dilemma are: **Did the Sages penalize him** and issue a rabbinic decree prohibiting him from **bringing** his hand with the object **back to** the domain where **he** is standing **or not?**

תָּא שְׁמַע: הָיְתָה יָדוֹ מְלֵאָה פֵּירוֹת וְהוֹצִיאָהּ לַחוּץ. תְּנֵי חֲדָא: אָסוּר לְהַחֲזִירָהּ, וְתָנֵי אִידָךְ: מוּתָּר לְהַחֲזִירָהּ. מַאי לָאו בְּהָא קָמִיפַּלְגִי; דְּמָר סָבַר: כְּכַרְמְלִית דָּמְיָא, וּמָר סָבַר: לָאו כְּכַרְמְלִית דָּמְיָא?

The Gemara says: **Come** and **hear** a resolution to this dilemma from that which we learned elsewhere, with regard to the question: What must one in the private domain do in a case where **his hand was filled with fruits and he extended it outside,**[H] into the public domain? **It was taught** in **one** *baraita* that **it is prohibited** for him **to bring it back** into his house, **and it was taught** in **another** *baraita* that **it is permitted** for him **to bring it back. Is it not with regard to this that they disagree; that the Sage** in one *baraita* **holds** that his hand **is like a *karmelit*, and the Sage** in the other *baraita* **holds that it is not like a *karmelit*?**

לָא, דְּכוּלֵּי עָלְמָא כְּכַרְמְלִית דָּמְיָא, וְלָא קַשְׁיָא; כָּאן – לְמַטָּה מֵעֲשָׂרָה, כָּאן – לְמַעְלָה מֵעֲשָׂרָה.

The Gemara rejects this explanation: **No, everyone** agrees that **it is like a *karmelit,* and** yet, this is **not difficult,** as the difference between the *baraitot* can be explained in the following manner: **Here,** the *baraita* prohibiting him from bringing his hand back, is referring to a case where he took it out at a height **below ten** handbreadths off the ground, within the airspace of the public domain. **And there,** the *baraita* permitting him to bring his hand back, is referring to a case where he took it out at a height **above ten**[N] handbreadths off the ground, outside the airspace of the public domain. Consequently, the object is considered to be neither in the public domain nor in a *karmelit*.

וְאִיבָּעֵית אֵימָא: אִידֵי וְאִידֵי לְמַטָּה מֵעֲשָׂרָה, וְלָאו כְּכַרְמְלִית דָּמְיָא, וְלָא קַשְׁיָא: כָּאן – מִבְּעוֹד יוֹם, כָּאן – מִשֶּׁחָשֵׁיכָה, מִבְּעוֹד יוֹם – לָא קָנְסוּהּ רַבָּנָן, מִשֶּׁחָשֵׁיכָה – קָנְסוּהּ רַבָּנָן.

And if you wish, say instead that **this** *baraita* **and that** *baraita* are both referring to a case where he took his hand out to the public domain at a height **below ten** handbreadths, **and** his hand **is not considered a *karmelit*. And** yet, this is **not difficult.** As **here,** the *baraita* permitting him to bring it back, is referring to a case where he took it out **while it was still day** on Shabbat eve. Since he extended his hand before Shabbat and, in doing so, did nothing wrong, the Sages did not penalize him and permitted him to bring his hand back on Shabbat itself. However, **there,** the *baraita* prohibiting him from bringing it back, is referring to a case where he took it out **after dark,** and Shabbat had already begun. Since there is an element of prohibition involved, the Sages penalized him and prohibited him from bringing it back.

אַדְּרַבָּה, אִיפְּכָא מִסְתַּבְּרָא: מִבְּעוֹד יוֹם, דְּאִי שָׁדֵי לֵיהּ לָא אָתֵי לִידֵי חִיּוּב חַטָּאת – לֵיקְנְסוּהָ רַבָּנַן; מִשְּׁחָשֵׁיכָה, דְּאִי שָׁדֵי לֵיהּ אָתֵי בְּהוּ לִידֵי חִיּוּב חַטָּאת – לָא לֵיקְנְסוּהָ רַבָּנַן!

The Gemara comments that this explanation is difficult. **On the contrary, the opposite is reasonable.** In the case where he extended his hand **while it was still day, when** even **were he to throw** the object from his hand into the public domain, **he would not incur liability** to bring a **sin-offering** because the object was lifted from its place on a weekday, **let the Sages penalize him.** However, in the case where he extended his hand after dark, **where were he to throw** the object from his hand into the public domain, **he would** thereby **incur liability** to bring a **sin-offering, let the Sages not penalize him.** Were the Sages to penalize him by prohibiting him from bringing his hand back, he is liable to drop the object in the public domain, and by doing so he would violate a Torah prohibition.

וּמִדְּלָא קָא מְשַׁנְּיָנַן הָכִי, תִּפְשׁוֹט דְּרַב בֵּיבִי בַּר אַבַּיֵי. דְּאָמַר רַב בֵּיבִי בַּר אַבַּיֵי: הִדְבִּיק פַּת בַּתַּנּוּר, הַתִּירוּ לוֹ לְרַדּוֹתָהּ קוֹדֶם שֶׁיָּבֹא לִידֵי חִיּוּב חַטָּאת אוֹ לֹא הִתִּירוּ?

And from the fact that **we did not explain it that way,** but preferred the contrary distinction, **resolve** the dilemma raised by **Rav Beivai bar Abaye,**[B] whose dilemma is predicated on the same fundamental issue. **As Rav Beivai bar Abaye raised the dilemma: One who** unwittingly **stuck bread in the oven**[N] on Shabbat, as bread was baked by sticking the dough to the sides of a heated oven, **did they permit him to** override a rabbinic prohibition and **remove it** from the oven before it bakes, i.e., **before he incurs liability** to bring a **sin-offering** for baking bread on Shabbat, **or did they not permit** him to do so? Removing the bread is also prohibited on Shabbat. However, its prohibition is only by rabbinic law. The fundamental dilemma is: May one violate a rabbinical prohibition in order to avoid violating a Torah prohibition or not?

תִּפְשׁוֹט דְּלֹא הִתִּירוּ! הָא לָא קַשְׁיָא, וְתִפְשׁוֹט.

Based on the above, **resolve** that the Sages **did not permit** one to do so. In resolving Abaye's dilemma, the concern that one would likely throw the object from his hand, and thereby violate a Torah prohibition, was not taken into consideration. The one who extended his hand into the public domain was penalized by the Sages and prohibited to bring his hand back. Here too, resolve the dilemma and say that he may not remove the bread, even though he will thereby violate a Torah prohibition. The dilemma of Rav Beivai bar Abaye, which was thought to be unresolved, is thereby resolved. As a result, there is room for uncertainty whether or not the resolution of the previous dilemma, through which Rav Beivai's dilemma would also be resolved, is valid. The Gemara rejects this difficulty: **That is not difficult.** It is possible that even though a resolution had not been previously found for the dilemma of Rav Beivai bar Abaye, that does not mean that it cannot be resolved **And,** indeed, as proof can be brought from the resolution of the other dilemma, **resolve** this dilemma as well.

וְאִיבָּעֵית אֵימָא: לְעוֹלָם לֹא תִּפְשׁוֹט, וְלָא קַשְׁיָא; כָּאן – בְּשׁוֹגֵג, כָּאן – בְּמֵזִיד. בְּשׁוֹגֵג – לָא קְנָסוּהָ רַבָּנַן, בְּמֵזִיד – קְנָסוּהָ רַבָּנַן.

And if you wish, say instead: **Actually, do not resolve** the dilemma, but, nevertheless, resolve the contradiction between the *baraitot* in the following manner. **Here,** the *baraita* that taught that it is permitted to bring one's hand back is referring to a case where he extended it **unwittingly. There,** the *baraita* that taught that it is prohibited for one to bring it back is referring to a case where he took it out **intentionally.** When he took it out **unwittingly, the Sages did not penalize him.** When he took it out **intentionally, the Sages penalized him** and prohibited him from bringing it back.

וְאִיבָּעֵית אֵימָא: אִידִי וְאִידִי בְּשׁוֹגֵג, וְהָכָא בְּ״קָנְסוּ שׁוֹגֵג אַטּוּ מֵזִיד״ קָמִיפַּלְגִי. מָר סָבַר: קָנְסוּ שׁוֹגֵג אַטּוּ מֵזִיד, וּמָר סָבַר: לֹא קָנְסוּ שׁוֹגֵג אַטּוּ מֵזִיד.

And if you wish, say instead, in order to resolve the contradiction that **this** *baraita* **and that** *baraita* **are** both referring to a case where he took his hand out **unwittingly. And here they disagree** with regard to the question: Did the Sages **penalize** an **unwitting** offender **due to an intentional** offender? **The Sage** who prohibits him from bringing his hand back **holds** that **they penalized** an **unwitting** offender **due to an intentional** offender. Therefore, even though he took his hand out unwittingly, they penalized him and prohibited him from bringing the object back so that he would not come to do so intentionally. **The Sage** who permits him to bring it back **holds** that **they did not penalize** an **unwitting** offender **due to an intentional** offender. Therefore, they did not prohibit him from bringing it back.

וְאִיבָּעֵית אֵימָא: לְעוֹלָם לֹא קָנְסוּ, וְלָא קַשְׁיָא: כָּאן – לְאוֹתָהּ חָצֵר,

And if you wish, say instead that, **actually, they did not penalize** an unwitting offender due to an intentional offender, **and** still, this is **not difficult,** and there is no contradiction. **Here,** the *baraita* that permits bringing it back, is referring to bringing it back **to the same courtyard** where he is standing.

BACKGROUND

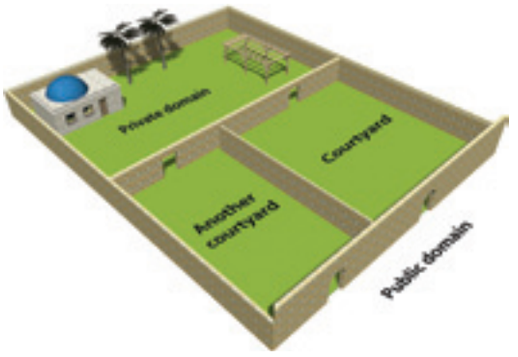
Resolve the dilemma raised by Rav Beivai bar Abaye – תִּפְשׁוֹט דְּרַב בֵּיבִי בַּר אַבַּיֵי: The challenge presented by the phrase: Resolve the dilemma, etc., can be explained as follows. It does not seem likely that a specific dilemma that the Sages attempted and were unable to resolve should have so simple a resolution. Therefore, the existence of this solution either constitutes a challenge to the Sage who was originally unsuccessful in resolving this dilemma or proof that the proposed resolution is not viable.

NOTES

One who unwittingly stuck bread in the oven – הִדְבִּיק פַּת בַּתַּנּוּר: The ovens in those days were made of earthenware. The oven was ignited from below. Through a special opening, they would stick the dough to the sides of the oven for baking. Removing the bread from the oven was performed in a unique manner which, while not considered an actual prohibited labor, was viewed as a unique skill that was prohibited by the Sages.

BACKGROUND

Courtyard and a different courtyard – חָצֵר וְחָצֵר אַחֶרֶת:



Adjacent courtyards

***Kor* – כּוֹר:** The *kor* is the largest measurement of volume mentioned in our sources. The *kor* contains thirty *se'a*, and in modern measurements equals 240–480 ℓ. That significant disparity is due to a fundamental dispute with regard to halakhic measurements.

HALAKHA

One who stuck bread in the oven – הִדְבִּיק פַּת בַּתַּנּוּר: If one intentionally stuck bread in an oven on Shabbat, he, and only he (*Magen Avraham*), is permitted to remove it before incurring liability for violating a prohibition punishable by stoning. In that case, it is preferable to remove it in an unusual manner (Rambam *Sefer Zemanim, Hilkhot Shabbat* 3:18, 9:5, 22:1; *Shulḥan Arukh, Oraḥ Ḥayyim* 254:6).

All those who are liable to bring sin-offerings…the beginning was unwitting and the end was unwitting – חַיָּבֵי חַטָּאוֹת...תְּחִלָּתָן שְׁגָגָה וְסוֹפָן שְׁגָגָה וְחַטָּאת: One is liable to bring a sin-offering for an unwitting act only if the act was unwitting from beginning to end, as per the mishna cited here (Rambam *Sefer Zemanim, Hilkhot Shabbat* 1:19 and *Sefer Korbanot, Hilkhot Shegagot* 2:1).

NOTES

All those who are liable to bring sin-offerings…the beginning was unwitting and the end was unwitting – חַיָּבֵי חַטָּאוֹת...תְּחִלָּתָן שְׁגָגָה וְסוֹפָן שְׁגָגָה וְחַטָּאת: In most of the *halakhot* with regard to punishment in the Torah, as well as those with regard to atonement, the general principle is that one's intention must be consistent from the beginning of the action through the end, and the action is evaluated based on that intention. Any deviation from the original intention, whether in the direction of leniency or stringency, changes the assessment of the act. The action can no longer be categorized in any existing framework; neither in terms of punishment nor in terms of atonement.

Prohibition punishable by stoning – אִיסּוּר סְקִילָה: The accurate phrase here is: Before he comes to violate a prohibition punishable by stoning, and not: Before he incurs a liability of stoning. Since he regretted his action in the middle of its performance, he is no longer liable to be stoned for his action.

כָּאן – לְחָצֵר אַחֶרֶת. כִּדְבָעָא מִינֵּיהּ רָבָא מֵרַב נַחְמָן: הָיְתָה יָדוֹ מְלֵאָה פֵּירוֹת וְהוֹצִיאָהּ לַחוּץ, מַהוּ לְהַחֲזִירָהּ לְאוֹתָהּ חָצֵר? אָמַר לֵיהּ: מוּתָּר. לְחָצֵר אַחֶרֶת מַהוּ? אָמַר לֵיהּ: אָסוּר.

There, the *baraita* that prohibits returning the object, is referring to bringing it **to a different courtyard, as Rava raised a dilemma before Rav Naḥman:** One who was standing in a courtyard on Shabbat, and **his hand was filled with fruits, and he extended it outside** into the public domain, **what is** the ruling with regard to whether or not he is allowed **to bring it back into the same courtyard** where he is standing? Rav Naḥman **said to him: It is permitted.** And he asked him further: **What is** the ruling with regard to bringing it from the public domain **to a different courtyard?**[B] **He said to him: It is prohibited.**

וּמַאי שְׁנָא? לְכִי תֵּיכוֹל עֲלָהּ כּוֹרָא דְּמִילְחָא; הָתָם – לָא אִיתְעֲבִידָא מַחֲשַׁבְתּוֹ, הָכָא – אִיתְעֲבִידָא מַחֲשַׁבְתּוֹ.

Rava asked about this: **And** in **what** way **is** one case **different** from the other? By definition, both courtyards are private domains, and there is no apparent halakhic difference between them in terms of Shabbat. Rav Naḥman answered jokingly: **When you eat a *kor*[B] of salt** while thinking **it over,** you will know the answer. Actually, the answer is simple: **There,** the *baraita* that taught that it is permitted to bring it back to the same courtyard, said so because **his planned** objective **was not realized.** Since he sought to take an object out of his courtyard, requiring him to bring the object back to its original place is a penalty of sorts. However, **here,** the *baraita* that taught that it is prohibited to bring it back to a different courtyard, said so because **his planned** objective **was realized.** Therefore, it is prohibited to bring it back there.

גּוּפָא, בָּעֵי רַב בֵּיבִי בַּר אַבָּיֵי: הִדְבִּיק פַּת בַּתַּנּוּר הִתִּירוּ לוֹ לְרַדּוֹתָהּ קוֹדֶם שֶׁיָּבוֹא לִידֵי חִיּוּב חַטָּאת אוֹ לֹא הִתִּירוּ?

Since Rav Beivai bar Abaye's dilemma was mentioned in passing, the Gemara proceeds to discuss **the matter itself. Rav Beivai bar Abaye raised a dilemma: One who** erred and **stuck bread in the oven**[H] on Shabbat, **did they permit him to** override a rabbinic prohibition and **remove it** before it bakes, i.e., **before he incurs liability** to bring a **sin-offering** for baking bread on Shabbat, **or did they not permit** him to do so?

אָמַר לֵיהּ רַב אַחָא בַּר אַבָּיֵי לְרָבִינָא: הֵיכִי דָּמֵי, אִילֵימָא בְּשׁוֹגֵג וְלָא אִידְּכַר לֵיהּ – לְמַאן הִתִּירוּ?

Rav Aḥa bar Abaye said to Ravina: What are the circumstances? If you say that he stuck the bread to the oven **unwittingly and did not remember** either that today was Shabbat or that it is prohibited to do so on Shabbat, **to whom did they permit** to remove it? If he remains unaware that a prohibition is involved, it will not occur to him to ask whether or not he is permitted to remove the bread before it bakes.

וְאֶלָּא לָאו – דְּאִיהַדַּר וְאִידְּכַר – מִי מְחַיֵּיב? וְהָתְנַן: כָּל חַיָּבֵי חַטָּאוֹת אֵינָן חַיָּבִין עַד שֶׁתְּהֵא תְּחִלָּתָן שְׁגָגָה וְסוֹפָן שְׁגָגָה!

But rather, is it not a case **where he then,** before it baked, **remembered** that it is prohibited? In that case, **is he liable** to bring a sin-offering? **Didn't we learn** in a mishna: **All those who** sin unwittingly and **are** therefore **liable** to bring **sin-offerings are only liable if** the **beginning** of **their** action **was unwitting and** the **end** of **their** action **was unwitting.**[HN] This means that throughout the entire action until its completion, the person remains unaware that his action is prohibited. Consequently, in our case, since he became aware that his action is prohibited while the bread was still baking, his very awareness exempts him from a sin-offering and removing the bread is no longer necessary to prevent him from incurring liability to bring a sin-offering.

אֶלָּא בְּמֵזִיד – ״קוֹדֶם שֶׁיָּבוֹא לִידֵי אִיסּוּר סְקִילָה״ מִיבָּעֵי לֵיהּ!

Rather, say that that person stuck the bread in the oven **intentionally,** but afterward regrets having done so and does not want to violate the prohibition. However, if that is the case, the formulation of the dilemma is inaccurate. It **should have** said: **Before he comes to** violate **a prohibition** punishable by **stoning.**[N] One who desecrates Shabbat intentionally is liable to be stoned, he is not merely liable to bring a sin-offering.

אָמַר רַב שֵׁילָא: לְעוֹלָם בְּשׁוֹגֵג, וּלְמַאן הִתִּירוּ – לַאֲחֵרִים.

Rav Sheila said: Actually, it is referring to a case where he did so **unwittingly,** and the dilemma whether or not they permitted removing the bread is not with regard to the person who stuck it in the oven, as he remains unaware of his transgression. Rather, with regard **to whom** is Rav Beivai raising a dilemma whether or not the Sages **permitted** him to remove the bread? It is with regard **to others** who wish to spare the unwitting sinner from violating a Torah prohibition.

מַתְקִיף לָהּ רַב שֵׁשֶׁת: וְכִי אוֹמְרִים לוֹ לְאָדָם חֲטָא כְּדֵי שֶׁיּוּכָּה חֲבֵירָךְ?!

Rav Sheshet strongly objected to this. And does one tell another **person: Sin so that another will benefit?**[N] Permitting one to violate a prohibition, even one prohibited by rabbinic law, in order to help another perform a mitzva is inconceivable. The same is true with regard to preventing another from violating a more severe prohibition.

אֶלָּא אָמַר רַב אַשִׁי: לְעוֹלָם בְּמֵזִיד, וְאֵימָא ״קוֹדֶם שֶׁיָּבֹא לִידֵי אִיסּוּר סְקִילָה״. רַב אַחָא בְּרֵיהּ דְּרָבָא מַתְנֵי לָהּ בְּהֶדְיָא: אָמַר רַב בֵּיבִי בַּר אַבָּיֵי: הַדְּבִיק פַּת בַּתַּנּוּר הִתִּירוּ לוֹ לְרַדּוֹתָהּ קוֹדֶם שֶׁיָּבֹא לִידֵי אִיסּוּר סְקִילָה.

Rather, Rav Ashi said: Actually, it is referring to a case where he stuck the bread in the oven **intentionally. And say,** emend the text as follows: **Before he comes to** violate **a prohibition** punishable by **stoning.** Indeed, **Rav Aḥa, son of Rava, would teach it explicitly** in that manner;[B] not as a dilemma, but rather, as a halakhic ruling. According to his version, **Rav Beivai bar Abaye said:** With regard to one who **stuck bread in an oven** on Shabbat eve, the Sages **permitted him to remove it** from the oven on Shabbat **before he comes to** violate **a prohibition** punishable by **stoning.**

״פָּשַׁט הֶעָנִי אֶת יָדוֹ״. אַמַּאי חַיָּיב? וְהָא בָּעֵינַן עֲקִירָה וְהַנָּחָה מֵעַל גַּבֵּי מְקוֹם אַרְבָּעָה עַל אַרְבָּעָה, וְלֵיכָּא!

We learned in the mishna several examples where **the poor person extended his hand:** One, when he placed an object into the hand of the homeowner and one, when he took an object from the hand of the homeowner. In those cases, we learned that he is liable to bring a sin-offering. The Gemara asks: **Why is he liable? Don't we require** that halakhic **lifting and placing** be performed **from** and onto **the surface of an area** that is **four by four**[NH] handbreadths? A smaller area is not considered a defined place, and it is as if the object were not there at all; **and** a person's hand **is not** that size. Why, then, is he liable?

אָמַר רַבָּה: הָא מַנִּי – רַבִּי עֲקִיבָא, דְּאָמַר לָא בָּעֵינַן מְקוֹם אַרְבָּעָה עַל אַרְבָּעָה. דִּתְנַן: הַזּוֹרֵק מֵרְשׁוּת הַיָּחִיד לִרְשׁוּת הָרַבִּים בָּאֶמְצַע – רַבִּי עֲקִיבָא מְחַיֵּיב, וַחֲכָמִים פּוֹטְרִים.

Rabba said: Whose opinion **is it** in this mishna? It is the opinion of **Rabbi Akiva** who **said** that **we do not require a place of four by four** handbreadths. According to his opinion, even a smaller area is considered a significant place in terms of carrying out on Shabbat. **As we learned** in a mishna: **One who throws** an object **from the private domain** to **the** other **private domain and** there is **the public domain in the middle, Rabbi Akiva deems him liable** for carrying out into the public domain, **and the Rabbis deem him exempt** because the object merely passed through the public domain and did not come to rest in it.

רַבִּי עֲקִיבָא סָבַר: אָמְרִינַן ״קְלוּטָה כְּמִי שֶׁהוּנְּחָה דָּמְיָא״, וְרַבָּנַן סָבְרִי: לָא אָמְרִינַן ״קְלוּטָה כְּמִי שֶׁהוּנְּחָה דָּמְיָא״.

This dispute can be explained as follows: **Rabbi Akiva holds** that **we say** that **an object in airspace is considered at rest.** In his opinion, an object that passed, even briefly, through the airspace of the public domain is considered as if it came to rest in that domain. Therefore, one who threw the object has, for all intents and purposes, lifted the object from the private domain and placed it in the public domain, and he is liable. **And the Rabbis hold** that **we do not say** that **an object in airspace is considered at rest.** In their opinion, although he lifted the object from the private domain, it never came to rest in the public domain. Since he never placed it in the public domain, he is not liable. Regardless, according to Rabbi Akiva's opinion, placing does not require a defined area. The mere presence of an object in the public domain accords it the legal status of having been placed there. Apparently, there is no requirement that an object be placed on a surface with an area of four by four handbreadths.

לְמֵימְרָא דִּפְשִׁיטָא לֵיהּ לְרַבָּה דְּדִ״קְלוּטָה כְּמִי שֶׁהוּנְּחָה דָּמְיָא״,

Initially, the Gemara wonders about the substance of Rabba's opinion: **Is that to say that it is obvious to Rabba** that, **with regard** to whether or not **an object in airspace is considered at rest,**

NOTES

Sin so that another will benefit – חֲטָא כְּדֵי שֶׁיּוּכָּה חֲבֵירָךְ: In the *Tosefta,* this statement is phrased: Do we tell a person to sin so that you can benefit? There, the principle is that a person has no license to sin and there is no justification to sin, even if he thinks that through his sin he can prevent a greater transgression. There are, indeed, cases where the Sages permit certain sins. However, the permission always stems from the consideration that the act involves a mitzva as well, which tips the balance (see *Tosafot*). Some commentaries insist that the principle prohibiting sinning for the sake of another only applies in a case where the other has already sinned. If the other has not yet sinned, there is room to perform a mild transgression in order to facilitate his friend's fulfillment of a mitzva or to prevent him from committing a grave sin (Rosh; Rashba).

Lifting and placing from the surface of an area four by four – עֲקִירָה וְהַנָּחָה מֵעַל גַּבֵּי מְקוֹם אַרְבָּעָה עַל אַרְבָּעָה: The Gemara assumes that liability exists only in a case where an object is lifted from an area that measures at least four by four handbreadths. The commentaries seek a source for that assumption. Some explained that one does not generally place objects on a smaller surface due to concern that they might fall. In all of the prohibited labors of Shabbat, the standard manner in which the action is performed is the determining factor (Rabbeinu Tam; see the Rashba). Others explained that the verses themselves include allusion to the fact that an object requires a defined area. There is no smaller defined area (*Tosafot*). Yet others explained that, although the reason was not clear, the Sages of the Talmud had a tradition that this is the *halakha* (Rashba; Ritva).

BACKGROUND

Would teach it explicitly – מַתְנֵי לָהּ בְּהֶדְיָא: The use of this and similar phrases is common in the Talmud. After the Gemara cites various theoretical considerations and reaches the conclusion that there is a need to emend the text of the *baraita*, occasionally it turns out that one of the Sages had already received a tradition with that emended version of the *baraita.*

HALAKHA

Lifting and placing from the surface of an area four by four – עֲקִירָה וְהַנָּחָה מֵעַל גַּבֵּי מְקוֹם אַרְבָּעָה עַל אַרְבָּעָה: A place that is smaller than four by four handbreadths is not considered a defined area in terms of the *halakhot* of Shabbat. One who lifts an object from it or places an object on it does not incur liability to bring a sin-offering (Rambam *Sefer Zemanim, Hilkhot Shabbat* 13:1 and 14:7; *Shulḥan Arukh, Oraḥ Ḥayyim* 345:19).

וּבְתוֹךְ עֲשָׂרָה פְּלִיגִי? וְהָא מִיבְּעָיָא בָּעֵי לָהּ רַבָּה! דְּבָעֵי רַבָּה: לְמַטָּה מֵעֲשָׂרָה פְּלִיגִי, וּבְהָא פְּלִיגִי: דְּרַבִּי עֲקִיבָא סָבַר קְלוּטָה כְּמִי שֶׁהוּנְחָה דָּמְיָא, וְרַבָּנַן סָבְרִי לָא אָמְרִינַן קְלוּטָה כְּמִי שֶׁהוּנְחָה דָּמְיָא. אֲבָל לְמַעְלָה מֵעֲשָׂרָה דִּבְרֵי הַכֹּל פָּטוּר, וּדְכוּלֵּי עָלְמָא – לָא יָלְפִינַן זוֹרֵק מִמּוֹשִׁיט

and it is in a case where the object passed **within ten** handbreadths of the ground that **they disagree? And wasn't it raised as a dilemma**[B] **by Rabba,** as it was unclear to him whether or not that is the correct explanation of the dispute between Rabbi Akiva and the Rabbis? **As Rabba raised a dilemma: Do** those who dispute the matter of one who throws from a private domain to a private domain with a public domain in the middle **disagree** with regard to a case where the object was thrown **below ten** handbreadths off the ground, **and this is** the point over which **they disagree: Rabbi Akiva holds** that **an object in airspace is considered at rest,**[N] **and the Rabbis hold** that **we do not say** that **an object in airspace is considered at rest? However,** if the object passed more **than ten** handbreadths **above** the public domain, **everyone agrees** that **he is exempt and everyone agrees** that **we do not derive** the *halakha* of **throwing from** the *halakha* of **passing.** There is a special *halakha* with regard to passing objects: One standing in a private domain who passes an object through a public domain to another private domain, even though the object did not come to rest in the public domain, his action is considered to have carried out. However, the *halakha* with regard to throwing is different.

אוֹ דִילְמָא: לְמַעְלָה מֵעֲשָׂרָה פְּלִיגִי, וּבְהָא פְּלִיגִי: דְּרַבִּי עֲקִיבָא סָבַר – יָלְפִינַן זוֹרֵק מִמּוֹשִׁיט, וְרַבָּנַן סָבְרִי – לָא יָלְפִינַן זוֹרֵק מִמּוֹשִׁיט. אֲבָל לְמַטָּה מֵעֲשָׂרָה – דִּבְרֵי הַכֹּל, חַיָּיב. מַאי טַעְמָא – אָמְרִינַן "קְלוּטָה כְּמִי שֶׁהוּנְחָה דָּמְיָא"?

Or, perhaps they disagree with regard to a case where the object passed **ten** handbreadths **above** the ground, **and this is** the point over which **they disagree: Rabbi Akiva holds** that **we derive** the *halakha* of **throwing from** the *halakha* of **passing** and considers them details of one *halakha*. **And the Rabbis hold** that **we do not derive throwing from passing,** and, although one who passes the object in that case is liable, one who throws it is not. The *halakha* with regard to passing is a unique *halakha*, a Torah decree, and other cases cannot be derived from it. **However,** with regard to one who throws from one private domain to another via a public domain, if the object passed **below ten** handbreadths off the ground, **everyone agrees** that he **is liable. What is the reason** for this? Everyone agrees that an **object in airspace is considered at rest.** Since Rabba himself is uncertain as to the point of the dispute in that mishna with regard to one who throws an object, how can he determine Rabbi Akiva's opinion in the matter of our mishna?

הָא לָא קַשְׁיָא, בָּתַר דְּאִיבְּעִי – הֲדַר אֵיפְּשִׁיטָא לֵיהּ, דְּסָבַר רַבִּי עֲקִיבָא קְלוּטָה כְּמִי שֶׁהוּנְחָה דָּמְיָא.

The Gemara answers: **That is not difficult.** It can be explained that, **after he raised the dilemma, it was later resolved for him** that the correct understanding is **that Rabbi Akiva** alone **holds** that an **object in airspace is considered at rest.**

וְדִילְמָא: הַנָּחָה הוּא דְּלָא בַּעְיָא, הָא עֲקִירָה בַּעְיָא!

However, there is room to question the parallel between Rabbi Akiva's opinion and the case in our mishna. **Perhaps placing** alone **does not require** an area of four by four in order to be considered halakhic placing, **but lifting does require**[N] a minimum of four by four handbreadths to be considered halakhic lifting. Perhaps placing, which is merely the conclusion of the prohibited labor, does not require the same conditions as lifting, which is the beginning and the essence of the labor of carrying out (Rashba). From Rabbi Akiva's opinion, a conclusion may be drawn that an object in airspace is considered placed even without the surface area of four by four handbreadths. But, a conclusion may not be drawn that an object lifted from a surface lacking that area is considered lifted.

אֶלָּא אָמַר רַב יוֹסֵף: הָא מַנִּי – רַבִּי הִיא.

Rather, Rav Yosef said: Whose opinion **is it** in this mishna? **It is** the opinion of **Rabbi** Yehuda HaNasi.

הֵי רַבִּי? אִילֵימָא הָא רַבִּי, דְּתַנְיָא: זָרַק וְנָח עַל גַּבֵּי זִיז כָּל שֶׁהוּא, רַבִּי מְחַיֵּיב וַחֲכָמִים פּוֹטְרִין.

The Gemara asks: To **which** of **Rabbi** Yehuda HaNasi's *halakhot* is Rav Yosef referring? **If you say** that he is referring to **this** *halakha*, **as it was taught** in a *baraita*: One who **threw** an object on Shabbat in the public domain from the beginning to the end of four cubits, **and it,** the object, **came to rest atop a projection of any size,**[N] **Rabbi** Yehuda HaNasi **deems** him **liable, and the Rabbis deem** him **exempt.** Apparently, this proves that, according to Rabbi Yehuda HaNasi, there is no minimum area required for lifting and placing. This is the *halakha* to which Rav Yosef referred.

BACKGROUND

And wasn't it raised as a dilemma – וְהָא מִיבְּעָיָא בָּעֵי לָהּ: The Gemara uses this expression to ask: Since Rabba raised this dilemma and was unable to resolve it, how is it possible that a resolution to that dilemma would incidentally appear as a given in another dilemma of his? That leads to the conclusion that the resolution is not sufficiently substantiated.

NOTES

An object in airspace is considered at rest – קְלוּטָה כְּמִי שֶׁהוּנְחָה דָּמְיָא: It is possible to identify two fundamental approaches in clarifying the essence of this halakhic principle. According to Rashi and Rabbeinu Ḥananel, an object passing through airspace of a certain domain is considered as if it were placed on the ground of that domain. In the Jerusalem Talmud, on the other hand, this phrase was understood to mean that all the airspace in a certain domain is considered as if it were solid matter upon which the objects rest. The principle was formulated: The air within the partitions is like its substance, i.e., the ground beneath it.

Perhaps placing does not require, but lifting does require – וְדִילְמָא: הַנָּחָה הוּא דְּלָא בַּעְיָא, הָא עֲקִירָה בַּעְיָא: Some explain that the fact that lifting would require an area of four by four handbreadths, while placing would not, is derived from the Torah. Lifting an object from its place is alluded to in the verse: "A man should not go out [*yetze*] from his place" (Exodus 16:29). This verse can be interpreted: "A man should not carry out [*yotzi*] from his place." There is no biblical allusion to placing (*Tosafot*).

Projection of any size – זִיז כָּל שֶׁהוּא: The *ge'onim* define *ziz* as anything that projects from the wall of a house; both the house and the projection are considered private property. A projection of any size means that it can be less than four by four handbreadths.

Projection from the wall of a house

הָתָם – כִּדְבָעֵינַן לְמֵימַר לְקַמָּן, כִּדְאַבַּיֵי. דְּאָמַר אַבַּיֵי: הָכָא בְּאֵילָן הָעוֹמֵד בִּרְשׁוּת הַיָּחִיד וְנוֹפוֹ נוֹטֶה לִרְשׁוּת הָרַבִּים, וְזָרַק וְנָח אֲנוֹפוֹ.

The Gemara rejects this: **There,** the explanation is according to what **we will need to say later in accordance with** the statement of **Abaye,** as **Abaye said: Here,** the *baraita* is not dealing with just any situation. Rather, it is dealing with a special case where there is **a tree standing in the private domain and its boughs**[B] **lean into the public domain, and** one **threw** an object from the public domain **and it rested** upon **the boughs** of the tree.

דְּרַבִּי סָבַר: אָמְרִינַן ״שְׁדִי נוֹפוֹ אַחַר עִיקָּרוֹ״, וְרַבָּנַן סָבְרִי: לָא אָמְרִינַן ״שְׁדִי נוֹפוֹ בָּתַר עִיקָּרוֹ״.

Rabbi Yehuda HaNasi **holds** that **we say: Cast its boughs after its trunk.** The tree's branches are considered an extension of its trunk. Therefore, the entire tree is considered as a private domain, and one who throws onto it is liable. **And the Rabbis hold** that **we do not say: Cast its boughs after its trunk.** Therefore, the boughs themselves are not considered to be a private domain, and one who throws atop them from the public domain is not liable. Since Rabbi Yehuda HaNasi considers the boughs of the tree like part of the trunk, something thrown atop the tree is considered as if it were placed on the trunk, which is four by four handbreadths. If so, one cannot conclude from here that there is no need for a significant area according to Rabbi Yehuda HaNasi.

אֶלָּא הָא רַבִּי, דְּתַנְיָא: זָרַק מֵרְשׁוּת הָרַבִּים לִרְשׁוּת הָרַבִּים וּרְשׁוּת הַיָּחִיד בָּאֶמְצַע, רַבִּי מְחַיֵּיב וַחֲכָמִים פּוֹטְרִין.

Rather, it is possible that Rav Yosef referred to **this** *halakha* of **Rabbi** Yehuda HaNasi, **as it was taught** in a *baraita*: One who **threw** an object on Shabbat **from the public domain to the public domain and the private domain** was **in the middle, Rabbi** Yehuda HaNasi **deems** him **liable** for carrying out from domain to domain, and **the Rabbis deem** him **exempt.**

וְאָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל: מְחַיֵּיב הָיָה רַבִּי שְׁתֵּים, אַחַת מִשּׁוּם הוֹצָאָה וְאַחַת מִשּׁוּם הַכְנָסָה. אַלְמָא: לָא בָּעֵי עֲקִירָה וְלָא הַנָּחָה עַל גַּבֵּי מְקוֹם אַרְבָּעָה עַל אַרְבָּעָה.

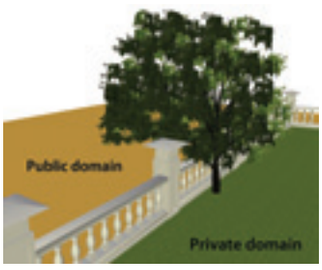
And Rav Yehuda said that **Shmuel said:** In that case, **Rabbi** Yehuda HaNasi **holds** that the one who threw the object is **liable** to bring **two** sin-offerings, as he violated two prohibitions: **One, due to carrying** from the public domain **into** the private domain, when the object passed through the airspace of the private domain; **and one, due to carrying** from the private domain **out** to the public domain. **Apparently, he requires neither lifting** from **nor placing upon an area of four by four** handbreadths, as not only is he liable for carrying the object into a private domain and placing it by means of passing through its airspace, but he is also liable for lifting the object from that private domain and bringing it to the public domain. According to Rabbi Yehuda HaNasi, neither lifting nor placing requires a significant area.

הָא אִיתְּמַר עֲלָהּ, רַב וּשְׁמוּאֵל דְּאָמְרִי תַּרְוַוְיִיהוּ:

The Gemara rejects this proof. **Wasn't it stated with regard to this** dispute **that Rav and Shmuel both said:**

BACKGROUND

Tree and its boughs – אִילָן...וְנוֹפוֹ



Boughs leaning into the public domain

Perek **I**
Daf **5** Amud **a**

לֹא מְחַיֵּיב רַבִּי אֶלָּא בִּרְשׁוּת הַיָּחִיד מְקוֹרָה, דְּאָמְרִינַן: ״בֵּיתָא כְּמַאן דְּמַלְיָא דָּמְיָא״, אֲבָל שֶׁאֵינוֹ מְקוֹרָה – לָא.

Rabbi Yehuda HaNasi **only deemed** him **liable in the covered private domain,** with a roof, **as we say: The house is considered as one that is full?** The entire house with all its space is considered one unit, and each part of it is considered as if it is filled with actual objects. Therefore, an object passing through the house is considered as if it landed on an actual surface of at least four by four handbreadths. **However,** in a private domain **that is not covered,** Rabbi Yehuda HaNasi does **not** deem him liable.

וְכִי תֵּימָא: הָכָא נַמִּי בִּמְקוֹרָה; הָתְנַן בִּרְשׁוּת הַיָּחִיד מְקוֹרָה, בִּרְשׁוּת הָרַבִּים מְקוֹרָה מִי חַיָּיב? וְהָאָמַר רַב שְׁמוּאֵל בַּר יְהוּדָה אָמַר רַבִּי אַבָּא אָמַר רַב הוּנָא אָמַר רַב: הַמַּעֲבִיר חֵפֶץ אַרְבַּע אַמּוֹת בִּרְשׁוּת הָרַבִּים מְקוֹרָה – פָּטוּר, לְפִי שֶׁאֵינוֹ דּוֹמֶה לְדִגְלֵי מִדְבָּר!

And if you say: Here too our mishna is speaking **about a covered** domain, and therefore the lifting from and the placing on the hand are considered as if they were performed in a place that is four handbreadths; **granted, in a covered private domain** lifting from and placing in a hand are considered as if it were lifted from and placed onto an area of four by four handbreadths, **but in a covered public domain is he liable** at all? **Didn't Rav Shmuel bar Yehuda say** that **Rabbi Abba said** that **Rav Huna said** that **Rav said: One who carries an object four** cubits from place to place **in a covered public domain,** even though transferring an object four cubits in the public domain is like carrying out from one domain to another and prohibited by Torah law, in this case, he **is not liable?** The reason is that **since** the covered public domain **is not similar to the banners in the desert,**[N] i.e., the area in which the banners of the tribes of Israel passed in the desert. The labors prohibited on Shabbat are derived from the labors that were performed in the building of the Tabernacle during the encampment of Israel in the desert, and the desert was most definitely not covered. Consequently, even according to Rabbi Yehuda HaNasi's opinion, it is impossible to explain that our mishna is referring to the case of a covered public domain.

NOTES

The banners of the desert – דִּגְלֵי מִדְבָּר: With regard to the *halakhot* of Shabbat, the encampment of Israel in the desert is the model upon which the definition of a public domain is based. Like the encampment, a public domain is at least sixteen cubits wide. It is an area through which many people pass daily; 600,000 people, according to some authorities.

Layout of the tribes' encampment in the desert

LANGUAGE

Basket [*teraskal*] – טַרְסָקַל: The origin of the word is apparently a reordering of the letters of the Greek word κάρταλλος, *kartallos*, meaning a basket with a pointed bottom.

BACKGROUND

Basket – טַרְסָקַל: The *ge'onim* explained that a *teraskal* is a light, portable table made from braided willow. People ate on it outside the home.

אֶלָּא אָמַר רַבִּי זֵירָא: הָא מַנִּי – אַחֵרִים הִיא. דְּתַנְיָא, אַחֵרִים אוֹמְרִים: עָמַד בִּמְקוֹמוֹ וְקִבֵּל – חַיָּיב, עָקַר מִמְּקוֹמוֹ וְקִבֵּל – פָּטוּר. עָמַד בִּמְקוֹמוֹ וְקִבֵּל חַיָּיב? הָא בָּעֵינַן הַנָּחָה עַל גַּבֵּי מְקוֹם אַרְבָּעָה, וְלֵיכָּא! אֶלָּא שְׁמַע מִינָּהּ: לָא בָּעֵינַן מְקוֹם אַרְבָּעָה.

Rather, Rabbi Zeira said: There must be a different source for our mishna. **Whose** opinion **is it** in our mishna? It is the opinion of ***Aḥerim*, as it was taught** in a *baraita*: ***Aḥerim* say:** One who **stood in his place** on Shabbat **and received** an object thrown to him from another domain, the one who threw the object **is liable** for the prohibited labor of carrying out, as he both lifted and placed the object. However, if the one who received the object **moved from his place,** ran toward the object, **and** then **received** it in his hand, he, the one who threw it, **is exempt.** That is because, even though he performed an act of lifting, the placing of the object was facilitated by the action of the one who received it, and therefore the one who threw it did not perform the act of placing. In any case, according to the opinion of *Aḥerim*, if **he stood in his place and received** the object, the one who threw it **is liable. Don't we require placing upon an area of four** by four handbreadths **and there is none** in this case? **Rather,** certainly **conclude from this** that according to *Aḥerim* **we do not require** an area of four by four.

וְדִילְמָא הַנָּחָה הוּא דְּלָא בָּעֵינַן, הָא עֲקִירָה בָּעֵינַן! וְהַנָּחָה נַמִּי, דִּילְמָא דְּפָשֵׁיט כַּנְפֵּיהּ וְקִיבְּלָהּ; דְּאִיכָּא נַמִּי הַנָּחָה!

The Gemara rejects this: This is not a proof, **and** one could say: **Perhaps it is** specifically **for placing** that **we do not require** an area of four by four; **however, for lifting we require** an area of four by four in order to consider it significant. **And** with regard to **placing as well,** one could say: **Perhaps** it was performed in a manner in which **he extended the corners** of his coat **and received it, so** in that case **there is also placing** upon an area of four by four. Therefore, there is no proof from here.

אָמַר רַבִּי אַבָּא: מַתְנִיתִין כְּגוֹן (שֶׁקִּבֵּל בְּטַרְסָקַל), וְהִנִּיחַ עַל גַּבֵּי טַרְסָקַל, דְּאִיכָּא נַמִּי הַנָּחָה. וְהָא ״יָדוֹ״ קָתָנֵי! תְּנִי: טַרְסָקַל שֶׁבְּיָדוֹ.

Rabbi Abba said: Our mishna is speaking about **a** special **case where he received,** i.e., lifted, the object that was **in a basket** [***teraskal***][LB] **and he placed it atop a basket.** In that case, **there is also placing** performed upon an area of four by four handbreadths. The Gemara asks: **Wasn't it taught** in the mishna: **His hand?** So how can you say that he received it in a basket? The Gemara answers: Emend the text of the mishna and **teach: The basket in his hand.**

הָתִינַח טַרְסָקַל בִּרְשׁוּת הַיָּחִיד, אֶלָּא טַרְסָקַל שֶׁבִּרְשׁוּת הָרַבִּים רְשׁוּת הַיָּחִיד הוּא!

The Gemara asks about this matter: **Granted,** when the **basket was in the private domain, but** if it was **a basket that was** placed **in the public domain,** doesn't it immediately become **the private domain?** Presumably, the basket is ten handbreadths above the ground, and its surface is the requisite size for creating a private domain.

לֵימָא דְּלָא כְּרַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה. דְּתַנְיָא, רַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה אוֹמֵר: נָעַץ קָנֶה בִּרְשׁוּת הָרַבִּים וּבְרֹאשׁוֹ טַרְסָקַל, זָרַק וְנָח עַל גַּבָּיו – חַיָּיב.

Since that is not the explanation given, **let us say** that this is a proof that our mishna is **not in accordance with** the opinion of **Rabbi Yosei, son of Rabbi Yehuda. As it was taught** in a *baraita*: **Rabbi Yosei, son of Rabbi Yehuda, says: One who stuck a stick** into the ground **in the public domain, and** hung **a basket atop it,** and **threw** an object from the public domain, **and it landed upon it, he is liable,** because he threw it from the public domain into the private domain. Since the surface of the basket is four by four handbreadths and it is ten handbreadths above the ground, it is considered a private domain. Even though the stick, which is serving as the base for this basket, is not four handbreadths wide, since the basket is that wide, we consider it as if the sides of the basket descend in a straight line. Consequently, a type of pillar of a private domain is formed in the public domain.

דְּאִי כְּרַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה, פָּשַׁט בַּעַל הַבַּיִת אֶת יָדוֹ לַחוּץ וְנָתַן לְתוֹךְ יָדוֹ שֶׁל עָנִי, אַמַּאי חַיָּיב? מֵרְשׁוּת הַיָּחִיד לִרְשׁוּת הַיָּחִיד קָא מַפֵּיק!

Our mishna is not in accordance with the opinion of Rabbi Yosei, son of Rabbi Yehuda, **as if** it were **in accordance with** the opinion of **Rabbi Yosei, son of Rabbi Yehuda,** in a case where **the owner of the house extended his hand outside and placed** an object **in** the basket in **the hand of the poor person** in the public domain, **why is he liable?** According to his opinion, the basket is considered a private domain and **he,** the owner of the house, **is** merely **carrying out from private domain to private domain.** This proves that the opinion of our mishna is not in accordance with the opinion of Rabbi Yosei, son of Rabbi Yehuda.

אֲפִילּוּ תֵּימָא רַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה, הָתָם – לְמַעְלָה מֵעֲשָׂרָה, הָכָא לְמַטָּה מֵעֲשָׂרָה.

The Gemara answers: **Even if you say** that our mishna is in accordance with the opinion of **Rabbi Yosei, son of Rabbi Yehuda, there,** where we learned that a basket is considered like a private domain, was in a case in which the basket was **above ten** handbreadths off the ground. **Here,** in our mishna, the basket was **below ten** handbreadths off the ground. Even according to the opinion of Rabbi Yosei, son of Rabbi Yehuda, in a case where it is below ten handbreadths it is not considered a private domain, rather it is part of the public domain. Therefore, it is considered carrying out and he is liable.

קַשְׁיָא לֵיהּ לְרַבִּי אַבָּהוּ: מִי קָתָנֵי ״טַרְסָקָל שֶׁבְּיָדוֹ״? וְהָא ״יָדוֹ״ קָתָנֵי! אֶלָּא אָמַר רַבִּי אַבָּהוּ: כְּגוֹן שֶׁשִּׁלְשֵׁל יָדוֹ לְמַטָּה מִשְּׁלֹשָׁה וְקִבְּלָה.

The Gemara comments: Nevertheless, this explanation **is difficult for Rabbi Abbahu: Was** the language **taught** in the mishna: **A basket in his hand? His hand,** was **taught.** There is no reason to emend the mishna in that way. **Rather, Rabbi Abbahu said:** The mishna here is referring **to a case where** the poor person **lowered his hand below three** handbreadths off the ground **and received** that object in his hand. Below three handbreadths is considered, in all respects, to be appended to the ground and, therefore, a place of four by four handbreadths.

וְהָא ״עוֹמֵד״ קָתָנֵי! בְּשׁוֹחֶה. וְאִיבָּעֵית אֵימָא: בְּגוּמָּא. וְאִיבָּעֵית אֵימָא: בְּנַנָּס.

The Gemara asks: **Didn't** the mishna **teach:** The poor person **stands** outside? If he is standing, how is it possible that his hand is within three handbreadths of the ground? Rabbi Abbahu answered: It is describing a case where he is **bending down.** In that case, his hand could be adjacent to the ground even though he is standing. **And if you wish, say** instead that it is possible in a case where the poor person is standing **in a hole** and his hand is adjacent to the ground. **And if you wish, say** instead a different depiction of the situation: The mishna is speaking about a case **involving a midget** [***nanas***],[L] whose hands, even when standing, are within three handbreadths of the ground.

אָמַר רָבָא: אִיכְּפַל תַּנָּא לְאַשְׁמְעִינַן כָּל הָנֵי?! אֶלָּא אָמַר רָבָא: יָדוֹ שֶׁל אָדָם חֲשׁוּבָה לוֹ כְּאַרְבָּעָה עַל אַרְבָּעָה. וְכֵן, כִּי אֲתָא רָבִין אָמַר רַבִּי יוֹחָנָן: יָדוֹ שֶׁל אָדָם חֲשׁוּבָה לוֹ כְּאַרְבָּעָה עַל אַרְבָּעָה.

About all of these **Rava said: Did the *tanna* go to** all that trouble **in an effort to teach us all of these** cases?[B] It is difficult to accept that the *tanna* could not find a more conventional manner to explain the *halakha*. **Rather, Rava said:** The problem must be resolved by establishing the principle: **A person's hand is considered like four by four**[HN] handbreadths **for him.** It is true that lifting and placing upon a significant place are required. However, even though a significant place is normally no less than four handbreadths, the hand of a person is significant enough for it to be considered a significant place as far as the *halakhot* of Shabbat are concerned. **And, so too, when Ravin**[P] **came** from Eretz Yisrael to Babylonia, he said that **Rabbi Yoḥanan said: A person's hand is considered four by four** handbreadths **for him.**

LANGUAGE

Midget [*nanas*] – נַנָּס: From the Greek νᾶνος, *nanos*, meaning midget.

BACKGROUND

Did the *tanna* go to all that trouble in an effort to teach us all of these cases – אִיכְּפַל תַּנָּא לְאַשְׁמְעִינַן כָּל הָנֵי: Although the Gemara at times explains the mishna by depicting special and rare cases, a fundamental principle or a description with wide-ranging application is not usually articulated by means of extraordinary situations. In situations of that sort, the Gemara asks: Did the *tanna* go to all that trouble…?

HALAKHA

A person's hand is considered like four by four – יָדוֹ שֶׁל אָדָם חֲשׁוּבָה לוֹ כְּאַרְבָּעָה עַל אַרְבָּעָה: In the *halakhot* of Shabbat, the hand of a person is considered as if it were an area of four by four handbreadths. Therefore, one who lifts an object on Shabbat from one domain and places it in the hand of a person standing in another domain, or one who lifts it from the hand of a person who is in one domain and places it in a different domain, is liable (Rambam *Sefer Zemanim, Hilkhot Shabbat* 13:2; *Shulḥan Arukh, Oraḥ Ḥayyim* 347:1).

NOTES

A person's hand is considered like four by four – יָדוֹ שֶׁל אָדָם חֲשׁוּבָה לוֹ כְּאַרְבָּעָה עַל אַרְבָּעָה: Apparently, this is because a hand is the standard conduit for placing and lifting objects in a specific place. The hand does not have the requisite area of a significant place, the measure of a significant area for placing being four by four handbreadths. However, the hand, regardless of its size, is also a significant area in the sense of carrying and has the legal status of an area of four by four handbreadths.

PERSONALITIES

Ravin – רָבִין: An abbreviation of Rabbi Avin, who is called Rabbi Bon in the Jerusalem Talmud.

He was the most important of "those who descended to," i.e., who went from Eretz Yisrael to Babylonia, in the third to fourth generation of the Babylonian *amora'im*.

Rabbi Avin was born in Babylonia and emigrated to Eretz Yisrael at an early age. There he was able to study Torah from Rabbi Yoḥanan, who lived to a very old age. After Rabbi Yoḥanan's death, Ravin studied from his many students. Rabbi Avin was appointed to be one of "those who descended," namely, those Sages who were sent to Babylonia to disseminate innovative Torah insights from Eretz Yisrael, as well as various Eretz Yisrael traditions that were unknown in other lands. Rav Dimi was the emissary from Eretz Yisrael before Ravin. However, Ravin transmitted new and revised formulations of the *halakhot*. Therefore, Ravin is considered an authority and, as a rule, the *halakha* was decided in accordance with his opinion.

Ravin returned to Eretz Yisrael several times. There he served as the transmitter of the Torah studied in Babylonia. His statements are often cited in the Jerusalem Talmud. We know little about his family and the rest of his life. It is known that his father died even before he was born, and that his mother died when he was born. Some say that his father's name was also Rabbi Avin and that he was named after him. Some believe that the Eretz Yisrael *amora* Rabbi Yosei bar Bon was his son.

אָמַר רַבִּי אָבִין אָמַר רַבִּי אֶילְעַאי אָמַר רַבִּי יוֹחָנָן: זָרַק חֵפֶץ וְנָח בְּתוֹךְ יָדוֹ שֶׁל חֲבֵירוֹ – חַיָּיב. מַאי קָא מַשְׁמַע לָן – יָדוֹ שֶׁל אָדָם חֲשׁוּבָה לוֹ כְּאַרְבָּעָה עַל אַרְבָּעָה. וְהָא אֲמַרָהּ רַבִּי יוֹחָנָן חֲדָא זִימְנָא! מַהוּ דְּתֵימָא: הָנֵי מִילֵּי – הֵיכָא דְּאַחְשְׁבָהּ הוּא לִידֵיהּ, אֲבָל הֵיכָא דְּלָא אַחְשְׁבָהּ הוּא לִידֵיהּ, אֵימָא לָא, קָא מַשְׁמַע לָן.

Rabbi Avin said that **Rabbi Elai said** that **Rabbi Yoḥanan said:** One who **threw an object and it landed in the hand of another** who is in a different domain **is liable.** The Gemara asks: **What is he teaching us?** What halakhic principle is conveyed through this statement? Is it that **a person's hand is considered four by four for him? Didn't Rabbi Yoḥanan** already **say that one time?** Why was it necessary to repeat it, albeit in a different context? The Gemara answers: It was necessary to teach the *halakha* cited by Rabbi Elai as well, **lest you say** that **this,** the principle that a person's hand is significant, **applies only where he** himself **deemed his hand significant** by lifting or receiving an object with his hand. **However, where he did not deem his hand significant,** rather the object fell into another's hand without his intention, perhaps the hand is **not** considered a significant place and he would not be liable. Therefore, **he teaches us** that the hand's significance is absolute and not dependent upon the intention of the one initiating the action.

אָמַר רַבִּי אָבִין אָמַר רַבִּי אֶילְעַאי אָמַר רַבִּי יוֹחָנָן: עָמַד בִּמְקוֹמוֹ וְקִיבֵּל – חַיָּיב, עָקַר מִמְּקוֹמוֹ וְקִיבֵּל – פָּטוּר. תַּנְיָא נַמִּי הָכִי, אֲחֵרִים אוֹמְרִים: עָמַד בִּמְקוֹמוֹ וְקִיבֵּל – חַיָּיב, עָקַר מִמְּקוֹמוֹ וְקִיבֵּל – פָּטוּר.

Rabbi Avin said that **Rabbi Elai said** that **Rabbi Yoḥanan said** additionally: One who **stood in his place and received** an object that was thrown to him from another domain, the one who threw it **is liable.** However, if **he moved from his place**[H] **and** then **received** the object, the one who threw it **is exempt. That was also taught** in a *baraita*. ***Aḥerim* say:** If **he stood in his place and received** in his hand the object that was thrown from another domain, the one who threw it **is liable.** And if **he moved from his place and received** it, **he is exempt.**

בָּעֵי רַבִּי יוֹחָנָן: זָרַק חֵפֶץ וְנֶעֱקַר הוּא מִמְּקוֹמוֹ, וְחָזַר וְקִיבְּלוֹ, מַהוּ?

Rabbi Yoḥanan raised a related **dilemma:** One who **threw an object** from one domain **and moved from his place** and ran to another domain **and then received** the same object in his hand in the second domain, **what is** his legal status?

מַאי קָמְבָּעֲיָא לֵיהּ? אָמַר רַב אַדָּא בַּר אַהֲבָה: שְׁנֵי כֹּחוֹת בְּאָדָם אֶחָד קָא מְבָּעֲיָא לֵיהּ. שְׁנֵי כֹּחוֹת בְּאָדָם אֶחָד – כְּאָדָם אֶחָד דָּמֵי, וַחֲיָיב, אוֹ דִילְמָא כִּשְׁנֵי בְּנֵי אָדָם דָּמֵי, וּפָטוּר? תֵּיקוּ.

To clarify the matter, the Gemara asks: **What is his dilemma?**[B] Didn't one person perform a complete act of lifting and placing? **Rav Adda bar Ahava said: His dilemma was** with regard to **two forces in one person.**[N] Rabbi Yoḥanan raised a dilemma with regard to one who performs two separate actions rather than one continuous action. Are **two forces in one person considered like one person, and he is liable? Or, perhaps they are considered like two people, and he is exempt?** This dilemma remains unresolved and therefore, **let it stand.**

אָמַר רַבִּי אָבִין אָמַר רַבִּי יוֹחָנָן: הִכְנִיס יָדוֹ לְתוֹךְ חָצַר חֲבֵירוֹ, וְקִיבֵּל מֵי גְּשָׁמִים וְהוֹצִיא – חַיָּיב. מַתְקִיף לָהּ רַבִּי זֵירָא: מַה לִּי הִטְעִינוֹ חֲבֵירוֹ, מַה לִּי הִטְעִינוֹ שָׁמַיִם, אִיהוּ לָא עָבִיד עֲקִירָה! לָא תֵּימָא "קִיבֵּל" אֶלָּא "קָלַט". וְהָא בָּעֵינַן עֲקִירָה מֵעַל גַּבֵּי מְקוֹם אַרְבָּעָה, וְלֵיכָא!

Rabbi Avin said that **Rabbi Yoḥanan said:** If he **brought his hand into the courtyard of another and received rainwater** that fell at that time into his hand **and carried** it **out** to another domain, **he is liable. Rabbi Zeira objects** to this: **What is** the difference **to me** if **his friend loaded him** with an object, i.e., his friend placed an object in his hand, **and what is** the difference **to me** if **Heaven loaded him** with rainwater? In **neither** case **did he perform an** act of **lifting.** Why then should he be liable for carrying out from domain to domain? The Gemara answers: **Do not say: He received** rainwater, indicating that he passively received the rainwater in his hand. **Rather**, read: **He** actively **gathered** rainwater in his hand from the air, which is tantamount to lifting. The Gemara asks: In order to become liable, **don't we require lifting from atop an area of four** handbreadths, **and** in this case **there is none?** How, therefore, would he be liable?

אָמַר רַבִּי חִיָּיא בְּרֵיהּ דְּרַב הוּנָא: כְּגוֹן שֶׁקָּלַט מֵעַל גַּבֵּי הַכּוֹתֶל. עַל גַּבֵּי כּוֹתֶל נַמִּי, וְהָא לָא נָח! כִּדְאָמַר רָבָא: בְּכוֹתֶל מְשׁוּפָּע, הָכָא נַמִּי – בְּכוֹתֶל מְשׁוּפָּע. וְהֵיכָא אִיתְּמַר דְּרָבָא? אַהָא, דְּתָנֵן:

Rabbi Ḥiyya, son of Rav Huna, said: It is **a case where he gathered** the rainwater **from atop** and on the side of **the wall,** so he lifted it from a significant place. Therefore, it is considered an act of lifting, and he is liable. The Gemara questions: **Atop a wall, too,** the rain **did not** come to **rest.** Rather, it immediately and continuously flowed. If so, the lifting was not from the wall at all. The Gemara answers: **As Rava said** in another context that the case involves **an inclined wall, here too** the case involves **an inclined wall.** The Gemara asks: **And where was** this statement of **Rava stated?** It was stated **with regard to that which we learned in a mishna:**

HALAKHA

One who stood in his place…he moved from his place, etc. – עָמַד בִּמְקוֹמוֹ...עָקַר מִמְּקוֹמוֹ וכו׳: If one throws an object from one domain to another domain, and the object is caught by a person who remained in his place in the second domain, the one who threw it is liable because he placed the object in another domain. However, if the second person moved from his place and caught the object in his hand, the one who threw it is exempt. This is in accordance with the statement of Rabbi Yoḥanan, with regard to which there is no dispute (Rambam *Sefer Zemanim, Hilkhot Shabbat* 13:15).

BACKGROUND

What is his dilemma – מַאי קָמְבָּעֲיָא לֵיהּ: This expression in the Gemara is a question that comes to clarify the essence of a certain dilemma. Frequently, the problem is, in and of itself, clear. Nevertheless, it is necessary to explain the context of the dilemma and the broader issue that it comes to clarify.

NOTES

Two forces in one person – שְׁנֵי כֹּחוֹת בְּאָדָם אֶחָד: According to Rabbeinu Ḥananel's variant text, some explain: Are two forces in one person considered like two people, in the sense that it is considered as if one threw it so the other would catch it, and he is liable? Or, perhaps it is considered like one person performed each half of the prohibited labor independent of the other half and he would be exempt (Ramban).

הָיָה קוֹרֵא בְּסֵפֶר עַל הָאֵיסְקוּפָּה וְנִתְגַּלְגֵּל הַסֵּפֶר מִיָּדוֹ – גּוֹלְלוֹ אֵצְלוֹ. הָיָה קוֹרֵא בְּרֹאשׁ הַגַּג וְנִתְגַּלְגֵּל הַסֵּפֶר מִיָּדוֹ, עַד שֶׁלֹּא הִגִּיעַ לְעֶשָׂרָה טְפָחִים – גּוֹלְלוֹ אֵצְלוֹ, מֶשֶׁהִגִּיעַ לְעֶשָׂרָה טְפָחִים – הוֹפְכוֹ עַל הַכְּתָב, וְהָוֵינַן בָּהּ: אַמַּאי הוֹפְכוֹ עַל הַכְּתָב? הָא לֹא נָח!

One who **was reading** a sacred **book** in scroll form on Shabbat **on** an elevated, wide **threshold and the book rolled from his hand**[H] outside and into the public domain, **he** may **roll it** back **to himself,** since one of its ends is still in his hand. However, if **he was reading on top the roof,**[B] which is a full-fledged private domain, **and the book rolled from his hand,**[H] **as long as** the edge of the book **did not reach ten handbreadths** above the public domain, the book is still in its own area, and he may **roll it** back **to himself.** However, **once the book has reached** within **ten handbreadths** above the public domain, he is prohibited to roll it back to himself. In that case, **he** may only **turn it** over **onto the** side with **writing,**[N] so that the writing of the book should face down and should not be exposed and degraded. **And we discussed this** *halakha*: **Why** must he **turn it** over **onto the** side with **writing,** and he is prohibited to bring the book back to himself? **Didn't** the book **not** yet **come to rest** upon a defined area in the public domain? Even if he brought it back it would not constitute lifting.

וְאָמַר רָבָא: בְּכוֹתֶל מְשׁוּפָּע. אֵימוֹר דְּאָמַר רָבָא בְּסֵפֶר – דַּעֲבִיד דְּנָיֵיחַ, מַיִם מִי עֲבִידִי דְּנָיְחִי?!

And Rava said: It is referring to the case **of an inclined wall.** Because it is inclined, the scroll is resting upon it to some degree. However, that answer is not effective in explaining the case of gathering water. **Say** that **Rava said** that the legal status of the slanted wall is different, specifically **with regard to a book, as it is wont to** come to **rest** upon an inclined wall. In contrast, **is water wont to** come to **rest** upon an inclined wall? It continues flowing. Consequently, the question with regard to water remains.

אֶלָּא אָמַר רָבָא: בְּגוֹן שֶׁקָּלַט מֵעַל גַּבֵּי גּוּמָּא. גּוּמָּא, פְּשִׁיטָא! מַהוּ דְּתֵימָא: מַיִם עַל גַּבֵּי מַיִם – לָאו הַנָּחָה הוּא, קָא מַשְׁמַע לָן.

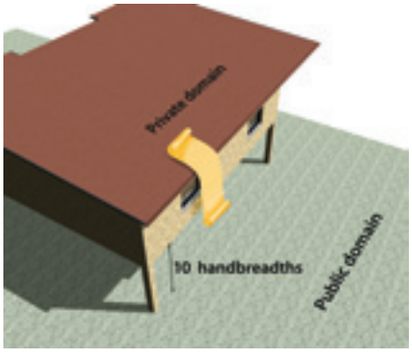
Rather, Rava said: Here, it is referring to **a case where he gathered** the rainwater **from on top of a hole**[H] filled with water. The Gemara asks: If he gathered it from on top of **a hole, it is obvious** that it is considered like lifting from a significant place. The Gemara answers: **Lest you say** that since the water that comes down from the roof into the hole it is **water on top of water** and, perhaps, **it is not** considered **placing.** Therefore, **he taught us** that collecting water from on top of a hole filled with water is considered an act of lifting an object from its placement.

וְאָזְדָא רָבָא לְטַעֲמֵיהּ, דְּאָמַר רָבָא: מַיִם עַל גַּבֵּי מַיִם – הַיְינוּ הַנָּחָה, אֱגוֹז עַל גַּבֵּי מַיִם – לָאו הַיְינוּ הַנָּחָתוֹ. בָּעֵי רָבָא: אֱגוֹז בִּכְלִי, וּכְלִי צָף עַל גַּבֵּי מַיִם, בָּתַר אֱגוֹז אָזְלִינַן – וְהָא נָיֵיחַ, אוֹ דִילְמָא בָּתַר כְּלִי אָזְלִינַן – וְהָא לָא נָיֵיחַ, דְּנָיֵיד? תֵּיקוּ.

The Gemara comments: **And Rava follows his** standard line of **reasoning,** as **Rava** already **said:** It is obvious to me that **water on top of water, that is its placement,** and lifting the water from there is an act of lifting in every sense. It is also obvious that if **a nut** is floating **on top of water, that is not** considered **its placement,** and therefore lifting it from there is not considered an act of lifting. However, **Rava raised a dilemma:** In a case where **a nut** is **in a vessel, and** that **vessel is floating on top of water,**[H] and one lifted the nut from the vessel, is that considered an act of lifting? The sides of the dilemma are: Do **we go according to the nut** and the *halakha* is decided exclusively based on its status, **and it is at rest** in the vessel? **Or perhaps, we go according to the vessel and it is not at rest, as it is moving** from place to place on the surface of the water. This dilemma remained unresolved, and therefore **let it stand.**

BACKGROUND

Book on top of the roof – סֵפֶר בְּרֹאשׁ הַגַּג:



Book that rolled when read on top of a roof

NOTES

He may only turn it over onto the side with writing – הוֹפְכוֹ עַל הַכְּתָב: One reason given is that this prevents dust from accumulating on the uncovered letters. Another is that when the writing is exposed, there is an element of disrespect for the sacred text (Rashi).

HALAKHA

One who was reading a sacred book on a threshold and the book rolled from his hand – הָיָה קוֹרֵא בְּסֵפֶר עַל הָאֵיסְקוּפָּה וְנִתְגַּלְגֵּל הַסֵּפֶר מִיָּדוֹ: In the case of a person on a threshold who was reading a sacred text written on a scroll and that scroll unrolled and landed on a *karmelit* (*Mishna Berura*), if one end of the scroll remained in his hand, he may roll it back to him. That is the ruling even if the threshold was a private domain, i.e., four by four handbreadths and ten handbreadths high, and the scroll unrolled into a public domain. This was permitted in order to prevent disrespect for the sacred text, as explained in tractate *Eiruvin*. However, if the book fell from his hand completely, he is permitted to roll it back only if it rolled into a *karmelit* (Rambam *Sefer Zemanim, Hilkhot Shabbat* 15:21; *Shulḥan Arukh, Oraḥ Ḥayyim* 352:1).

And the book rolled from his hand – וְנִתְגַּלְגֵּל הַסֵּפֶר מִיָּדוֹ: One who was reading a book on Shabbat on top of the roof of a private domain, and the book rolled from his hand into the public domain, if one end of the scroll did not yet reach within ten handbreadths of the ground of the public domain and the other edge of the scroll is still in his hand, he is permitted to roll it back to where he is sitting. However, if it reached within ten handbreadths of the ground of the public domain, if the wall was slanted and the scroll was somewhat resting upon it, and it was a place frequented by the general public (*Magen Avraham*), it is prohibited to roll the book back to where he is sitting. This is in accordance with the explanation of Rava and according to *Tosafot* (Rambam *Sefer Zemanim, Hilkhot Shabbat* 15:21; *Shulḥan Arukh, Oraḥ Ḥayyim* 352:2).

He gathered from on top of a hole – שֶׁקָּלַט מֵעַל גַּבֵּי גּוּמָּא: One who is standing in one domain and extends his hand into another domain and takes water from on top of a hole filled with water and brings it back to him, is liable, since all of the water is considered as if it were placed on the ground. Therefore, it conforms to the typical manner of lifting and placing, as per the conclusion of Rava (Rambam *Sefer Zemanim, Hilkhot Shabbat* 13:4).

A nut in a vessel and that vessel is floating on top of water – אֱגוֹז בִּכְלִי, וּכְלִי צָף עַל גַּבֵּי מַיִם וכו': One who lifts a fruit that was placed in a vessel floating on water is exempt because a floating object is not considered to be at rest and picking it up does not constitute halakhic lifting. This is all the more true if he lifted the vessel which itself was floating on the water. Although the matter remained unresolved, in a situation of uncertainty like this one, the practical ruling is that he is exempt (Rambam *Sefer Zemanim, Hilkhot Shabbat* 13:4).

BACKGROUND

One who immersed himself during the day – טְבוּל יוֹם: When one who became ritually impure immerses himself, a vestigial impurity remains until sunset. During this interval he renders liquids with which he comes into contact ritually impure. However, those liquids do not render other items ritually impure.

NOTES

Oil that was floating on top of wine and one who immersed himself during the day touched the oil – שֶׁמֶן שֶׁצָּף עַל גַּבֵּי יַיִן וְנָגַע טְבוּל יוֹם בַּשֶּׁמֶן: The central problem with regard to oil atop wine is: Are these two liquids connected to the extent that they are considered one entity? Or, are they considered two separate entities, one atop the other? In every case of contact with impurity there is room, in principle, to raise this question. However, the *halakha* is that a liquid that becomes impure through any means immediately assumes first-degree ritual impurity status and renders other liquids that come into contact with it impure. As a result, one who immersed himself during the day was mentioned because it is an exceptional case, as liquids that he touches do not generate further impurity.

שֶׁמֶן שֶׁצָּף עַל גַּבֵּי יַיִן – מַחֲלוֹקֶת רַבִּי יוֹחָנָן בֶּן נוּרִי וְרַבָּנַן. דִּתְנַן: שֶׁמֶן שֶׁצָּף עַל גַּבֵּי יַיִן – וְנָגַע טְבוּל יוֹם בַּשֶּׁמֶן – לֹא פָסַל אֶלָּא שֶׁמֶן בִּלְבַד, רַבִּי יוֹחָנָן בֶּן נוּרִי אוֹמֵר: שְׁנֵיהֶם מְחוּבָּרִים זֶה לָזֶה.

A similar dilemma was raised with regard to **oil that was floating on top of wine.**[H] Oil does not mix with wine. Rather, it floats on top of it in a separate layer. Resolution of this dilemma is dependent on **a dispute between Rabbi Yoḥanan ben Nuri and the Rabbis.** Is oil considered a discrete entity placed on the wine? Or, perhaps it is considered to be connected to the wine? **As we learned** in a mishna: **Oil that was floating on top of wine and one who immersed himself during the day**[B] **touched the oil,**[N] **he disqualified only the oil alone** and not the wine, as he only touched the oil and the oil does not render the wine impure. **And Rabbi Yoḥanan ben Nuri says: They both are** considered **connected to each other,** and therefore they are both rendered impure through the same contact. The consideration of whether the oil and the wine are considered connected is the determining factor with regard to the laws of Shabbat as well.

אָמַר רַבִּי אָבִין אָמַר רַבִּי אֵילָעַאי אָמַר רַבִּי יוֹחָנָן: הָיָה טָעוּן אוֹכָלִים וּמַשְׁקִין וְנִכְנָס וְיוֹצֵא כָּל הַיּוֹם כּוּלּוֹ – אֵינוֹ חַיָּיב עַד שֶׁיַּעֲמוֹד.

Rabbi Avin said that **Rabbi Elai said** that **Rabbi Yoḥanan said:** One who **was** standing in the private domain or the public domain **laden with food and drinks** on Shabbat, and his intention was to carry them to another corner of the same domain, if once he began walking he changed his mind and exited that domain, **and he enters and exits** from domain to domain, even if he does so **all day long,**[H] **he is exempt** by Torah law for carrying out on Shabbat **until he stands** still. Moving the object is not considered carrying out, since he did not intend from the outset to move himself in order to carry out. Therefore, only after he stands still can it be considered a bona fide placement, and only when he subsequently moves and walks would he incur liability.

אָמַר אַבַּיֵי: וְהוּא שֶׁעָמַד לָפוּשׁ. מַמַּאי – מִדְּאָמַר מָר: תּוֹךְ אַרְבָּע אַמּוֹת עָמַד לָפוּשׁ פָּטוּר, לְכַתֵּף – חַיָּיב. חוּץ לְאַרְבָּע אַמּוֹת, עָמַד לָפוּשׁ – חַיָּיב, לְכַתֵּף – פָּטוּר.

Abaye added and **said: And that is** specifically **if he stopped to rest;** then it is considered placement. However, if he stopped to adjust his burden, it is not considered placement. The Gemara comments: **From where** did Abaye arrive at this conclusion? **From** that which **the Master said** with regard to the laws of carrying in the public domain: Although, by Torah law, one who transfers an object four cubits in the public domain is liable, if while transferring the object **he stopped to rest within four cubits, he is exempt.** By stopping to rest, he performed an act of placement in the middle of the transfer. As a result, he did not carry the object four complete cubits. However, if he stopped **to** adjust the burden on his **shoulders, he is liable,**[H] as stopping in order to adjust his burden is not considered an act of placement. It is considered an action required to facilitate the continued carrying of that burden. On the other hand, after he walked **beyond four cubits,** if **he stopped to rest,** he thereby performed an act of placement and completed the prohibited labor, and **he is liable;** if he stopped **to** adjust the burden on his **shoulders, he is exempt.** From this *halakha,* Abaye learned that only when one stops to rest is it considered an act of placement in terms of the prohibited labor of carrying on Shabbat.

HALAKHA

Oil that was floating on top of wine – שֶׁמֶן שֶׁצָּף עַל גַּבֵּי יַיִן: If one who immersed himself during the day touched oil floating on top of wine, he did not, thereby, disqualify the wine, as per the opinion of the Rabbis (Rambam *Sefer Tahara, Hilkhot Tumat Okhlin* 8:3).

One who was laden with food and drinks and he enters and exits all day long – הָיָה טָעוּן אוֹכָלִים וּמַשְׁקִין וְנִכְנָס וְיוֹצֵא כָּל הַיּוֹם כּוּלּוֹ: One who was carrying objects on his body from domain to domain is only liable if he comes to a stop and, thereby, performs an act of placing. Even when he stops, he is only liable if he stopped to rest. But, if he stopped to adjust his burden, he is exempt, as per the statement of Rabbi Yoḥanan and the explanation of Abaye (Rambam *Sefer Zemanim, Hilkhot Shabbat* 13:8).

If he stopped to rest within four cubits, he is exempt, if he stopped to adjust the burden on his shoulders, he is liable – תּוֹךְ אַרְבָּע אַמּוֹת עָמַד לָפוּשׁ פָּטוּר, לְכַתֵּף חַיָּיב: One who lifted an object in the public domain and carried it there, if he stopped to rest within four cubits of the place where he lifted the object, he is exempt, since he did not carry the object four complete cubits. If he stopped to adjust his burden, he is considered to still be walking. Therefore, if he subsequently continued to walk and came to a stop beyond four cubits in order to rest, he is liable (Rambam *Sefer Zemanim, Hilkhot Shabbat* 13:10).

מַאי קָא מַשְׁמַע לָן – שְׁלֹא הָיְתָה עֲקִירָה מִשָּׁעָה רִאשׁוֹנָה לְכָךְ, הָא אֲמַרְתָּ רַבִּי יוֹחָנָן חֲדָא זִימְנָא! דְּאָמַר רַב סָפְרָא אָמַר רַבִּי אַמִּי אָמַר רַבִּי יוֹחָנָן: הַמַּעֲבִיר חֲפָצִים מִזָּוִית לְזָוִית, וְנִמְלַךְ עֲלֵיהֶן וְהוֹצִיאָן – פָּטוּר, שְׁלֹא הָיְתָה עֲקִירָה מִשָּׁעָה רִאשׁוֹנָה לְכָךְ! אָמְרוֹ אֵי נִינְהוּ, מָר אָמַר לָהּ בְּהַאי לִישָׁנָא, וּמַר אָמַר לָהּ בְּהַאי לִישָׁנָא.

With regard to the essence of Rabbi Yoḥanan's *halakha* about entering and exiting all day long, the Gemara asks: **What** principle **is he teaching us**[N] with this *halakha*? Is it to teach that one is exempt from bringing a sin-offering for performing the prohibited labor of carrying out on Shabbat when **the lifting of the object** from its place **from the first moment was not for that** purpose of carrying out, but for another purpose? **Didn't Rabbi Yoḥanan** already **say it once?**[B] **As Rav Safra said** that **Rabbi Ami said** that **Rabbi Yoḥanan said: One who transfers objects from corner to corner**[H] in a private domain, **and,** while carrying them, **he changed his mind about them** and **took them out** to the public domain, **he is exempt because the lifting at the first moment was not for that** purpose of carrying out to another domain. Why, then, was it necessary to repeat the same *halakha*? The Gemara answers: **They are** different ***amora'im***[B] who transmitted this matter. One **Sage said it in this language and** one **Sage said it in that language.** They chose different *halakhot* to relate the principle that Rabbi Yoḥanan stated a single time.

תָּנוּ רַבָּנַן: הַמּוֹצִיא מֵחֲנוּת לַפְּלַטְיָא דֶּרֶךְ סְטָיו – חַיָּיב, וּבֶן עַזַּאי פּוֹטֵר.

Since the issue of interruptions in the performance of the prohibited labor of carrying out was mentioned above, the Gemara proceeds to discuss a more complex related issue. **The Sages taught** in a *baraita*: **One who carries** an object **out from a store,** which is a private domain, **to a plaza** [***pelatia***],[LB] which is a public domain, **by way of a colonnade** [***setav***],[L] which is situated between the store and the public domain and whose legal status is that of a *karmelit*, **is liable,** as he carried out from the private domain to the public domain. **And ben Azzai deems** him **exempt.**

בְּשִׁלְמָא בֶּן עַזַּאי – קָסָבַר: מְהַלֵּךְ כְּעוֹמֵד דָּמֵי. אֶלָּא רַבָּנַן, נְהִי נַמִּי דְּקָסְבְּרִי מְהַלֵּךְ לָאו כְּעוֹמֵד דָּמֵי, הֵיכָא אַשְׁכַּחְנָא כְּהַאי גַּוְונָא דְּחַיָּיב?

The Gemara clarifies the opinions. **Granted,** the opinion of **ben Azzai** makes sense, as **he holds** that **walking is considered like standing.** In other words, with each step, he is considered as if he came to a complete stop. Therefore, as he walked through the colonnade, which is neither a public domain nor a private domain, he came to rest there. Consequently, he did not carry from a private domain to a public domain; he carried into and out of a *karmelit*. **However, the Rabbis, although they hold** that **walking is not considered like standing,** their opinion is difficult. **Where do we find a comparable case** where **one is liable?** There is no direct transfer from domain to domain. The transfer is via a domain where there is no Torah prohibition. Where do we find that the Torah deemed one who carried out in that manner liable?

אָמַר רַב סָפְרָא אָמַר רַבִּי אַמִּי אָמַר רַבִּי יוֹחָנָן:

Rav Safra said that **Rabbi Ami said** that **Rabbi Yoḥanan said:** That is not an exceptional case,

NOTES

What is he teaching us – מַאי קָא מַשְׁמַע לָן: Ostensibly, it would have been possible to say that he is teaching us, at least in the first *halakha*, that walking is not considered like standing, contrary to the opinion of ben Azzai. However, that was apparently not his intention, since, based upon its style, that does not appear to be the focus of Rabbi Yoḥanan's statement. Rather, the impression is that it was raised incidentally (*Ḥiddushei Rav Arye Leib Zunz*).

HALAKHA

One who transfers objects from corner to corner – הַמַּעֲבִיר חֲפָצִים מִזָּוִית לְזָוִית: One who was transferring an object within his house and, while carrying it, reconsidered and carried it out to the public domain, is exempt. Since his original intention was not to lift the object in order to carry it out, he did not perform a complete prohibited labor (Rambam *Sefer Zemanim, Hilkhot Shabbat* 13:12).

LANGUAGE

Plaza [*pelatia*] – פְּלַטְיָא: From the Greek πλατεῖα, *plateia*, meaning a street or a plaza.

Colonnade [*setav*] – סְטָיו: From the Greek στοά or στοιά, *stoa* or *stoia*. These words primarily mean a covered row of columns.

BACKGROUND

Didn't Rabbi Yoḥanan say it once – הָא אֲמַרְתָּ רַבִּי יוֹחָנָן חֲדָא זִימְנָא: This common expression: Didn't he say it once, questions why it was necessary for a Sage to repeat a statement. Obviously, a Sage can repeat the same idea several times. However, that is only when this repetition is intentional. That is not the case when the same idea appears in two different formulations. Then the impression is that the Sage was unaware of his other statement and repeated himself unconsciously.

They are different *amora'im* – אָמְרוֹ אֵי נִינְהוּ: This expression usually, though not always, indicates that two Sages transmitted one idea in two different forms. Usually, this appears in response to the question: Didn't he say it once?

Plaza – פְּלַטְיָא: The *pelatia* is the city square through which the public passes and in which it gathers. It is a prominent example of a full-fledged public domain, in which all the conditions of the public domain are met.

Forum in Pompeii, from the time of the Mishna