

OVERVIEW of the Daf

1) Minimum quantity for liability

R' Yehudah in the name of Shmuel rules that one is liable for transporting even one seed if his intention is for planting. The necessity for Shmuel's ruling is that one might have thought that the Mishnah only intended to emphasize that when transporting for planting the size of a dried fig is not necessary but the size of an olive is necessary, therefore Shmuel taught that this is not so.

R' Yitzchak the son of R' Yehudah asks, according to Abaye's understanding that a person invests significance to an item to create liability, if a person intended to transport everything in his house he should not be liable until everything is removed.

The Gemara answers that in such a case the person's perspective is negated by the perspective that people have regarding the significance of household items.

2) A dissenting view from the Mishnah

The Mishnah which rules that only the person who stores the item at that quantity is liable is different than the view of R' Shimon ben Elazar who maintains that anyone will be liable on account of thoughts of the one who stored the item.

Rava in the name of R' Nachman rules: If one began transporting a dried fig to eat, and before placing the fig down changed his intent to plant the fig, or vice versa he is liable.

Rava proceeds to ask a number of related questions of liability that deal with a change of intent or circumstances. The questions are left unresolved.

Rava asked R' Nachman: If one threw an olive sized piece of terumah into a tamei house which contained less than an egg sized piece of food, do we say since the foods combine and achieve significance for the purpose of food tum'ah there is liability regarding Shabbos as well or not?

R' Nachman unsuccessfully attempts to answer the question and the question is left unresolved.

3) Returning the stored item back to the house

The Gemara questions the necessity of the last ruling which stated that if the person decided not to plant the seed it is then treated like a seed belonging to a regular person and there is no liability.

Abaye answers that the Mishnah refers to a case where the person threw the seed back into the house and the seed remained separate and distinct from the rest of the seeds. One might think that it should retain its original status as a stored item; therefore, the Tanna teaches that his original intent is nullified.

4) MISHNAH: The Mishnah discusses whether there is liability for transporting an item where the process was interrupted in the middle. Secondly, the Mishnah rules on cases where only part of the object was transported.

5) Clarifying the status of the threshold

The Gemara clarifies that the threshold referred to in the Mishnah has the status of a karmelis and the reason there is no liability is because the item was placed on the threshold thus interrupting the transfer of the item. If, however he merely walked

(Continued on page 2)

Distinctive INSIGHT

Expansions and Contractions

הוציא חצי גרוגרת לזריעה ותפחה ונמלך עליה לאכילה...

Rava illustrates two examples to express his inquiry about the nature of a person's intent from the beginning of an act to its completion. In the first example, he asks about a half-fig (חצי גרוגרת) volume of seed which was carried out with the intent to plant, and then it expanded (for example, due to moisture), and now, as the person is about to put it down, the person decided to use it for food. The other example of Rava is the opposite scenario. A person carried out a full-fig volume of seed, intending to eat it. But it then shriveled up, and its volume is less than a גרוגרת. However, the person placed this smaller volume of seed down with the intent to now use it as seed. Is he חייב in these cases? The issues are clearly delineated in the Gemara.

Maharsha notes that the change in volume and the intent of the person also changing are actually reflections of reasonable responses a person would have to a varying situation. Originally, a person who has a small volume of seed would not plan to eat it, because it is too small an amount to satisfy his appetite. He would, however, plan to seed it in the ground. However, when it expands, he very well might decide to eat it instead. In the second case as well, when he begins with a full גרוגרת amount, he intends to eat it. When it shrivels up, he gives up his plan, and realizes that all he can do is to now plant it. ■

REVIEW and Remember

1. Is the significance of an item determined objectively or subjectively?

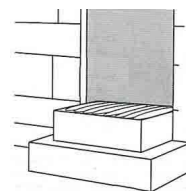
2. What is the dispute between Ben Azai and Rabbanan?

3. Define אגד כלי.

4. If one walks out with another person's wallet in his pocket, is he obligated to reimburse the victim? Why?

Daf DIAGRAM

Pictures are used with permission from משנה בחירה series. Further copying is prohibited.



נתן על האסקופה

The fruits are placed on the threshold



אע"פ שרוב פירות מבחוץ פטור

Even if the box of fruit is placed so that most of the fruit is outside, he is exempt

HALACHAH Highlight

Tzitzis Lishmah

מהו דתימא בטולי בטלה מחשבתו, קא משמע לן כל העושה על דעת ראשונה הוא עושה.

What might you have said? That his original intent has become nullified, it therefore teaches us that anyone who acts does so on the basis of his original intent.

The Gemara says that were the Mishnah not to have taught us its law, we might have thought that the intent that led to the original storing of the seed, rendering the seed significant, no longer exists at the time the seed is carried. Therefore, the Mishnah comes to teach us that a person's original intent is in effect so long as he does not explicitly negate this intent. Thus, the original significance bestowed on the seed by storing it with the intention of plant it remains in effect, even if he does not recall of that intent while carrying the seed.

A manifestation of this principle - i.e., that anyone who acts does so on the basis of his original intent - is found in the laws of tzitzis. Shulchan Aruch¹ rules that tzitzis strings must be spun for the purpose of the mitzvah of tzitzis. Shulchan Aruch goes on to state that this is accomplished if the person spinning the strings states, upon beginning, the process, that he is spinning for the purpose of the mitzvah.

Mishnah Berurah² rules that the original statement of intent must be made verbally. Subsequent to that verbal declaration, no inattention or distraction cancels that original declaration, until such time as the spinner deliberately states that he is no longer spinning for the purpose of tzitzis. Moreover, the original declaration does not expire at the end of the day, but continues on until explicitly reversed.³

What if he made the declaration after having begun the spinning process? Mishnah Berurah⁴ is inclined to leniency - and rules that if he had in mind to spin for the sake of the mitzvah, but forgot

(Overview...continued from page 1)

through the karmelis he would be liable. In this regard the Mishnah is inconsistent with the view of Ben Azzai who holds that walking through a karmelis also exempts a person from liability.

6) Transporting part of an item

Chizkiyah maintains that objects contained in a vessel are not considered to be one large object, whereas R' Yochanan differs maintaining that the vessel unites the objects into one.

R' Zeira points out that the inferences from the Mishnah are not consistent with either view, and both Chizkiyah and R' Yochanan are compelled to explain the Mishnah in a way that is consistent with their view.

The Gemara unsuccessfully attempts to prove one of the two views as correct. ■

to verbalize that intent until later, the tzitzis strings are kosher. Aruch HaShulchan (loc. cit.), however, takes the stringent position, explaining that the concept cited as the reason to be lenient: הוכיח - the ending [intent] proves the beginning [intent] - is only applicable in cases where we need to clarify the nature or status of a questionable activity. Here, however, the intent has an additional aspect - bestowing a special state of lishma - a kind of consecration - on these strings. Thus, it is not enough to clarify the status of the spinning at the end of the process. Rather, in order that to bestow that special status, a proper intent must precede the activity, so that the entire process is one of "consecration." ■

1. שו"ע אורח חיים סימן י"א סעיף א': החוטין צריך שיהיו טוויין לשמן: (הגה ויש מחמירין אפילו לנפצן לשמן והמנהג להקל בנפוץ) (מרדכי ואגודה סי' כ"ג) שיאמר בתחלת הטווי שהוא עושה כן לשם ציצית או שיאמר לאשה טווי לי ציצית לטלית ואם לא היו טוויין לשמן פסולים:
2. משנה ברורה סימן י"א ס"ק ד': שיאמר - בפירוש לא במחשבה בעלמא ואפילו בדיעבד צ"ע אי מהני מחשבה. ברם עיין בערוך השלחן שם סעיף ה' שנטה להקל בדיעבד.
3. משנה ברורה שם סק"ה: בתחילת - ודי בזה אפילו ליומא אחרא דסתמא תו לשמה קאי דכל העושה ע"ד ראשונה עושה אם לא כשאמר אח"כ בפירוש שהוא עושה שלא לשמה:
4. משנה ברורה שם סק"ו: הטווי - ואם טוה מעט ואח"כ אמר לא מהני למה שנטווה כבר דספוקי מספקא לן אי אמרינן הוכיח סופו על תחילתו. ואם בתחלה ג"כ חשב שיהיה לשמה אך שלא אמר בפירוש נ"ל דיש לצדד להקל בזה דספק ספקא הוא: ■

Gemara GEM

Subjective Considerations

אלא מעתה חישב להוציא כל ביתו הכי נמי דלא מחייב

The Pnei Yehoshua analyzes this question of the Gemara. Abaye said that the volume necessary for the melacha of carrying into the public domain is determined by the original intent of the person. If he had stored a small quantity of a commodity, even if he later forgot what he meant to do with it, he is still liable for carrying that smaller amount into the street. At this point, the Gemara challenges Abaye, and asks that if this would be the case, perhaps a person who

intends to empty his entire house would not be חייב until he does exactly that. Would he not be חייב for carrying each item along the way?

This question seems without merit. All melachos have standard שיעורים at which point a person is objectively חייב, whether he personally cares about that amount or not. For example, writing two letters in the melacha of writing. Even if the person only wrote שם when he wanted to write שמעון, he has fulfilled the act of writing two letters and he is חייב. Therefore, once we surpass that amount of כגורגרת for carrying, what could the logic be to exempt him due to his intent to carry even more?

The truth is that the melacha of carrying is unique. For example, if a person writes

only one letter, he is exempt, even if that is an important letter for him. We consider its significance from an objective perspective, and his act is not an important one. By carrying, however, if a person carries a single piece of wheat, although this is not significant to anyone else, yet this person's mind set of considering this kernel as meaningful determines his liability.

We see that by all melachos, our sages have set the standard of what has halachic significance, but by carrying, this determination has been left to the individual person. This is why our Gemara asks that if this is the case, we might expect this person who wants to empty out his entire house to perhaps not be liable until he fulfills his entire objective. ■

