

OVERVIEW of the Daf

1) Transporting part of an item (cont.)

After unsuccessfully attempting to prove R' Yochanan or Chizkiyah correct, the Gemara notes that Abaye and Rava dispute the same issue.

In clarifying the disagreement between Abaye and Rava, a ruling was stated that one who transports by hand fruit from a private domain to a public domain is liable once the fruit is transferred, even if the person's body remains in the private domain. This seemingly contradicts the first Mishnah of the Masechta.

The Gemara answers: The first Mishnah refers to a case where the person's hand remained above three tefachim and as such never came to rest, whereas in this case the person's hand was within three tefachim of the ground and is considered to be at rest on the ground.

2) MISHNAH: The Mishnah distinguishes between carrying an object in a normal fashion, which carries liability, and carrying in an abnormal fashion, which does not carry liability.

3) Carrying an object above ten tefachim

R' Eliezer rules: One who transports an object from one domain to another above ten tefachim is liable. R' Eliezer cites as proof to his ruling the way the members of Kehas transported the altar or the Aron HaKodesh.

4) Carrying an object on one's head

Rav in the name of R' Chiya rules: One who transports an object on his head is exempt because this is an unusual method of transporting an object, despite the fact that in the town of Hutzal it was usual.

5) MISHNAH: The Mishnah discusses cases where a person intended to transport an object in a particular way and instead transported it in a different fashion.

6) Clarifying the Mishnah

Three opinions are cited in reference to the first two rulings of the Mishnah. According to R' Elazar the rulings themselves are contradictory, according to Rava it is only the inferences that are contradictory, and according to R' Ashi even the inferences are not contradictory.

The Gemara suggests that there is a dispute between Tannaim in a case where an object was tied behind a person and remained there.

The suggestion is rejected because it may be that everyone agrees that in such a case one would be liable and the dispute is explained differently.

Two minor points regarding the Mishnah are clarified.

7) MISHNAH: The issue of two people transporting one object is discussed and debated.

8) Two people transporting an object

A dispute between Tannaim is recorded regarding the different conditions under which two people transported an ob-

(Continued on page 2)

Distinctive INSIGHT

Carrying Small Items on One's Shoulder

על כתפיו חייב שכן משא בני קהת

Sfas Emes writes that carrying on the shoulder is only "normal" for things that are usually carried in this manner. If a person would carry something small upon his shoulder, he would be exempt, because this is not the ordinary way of doing things. Rashi, however, seems to disagree. Rashi states that any carrying in one's right hand, one's left hand, or in one's chest (grabbing and holding against one's body) are typical, and we do not have to learn that these are acceptable forms of carrying from the verse which describes the family of Kehas. What we do learn from the verse is that carrying on the shoulder is also recognized as a legal manner of transporting an object. This seems to suggest that anything carried on the shoulder, even something small, would be considered a valid manner of doing the melacha.

We might wonder, though, why Rashi is justified at arriving at this conclusion. We do, in fact, learn from Kehas that carrying on the shoulder is valid. But it could be that Kehas only carried very large and heavy items, such as the boards used for the walls of the Mishkan. How can we also prove that *anything* carried upon the shoulders is considered a normal manner of transporting?

Rav Hai Gaon cites a Yerushalmi (Perek 10, Halacha 3) that applies the lesson of Kehas and their having carried things upon their shoulders to all sizes of items listed in the Mishnayos, and not only to large items. The Yerushalmi points out that the verse (Bamidbar 4:16) tells us that the job of Elazar, the son of Aharon, was to carry the oil for lighting, incense, mincha and anointing oil. We understand that the lighting oil was in his right hand, and the incense was in

(Continued on page 2)

REVIEW and Remember

1. If one transports fruit by hand into a public domain and his body remains in a private domain, is he liable?
2. Is it permitted to carry an item in the hem of a garment?
3. If a person from Hutzal carries an object on their head, are they liable?
4. Why does the phrase באמת אמרו imply?

HALACHAH Highlight

Carrying in an unusual manner¹

המוציא וכו' כלאחר ידו ברגלו ובפיו וכו' פטור שלא הוציא כדרך המוציא

If one takes out an object backhandedly, with his foot, or in his mouth, he is exempt because he did not carry out in the way of those who carry things out.

The Melacha M'Deoraissa of הוצאה—transferring an object from one domain to another—can only occur if the object is transferred or carried in the manner usual for that particular object. If the item is carried in an unusual fashion, the Melacha M'Deoraissa is not transgressed. Even so, carrying even in an unusual way is rabbinically prohibited because of its similarity to the actual Melacha.

> Examples: An example of carrying which is legally considered unusual is carrying money in one's mouth, or in the cuffs of his trousers. However, carrying food in his mouth is considered the usual manner of carrying. Therefore, eating food or chewing gum while walking in the street is the melacha of hotzoa/carrying.

Note: Eating in the street is not proper for refined people at any time.

Hanacha/placing an item down in a backhanded man-

(Insight...continued from page 1)

his left hand. The mincha for the daily offering was hanging on his right arm. Where, then, was the anointing oil? It was in a jar which was in the pocket of his apron.

According to Meiri, the "hanging on the arm" of the mincha actually refers to it being carried upon his shoulder. ■

ner

A true hanacha can only occur when the depositing is done in a usual manner. However, if the object is put down in an awkward, unusual fashion (e.g. inverting pocket to allow the item to fall out, or dropping it over his shoulder while still walking, then a true hanacha does not occur. However, doing so is generally prohibited (rabbinically). This is known as "hanacha k'l'achar yad", literally, deposited in a backhanded manner). Note: In the examples cited above, one must not stop before dropping the item, because interrupting his walk is in itself a usual manner of hanacha.

Even so, this condition to hanacha can still become a practical consideration if an individual suddenly finds himself carrying something while walking on a city street. In some cases, the best course of action is to allow the object to drop from his hand or pocket in an unusual manner while still walking. ■

1. The 39 Melachos, by Rabbi Dovid Ribiat, pages 1335-1336. With permission of the author.

Gemara GEM

The Qualifications of the Navi to be Mighty

אין השכינה שורה אלא על חכם גבור ועשיר ובעל קומה

Rambam (Hilchos Yesodei HaTorah 7:1) writes that prophecy is only conferred upon a person who has achieved greatness in Torah wisdom (חכם גדול), and who exercises powerful control (גבור) of his character. The מגדול, in his commentary on Rambam, cites our Gemara as the source for this rule. Our Gemara does not define the term גבור, but Rambam understands it to be a reference to being in control of one's inclination.

Yet, Kesef Mishneh and Lechem Mishneh point out there is a parallel Gemara in Nedarim 38, from where this

trait for a prophet is derived and defined. The Gemara derives the aspect of being a גבור from Moshe Rabeinu's ability to grab onto the huge tablets, and to smash them (Devarim 9:17). This seems problematic for Rambam, for the Gemara clearly highlights Moshe's physical strength as a factor, and not the fact that he was in control of his yetzer.

Rabbi Chaim Shmuelevitz explains that the Gemara in Nedarim and our Gemara are both referring to the same thing. A prophet must possess great discipline in his personality, and he must be outstanding in his intellectual and mental capacity. This determination to act with conviction and to be highly motivated is what results in his physical endeavors being successful to the degree of supernatural. A person whose mind is focused will not only be in control of his inclination, but he can achieve great physical feats as well. Even when his

efforts might naturally fall short of completing his mission, Hashem will come to his aid and bridge the gap. Such is the power of the mighty in spirit, as they are capable of achieving great things.

The ר"ן understands that the two descriptions in the Gemara complement each other. It is appropriate and fitting for all traits of a prophet to be complete and therefore respectful in the eyes of the nation. He must certainly be qualified in terms of his personality and integrity, but it is also best for him to be physically strong in order that his appearance be impressive to the public. His inner qualities combined with his impressive outward impression will allow his message to be heard and received by all. ■

(Insight...continued from page 1)

ject and whether there will be liability.

The Gemara begins to explain the source for each of the three opinions. ■

Daf Digest is published by the Chicago Center, under the leadership of

HaRav Yehoshua Eichenstein, shlit"z

HaRav Pinchas Eichenstein, Nasi; HaRav Zalmen L. Eichenstein, Rosh Kollel; Rabbi Tzvi Bider, Executive Director, edited by Rabbi Ben-Zion Rand.

Daf Yomi Digest has been made possible through the generosity of Mr. & Mrs. Dennis Ruben.