

פרק עשרים וארבע – גי שהחשיך Introduction to

This chapter is a miscellany of הלכות שבת, including proper care for animals on שבת and which activities may be done with them

2.24.1

153a (משנה א) → 154b (לא מחייב)

note: the prohibition of הנחיה generates full culpability only with עקירה, a transfer of רשות (or ר"א ברה"ר) and הנחה

1.	קָבַד אֱלֹהִים הַסֵּתֵר דָּבָר וּקְבַד מַלְכִים חֶקֶר דָּבָר: מְשַׁלֵּי כַה, ב
2.	וַיּוֹם הַשְּׁבִיעִי שֶׁבֶת לֵה' אֱלֹהֶיךָ לֹא תַעֲשֶׂה כָל מְלָאכָה אֵתָהּ וּבִנְךָ וּבִתְּךָ עִבְדְּךָ וְאִמְתְּךָ וּבְהֵמָתְךָ וּגְדֹךָ אֲשֶׁר בְּשַׁעְרֶיךָ: שְׁמוֹת כ, ט
3.	הָאֲזַרְחָ בְּבִנֵי יִשְׂרָאֵל וְלִגְרֵי הֶגֶר בְּתוֹכְכֶם תֹּרְהָ אַחַת יִהְיֶה לְכֶם לַעֲשֹׂה בְּשִׁנְיָהּ: וְהִנָּפֵשׁ אֲשֶׁר תַּעֲשֶׂה בְּיַד רָמָה ... בְּמִדְבַר טו, כִּט-ל

- I. משנה א
- Ideal solution*: give package to a non-Jew (still only a “last resort”, as there is concern that he’ll carry on his own)
 - justification*: if we don’t find a legitimate solution, he’ll violate the law to save his property
 - If no גכרי*: put on animal
 - Reason*: we are not commanded to keep a נכרי from doing מלאכה, but we are regarding our animals (v. 2)
 - Next resort*: if only a donkey or an incompetent (חש"ו) give to donkey
 - Reason*: they are human
 - Next stage of hierarchy*: if only שוטה and either חרש or קטן – give to שוטה
 - But if*: only חרש or קטן – ר"א would have us give to קטן, as he regards חרש as דעת בן דעת (re תרומה)
 - However*: according to רבנן (תרומת חרש אינה תרומה – תרומות א:א) which is preferable? (no resolution)
 - Lemma1*: give to חרש, as קטן will become a competent person when he reaches age
 - Lemma2*: give to קטן; if we allow חרש, he will confuse it with competent adult (next time)
 - Absolutely final resort*: walk it less than ד"א at a time (they didn’t want to publicize this, per v. 1)
 - Comment*: this decree was 1 of 18 (above, א:ד) – יחושע – ר"א/ר' יהושע if they were productive
 - Then*: once reaching a safe storage place, take items that are מותרים בטלטול and let the rest fall to ground
 - Limitation (רבא)*: only applies to his own package, not a מציאה; however, if he already took possession – מותר
 - Version*: רבא posed this as a query (מציאה שבאה לידו) and it was left as תיקון
- II. Prohibition of מחמר (leading an animal – violation of v. 1) and the solution of placing the pack on a donkey
- Solution*: Place it on the back while donkey is walking (עקירה no)
 - Challenge*: animal will certainly stop to urinate etc.
 - Solution*: keep removing it when animal stops
 - Challenge*: you could do that with another person as well – why require an animal?
 - Answer*: having another carry in that fashion is פטור אבל אסור
 - calculus*: if you are חייב for doing it by yourself, it is פטור אבל אסור on another and מותר on מותר
 - note*: if someone finds that he has a pack on his back, he may run into his house (no עקירה)
 - challenge*: why must he run? As long as he keeps walking, there’s no עקירה
 - answer*: if he walks, there is no היכר and he may end up carrying in a normal fashion
 - challenge*: if he runs, he’s still bringing it in to רה"י (his house) from רה"ר
 - answer*: when he gets nearby, he should throw it in יד כלאחר יד
 - consequences of מחמר* – רב"ח – usual culpability (per v. 2) including סקילה
 - challenges (רבא)*: v. 3 sets ע"ז as model for חיובי כרת – only one who is acting is liable
 - and*: ח:ח סנהדרין implies that there is some action for which the חיוב is split
 - Deflection (of 2nd challenge)*: could be referring to תחומין (per ר"ע) or הבערה (per יוסי – ר' יוסי יצאת – ר' יוסי יצאת)
 - Note*: רב"ח’s version of רב"ח – מחמר is a “split חיוב” – only liable if done במזיד (סקילה)
 - Then*: רב"ח’s challenge to ח:ח סנהדרין is the implication that if there is no חיוב חטאת then no סקילה
 - Rejection*: poor implication – may mean that if there is ever חיוב חטאת → חיוב סקילה (but not inverse)
 - חל* (problem with identity): quoted ר' יוחנן – if someone leads an animal, he is fully exempt (מזיד as well)
 - per v. 3; model for חטאת is ע"ז (no action on his own – no liability)
 - per רבא’s reading of ח:ח סנהדרין – if no חטאת, no סקילה
 - because מכות – לאו שניתן לאזהרת מיתת בית דין – and there are never מכות for that
 - And even*: authority who allows for מכות for לאו שניתן לאמב"ד – only later “בהמתך” → no liability for animal’s work
 - Reason*: wording of איסור starts with “אתה” – only later “בהמתך” → no liability for animal’s work