19 Sivan 5780
June 11, 2020

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

Shabbos Daf 97

Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o"h

Tzvi Gershon ben Yoel (Harvey Felsen) o"h

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

Gatherer

Rav Yehudah said in the name of Shmuel: The sin of the gatherer was that he carried (*the wood*) four *amos* in a public domain.

In a *braisa* it was taught: He detached them (*from the ground*).

Rav Acha bar Yaakov said: He gathered them together.

The *Gemora* asks: In respect of what is the practical difference?

The *Gemora* answers: In respect of that which Rav said, for Rav said: I found a secret scroll in the school of Rabbi Chiya, where in it, it was written: Issi the son of Yehudah said: There are forty minus one (*thirty-nine*) primary labors (*that are forbidden on Shabbos*), but one is liable only for one (*if he transgresses them all; at least, according to the Gemora's understanding at this point*).

The *Gemora* asks: Now is that so? But we learned in a *Mishna*: There are forty minus one (*thirty-nine*) primary labors (*that are forbidden on Shabbos*), and we had asked: Why state the number? And Rabbi Yochanan answered: It is to teach us that if one performs all of them in one state of unawareness, he is liable for each one separately!?

The *Gemora* answers: Rather, say that he meant as follows: For one of those (*forbidden labors*), he is not liable (*to stoning; however, it was not specified which one of those that was*).

Now, Rav Yehudah informed us here that carrying four *amos* in a public domain is subject to the death penalty (*and it is not one of those about which there is a doubt*). And the *braisa* is certain that he who detaches is liable, and Rav Acha bar Yaakov is certain that one who gathers is liable. It emerges that one master holds that this (*labor*) at least is not in doubt, while the other master holds that this (*labor*) at least is not in doubt.

The *Gemora* cites a *braisa*: The "gatherer" (*the person who was executed in the Wilderness for gathering wood on Shabbos*) was Tzelaphchad. And thus it is written: *and while the children of Israel were in the Wilderness, they found a man* [*gathering wood*] etc.; while elsewhere it is written: [*the daughters of Tzelaphchad said:*] *our father died in the Wilderness*. Just as there, Tzelaphchad is meant, so here too Tzelaphchad is meant; these are the words of Rabbi Akiba. Rabbi Yehudah ben Beseirah said to him: Akiva! In either case (*whether you are correct or not*), you will have to give an account for your statement. If you are correct, the Torah concealed his name, while you reveal him; and if not, you are maligning a righteous man!

The *Gemora* asks: But surely he (*R' Akiva*) learned a *gezeirah shavah*[1] (*teaching that it was indeed Tzelaphchad, so the Torah did not conceal his name, for that which is so derived is regarded as explicitly stated*)?

[1] *one of the thirteen principles of Biblical hermeneutics; it links two similar words from dissimilar verses in the Torah*

The *Gemora* answers: He (*Rabbi Yehudah ben Beseirah*) did not learn the *gezeirah shavah*.

The *Gemora* asks: Then, which sin did he commit (*for his daughters had stated that "he died of his own sin"*)?

The *Gemora* answers: It was the sin of (*that which was described in the following verse:*) *And they defiantly* [*went to the top of the mountain*]. [*After the sin of the Spies, the Jews were told that they would not enter Eretz Yisroel, but instead, they would wander and die in the Wilderness. On the next morning, some of them, against Moshe's wishes, decided to invade the Land. They were defeated on the mountaintop.*]

Similarly you may say, the *Gemora* notes, it is written: *and the anger of Hashem flared up against them; and He departed* (*after Hashem rebuked Miriam and Aaron for wrongfully speaking against Moshe*). This (*the fact that the Torah uses the plural, "them"*) teaches that Aaron too became afflicted with *tzara'as* (*just as Miriam did*); these are the words of Rabbi Akiva. Rabbi Yehudah ben Beseirah said to him: Akiva! In either case (*whether you are correct or not*), you will have to give an account for your statement. If you are correct, the Torah concealed his name, while you reveal him; and if not, you are maligning a righteous man!

The *Gemora* asks: But it is written: *against them*?

The *Gemora* answers: That was merely regarding the rebuke.

The *Gemora* cites a *braisa* in accordance with the view that Aaron too became afflicted with *tzara'as*, for it is written: *And Aaron turned to Miriam, and behold, she was afflicted with tzara'as*; and it was taught: That means that he "turned" from his *tzara'as* (*for his was healed first*).

Rish Lakish said: He who suspects an innocent person (*of a wrongdoing*) is bodily afflicted, for it is written: [*And Moshe said:*] *But, behold, they will not believe me*; and it was revealed to the Holy One, Blessed be He, that the Israelites would believe. So Hashem said to him: They are believers, the children of believers, whereas you will ultimately disbelieve.

The *Gemora* explains: They are believers, as it is written: *and the people believed*; the children of believers, as it is written (*regarding Avraham*): *and he believed in Hashem*; and you will ultimately disbelieve, as it is written (*regarding Moshe and Aaron*): *Because you did not believe in me*.

The *Gemora* asks: From where is it learned that he was smitten?

The *Gemora* answers: It is because it is written: *And Hashem said further to him*, "*Bring your hand into your bosom*," etc. [*and behold, his hand was stricken with tzara'as*].

Rava, and others state, Rabbi Yosi the son of Rabbi Chanina, said: The dispensation of good (*from Hashem*) comes more quickly than that of punishment, for in reference to the dispensation of punishment it is written: *and he took it out, and behold, his hand was stricken with tzara'as, as white as snow* (*indicating that he was not afflicted with tzara'as until he removed his hand from his bosom*), whereas in reference to the dispensation of good it is written: *and he took it out of his bosom, and behold, it returned to be as his other flesh*. [*The extra words, 'out of his bosom' indicates that*] from his very bosom, it had returned to be as his other flesh (*even before it was withdrawn from his bosom*).

It is written: A*nd Aaron's staff swallowed up their staff*. Rabbi Elozar said: It was a miracle within a miracle (*for it first became a staff again, and as a staff, it swallowed up their snakes*). (96b – 97a)

Transferring and Carrying

The *Mishna* had stated: If one throws (*an object*) from one private domain to another private domain, etc. [*and a public domain lies between them, Rabbi Akiva holds that he is liable, but the Sages exempt him*].

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.

Rav Yosef said: This question was asked by Rav Chisda, and Rav Hamnuna resolved it for him from the following *braisa*: If one transfers an object from one private domain to another and it passes through a public domain itself, Rabbi Akiva declares him liable, while the Sages exempt him. Now, since it states: 'through the street itself,' it is obvious that they differ where it is below ten (*tefachim, which is regarded halachically as the public domain, for higher than ten tefachim is regarded as a place of non-liability*). Now, what are the circumstances of the case? If you say that it is the case of one who carries it across; is he liable only when it is below ten, but not when it is above ten? Surely 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. Therefore, it must surely refer to throwing, and one is liable only when it is below ten, but not when it is above ten; this proves that they differ in whether an object contained (*in a certain domain*) is regarded as though it rested there. This indeed proves it.

The *Gemora* notes: Now, he (*Rav Hamnuna*) differs from Rabbi Elozar, for Rabbi Elozar said: Rabbi Akivva declared him liable even when it is above ten; but as to what is stated: 'through the street itself,' that is to teach you the extent of the Rabbis' (*ruling, for even then, they hold that he is not liable*).

The *Gemora* notes further that he (*R' Elozar*) differs from Rabbi Chilkiyah bar Tovi, for Rabbi Chilkiyah bar Tovi said: [*If the object was thrown in a public domain*] within three (*tefachim from the ground*), all agree that he is liable (*because that is regarded as on the ground itself, and therefore at rest*); above ten, all agree that he is not liable (*for it is passing through an area of exemption, and we do not derive "throwing" from "handing over"*); between three and ten, we come to the dispute between Rabbi Akiva and the Rabbis.

It was taught likewise in a *braisa*: Within three, all agree that he is liable; above ten, it is (*prohibited*) only as a *shevus* (*a Rabbinical injunction against transferring from one private domain to another without making eruvei chatzeiros – combining the two domains into one common ownership*); and if they are (*both*) his own domain, it is permitted; between three and ten, Rabbi Akiva ruled that he is liable, while the Sages exempt him.

The master said: And if they are (*both*) his own domain, it is permitted.

The *Gemora* asks: Shall we say that this is a refutation of Rav? For it was stated: If there are two houses on the two (*opposite*) sides of a public domain, Rabbah the son of Rav Huna said in the name of Rav: One may not throw (*an object*) from one to another; while Shmuel ruled: It is permitted to throw from one to another! [*Both houses must belong to the same person, for otherwise Shmuel would certainly not permit it; this proves that Rav prohibits it even though they both belong to the same person!?*]

The *Gemora* answers: But did we not establish that law as referring to a case where one house is higher and one is lower, so that it (*the object*) may fall (*into the public domain, as it is being thrown*), and he (*the thrower*) will come to bring it (*from the public domain into the private one*)?

Rav Chisda asked Rav Hamnuna, and others state that Rav Hamnuna asked Rav Chisda: How do we know this principle which the Rabbis stated, viz.: Whatever is within three *tefachim* of something else is regarded as an extension of it (*i.e., lavud*)? He said to him: It is because it is impossible for the street to be trimmed with planes. [*The ground cannot be perfectly leveled, and it must contain bumps and mounds of that height. Therefore, everything within three tefachim is regarded as joined to the ground.*]

The *Gemora* asks: If so, the same should apply to three also (*and not only if it is less than three*)? And furthermore, when we learned: If one weaves the walls from above to below (*the reference is to the walls of a sukkah; he takes horizontal boards, and beginning from the top, adds boards to fill in the open frame; he does not, however, reach the ground*): if they are three *tefachim* high above the ground, it is invalid. It may be inferred that if they would be less than three, it is valid (*although the reason advanced above will not apply here*)!?

The *Gemora* answers: There (*by a sukkah*) the reason (*that it is invalid if there is a gap larger than three tefachim*) is that it is a partition through which kids (*goats*) can enter (*but if it is less than three, they cannot; this, however, would have nothing to do with the principle of "lavud"*).

The *Gemora* asks: That is well for below; what can be said for above? [*This principle of lavud operates also where the gap is high off the ground; obviously, this reason (of the goats) does not apply there, and it must be because we view a gap of less than three as if it was filled in!*].

The *Gemora* concludes: Rather, we must say that "whatever is within three *tefachim* of something else is regarded as an extension of it" is a law received on tradition (*orally from Sinai*).

The *Gemora* cites 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.

Rav and Shmuel both assert 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.

Rav Chana said in the name of Rav Yehudah who 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*).

Now, Rav Chana sat studying, and presented the following difficulty to him: does this mean to say that Rebbe holds one liable for a derivative (*the toladah of "hachnasah" – "bringing in"*) when performed along with its principal (*the av melachah of "hotza'ah" – "taking out"*)? But surely it was taught in a *braisa*: Rebbe said: [*And Moshe assembled all the congregation of the children of Israel, and said to them, "These are the things (which Hashem has commanded, to do them), six days shall work be done."*] '*Things*' (*which is plural indicates two melachos*); 'the things' (*the extra letter 'hey' indicates one more melachah*); 'these (*are the things*)' (*based on the numerical value of the word 'eileh' include thirty-six more*). These are the thirty-nine labors taught to Moshe at Sinai. [*This is taught to show the maximum amount of chatas offerings one can bring during one lapse of awareness. If one can be liable to a separate chatas for a toladah when performed together with its av, it would be possible to bring many more!?*]

Rav Yosef said to him: The master learned this in reference to this (*teaching of Rebbe*), and so you find Rebbe self-contradictory; we learn it in reference to Rabbi Yehudah's teaching, and therefore find no difficulty, for it was taught in a *braisa*: If one throws an object from a private domain to a public domain, and it traverses four *amos* over the public domain, Rabbi Yehudah holds him liable, whereas the Sages exempt him. And upon this, Rav Yehudah said in Shmuel's name that Rabbi Yehudah 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 carrying over a public domain, for if you would think that

he (*R' Yehudah*) holds him liable to only one, it would follow that the Rabbis exempt him completely, but surely he has taken it out from a private domain to a public domain?

The *Gemora* disagrees: Perhaps I may tell you after all that Rabbi Yehudah holds that he is liable to only one, and the Rabbis exempt him completely; yet regarding the question as to how is this possible, we may answer that it is where he declared, "Immediately on issuing into the public domain, let it come to rest," and they differ regarding this: Rabbi Yehudah holds: We say that an object contained (*in a certain domain*) is regarded as though it rested there, and his intention was fulfilled (*and therefore he is liable, for one cannot be liable unless the labor was performed in the manner in which he intended*), while the Sages hold that we do not say that an object contained (*in a certain domain*) is regarded as though it rested there, and his intention was not fulfilled (*and he is therefore exempt completely*), but for a derivative performed simultaneously with its principal Rabbi Yehudah does not impose liability?

The *Gemora* answers: You cannot think so, for it was taught in the following *braisa*: Rabbi Yehudah adds the lining up (*of the warp threads*) with a rod (*to separate them from each other*) and the beating (*of the weft thread, so that it will lie tightly on the cloth*). They said to him: Lining up with a rod is included in the mounting of the warp, and beating is included in weaving. Now, does that not refer to a case where one performs both of them together, which proves that Rabbi Yehudah imposed liability for a derivative (*performed*) simultaneously with its principal.

The *Gemora* disagrees: Why is that so? Perhaps it really means that each was performed separately, and Rabbi Yehudah does not impose liability for a derivative (*performed*) simultaneously with its principal, and they differ regarding the following: Rabbi Yehudah holds that these are principal labors, while the Rabbis hold that these are derivatives.

The *Gemora* provides support for this: The proof (*to this*) is that it is stated: Rabbi Yehudah adds etc.: Now, it is well if you agree that they are principal labors, for then, what is he adding; he is adding principals; but if you say that they are derivatives, what does he add?

The *Gemora* notes: It was stated likewise: Rabbah and Rav Yosef both maintain (*in the case where one threw an object into a public domain*) that Rabbi Yehudah imposed liability only for one (*chatas*).

Ravina said to Rav Ashi: And according to our original assumption that Rabbi Yehudah held him liable to two (*one on account of taking out an object from a private domain to a public one, and one on account of carrying over a public domain*), what precisely is the case? If he desires it to land here (*four amos into the public domain*), he does not desire it to land there (*immediately outside of the private domain, and therefore, even if he subscribes to the principle of "keluath," he still should not be liable, for that was not his intention*), and if desires it to land here (*immediately outside of the private domain*), he does not desire it to land there (*four amos into the public domain, and he should not be liable for two*)?

Rav Ashi said to him: It refers to a case where he declared, "Wherever it pleases, let it come to rest." (97a – 97b)

INSIGHTS TO THE DAF

An Av and its Toladah

The *Gemora* notes: We see regarding *Shabbos* that there are thirty-nine main categories of *melachos* (*that are forbidden to perform according to Torah law*) on *Shabbos*. This implies that there are sub-categories as well. Regarding *Shabbos*, we say that the sub-categories are like the main categories. Whether one transgresses a main category or sub-category unwittingly, he must bring a *korban chatas*. Whether one transgresses a main category or sub-category willfully, he is liable to be stoned. What difference, then, does it make that one is called a main category and one is called a sub-category? The difference is that if one performs two main category prohibitions or two sub-category prohibitions, he is liable twice. However, if he performs a main category prohibition and its sub-category prohibition at the same time, he is only liable for transgressing *Shabbos* once (*and would*

only bring one korban chatas).

Rashi explains that when one performs an *av* (*main category*) together with its *toladah* (*sub-category*), he is liable for the *av*, and not for the *toladah*. For example, if one planted a tree (*av*) and watered a plant (a *toladah* of *zore'a*), he is liable for the *av*, and not for the *toladah*.

The commentators ask: What practical difference does it make if he is liable for the *av* or the *toladah*? The bottom line is that he is required to bring one *korban chatas*!?

Reb Tzvi Pesach Frank suggests the following: The *Gemora* in *Shabbos* (71b) rules that if one eats two olive-sized pieces of *cheilev* (*forbidden fats*) in one state of unawareness, and he is apprised of the first and he brings a *korban*. If subsequently, he becomes aware of the second, he is now required to bring another *chatas* for that one (*for the bringing of one korban cannot exempt one from bringing a korban for a violation that he did not know about at the time*). Accordingly, if one would perform an *av* and its *toladah* together, and he would be apprised of the *av*, but not the *toladah*, he would bring a *korban* for the *av*. If afterwards he is made aware of the *toladah*, he would be liable to bring a *korban* for it, for according to Rashi, one is not liable for a *toladah* when it is done together with its *av*.

Two Houses

There is an argument whether a man who owns two houses on opposite sides of the public domain can throw items from one to the other. Rav says this is forbidden, while Shmuel says this is permitted. The Gemora explains that the case is where one house is lower than the other.

This means that everyone agrees that if both houses were the same height, it would indeed be permitted to throw from one house to the other.

The Rambam (Hilchos Shabbos 15:8) adds that even the case of throwing from a roof of one height to a roof of a different height is only forbidden if the items are not breakable. Being that there is no great loss if he misses, we are scared he will not aim well and end up throwing the item into the public domain. However, he is allowed to throw breakable items from one rooftop to another, as it is clear he will aim well to make sure the item remains intact. [Of course, we are only referring to items which he indeed cares that they remain intact.]

The Rashba (quoted by the Magid Mishna on the Rambam ibid.) understands that this is only when there is a public domain in between the private domains. If there is a karmelis in between them, it is permitted to throw everything from one roof to another. [All of the above is consistent with the ruling of the Shulchan Aruch in Orach Chaim 353:1).]