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Mishna

If one carries out food (*from his house – a private domain*) and places it on the threshold (*which is neither a private domain nor a public one*), whether he himself subsequently carries it out (*into the public domain*) or another person does so, he is not liable, because the entire act (*of transferring from a private domain to a public domain*) was not performed at once.

If one carries out a basket which is full of produce and places it on the outer threshold (*the last step leading into the public domain; this is treated as being part of the public domain, since it is less than three tefachim high*), though most of the produce is outside (*in the public domain*), he is not liable unless he carries out the entire basket. (91b)

Status of the Threshold

The *Gemora* asks: What is this threshold (*mentioned in the first part of the Mishna*)? It cannot be that the threshold is regarded as a public domain, for why then would the *Mishna* rule that he is not liable; surely he has transferred an object from a private domain into a public one!? And it cannot be as well that the threshold is regarded as a private domain, for let us consider the next ruling of the *Mishna*: whether he himself subsequently carries it out (*into the public domain*) or another person does so, he is not liable;

why is that so? Surely he has transferred an object from a private domain into a public one!?

Rather, the *Gemora* concludes, the threshold is a *karmelis*¹ and the *Mishna* informs us the following: The reason (*that he is exempt*) is because he placed it down in the *karmelis*; but if it did not set it down in the *karmelis* he would be liable.

The *Gemora* notes that our *Mishna* will not be in agreement with Ben Azzai, for it was taught in a *braisa*: If one carries (*an object*) from a shop to a public plaza through a colonnade, he is liable. [*The shop is a private domain, the public plaza is a public domain, and the colonnade is regarded as a karmelis, being occupied by blocks which served as benches – a place where the merchants sat to sell their merchandise.*] Ben Azzai holds that he is exempt. (91b)

Bond of the Vessel

The *Mishna* had stated: If one carries out a basket which is full [*of produce and places it on the outer threshold, though most of the produce is outside, he is not liable unless he carries out the entire basket*].

Chizkiyah said: They learned this only of a basket full of cucumbers and gourds (*for these are long, and are still*

¹ 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.



partly in the private domain), but if it is full of mustard seeds, he is liable (for some of them are entirely in the public domain).

The *Gemora* notes: This proves that the bond of the vessel is not regarded as a bond. [If it would be regarded as a bond, he would not be liable for the transferring of the mustard seeds into the public domain, for the basket is still partly in the private domain, and that would compel us to say that the mustard seeds are regarded as being in the private domain as well.]

And Rabbi Yochanan said: Even if it is full of mustard seeds, he is not liable.

The *Gemora* notes: This proves that he holds that the bond of the vessel is regarded as a bond (and we do not consider the mustard seeds as if they left the private domain).

Rabbi Zeira observed: Our *Mishna* implies that it is neither as Chizkiyah nor as Rabbi Yochanan. It does not reflect Chizkiyah's opinion, for it states: (he is not liable) unless he carries out the entire basket. Thus, (he is liable) only if the entire basket (was carried out), but if all the produce (is carried out), he is not liable, which proves that the *Tanna* holds that the bond of the vessel is regarded as a bond. It does not reflect Rabbi Yochanan's opinion, for it states: though most of the produce is outside (in the public domain, he is not liable unless he carries out the entire basket). Thus, (he is exempt) only if most of the produce (was carried out), but if all the produce (was carried out), though the bond of the basket is inside, he is liable, which proves that the *Tanna* holds that the bond of a vessel is not regarded as a bond.

The *Gemora* asks: But in that case there is a difficulty (for the implications of the *Mishna* are contradictory)!?

The *Gemora* answers: Chizkiyah reconciles it in accordance with his view, while Rabbi Yochanan reconciles it in accordance with his view. Chizkiyah reconciles it in accordance with his view, as follows: (he is not liable) unless he carries out the entire basket. When is that? That is in the case of a basket full of cucumbers and gourds, but if it is full of mustard seeds, it is treated as though he carried out the entire basket, and he is liable. Rabbi Yochanan reconciles it according to his view, as follows: though most of the produce is outside (in the public domain, he is not liable unless he carries out the entire basket); and not only most of the produce, but even if all the produce (is outside), he is not liable, unless he carries out the entire basket.

The *Gemora* asks on Chizkiyah from the following *braisa*: If one carries out a spice peddler's basket and places it on the outer threshold (the last step leading into the public domain; this is treated as being part of the public domain, since it is less than three *tefachim* high), though most of the produce is outside (in the public domain), he is not liable unless he carries out the entire basket. Now this was assumed to refer to small bundles (of ground spices), which is a difficulty according to Chizkiyah (for some of the spices have been completely transferred, and yet, he is not liable)?

The *Gemora* answers that Chizkiyah can say that the reference here is to bundles of long stems (which have not been completely transferred).

Rav Bibi bar Abaye asked on Rabbi Yochanan from the following *braisa*: [There is a *halachah* of *kim leih bid'rabbah minei* -whenever someone is deserving of two punishments, he receives the one which is more severe.] If one steals a purse on *Shabbos*, he is



obligated to pay for the purse as well, as he had already stolen before he had been liable to be stoned (*for desecrating Shabbos*). If he was dragging the purse little by little out of the original owner's domain, he is exempt from paying for the purse, as the act of desecrating *Shabbos* and the act of stealing happened at the same time. Now, if you think that the bond of a vessel is regarded as a bond (*so that the vessel is still regarded as being in the private domain*), the act of stealing precedes that of the desecration of *Shabbos*. [This is explained as follows: as soon as part of the purse is outside, all the money within that part is regarded as stolen, as long as the money is accessible through the mouth of the purse; *Shabbos*, however, has not been violated until the entire purse has left the private domain!]

The *Gemora* answers: If he carried it out by way of its mouth that indeed is so. Here, we are discussing the case where he carries it out by way of its bottom (*where the mouth was the last part of the purse which left the domain; accordingly, the theft and the desecration of Shabbos took place simultaneously*).

The *Gemora* asks: But there (*on the bottom of the purse*) is the place of its seams, which he (*the thief*) can tear open if he desires and extract (*the coins*)? [If so, the act of stealing has preceded the desecration of *Shabbos*!]

The *Gemora* answers: The reference is to a bar of silver (*which did not leave the private domain, as long as part of the purse is still there*).

The *Gemora* asks: But since it has a drawstring, he (*the thief*) can take it out up to its opening, loosen the strings and take out the bar, while the strings are (*still*) bound to the inside?

The *Gemora* answers: It refers to one that has no drawstring.

Alternatively, it has a drawstring, but they are wrapped around the purse.

The *Gemora* notes that Rava said so likewise: They learned this only of a basket full of cucumbers and gourds (*for these are long, and are still partly in the private domain*), but if it is full of mustard seeds, he is liable (*for some of them are entirely in the public domain*).

The *Gemora* notes: This proves that the bond of the vessel is not regarded as a bond.

Abaye ruled: Even if it is full of mustard seeds, he is not liable.

The *Gemora* notes that this proves that he holds that the bond of a vessel is regarded as a bond.

The *Gemora* relates that Abaye (*subsequently reversed his opinion and*) adopted Rava's view, while Rava adopted Abaye's view.

The *Gemora* asks that Abaye is self-contradictory, and Rava likewise, for it was stated: If one carries out produce into the public domain, Abaye said: If it is in his hand (*while the rest of his body remains in the private domain*), he is liable (*for the bond of his body is not regarded as a bond in this respect*); if it is in a vessel (*and part of the vessel remains in the private domain*), he is not liable (*for the bond of the vessel is regarded as a bond; this contradicts Abaye's subsequent view*). But Rava said: If it is in his hand, he is not liable (*for the bond of his body is regarded as a bond*); if it is in a vessel, he is liable (*for the bond of the*

vessel is not regarded as a bond; this contradicts Rava's subsequent view)!!?

The Gemora answers: Reverse it (so that Rava is the one who maintains that in the case of the vessel he is exempt, while Abaye holds that he is liable).

The Gemora asks: If it is in his hand, he is liable? But we learned in a Mishna: If the householder (who is standing in a private domain) stretches his hand outside and the poor man (who is standing in a public domain) takes (an object) from it, or (the poor man) places (an object) into (the hand of the householder) and he (the householder) carries it inside, both are exempt. [Now, the householder is exempt in the first case, because his body is resting in a private domain; this proves that if someone takes a object out into a public domain, and the object remains in his hand while he is in a private domain, he is exempt; this is a challenge to Rava!]

The Gemora answers: There, it is above three tefachim (handbreadths, from the ground, and he is exempt, because the object did not rest in the public domain), but here (in Rava's case), it is below three (so it is regarded as resting in the public domain). (91b – 92a)

Mishna

If one carries out (an article, from one domain to another), whether with his right hand or with his left hand, in his lap or on his shoulders, he is liable, because this was the carrying of the children of Kehas. [The definition of forbidden labor on Shabbos which involves culpability is learned from the Tabernacle in the Wilderness. Kehas carried the holy vessels on their shoulders. This proves that it is regarded as a normal way of carrying.] If, however, he carries it in a backhanded manner (in an unusual manner; e.g.,) with his foot, in his mouth, in his armpit, in his ear, in his hair, in his moneybelt with its opening downwards (for

if it was upwards, it would be quite usual), between his moneybelt and his shirt, in the hem of his shirt, in his shoes or sandals, he is not liable, because he has not carried it out as people generally carry things out. (92a)

Ten Tefachim Above the Ground

Rabbi Elozar said: If one carries out (from one domain to another) a burden above ten tefachim (from the ground; the object is in his hand and not on his shoulders), he is liable, for this was the carrying of the children of Kehas.

The Gemora asks: And how do we know that the carrying of the children of Kehas was like that?

The Gemora answers: It is because it is written: *that surrounded the Tabernacle and the Altar*: the Altar is compared to the Tabernacle: just as the Tabernacle was ten amos (cubits) high, so was the Altar ten amos high.

The Gemora asks: And how do we know this of the Tabernacle itself?

The Gemora answers: It is because it is written: *Ten cubits shall be the length of each board*.

The Gemora continues: It is written: *and he spread the Tent over the Tabernacle*. And Rav commented: Moshe our Teacher spread it (himself).

The Gemora concludes: Therefore you may learn that the Levites were ten amos tall (and that is how Moshe spread the curtains over the Tabernacle; it is now assumed that the Levites were all as tall as Moshe).

Now, it is well known that any burden that is carried with poles, a third (of it) is above (the carrier's shoulders) and two thirds are below: thus it emerges that it was elevated from the ground (by more than ten

tefachim, for if the distance between their shoulders and the ground was somewhat less than ten amos, and six and two-third amos of the altar extended downward, there were another three (plus) amos in between the ground and the bottom of the Altar; this proves that it is normal to carry something more than ten tefachim away from the ground, for three amos is equivalent to eighteen tefachim, as each amah is six tefachim).

Alternatively, it may be derived from the Ark, for a master said: The Ark was nine (*tefachim high*), and the *Kapores* (the Ark-cover) was one *tefach* thick; therefore, we have ten. And it is well known that any burden that is carried with poles, a third (*of it*) is above (*the carrier's shoulders*) and two thirds are below: thus it emerges that it was elevated from the ground (*by more than ten tefachim, for even if the Levites were of usual height, viz., three amos - eighteen tefachim, and two-thirds of the Ark, i.e., almost seven tefachim swung below the level of their shoulders, its bottom would still be more than ten tefachim above the ground*).

The *Gemora* explains that he does not derive it from Moshe, for perhaps Moshe was different, because a master said: The *Shechinah* (*Divine Presence*) rests only on a wise man, a strong man, a wealthy man and a tall man. (92a)

Carrying on Ones Head

Rav said in the name of Rabbi Chiya: If one carries out a burden on his head on *Shabbos*, he is liable to a *chatas*, because the people of Hutzal do this (*and therefore it is regarded as a normal manner of carrying*).

The *Gemora* asks: Are then the people of Hutzal the world's majority (*that they should set the standard for others*)?

The *Gemora* emends the ruling: Rather, if stated, it was stated as follows: Rav said in the name of Rabbi Chiya: If a resident of Hutzal carries out a burden on his head on *Shabbos*, he is liable to a *chatas*, because the people of Hutzal do this (*and therefore it is regarded as a normal manner of carrying*).

The *Gemora* asks: But let his practice be negated by comparison with that of all people (*for since most people do not carry it this way, it is evidently an unusual form of carrying*)?

The *Gemora* emends the ruling: Rather, if stated, it was stated as follows: Rav said in the name of Rabbi Chiya: If one carries out a burden on his head on *Shabbos*, he is exempt (*for it is an unusual way of carrying*), and should you object that the people of Hutzal do this regularly, their practice is negated by comparison with that of all people. (92a – 92b)

INSIGHTS TO THE DAF

Mishlo'ach Manos

BY: Meoros HaDaf HaYomi

The extensive responsa entitled *Torah LeShma* was authored under the pseudonym, R' Yechezkel Kachali. However, it is well known that the author's true name was R' Yosef Chaim of Baghdad, the illustrious Ben Ish Chai. In *Torah LeShma* (s. 189), the sugya of *eged kli* is cited, with surprising relevance to the halchos of *mishlo'ach manos* on Purim. His conclusion is reiterated in his classic halachic text, *Ben Ish Chai* (parshas Tzaz, 16).

Eged kli literally means, "the connection of the vessel." This principle applies to a case in which a basket of fruits is carried from the interior of a house, and placed on the threshold leading out to the *reshus harabim*, with part of the basket remaining inside the house. Even if some of the fruit in the basket are entirely in



the *reshus harabim*, this is not considered *hotza'ah*. The Rishonim debate the reason for this. Rashi explains that the fruit outside are still connected to the house. Since their vessel is partially inside, they are also considered partially inside. The Rambam (Shabbos, 12:11) explains that the vessel combines all its contents into one, such that we no longer view each separate fruit as an individual entity. They are now a single collection of fruit, and since part of that singly entity is inside the house, this is not considered *hotza'ah*.

The concept of *eged kli* is not limited only to hilchos Shabbos. It applies to other areas of the Torah as well. For example, some korbanos must be shechted in the northern area of the *Beis HaMikdash*, and their blood must also be caught as it pours from the animal's neck in the northern area. If the majority of the vessel used to catch the blood is on the southern side of the dividing line, even though the blood falls into the part of the vessel in the north, the korban is nevertheless *pasul*. *Eged kli* forces us to regard the entire vessel, and all its contents, as if they are south of the line (Shita Mekubetzes, Zevachim 47a).

Similarly, the sanctity of *bikkurim* [first fruits] is fully realized only after they cross the city border into Yerushalayim. At that point, a non-Kohen who eats them is liable to death by Heavenly punishment. The Gemara (Makkos 19a) states that if a basket of fruit is placed on the borderline, with half the fruit inside and half the fruit outside, the fruit on the inside are sanctified, while the fruit on the outside are not. The Ritva explains that this is true only according to the opinions who do not hold of *eged kli*. According to those who hold of *eged kli*, we must judge the entire basket as one, and decide whether all the fruit are considered inside or outside.

After having established that *eged kli* applies equally to all areas of the Torah, the Ben Ish Chai turns his attention to the mitzva of *mishlo'ach manos*. As we know, this mitzva requires us to send two foods to one person. The Ben Ish Chai rules that the two foods must not be given in the same container. Otherwise, the principle of *eged kli* would combine them into one entity. Clearly, the Ben Ish Chai followed the Rambam's interpretation, that *eged kli* combines the vessel's contents into one. According to Rashi's interpretation, *eged kli* only affects the location of the vessel's contents. It therefore has no relevance to *mishlo'ach manos*.

Two of the same food: The Shem MeShimon (O.C., 31) concurs with the Ben Ish Chai's reasoning, but only partially. He rules that if a person sends two of the same type of food in one container, *eged kli* combines them into one. However, if they are two different types of foods, *eged kli* does not combine them, and one can fulfill with them *mishlo'ach manos*. This is in contrast to hilchos Shabbos, in which *eged kli* does combine two different articles. In hilchos Shabbos, the nature of the object carried is irrelevant. Therefore, *eged kli* can combine any two objects. In *mishlo'ach manos*, the mitzva is to send two different foods, and the theoretical halacha that combines the two foods, does not detract from each one's unique taste.

Many small foods, combined in one container: The Hisorarus HaTeshuva (s. 126) draws another interesting conclusion from *eged kli* in regard to *mishlo'ach manos*. The halacha requires that each food must be of respectable size and value. If a person sends many pieces of food in one vessel, even though each one individually is insignificant, the vessel combines them into one respectable gift.