

2.1.2

3a (שניהן פטורים) → 4a (קודם שיבא לידי איסור סקילה)

Note: our *מלאכה* discusses the prohibition of *רדיית הפת* – taking bread out of the oven – which is not a *מלאכה*, per se, rather a *חכמה* and is considered an *איסור דרבנן*

7. וְאִם נָפֶשׁ אַחַת תִּחְטָא בְשִׁגְגָה מֵעַם הָאָרֶץ בְּעִשְׂתָּהּ אַחַת מִמִּצְוֹת ה' אֲשֶׁר לֹא תַעֲשֶׂינָהּ וְאָשָׁם: וַיִּקְרָא ד, כז

I. Discussion of exemptions in 2nd half (שניהם פטורים)

- a. Challenge: a *מלאכה* was accomplished by them together
- b. Answer: v. 1 is interpreted as meaning that only if one person does the full *מלאכה* is he *חייב*
 - i. Therefore: if one does it – *חייב*; if two perform the *מלאכה* – they are exempt (more details in י:ה שבת)
 - 1. Note: confirmation from *בר גמדיא*
- c. Related question (*רב* asked of *רבי*): if A loaded items on B's back and B walked out – is his body's movement from place to place similar to moving something with his hand (→ *פטור*, per *סיפא* of our *משנה*) or not (→ *חייב*)?
 - i. Answer: he is liable, and it is unlike the hand
 - ii. Reason: his body comes to rest, his hand does not (alt. *גירסאות* here)
 - 1. Support (*ר' חייא*, who admonished *רב* for asking *רבי* something on a topic other than what he was teaching): *ברייתא* - is he was laden with food and walked out after dark, he is liable (for *הוצאה*) as it is not like the hand

II. Discussion of "יד"

- a. *אבי יד* doesn't take status of the body (to be judged as *רה"ר* or *רה"י*) – from rulings in our *משנה*
 - i. Question: could *יד* be considered like a *כרמלית* (*רה"ר* of rabbinic provenance)?
 - 1. Impact: would be prohibited to bring it back (if he stuck it out to another *רשות* with something in it)?
 - ii. Suggestion: this is a dispute among *תנאים*, as we have two *ברייתות* which apparently disagree
 - 1. One states: that he may return it
 - 2. Other rules: that he may not return it
 - 3. Rejection: no dispute (both hold it to be *ככרמלית*) – assign *ברייתות* to different cases:
 - a. Permitted: if hand is *over* 10 *טפחים* high (no *רה"ר* → no reason to be *גוזר*)
 - b. Prohibited: if hand is *under* 10 *טפחים* off the ground
 - 4. Alternative answer: neither holds that it is *ככרמלית*
 - a. Permitted: if he put it out before *שבת*
 - b. Prohibited: if he put it out at night (violated the law → *קנס*)
 - c. Challenge: the opposite should hold – since, if he dropped it in 1st case, no *חייב חטאת*, unlike 2nd case
 - i. Note: since we do not take this approach, we may be able to resolve *בר אבי* query:

III. *בר אבי*'s question: if he put bread into oven on *שבת*, do we allow him to take it out (*רדיית הפת* – see note) before it bakes and he becomes *חייב חטאת*?

- a. Implication: we do not allow him (just as we didn't reverse the answer above to "help" the *משחשיכה*)
- b. Rejection: we could reconcile above *ברייתות* as *שווג/מזיד* (if he put it out *בשווג*, we let him return it)
 - i. Or: we could posit that both *ברייתות* are cases of *שווג*, and they disagree if we are *גוזר* in a case of *שווג* against *מזיד*
 - ii. Or: we could posit that they agree not to be *גוזר*, but "*מותיר*" is to recall to same *חצר*; "*אסור*" is to a different *חצר*
 - 1. Per: *ר'נ*'s answer to *רבא* – in the latter case, he accomplished something (moving it to a different place)
- c. Revisiting *רבב"א*'s question: how could he be *חייב חטאת* – requires *שווג* from beginning to end
 - i. Explanation: if he asks us if he may remove it, he is no longer *שווג*
 - ii. In that case: it could only be a case of *מזיד*, in which case *בר אבי*'s question should be – "before he comes to *סקילה*"
 - 1. Answer1 (*ר' שילא*): it is *שווג* – if others ask, in order to save their fellow from *חטאת*
 - a. Challenge (*ר' ששת*): we don't tell one person to sin (even *באיסור דרבנן*) to save another from culpability
 - 2. Answer2 (*ר' אשי*): it was *מזיד*, and the proper version of the question is *איסור סקילה*
 - a. Note: version in which *בר אבי* confirms – that we *do* allow him to remove it to save himself from *סקילה*