**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**Gemara Shabbat**

**Shiur #03: Moving one's body is like Lifting up an object from its place**

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Sources:

1. גמרא ג ע"א "בעי מיניה רב מרבי... כרה"י לא דמיא מידו דבעה"ב". רש"י.

2. תוס' ד"ה עקירת וד"ה מאי, תוס' הרא"ש ד"ה מי וד"ה מ"ט.

3. חידושי הרמב"ן ג ע"א ד"ה ה"ג בפר"ח ידו לא נייח (במהדורות החדשות של חידושי הרמב"ן).

4. חידושי הרשב"א ד"ה ה"ג ר"ח, חידושי הר"ן ד"ה ידו.

5. חידושי הרשב"א ה ע"א ד"ה הא, באמצע – "ואינו נראה בעיני... למעלה מעשרה פטור".

### Introduction

The Gemara in *Shabbat* 3a relates:

Rav asked Rabbi [Yehuda HaNasi]: If one's neighbor loads him with food and drink, and he carries them out, what is the law? Is moving one's body like lifting up an article from its place, and so he is liable; or perhaps it is not so? He replied: He is liable, and it is not like his hand. What is the reason? His body is at rest, whereas his hand is not at rest.

As we learned in the previous *shiur*,in order to be liable on Shabbat for *hotza'ah*, moving an object from a private domain to a public domain, in addition to the transport itself of the object from one domain to the other, one must perform an act of *akira*, "lifting" (and also an act of *hanacha*, "resting"). In the case under discussion in the Gemara, one person loads another person with a certain object, and then that second person goes from a private domain to a public domain, without having lifted up the object himself. The background to the question is the case in the Mishna in which the homeowner puts something into the outstretched hand of the poor person, and then the poor person brings it outside. The Mishna rules that both of them, the homeowner and the poor person, are exempt from liability. The poor person is exempt because he did not lift up the object, and so it would seem that in our case as well the person carrying the object out should be exempt. But Rabbi Yehuda HaNasi explains to Rav that the case of a hand – where somebody puts something into the hand of the person who moves it from one domain to another – is not the same as the case of a body – where somebody loads an object onto another person's body, and not into his hand. This is because "his body is at rest, whereas his hand is not at rest." We must understand the question and the answer, as well as the distinction between a person's hand and his body.

### Rashi's position – A hand cannot be at rest

 Rashi explains: "His body is at rest – on the ground, and it is considered *akira*." His wording implies that the terms "at rest" and "not at rest" refer to resting on the ground, and that when the Gemara asserts that "his hand is not at rest," it means that his hand is not at rest on the ground. (*Tosafot*, s.v. *mai*, write that Rashi explains that "his hand is not at rest on the ground." This sentence does not appear in Rashi, and the *Tosafot* apparently infer it from what Rashi said that his body is at rest on the ground. This is stated explicitly in *Tosafot ha-Rosh*).

 What Rashi means is that even if a person's body (and any object resting upon it) is considered as resting in the place where he is standing - "on the ground" – his hand is not considered as resting in that place, and therefore something found in his hand is not seen as resting in the same place where his body is found. That is to say, if a person is standing in a private domain, and something is placed on his body, that object is considered as resting in that same private domain. But something that is placed in his hand is not considered as resting in that private domain. Should you ask – where then is it resting, the answer apparently is that the object is not resting at all, but rather it is in a state of motion, that is, it is lifted up from the ground.

 Rashi does not explain the difference between something placed on a person's body and something placed in his hand. It would seem that the difference is that one's hand is designed to move something from place to place, and it itself moves independently of any movement of one's legs. Therefore, even when a person stands in one place in a private domain, an object in his hands is not in a state of "rest," and thus when he begins to move, he does not perform an act of *akira*. In other words, the object in his hand is already lifted up. In the end, therefore, when he leaves the private domain, even if he sets the object down in the public domain, he is exempt, since he did not perform an act of *akira* at the beginning, and as we have seen, there is no liability for *hotza'a* and *hanacha* without *akira.*

### The position of the *Tosafot ­–* His hand follows His Body

 The *Tosafot* understand the matter differently. The Ri explains that the case referred to here as that of a "hand" is the case cited in the Mishna, where the poor person is standing outside in the public domain and his hand extends into a private domain. The words, "his hand is not at rest," do not mean that a person's hand is never considered as being in a state of rest, but rather that "his hand follows his body." The object in his hand is indeed resting, but it rests in the public domain, where the person's feet are located, and not on the ground beneath his hand. Thus, if he draws his hand back, he is exempt, not because he did not lift the object up, but because he lifted it up from the public domain and then set it down again in the public domain. That is to say, he did not perform *hotza'a* at all.

 According to the *Tosafot*, the Gemara does not draw a fundamental distinction between a person's hand and his body, but rather it asserts that a person's body is located in its place, and his hand is located in the place of the body to which it is attached. In other words, a person's feet determine the location of his body. A hand, in such a case, is merely an example of a limb that extends far from the place of his feet, but nevertheless, its halakhic location is in the place where his body touches the ground.

 The *Tosafot* raise an objection against Rashi from the Mishna itself, which states:

If the poor man stretches his hand inside… [and] takes [an object] from it and carries it out, the poor man is liable.

In this case, the object rests in a hand (the hand of the homeowner), and the poor man takes it from there and carries it out, and he is liable. But if an object found in a person's hand is not considered to be at rest, the poor person who takes it from the homeowner's hand should not be seen as having performed *akira*, and therefore he should be exempt. According to the Ri's approach, in this case the object is found in the hand of the homeowner who is standing in a private domain, and therefore it too is seen as resting there, and the poor person lifts it up from the private domain and carries it out into the public domain.

### An explanation of Rashi's position

 How will Rashi answer *Tosafot's* objection? Some *Rishonim* suggest that the *Tosafot* did not properly understand Rashi, and that Rashi essentially explains the Gemara the same way that the *Tosafot* does. This is what follows from the words of the Rashba. This understanding is supported by the continuation of Rashi's own words. The full comment is: "His body is at rest – on the ground, and it is considered *akira*. Another explanation: His hand follows his body – we do not read [these words], as they are superfluous." The second explanation is the position of the *Tosafot*. If Rashi writes in its regard that this reading is not correct because "it is superfluous," the implication is that it is correct in substance, and the problem is only that there is no need to insert these words into the Gemara. This implies that the explanation included in Rashi's first reading is no different than the one included in the second reading.

 But as stated, the beginning of Rashi's comment implies otherwise. And furthermore, why would Rashi oppose the reading: "His hand follows his body," on the grounds that it is "superfluous"? What is wrong with the addition of a detailed explanation, especially when it is clearer than the obscure reading of Rashi: "His body is at rest, whereas his hand is not at rest"? Where do we find that Rashi rejects readings because they are superfluous?

 It therefore seems that the term "superfluous" means that the reading is superfluous because it proposes an additional explanation, different than the first explanation. Therefore it adds nothing, and is unnecessary. According to the first explanation, a person's hand is not at rest, even if his feet rest in the same place. Why, then, add that when one's feet are in a different place, his hand follows his feet? In any event, his hand is not at rest in any place!

If so, we must go back to the *Tosafot's* objection. When the poor person takes something out of the homeowner's hand and carries it outside, this is considered *akira*, which forces us to say that it had previously been viewed as at rest when it was in the homeowner's hand. This is what follows from the Mishna. But when the homeowner places the object in the poor man's hand, and then the poor man carries it out into the public domain, the object is viewed as not having rested in his hand, and therefore his removal of the object is not considered *akira.* What is the difference?

 The answer must be that the homeowner's hand, which is not going out or about to go out, is considered a place of rest for the object. In contrast, the object's presence in the poor person's hand is for the purpose of being taken out, since he is about to draw his hand out, and in such a case we say that the object is not viewed as being at rest. The object is being held in the poor man's hand so that it can be moved, and this cancels its geographical resting. In other words, the hand of the mover (the poor man's hand) is not at rest (but rather in motion); the hand of the person standing still (the homeowner's hand) is itself standing still, and the object found in it is seen as resting on the ground.

 The Ramban, when he cites Rashi's opinion, writes (in the new editions of the Ramban; in the old editions, based on Rav Meltzer's edition, the passage is missing):

You might ask: If so, even when the poor man puts something into the hand of the homeowner, or takes something from it and carries it out, he should be exempt, since he did not lift it up or rest it on the ground, as his hand is not at rest. **But it is different there.** Since his body is at rest, also his hand is at rest because of his body, even though it is not at rest by itself. This is the opinion of Rashi.

 The Ramban seems to be saying what we have just proposed. When a person's body is at rest – i.e., when it is not in motion – his hand is also at rest. Even though a hand in itself is not a body that determines location, but rather something that seizes and takes hold of things, nevertheless if the hand holds something for the sake of a body that is at rest, the object is also considered to be at rest. But if the hand holds something for the sake of a body that is in motion, that cancels any relationship between the location of the hand and the ground beneath it. (Despite the explanation that the Ramban offers for the opinion of Rashi, he rejects it without explanation, merely writing that it is incorrect, and in the continuation he adopts the *Tosafot's* explanation and their reading, that one's hand follows his body).

 In the previous *shiur*, I explained that Rashi maintains that *hotza'a* involves assigning a new spatial identity to an object, as opposed to the *Tosafot* who understand that *hotza'a* involves moving an object to a new place, without that place being a component in the object's identity. It stands to reason that there is a connection between that dispute and the dispute under discussion today (no necessary dependency, but nevertheless a certain correspondence). Since Rashi sees an object's old place and its new place as determining the object's identity, it is not surprising that he requires a high level of permanence in that place. Not every accidental presence in a particular place determines an object's essential identity. An object must, as it were, be "rooted" in the place, so that it can be considered as belonging to that place, and that the location should be part of the object's identity. Therefore, it can be argued that if an object is found in a private domain, but rests in a person's hand, and the hand itself is holding it in order to move it to a different place, the object is not considered as fixed in that place, even though it is found there. It no longer **belongs** to that place. But, according to the *Tosafot*, that the essence of *hotza'a* is the actual movement, and the *hanacha* and *akira* are merely measures in the act of movement, there is no significant difference with respect to the movement whether it began with accidental presence in a private domain or with fixed presence there. With respect to the significance of the movement, the two cases are identical.

### The position of R. Shimshon of Sens

 According to this understanding of Rashi, we can well understand the opinion of R. Shimshon of Sens, brought in the margin of the *Tosafot* (letter *bet* on the side of the Gemara) and in the *Tosafot ha-Rosh*, that the Gemara asked only whether the **moving** of one's body is like the lifting up of an object, and not whether the resting of one's body is like the resting of an object. R. Shimshon maintains that if the poor person carried something out from a private domain to a public domain, but did not rest it on the ground there, but merely stood there, this is certainly considered *hanakha*, even though the object rests in his hand, and not on the ground. (In our *Tosafot*, this opinion is rejected by the Ri.) According to our explanation of Rashi, the distinction is simple. An object that is held in a hand so that it can be moved is not considered to be at rest. But the poor man's hand at the end of the *hotza'a* is now holding the object in order that it should rest there, just like the hand of the homeowner from which the poor man took the object. In other words, the future movement of a hand cancels the state of rest, but past movement, which is already completed, does not.

 (It should be noted that R. Shimshon of Sens himself agrees with the *Tosafot*, against Rashi. His position is that there is a fundamental difference between *akira* and *hanacha*, and that *hanacha* can be executed more easily than *akira*. *Akira* requires a significant act, while *hanacha* suffices with a trivial act. We will deal with this distinction on p. 4a, in the passage dealing with the issue whether or not an object in airspace is considered at rest.)

### The position of the Rashba

 The words of the Rashba (5a, s.v. *ha*) suggest that there is yet another way to understand the Gemara. The issue he discusses there is different, but touches on our issue. What is the place, with respect to height, of an object found on a person's body? There is an opinion among the *Rishonim* (see Ritva, *Eiruvin* 33a) that anything held in a person's hand is considered as if it rested between his feet. In other words, a person is not part of the world's surface, but rather an object on that surface, and therefore we relate to him as if he does not exist when we come to determine the place of an object that he is holding. Every object is located on the point on earth that is directly below it. The *Tosafot* in *Eiruvin* disagree with this opinion and see the object as resting in the air at a certain height. In a private domain it makes no difference, since a private domain extends upwards indefinitely, but a public domain extends upwards only ten handbreadths, and something located above ten handbreadths from the ground is not in a public domain, but rather in a *karmelit* or in a place of exemption. Therefore, according to the *Tosafot*, a person who transports something on his shoulders through a public domain is not liable unless he sets it down below ten handbreadths.

 The Rashba on p. 5 has a different position. On the one hand, he writes that if a person carries out an object and sets it down upon a person above 10 handbreadths, he is not liable, because there was no *hanacha* in a public domain, and thus he agrees with the *Tosafot*. However, if a person carries an object out from a private domain into a public domain, or if he carries it four cubits in a public domain while the object is held up over ten handbreadths, he is liable even if he did not set it down below ten handbreadths. The reason is that "a person who stops to rest [is liable], because the moving of his body and the resting of his body is like the lifting and resting of the object." The Rashba is clearly not speaking of the **place** where the object rests, because he already established that the place of the object is above ten handbreadths. Rather we must say that he speaks of the **act** of *akira* with respect to the object. Even though with respect to the object, it rests above ten handbreadths, since the person who carried it out by himself, rested his body in the public domain, and the moving of his body is like the lifting of the object, an act of *hanacha* was conducted with respect to the object. This explanation is only possible if we adopt the definition of *hotza'a* proposed by the *Tosafot*, as we explained in the previous *shiur*. *Hanacha* in the public domain is not necessary in order to assign an object the status of resting, but only in order to define the act of *hotza'a* as significant, since it started in a private domain and ended in a public domain. Our Gemara's question whether the moving of one's body is like the lifting of an object (and the resting of one's body is like the resting of an object) is a question whether the moving and resting of one's body suffice to define the transport of an object as a *melakha*, despite the fact that the object in itself was not set down to rest in a public domain, and was not lifted up from a private domain (by the person who carried it out). The conclusion is yes – since the person removing the object both moved and rested his body, and the object was removed by him from a private domain to a public domain, he is liable, **as if** there was an *akira* of the object and a *hanacha* of it.

 Even though the Rashba on our passage does not mention this explanation, the fact that he uses the formulation, "the moving of his body is like the lifting up of an object," seems to indicate that it is possible to explain the Gemara's question and answer in this manner. According to this, the difference between one's hand and one's body in our Gemara can be explained as it was explained by the *Tosafot* (and so too the Rashba writes in our passage), only that his explanation is simpler. If a person received something with his body or his hand in a private domain, and then **moved his feet** and his body and entered a public domain, he is liable because the moving of his body is like the lifting up of an object. However, if he stands in a public domain and extends his hand into a private domain, and he receives something from the homeowner (this being the case called "his hand," according to the *Tosafot*), and then he returns his hand outside without moving his feet, he is exempt, for there is no moving of his body, but only moving of his hand. Moving his hand does not involve *akira* or *hanacha*, and thus we must deal with the object in itself. (See also *Piskei ha-Rosh*, no. 2. The *Korban Netanel* explains the Rosh in accordance with the *Tosafot*, but his wording implies otherwise, and he can be explained in accordance with the Rashba).

(Translated by David Strauss)

**Sources for the next *shiur*** which will deal with the issue**:**

**"Do we say to a person: Sin, in order that your neighbor may gain thereby?" (4b)**

1. גמרא ד ע"א "גופא ... איסור סקילה"

2. רש"י, תוס' (ד"ה וכי, וד"ה קודם), תוס' הרא"ש ד"ה וכי.

3. רמב"ן ד"ה אילימא וד"ה וכי, חידושי הריטב"א עירובין לב ע"ב ד"ה ניחא.

4. תוס' פסחים נט ע"א ד"ה אתי.