

**TALMUDIC METHODOLOGY**  
**By Rav Moshe Taragin**

***Shiur #04: Lifting From and Depositing Into  
An Area of 4x4 Amot***

The first *mishna* in *Shabbat* describes several scenarios of *hotza'ah* in which an item was taken from someone's hand or deposited into someone's hand. The *gemara* (3a) questions this prohibition, since a hand is not a 4X4 *amot* "base." Typically, *hotza'ah* is only violated if an item was removed from a wide "base" of 4x4 and deposited onto a similarly wide 4x4 "base." The *gemara* suggests various solutions to this question. In this *shiur*, we will address this discussion and the nature of the 4x4 requirement for *hotza'ah*.

Before we can probe exceptions to the 4x4 rule, we must first understand the nature and function of this rule. Why must items be removed from 4x4 pedestals and deposited upon similarly sized locations in order for *hotza'ah* to be violated? Many *Rishonim* (Rashi, Rambam, Rashba) do not cite a source for this requirement but impute it to simple logic as the Rambam writes: objects placed on flimsy "bases" are impermanent, as they are likely to be moved or jostled. Presumably, then, these *Rishonim* believe that large 4x4 positioning is necessary to create **permanent** and halakhically recognized conditions of **stasis**. Only items residing upon rugged 4x4 pedestals are considered **secure** and in a state of **immobility**. *Hotza'ah* is defined as lifting a **still** item, transporting it to a different zone, and depositing it to a new condition of non-movement. Stillness and non-movement only exist if items are permanently positioned on a sturdy "base" of 4x4.

Alternatively, Tosafot quote Rabbenu Tam, who justifies the 4x4 requirement based on the precedent of the *Mishkan*; evidently, in the *Mishkan*, items were placed on these large stands. Tosafot also cite the Ri as explaining the 4x4 requirement based on one of the *pesukim* which serves as the source for the prohibition of *hotza'ah*. Perhaps these *Ba'alei HaTosafot* viewed the 4x4 requirement as less fundamental to the actual process of lifting, transporting, and redepositing. If any item is still – even if that stillness is tenuous – and it is subsequently lifted and transported, *hotza'ah* has been violated. The 4x4 requirement is not *basic* to halakhic definitions of item positioning.

In a previous *shiur*, we discussed the option that *hotza'ah* consists of rendering a status change to an item, similar to other *melakha* violations,

which alter an item. Although no **physical** change has transpired, an **identity** change has occurred. Previously, the item was associated with the *reshut ha-yachid*; subsequent to *hotza'ah*, it is affiliated with the public domain into which it has been inserted.

It is possible that according to these latter views in Tosafot, items positioned on flimsy stands **are** indeed considered **still**. However, they are not **associated** with the zone, since they can easily be dislodged. Items positioned in *reshut ha-yachid* on small pedestals are not affiliated with that *reshut*, and hence *hotza'ah* does not alter any previous identity or affiliation. Similarly, items deposited in *reshut ha-rabim* on objects less than 4x4 do not incorporate themselves with *reshut ha-rabim*. Since no status change entails, *hotza'ah* cannot be violated.

To summarize, there are two different strategies to understanding the 4x4 requirement of *hotza'ah*. Either a firm “base” is necessary to create the state of “stillness,” which is a precondition for the act of *hotza'ah*, or stillness is achieved even with flimsy foundations, but “item affiliation” can only occur if the transported item is firmly embedded in a zone/*reshut* by being placed on a 4x4 basis. If the 4x4 rule is **inherent** to the act of transport, perhaps it can be inferred logically, without need for a source. By contrast, if 4x4 determines “affiliation,” it is a **specific** rule regarding the prohibition of *hotza'ah* on Shabbat and would require a specific source.

This question could lead to an interesting consequence regarding the exportability of the 4x4 requirement to other halakhic realms. The *gemara* in *Pesachim* (85b) “patterns” the prohibition of removing *korban Pesach* meat from its designated site after the prohibition of *hotza'ah* on Shabbat. Each prohibition entails “item removal” and they share a basic anatomy. The *Minchat Chinuch* questions whether the 4x4 rule would thus similarly apply to the *korban Pesach* prohibition. If someone removed the *korban* meat but did not re-deposit it on a 4x4 “base,” would the prohibition entail? Presumably, the *Minchat Chinuch* is posing our question: If the 4x4 rule is fundamental to the structure of acts of transport, it is feasible to demand it for all halakhic acts of transport, including *korban Pesach* meat removal. However, if the 4x4 rule is unique to the prohibition of *hotza'ah* on Shabbat, it is difficult to imagine its necessity in the case of the *korban Pesach*.

Another interesting consequence of this question is the possible exception of *reshut ha-yachid*. The *gemara* (*Shabbat* 7b) suggests that small reeds can be “receivers” to complete *hachnasa* (import **into** *reshut ha-yachid*), even if they are not 4x4. This leads many *Rishonim* (chief among them the Rambam) to limit the 4x4 requirement to *reshut ha-rabim*, public areas. Items lodged in *reshut ha-yachid* do not require pedestals of 4x4!

If the 4x4 requirement is necessary to create affiliation between an item and a zone, it is unlikely that a *reshut ha-yachid* would be different from a *reshut ha-rabim*; unless items are firmly inserted into a zone, they are not “defined” by that zone. However, if stillness and stability are gauged by the potency of the “base,” perhaps this is only necessary in a *reshut ha-rabim*, which contains forces that may destabilize an item. The commotion of a *reshut ha-rabim* threatens the motionlessness of an item, and therefore only firmly deposited items are considered in a state of “rest.” In a *reshut ha-yachid*, where there is no commotion, ANY item is considered static.

A second exception pertains to a situation described in the *gemara* (99a) in which an item was tossed to an animal as food or into a garbage as refuse. Even though the item does not land on a 4x4 “base,” the *gemara* considers these acts as *hotza'ah*-worthy, since the person intended this landing (*achshavei*). Why should **intent** be sufficient if the item doesn't actually land on a 4x4 “base?” Perhaps this *gemara* assumes that 4x4 pedestals are necessary to create affiliation between the item and the zone. If it lands on something flimsy, it is not steadfastly connected to the zone. But if the person who flung the item **intends** it to specifically reach a designated receiver (a garbage bin or animal), the affiliation can be **subjectively** imposed even without a successful landing. If the 4x4 rule were necessary to impose stasis to an item, it might be more difficult to create stasis simply because the person **intended** its landing in a specific fashion.

Finally, this principle of 4x4 must be gauged based on a major exception asserted by Rava (*Shabbat* 4a). He claims that 4x4 is entirely unnecessary when the item is held by a human hand; the requirement only relates to items that land on inanimate objects or upon animals. As the Rambam explains (commentary to the first *mishna* in *Shabbat*), humans possess opposable digits, allowing us to clasp items tightly. As such, a human hand does not have to measure 4x4 (and it never does!). It is clear that the Rambam views the 4x4 requirement as providing stability and stillness. Hands provide that condition even without the 4x4 size. Had the 4x4 rule been **formally** necessary to create affiliation with the “host” zone, it might have been required even when the item is grasped by a human hand.