

2.11.2

(קלוטה שמה שהונחה) 98a → (ת"ר מרשות הרבים לרשות הרבים) 97a

- I. חכמים exempt חייב רבי – (משנה of our רה"ר → רה"ר through a רה"י) – ברייתא
- a. רבי would only rule לחיוב if the רה"י through which it traversed was roofed – considered as if full
- i. רה"י from הוצאה, רה"י to הכנסה) רבי would find for double liability (שמואל
- ii. Challenge (ר' חנא, who quoted ruling): רבי doesn't maintain separate liability for תולדה when done with its אב
1. Per: רבי's source for 39 אבות – אלה הדברים – (i.e. he sees the number as complete)
- iii. Response (ר' יוסף לר' חנא): statement is properly reported in יהודה ר' name – no contradiction
1. Statement: if someone throws from רה"י to רה"ר and it then travels ד"א in רה"ר
- a. Then: חכמים "exempt" (!?) and ר' יהודה finds for חיוב
- b. Correction (שמואל): ר"י finds for 2 liabilities (העברה and הוצאה); חכמים – only one
- i. Challenge: perhaps ר' יהודה only finds for 1 liability and חכמים fully exempt
1. Clarification: case where he expressed desire that item come to rest immediately in רה"ר
- a. ד' יהודה holds קלוטה and his intent was fulfilled
- i. ר' אשי (לרבינא): in that case, he would have had to desired "resting anywhere), else פטור the extension (further into רה"ר) would be against his intent →
- b. חכמים reject קלוטה and he is exempt as his intent wasn't fulfilled at any point
- ii. But: ר' יהודה does not argue for liability for תולדה when done with its אב
- c. Defense: ר' יהודה "adds" two more אבות (שובט ומדקדק) – both in context of weaving
- i. Assumption: he did them while weaving and ר' יהודה allows for liability for אב במקום אב תולדה
- ii. Rejection: these were done independently and ר' יהודה considers them אבות
1. Support: wording (in that ברייתא) is "ר' יהודה מוסיף" – he adds to list of אבות
2. Support: ר' יהודה is only מחייב ר' רב ור' יוסף are on record as maintaining that in above case
- II. Discussion of impact of intent on מלאכה –
- a. Agreed: if he intended to throw 8 אמות and threw it 4, he is חייב; parallel to writing שם when he intended שמעון
- i. Disanalogy: impossible to write שמעון without first writing שם, but may throw without stopping at 4
- b. Question: if he intended to throw 4 and threw 8 – is he liable?
- i. Lemma1: he did throw it the requisite distance – חייב
- ii. Lemma2: it did not come to rest where he wanted it – פטור
- iii. Proposal: ר' אשי's answer to רבינא (above) – if he says "wherever it lands..." – he is חייב
1. Therefore: unless he explicates that flexibility, he isn't liable in either case (8→4 or 4→8)
- c. Related ברייתא: if he threw from רה"י through רה"ר (less than ד"א) into רה"י – exempt
- i. Teaching: that רשויות merge (the two רשויות היחיד are not "divided" by רה"ר); and we don't accept קלוטה הונחה