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Daf Notes is currently being dedicated to the neshamot of

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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

The Gemora discusses a previous statement. Rav Chisda says: Rabbi Nechunya ben Ha’kanah (who maintains that just as one who violates Shabbos and at the same time commits an act in which there would be a monetary obligation, he is exempt from paying because he receives the death penalty *(by a human court)*, so too one who violates Yom Kippur and at the same time commits an act in which there would be a monetary obligation, he would be exempt from paying because he receives the death penalty) would agree that if someone stole cheilev *(forbidden animal fat)* from his friend and ate it, he is obligated to pay for the fat, as he was already guilty of stealing before he sinned when eating the forbidden fat.

The Gemora suggests that this is in disagreement with Rabbi Avin’s statement, for Rabbi Avin says: If someone shoots an arrow from the beginning of four *amos* to the end of four *amos* on Shabbos *(desecrating Shabbos, as carrying four amos on Shabbos in a public domain is forbidden)*, and the arrow tore someone’s clothes along the way, he is exempt from paying for the clothes *(due to “kim ley b’drabah minei” - one who commits a capital offense and simultaneously commits a lesser offense, he receives the death penalty, but he is exempt from the lesser one, and therefore, he would not be required to pay)*. This is because the picking up the item to carry it *(the flight of the arrow)* is necessary in order for the object to be placed down and is therefore a part of the action which makes him liable to pay with his life *(and since the monetary obligation happens at the same time, he is exempt from paying)*. The Gemora asks: Why doesn’t Rav

Chisda also reason that picking up the fat is necessary in order to eat it *(and the person should be exempt for paying for the fat due to kim ley etc.)?*

The Gemora answers: Now, is this a comparison? In the case of Shabbos, it is impossible to have a hanachah *(placing down)* without an akirah *(picking up)* first *(and that is why the akirah is considered the beginning of the act for which he is liable for)*; however, in the case of the forbidden fat, it is possible to eat it without lifting it up *(and therefore, the picking up is nonessential)*, as the person could bend down and eat it.

Alternatively, the Gemora answers that in the case of Shabbos, if he would have wanted to draw the arrow back *(after shooting it)*, he could not have drawn it back; this is in contrast to the case of the forbidden fat, where, if he wanted, he could have immediately returned the fat *(that he stole)* after lifting it up. *[Accordingly kim ley only applies to the case of Shabbos, not the case of the fat.]*

The Gemora asks: What is the difference between these two answers?

The Gemora answers: The difference is in a case where someone carried a knife four amos in a public domain on Shabbos, and within the four amos, he ripped someone’s clothing. According to the answer that it is essential to pick up the item *(and transport it four amos)* in order to sin, here too, picking up *(and transporting)* was essential *(and he would therefore be exempt)*. According to the answer that in the case of the arrow he was unable to

return the arrow once it was thrown, here he could return the knife (*and he would therefore be liable*). (31a1 – 31a2)

The Gemora discusses a previous statement. Rabbi Avin says: If someone shoots an arrow from the beginning of four amos to the end of four amos on Shabbos, and the arrow tore someone's clothes along the way, he is exempt from paying for the clothes. This is because picking up the item to carry it is necessary in order for the object to be placed down when desecrating Shabbos in this fashion.

Rav Bibi bar Abaye asked from a Baraisa: 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.

The Gemora asks: Why don't we say that the picking up to steal the purse is necessary for the sinning of carrying on Shabbos as well (*like the logic presented by Rabbi Avin above, and both acts should be considered as being done at the same time*)?

The Gemora answers: Here, we are talking about a case where he picked up the purse to hide it (in the house), and then changed his mind and decided to take it outside.

The Gemora asks: Is one who performs such an act indeed liable (for desecrating the Shabbos)? But, Rav Simone said in the name of Rabbi Ami, who said 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: Our previous answer was not that he picked it up to hide it but rather that he picked it up to take it outside. [*How does this answer the question?*] The Gemora explains that the case is where he stopped and stood still. Why did he stand? If he stood just to rearrange the item (*to carry more conveniently*), this is normal! [*This does not separate the picking up and setting down necessary for a Shabbos violation.*] It must be the case is where he stopped to take a break. However, if he would have stopped to adjust the load on his shoulder, he would still be liable for transgressing Shabbos.

The Gemora asks: If this is true, before stating the second case regarding dragging the purse little by little, the Baraisa should have qualified the first case that this is only said when he stands to rest, but when he stands to adjust the load on his shoulder, he is exempt!?

The Gemora answers: The Baraisa is based on the opinion of Ben Azzai, who says that when one walks, he is as if he is standing. [*Each step is considered its own picking up and stopping, so he is therefore not liable for carrying until the last step (see Rashi).*]

The Gemora asks: According to this opinion, if one would throw the purse four amos, he would be exempt from paying (*as this is one full act of carrying, not many stops and starts*). If this is true, before stating the second case regarding dragging the purse little by little, the Baraisa should have qualified the first case that this is only said when he walks; if, however, he throws the purse, he is exempt from paying for the purse!?

The Gemora answers: The second case regarding dragging the purse is necessary. One might have thought to say that dragging is not a normal way of carrying, and one should therefore be exempt from carrying a purse in this fashion. The Baraisa therefore had to state the case of dragging the purse (to teach that one is indeed liable for



desecrating the shabbos – even when it is done in such a manner).

The Gemora asks: What is the case where the Gemora must inform us that this is normal carrying? If it is a large heavy purse, then it would be normal to do so! If it is small, he indeed should be exempt as this is abnormal!

The Gemora answers: The case must be regarding a midsize purse.

The Gemora asks further: Where is he carrying the purse (*in the case above*)? If he is carrying it to the public domain, he transgresses Shabbos but has not transgressed stealing (*as one cannot make an acquisition in the public domain*)! If he takes it to his private domain (*assuming his private domain is next to that of the owner of the purse*), he has transgressed stealing but he has not transgressed Shabbos!

The Gemora answers: The case must be that he takes it to the sides of the public domain.

The Gemora asks further: Who is this according to? If it is according to Rabbi Eliezer who says that the sides of the public domain have the halachic status of the public domain, he transgresses Shabbos but not stealing! If it is according to the Rabbis who say that the sides of the public domain have the halachic status of a private domain, he transgresses stealing but not Shabbos!?

The Gemora answers: It must be like Rabbi Eliezer. When he states that the sides of the public domain have the halachic status of the public domain, he only meant that this is true regarding carrying on Shabbos. This is because the public often doesn't have room, and they use the sides of the public domain as well. However, a person would still be able to make an acquisition there. Why? This is because people are not usually on the sides of the public domain.

Rav Ashi says: The case is (*in the public domain and*) where he put his hand under three handsbreaths and accepted the purse. This is in accordance with the opinion of Rava. Rava says: A person's hand is significant like an area of four by four handsbreaths (*its own domain for acquisitions*). Rav Acha learned (*the Baraisa*) this way as well. Ravina, however, taught as follows: In truth, the Baraisa is referring to a case where he took the purse into a public domain, and (it is regarded as theft, for) even in a public domain he has acquired it (for he maintains that meshichah – pulling an object, is effective in a public domain).

They both (Rav Acha and Ravina) argue regarding the implication of the Mishnah. The Mishnah states: If someone was pulling (an animal) out of the owner's domain and it died while still in its owner's domain, he is exempt from paying for it. If he picked it up or he carried it out from the owner's domain and then it died, he is obligated to pay for it. Ravina deduces (*his opinion above*) from the first part of the Mishnah, while Rav Acha deduces (*his opinion above*) from the second part of the Mishnah.

Ravina deduces (*his opinion above*) from the first part of the Mishnah which stated: If someone was pulling (an animal) out of the owner's domain and it died while still in the owner's domain, he is exempt from paying for it. The reason he is exempt is because the animal is still in its owner's domain. This implies that if he would have taken it out of the owner's domain and it died, he would be obligated to pay (*even if he took it into the public domain*).

Rav Acha deduces (*his opinion above*) from the second part of the Mishnah which stated: If he "picked it up or he carried it out." This implies that carrying out is like picking up. Just as picking up means that it came into his domain, so too the carrying out only works if he carried it out to his domain.



The Gemora asks: Rav Acha's opinion seems difficult to reconcile with the first part of the Mishnah, while Ravina's opinion seems difficult to reconcile with the second part of the Mishnah.

The Gemora answers that the first part of the Mishnah is not difficult according to Rav Acha. Being that it did not enter his domain, it is considered to still be in the domain of the owner. The second part of the Mishnah is not difficult according to Ravina, as he does not compare acquiring through carrying to acquiring through picking up. (31a2 – 31b4)

DAILY MASHAL

Unity

Our Gemora deals with a case of stealing, accordingly, we cite the following story, recorded by Rabbi Lam and torah.org: A remarkable story circulated around Eretz Yisrael a number of years ago. Even if it is not confirmed as true, it still conveys a deep and relevant message that may help explain why we are made more vulnerable to an enemy attack when our business practices are less than honest.

It was during the time of when a young soldier whose last name was Wachsmann was captured. His parents took an immediate and active role in rallying the entire nation to pray and light extra candles.

There were huge prayer rallies lead by the parents at the Western Wall and there was a profound sense of unity and common purpose that crossed all kinds of ideological lines and stated philosophies of life.

The end of the story, however, is less pleasant. The young man, on whose behalf these forces were set in motion, was brutally murdered and the momentary solidarity faded as fast.

Around that same time a young man who had been in a coma awoke shortly afterward and asked to be brought to a certain luminary personality in our generation. He told the elder Rabbi that he had been visited in a dream by an elderly woman and was told to deliver a specific message. The Rabbi displayed a picture of his deceased wife and asked if that was the woman. He confirmed that it was.

She had asked him to relay the following: That the unity at the time of the incident of that young soldier's capture and the events that followed was so profound that Moshiach could have come at that very moment, if it had not been for the sin of theft and ill-gotten gains in the marketplace.

At the conclusion of the Megilah it states that the Jews "gathered together and stood up for their lives..." The Sefas Emes notes that the word for standing "Amad" is singular- not plural similar to when the Nation of Israel camped by Mt. Sinai with a singular expression. There Rashi says, "Like one man with one heart!" The unity was powerful and real.