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DAF Notes
Insights into the Daily Daf
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Shabbos Daf 5

Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o"h

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

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 asked: 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)!?]

Rather, said Rabbi Zeira, the *Tanna* of our *Mishna* is the 'Others,' for it was taught in a *braisa*: Others say: If (*when another fellow threw an object four amos in a public domain*) one stands still in his place and catches it, he (*the thrower*) is liable (*for the 'thrower' lifted it and placed it down*); if, however, he moved from his place and catches it, he (*the thrower*) is exempt (*for then, the 'placing down' is not attributed to the thrower*). Now, the *braisa* states that if he stands in his place and catches it, the thrower is liable, but surely there must be a placing down on an area of four by four *tefachim*, and this is lacking here (*for the catcher's hand is less than four by four*)? This proves that they do not require a place of four by four.

The *Gemora* asks: But perhaps the 'Others' do not require the placing (*on a place which is at least four by four tefachim*), yet they may require lifting (*from such a place*)? And furthermore, in respect to placing it down as well (*what is the proof*), perhaps it refers to a case that he spread out the corner (*of his garment*) and caught it, so that there is also a placing down (*on such an area*)?

Rather, Rabbi Abba said: Our *Mishna* also means that he lifted it (*the object*) from a basket and places it in a basket, so that there is a placing down as well (*in a place of four by four*).

The *Gemora* asks: But 'his hand' is stated?

The *Gemora* answers: The *Mishna* should be emended to read: a basket in his hand.

The *Gemora* asks: Now, that is well of a basket in a private domain (*for the basket also has the status of a private domain*), but a basket in a public domain has the status of a private domain! [*A basket which measures four tefachim square, and is being held ten tefachim above the ground is regarded as a private domain. How then can the Mishna rule that the householder is liable for transferring something from a public domain into a private one, when, in fact, it was in a private domain, not a public one?*]

The *Gemora* continues with its question: Must we then say that our *Mishna* does not agree with Rabbi Yosi the son of Rabbi Yehudah, for it was taught in a *braisa*: Rabbi Yosi the son of Rabbi Yehudah said: If one stuck a rod (*ten tefachim high*) into (*the ground of*) a public domain, at the top of which is a basket (*that is wide four tefachim*), and he throws (*an object from a public domain*) and it comes to rest upon it, he is liable. [*The reason for this is that we say 'gud achis mechitzah' - the walls of the basket are considered to extend downward, and the basket is now considered something which is four tefachim wide and ten tefachim high, therefore it has the status of a private domain.*] For if the *Tanna* of our *Mishna* agrees with Rabbi Yosi the son of Rabbi Yehudah, let us consider the following case of our *Mishna*: If the householder (*who is standing in a private domain*) stretches his hand outside and places (*an object*) in the poor man's hand, why is he liable? Surely, he is merely transferring it from a private domain to another private domain (*for we have established our Mishna to be referring to a case of a basket*)!?

The *Gemora* answers: You may even say that our *Mishna* agrees with Rabbi Yosi the son of Rabbi Yehudah, as follows: There (*in the case of the rod*), it is above ten *tefachim* (*and therefore, it has the status of a private domain*); here (*in our Mishna*), it is below ten.

This (*entire answer*) presented a difficulty to Rabbi Avahu, for he asked: Does the *Mishna* say, 'a basket in his hand,' surely his hand (*alone*) is stated!?

Rather, said Rabbi Avahu, the *Mishna* is referring to a case where he lowered his hand to within three *tefachim* of the ground and accepted it (*for everything within three tefachim of the ground is regarded as the ground itself, and therefore the hand becomes a place which is considered four by four*).

The *Gemora* asks: But the *Mishna* states that he was standing (*and his hands cannot be within three tefachim from the ground if he is standing*)?

The *Gemora* answers: It refers to a case where he was bending down.

Alternatively, the *Mishna* can be referring to a case where he was standing in a pit (*and that is how his hands were within three tefachim of the ground*).

Alternatively, the *Mishna* can be referring to a case of a midget.

Rava asks: Does the *Tanna* trouble himself to inform us of all these (*being that the cases are highly unlikely of happening*)?

Rather, said Rava, A man's hand is accounted to him as an area of four by four *tefachim*. And so too, when Ravin came (*from Eretz Yisroel to Bavel*), he said in Rabbi Yochanan's name: A man's hand is accounted to him as an area of four by four *tefachim*. (5a)

Throwing to Someone's Hand

Rabbi Avin said in the name of Rabbi Ila'i in the name of Rabbi Yochanan: If one throws an object and it lands on his fellow's hand, he is liable.

The *Gemora* asks: What is he informing us? Is it that a man's hand is accounted to him as an area of four by four *tefachim*? But surely Rabbi Yochanan already stated that once?

The *Gemora* answers: You might argue that these words are only when he himself accounts the hand as such (*by placing an object into his fellow's hand*), but where he does not account the hand as such (*like in R' Yochanan's case, where the object just happened to land in the other fellow's hand*), I might say that it is not so; therefore Rabbi Yochanan informed us otherwise. (5a)

Throwing and Catching

Rabbi Avin said in the name of Rabbi Ila'i in the name of Rabbi Yochanan: If (*when another fellow threw an object four amos in a public domain*) one stands still in his place and catches it, he (*the thrower*) is liable (*for the 'thrower' lifted it and placed it down*); if, however, he moved from his place and catches it, he (*the thrower*) is exempt (*for then, the 'placing down' is not attributed to the thrower*). It was taught likewise in a *braisa*: Others say: If (*when another fellow threw an object four amos in a public domain*) one stands still in his place and catches it, he (*the thrower*) is liable (*for the 'thrower' lifted it and placed it down*); if, however, he moved from his place and catches it, he (*the thrower*) is exempt (*for then, the 'placing down' is not attributed to the thrower*).

Rabbi Yochanan inquired: What if he throws an object and he himself moves from his place, and catches it? [*Is he liable, or not?*]

The *Gemora* asks: What is his question? [*He should be liable, for he lifted it and placed it down!?*]

Rav Adda bar Ahavah answered: His question concerns two forces in the same man: are two forces in the same man accounted as the action of one man, and therefore he is liable, or perhaps they count as the action of two men? [*When one throws an object, the object is considered to have been "placed" when it lands. If the object's intended trajectory was interrupted, the "placing" of the object when it lands cannot be said to be the action of the 'thrower.' In this case, where it was the same person, R' Yochanan inquires that perhaps even still – since he countered the original throw by moving and catching the object, it is regarded as two different forces, and cannot combine to one forbidden act of labor, or perhaps, since both actions were performed by the same person, it is regarded as one forbidden act of labor, and he would be liable?*] The *Gemora* leaves this question unresolved. (5a)

Transferring Rainwater

Rabbi Avin said in the name of Rabbi Yochanan: If one stretches out his hand into his fellow's courtyard and receives rainwater, and then withdraws it (*into a public domain*), he is liable.

Rabbi Zeira asked: What difference does it make whether his fellow loads him (*where the Mishna taught us that he is not liable, for he did not make the akirah*), or Heaven loads him; he himself did not effect a 'lifting'?

The *Gemora* answers: Do not say that he (*passively*) receives rain, but rather, he collected it (*he intercepted the flow of rain, hitting it with one hand into the other; that is regarded as a lifting*).

The *Gemora* asks: Surely, the 'lifting' must be from a place of four by four (*tefachim*), and this is lacking here (*for the rain was swatted in the air*)!?

Rabbi Chiya the son of Rav Huna answered: The case is where he collects it up from the wall (*as it flowed down*).

The *Gemora* asks: But even on the (*side of the*) wall, it never came to a rest there!?

The *Gemora* answers: It is as Rava said elsewhere that it refers to a sloping wall; so here too, it refers to a sloping wall (*and that is considered as if it rested there*).

The *Gemora* asks: And where did Rava initially say this?

The *Gemora* answers: It was in connection with that which we learned in the following *Mishna*: If one is reading a scroll (*of Scripture*) on a threshold (*which has a status of a karmelis, for it is four tefachim wide, between three and ten tefachim high, and a public domain passing before it*), and it rolls out of his hand, he may roll it to himself. [*There is no Biblical prohibition to transport a partial object from one domain to another. If one side of the scroll remains in his hands there cannot be a Biblical prohibition. Now, in this case, even if it entirely fell out of his hand, it is still only Rabbinically prohibited to carry it back, for we are dealing with a karmelis; therefore, here, where he retains one end, there is no Rabbinic decree on account of a case where the entire scroll fell from his hand.*] If one is reading on the top of a roof (*which is a private domain*), and the scroll rolls out of his hand, before it comes within ten *tefachim* of the ground, he may roll it back himself (*for it never entered the airspace of a public domain*); if it comes within ten *tefachim* of the ground (*he cannot roll it to himself, for we are concerned that he might come to do so – even when the scroll fell completely from his hand, and then he will have violated a Biblical transgression*), he must turn the written side over (*because it is degrading for a scroll to lie open the rest of Shabbos with its written part facing upward*). Now, we had asked: why must he turn the written side over, surely it did not come to rest (*and he should be permitted to roll it back towards him*); and Rava answered: This refers to a sloping wall.

The *Gemora* asks: perhaps a distinction can be made that Rava said this only of a scroll, whose nature it is to rest (*even on a sloping wall*); but is it the nature of water to rest?

Rather, said Rava, Rabbi Yochanan was dealing with a case where he collected the rain from the top of a hole.

The *Gemora* asks: A hole! But then, it is obvious (*that he is liable*)!?

The *Gemora* answers: You might argue that water upon water is not regarded as resting (*and one should not be liable for 'lifting' the water from the top*); therefore Rabbi Yochanan informs us otherwise.

The *Gemora* notes that Rava follows his opinion, for Rava said: Water lying upon water - that is its natural rest; a nut upon water, that (*since it moves about*) is not its natural rest (*and one would not be liable for 'lifting' the nut from the water*).

Rava inquired: If a nut lies in a vessel, and the vessel floats on water (*and someone lifted the nut and placed it down*), do we follow the nut, which is at rest (*in the vessel, and therefore, he is liable*), or do we follow the vessel, which is not at rest, since it is moving about in the water? The *Gemora* leaves this question unresolved.

The *Gemora* notes: In respect to oil floating upon wine, Rabbi Yochanan ben Nuri and the Rabbis disagree, for we learned in a *Mishna*: If oil is floating upon wine and a *tevul yom* (*one who was tamei, but has immersed himself in a mikvah; he is considered a tevul yom until nightfall*) touches the oil, he disqualifies the oil only. Rabbi Yochanan ben Nuri said: Both are connected to each other (*and they both become disqualified*). (5a – 5b)

Changing his Mind

Rabbi Avin said in the name of Rabbi Ila'i in the name of Rabbi Yochanan: If one (*in a private domain*) is laden with food and drink (*and he intends to bring them to the other side of the private domain*) and (*he changed his mind, and*) goes in and out (*to a public domain*) all day long, he is liable only when he stands still (*and then continues to walk*).

Abaye said: Providing that he stands still to rest (*but not if he stopped merely to adjust his load*). From where do I know this? It is from what my master (*Rabbah*) said (*regarding one who transports an object four amos in a public domain*): Within four *amos* - if he stops to rest, he is exempt (*for, it is as if he placed the object down,*

and then started again; the four amos were not contiguous); if he stopped to adjust his load, he is liable. If it was beyond four *amos* - if he stops to rest, he is liable (*for when he stops, it is as if he placed it down*); if he stopped to adjust his load (*and then someone took it from him*), he is exempt (*for he never placed it down*).

The *Gemora* asks: What is Rabbi Yochanan informing us? Is it that the original lifting was not for this purpose (*that he is not liable – even if he subsequently carried it out*)? But Rabbi Yochanan stated it once, for Rav Safra said in the name of Rabbi Ami in the name of Rabbi Yochanan: If one is moving articles from corner to corner (*in a private domain, and he has no intention of taking them out into a public domain*), and then he changes his mind and carries them out, he is exempt, because his original lifting was not for this purpose?

The *Gemora* answers: It is dependent on (*the version cited by different*) *Amoraim*: one stated it in the former version; the other stated it in the latter version. (5b)

INSIGHTS TO THE DAF

Laws of Carrying

The *Gemora* states that a 4x4 basket mounted on a pole 10 *tefachim* off the ground creates a private domain, whereas a basket below 10 *tefachim* does not constitute a private domain. Thus, one who takes an object from a private domain, and places it in a 4x4 basket in the public domain is liable.

The *Ba'alei Tosafos* (s.v. *ka'an*) ask why the basket does not at least constitute a *karmelis,* since a post that is 4x4 *tefachim* and at least 3 *tefachim* off the ground constitutes a *karmelis*. As the basket is 4x4, (*and presumably more than 3 tefachim off the ground, since otherwise it would be considered upon the ground, making the basket unnecessary in our case*), it should presumably be given the same status as the post.

They answer that vessels cannot create a domain of *karmelis*.

An object that floats upon water is not considered to be at rest, since the water is considered to be constantly in motion. Although a boat is considered to be stationary regarding the laws acquisition (Bava Metzia 9b), indicating that a floating object is considered to be at rest, the laws of acquisition cannot be compared to the laws of *Shabbos*. The law that one may acquire property by way of his land is derived from the laws picking an object up in order to acquire it. Since a hand is only considered at rest relative to the body, but not relative to the ground, we extend this concept and say that the boat is also not considered moving (*presumably, this is relative to the people aboard*). In contrast, the laws of transfer, like all laws of *Shabbos*, derive from the way these actions were performed in the Mishkan. Since all *melachos* were done in the Mishkan in a calculated manner, we derive that any action that is not performed in its normal, efficient manner does not fall under the Torah's definition of *melachah*. In our case, one does not usually store an object by placing it upon a moving surface, such as water. Therefore, this does not constitute a halachic "placing down." (Tosafos s.v. *egoz*, and to Bava Metzia 9b, s.v. *sefinah*).

DAILY MASHAL

Jump to Do a Mitzvah

Tosfos explain in the name of the Yerushalmi that according to Ben Azai (that every footstep is like stopping and starting), a person is not guilty *midoraysa* of carrying an object four cubits in a public domain unless he does so by jumping the entire 4 cubits. The Kotzker Rebbe zt"l asked: Chazal forbade blowing a shofar and taking up a *lulav* on Shabbos lest a person carry them four cubits in the public domain. Why should we worry? After all, according to Ben Azai, a person who walks normally commits no transgression. From this we must conclude, he said, that for a mitzvah we must leap! (*Peninei Chayim,* 40-41).