



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

### Kesubos Daf Lamed Aleph

- We said earlier that **R' Chisda** said that **R' Nechunya** agrees that where one stole cheilev and ate it, that he would be chayuv to pay, because he was chayuv for stealing when he lifted the cheilev, and was not chayuv kares until he ate the cheilev.
  - **Q:** Should we say that **R' Chisda** argues on **R' Avin**, because **R' Avin** says that if one shoots an arrow 4 amos in the reshus harabim on Shabbos, and it tears someone's cloth in the process, he is patur from having to pay the money, because the uprooting and movement of the arrow is part and parcel of its landing and causing him to be chayuv for Shabbos. According to this, the lifting of the cheilev is also part and parcel of his eating it, and he should not be chayuv to pay through his lifting!?! **A:** The cases are very different. It is impossible to be chayuv without the uprooting of the arrow, but it is not necessary to lift the cheilev in order to eat it, because he can bend down and eat it. **A2:** In the case of the arrow, once he releases the arrow it cannot be stopped from ripping the cloth, and that is why it is part of the same action. However, after lifting the cheilev, it is still possible for him not to eat it. Therefore, it is not considered to be part of the same action.
    - The difference between these answers would be when one carried a knife 4 amos in reshus harabim and ripped a cloth in the process. According to the first answer he would be patur. According to the second answer he would be chayuv.
  - **Q: R' Bibi bar Abaye** asked on **R' Avin**, a Braisa says, if one steals a wallet on Shabbos, lifts it up, and carries it into the reshus harabim, he is chayuv to pay for what he stole, because the stealing took place before the chiyuv misah of carrying it into the reshus harabim. If he dragged it out, he would be patur from paying, because the stealing and issur Shabbos happened when he drags it into reshus harabim. Now, according to **R' Avin**, in the first case we should also say that the lifting was part and parcel of the carrying into the reshus harabim and he should therefore be patur from paying!?! **A:** The case is where he lifted it without intention to take it out of the house, so the lifting is not called an "akira" and is not part and parcel of carrying it outside.
    - **Q:** He would not be chayuv if that were the case, because **R' Simon in the name of R' Ami in the name of R' Yochanan** said, that if one lifts something to move it within the house and then decides to take it out, he would be patur!?! **A:** The reason he is chayuv for the stealing is because after lifting it, he stopped in the house, and then started moving again and carried the item out. The original lifting is therefore not the akira that makes him chayuv for Shabbos.
    - **Q:** Presumably this would mean that he would be chayuv to pay only if he stopped to rest, but if he stopped to adjust the package on his shoulder, since that is normal, it would not be considered a full stop and he would therefore be patur from paying. If so, instead of the Braisa giving the case of him dragging the item to give an example of where he would be patur from paying, why can't it give the example of where he stopped to adjust the package!?! **A:** It must be that the reason he is chayuv to pay is because the Braisa follows **Ben Azzai**, who holds that one who is walking is considered to be making a stop and a new akira with every step. If so, the stealing was done before he was chayuv for Shabbos.
      - **Q:** If so, when the Braisa wants to give a case where he is patur from paying, instead of giving the case where he dragged the item, why doesn't the Braisa give the case of where he threw the item, in which case the stealing and the chiyuv for Shabbos come from the same action and he would therefore be patur!?! **A:** The Braisa wanted to give the

case of dragging the item, because one would think this is not the normal way of carrying it and he would therefore not be chayuv for Shabbos at all. The Braisa teaches that he is chayuv.

- The Braisa must be discussing a medium sized item, because if it was a large item, it would be normal to drag it, and if it was a small item, it would not be normal.
- **Q:** Where was it dragged to? If it was dragged into the reshus harbaim, he would be chayuv for Shabbos, but would not be chayuv for stealing (because he cannot be koneh it with meshicha in the reshus harabim)!? If he dragged it into the reshus hayachid, he would be chayuv for stealing but would not be chayuv for Shabbos!? **A:** The case is where he dragged it into the side of the reshus harabim (where one can be koneh with meshicha).
- **Q:** Who would this follow? According to **R' Eliezer**, the sides of the reshus harabim have the status of the reshus harabim, and according to the **Rabanan** it has the status of the reshus hayachid!? **A:** It follows **R' Eliezer**. He holds that regarding Shabbos it has the status of the reshus harabim, but regarding kinyan, one can be koneh there with meshicha.
- **R' Ashi** said that the Braisa is discussing where he dragged the item but held it in his hand which was within 3 tefachim to the ground. Although it is considered dragging, he is koneh it as **Rava** says, that a person's hand is given the significance of allowing him to be koneh something that is placed in it.
  - **R' Acha** explained the Braisa like this as well. **Ravina** said that the case is where he dragged it, and he is koneh because a thief can be koneh with meshicha in the reshus harabim.