

It is understandable according to – בשלמא לבן עזאי מהלך כעומד דמי – for he maintains that **walking is similar to standing**

OVERVIEW

רה"י לרה"ר דרך כרמלית (מקום פטור) maintains that if one carries from a פטור. The reason the גמרא gives for this ruling is that לבן עזאי maintains that מהלך כעומד דמי, that when a person walks, each time he places his foot on the ground it is to be considered as if he stopped walking and stood still. Therefore it is considered as if he made an עקירה ברה"י and a הנחה בכרמלית, etc. and therefore he is פטור.

This novel concept, while it explains s'לבן עזאי's ruling, seems to be in direct contradiction with the accepted ruling that a מעביר ד"א ברה"ר חייב. If מהלך כעומד דמי, then there was no carrying of the object continuously for אמות ד', since at each step there is a הנחה which signifies an end to the previous עקירה.¹ Our תוספות explains why the גמרא did not use a different explanation for s'לבן עזאי's ruling, which would also help to avoid this contradiction.

asks: תוספות

קשה לרבינו יצחק מה צריך להאי טעמא –

The ר"י asks: why is it necessary for the גמרא to give **this explanation**, i.e. that לבן עזאי's ruling - for us to understand מהלך כעומד דמי -

לימא בשלמא לבן עזאי לא אשכחן כהאי גוונא דמיחייב כדפריך מהאי טעמא לרבנן –

The גמרא **should say** instead; that **the ruling of לבן עזאי is understandable**, since **we do not find** (in the משכן) **something comparable** to being מוציא through an exempt area **where he is חייב**. **The same question which the גמרא asks on the רבנן**, who say חייב סטיו חייב דרך, on which the גמרא asks why he is חייב, we do not seem to find a precedent for this; let us use this same point as a justification why לבן עזאי says that he is פטור, and we will not have to say such a חידוש דמי that מהלך כעומד דמי, which may cause a difficulty, as תוספות will shortly state.

responds to an anticipated solution to his question: תוספות

דאי משום דמודה בזורק² קאמר האי טעמא –

¹ See footnote # 4.

² See the (ר' יוחנן and) ברייתא on א,ו.

for if you will say that since agrees with the חכמים that he is חייב **in the case of** לא אשכחן **therefore we cannot attribute the reason of** סטיו **for then why is** זורק **This seemingly forces us to say that the reason of** המוציא **which explains the difference between** מהלך **however this is not a sufficient explanation why the** גמרא **maintains** ב"ע **as opposed to** כעומד דמי –

דהא אכתי לא ידע דמודה בזורק –

For at this point the גמרא **did not yet know that** agrees that **is** חייב **זורק**.

demonstrates that when the גמרא states 'וכו' אלא לרבנן וכו' **at that point the** גמרא **was unaware that** ב"ע **distinguishes between** מהלך **and** זורק:

דאי ידע לפרוך נמי לבן עזאי אזורק ומושיט היכא אשכחן כולי –

For if at this point the גמרא knew that agrees that **is** חייב **זורק וכו'**, the גמרא **should also ask on** **בן עזאי** the same question that it asks on the רבנן. How can **בן עזאי** maintain **concerning** זורק **from a** סטיו **that he is** חייב, **'where do we find, etc.'** Since the גמרא asks only on the רבנן and not on **בן עזאי**, this proves that at this juncture, the גמרא was unaware that **בן עזאי** differentiated between מוציא and זורק; rather we assume that he is always פטור. The question then remains, at this juncture what forced the גמרא to assume that **בן עזאי** maintains דמי **כעומד**, when we could say that he is פטור, because there is no precedence that כרמלית דרך (מקום פטור) ³.

answers:

ותירץ רבינו יצחק דהכי קאמר –

The **answers that this is what** the גמרא **meant** when it said that **is** reason **because he maintains** דמי **כעומד** –

בשלמא לבן עזאי אפילו משכחת כהאי גוונא במשכן פטור דמהלך כעומד דמי⁴ –

It is understandable why according to **בן עזאי** **he is** פטור, **for even if you can**

³ See 'Thinking it over' # 1.

⁴ answer may be understood as follows. The גמרא is aware that the רבנן are מחייב in the case of המוציא מחנות (even though the גמרא does not presently know what that precedent is). The גמרא also assumes that **בן עזאי** may be well aware of this precedent, and since nevertheless he maintains that the מוציא is פטור, that gives us sufficient reason to assume that **בן עזאי** maintains דמי **כעומד**, and therefore even when we will find the precedence which causes the רבנן to maintain he is חייב, nevertheless, we will still understand why **בן עזאי** is פטור. If however the גמרא were to explain the way תוספות suggested (that we do not find such a הוצאה), then eventually if we were to find a precedent, we would be forced to find an alternative explanation for **בן עזאי**, therefore the גמרא chose the explanation that would be valid in the eventuality that we would find a precedent for the רבנן.

find a similar case in the משכן, where something was transferred from one רשות to another through a (מקום פטור) כרמלית, nevertheless **בן עזאי** will maintain that he is **פטור** because **כעומד דמי** -

אלא לרבנן תקשה היכא אשכחן כולי -

However, according to the רבנן there is a difficulty, namely, where do we find that in such an instance etc., he is **חייב**.

of the הלכה and the מהלך כעומד דמי that ב"ע which reconciles the ruling of ירושלמי cites a תוספות ⁵:מעביר ד"א ברה"ר

ובירושלמי פריך על דעתיה דבן עזאי אין אדם מתחייב על ד' אמות ברשות הרבים לעולם -
In the תלמוד ירושלמי there asks: "according to the opinion of בן עזאי
a person will never be חייב for carrying ברה"ר -

דיעשה כמי שהונחה על כל אמה ואמה ויפטר -

For it should be considered as if the object was put down at every אמה and
he should be פטור, because he did not carry the complete אמות ד' without stopping -

ומשני משכחת לה בקופץ⁶ -

העברת ד' אמות ברה"ר of חיוב **answers that we can find the חיוב** **if he jumped** **מהלך כעומד דמי** while holding an object, for then there is no **לסוף ד' מתחילת ד' -**

והש"ס דילן לא חשיב לא פירכא -

Our גמרא however, does not consider this a valid refutation of בן עזאי -

כדאמר בהזורק (לקמן דף צו,ב) דד' אמות ברשות הרבים הלכתא גמירא לה -

Since the גמרא says in פרק הזורק that the חיוב for carrying ברה"ר is a
הלכה למשה מסיני -

ולהכי לא מקשה עלה⁷ -

And therefore the גמרא asks no questions on this הלל"מ from דמי כעומד דמי.

discusses a similar paradox:

וכן קלוטה לרבי עקיבא אף על גב דכמי שהונחה דמי בזורק ד' אמות ברשות הרבים חייב -
And similarly concerning the concept of קלוטה according to ר"ע even though
it is considered as if it had come to rest, nevertheless when one throws ד' אמות

⁵ See 'Overview'.

⁶ See יפה עינים who states that there is no such answer in our ירושלמי.

⁷ The מהלך דמי teaches us that in this instance of אמות ברה"ר he is חייב despite the general ruling of כעומד דמי.

- חייב he is ברה"ר

ולא אמרינן כמי שהונחה תוך ד' אמות ברשות הרבים –

And we do not say that it should be considered as if it came to rest within the הלל"מ⁸ is a מעביר ד' אמות ברה"ר, the reason being as just stated since ד' אמות ברה"ר (מהלך כעומד דמי and) קלוטה כמי שהונחה דמיא supersedes any other concepts including

מעביר ד"א ברה"ר and מהלך כעומד broadens the discussion regarding תוספות

ורבינו יצחק בן אשר מספקא ליה –

The ריב"א is unsure of what will be the ramifications, of the fact that the הלל"מ overrides the concepts of דמי and מהלך כעומד דמי –

כיון דבד' אמות ברשות הרבים לא אמר מהלך כעומד דמי –

Since מהלך does not maintain that בן עזאי, ד"א ברה"ר concerning carrying the rule is that he is חייב דמי; כעומד דמי –

אף על גב דבעלמא כעומד דמי לבן עזאי –

Even though בן עזאי maintains in general that מהלך is כעומד דמי, but there is a special dispensation when it comes to ד"א ברה"ר, where we disregard the concept of מהלך. The question therefore arises –

אם חייב לבן עזאי⁸ אפילו עמד לפוש תוך ד' אמות אם לאו –

whether בן עזאי would maintain that he is חייב even where the person stopped to rest⁹ in the midst of carrying an object ד' אמות, or he would not be חייב.¹⁰

discusses a similar consideration: תוספות

וכן אם לא עמד חוץ לארבע אמות כגון שנטלה אחר מידו –

and a similar question would arise, if the person who carried something more

⁸ According to the רבנן who argue with בן עזאי, surely the דין of חייב ברה"ר is only if he did not stop while traversing the ד"א

⁹ A stop is considered, only when one stops to rest, if however one stops merely to adjust his load, that is not considered stopping לכו"ע

¹⁰ The two sides of the issue would be; do we say that since every מהלך is כעומד, and nevertheless he is חייב for פטור for stopping in the midst of ד' אמות ברה"ר, which may lead us to conclude that the הלל"מ teaches us that there is no פטור for stopping in the midst of ד' אמות ברה"ר, and one is always חייב if he is ד' אמות ברה"ר, regardless if he stopped in the middle or not [meaning that we do not say דמי כהנחת גופו כהנחת חפץ דמי, but if he would actually put down the object ד"א בתוך ד' אמות he would certainly be פטור. See פני אברהם]. Or do we differentiate between a conceptual stopping like כעומד מהלך and a real stopping, that only in the former, does the הלל"מ override the conceptual stopping and he is חייב, but in the case of a real stop or rest, however, he would be פטור, since he did not carry ד' אמות continuously. Alternatively put; does the הלל"מ a) negate the פטור of ד' אמות בתוך ד' אמות and therefore he would be חייב; or b) it merely negates the concept of כעומד דמי by מהלך ברה"ר, and therefore he would be פטור.

than ד"א, **did not stop outside the ד"א**, and the object came to (a complete) rest not through him; **for instance that another person took** the object that he was carrying from **his hand** and the actual הנחה was not made by him –

אם אמרינן מהלך כעומד דמי חוץ לד' אמות אם לאו –

do we say that once he is outside the ד"א, then we say כעומד דמי and he would be חייב, **or not**; should we would consider it as if he made a הנחה as soon as he stepped beyond the ד"א, because now we could reapply the concept of כעומד דמי, since we are outside of the original ד"א¹¹, or do we say that the הלל"מ teaches us that in regard to מעביר ד"א there is no such concept as כעומד דמי, מהלך כעומד דמי, and therefore he is פטור, since he did not actually stop and thereby make the הנחה.¹²

קלוטה discusses a similar situation regarding תוספות:

וכן קלוטה לרבי עקיבא אם אמר כמי שהונחה דמיא חוץ לארבע אמות –

And similarly we can question what would be the דין **according to ר"ע**, who maintains the concept of דמיא שהונחה דמיא, **would he say that קלוטה כמי** **outside the ד"א, meaning that –**

אפילו קלטה אחר או כלב או שנשרפה כיון דתוך ארבע אמות לא אמרינן –

Even if it was caught by someone else or it was caught by a dog or it was burnt, before it landed¹³ he would be פטור **since we do not say** the concept of קלוטה כמי שהונחה דמיא while the object is traversing the initial ד"א, therefore we do not say קלוטה וכו', even after it passed the original ד"א, and he would be פטור because he did not make the הנחה, or perhaps only in the initial ד"א do we not say קלוטה in deference to the הלל"מ, but once the object traveled the initial ד"א, then we may reapply the concept of קלוטה, and he will be חייב, because he made the הנחה by virtue of the קלוטה וכו' that transpired outside the ד"א.

¹¹ We may even accept option 'b' in footnote # 10, that the הלל"מ negates the concept of כעומד, but only within the confines of the original ד"א. For an alternate interpretation see footnote # 12.

¹² In Summation: Do we say: a) that the הלל"מ tells us that in the original ד"א there is no כעומד פטור because there is no כעומד פטור at all within the ד"א. Once outside the original ד"א, however, we revert back to the concept of כעומד פטור. Or do we say: b) that the הלל"מ tells us that concerning ד"א ברה"ר there is no concept of כעומד פטור at all. If we assume option 'a', then if one stops in the middle of the original ד"א he is חייב because there is no כעומד פטור of ד"א, and if he did not stop after the ד"א he is also חייב, because outside the original ד"א we do say כעומד פטור. If we assume option 'b', then if one stops in the original ד"א he is פטור, because there is no כעומד פטור concerning actual stopping, so he did not carry consecutive ד"א, and if he did not stop outside the original ד"א, he is פטור, because the הלל"מ tells us that concerning the מלאכה of ד"א ברה"ר there is no concept of כעומד פטור דמי, מהלך כעומד דמי, and in order for him to be חייב he must either actually stop or put down the object. See שפת אמת.

¹³ See "Thinking it Over" # 3

1. How are we to understand תוספות original question, that the גמרא should have given an explanation for בן עזאי which will be inconsistent¹⁶ with his ultimate opinion?¹⁷
2. What are the relative merits of the different sides in the מספקא לריב"א?
3. Why does not תוספות ask according to ר"ע what would be the דין if he threw the object and it landed within the original ד"א (and then he moved it completely out of the original ד"א),¹⁸ just as he asked according to בן עזאי¹⁹?
4. What connection can be found between the statements of the רשב"א and the ריב"א?²⁰
5. The רשב"א states that רבי יוחנן argues with בן עזאי.²¹ How is it conceivable that בן עזאי could agree with ר"י?²²

¹⁶ See footnote # 3.

¹⁷ See לשון הזהב (ד"ה ועפ"ז).

¹⁸ See footnote # 13.

¹⁹ מהרש"א [הארוך], שפ"א, פני אברהם

²⁰ See footnote # 14.

²¹ See footnote # 14.

²² See תוס' כתובות לא,ב ד"ה מהלך