

התם כל היכא דמנח לה מקום חיוב הוא –

There, wherever he places the object, it is a מקום חיוב

OVERVIEW

The גמרא is searching for a precedent for the דין that כרמלית דרך לרה"ר דרך כרמלית דין. The גמרא rejected any comparison to ד"א ברה"ר (יותר מ), because there כל חיוב. The גמרא rejected any comparison to ד"א ברה"ר (יותר מ), because there כל חיוב. The גמרא rejected any comparison to ד"א ברה"ר (יותר מ), because there כל חיוב. Our תוספות will suggest [and reject] several other possibilities (as precedents) where he is חיוב, even though it passes through a פטור מקום פטור.

anticipates a difficulty: תוספות

ומוציא ומושיט ומעביר ד' אמות ברשות הרבים דרך למעלה מי' דחייב –

And in the cases where one either **carries out, or hands over** an object מרה"י לרה"ר, **or transports** an object ד"א ברה"ר, **in a manner** where the object being transported was **above ten** טפחים from the floor of the רה"ר, and nevertheless he is **חיוב** -

אף על גב דאי הוה מנח ליה למעלה מי' פטור –

Even though had he placed down the object, where it was being transported, **above ten טפחים, he would be פטור,** since he made the הנחה במקום פטור. Nevertheless if he did not place the object in the פטור, but rather continued and placed it in the רה"ר he is חיוב. We have here a case where the object traversed through a place, where, had he put it there, he would be פטור, however if he did not place it there, but placed it in the רה"ר proper he is חיוב. This should be a sufficient precedent for the דין of the רבנן. We cannot reject it for the reason (given in the case the גמרא chose, namely) הוא, because here it is traversing in a פטור, exactly as in the case of the רבנן. The question then is; why did not the גמרא choose these cases as a precedent for the רבנן?¹

responds: תוספות

מכל מקום תחתיו במקום שהולך מקום חיוב הוא ² -

Nevertheless these cases are not a valid precedent, since **underneath** the person, who is carrying the object, **the place where he is walking,** that place is a **מקום חיוב**. Therefore, regardless of where the object is, the person who is carrying the object is walking in a רה"ר, which is a מקום חיוב.

¹ See 'Thinking it over' # 2.

² The status of a מקום חיוב/פטור is dependent on where the person is (walking), not where the object is.

אבל סטיו הקרקע נמי מקום פטור הוא –

However in the case of the רבנן where he passes through a **סטיו**, **the ground** upon which he is walking, **is also a מקום פטור**. Therefore we cannot compare the cases, and they would not qualify as a precedent.

SUMMARY

Carrying an object מ' טפחים ברה"ר is not considered as if one was carrying it through a מקום פטור, provided that the person carrying it, is walking in the רה"ר.

THINKING IT OVER

1. What are some הלכות that support this concept; that where the person is standing, is more relevant, than where the object is found?
2. In the תוספות of הו"א, are the examples which תוספות offers³ a better precedent than [even] the case of ד' לסוף ד' מתחלת ד' למעביר, which the גמרא subsequently presents?
3. תוספות states that by מוציא, מושיט and מעביר ברה"ר he would be פטור if the הנחה was למעלה מ'. Is this true in all cases or is there a case where he will be חייב even if the item was מונח למעלה מ'?⁴
4. How are we to understand the answer of תוספות regarding (מושיט מרה"י לרה"ר); seemingly there we cannot say 'במקום שמהלך מקום חיוב הוא', since he is standing in a רה"י, not in the רה"ר?!⁵

³ See footnote # 1.

⁴ See מנחת איש and גליון הש"ס.

⁵ See מנחת אריאל אות יג.