

## Rather by an intermediate size

## אלא<sup>1</sup> במיצעי -

### Overview

The גמרא explained the reason the תנא mentions מגרר is because there is a novelty in this, for we may have assumed that there is no חיוב הוצאה for מגרר, since this is not the normal way of הוצאה. The גמרא concluded that we may have thought that מגרר is not considered a הוצאה by intermediate-sized objects (which can be carried). תוספות reconciles our גמרא with a seemingly contradictory גמרא.

תוספות asks:

תנימה לרבינו יצחק דבפרק הספינה (בבא בתרא דף פ"א ושם) -

The ר"י is astounded; for in פרק הספינה -

גבי דברים שדרך להגביהן אין נקנין במשיכה אלא בהגבהה -

Regarding the opinion that items which customary are lifted cannot be acquired by pulling (משיכה), but rather they can be acquired only by lifting them (הגבהה) -

ופריך מהגונב כיס דבר הגבהה הוא ומשני במידי דבעי מיתנא -

So מתנה בר אדא רב asked on this view from our case of הגונב כיס, which this purse is something which is lifted, and nevertheless it seems that the גנב acquires it with משיכה (dragging it), and answered him that we are discussing a heavy purse, which requires rope to drag it, therefore it is not הגבהה so it can be משיכה. This concludes the citation of that גמרא -

משמע דאי הוה אמר דבר הגבהה נמי נקנה במשיכה הוה אתי ליה שפיר אפילו בזוטרי<sup>2</sup> -

It seems that if we would have maintained that something which is usually lifted can also be acquired with משיכה, it would be proper to say that the purse can even be a small one, which can be carried, but nevertheless it is משיכה -

ואמאי הא על כרחך לא מצי איירי בזוטרי<sup>3</sup> -

But how can we say that; perforce it cannot be discussing a small purse -

דאם כן היכי מיחייב לענין שבת בגרירה דאין דרך הוצאה בכך -

For in that case how can he be חייב regarding הוצאה on שבת through גרירה, since it is not the usual way to perform הוצאה -

<sup>1</sup> תוס' ד"ה אי תוספות should precede the previous

<sup>2</sup> It seems from that גמרא that the only reason we need to be discussing a heavy purse (which requires מיתנא) is because otherwise it could not be acquired with משיכה, indicating that if the ruling will be that a בר הגבהה is משיכה, there is no reason why we cannot assume that it was a small כיס and he is קונה it with גרירה/משיכה.

<sup>3</sup> תוספות question is that בר אדא רב should have known that we cannot be discussing a small כיס, for then there would not be a חיוב הוצאה since he carried it כדרך, שלא כדרך, so obviously it was a heavy כיס, and therefore it is משיכה, and it is משיכה/גרירה, so what is his question?!

answers: תוספות

ויש לומר דאפשר שיהא דרך הוצאה בכך אפילו בזוטרי כגון שמוציאו דרך מחתרת -

**And one can say that it is possible that it should be the normal manner of הוצאה by dragging even if it is a small purse, for instance where he is taking it out from a tunnel** (which the גנב dug in order to steal); in which case regarding הוצאה -

– דדרכו בגרירה<sup>4</sup> ואינו נקנה אלא בהגבהה<sup>5</sup> –

**Its manner of stealing from a מחתרת is גרירה, however it cannot be acquired (for קניני גניבה) only through הגבהה** according to that מ"ד –

An alternate answer:

אי נמי<sup>6</sup> הוה מצי למימר ולטעמיך<sup>7</sup> ולא פריך וכן דרך הש"ס בכמה מקומות:

**Or you may also say that the גמרא could have responded to ראב"א', 'ולטעמיך' (and according to your reasoning, is it understood?), but the גמרא did not ask this 'ולטעמיך'; for this is the manner of the גמרא in many places that it does not ask 'ולטעמיך'.**

### **Summary**

The ברייתא may be discussing a מחתרת where it is דרך הוצאה בכך (concerning שבת) but there is no קניני גניבה if it is a small purse, or it is a regular case and we must conclude that it is not a small purse.

### **Thinking it over**

1. Why is it that concerning שבת we differentiate that normally something which is carried, there is no חיוב הוצאה if it is dragged, however by מחתרת he is חייב since it is בר הגבהה a קונה<sup>8</sup> and he is never קונה<sup>9</sup> however by קנינים we make no difference<sup>9</sup> and he is never קונה<sup>8</sup>; דרכו בכך with משיכה even by a מחתרת (where it is בכך)??

2. Why did the גמרא here not answer that it was במחתרת (instead of answering 'במצעי')?<sup>10</sup> Is בר הגבהה a מצעי or not?

<sup>4</sup> Therefore we can establish our משנה by גרירה regarding שבת that there is a חיוב הוצאה since it is בכך דרכו.

<sup>5</sup> Regarding קנינים even if he took it out במחתרת he cannot be קונה it במשיכה if it is בר הגבהה. See 'Thinking it over'. Therefore ראב"א had a valid question; according to your view, how is he פטור since he was not קונה, however if we maintain that משיכה is קונה by בר הגבהה (a small purse), it is understood that there is חיוב שבת by מחתרת, where it is בר הגבהה, and דרכו through קניני גניבה even though it is a הגבהה.

<sup>6</sup> may not be satisfied with the first answer, since the ברייתא makes no mention of a מחתרת, and also perhaps because of the difficulty mentioned in 'Thinking it over' # 1.

<sup>7</sup> The גמרא could have asked on ראב"א the question mentioned in footnote # 3.

<sup>8</sup> See footnote # 4.

<sup>9</sup> See footnote # 5.

<sup>10</sup> See מהרש"א.