

2.10.2

(שכן לבלרי מלכות עושין כן) 92b → (משנה ב) 91b

1. וְקָלְעִי הַחֲצֵר וְאֶת מִסֵּךְ פֶּתַח הַחֲצֵר אֲשֶׁר עַל הַמִּשְׁכָּן וְעַל הַמִּזְבֵּחַ סָבִיב וְאֶת מִיתְרָיו לְכָל עֲבֹדָתוֹ: בַּמִּדְבָּר ג', כו
2. עֲשֵׂר אֲמוֹת אֶרֶץ הַקֶּרֶשׁ וְאִמָּה וְחֲצִי הָאֲמָה רַחֵב הַקֶּרֶשׁ הָאֶחָד: שְׁמוֹת כו, טז
3. וַיִּקְרָשׁ אֶת הָאֹהֶל עַל הַמִּשְׁכָּן וַיִּשֶׂם אֶת מִכְסֵּה הָאֹהֶל עָלָיו מִלְמַעְלָה כְּאֲשֶׁר צִוָּה ה' אֶת מֹשֶׁה: שְׁמוֹת מ, יט

I. משנה ב: requirement to complete a מלאכה at one time to be liable

- a. פטור – If: he put a box of fruit on the sill and then either he or someone else took them out –
- i. Reason: the מלאכה wasn't done at one time
1. Note: אסקופה must be a כרמלית, else he would have been חייב immediately or just at last stage
2. Inference: had he not stopped on sill, חייב; contra בן עזאי (carrying רה"י → רה"י via רה"י – כרמלית)
- b. פטור, If: he put a box of fruit on the outer sill, even though most of the fruit are outside,
- i. unless and until: he takes out the entire box
1. חזקה: this exemption is limited to e.g. cucumbers, but he is liable for mustard seed
- a. Implication: חזקה holds that אגד כלי does not unify the contents
2. יוחנן ד' exemption is unlimited – even if box is filled with חרדל, exempt
- a. Implication: יוחנן ר' holds that אגד כלי does unify the contents
3. Observation (זירא ר' משנה is not fully supportive of each, as emphasis is placed on "most" of the fruit, but also on not being liable until he takes the box out
- a. חזקה: would read that רוב פירות only refers to long ones, such that each still has part inside
- b. יוחנן ד' would read that not only "most" but even if "all" the fruit are out, פטור until box is out
4. Challenge (to חזקה): if someone takes out a box of spices and puts on outer sill, even though most of the spices are outside, he is exempt until he takes out the entire box (assumption: spices are small)
- a. Defense: reference is long spices (e.g. cinnamon and cloves)
5. Challenge (to יוחנן ר'): if he steals a money pouch on שבת, he is liable (for payment – קלב"מ no)
- a. But: if he dragged it out, exempt (קלב"מ per), since איסור שבת and חיוב תשלומין come at same time
- i. And if: we hold that אגד כלי שמיא אגד, theft happens before חיוב שבת
- ii. Answer: that would be right if he took it out by the opening of the pouch
- iii. But: in this case, he took it out by the side
1. Challenge: he could still open up from the side by tearing it open
- a. Answer: case was a theft of metal bars – not liable until they all come out
2. Challenge: since there are drawstrings, he could open those and remove bars
- a. Answer: either there are no drawstrings, or they are wrapped around the pouch
6. In ר' יוחנן::אבוי (חזקה::רבא) had same dispute רבא ורבא:בבל
- a. Then: they reversed positions, creating a double contradiction
- i. Case: if someone carries fruit out
1. אבוי: liable only if he carries by hand, but in a כלי (if כלי is partially indoors) פטור
2. רבא: liable only if he uses כלי, but by hand – פטור
3. Resolution: change this version – רבא is the one who argued that ביד חייב
- a. Challenge (to רבא): אבוי rules that carrying by hand is exempt (if taken by other)
- b. Answer: in that case, the item was carried above 3 טפחים, here, below ג"ט

II. משנה ג: normal ways of carrying, for which he is חייב; and unusual methods – exempt

- a. Normal: right or left hand, under his arm or on his shoulders (per בני קהת)
- b. Unusual: back of hand, foot, mouth, elbow, ear, hair, belt with פה up, between belt and tunic, hem, shoe, sandal
- c. א"ר's ruling: if he carries something over 10 טפחים, nonetheless, he is חייב as that was בני קהת (vv. 1-3)
- d. א"ר's ruling: if someone carries something on his head, חייב – as that is the style of אנשי הוצל
- i. Challenge: they don't set the norm for the world
- ii. Version2: if one of אנשי הוצל carries something on his head, חייב, as that is their style
1. Challenge: their "style" should be null relative to universal norm
- iii. Rather: even if one of אנשי הוצל carries on his head, פטור, as אדם כל אדם, בטלה דעתן אצל כל אדם

III. הוצאה: requirement to complete intent in style of משנה ד

- a. *If*: he intended to carry something in front of him, but it swung behind him – פטור
 - b. *But if*: he intended to carry something out behind him and it came before him – חייב
 - i. א"ל: it appears to be a "broken" משנה, representing two different views
 - ii. זבא: easy explanation – in the 1st case, he accomplished better "watching" (before him), unlike סיפא
 1. א"ל: solution was on a careful reading of משנה
 - a. דישא: implies that if he intended to carry in back and it stayed there – חייב
 - b. סיפא: implies that he is חייב because it came before him; if it stayed in back – פטור
 2. ד' אשי: unneeded – משנה is presenting מיבעיא; certainly if he intended to carry behind him and accomplished it, he is liable as that was his intent; but even if it swung before him, where his intent wasn't fulfilled, nonetheless he is liable for accomplishing better שמירה
 - iii. Note: issue of carrying behind him is itself a dispute:
 1. זרייתא: if he carries money out in his belt with the פה up, he is liable
 - a. But: if the פה is facing down, ר' יהודה maintains חייב and רבנן – exempt
 - i. ד' יהודה: argued that if he intended to carry in back and did so, he would be חייב
 - ii. זבנן: countered that if he carried out on the back of his hand or on foot – he'd be פטור
 1. Note: ר' יהודה claimed that neither he nor they had an answer to the objection
 2. Observation: sounds like רבנן disagree about לאחריו
 3. Correction: they do not, just as he doesn't disagree that carrying יד כלאחר etc. is פטור
 - a. Rather: all agree that כלאחר יד is פטור, and לאחריו is חייב
 - b. Dispute: is whether to compare פה למטה to carrying in back or כלאחר יד or on foot
- c. באמת: if a woman puts something in her apron and it swings back and forth, חייבת, as that is how it works
 - i. Note: any time the משנה uses the phrase באמת אמרו, that indicates הלכה
- d. ד' יהודה: same applies to messengers who receive messages – don't care if the pouch is before/behind them
 - i. Reason: this is what the king's scribes do to carry the documents of the king