

2.10.4

93b (משנה ו) → 94b (דאפיק חצי זית ממת גדול)

- I. מלאכה שאינה צריכה לגופה and "טפל" exemption for carrying an incidental משנה ו
- a. **טפל**: if he carries out less than כשיעור of food in a כלי, he is exempt for all – including כלי – since כלי is secondary
 - i. *And*: if he carries out a living person in a bed, he is exempt for the bed as well as the חי
 - b. **מלאכה שא"צ לגופה**: if he carries out a corpse or כזית of מת or נבלה or כעדשה of שרץ – liable
 - i. *ד"ש* exempts, as this is **מלאכה שא"צ לגופה** (i.e. he doesn't want the מת *there*, just not *here*)
- II. Related ברייתא: if someone carries out כשיעור of food, he is liable for food but exempt for כלי
- a. *But if*: he needed the כלי in any case (in the new location), he is *also* liable for כלי
 - i. *Implication and application*: if someone eats 2 כזיתים of חלב under one העלם he brings 2 חטאות (!)
 - ii. *Defense (ר' ששת)*: in this case he was שוגג vis-à-vis the food but מזיד regarding the כלי (2 חיובים)
 1. *Challenge (ר' אשי)*: the wording of the ברייתא – "אף על הכל" – implies the same חיוב
 - iii. *Rather (ר' אשי)*: he was שוגג about both but found out in between
 - iv. *Note*: this dispute (ר"ש/ר"א) replicates the dispute if ר' יוחנן/ר"ל ידיעות מחלקות (above 71b)
- III. Discussion of exemption for carrying out a live person
- a. *Suggestion*: our משנה follows ר' נתן against רבנן
 - i. *Per*: ר"נ exempts for live animals תוספתא שבת ט:
 1. *Reason*: the live one carries itself ("חי נושא את עצמו")
 - ii. *Block (רבא)*: even רבנן would agree here; they only disagree re: animals, who fall and need help to walk
 - iii. *Challenge (רבא/א)*: ע"ז א: – בני בתירה בן בתירה permits selling a horse to עכ"ם (task of horse doesn't involve מלאכה מה"ת)
 1. *And*: ר' יוחנן ר' נתן and בן בתירה ר' יוחנן commented that ר' נתן ר' יוחנן held the same position
 2. *But if*: רבנן agree that carrying a person is not מלאכה מה"ת, why did ר' יוחנן single out ר"נ's stance?
 - a. *Defense (רבא)*: ר' יוחנן referent was a horse that specializes in carrying birds (not people)
 - b. *clarification*: there is a horse that carries hawks (e.g.) to trap other birds
 - iv. *ד' יוחנן* ר' נתן ר' יוחנן agrees that if the animal is tied down, one is חייב for carrying it
 1. *Challenge (רבא/מ לאבי)*: Parthians are considered tied down (with their armor), yet בן בתירה בן בתירה permits selling them horses, and ר' יוחנן ר' נתן aligned בתירה ר' יוחנן
 2. *Defense*: they remain on the horses due to their own haughtiness, per story with horseman who ran
- IV. Discussion about מלאכה שאינה צריכה לגופה (end of משנה – carrying the corpse outside)
- a. שמעון ד' יוחנן ורבש"ל ר' even exempts if he was taking the מת out for burial
 - b. רבא ר"ש ד' רבא agrees to liability in case he takes a shovel out for digging or a ס"ת for readings
 - i. *Challenge*: this is obvious – else, what would he define as מלאכה הצריכה לגופה?
 - ii. *Defense*: we might have thought that he requires לגופו (the object) and לגופה (the מלאכה – taking it out) – קמ"ל – לכתחילה (even though ר"ש only exempted, not permitting כבוד הבריות which is waived for מוד"ס is כרמלית to a הוצאה ר' יהודה would permit here; since כבוד הבריות is כרמלית)
 - c. *Story*: רב"י permitted moving a מת out to a כרמלית (even though ר"ש only exempted, not permitting כבוד הבריות)
- V. Side-door סוגיא ז: נגעים – if someone pulls out hairs of צרעת or burns a מכה (to make it טהור), he violates ל"ת
- a. **מימרא**: if he pulls out 1 of 2 hairs, he is liable (as only 1 is not טמא); but 1 of 3...
 - i. *ד' נחמן*: liable, since he has furthered his goal and if another falls out, he is טהור
 - ii. *ד' ששת*: exempt, since right now he is still טמא
 1. *Proof*: from our משנה כזית is liable, implying that ½ כזית is exempt
 - a. *But*: ברייתא rules that ½ כזית is liable
 - b. *Proposed resolution*: liable if he took ½ כזית from single כזית (erased שיעור); exempt – ½ כזית from 1.5
 2. *ד' ר' יוחנן*: both of those cases are חייב; exemption is in case he takes ½ כזית from a large מת
 - a. *Reason*: his actions accomplished nothing vis-à-vis the מת and he took out less than כשיעור