

Laws of Shabbat Chapter 13 (Auto Translated)

English

Auto Translated

Shiur Overview

Summary of Shiur – Rambam Hilchos Shabbos, Chapter 13: Principles of Uprooting and Placing

Overview

Chapter 12 established the foundations of melachos hotza'ah: two types of hotza'ah (motzi meirshus lirshus, ma'avir daled amos birshus harabim), toladot (zorek, moshit), the requirement for kederech hamotzi'in, the shi'ur, and daled amos. Chapter 13 proceeds to learn the rules, primarily the matter of **akirah v'hanachah** – what constitutes a valid akirah, what constitutes a valid hanachah, and what happens when one of them is lacking.

Halachah 1 – Akirah and Hanachah from a Place of 4 by 4 Tefachim

Rambam: "One who transfers from domain to domain or carries in the public domain beyond four amos is not liable unless there is akirah together with hanachah, that he uproot from a place that has four tefachim by four tefachim or more, and place upon a place that has four by four tefachim."

Explanation: Whether motzi meirshus lirshus or ma'avir daled amos birshus harabim, one is only liable when he makes an akirah from a significant place (4 by 4 tefachim) and a hanachah onto a significant place (4 by 4 tefachim).

Novel Points:

- **The Rambam requires 4 by 4 both for akirah and for hanachah.** The commentators note that there are opinions that for hanachah in reshus hayachid, a place of 4 by 4 is not required. But the Rambam explicitly requires 4 by 4 for both – akirah and hanachah – in all cases.

- **The foundation of 4 by 4 is a matter of significance** – the object must rest on a "proper place" in order for it to be considered an akirah/hanachah. If it rests on a narrow strip without significance, it is not an akirah. 4 by 4 is not necessarily a physical measurement, but rather a concept of significance. This opens the question: what else is a "significant place" besides 4 by 4?

Halachah 1 (continued) – A Person's Hand is Considered Like a Place of 4 by 4

Rambam: "A person's hand is considered significant to uproot from it and to place in it."

Explanation: A person's hand is considered a significant place – one can make akirah from a person's hand, and one can make hanachah into a person's hand, even without 4 by 4 tefachim.

Novel Points:

- **"Lefichach" – practical ramifications:** If one takes an object from someone's hand in one domain and places it in

another person's hand in the second domain – he is liable, because yad adam = a significant place.

- **Even when he holds it in his own hand:** He stands in one domain, extends his hand into the second domain, takes the object, and brings his hand back to himself – **even though he has not yet placed it down** on any place, he is liable, because **"ho'il uveyado – harei hu kemani'ach ba'aretz"** – his hand is considered like a place of 4 by 4.

- **Distinction between yad and peh (explained below):** For **yad** – it is automatically a significant place without thought. For **peh** – one needs machshavah.

Halachah 1 (continued) – A Person's Mouth: His Thought Makes His Mouth a Place

Rambam: "If one was eating... and went out from domain to domain and thought about the food in his mouth from domain to domain – he is liable, even though he did not take out in the manner of those who take out, his thought makes his mouth a place."

Explanation: Someone in the middle of eating, he goes out from one domain to another with food in his mouth, and he intentionally had in mind to carry the food – he is liable. His machshavah makes his mouth a "significant place."

Novel Points:

- **Two problems with piv, and machshavah solves both:** (1) Piv is not a significant place of 4 by 4 – machshavah makes it a place; (2) Hotza'ah befiv is generally "shelo kederech hamotzi'in" (as the Rambam says in Chapter 12 that "hamotzi befiv is patur") – but here, because food in the mouth is a normal thing, it is indeed kederech.

- **Distinction between yad and peh:** For **yad** – automatically a significant place without machshavah. For **peh** – one needs machshavah. Without machshavah (e.g., he forgot that he has food in his mouth) it is not a melachah.

- **What does "shelo kederech hamotzi'in" mean here?** The **Maggid Mishneh** explains that "shelo kederech" here does not refer to the general rule of hotza'ah befiv, but rather to the matter of **akirah/hanachah shelo mimekom 4 by 4** – that is, "derech hamotzi'in" means here: the normal manner of hotza'ah is from a significant place, and here it is shelo kederech because piv is not 4 by 4, but machshavah makes it kederech. In the Gemara's terminology, "derech hamotzi'in" can also refer to the matter of akirah/hanachah from a significant place.

Halachah 2 – Urinating and Spitting in the Second Domain

Rambam: "One who was standing in one of these two domains and urinated or spit in the second domain, is liable, for there was akirah together with hanachah..."

his thought made it as if he uprooted from upon a place."

Explanation: Someone who stands in one domain and spits or urinates into a second domain is liable, because his body is considered like a significant place for akirah, and it lands on a place of 4 by 4.

Novel Points:

- The novelty is that even though he did not uproot from a place (4 by 4), but from inside his body, it is considered an akirah from a significant place. "**Machshavto asato ke'oker me'al gabei makom**" – his thought (intention to spit into the other domain) makes it an akirah.

- **Distinction between mashtin/rokek versus yad:** For **yad** the significance is inherent – without thought. For **guf** (mashtin/rokek) one needs a specific machshavah in order for it to become a significant place. But one cannot always add machshavah – only for a "semi-normal thing" like mashtin, rokek, or ochel shebefiv. Because if machshavah would always help, there would be no rule of 4 by 4 at all.

- **Gufo shel adam chashuv** – not only that it is significant lehozi, but that his body is a **significant place** regarding 4 by 4.

Halachah 2 (continued) – Akirah from Water in a Pit

Rambam: When someone extends his hand and takes water from a **guma mele'ah mayim** (a pit full of water), he is liable.

Explanation: We view all the water as if it rests on the ground – "**mayim kulam**" – we do not separate upper water from lower water.

Novel Points:

- One might have argued that he only took from the top of the water, which "floats" on other water and does not rest on any 4 by 4. But the law is that **kol hamayim kulam** are considered one body of water that rests on the ground. Every drop of water is part of the entire water.

- It is compared to a similar reasoning in the laws of bitul – that water that flows further is not separated.

Halachah 2 (continued) – Vessels/Fruits Floating on Water, Oil on Water

Rambam: "**Stones or vessels floating on top of the water, fruits inside the vessel, he extended his hand and took from the fruits – patur, for the fruits did not rest upon the ground.**" And "**needless to say if the fruits alone were floating on top of the water**" – that he is patur.

Explanation: Fruits in a vessel that floats on water – he is patur because he did not uproot from a place of 4 by 4. The fruits do not rest on the ground.

Novel Points:

- **Distinction between water and vessels/fruits:** For water we say "**mayim kulam**" – all water is one thing. But a vessel or fruits are a **separate thing** that floats on water, and one can indeed separate the top from the bottom. Therefore they do not rest on the ground.

- Even a vessel, which one might have thought makes a significant place, is not enough – because the vessel itself does

not rest on any significant thing.

- **Shemen al gabei hamayim:** Oil that floats on water – when one takes from the oil he is patur, because oil is something different from water, and one can separate it from the water. The principle: **Entities where there is indeed a way to separate the top from the bottom** (like oil, vessels, fruits), it is patur. But water itself is one large thing.

- Among the Rishonim in the Gemara there is a dispute about this.

Halachah 3 – Foundation of Akirah and Hanachah: This One Uprooted and This One Placed

Rambam: "**We have already explained... one who transfers from domain to domain is liable only when he uproots and places. But if he uprooted and did not place, or placed and did not uproot – patur.**"

Rambam: "**One who was standing in one of two domains and extended his hand to the second domain with an object in his hand, and another took it from his hand, or he extended his hand to the second domain and another placed an object in his hand and he brought back his hand – both are patur, because this one uprooted and this one placed.**"

Explanation: One must have both akirah and hanachah done by the same person in order to be liable. When one makes the akirah and the second makes the hanachah, both are patur.

Novel Points:

- **This is not a rule of shnayim she'asuhah** – this is a unique rule of akirah v'hanachah. Even in a case where as shnayim she'asuhah they would be liable (like **zeh eino yachol vezeh eino yachol**), here there is still patur, because the foundation of akirah with hanachah by one person is lacking.

- **Shnayim she'asuhah** means that two people do **together** the akirah with hanachah (both carry together). But here it is different – **one holds one half (akirah) and the second holds the second half (hanachah)**. This is not shnayim she'asuhah, this is a deficiency in the very definition of melachas hotza'ah – which requires akirah v'hanachah together.

- **The melachah of hotza'ah is akirah with hanachah together** – it is one melachah that consists of both parts. When one does only akirah and the second only hanachah, neither has done the melachah. Even with a heavy load where two people are needed – if both make either akirah or hanachah together, they are liable. But if one makes only akirah and the other only hanachah – patur.

Halachah 3 (continued) – His Hand Above Three / Within Three

Rambam: "**When does this apply – when his hand was above three. But if his hand was within three close to the ground – this is like one who placed on the ground, and he is liable.**"

Explanation: The patur of placing into someone's hand (where there was no hanachah on a place) is only when the hand is **higher than three tefachim**. But if the hand is **within three tefachim from the ground**, the rule of

lavud applies — and it is considered as if he placed it on the ground, and he is **liable**.

Halachah 3 (continued) – This One Stands and Did Nothing

Rambam: If one **stands** in one domain with outstretched hands, and the **friend** takes out from his hand or places into his hand — the **friend is liable**, because he did either akirah or hanachah. "**Zeh ha'omed lo asah klum**" — the one standing did nothing.

Explanation: The standing person is merely an object, a place of hanachah — his hand is considered like a place, but he himself is like a "place," not an actor.

Novel Points:

1. **Why doesn't it say "patur" but rather "lo asah klum"?** — Because "patur" means he did something but is patur; here he **literally did nothing** — it is not relevant to say "patur" about nothing. "Lo asah klum" is a stronger expression.

2. **Is he mesaye'a lidvar aveirah?** — The **Rashba** thinks that perhaps the one standing transgresses **mesaye'a** or **lifnei iver**, because he stands there and the other uses him. Even though he does no action, it is a lav she'ein bo ma'aseh, but he is mesaye'a to the transgressor. Example: like a homeowner who quickly opens his door so the carrier can place it down in reshus hayachid — this is also mesaye'a lidvar aveirah.

Halachah 4 – Akirat Gufo: His Friend Placed an Object on Him

Rambam: "If he was standing in one of these two domains, and his friend placed an object in his hand or on his back, and he went out with that object to the second domain and stood there — he is liable. Because the uprooting of his body with the object upon him" — when he begins to walk with the object, **this is the akirah**. And when he **stands still** in the second domain — **this is the hanachah**.

Explanation: Even though the friend placed the object on him (not he himself), he is liable because **akirat gufo** with the object that rests on him **counts as akirah**, and **amidato** in the second domain **counts as hanachah**.

Novel Points:

1. **Akirat gufo = akirat hachefetz:** The great novelty is that one does not need to specifically lift the object — when the **person begins to move, everything that is on him** moves with him. This is not "bederech keli" (it happened by itself) — but rather a real akirah.

2. "**Al gavo**" shows that **guf = yad:** From the fact that the Rambam writes "**al gavo**" (on his shoulder) we see that not only **yado shel adam** is a place of hanachah, but the **entire body**. "Yad" is **not literally** — it means the entire body. A person's body is indeed 4 by 4 (a normal person is four tefachim wide), so the novelty of "yado chashuvah" is actually only for **yad** which is smaller.

Halachah 4 (continued) – Until He Stands to Rest: Omed Lifosh vs. Omed Letaken Masa'o

Rambam: "One who takes out an object in his hand or on his back... even if he went out and entered the entire day — patur... until he stands to rest." If he stops only **letaken masa'o shelo yipol** — he is **patur**, because this stopping is **part of the walking**, not a hanachah. Only when he **omed lanu'ach** (stands to rest) — **this is hanachah** and he is **liable**.

Novel Point: Even though he actually stands still, if in his mind he is still in the middle of walking (he is only fixing the load), there was **no hanachah**. The definition of hanachah is **intentionally resting**, not merely physically standing.

Halachah 4 (continued) – Ratz vs. Mehalech Me'at Me'at

Rambam: "One who took out his barrel on his shoulder and ran with it even the entire day — patur, he is not liable until he stands. But one who walks little by little — this is like uprooting and placing, and it is forbidden."

Explanation: When he **runs** — he is patur until he stops. But when he **walks very slowly (me'at me'at)** — each step is ke'oker umani'ach.

Novel Points:

1. **What is the definition of "me'at me'at"?** — Each step when a person takes a step, can we say is a hanachah? What is the distinction between running and slow walking? The discussion remains with the question.

2. "**Asur**" — **not "chayav":** The Rambam says for mehalech me'at me'at only "**asur**", not "chayav". One of the commentators explains that for slow walking there is a **concern of maris ayin** — it looks like he is stopping. But for running there is **no concern of maris ayin**.

3. **Lechatchilah for running:** The Rambam speaks here **lechatchilah** — for a great need one may run with an object, because he does not become liable until he stops.

Halachah 4 (continued) – Advice: Running with a Bundle of Money

Rambam: When one has a bundle of money and Shabbos has entered, he should run until home and throw it down kelacher yad.

Explanation: The Rambam gives advice for someone who has money with him when Shabbos comes in — he should run (not walk) until home, and there make a hanachah kelacher yad.

Novel Points:

- Why specifically run: When a person **walks** with an object, it looks like he is stopping — this is similar to **omed lanu'ach**, and there is a concern of **maris ayin**. But when he **runs**, no one can suspect that he is making an akirah v'hanachah.

- This is a second piece of advice (from Rashba) — besides the first advice of giving it to a non-Jew. The approach: he runs (no complete akirah), and when he arrives home he makes a hanachah kelacher yad (no complete hanachah) — thus both sides are only derabbanan.

Halachah 5 – Amad Lanu'ach vs. Amad Letaken Masa'o for Daled Amos Birshus Harabim

Rambam: "One who uproots an object from reshush harabim and walks with it less than four amos and stood... even the entire day is patur. And this is when he stands initially four to rest. But if he stands to fix his load, he is still like one walking, and he is not liable until he stands to rest initially four amos."

Explanation: One who carries in reshush harabim less than four amos and stops, is patur – but only if he stops **lanu'ach**. If he stops only **letaken masa'o**, it is considered as if he is still walking, and all the amos are counted together.

Novel Points:

- The distinction between **amad lanu'ach** and **amad letaken masa'o** is applied here in a **reverse direction** from before: for hotza'ah meirshush lirshush, amad letaken is a **kula** (it is not a hanachah, he is still mehalech). But for **daled amos birshush harabim** amad letaken is a **chumra** – because if he only stopped letaken, all the amos are counted together, and he can become liable.

- **Example:** He walks 2 amos, stops letaken masa'o, walks another 2 amos – this is counted together as 4 amos, and he is liable. But if he had stopped **lanu'ach**, that would have cut it off – each walk separately is less than four amos, patur.

- **The same rule of standing can make a situation better or worse** – it is a kula or chumra, depending on which halachah we are discussing.

Halachah 6 – A Pole or Spear: Raising One End

Rambam: "If there was a pole or spear and the like placed on the ground, and he raised the other end while the second end rests on the ground, and threw it before him, and returned and raised the end that was resting and threw it before him in this manner – even if he transferred the object several miles, patur, because he did not uproot the entire object from upon the ground."

Explanation: One who moves a long stick by lifting one end while the other end remains on the ground, and so on – is patur, because he never lifted the entire object.

Novel Point: Akirah requires that the entire object be moved from the ground. When one end always remains on the ground, there was never a complete akirah.

Halachah 6 (continued) – Mashach Vegararo: Megalgel Oker Hu

Rambam: But if **mashach hachefetz vegararo al ha'aretz** four amos, he is liable – "**shehemegalgel oker hu.**"

Explanation: Dragging an object on the ground (even though it is not lifted) is a definition of akirah.

Novel Points:

- **Question:** For megalgel the object is also not lifted from the ground – why is this different from kaneh o romach? The **deeper distinction:** For kaneh o romach the entire object was never moved – one end always remains in its place. But for megalgel/gararo, although it still touches the ground, **the entire object moves** from its place – this is akirah.

- **Principle:** Akirah does not necessarily mean it must be lifted from the ground – it must **move** from its place. A wheel

that one rolls is the same rule – megalgel oker hu.

- **Question about lavud:** If the object is within 3 tefachim from the ground, we say lavud – it is like it rests on the ground. Perhaps even megalgel we should say it still rests? The discussion leaves this as an open question.

Halachah 7 – Akirah Shelo Leshem Hotza'ah: Oker Mizavit Lezavit

Rambam: "One who uproots an object from this corner to place it in another corner, and changed his mind about it on the way and took it out to the second domain – patur, for the first akirah was not for this."

Explanation: One who lifts an object in order to place it in another corner of the same room, and afterwards decides to carry it out to a second domain – is patur, because the first akirah was not leshem hotza'ah.

Novel Points:

- **Foundation:** Akirah must be **leshem carrying to another domain** – an akirah that was leshem moving within the same domain is not an akirah regarding Shabbos. The result: **hanachah belo akirah** – he made a hanachah in reshush sheniyah, but without a valid akirah.

- **Question:** Perhaps we should say that the taking out from his body (when he crosses the boundary) is itself an akirah? Answer: No, the Rambam requires that the **first akirah** be leshem hotza'ah – this is a **significance of akirah**.

Halachah 7 (continued) – Hini'ach Al Chavero Keshehu Mehalech

Rambam: "One who uproots an object to place it on his friend while he is walking, and does not know if his friend will reach him to place – while his friend still wants to stand, he took it from him – this one is patur."

Explanation: Someone lifts an object and places it on his friend who is walking. Before the friend stops (hanachah), he takes it off – patur.

Novel Points:

- **For the one who places:** He made an akirah, but no hanachah – because the friend is mehalech (no stable place for hanachah), and before he stops he already took it off. Result: **akirah belo hanachah**.

- **Parallel to the previous rule:** There it was hanachah belo akirah, here it is akirah belo hanachah – both patur.

Halachah 8 – Zorek Chefetz: Kelato Kodem Hanachah

Rambam: "One who throws an object from domain to domain (or four amos in reshush harabim), before it rested – another caught it in his hand, or a dog caught it, or it burned – patur."

Explanation: One who throws an object, and before it lands someone else catches it (or a dog, or it burns) – patur, because there was no hanachah.

Novel Points:

- The patur is only when it is **shelo kechavonato** – but if he indeed intended that it should fall into a fire or into a dog's

mouth, he is liable, because this is also a hanachah. The main point is that the hanachah must match his intention.

Halachah 8 (continued) – Chefetz Kashur Bechevel Ve'agudo Beyado

Rambam: "One who throws an object from domain to domain and the object is tied with a rope and its end is in his hand" — if he can still pull the object back to himself ("im yachol limshoch hachefetz etzlo") — he is **patur**, because it is "**kemi she'akar velo hini'ach**".

Explanation: As long as the object is still connected to him through a rope and he can pull it back, it has not left his domain — there was no complete hanachah.

Novel Points:

- **Question:** Why does the Rambam only say that it is not a **hanachah**, but **akirah** it indeed is? If he still holds the rope, isn't the akirah also not complete?

- **Answer (also in Lechem Mishneh):** We are speaking of a case where he lifted the object with the rope — the akirah was indeed an act of akirah (he lifted it), but the hanachah is not complete because the rope remains in his hand.

Halachah 8 (continued) – Hazorek Betoach Yado Shel Chaveiro

Rambam: "One who throws... into the hand of his friend — if his friend stood in his place and received it, the thrower is liable", for he uprooted and placed. "**But if his friend moved from his place and received it — patur.**"

Explanation: When the friend stands in his place and catches it, this is a valid hanachah. But when the friend moved from his place, the hanachah was not where the thrower intended — the second one made the hanachah, not the thrower.

Halachah 8 (continued) – Hazorek Vekelato: He Throws and Runs After It

Rambam: Someone throws an object and runs after it and catches it **birshus acheres** (or beyond four amos) — is **patur**. The Rambam's reason: "**Ein hanachah gemurah ela shehinyach hachefetz bemakom shera'ui lanu'ach bish'as akirah.**"

Novel Points:

- One might have thought that when he himself catches it, this is better than when a second person catches it — he himself does both, akirah and hanachah. But the Rambam says "**ke'ilu ne'ekar acher ukiblo**" — we view it as if a second person caught it.

- The reason is a deeper foundation: **At the time of akirah** the place where he will catch it **did not exist** as a ra'ui lanu'ach — because he still had to run there. The akirah and the hanachah are **too separated** — the place of hanachah was not determined at the time of akirah.

- The Rambam rules that since it is a doubt in the Gemara, he is **patur** — because **one cannot give a chiyuv chatas to a person with a doubt.**

Halachah 9 – Zorek Meirshus Hayachid Lirshus Hayachid Urshus Harabim Ba'emtzta

Rambam: "One who throws from reshus hayachid to reshus hayachid with reshus harabim in between — **patur**", even though the object passed through the airspace of reshus harabim. "**But if the airspace was less than three close to the ground and it rested upon something**" in reshus harabim — **liable**.

Explanation: When he throws from one window to another window over a reshus harabim, he is **patur** because there was no akirah/hanachah in reshus harabim. But if the object passed within 3 tefachim close to the ground in reshus harabim and it stopped on something (nach al gabei mashehu) — it is **kelavud aretz**, and this counts as a hanachah in reshus harabim, and he is **liable**.

Novel Points:

- **Nach al gabei mashehu** — even though it is not 4 by 4 tefachim — is enough for a hanachah when it is within 3 tefachim, because **lavud** makes it as if it is on the ground. But some hanachah there must be — it cannot be that it flies through without any stop.

- **Even though it was not his intention** that there be a hanachah in reshus harabim (he wanted to throw straight to reshus hayachid hasheniyah), he is **liable**. This is different from the previous halachos where we said that a hanachah shelo kechavonato is **patur** — here, when a person wants to make a longer movement and it is interrupted, the stop in the middle is part of the action, and he is **liable**.

Halachah 9 (continued) – The Reverse: Zorek Meirshus Harabim Lirshus Harabim Urshus Hayachid Ba'emtzta

Rambam: "One who throws from reshus harabim to reshus harabim with reshus hayachid in between — **patur.**" But "**if the object passed within less than three close to the ground in reshus hayachid**" — even if it returned and rolled to reshus harabim hasheniyah — "**harei hu kemi shehinyach birshus hayachid, lefichach chayav.**"

Explanation: The same principle in reverse — a stop within 3 tefachim in reshus hayachid counts as a hanachah there.

Halachah 10 – Daled Amos Birshus Harabim: Shtei Reshuyos Harabim Mitzarfim

Rambam: "One who carries four amos in reshus harabim — a walk of four amos in two reshuyos harabim combine."

Explanation: If he walks four amos and in between there is an interruption (reshus hayachid or another domain), but both together are four amos in reshus harabim — he is **liable**.

Novel Point: This is only when the object did **not** stop in the domain between them. If it had stopped there, it would have been an interruption.

Halachah 11 – Hamoshit Meirshus Hayachid Lirshus Hayachid Derech Reshus Harabim

Rambam: "One who extends from reshus hayachid to reshus hayachid with reshus harabim in between —

liable. Even if he extended above ten in reshus harabim" – liable.

Explanation: For moshit (extending, not throwing) he is liable even above ten, which for zorek he would be patur (because above ten is a makom patur in reshus harabim).

Novel Points:

- Seemingly according to everything we learned earlier (that there must be a hanachah in reshus harabim), he should be patur when he is moshit above ten. The novelty is that for **moshit** it is different.

- **The reason: Avodas haLevi'im baMishkan** – this is how it was done in the Mishkan. "**Moshitim hakerashim me'agalah le'agalah urshus harabim bein shtei ha'agalos.**" The wagons were reshus hayachid, and the desert outside was reshus harabim. The primary melachas hotza'ah for the Levi'im was **moshit meirshus hayachid lirshus hayachid through reshus harabim** – therefore moshit is specifically liable in this manner, because this is how the melachah was in the Mishkan. **Specifically moshit, not zorek** – because this is how the Levi'im did it.

- **The distinction between be'oso tzad and bishtei tzidei reshus harabim:** When the two reshuyos hayachid are on **the same side** of reshus harabim (like the wagons of the Levi'im that were parked one behind the other), one is **liable** for moshit. But when they are **across from each other** (bishtei tzidei reshus harabim), one is **patur** – because it is not similar to avodas haLevi'im baMishkan. In such a case we return to the regular halachah: no hanachah in reshus harabim, only meirshus hayachid lirshus hayachid, is patur.

- **Practical illustration with the Mishnah:** Two Jews with a porch (balcony) – between their porches is reshus harabim. If they are on **the same side of the block** (same side of the street) and extend between themselves – **liable. Across the street – patur.**

Halachah 12 – Shachach Vehotzi: Forgot and Carried Out

Rambam: "One who forgot, extended his hand and it was full of fruits, and took it out from this courtyard to bring it into the courtyard next to it, and remembered before he brought it in, and his hand is suspended in the airspace of reshus harabim" – he should machzirah lechatzer (bring it back to his own courtyard). "But if he took it out bemezid – it is forbidden to return it, rather his hand should remain suspended until it gets dark."

Explanation: Someone who forgot (that it is Shabbos, or that he is holding fruits in his hands) and carried out from his courtyard. He remembers before he places it into the second courtyard, and his hand hangs in the airspace of reshus harabim.

Novel Points:

1. **Why may he bring it back beshogeg:** Because the **akirah** was **without intention** (beshogeg/bishechachah). He did not think at all that he was doing a melachah. When he brings it back to his own courtyard, we do not say that now there is a new akirah from reshus harabim and hanachah in reshus hayachid – because **the original akirah was a forgotten thing**, not any thought.

2. **The foundation of kedei shelo ta'aseh machshavto:** We allow him to bring it back **kedei shelo ta'aseh machshavto** – we do not want his (unconscious) intention to be fulfilled. But he may **not** place it into a **second courtyard** – because that would be a new hachnasah bemezid.

3. **What does "shachach" mean:** It is discussed – forgot that it is Shabbos (not that he forgot what he is doing). The reasoning is: one cannot punish someone for something he did when he **did not even know it was Shabbos**. He is not liable mid'oraisa because **at the time of akirah** there was no thought/intention to melachah.

4. **Bemezid – asur lehachzir:** When he did it **bemezid**, he may not bring it back. "**Ela tehi yado teluyah ad shetechshach**" – he must stand with his hand outstretched until after Shabbos. This is compared to the famous story of the **Shinover Rav** with his sack – a great kiddush Hashem.

5. **The principle:** Shabbos is **melachas machsheves** – everything revolves around intention, and this is **d'oraisa**.

Halachah 13 – Nischaven Lizrok Shemoneh Venach Besof Arba (Machshavah Bizrikah)

Rambam: "One who intended to throw eight amos in reshus harabim and the object rested at the end of four amos – liable, for the measure of the melachah was done and his thought was fulfilled." "For it is a known thing that this object does not reach the end of eight until it passes over every place and place from all the eight." But "if he intended to throw four and it rolled to the end of eight – patur", because "it did not rest in the place where his thought was fulfilled".

Explanation: One who intended to throw 8 amos and it fell at 4 – liable. Conversely, intended 4 and it landed at 8 – patur.

Novel Points:

1. **Why liable for eight-to-four:** When he had in mind the end of eight, he **automatically wanted** it to pass through **every point** along the way – also through the end of four. He intended "four **plus**" – four and more. Therefore when it lands at four, **his thought was fulfilled** – he indeed wanted it to be there, even though he wanted more.

2. **Why patur for four-to-eight:** He **did not think at all** that it would be at the end of eight. The **hanachah** occurred in a place where he did not plan – **his thought was not fulfilled**.

3. **Chashav sheyanu'ach bechol makom sheyirtzeh (without a specific place):** If he threw **without a specific target**, just "wherever it will fall" (as long as it is more than 4 amos) – he is **liable**, because **wherever it lands, there his thought is fulfilled**. This is a type of **bereirah** – his intention is retroactively determined according to where it falls.

4. **[Digression: Ball-playing on Shabbos]:** A ball bounces around and never really lands properly – it may be that it is not a real hanachah. This is connected to the matter of **gilgul davar** (rolling) that was brought up earlier.

Halachah 13 (continued) – Zorek Letoch Daled Amos Venisgelgel / Zorek Lechutz Daled Amos Venisgelgel

Rambam: "One who throws within four amos and it rolled outside four amos – patur." "One who throws

outside four amos and it rolled within four amos – if it rested in the course of its movement outside four amos and afterwards rolled" within – liable. But if it **did not land at all** outside four amos and immediately came back – **patur**.

Novel Points:

1. **Zorek letoch 4 venisgelgel chutz:** Patur – because there was no **melachas machsheves** there. He said it should be

within four amos, not outside.

2. **Zorek lechutz 4 venisgelgel back:** The key is whether it **landed** (hanachah) outside four amos even **for a short time – no difference how it was placed.** If yes – **liable**, because at the moment of hanachah the melachah is complete. What happens afterwards (that it rolls back) is **not relevant.** But if it **did not land at all** and immediately bounced back – **patur**, because there was no hanachah outside four amos.

Full Transcript

Rambam Laws of Shabbat Chapter 13 – Uprooting and Placing from a Significant Place

Introduction to the Chapter

Speaker 1:

Good day, we are learning Rambam, Sefer Zemanim, Laws of Shabbat. We are now going to learn the thirteenth chapter, Chapter 13, which is one of the 39 melachot (categories of forbidden labor), the melacha (forbidden labor) of hotza'ah (carrying out). The melacha of hotza'ah has the most laws of all 39 melachot, I find more than all of them combined.

We have already learned a bit about hotza'ah in the previous chapter, in Chapter 12, and in this chapter the Rambam is going to tell us the general principles of hotza'ah, primarily the concept of akirah v'hanachah (uprooting and placing).

Announcement About Sponsors

Before we continue with the shiur (lecture), we need to thank the sponsors of this shiur. First and foremost, the main sponsor is our friend, the distinguished rabbi and benefactor, supporter of Torah, Rabbi Yoel Halevi. May he continue and so may he do. Whoever wants to support our shiur should reach out. And there are other ways to support our shiur, through spreading it, making other Jews meritorious.

It's not with me, it's for me. Hilchot Talmud Torah (Laws of Torah Study), that was Hilchot Talmud Torah, we were taught that everyone must learn themselves. In Hilchot Shabbat we're just saying... yes, okay.

Overview of the Previous Chapter

Let me try to say. The way the Rambam divided the chapters, roughly, the melacha of hotza'ah from one domain to another is the last of the 39 melachot. And the previous chapter basically told us what this is in the most general sense, similar to the pattern at the beginning of each mitzvah, he says what the mitzvah is, what one is liable for, what one is exempt from, certain such very basic things.

What we learned is basically that there are two types of hotza'ah: there is taking out from a private domain to a public domain or vice versa. Sometimes it's called hotza'ah v'hachnasah (taking out and bringing in), the Rambam calls both of them hotza'ah, from domain to domain. And there is a third thing, or a second thing, which is called ma'avir arba amot birshut harabim (carrying four cubits in a public domain). That is the general principle we learned.

And we learned that there are tolados (derivatives) of these things, which are zorek (throwing) and moshit (extending), which are not motzi (taking out), rather he throws or he extends out, we will learn the laws in more detail today and tomorrow. That is also hotza'ah.

And we learned basic things about what hotza'ah means. In other words, that it must be k'derech hamotzi'im (in the manner of those who carry out). That it must have a shi'ur (minimum measure), and they say what the shi'ur is, that it must have a shi'ur. And they learned what arba amot al arba amot (four by four cubits) means, how one calculates it, arba amot is not necessarily arba amot.

That is basically everything they learned until now. It's the very basic meaning of what the melacha of hotza'ah means. Now one must begin to learn many, many laws that exist in the subject of hotza'ah. One must still learn in general what makes a reshut harabim (public domain), reshut hayachid (private domain), that can be later.

But today one is going to learn principles, as you say, mostly principles that have to do with the, I mean you said two principles, the first principle and the second principle. The first principle that is learned in this chapter is that there must be an akirah (uprooting) with a hanachah (placing) from a significant place, from a place of four by four tefachim (handbreadths), and later the majority of the chapter is mostly details in the essence of the matter that there must be an akirah with a hanachah.

Speaker 2:

Yes, very good. In Tractate Shabbat two-eight is this the beginning, yes, the akirah v'hanachah.

Law 1 – Akirah V'hanachah from a Place of Four by Four Tefachim

Speaker 1:

The Rambam says thus, **"One who takes out"** – there are two types of laws of one who takes out, one who takes out from domain to domain, or one who carries ma'avir birshut harabim (carries in a public domain) outside of four amot, outside the four amot – **"is not liable"**, both of them are not liable, **"until there is an akirah with a hanachah"**, meaning **"until he uproots"**, until one lifts it up, one takes it out from the place, **"that has four tefachim by four tefachim or more"**, one must lift it from a place that is called a significant place.

And they discussed that four tefachim... they didn't discuss anything. A place where one takes it from a place must be a proper place. If it's lying on some stick that has no significance, it doesn't count as lying, it's lying somewhere and he takes it down from there, and also the placing down must be in a significant place. **"And places it upon a place that has four by four tefachim"**.

The commentators say immediately that the Rambam always says that there must be an akirah v'hanachah from a place of four amot and placing in a place of four amot, but there are

indeed opinions that by placing in a private domain there doesn't need to be a place of four by four. But on the surface here it appears in the Rambam that both in akirah and in hanachah, in both cases there must be four by four.

The Hand of a Person is Significant to Uproot From and Place Upon

The Rambam says further, "**The hand of a person is significant to uproot from and place upon**". There is a discussion that one must take it from a place that is four by four, but there is however a... there is another condition, meaning, if one takes it from the hands of a person or places it into the hands of a person, that is also considered a significant akirah or hanachah.

He says, "**Therefore, if he uprooted an object from the hand of a person standing in this domain**" - a person carries from domain to domain, how? He lifts it from someone's hands - "**and placed it in the hand of another person standing in the second domain**" - he placed it in another person's hands, he didn't take it from a place of four by four, and he didn't place it down on a place of four by four, but he did take it and place it in the hands of a person, which is significant like four by four.

"**And similarly if he was standing in one of these two domains**" - he, a person is in one of the two domains, in a private domain or public domain - "**and extended his hand to the second domain and uprooted the object from it**" - he took out the object from where it was lying, or from the hands of a person who was there - "**and returned his hand to himself**" - and he brought his hand to himself, he extended his hand and he brought it, and he now holds it by himself, "**even though he did not place the object in the place where he stands**" - even though he hasn't yet placed it down, it remains in his hand.

Let's say, it's a bit before the end of Shabbat, and he holds it in his hand until the end of Shabbat, but he actually didn't place it down on a significant place, when he places it down five minutes later he then made a hanachah. The point is, that "**since it is in his hand**". The point is thus, when it's lying in his hand, is it considered significant? It's considered as if you had placed it on a place of four by four, "**it is as if he placed it on the ground**".

Discussion: What is the Reason for the Significance of His Hand?

Speaker 2:

What is the meaning of this? That his hand is like four amot? Right, but does it have some reason? What is significant? What is significant? The concept of four by four is a concept of significance, it appears.

Speaker 1:

If he placed it on a small table? No. I mean, the law is not so. This one is simple to say.

Speaker 2:

Well, say the Rambam further.

Speaker 1:

One law is not necessarily so. It would have been necessary, I would have taken two, it's not old. Law is all things that can be. Meaning, someone would have said a reverse reasoning and he can't ask. It's possible to ask most of the reasonings that the law is built upon. But if he says indeed, do you

understand the difference, it's not difficult it's not prevented by the commentator. That is enough. And you will learn all these laws, you will say other things, you can then say other things. But they don't take other things.

Speaker 2:

That tells me differently.

Speaker 1:

Well, it makes sense. But I make smaller... I make smaller the demand. Let's many times make the greatest demands in the laws. It makes a lot of sense, an object must mark then, that must be a proper place. But the hand of a person is significant in itself.

Speaker 2:

You said a proper place? Earlier you said a place of four by four. Now you're saying that the four by four is not specifically, it's a significant place. A Jewish person is also a significant place. We need to know what else is a significant place. We need to know what else is a significant place. He's going to see more, he's going to see more things. Chaim...

Speaker 1:

It's not simple, it's... yes, the other something a law such that one needs to know if one learns it from something...

Speaker 2:

Learns it from, by the way doesn't help anything. It's only to say that here it stands under what it stands, also doesn't help anything. I don't see that all these things are difficult. One shouldn't make things that one thinks are not difficult, difficult. There is a difference, the difference is clear.

Speaker 1:

Yes, one can pretend. Chaim, if he was standing and eating, continue it says these domains, and it says further:

Law 2 – His Thought Makes His Mouth a Place

Speaker 1:

"**If he was eating**", a person is in the middle of eating, and because the food is in his hands, he went from one domain to the other, and his mouth he's holding in the middle of eating, he went out "**from domain to domain and thought**" to eat what is in his mouth from domain to domain? He didn't just that he forgot that he has something in his mouth, then it wouldn't have been called any... that wouldn't have been called any melacha, but he did indeed have in his thought he's going from here and he's going to carry it to the other domain which is in his mouth, liable!

Ah, it wasn't yet on a place! There wasn't any akirah from a place and a hanachah on a place, but "**his thought makes his mouth a place**"! That is that he wants to carry it from one and the other in his mouth, his thought makes his mouth a place. "**Even though he did not take out in the manner of those who take out**", as we discussed earlier that if someone carries something out in his mouth, he is exempt, because the Rambam says "one who takes out in his mouth is exempt", because he did not take out in the manner of those who take out.

That is when he puts in, I don't know, some food, he puts a vessel in his mouth, it is not in the manner of those who take out. But food is indeed a normal thing, and he had in mind that it should be so, he said that he wants specifically so, it is indeed took out in the manner of those who take out.

Discussion: The Connection Between Thought, Place, and In the Manner of Those Who Take Out

Speaker 2:

And what happens regarding four amot? I mean, regarding the akirah v'hanachah from a place of four? His mouth is also like his hand, is it a significant place? No, because here he says, there are here two prohibitions, there are here two things: one, that he did not take out in the manner of those who take out, and one that there wasn't any akirah v'hanachah. He says, the thought in holding in his mouth is enough for both things.

Speaker 1:

What he says specifically is that it makes it a place, he doesn't say that it makes it in the manner. The manner apparently it becomes because it is indeed in the manner, because food is the manner in the mouth.

Speaker 2:

Ah, you mean that simply so it is in the manner of those who take out?

Speaker 1:

The Rambam says indeed even though he did not take out, I don't know, but essentially, it's in his mouth a place, and he means makes it a place, significant place he means to say, that it's a place like a place of four by four. What is he going to write this that not in the manner? So the Maggid Mishneh explains that he means also that. Not in the manner he means not the external problem, because that is not a problem initially because one eats it not a problem. Rather manner he means to say manner to take out from a place of four by four.

Speaker 2:

Yes, the Rambam makes it indeed that it's two different things, but in practice what we're talking about here, the context here is the law of four by four, not the law of in the manner of those who take out.

Speaker 1:

Right, he wouldn't have needed to say it there when he said that if one took it out in his mouth he is exempt, he meant to say things which is not the order. But it is indeed interesting that he ends "even though he did not take out in the manner of those who take out", because he was indeed taking out in the manner of those who take out. But truly, apparently he means here more the four by four on the contrary. One must look in the interpretations of the Gemara, it could be the language "manner of those who take out" is also said about the subject of four by four, it could be that the manner of those who take out is to take from a significant place.

Law 3 (Beginning) – Extended His Hand or Foot to the Second Domain

Speaker 1:

"And similarly" says the Mishnah "**one who was standing in one of these two domains**", someone stands in one of the two domains, not together public domains, "**and extended his hand or his foot**"

Law of Urinating and Spitting – A Person's Body as a Significant Place

Speaker 1: Rather manner he means to say manner to take out from a place of four by four. I don't know.

Speaker 2: Yes, he was indeed difficult the problem on the two problems. The Rambam makes it realms, and it's two

different things. But in practice, what we're talking about here, the context here is the law of four by four, not the law of not in the manner at all.

Speaker 1: Right, he wouldn't have needed it there when he said that if one took it in his mouth he is exempt, he meant to say things which is not the order. But it is indeed interesting that he ends even though he did not take out in the manner of those who take out. He was indeed taking out in the manner of those who take out. But truly, apparently one means here more the four by four on the contrary.

It could be one must look in the early authorities in the Gemara, it could be the language "manner of those who take out" also goes up on the subject of four by four. It could be that the manner of those who take out is to take from a significant place.

Law 3: Urinating or Spitting

Speaker 2: Indeed today he says, "**One who was standing in one of these two domains**", someone stands in one of the two domains, private domain or public domain, "**and urinated or spat**", he urinated or spat, "**in the second domain, he is liable**", he is liable, "**for there was an akirah with a hanachah**", there was an akirah from his body, which becomes a significant place, and it landed on a four by four, it landed on the ground, yes. "**His thought made it as if uprooting from upon a place**", even though he wasn't uprooting from a place, it was indeed from inside his body, but because it also has some significance.

Discussion: Distinction Between "His Thought" by Urinating Versus "Knows He Needs It"

Speaker 1: Could it be that by the "knows he needs it" there is also such a thought? I would have said not just knows, but the body of the person. Anything that one says that it's sometimes from his body, urinating his spitting, it's not like you can say from every time when it's from the body. Because you see, by the other things one must add the word "his thought" perhaps. By the "knows he needs it" one says that it's always significant. Could be that is the difference.

In other words, if someone is gay prepared, he takes food with drops, but not significant is not enough, it's not uprooting, because there one needs some specific thought for the case. And "knows he needs it" doesn't need any thought, "knows he needs it" is flat. You understand that only when he is uprooting from four by four he doesn't need to have any thought on something.

Speaker 2: Always he can say his thought and he makes it for a significant place.

Speaker 1: So indeed it's not the word about his thought, indeed it's the word about what is his body. If he would have placed it on a stool it wouldn't have been. It must be a half normal thing, like urinating or spitting, or eating in his mouth. You can't every time have his thought, because then there wouldn't be at all any law of four by four, because then it's discussed initially when you want to do it, you don't want doesn't begin the whole thing already.

Speaker 2: We're talking here that he wants, yes, certainly, because if not he would have been exempt with the spitting, because he didn't want it to arrive in another domain. We're talking when he indeed aimed that it should spit from a certain place.

Speaker 1: The whole law is discussed after he is liable, that he is taking out to be. But in his body, that is indeed the novelty, that in his body, is indeed the novelty that the rest of his body except his hand is not enough to be body. There is indeed no law that a person's body is significant regarding four by four, only when it's significant it becomes so. It's significant that his body is a significant place, not only it's significant to take out.

I don't know.

Speaker 2: If he was standing in this domain but his spit stood in the second domain, certainly exempt, because one follows from where the beginning started to come out, and it happened in the same domain.

Speaker 1: What does it mean it comes? It comes out from... yes, what happens the process inside the body? It lies lying between...

Law 4: Law of Water — Took Water from There Upon a Pit

Translation

Speaker 2: He was standing in one of two domains, the Rambam goes on to say such a law, a person stands in one of the two domains, **and he extended his hand to the second domain, until his entire arm was extended, and he took from there water on top of a pit full of water**, there is a pit filled with water, what we have now extracted is this: the source of water is not a significant place, because perhaps this is a deep pit, which would perhaps be a makom patur (exempt place). But the law tells us that we view all water as if it lies on the floor. We don't view it as if the person took water from the top of the pit, below which there is still a pool of water deep into a pit, which would make it a makom patur. But we view it as if he took from the top of the water, and we view all the water as resting on the ground and obligating.

Speaker 1: What then is the problem? That it doesn't lie. It doesn't lie means, because you could say that the water is as if floating, because it doesn't lie on the ground. It's smaller than four by four, and not a large puddle. So the issue is about it not being taken from a place of four by four. Aha. But we say that all the water lies on the ground, even the top water. All the water lies on water, you could have said that he only took from the top of the water, it doesn't lie. But we reckon every drop of water is all the water that lies on the ground.

The Law of Vessels Floating on Water

Speaker 2: But **"stones or vessels floating on top of the water"** — but if something floats on the water, he has a vessel that floats on the water, and in the vessel there is something, **"fruit inside the vessel"**, and **"he extended his hand and took from the fruit"** — he took from the fruit, we don't say that we view the vessel as lying on the ground. We only view it as if he took from something that doesn't lie, a place of four by four, **"he is exempt, because the fruit did not rest on the ground"**. The fruit was not lying on the ground, **"and it turns out that he only uprooted it from a floating place"**.

He says this is even when the fruit lies in a vessel, where you might have thought that the vessel makes it a significant place, but **"needless to say if the fruit alone was floating on top of the water in a cluster, he is exempt"**, because he didn't make an uprooting from a significant place, from a place

of four by four. A vessel that comes upon the air. Water itself is not a fixed blessing unto itself, it's not a place, but a thing that lies on the water, the thing floats, one must reckon the fruit itself can, the fruit is not four by four.

Discussion: The Principle of "All Water" — Water is One Body

Speaker 1: I mean the point is "all water," that we don't divide the water to say that he took from the top of the water, from the bottom of the water. I mean that we already had such a similar thing regarding nullification, I don't remember what, but regarding water, every drop of water is part of all the water. Ah, and they said that the water swam further, we don't say that the... but in the laws of idolatry, whatever. But there is such a question, he took the water from the top, we say no, all water is the same water. He takes water from the top is the same as if he took water from the bottom, because all water lies on the ground. It's not that the top water lies on the bottom water, all water lies on the ground. So he says, "all water."

But what is when there is a vessel, then it's not just water. But the vessel doesn't lie on the water from below, the vessel doesn't lie on any significant thing. The vessel doesn't lie on any significant thing. The vessel itself is not a significant thing, we're talking about a small vessel. And so if there was oil on top of the water, if on a puddle of water there is oil, we don't say... we view the oil as lying below, because oil floats on water, so it certainly doesn't float four by four. If a person took a bit of the vessel, he took a bit from the oil, he becomes exempt, because he didn't take from a place of four by four.

The point is because anyway, any time there is a way to divide the top from the bottom, oil is something different from water, all the water is one big thing. But oil or a fruit which is an external thing, it becomes exempt. Yes. Here there is a dispute among the Rishonim about what the point is.

Speaker 2: So, up to here are the laws of four by four essentially. I haven't seen that there are more laws in this. Now we can enter into the topic of a vessel and hanachah (placing down).

Law 5: The Law of Akirah and Hanachah — Foundation

Speaker 1: Yes, the Rambam says, we have already explained... what have we already said? How the Rambam said right when he began with hotza'ah (carrying out) from domain to domain, that there must be an akirah (uprooting) with a hanachah. **They have already said**, they have already said, they have already learned. **One who carries out from domain to domain is liable until he uproots**, until he tears it out, he takes it out from the first domain, **and places it down**, and he puts it down in the second. **But if he uprooted and did not place down**, if he took it out but never put it down, **or placed down and did not uproot**, or conversely, he placed it down but beforehand he didn't make an uprooting, **he is exempt**.

Example: He Extended His Hand and Another Took From His Hand

Speaker 2: Therefore, he goes to bring an example, **one who was standing in one of two domains**, from the first two domains, the Rambam goes to say that there are four domains for Shabbat, but he speaks here the whole time about the two for which one is liable, reshut hayachid (private domain) and reshut harabim (public domain). He was standing in one of the two, **and extended his hand to the second domain with an object in his hand**, he has in his hand an object when he

extends his hand, **and another took it from his hand**, and a second person took it from him, not that he put it down, but someone took it out of his hand, **or he extended his hand to the second domain**, or he extends his hand, **and another placed an object in his hand**, and a second person puts into him an object, **and he brought back his hand**, and he brings back his hand, **both are exempt**, they are both exempt, because there wasn't one person who made an uprooting with a placing down. **Both are exempt because this one uprooted and this one placed down**, one made the uprooting and the second made the placing down.

Discussion: Distinction Between the Law of Akirah and Hanachah and the Law of Two Who Did It

Speaker 1: We don't say here, this is not a law of two who did it, this is a law of because there is no uprooting with placing down. That is, even in a case where if two who did it they would be liable, there is an additional concept here of uprooting with placing down.

Two who did it is liable only if it's a heavy thing, this one cannot and this one cannot. But here one can think that it's a case of this one cannot, for example that one's hand doesn't reach, he can't put it down. Let's say it's very heavy, but the language of this one cannot is that two people should both do together the uprooting with placing down, not that one holds one half and the second holds the second half.

Here one can think that it's a case of this one cannot. Even in such a case, which is doing here in Yishmael regarding money, is a third of the way, that this one cannot is even if they gave assistance to him. We brought to think, consequently even in such a case they will be exempt, because here it doesn't hold with two who did it, here we hold with the uprooting and hanachah. If it would have been a two who did it it would indeed be liable, both made uprooting with hanachah, yes? You say the law, you don't have with two who did it, there is a concept of that the melachah (prohibited labor) is uprooting with placing down together. Very good.

Speaker 2: But he says more than this, he brings a proof,

Law: Two Who Did It — Uprooting and Placing Down

So he lifts it up, it's easier for him to take it over, because it's easy to carry. Consequently, even in such a case he is exempt, because you don't have here with two who did it, you have here a concept with the uprooting and hanachah.

If it would have been a two who did it, would you have said that he is liable? If it would have been a two who did it and both made an uprooting with a hanachah, yes. I say, the law has nothing to do with two who did it, it has to do with the concept that the melachah is uprooting with placing down together. Very good.

He says further, **what are we talking about?** In a case where the way to solve the thing, yes, I know, each one does half would perhaps be liable, because I already know such a case. I mean that he said, the way of solving the heavy load is that two people carry together, but both do both the uprooting and the placing down. If they say it's so heavy, but the only solution is that one makes the uprooting and the other makes the placing down, he is still exempt, because a person hasn't done the entire melachah. The melachah is the uprooting with the placing down.

When one makes a... I don't know, when two people... we spoke about a latch, two people closed a large door, both of them are needed, both are liable, because they both go together. It won't work that he goes up, the second is liable. They did it both at once. I don't know. Anyway, it's not the same law.

Law 6: His Hand Within Three Near the Ground

What are we talking about, says the Rambam, what are we talking about that if one places it in the other's hand and there was no hanachah, that is the other takes it out of your hand, or you place it into the other's hand and there was no hanachah, he is exempt, this is specifically **when his hand was above three**, when the person's hand was higher than three tefachim. **But if his hand was within three near the ground**, if his hand was in the three tefachim near the ground, here there is a law that when one is in the three tefachim near the ground it means as if one has already, with the law of lavud, it means as if one has already put it down, **this is as if he placed it on the ground, and he is liable**, and he is already liable. Very good.

Law 7: This One Standing Did Nothing — His Friend Gave Into His Hand or Took From His Hand

He says further, **one standing and the other measures a measure upon him**. He stands in one of the two domains, he extended his friend's hand from the second, **and took an object from the hand of this one standing in this domain and brought it to himself**.

This is a new law, a greater novelty. That earlier we learned that if I extend my hand and you make the hanachah, or conversely, that we are both exempt because we did half a melachah. But here he says something different, not that I extend my hand to the reshut hayachid and you take out or put in, but I extend my hand and I put into your hand. Right? Into your hand I put a thing. Or conversely, or I take out and I put by me. Then he says I am liable, because **"this one standing did nothing"**. Ah, right, because he did the uprooting with the placing down.

Or he took out an object from himself, he took an object and he put it into the other's hand. He tells me that the person, **"this one standing did nothing"**, the person stands simply with outstretched hands, and he is only an object. **His friend gave into his hand or took from his hand**, he didn't do any action, there must be an action. **The friend is liable**, because the friend did an action, an uprooting with a placing down. The placing down was in the other person's hands. The person's hands we discussed is considered like a place of hanachah. We're talking about him, his hand, for him it's the place of hanachah, but he is still like a porch, he's not a person.

Discussion: Why Does It Say "Did Nothing" and Not "Exempt"?

It's interesting, he asks here in the Mishnah that it says here "exempt," yes? That it should say "permitted," because he does nothing. **"This one standing did nothing"**. It's hard to say "permitted" on doing nothing. "Exempt" one can say on doing nothing, on "permitted" one can hardly say on doing nothing. If the whole thing is because he does nothing... It doesn't say "exempt," it says **"did nothing"**. It doesn't say "exempt," it says **"did nothing"**. It's not relevant. **"Did nothing"**, he perhaps transgresses lifnei iver (placing a stumbling block), or I know what, he helps the transgressor. **"Did nothing"** means that he did nothing, the other did everything.

Yes. He brings that the Rashba thinks about the reason that perhaps one may not because he is assisting or what, yes. It's not clear what it depends on, who one must think. Because he is indeed a lav she'ein bo ma'aseh (a prohibition without an action). This is not added to our transgression on the prohibition, but it's certain that he makes the other do this, he is assisting, he stands there, the other gains something from it, yes? The other uses you, and the other is liable.

It's also so, the transgressor still has a house where he put it in my house. Not exactly, the person works with it, yes, he stands there and he holds his hand outstretched. It could indeed be that the homeowner opens his locked door, and he quickly opens his door so that the person who is carrying can put it down in the reshut hayachid. So he is indeed also assisting a transgression.

Law 8: Uprooting His Body With the Object Upon Him

Okay, this is the law. He says further like this: **He was standing in one of these two domains**, a person stands in one of the two domains. We have the whole time said "one of these two domains," the Gemara for example says, you have perhaps already caught in the Gemara's, the pauper stands outside, we're already speaking with the Gemara's, the Rambam speaks more abstractly, yes. One stands in one of the two domains, **and his friend gave an object in his hand or on his back**, someone placed on his hand or on his shoulder someone placed something, **and he went out with it with that object to the second domain and stood there**, he went out with the object and he stood there, he is also liable. Why, there was no uprooting, the friend placed it on him? The Rambam says, he has here a novelty that this was the uprooting. **Because the uprooting of his body with the object upon him**, when he began walking with the object that lies on him, the uprooting is the object leaving the domain. Indeed, likewise, the friend beforehand made an uprooting, but when he begins moving with the thing that lies on him, he moves with the thing, that is the uprooting.

And when he stands still, **and he went out with it with that object**, when he stands still with the object that hangs on him, that is the hanachah, **the placing down of the object on the ground where he stood with it**. It's indeed only after we know the law that a person's hand is like four cubits, yes, consequently uprooting and placing down are relevant. We say that the uprooting and placing down is both when he walks with it. It's connected with the law, but it's not only that, but the uprooting itself of the person himself. You have... you have uprooting.

Discussion: The Register Moves

Because the register moves, when the register moves with... the Jewish... everything that moves with, right? Right, right. And don't say that it happened in such a light way, it happened by itself, there was no uprooting because it's not that he actually uprooted, but the uprooting itself with the thing that lies on him, means uprooting. He goes with a pack, and even if he didn't put down the thing from his body, from the way, it means uprooting or hanachah. It's still flat.

Discussion: "On His Back" Shows That Body = Hand

Therefore this comes out, it should say. Yes. **Therefore, one who carries out an object that is in his hand on his back**. A person walks with an object, he goes out from the domain where he is with the object in his hand on his back, but he won't stand in two... he goes out from... he stands in

reshut hayachid let's say, he goes out into reshut harabim, he comes right back into reshut hayachid. **Even if he went out and entered the entire day**, even if he did it several times he is exempt, because there must be a time when he is at rest, when he stops the walking. Therefore he uprooted, he indeed uprooted but did not place down, because he is not...

Is there a measure of how long the hanachah is? Like this, he goes out into the street and he stays there for a minute, does it already mean yes a hanachah? Yes, we'll see, he must be intentionally... ah ah. **Even standing to rest**, even... an action that he didn't stand, even if he stopped for a moment, because he would be fixing the load so it wouldn't fall. This is a great novelty, because even if he was stopped factually...

Translation

So he is exempt... because the stopping was not, fine, he needs to put down the object... it's a part of the carrying, yes, just as he... meanwhile he's fixing the burden so it shouldn't fall. He is still exempt, but if he is standing to rest, he is liable, **until he stands to rest**. Only when he rests himself, then there is the word hanacha (setting down). He makes hanacha on himself, he makes hanacha on his body, he automatically makes the hanacha on the object that he's holding with him. But if he stops and in his mind he's still in the middle of carrying, he simply made a pause, there was no hanacha.

Yes, the Gemara says yes, omed lifosh (standing to rest), yes, if he needs to rest he sits down, when he sits down that's a munach (placed)... if so, there is a hanacha. Ah, here's a good answer, because here it says "**al gavo**" (on his back), we see that here "**al gavo**" is the same as yado (his hand). Yad is not literal, but the entire body. It's interesting that they already had in their mouths, and they already had... yes, we see this from al gabeiheim (on their backs), yes. Perhaps a person's body is indeed four by four tefachim, but the hand is a novelty. A large person, a normal person isn't four by four tefachim wide? Not the people I know. Pharaoh was as wide as he was long, but most people are long all those tefachim. A normal person isn't roughly four tefachim? I think yes. It all depends how many bones one needs to check.

Law 10: One Who Runs is Exempt Until He Stands — One Who Walks Little by Little is Like Aker U'Maniach

And the living, one who took out his barrel on his shoulder and ran with it, even all day, if he carries the whole day, he is exempt, **he is not liable until he stands**. He only becomes liable when he stops. But says the Rambam, **and one who was running with it**, we're talking specifically when he's running. **But one who walks little by little**, if he walks very slowly, **this is like aker u'maniach (lifting and placing), and it's forbidden**.

Discussion: What is the Definition of "Little by Little"?

How does this fit with the previous law, "lo ya'amod ba'achuzat bnei chorin"? Are we also talking about when he's running, he does it while running? And what is the definition? Running, what does "little by little" mean? Every step when a person takes a step, every step you could say is a maniach, right? What's the definition? Every step means a hanacha? Every step means like every time he jumps it means a...

Little by little, I actually don't know. Why does it say here "**ad she'ya'amod**" (until he stands)? Here there's a new definition, now, that specifically running. He said that it needs to be omed lehaniach (standing to place). When he walks

slowly he's not omed lehaniach. Perhaps you see it that he's going to make from this a heter lechatchila (permission from the outset).

Discussion: "Forbidden" – Not "Liable"

But wait a minute, he doesn't say "forbidden", he doesn't say "permitted", he doesn't say "liable". So, kelacher yad (indirectly), he says that one of the commentators says that it seems, a person who sees him carrying, because he's walking slowly, it will look like he's stopping. There's a concern. But when he's running, there's also no concern of marit ayin (appearance of wrongdoing).

Therefore, when he's running, when there's a great need, he's talking here lechatchila. Earlier he spoke about exempt and liable, he said that liable is only omed lanuach (standing to rest), meaning a true hanacha. And when he walks slowly it's similar to omed lanuach, therefore it's forbidden as marit ayin or whatever, a safeguard.

Because what is the advice? If someone was caught on Shabbat and he has with him a bundle of money. One advice we already had, he should give it to a non-Jew. Yes, here there's another advice from the Rashba. He has money, no?

Speaker 2:

Yes.

Speaker 1:

He should run ad sheyagia leveito (until he reaches his house), he should run with it ad sheyagia leveito, veyizrekenu kelacher yad (and throw it down indirectly), he should there... he should also make a hanacha kelacher yad, therefore he wasn't transgressing, the hanacha is also only a rabbinic hanacha. Yes.

It's not an akira (lifting), because the running is not an akira, he has it while carrying, he runs because... but he must run, because walking here there's a concern as if he's putting it down to an akira and hanacha. He runs until he gets home.

Because it's a matter of how it should look. So a person should think, when it looks like he's omed lanuach, when you run with not one... when it doesn't look like omed lanuach, when no one can be concerned, yes.

Law 10: Amad Lanuach vs. Amad Letaken – By Four Amot in Reshut HaRabim

Speaker 1:

Good, further. Now comes an interesting law. We learned earlier that there are two types of hanacha, one... sorry, two types of stopping, yes. When a person walks with an object, if he stops to rest, that means he stopped omed lanuach. If he stopped just to fix, that means he didn't stop. Now, I think it also comes out as a stringency. Yes, let's see.

One who lifts an object from reshut harabim, and walks with it less than four amot and stands, he stopped, he carried less than four amot, so he hasn't yet carried the four amot in reshut harabim. And he stopped, and he carried further **less than four amot and stood, even all day long he is exempt,** because he didn't carry four amot in reshut harabim. Because... because...

Speaker 2:

Well, very good. You're making a whole...

He stopped every...

Speaker 1:

The standing doesn't mean a hanacha.

Speaker 2:

Yes, here he says, here he says in the Rambam.

Speaker 1:

But they've already learned that not every standing means a standing. So if the standing was only a standing letaken (to fix), it comes out that he carried yes more than four amot at once in reshut harabim, so he is liable.

So when we talk about amad lanuach, ah, here we say the opposite. Amad lanuach means that he stopped from the carrying. He had one carrying, and he started a new carrying. And each carrying was less than four amot. He says that the amad lanuach cuts between the exemption before and the exemption after.

Speaker 2:

But in amad lanuach there's no problem, because he's still both in reshut harabim. There's no akira with hanacha here.

Speaker 1:

Less than four amot.

Because here we're talking about four amot in reshut harabim, and he didn't go to reshut hayachid. **But if he stood to fix his burden,** if however he stops for another reason, only to fix his burden, they said that this doesn't mean like amad lanuach, this means still a part of the carrying, a continuous walk. Meaning he's still like he's carrying, and he's carrying. Meaning the next four amot we count together the previous amot with the new amot. Let's say he carried two amot and stopped letaken, we count it together with the next two amot together, and he carried four amot, liable.

Says the Rambam, **and this is when he first stands four to rest.** When is he then liable? When after the second time he puts it down. **But if he stands to fix his burden, he is still like one who walks, and he is not liable until he stands to rest within four amot.** He needs to once stop the carrying.

It's interesting, the carrying can make his situation worse or better. If he needs that there shouldn't be a hanacha, in the normal case of hotza'a from reshut harabim, then it helps that he's still carrying, because it means mehalech letaken (walking to fix). But here where he needs specifically yes a hanacha, because if not it becomes longer than four amot and he's liable, yes.

Speaker 2:

Well, very good. Nice.

Law 11: Cane or Spear – Lifting One End

Speaker 1:

Here we'll see when it's not properly an akira or hanacha. **If there was a cane or spear,** a long thing like a stick, a cane or a spear, a sword, **and the like lying on the ground,** and instead of dragging it there's another way, there's a way of turning it over the whole time, lifting the pointy thing, throwing it up, and then when it lies on the floor lifting it again and throwing it up. **And he lifted one end while the other end lies on the ground,** he lifts up one end, the other end still lies on the earth, and he gives it a throw up and forward, so he moves it forward, and then he goes further, **and he returned and lifted the end that was lying and threw it before him in this way,** he rolls it this way on the way of

turning it over and throwing. **Even if he transferred the object several miles**, even if this way he carried the object a long way, **he is exempt, because he did not lift the entire object from upon the ground**, he indeed the whole time made it become pointy and fall back down, but he never lifted up the entire object, the object still the whole time lay on the earth, therefore there was no akira, he is exempt.

But if he did it differently, **he pulled the object**, he dragged it, he convinces himself that it's still good because it's still not lifted up, it's dragging on the earth, **and dragged it on the ground, within four by four, he is yes liable, for one who rolls is considered an aker**, this is called megalgel (rolling), and this means yes aker.

Discussion: Why is Megalgel Different from Cane or Spear?

Speaker 1:

It's interesting, because he also didn't drag it with him, the whole time he only lifted it and threw it from one end where it lies to the other end where it lies, but here he carries it, I don't understand if the carrying was when it's connected to whether it's touching the ground or not, yes? To find the exact deeper distinction.

Speaker 2:

It's also if a person rolls a wheel the same way, yes? A person... megalgel is good, simple, simple.

Speaker 1:

It's that a person carries a carriage, what kind of carrying is in this? The megalgel is the carrying. Megalgel aker hu (one who rolls is an aker). This is not a law that the akira must be not touching the earth, but it must move away. And I think even by those who roll vessels, which we don't call an akira, the intention is, he never moved away a part. Something like that, it's not so clear to me.

Okay. Actually interesting. Especially I think, if it lies in the three tefachim from the earth, which regarding lavud we say that it means the whole time like it's lying on the earth. So even if he's megalgel, does it mean that it lies the whole time in the three, no? Perhaps it needs to actually be greater, I don't know. Okay. Yes.

Law 12: Akira Not for the Sake of Hotza'a – One Who Lifts an Object from Corner to Corner

Speaker 1:

Therefore... where are we holding here? Ah, further. **One who lifts an object from this corner to place it in another corner**, he's in a house and he lifts up an object, his intention is to place it in the other side of the room. It comes out that when he was aker it was a permitted akira, he lifted it up to place it in the same room. And then, **and he changed his mind about it on the way**, while he's holding it, after he made the akira with the intention to place it in the room, he reconsidered and he took it out **to a second domain, exempt**, because although it was an akira, but the akira was a permitted akira, it wasn't an akira for the sake of carrying to reshut harabim, **that is to say that the first akira was not for this purpose**, and we consider it hanacha without akira.

Discussion: If He Can Complete the Akira

Speaker 2:

And I think that he can complete it in reshut harabim, does it mean like an akira for the sake of carrying to other domains. The taking out from his body is akira.

Speaker 1:

No, here he says that the akira needs to be an akira for the sake of carrying, this is perhaps an importance of akira. Okay.

Law 12: He Placed It on His Friend While He's Walking

Speaker 1:

And he lifts an object to place it on his friend while he's walking, he lifts up an object, his friend is in the middle of walking, he's going to place it on him. **And he doesn't know if his friend will reach him to place**, when his friend finishes walking and he stops, he takes it off from his friend. **This one is exempt**. So the friend is exempt.

Speaker 2:

This one is exempt, who is exempt? Both are exempt. The friend is exempt, the aker or the walker?

Speaker 1:

The one who did it. He did akira of an object, but he's mehalech (walking), and with mehalech there was no akira or hanacha. He only made an akira that he's walking, but he didn't make any hanacha. Why didn't he make a hanacha? Because **while his friend wanted to stand**, he didn't make a full stop, perhaps the friend would have been liable, because when he was walking it was akirat gufo (lifting of his body), and when he stops. But he says while his friend wanted to stand, still before the friend made the hanacha, he took it off from him. As opposed to the friend who made the akira by starting to walk, and the second friend made the hanacha. So there was akira without hanacha. Right?

Speaker 2:

Which akira was there? The first person was aker object vehaniach al chavero (and placed on his friend). And the friend was the whole time mehalech, there was never a stable person where to make the hanacha. Eh, somehow it worked out? Somehow. Magic.

Speaker 1:

Yes. Because there's the previous law of such an akira was not for this purpose.

Speaker 2:

I say, it doesn't come in here.

Speaker 1:

It's also a fine question. Yes, here is hanacha without akira, here is akira without hanacha. There's a similarity, yes.

Law 13: One Who Throws an Object – It Was Caught Before Hanacha

Speaker 1:

Now he'll talk about throwing. **One who throws an object from domain to domain**, we discussed that throwing an object is a toladah of motzi (derivative of taking out). One throws an object from domain to domain, if in the four amot of reshut harabim he's zorek (throwing). He throws from the beginning of four to reshut harabim. But what happens if such a thing happened, **before it rested**, still before a hanacha happened, still before it landed where it should land, **another caught it in his hand**, a second person gave it a catch. If **or a dog caught it, dogs** like to run after balls that are thrown. If **it was burned**, it fell into a fire, **exempt**.

Why? Because the hanacha wasn't as he intended. We just discussed that there needs to be an akira that one moved away,

there needs to be something intentional, but here isn't the hanacha that he intended. He intended it should fall on the ground at the end of four amot, and here it fell into the fire or fell into the dog's mouth, so he's exempt.

He says, **therefore**, this is understood, the point is, he threw something, even if it fell into a dog's mouth or into a fire, but if he intended it, he's liable, because that's a hanacha. It can also be a hanacha in a fire. He only means to say, when it's not according to his intention, when it happened differently than his intention, it wasn't a hanacha that he had in mind.

Law 14: Hanacha That is Not Complete – Object Tied with a Rope and Its Bundle in His Hand

He says further like this, **one who throws an object from domain to domain**, one throws an object from one domain to the second, but the object isn't free, **the object is tied with a rope and its bundle is in his hand**, the object still lies connected to the person, because the object is tied to a rope, and the person holds the rope in his hand, so **if he can pull the object to himself**, if he has the rope literally in his hand and he can give a pull back to himself the object, it's simple that there was never a hanacha, because he still controls it. Hanacha means that it went out from his domain and it landed. But here there wasn't a complete hanacha, because it still lies in his ability to pull it to himself. So it's simple that it didn't go out, he didn't completely put it down. Therefore it's **like one who lifted and did not place**.

Discussion: Why is There Akira But No Hanacha?

English Translation

Speaker 1: That's an uprooting (akirah), right? He threw it. Yes, but he's still holding it. Isn't that also an akirah? No, he says k'mi she'akar, meaning, let's see. No, he says, I'm just asking what.

Speaker 2: Yes, go on. He has a good question, what is indeed the simple meaning? Why does he say that it's only not a hanachah (placement), but it is an akirah?

Speaker 1: The Gemara says he's exempt (patur).

Speaker 2: It could be he's speaking here in a manner where he lifted the object with all the knots, yes? Not that the entire Shabbos an object lies tied to him. Even the akirah was yes, he lifted the object with the strings, but the hanachah was because the strings remain in his hand.

Speaker 1: Okay, the Lechem Mishneh asks my question, and he says my kind of answer. Meaning yes? Hello? If it was difficult, it's done. He had my approach. Regarding akirah it's called an akirah.

Okay, anyways, I'm not the first crazy person. I have a difficulty is difficult. What's the story? Okay, fine.

Law 15: Throwing into Someone's Hand – Standing in Place or Moving from Place

The Rambam says further, **One who throws**, another case, **into his friend's hand**, he throws something that landed in his friend's hand, it's like this: **if his friend stood in his place and received it**, if he stands there where he is and he caught it in his hand, then **the thrower is liable, for he uprooted and placed**, he was oker and maniach, and by throwing into the other's hand he made a hanachah in the other's hand. **But if his friend moved from his place and received it**, if after he began throwing his friend moved and he caught it not there where he was when he threw it out, then

he's **exempt**. Why? Because it's not a hanachah, because it was a hanachah in a place that... as we learned earlier, that he didn't see to the hanachah, the second one made the hanachah.

Law 15 (continued): One Who Throws and Catches It – He Runs After It

One who throws, a person throws something, why do we have a crazy reshut harabim, he runs after it. Oy, what is he throwing? He's playing ball. He throws it, and he runs after it, and he catches it in another domain, or four cubits, this is **exempt**. Exempt.

Why? One could say that when he threw it he made an akirah, and when he catches it he makes a hanachah. But we don't look at it that way, why? **As if another moved and received it**. We look at it as if a second person caught it. Why? **There is no complete hanachah but rather he placed the object in a place fit to rest at the time of akirah**.

Innovation: The Place of Hanachah Must Be Fit to Rest at the Time of Akirah

Aha, so that's like another reason why he's exempt. Not like I said, if it's like I said that the other made the hanachah, then he, when he makes the hanachah himself, he should be liable. You understand? No. Because at the time he threw it, the place where he's going to catch it didn't exist. It wasn't fit to rest, because he had to run.

Speaker 1: But it's not fit, it could have fallen on the floor.

Speaker 2: Very good. If it would have fallen on the floor, it's not where he wanted to place it.

Speaker 1: Aha.

Speaker 2: Just like one throws to a person, and that person wasn't there. Why? The akirah and the hanachah are too separated. Because yes, the Gemara is indeed a doubt (safek), but the Rambam rules that it's a doubt is this exempt, as the Rambam says, one cannot give a liability of a sin offering (chatat) for a person with a doubt. **There is no complete hanachah but rather he placed the object in a place fit to rest at the time of akirah**. Very good.

Law 16: Throwing from Private Domain to Private Domain with Public Domain in Between

The Rambam says further such a law, **One who throws from a private domain to a private domain**, is apparently exempt, yes? What happens if there was in the middle a public domain in between, and it passed through the public domain? You have two houses, and in the middle there's a public domain, and he throws from one window to the other window. One would apparently say that he was indeed transferring (ma'avir), he carried from private domain to public domain, and from public domain to private domain, so one could learn it. But it doesn't work that way. **Even if the object passed through the airspace of the public domain, he is exempt**. The Rambam says, why is he exempt? Because there was no akirah and hanachah from public domain to private domain, it was an akirah and hanachah in the private domain.

But If the Airspace Was Less Than Three – Liable

The Rambam says, **And even though it passed through the airspace of the public domain**, this is only when the throw was at a somewhat high place. **But if the airspace was less than three**, if in the public domain it was less than

three close to the ground, **and it rested on something**, why does he go away from... **and it rested on something** back in the private domain, right? I don't know, perhaps it must indeed be resting on something in the public domain, he waited a whole time that it can't be a hanachah. No, but we say that when it's exactly less than three it's lavud, meaning it's as if it was on the floor. It's still a half stop, it must be a hanachah. Ah, something a mashehu, the innovation is that there's something and not a tefach by tefach, but because it's within three it's called as if on the ground, but something of a hanachah it must be, it's flying. That's like the person who held in one wagon.

Discussion: Why Is He Liable If It Wasn't His Intention?

Speaker 1: But I don't understand, if here the word **and it rested on something**, first of all it wasn't his intention, he wanted to throw from private domain to private domain.

Speaker 2: No, he wanted to throw from private domain to private domain through the public domain.

Speaker 1: Yes, but **and it rested on something** in the public domain and afterwards it flew further? It stopped in the public domain.

Speaker 2: It traveled the whole way, but it has two stops, it made a stop in the middle, on that stop he's liable.

Speaker 1: Even if it's apparent we believe him, it touched something in the middle and it traveled further to the other private domain.

Speaker 2: The stop, not just touched, stopped. Resting, akirah because of resting in the public domain, we look at it as if it stopped in the public domain, and liable. But it must be resting on something.

Speaker 1: Yes, it's a hanachah, it's clear that it must be a hanachah, there was no hanachah.

Innovation: Hanachah Not According to His Intention But Part of the Action — Liable

That would be the innovation here, that even though it wasn't his intention that there should be a hanachah in the public domain, because he didn't want there to be a hanachah in the public domain, why should we say that he didn't want to have the hanachah? It was a hanachah that he didn't intend. We already had earlier, not the hanachah that he thought of, and it was, but here we have a very clear rule that says when a person wants to make a longer movement and it was rocked, that's a part of it. Yes.

The Rambam says **liable**, so, but it's the opposite.

Law 17: Throwing from Public Domain to Public Domain with Private Domain in Between — The Opposite

One who throws from public domain to public domain with private domain in between is exempt, but if in the private domain, **if the object passed less than three close to the ground in the private domain, even if it returned and rolled to the second public domain, it is as if he placed it in the private domain, therefore liable**. Because the Rambam says it so clearly, one can understand it.

Law 18: One Who Carries Four Cubits in Two Public Domains — They Combine

The Rambam says, **One who carries four cubits in this public domain and in the second public domain...** back to the matter of four cubits in the public domain. Four cubits

in the public domain is not only when the four cubits is in one public domain, but even if he walks four cubits and meanwhile there's some interruption of the public domains, there's a private domain or another domain, but if both together he walked four cubits in the public domain, he's liable. Walking four cubits in two public domains combine.

We learn another liability that's with public domain, if it would have stopped in the domain between them, it would mean that he didn't carry four cubits in the public domain, because there was some interruption in the four cubits. But if the entire four cubits he walked, yes.

Now one can learn that there is one way that one is indeed liable from domain to domain, from private domain to private domain with public domain in between, that even though we learned that one is not liable, only if there's an interruption in a manner of three handbreadths and the like. Now one can learn that there is indeed one interesting exception, that even if one brings an object from one private domain crosses the street to the next private domain, and in the middle there's public domain, he's liable. Yes.

Law 19: One Who Extends from Private Domain to Private Domain with Public Domain in Between — Liable

One who extends, someone reaches out, he stretches out to his friend **from private domain to private domain with public domain in between, liable. Even if he extended above ten in the public domain**, even if he extended above ten in the public domain, apparently he should be exempt according to the rule we just learned, because there was no hanachah in the public domain. But there is here an innovation that one is indeed liable. What's the innovation here that one is indeed liable? There is such a law, why? That the labors (melachot) have to do with how it was in the Tabernacle (Mishkan), and so they did in the Mishkan. There was no removal (hotza'ah), **the work of the Levites in the Mishkan, they extended the boards from wagon to wagon with the public domain between the two wagons**.

Apparently, wagon and wagon is a private domain. A wagon is a private domain, and the desert there outside was the public domain. So always the work of removal of the Levites was carrying from private domain to private domain. Private domain to private domain through the public domain, **and one is liable specifically with one who removes**, because that's how the labor was.

Extending from Private Domain to Private Domain Through Public Domain

And so they did in the Mishkan, it's not a house, the work of the Levites in the Mishkan, **they extended the boards from wagon to wagon**. As it says in the Ramban, **two wagons, for each wagon a private domain**. A wagon is a private domain, and the desert there in the desert were the public domain. So always the work of removal of the Levites was carrying from private domain to private domain through the public domain, and one is liable. Specifically extending, not throwing. Specifically extending, because that's how the labor was.

It's interesting, I haven't had it yet like such a... Yes, the normal way is exempt, but when you do it exactly in the way they did in the Mishkan, then liable. He says, **in the measure and in the measure and in the alignment that the**

private domain was along the public domain. It must be exactly that it's exactly the way the Levites did it in the Mishkan. At least, **in the measure and in the measure and in the alignment that the private domain was along the public domain,** they were aligned one under the other along the length of the public domain, **like the wagons,** as the order is that the wagons walk. Think of the wagons that the Levites had, they stood one under the other, and they had to unpack the Mishkan, so they all parked one under the other, and one passed to the other.

But **one who extends two domains on two sides of the public domain,** it wasn't in the same manner as the Levites did it. That's on two sides of the public domain, and the private domain by the two sides of the private domains, even if he extends from this private domain to the private domain opposite it, he's exempt, because it's not similar to the work of the Levites in the Mishkan. We go back to the regular law that there was no hanachah in the public domain, but it was from private domain to private domain, is exempt.

And he speaks like the case of the Mishnah, that there are two Jews who have a porch, between their porch there's a public domain, and they extend between themselves. So if they're on the same block, same side of the block, they're liable. Across the street he's exempt.

Forgot and Extended His Hand – Forgot and Carried Out

The law says further, **One who forgot.** A person forgot, he forgot what, he forgot that it's Shabbat, or he forgot that he's holding something, **he extended his hand and it was full of fruits,** he forgot that he's carrying something, he holds in his hands fruits, and he spreads it out, **and he took it out from this courtyard to bring it into the courtyard next to it,** he stands in the public domain, and he takes from one courtyard and he wants to bring into the next courtyard the fruits, but he forgot that he's holding fruits in his hands. **And he remembered before he brought it in,** he remembered before he brought it into the new domain, he remembered, "yes, Shabbat". **And behold his hand is suspended in the airspace of the public domain,** his hand is however in the airspace of the public domain, he already went out from the first domain. So the question is what should he now do? Should he be "Your right hand, Hashem, is glorious in power," he shouldn't finish because it's a hanachah? No, one says he should return to the courtyard, the first courtyard, **and return it to his courtyard,** and one doesn't say that now it means as if there's now an akirah from the public domain and a hanachah in his courtyard, because there was no akirah, the akirah was a forgotten thing.

Discussion: What Does "Forgot" Mean?

Yes? Because **he took it out forgetfully,** yes? When he made the akirah, there was no awareness, he simply lifted his hands, ah, there are fruits in there, he didn't have in mind anything. Forgot that it's Shabbat, he certainly remembered... forgot that it's Shabbat, that's the word? No, forgot that he has something in his hands, he walks home.

Forgot that it's Shabbat. You hold that we think that there are people who forget what they're doing? They should still punish someone for something he did when he forgot? That's the interesting point.

No, forgot means he forgot Shabbat, because that's a mistake, he doesn't say **so that your thought should not be**

fulfilled. The Rambam says, he may not place it in his own courtyard back. He should indeed place it in his own courtyard. By the way, now he brings from the public domain to the private domain a vessel, then indeed what is the answer, the akirah was without intention, inadvertently (b'shogeg), and now he goes in already deliberately (b'meizid). But he may not **bring it into another courtyard,** he may not do that. Why? By the way, if included he's not liable biblically (mid'oraita), because he forgot at the time of akirah, **so that your thought at the time of reading should not be fulfilled,** that in practice inadvertently he meant to want to do that, and it's not that in practice he can do on Shabbat such a thing as he did. But you see clearly that there was no thought to bring the fruits to that courtyard. He simply forgot that he has fruits in his hands, he forgot that it's Shabbat. He didn't think at all that he's going to do anything on Shabbat.

Extended Deliberately – Forbidden to Return

Aha, and this is specifically inadvertently the Sages allowed this returning to the second courtyard, I mean to the first courtyard. But **and if he took it out deliberately, it is forbidden to return it,** it's forbidden to return it. **Rather his hand should remain suspended until it gets dark.** He should remain there hanging until it gets dark. Yes, and afterwards it will be "and his corpse shall not remain overnight," nonsense. Yes, until after Shabbat, yes.

A person can stand from early Shabbat until afternoon like this? A great sanctification of God's name (kiddush Hashem). Like the Shinover Rebbe who sat with his sack, the well-known story. Yes. That is, we can learn several laws from intention.

Well, now I tell you, and here it also says that the Master of the Universe doesn't want his intention to be fulfilled. **His thought was fulfilled.** It has to do with the fact that Shabbat is all **thoughtful work (melachet machshevet),** that's biblical.

Intention and Action – Intended to Throw Eight and It Rested at Four

Fine. **One who intended to throw eight cubits in the public domain,** a person had in mind he wants the thing to arrive there, a specific place in the public domain, and it's outside of the eight cubits. In practice he didn't succeed, **and the object rested at the end of four cubits,** he's liable. Why? **For the measure of the labor was done.** The measure of the labor is four cubits. We're talking about a fifth whatever, but that's called the whole time four cubits. **And his thought was fulfilled.** He wanted to throw a measure, and he threw a measure. **For it is a known thing that this object doesn't reach the end of eight until it passes over every place and place from all the eight.** When he had in mind that it should arrive until the end of eight, it's not simple that he then thought that it shouldn't be in the four. He meant four plus, four and another one and another one and another one until the end of eight. But when it fell at the end of four, it's not simple that his thought wasn't fulfilled, his thought was fulfilled, because he wanted it to fall all four, he wanted it to fall more. He didn't get his full, that is we say "half a measure is forbidden from the Torah." But his thought was fulfilled.

But if it was the opposite, **he intended to throw four and threw an object and it was caught at the end of eight,** exempt, and it rested in a place where he thought it would pass by. Because it fell somewhere where he didn't think at all that

it would be there, **and all the more so that he placed** he certainly didn't think that there would be the hanachah there. It doesn't mean that the hanachah didn't happen in the place where his thought was fulfilled, it wasn't there where he planned.

Thought It Would Rest in Any Place He Wanted – There Is Choice

Therefore, if he thought about a throw that the object should land wherever it happens to, if he didn't specify a specific place, but it was a throw wherever it will be, we're talking as long as he wanted it to be more than four [amos] presumably. If he intended a short throw within four [amos], he is exempt, because it's a shogeg (unintentional act) then. But we're talking here that he wanted it anyway outside of four [amos], then he is liable, because then we say that there is **yesh breira** (retroactive determination), wherever it landed, there his thought was fulfilled. It's breira, that was his intention, that it should fall.

In other words, someone plays ball, and he has no concern at all where it should fall, he throws it, wherever it will fall, there was his will.

Digression: Ball and Hanachah (Placing Down)

One must think about a ball. It could be that a ball is something that never lands. A ball is something that bounces around, so it could be that there was no real hanachah. You want to arrive there, you want to catch it. No, but even a ball always bounces right away further. It's like we brought out earlier the geriras davar (dragging of an object), gilgul davar (rolling of an object).

Zorek V'nisgalgel – Throwing and It Rolls

Okay, **zorek l'soch arba amos v'nisgalgel chutz l'arba amos** (one who throws within four amos and it rolled outside of four amos). What happens in such a case? A person threw within four amos, and it rolled out beyond four amos. He is exempt, because there was no meleches machasheves (thoughtful work) there, he didn't perform any melacha (forbidden labor), he said it should be within the four amos.

What happens in the reverse? **Zorek l'chutz l'arba amos** (throws outside of four amos), but it rolled back in, it came back in like a ball, let's say actually here a ball fits. He threw outside of four amos, and it rolled back in within four amos, and there it stopped in the four amos. So, **im nach agav mahlucho chutz l'arba amos v'achar kach nisgalgel** (if it rested in the course of its movement outside of four amos and afterwards rolled), so, if there was no hanachah outside and it rolled right back in, then presumably he is exempt. But if it did land for a short time outside of four amos, no difference how it was placed, then he is indeed liable, because there was a hanachah in the domain of four amos. Even if afterwards it came back in, it's not relevant at all, because at the moment when there was the hanachah it was completed.

How do we learn it at all? If it didn't land at all, it came right back. Ah, in such a case he is exempt. Aye, good, there wasn't any hanachah within the domain of four amos.

Wonderful. Okay, there is no Chapter 13. Okay, let's begin on the next one.