

## 2.10.3

92b (ור"ש מוטר) → 93b (משנה ה)

1. ואם נפש אחת תחטא בשגגה מעם הארץ בעשיתה אחת ממצות ה' אשר לא תעשינה ואשם: ויקרא ד, כז

- I. liability for מלאכה done by more than one person' משנה ה
- If: he took a loaf of bread out to רה"ר, he is liable
  - But: if two took it out together, they are exempt
  - Exception: if one person could not take it out alone and 2 took it out – they are both liable
    - Dissent: ר' שמעון exempts even in this case
- II. מלאכה (or the source is either רב or אב"י): 3 circumstances involving jointly performed
- If: each one would be able to perform the מלאכה alone
    - ד"מ they are both liable nonetheless
    - ד' יהודה ור' שמעון both exempt
  - If: neither of them could perform the מלאכה alone
    - ד"מ ור' יהודה liable
    - ד' שמעון exempt
  - If: one of them could perform it alone but the other could not, all agree that \*he\* is liable
    - Identity of \*he\*: ר"ח – the one who was capable, since the other essentially did nothing
      - Challenge (ר' המנונא): he assisted
      - Response (ר"ח): מסייע אין בו ממש – assisting another is not considered acting
      - Support (ר' זב"ד via רבא): זב"ד – if זב"ד was sitting on a bed and there was a garment under each leg, all are מדרס, since the bed cannot rest on 3 legs (ר"ש is מטהר);
        - However: if he was riding on an animal and there was a garment under each leg, they are טהורות, since the animal could stand on 3 legs
        - Observation: even though each leg helps the other 3 to stand → ממש אין בו מסייע
        - Challenge: perhaps מסייע יש בו ממש, but in this case, since the בהמה lifts each leg, not מדרס
        - Block: since he alternates which leg he raises, should be like זב"ד rolling bed to bed – טמאות מדרס
          - Rather: reason must be מסייע אין בו ממש
      - Support (ר' פפי via רבא): ר' יוסי – a horse is מטמא on its forelegs, the donkey on its hindlegs
        - Reason: that is what each one leans on (→ ממש)
      - Support (ר' אשי): רצפת עזרה while standing on עבודה כהן; רצפת עזרה
        - עבודתו כשרה – if 1 foot was on a כלי or rock, we see if he could stand on the 1 "good" leg – עבודתו כשרה
      - Support (רבינא): תוספתא זבחים א: – if he received כלי in right hand and left assisted – עבודתו כשרה
    - Support: בריתא restates first two circumstances and all 3 approaches
    - Source: v. 1 - בעשותה implies that he must perform the entire act (examples given)
      - Point of disagreement: v. 1 – how many implied exceptions (מיעוטים) are here and how are they applied?
        - בעשתה תחטא, אחת תחטא, נפש תחטא מיעוטים
          - all 3 apply to performance per se
            - 1: excludes performance of a half-מלאכה (one does עקירה, other does הנחה)
            - 2: excludes joint performance where each could perform it alone ("זה יכול וזה יכול")
            - 3: excludes joint performance where neither could perform it alone ("זה אינו יכול וזה אינו יכול")
          - בית דין agrees with first two; applies 3<sup>rd</sup> to someone who acted on directive of בית דין
            - if someone acts on directive of בית דין he is still חייב
          - only 2 מיעוטים (אחת תחטא, נפש תחטא) – excluding ½ מלאכה and acting on directive of ב"ד
- III. Exploring joined liability – using ר"מ's ruling (above) that even if both are capable, they are both חייב
- Question: do we require a שעור of מלאכה for each, or is a single שעור sufficient? (ר"ח and ר' המנונא disagreed)
    - רבא (via פפא): should only require 1 שעור, from זב"ד (above) where 1 זב"ד distributes מדרס to 4 טליתות
    - Support (רבינא): שבת יג: – if 1 cannot block פתח (to trap צב"י) and 2 block it – חייבין – with 1 deer (שעור א')
    - Support (רבינא): בריתא – if partners stole and slaughtered – they pay קנס – with 1 animal (שעור א')
    - Support (ר' אשי): if 2 carried out a weaver's stick, they are liable (שעור א')
      - Counter (ר' אחא בריה דרבא): perhaps the stick had enough fuel to cook 2 "light" eggs (שעורים ב')
      - Block: if so, should've just mentioned a reed; why mention a גרדי –
      - Counter: perhaps it was long enough to weave 2 שעורים of אריגה – rather, this provides no proof
    - Note: רנב"י corrected תנא who taught that if 2 took out a גרדי של קנה, they are פטורים and ר"ש says חייב (flip)