

21 Tishrei 5773
Oct. 7, 2012



Shabbos Daf 4

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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

Withdrawing his Hand

[The Gemora had answered 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).]

The Gemora cites the source for this: Rava inquired of Rav Nachman: If a person's hand was laden with fruit and he extended it into a public domain, may he withdraw it into the same courtyard (where he is presently standing)? He replied: It is permitted.

Rava inquired further: And what about another courtyard (adjacent to the one where his hand is currently in)? Rav Nachman said to him: It is forbidden.

Rava asked: And what is the difference between the two?

Rav Nachman replied: If you will measure for me a kor of salt (as payment, I will then explain it to you). There (when he withdraws it to the place where he is standing), his intention has not been carried out (for, he wished to place the fruit someplace else); here (when he discards it into a different private domain), his intention is carried out (for, although, his initial intention was to place the fruit into the public domain, he also wished to remove the fruit from his property, and by placing it down in another private domain, that has been accomplished). (4a)

Sinning to Prevent another Sin

The Gemora reverts to the text (cited above): 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?]

Rav Acha bar Abaye said to Ravina: What are the circumstances of the case? Shall we say that he did it inadvertently (forgetting that it was Shabbos, or that baking was a forbidden labor), and he did realize (his error until after the dough was baked), then whom should they permit (since he did not even know to ask the Rabbis)? Therefore, it must surely mean that he did afterwards become aware (of his error – before the bread was baked); but then would he be liable (to a chatas if he would not remove it, and allow it to bake)? Surely, we have learned in a Mishna: To be liable a chatas offering for desecrating the Shabbos, one must have performed the forbidden act inadvertently from beginning to end. [If the beginning of the act was inadvertent and the end of the act was deliberate, or if the beginning of the act was deliberate and the end of the act was inadvertent, the person is exempt. Accordingly, there would not be liability for a chatas – even if he would allow it to bake completely!]

And if you would rather say that his inquiry refers to a deliberate action (*of placing the dough on the wall of the oven – knowing that it was Shabbos, and that this is a forbidden act, and now, regretting his action, he wishes to remove the dough from the oven*), he (*Rav Bibi*) should have inquired (*whether he may remove it*) before he comes to a prohibition involving stoning!?! [Why did Rav Bibi say that he will be liable to a chatas, when, in fact, this action would carry the penalty of stoning?]

Rav Shila answered: The inquiry involves a case (*where he attached the dough to the walls of the oven*) inadvertently (*and he still was not aware of his error*), and (*the question of ‘to whom should they permit,’*) the answer is to others. [Rav Bibi was inquiring if other people are permitted to violate the Rabbinic decree of removing the dough from the walls of the oven in order to prevent the fellow from incurring a liability for a chatas.]

Rav Sheishes asked: Can we tell a person to sin, in order that his fellow shall gain? [Certainly not!]

Rather, said Rav Ashi, after all, it refers to a deliberate act; and the inquiry should be emended to say, ‘before he comes to a prohibition involving stoning.’

Rav Acha the son of Rava recited it explicitly (*like the emended version*): 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 comes to a prohibition involving stoning? (4a)

Four by Four

The Mishna had stated: [The poor man stands outside (*in a public domain*) and the householder inside] if the poor man stretches his hand [*inside and places (an object) into the hand of the householder, or, if he removed the object from the householder’s hand and brought it back to the public domain, he is liable*].

The Gemora asks: Why is he liable? Surely, the ‘lifting’ and ‘placing down’ must be from (*and into*) a place of four by four

(*tefachim*), and this is lacking here (*for the householder’s hand is less than four by four*)!?

Rabbah answered: The Tanna of this Mishna is Rabbi Akiva, who maintains that a place of four by four is not required, for we learned in a Mishna: If one throws (*an object*) from one private domain to another private domain, and a public domain lies between them, Rabbi Akiva holds that he is liable, but the Sages exempt him.

The Gemora explains: Rabbi Akiva holds that we say (*the principle of ‘kelutah’*) that an object contained (*in a certain domain*) is regarded as though it rested there (*and therefore, he is liable, for we view the object as if it rested in the public domain*); while the Sages maintain that an object contained (*in a certain domain*) is not regarded as though it rested there. [Accordingly, the reason why the poor man in the Mishna is liable is because we view the object contained in the householder’s hand as if it was resting in the private domain.]

The Gemora asks: Shall we say that Rabbah is certain that they differ as to whether an object contained (*in a certain domain*) is regarded as though it rested there, and that it (*crosses the public domain*) within ten tefachim (*of the ground*)? But surely, Rabbah was uncertain about this, for Rabbah inquired: Do they disagree when it is below ten (*tefachim*), and they differ regarding the following: Rabbi Akiva holds that an object contained (*in a certain domain*) is regarded as though it rested there, while the Sages hold that it is not as though it rested; but above ten (*tefachim*), all agree that he is not liable (*for the principle of ‘kelutah’ cannot apply here, since airspace above tefachim is not part of the public domain – it is an exempt domain*), for they all hold that we do not derive throwing from handing over. [One is forbidden from handing an object to another, while he is in one private domain and the other is in a different private domain, if the object passes over a public domain. This is a toladah – a subcategory of transferring. This is derived from the wagons by the Mishkan, where the Levi’im would hand over a beam in one wagon to the Levi’im in another wagon, passing over a public domain. They would not throw the beams from one wagon to the other out of fear that they would ruin.] Or perhaps, they disagree when it is above ten (*tefachim*), and they differ regarding the following: Rabbi Akiva holds that we derive throwing from handing over, while the Sages hold that we do not derive throwing from handing over;



but below ten (*tefachim*), all agree that he is liable. What is the reason? We say that an object contained (*in a certain domain*) is regarded as though it rested there. [Evidently, Rabbah is uncertain as to the precise point of the argument!?!]

The *Gemora* answers: That is not difficult, for we can say that after Rabbah inquired about it, he resolved that Rabbi Akiva does, in fact, maintain that an object contained (*in a certain domain*) is regarded as though it rested there.

The *Gemora* asks: But perhaps Rabbi Akiva does not require the placing (*on a place which is at least four by four tefachim*), yet he may require lifting (*from such a place*)? [And, if so, the poor man should not be liable for removing the object from the householder's hand!? This distinction, Rashi explains, can be proven from the fact that R' Akiva did not rule that the "thrower" is liable twice – once for throwing the object from a private domain to a public domain (using the principle of "kelutah") and once for then throwing it from the public domain into a private one. Evidently, the principle of "kelutah" allows us to view the object as 'resting' with regard to it being placed down, but it does not go to such an extent for us to view it as if the object now was lifted from the public domain and continued on with its flight.]

Rather, said Rav Yosef, the *Tanna* of our Mishna is Rebbe (*who holds that one is liable even if the object was not resting upon a four by four tefach area*).

The *Gemora* asks: Which (*ruling of*) Rebbe (*intimates this*)? Shall we say that it is the following (*ruling of*) Rebbe: If one (*in a public domain*) throws (*an object*), and it comes to rest (*four amos away*) upon a protrusion of a small size, Rebbe holds that he is liable, whereas the Sages exempt him? [Perhaps Rebbe holds that he is liable for transporting an object four amos in a public domain even though the object did not rest upon an area of four tefachim square.] But (*the Gemora rejects this reasoning*), surely there, as will be stated below, it is in accordance with Abaye, for Abaye said: The reference here is to a tree standing in a private domain (*where its trunk measures four tefachim*), while its branches (*which do not measure four tefachim*) incline into the public domain, and one throws (*an object*) and it comes to rest upon a branch. Rebbe holds that we say, 'cast the branch after its trunk' (*and since the trunk measures four tefachim, it is as if it landed upon something*

which is four tefachim square, and the "thrower" is liable for transporting an object four amos in a public domain), but the Sages maintain that we do not say, 'cast the branch after its trunk.' [Accordingly, this opinion of Rebbe does not prove that Rebbe holds that a four tefach area is not required!?!]

The *Gemora* answers: Rather, it is the following (*ruling of*) Rebbe, for it was taught in a *braisa*: If one throws (*an object*) from one public domain to another public domain, and a private domain lies between them, Rebbe holds that he is liable, but the Sages exempt him. Now, Rav Yehudah said in Shmuel's name that Rebbe maintains that he is liable for two *chatas* offerings - one on account of taking out (*an object from a private domain to a public one*), and one on account of bringing in (*an object from a public domain to a private one*). This proves that neither lifting nor placing down requires a place four by four.

The *Gemora* asks: But surely it was stated regarding this *braisa* that Rav and Shmuel both asserted that Rebbe imposed liability only in the case of a roofed private domain, for we say that a house is as though it were full (*with other objects, and therefore an object 'passing through' is viewed as if it rested upon the other objects*), but not in one which is not roofed. And should you answer that here too (*in our Mishna, it speaks of a case where*) it is roofed, that is well regarding a roofed private domain, but is one liable for a roofed public domain? Didn't Rav Shmuel bar Yehudah say in the name of Rabbi Abba in the name of Rav Huna in the name of Rav that if one transports an object four *amos* in a roofed public domain, he is not liable, because it is not like the encampment of the (*Jews in the*) Wilderness? [A public domain that is covered by a roof is not regarded as a public domain. At this juncture of the *Gemora*, we did not yet find a place which intimates that rebbe holds that an area of four tefachim by four tefachim is not required!?!] (4a – 5a)

INSIGHTS TO THE DAF

Sinning to Prevent a Sin

Tosfos writes that in a situation where because of his actions, someone else will sin, we tell the person to transgress a light sin in order to prevent others from transgressing a greater sin.



This ruling only applies when his actions cause the sin, but if the sin is not caused through his actions, then he is not required to transgress as in to save his friend.

Tosfos writes further that the *Gemora* is only referring to a situation where one person deliberately sinned, such as attaching the bread to the wall of the oven. If, however, the person did not sin, then we tell a person to sin in order to allow another person to earn merit.

The Mishnah Berurah writes that if there was a foul odor in the Shul during prayer time, and some of the congregants were unaware, it is permitted for one to interrupt his prayers and transgress a Rabbinical prohibition, in order to prevent those who are praying from transgressing a Biblical prohibition of praying where there is a foul odor.

Tosfos also writes that for the purpose of fulfilling a *mitzvah* for the masses or for a distinguished *mitzvah* such as *peruh u'revuh* (*procreation*), or to prevent the masses from sinning, one can sin. This applies even if the masses had deliberately been negligent.

The Vilna Gaon, however, writes that the situation must meet the criteria of being a distinguished *mitzvah* and that the other party was not negligent. Only then do we say that one can sin to prevent another from sinning.

The Mishnah Berurah rules that regarding a Rabbinical prohibition one can rely on the ruling of Tosfos, even when the other person was negligent. The reason writes the Mishnah Berurah, is because it is better to transgress a Rabbinical prohibition if it means saving his friend from sinning.

The Ramban writes that only regarding attaching the bread to the wall of the oven do we rule that one cannot sin to save his friend from sinning, as the misdeed was already committed, and he wants to be saved from the liability of bringing a *chatas* offering.

The Ritva holds that we do not instruct him to sin, but if he removes the bread on his own, he has not committed a sin.

Reb Shlomo Zalman Aurbach zt"l writes that one can cause his friend to transgress a Rabbinical prohibition to prevent him

from transgressing a Biblical prohibition. The reason for this is because this is a salvation for him.

The Kochav M'Yaakov maintains that this is only said regarding that individual, but it is forbidden to convince someone else to commit a sin in order to save someone else from sin.

The Difference Between Baking Bread and Planting Seeds

By: Meoros HaDaf HaYomi

Between the lines of our *Gemora* may be found the basis for a fascinating discussion among the Acharonim, the conclusions of which are quite surprising. The *Gemora* tells us that if a person places dough in an oven on *Shabbos*, and the dough is then baked on *Shabbos*, he transgresses the *melachah* of *ofeh* (*baking*). If he did so intentionally he is liable for the death penalty. If he did so inadvertently he is obligated to offer a *chatas* (*sin-offering*) for atonement. However, if the dough was removed from the oven before it was baked, he is exempt from these punishments, since the *melachah* was not completed. We see, therefore, that it is not sufficient to merely place dough in an oven in order to transgress *meleches ofeh*; the dough must actually bake.

Two aspects of baking: After isolating the two factors that combine to form *meleches ofeh*, the **action** of placing the dough in the oven and the **result** of its actually baking, we must ask which of them constitutes the integral prohibition of baking on *Shabbos*. We could judge this quite simply. If a person were to place dough in the oven on *Shabbos* in the late afternoon, shortly before *Shabbos*' conclusion, such that it only bakes on *motzei Shabbos*; in such a case the **action** was performed on *Shabbos*, but the **result** was not concluded until after *Shabbos*. Would such a person be considered to have violated *meleches ofeh* and be liable for the appropriate punishment? In resolving this question, many points must be taken into consideration, some of which are learned from our own *sugya*.

One of the thirty-nine forbidden *melachos* is *zoreia'* (*planting*). It is forbidden to plant a seed on *Shabbos*. Yet when we consider the nature of this *melachah*, we see that although the **action** of placing a seed in the ground might be performed on

Shabbos, the **result** of the seed's taking root would not take place on the same day (see Rosh Hashanah 10b; Pesachim 55a). We see from here that the result of the *melachah* need not take place on *Shabbos* in order to be liable for performing the action.

The Rashash compares the two *melachos* of baking and planting, and by so doing deduces two fascinating conclusions. A person who places a seed in the ground transgresses the *melachah* of *zoreia'* although the result is not seen until after *Shabbos*, so too a person who places bread in the oven transgresses the *melachah* of *ofeh* even though it does not finish baking until after *Shabbos*. Similarly, just as a person who places bread in an oven and removes it before it bakes does not transgress *ofeh*, so too a person who plants a seed and later removes it before it takes root does not transgress *zoreia'*.

The Minchas Chinuch (mitzvah 298, os 14) cites the Rashash's reasoning and rejects it by differentiating between the two *melachos*. The very title "*ofeh*" implies that a person has completed baking dough into bread, whereas the title "*zoreia'*" refers to the mere action of planting a seed in the ground. The completion of the seed's development, by taking root and sprouting, are not essentially part of the *melachah*.

When we further consider these two *melachos*, we see that the Minchas Chinuch's distinction is well illustrated by their very nature. The *melachah* of *ofeh* depends more heavily on human interaction. Man prepares the dough, places it in the oven, and controls the heat of the fire and the dough's closeness to it, thereby guiding the outcome of the *melachah*. Therefore, both the action and the result of the baking are integral parts of the *melachah*. Not so the *melachah* of *zoreia'*. Once man has placed a seed within the earth, he concludes his involvement with it and raises his eyes to Hashem to make the winds blow and the rains descend, thereby causing the seed to complete its growth. Therefore, only the action of planting is included in the *melachah*, but not the result.

By precisely defining each *melachah*, we see that the Rashash's deductions are not necessarily true. Indeed, the Minchas Chinuch reaches a conclusion exactly the opposite of the Rashash's: if a person plants a seed on *Shabbos* and later removes it before it takes root, he has nevertheless desecrated *Shabbos*. The action of planting a seed in the ground is the

melachah, not the result. (This is unlike baking, in which a person who removes the dough before it bakes is exempt). Furthermore, if a person places bread in an oven close to *Shabbos'* conclusion and it bakes after *Shabbos*, he is exempt. Both the action and the result are essential factors in the *melachah*, (unlike planting).

The Afikei Yam (II, 4:3) cites from our *Gemara* a proof so conclusive that one is left baffled as to how the Rashash could have reached his conclusion. The *Gemara* states that a person is only obligated to bring a *korban chatas* if he completes an entire *melachah beshogeg* - while unaware that he is violating the laws of *Shabbos*. Therefore, if one placed dough in an oven forgetting that it was *Shabbos*, and then became aware of his mistake before the dough baked, he is exempt from bringing a *korban*. Although the beginning of the *melachah* was performed while he was unaware, at the end of it he was not a *shogeg*.

Upon considering this *halachah*, we see that the result of the bread being baked is indeed an integral part of the *melachah*, as the Minchas Chinuch understood. If only the action of placing bread in the oven is included in the *melachah*, but not the result of its being baked (as the Rashash understood), then it is irrelevant whether the violator was aware of it being *Shabbos* when the result took place. Rather, it is clear from here that the result of the dough being baked is an integral part of *melechtes ofeh*. Therefore one must be unaware of his violation until the baking is complete, in order to be liable to bring a *chatas* (see Eglei Tal, *zoreia'* s.k. 8; Teshuvos Avnei Nezer O.C. 58; Teshuvos Chelkas Yoav O.C. 10; Mishkenos Yaakov 116).