

לא מיחייב עד דעקר ליה ממקומו¹ –

He is not liable unless he picks it up from its place

OVERVIEW

רה"ר taught that if one stands a bundle of reeds upright and then throws it ahead of him, moving it in this manner (continuously) many אמות in a פטור he is unless he makes a proper עקירה. Our תוספות discusses the necessity to mention this ruling (at this juncture in the גמרא).

asks: תוספות

תימה מאי קא משמע לן פשיטא דלא מיחייב כיון דלא עקר² –

It is astounding! What is רב יהודה teaching us; he is obviously not liable since he did not make an עקירה?!

ועוד מה שייך הכא הך מילתא –

And furthermore, what is the relevance of mentioning this ruling here?!

answers (the first question): תוספות

ויש לומר דקא משמע לן דאף על גב דדרך להוליכם בענין זה שאינן קלין לנושאן –

And one can say; that רב יהודה teaches us that even though it is customary to carry these reeds in this fashion since they are not light to be carried in an ordinary manner -

והוי כמו עומד לכתף³ דאמרינן לעיל (דף ה,ב) דחייב אפילו הכי פטור –

So perhaps it is similar to who is חייב, nevertheless in this case he is פטור.

answers (the second question): תוספות

ומשום דלעיל איירי בכיתוף עמוד ט' ברשות הרבים ורבים מכתפים עליו –

¹ The word 'ממקומו' does not appear in our גמרא text.

² One end of the reeds was never picked up from its place on the ground.

³ עומד לכתף means that he is stopping in order to rearrange the load he is carrying (but he is not stopping to rest – עומד לפוש). If someone is עומד לכתף before he completes carrying ד' אמות ברה"ר and then after he was עומד לכתף he carried it the rest of the אמות ד' he is חייב, for the stopping לכתף is not considered a הנחה, since this is the normal way people carry objects. Similarly one may have thought that here too by the זירזא דקני, that (picking it up in this manner is considered an עקירה, since) throwing it on the ground should not be considered a הנחה, and therefore when he eventually moves the זירזא דקני for more than ד' אמות ברה"ר and leaves it there that should be the final הנחה and he should be חייב (it should be considered as if he dragged the זירזא דקני for ד' אמות ברה"ר [without stopping] for which he will be חייב as תוספות shortly states). רב יהודה teaches us that nevertheless he is פטור because each time he throws it on the floor it is a הנחה, so it never moved ד' אמות without a הנחה in between. See 'Thinking it over' #1&2.

And since the גמרא was discussing previously the concept of כיתוף regarding a pillar of nine טפחים in the רה"ר on which many were מכתפים - עליו

נקט ליה הכא -

Therefore he mentions this ruling here in connection with כיתוף that זירזא דקני is different from לעמד לכתף.

qualifies the ruling of רב יהודה that it is valid -

ודוקא רמא וזקפיה דכשהניח ראשו האחד חוץ לד' אמות⁴ -

Only if he stood it up and threw it in a manner that when one end was outside of the ד' אמות of its original position -

עדיין ראשו השני מונח בתוך ד'⁵ -

The second end was still within the ד' אמות of its original position -

וכשחזר ומשליך ראשו [הב'] חוץ לד' אמות עדיין אינו מתחייב⁶ -

So therefore when he continued and threw the [second] end outside of the original ד' אמות he is not liable -

דהוי כמגרר החפץ עד שהוציא ראש החפץ חוץ לד' אמות והניחו -

For it is as if he is dragging a long object until he pulled one end of the object outside its ד' אמות and left it there (where the object was only partially outside its ד' אמות), the ruling in this case is -

דאף על פי שחזר ומושכו לחוץ פטור שלא נעשית המלאכה בבת אחת⁷ -

That even though he continued and pulled the entire object outside the ד' אמות he is פטור, since the work was not performed in one act -

אבל אם מגרר זירזא דקני בבת אחת עד חוץ לד' אמות -

However if he would drag a דקנה זירזא in one act outside its ד' אמות (without stopping) -

או מרשות היחיד לרשות הרבים חייב -

⁴ ד' אמות may be (also) referring to a case where the reeds were more than ד' אמות long (or even more than two אמות) so that when he threw them on the ground (after he stood them upright), one end was laying outside the original ד' אמות and nevertheless he is פטור. See (בגמ' ד"ה אמר ר"י) מנחת איש.

⁵ One is not חייב for carrying ד' אמות unless the entire object was carried outside the ד' אמות. Here part of the reeds are still within the ד' אמות, and the item is now at rest, so there is a הנחה, therefore when he moves the ד' אמות again, he has to move the entire bundle of reeds outside the current ד' אמות. See 'Thinking it over' # 3.

⁶ Tosfos finds it necessary to distinguish between רמא וזקפיה and מגרר. This does not contradict Tosfos' initial question that it is פשיטא that רמא וזקפיה is פטור (and it needs no explanation). Initially Tosfos assumed that רמא וזקפיה is not the דרך and then it is obviously פטור (and is very different from מגרר which is דרך). Once Tosfos explained that רמא וזקפיה is כדרך then it became necessary to distinguish it from מגרר. See שפ"א.

⁷ בת אחת means that there cannot be a הנחה before the entire מלאכה (of carrying ד' אמות) is completed; it cannot be performed piecemeal.

Or he would drag it from a רה"י to a רה"ר he would be חייב⁸

תוספות proves his ruling:

כדאמרינו (לקמן המצניע דף צא,ב) **בגונב כיס בשבת היה מגרר ויוצא פטור** –

As the גמרא (cites a ברייתא which) states regarding one who steals a purse on שבת (from a רה"י), that if the thief was dragging the purse on the ground while exiting the רה"י into the רה"ר he is פטור from paying for the גניבה -

משום דאיסור שבת⁹ ואיסור גניבה באין כאחד¹⁰ –

Since the איסור הוצאה of שבת and the איסור גניבה occur simultaneously;
 indicating that there is an איסור שבת for dragging an object from a רה"י to a רה"ר (even without picking it up).

תוספות qualifies the ruling further:

ואומר רבינו יצחק דאס מגלגל חבית ד' אמות ברשות הרבים –

And the ר"ר ruled that if a person rolls a barrel ברק"ר

או מרשות היחיד לרשות הרבים חייב זהוי כמו מגרר דאינו נח כלל –

Or he rolls it from a רה"י to a רה"ר he is חייב for rolling is similar to dragging since it does not rest, but is continually moving -

אבל מגלגל תיבה שהיא מרובעת פטור –

However if someone rolls a box which is cubed, he is פטור -

דהוי כמו רמא וזקפיה דאי אפשר שלא תהא נחה קצת:

For this is similar to our case of רמא וזקפיה, since it is impossible that it should not rest somewhat during the ‘rolling’.

SUMMARY

Moving reeds through רמא וזקפיה is the accepted manner of carrying them (as is עמד לכתף) and nevertheless one is פטור since the מלאכה was not done בב"א. However dragging any object or rolling a round (but not a cubed) object מרשות לרשות is חייב since the object never rested from the עקירה until the הגמחה.

⁸ The phrase "והוצאה מרה"י לרה"ר" must also be "בב"א"; meaning that if he dragged the קנים and put them down where one end of the קנים are in the רה"י and the other end ברה"ר (this is not considered a הוצאה since part of the קנים are still אגוד [attached] to the רה"י), and afterwards he would take it out entirely to the רה"ר he would (also) be פטור, for he did not do the מלאכה בב"א; there was a הנחה [דפסור] in between.

⁹ The איסור שבת is transgressed as soon as the entire purse is dragged into the רה"ר, even though he did not stop dragging it and it did not come to a rest, since it is למטה מג' טפחים it is considered מונח ברה"ר.

¹⁰ He is exempted from paying since he is חייב שבת מיתה. This is known as קם ליה בדרבה מיניה; he is punished (only) for the greater crime (which is the חייב שבת סקילה).

THINKING IT OVER

1. Why is עמד לכתף not considered a הנחה, however the throwing down of the זירזא דקני is considered a הנחה?¹¹

2. The גמרא states that רמא וזקפיה is פטור unless עקר ליה; indicating that the reason he is פטור is because there was no עקירה (since when he picked it up, one end was always touching the ground [in the same place where it was before he picked it up]). However from תוספות it seems that he is פטור because 'שלא נעשית המלאכה בבת אחת'; that the הנחה of זקפיה was an interruption in the העברה of ד"א ברה"ר, but not that there was no proper עקירה. We see that תוספות distinguishes between רמא וזקפיה and מגרר that by מגרר the מלאכה is done בב"א and by רמא וזקפיה it is not done בב"א, but not that there is no proper עקירה by רמא וזקפיה. How can we reconcile תוספות explanation with our גמרא?¹²

3. Let us assume a זירזא דקני that is five אמות long.¹³ It is lying on the ground which is marked off by the number of אמות. One end of the reeds [Point A] is at marker number Zero (0) and the other end [Point B] is at marker number five (it is five אמות long). A person who is מגרר this זירזא דקני by pulling on point B how far does he have to pull it (and then put it down) that he should be מחייב for ד"א ברה"ר? Is it enough that he pulls it אמות 4, so that point A is now at four and point B is at nine, or does he have to pull it until point A is at nine and point B is at fourteen (or some other amount)?¹⁴

¹¹ See (footnote # 3 and) תולדות זאב and שפ"א.

¹² See ראש יוסף ד"ה אמר ר"י.

¹³ See footnote # 5.

¹⁴ See רש"ש.