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DAF Notes
Insights into the Daily Daf
Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Shabbos Daf 3

Daf Notes is currently being dedicated to the neshamah of

Tzvi Gershon Ben Yoel (Harvey Felsen) o"h

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

Amount of Cases

Rav Masnah asked Abaye: Are there only eight cases (*for the Mishna had stated that there are two which are four inside, and two which are four outside – totaling eight*); but behold there are twelve! [*In addition to the four acts which involve liability, there are eight which do not, for the Mishna had illustrated four cases where there is no liability, for the akirah (the lifting) and the hanachah (the placing down) were not performed by the same person. Seemingly, each person's (single) act should be Rabbinically forbidden, for the Rabbis did not want him to perform both acts. Accordingly, in four cases of Biblical exemption, there should be eight Rabbinically forbidden acts, for each of the four cases involve two people – one lifting and one placing; this should total twelve in all!?*]

Abaye counters: But according to your reasoning, there are sixteen (*for the four cases of liability – each have someone who is completely exempt; i.e., in the two cases where the householder is liable for performing the akirah and hanachah, the poor man is exempt, and in the two cases where the poor man is liable for performing the akirah and hanachah, the householder is exempt*)!?

Rav Masnah said to him: That is no difficulty: as for the first clauses (*where the Mishna illustrates cases where they are liable*), it is well, for the *Mishna* does not teach what involves no liability (*to a chatas*) and is also permitted (*for in each of the first four cases, where one man extends his hand into another domain and places an object into the hand of another, or even if he removes it from the hand of the person's extended hand, the latter person commits no action (of transferring) at all, and, as far as the Shabbos is concerned, it is completely permissible; and that is why the Mishna does not list sixteen cases*), but regarding the last clauses, where no liability (*to a chatas*) is involved, yet it is (*Rabbinically*) forbidden, it is indeed difficult (*as to why the Mishna didn't list those cases, and therefore have a total of twelve*)!?

The *Gemora* interjects: But is there in the whole (*of the laws relating to*) *Shabbos* (*an action described as involving*) no liability (*to a chatas, yet*) permitted? Didn't Shmuel say: Everything (*taught as*) involving no liability on the *Shabbos*, involves no liability (*to a chatas*), yet it is (*Rabbinically*) forbidden, except for three cases, which involve no liability and are (*also*) permitted? They are: the trapping of a deer, the trapping of a snake, and the lancing of an abscess. [*Generally, trapping an animal through sitting in an open doorway of a room containing an animal is forbidden on Shabbos. A Mishna teaches that if one person was already completely blocking the doorway and a second person sits down next to him, even if the first person arises and leaves, the second person is permitted to remain where he is. Shmuel teaches us that although "exempt" usually means that he is Biblically exempt from a chatas, yet, it is Rabbinically forbidden, here it is completely permitted. The second case is regarding one who traps a snake on Shabbos. A Mishna teaches us that if his intention is that the snake should not bite him, he is exempt. This is in line with Rabbi Shimon, who maintains that if one performs a labor on Shabbos, but he does not need it for its defined purpose, it is not Biblically forbidden. One is liable for trapping if his intention is to possess the animal. If he traps the snake to prevent it from biting, however, he is not liable. Shmuel teaches us that although "exempt" usually means that he is Biblically exempt from a chatas, yet, it is Rabbinically forbidden, here it is completely permitted. The third case is regarding one who lances a boil on Shabbos. If his intention is to create an opening (one that will last for a considerable amount of time) for the boil, so that air*

can enter and the boil will heal, he is liable for performing the melachah of building. If his intention, however, was to remove the pus from the boil in order to alleviate the pain, and he is not particular if the hole closes up afterwards, he is exempt. This, again, is in line with Rabbi Shimon, who maintains that if one performs a labor on Shabbos, but he does not need it for its defined purpose, it is not Biblically forbidden. Shmuel teaches us that although "exempt" usually means that he is Biblically exempt from a chatas, yet, it is Rabbinically forbidden, here it is completely permitted.]

The *Gemora* answers: Shmuel desires to say this (*that something is completely permitted*) only of exemptions where an act is performed (*such as trapping or lancing*); but as for exemptions where no act at all was done (*such as the first four cases of our Mishna, where the second person is basically passive*), there are many (*where "exempt" means that he is exempt, and it is permitted*)!

The *Gemora* returns to its original question: At any rate, there still are twelve!?

The *Gemora* answers: Exempted acts whereby one can come to the liability of a *chatas* (*sin-offering*) are counted; those whereby one cannot come to the liability of a *chatas* are not counted. [*The forbidden act of transferring an object from one domain to another consists of two components: lifting from one domain and placing it down in a second domain. The Mishna only counts the lifting as a Rabbinic prohibition, for a person who performs the lifting may come to place the object in the other domain as well. Thus, lifting is "an act where one can come to liability of a chatas." It is impossible, however, for a person who performs only the placing down of an object to come to perform a complete act of transfer, since another person has already performed the lifting. Therefore, even though he completes the transfer with his placing, his act is one "where one cannot come to liability of a chatas."*] (2b – 3a)

Performance by Two

The *Gemora* asks: Both are exempt (*when one performs the "lifting," and the other places it down*)!? But between (*the two of*) them a (*complete*) action has been performed!?

The *Gemora* answers: It was taught in a *braisa*: Rebbe said: *From among the people of the land, by committing it*. Only he who performs the entire forbidden action (*is liable to a chatas*), but not he who performs a portion of it. If an individual person performs it, he is liable; if two perform it, they are exempt.

It was stated likewise: Rabbi Chiya bar Gamda said: It was "thrown" from the mouth of the assembly (*of scholars*), and they said: *By committing it* - if an individual person performs it, he is liable; if two perform it, they are exempt. (3a)

Lifting One's Body

Rav inquired of Rebbe: If one fellow loads upon another food and drink (*in a private domain*), and he carries them outside, what is the law? Is the lifting of one's body (*when he begins to walk*) like the lifting of an object from its place, and so he is liable; or perhaps it is not so?

He replied: He is liable, and it is not like (*the case of*) his hand. [*Our Mishna stated that if an object is placed in the poor man's extended hand (in a private domain), and he withdraws it (and brings it into the public domain, and then he places it down there), he is exempt. Rebbe is asking: Why don't we say that the removal of his hand is like the lifting of one's body? It should be regarded as a "lifting," and he should be liable!?*] What is the reason (*for the distinction*)? His body is at rest, whereas his hand is not at rest. [*A person's body is not similar to his hand, as one's body is at rest, while his hand is not at rest. In order for an act of lifting to be considered an akirah, an item must be lifted from a state of rest. A body is considered at rest, for it rests upon the ground; that is why commencing to walk is regarded as "lifting." A hand extended into another domain, by contrast, is not considered at rest, because it is not at rest upon the ground of the domain in which it is located. Therefore, removing it into another domain is not regarded as an akirah.*]

Rabbi Chiya said to Rav: Son of nobles! Have I not told you that when Rebbe is engaged in one Tractate, you must not question him about another, lest he will not be familiar with it (*and perhaps, he will answer incorrectly*), for if Rebbe were not a great man, you might have put him to shame, for he might have answered you incorrectly. He has now answered you correctly, for it was taught in a *braisa*: If one was laden with

food and drink while it was yet day, and he carries them out after dark, he is liable, because it is not like his hand. (3a – 3b)

Status of a Man's Hand

Abaye said: It is obvious to me that a man's hand (*which is extended into a different domain*) is neither like a public domain (*when he is standing in a public domain*), nor is it like a private domain (*when he is standing in a private domain*). That it is not like a public domain may be proven from the case of the poor man's hand (*for the Mishna rules that the householder is exempt when he removes an object from the outstretched hand of the poor man; now, if his hand would be like a public domain, for that is where he is standing, the householder should be liable for transferring the object from a public domain to a private one*). That it is not like a private domain may be proven from the case of the householder's hand (*for the Mishna rules that the poor man is exempt when he removes an object from the outstretched hand of the householder; now, if his hand would be like a private domain, for that is where he is standing, the poor man should be liable for transferring the object from a private domain to a public one*). (3b)

Did the Rabbis Impose a Penalty?

Abaye inquired: Can a man's hand (*which is extended into a different domain*) become as a *karmelis*? [*A karmelis is an area which is neither a public nor private domain – it is neutral, known as an exempt area. By Biblical law, one may carry from a karmelis to a public or a private domain, or vice versa. However, regarding certain exempt areas, the Rabbis decreed that one may not carry from a karmelis to a public or a private domain, or vice versa. Now, as the Gemora has stated, when one stretches out his hand into another domain, it does not enjoy the body's status. Yet, Abaye wonders if perhaps, it does occupy the intermediate status of a karmelis, and since it holds an object, its owner shall be forbidden to withdraw it until the termination of the Shabbos?*] Did the Rabbis penalize him not to draw it back to himself, or not? [*Perhaps, since he has violated a Rabbinic decree by extending his laden hand into another domain, the Rabbis decreed that he must remain in that state the entire Shabbos, for his hand is regarded as a karmelis, and one cannot carry from a karmelis into another domain.*]

The *Gemora* attempts to prove this from the following *braisa*: If one's hand is filled with fruit and he stretches it outside (*to a public domain*), one *braisa* taught that he may not draw it back, whereas another *braisa* taught that he may draw it back. Surely, they differ regarding this exact point: one master holds that it (*the hand*) is like a *karmelis* (*and therefore he is prohibited from drawing his hand back into the private domain*), and the other holds that it is not!?

All agree that it is like a *karmelis*, yet there is no difficulty, for one *braisa* refers to a case where it is below ten *tefachim* (*handbreadths*), and the other *braisa* refers to a case where it is above ten *tefachim*. [*If the hand is within ten tefachim from the ground, it is in a public domain, and therefore the Rabbis penalized him for extending a laden hand into a public domain, and therefore he must not withdraw it. However, if it is above ten tefachim, it is not regarded as public domain space, but rather, it is a place of non-liability – an exempt place; he therefore did not do anything wrong in the first instance, hence he is not penalized.*]

Alternatively, both *braisos* refer to a case where his hand was below ten *tefachim*, and both *braisos* hold that it is not like a *karmelis*, yet there is no difficulty, for one *braisa* speaks of a case while it is yet daytime (*when he extended his hand*), and the other *braisa* speaks of a case when it is already dark (*the Shabbos has commenced*). If he extended his (*laden*) hand while it is yet day, the Rabbis did not penalize him; if, however, it was after sunset, the Rabbis penalized him. [*Rashi explains that, at this point of the Gemora, the logic is different than previously assumed. Although his hand is not regarded as a karmelis, the Rabbis, nevertheless, penalized him for extending his laden hand into another domain on the Shabbos.*]

The *Gemora* asks: On the contrary, the logic is the reverse!? If he extends his (*laden*) hand by day, so that if he throws it (*the object*) down (*into the public domain*), he would not come to the liability of a *chatas* (*since he did not perform a complete forbidden act on the Shabbos, for his initial lifting was done before the commencement of the Shabbos*), let the Rabbis penalize him (*that he must not withdraw his hand, for even if he chooses not to obey the Rabbis, and he discards the object, he has not committed a more grievous transgression – a Biblical one*), but if he extends his (*laden*) hand after nightfall, so that if

he throws it down (*into the public domain*), he would incur the liability of a *chatas*, the Rabbis should not penalize him (*and allow him to withdraw his hand into the private domain, for this way, he will not commit a more grievous transgression*).

The *Gemora* notes: Now, since we do not answer like this, you may resolve the inquiry of Rav Bibi bar Abaye, for Rav Bibi bar Abaye inquired: If (*on Shabbos*) a person attached a loaf (*of bread; i.e., the dough*) to (*the wall of*) an oven (*which is the manner that they baked bread in those times*), do the Rabbis permit him to remove it before he incurs the liability of a *chatas*, or not? [*If it remains in the oven until it is baked, he incurs a chatas for baking on the Shabbos. On the other hand, it is Rabbinically forbidden to remove bread from the oven on the Shabbos. Rav Bibi inquires as follows: Is it preferable to violate a Rabbinic decree outright – by removing the dough, in order to save oneself from violating an even more grievous transgression – the Biblical prohibition against baking?*] Now, you may resolve that they do not permit it! [*For according to the last answer, if one extended his laden hand into a public domain on Shabbos, the Rabbis penalized him from withdrawing his hand. This is so – even though if he discards the object into the public domain (in order to ease the burden of leaving his hand there the entire Shabbos), he will have violated a more grievous transgression – a Biblical one. Accordingly, here as well, he cannot violate the Rabbinic decree of removing the dough from the oven, even though this will lead to a Biblical transgression of baking on Shabbos.*]

The *Gemora* states that this is no difficulty, for indeed it does resolve it!

Alternatively, the *Gemora* answers that you cannot resolve it, and yet, the two conflicting *braisos* can be answered as follows: One *braisa* refers to a case where he extended his laden hand inadvertently, whereas the other *braisa* refers to a deliberate act. Where it is inadvertent, the Rabbis did not penalize him for it; where, however, it is deliberate, the Rabbis did penalize him. [*See Rashi who explains why Rav Bibi's inquiry cannot still be resolved from here.*]

Alternatively, we can answer that both *braisos* refer to an inadvertent act, but here they differ as to whether they the Rabbis penalized an unwitting offender on account of a deliberate one: one master (*the Tanna of the first braisa*) holds that they did penalize an unwitting offender on account of a deliberate one (*and therefore, he cannot withdraw his hand*); the other master holds that they did not penalize an unwitting offender on account of a deliberate one.

Alternatively, we can answer that both *braisos* maintain that they did not penalize (*an unwitting offender on account of a deliberate one*), yet there is no difficulty, for one *braisa* refers to a case (*where he wants to withdraw his hand back*) to the same courtyard (*and then it would be permitted*), whereas the other *braisa* refers to a case (*where he wants to withdraw his hand*) to a different yard (*and the Rabbis forbade him from throwing the object into an adjacent private domain*). (3b – 4a)

INSIGHTS TO THE DAF

Lifnei Iveir

The *Gemora* stated that when the householder or the poor person is completely liable, then the other party is totally exempt.

Tosfos wonders why the second party is exonerated, when in essence he is guilty of assisting the other party in committing a sin.

Tosfos answers that the case under discussion in the *Mishna* concerns a poor gentile, so the householder is not guilty of assisting the poor person to commit a sin.

The Acharonim challenge this answer, as the opinion of the Shach is that the prohibition against assisting another party to commit a sin is only when the participating party is unaware that he is committing a sin. In the case of the *Mishna*, however, it is possible that the poor person is acting intentionally, and this would absolve the householder from any guilt. The Shach is of the opinion that for a *mummar* (*heretic*) there is no prohibition to assist him in committing a sin, but one still violates the prohibition of *lifnei iveir* (*causing another Jew to stumble and commit a sin*).

Rav Yitzchak Zilberstein writes based on the opinion of the Shach that a mail clerk would not be allowed to send a telegram Friday afternoon on behalf of a Jew when the

telegram will certainly reach its destination after the onset of *Shabbos*. Although neither the sender nor the recipient is Torah observant Jews, the clerk will be the cause of each one to sin.

Rav Elyashiv ruled that since there is no prohibition in assisting a *mummar* to commit a sin, a Jewish waiter is permitted to sever non-observant Jews food, although they will not recite a *brachah* over the food. The reason for this is because even if the Jew would not serve them, a gentile would serve them, so in effect, the Jewish waiter is merely assisting the gentile.

The Ran answers the question posed by Tosfos by writing that there is certainly a prohibition of *lifnei iveir* involved in the case of the *Mishna*, but the *Mishna* is only occupied with the issue of the prohibition of transferring on *Shabbos*. With regard to this, the *Mishna* states that the second party is completely exempt.

Rabbi Akiva Eiger question this approach, because if the conclusion is that the act is prohibited, of what difference is it whether the act is prohibited because of the laws of *Shabbos* or if it is prohibited because of another prohibition?

Rabbi Akiva Eiger answers that the rule is that a *mummar* to desecrating the *Shabbos* publicly is considered as a *mummar* to violating the whole Torah. [*This is in contrast with one who is a mummar regarding other areas of Torah, who is not considered a mummar concerning the rest of the Torah.*]

There are opinions that maintain that even regarding Rabbinical laws this *mummar* is considered a *mummar* to violating the whole Torah. Subsequently, if the case of the *Mishna* were prohibited regarding the law of *Shabbos*, then one who performs this prohibited act would be rendered a *mummar* to violating the whole Torah. Although he is exempt regarding the laws pertaining to *Shabbos*, it is still forbidden to be an accomplice to the act because of the prohibition of *lifnei iveir*. Nonetheless, he is not considered as being a *mummar* to violating the whole Torah.