

CHAVRUTA

SHABBAT – DAF KUF NUN DALED

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Rav Zevid taught this topic like this: Said Rami bar Chama: One that drives his donkey on Shabbat, if he does so unintentionally, he is not liable a sin offering, but if he does so intentionally, he is liable stoning, like any other work on Shabbat.

Rava contradicted him from a Baraita: One who desecrates Shabbat by doing something that if done unintentionally, they are liable a sin offering and if done intentionally, they are liable stoning.

This indicates **that** something for which **they are not liable a sin offering** for doing it **unintentionally, they are not liable stoning** for doing it **intentionally**. Therefore donkey driving, where there is no sin offering if done unintentionally, there is also no stoning if done intentionally. This is difficult for Rami bar Chama.

The Gemara answers: This is not necessarily so. **Who taught** explicitly, “**This indicates that if they are not liable a sin offering for doing it unintentionally, they are not liable stoning for doing it intentionally**”?

Perhaps **this is what it said** i.e. it meant: Any **thing that they are liable a sin offering** for doing it **unintentionally**, in truth **they are liable stoning** for doing it **intentionally**. But we can still say that **there is something that** even though **they are not liable a sin offering** for doing it **unintentionally**, nevertheless, **they are liable stoning** for doing it **intentionally**. **And what is this? Donkey driving**. And there are things that there is no karet liability if done intentionally. For example: boundaries according to Rabbi Akiva and igniting according to Rabbi Yosi.

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Rava, the brother of Rav Mari bar Rachel, would teach this topic in the name of Rabbi Yochanan, to exempt donkey driving completely.

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(And some say: Rava was **the father of Rav Mari bar Rachel.**)

The Gemara says: **According to the later version** that said he was the father of Rav Mari bar Rachel, it is **difficult from what** it says in Tractate Yevamot, **that Rav approved Rav Mari bar Rachel and appointed him to be an officer in Babylon.** Even though the halachah states that any appointments of authority must be given to those who are “from amongst your brothers,” Rav ruled that since Mari bar Rachel’s mother was born Jewish, although his father was a non-Jew who later came to be a convert, he is considered “from amongst your brothers.” So how can it be said that he was the son of Rava?

The Gemara answers: **Perhaps there were two Mari bar Rachels.**

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The Gemara returns to Rava’s version in the name of Rabbi Yochanan: **Said Rabbi Yochanan: One who drives his animal on Shabbat is completely exempt.** If he does it **unintentionally, he is not liable a sin offering, because the prohibitions of the entire Torah is compared to** the prohibition of **idol worship.** Just like with idol worship, we require that he does an action with his body, the same is true with all sin offering liabilities, and a donkey driver does not do an action with his body, rather with his animal.

And if he does so intentionally, he is also not liable stoning, as it is taught in a Mishnah: **One who desecrates Shabbat by doing something that if done unintentionally, they are liable a sin offering and if done intentionally, they are liable stoning.** And since there is no sin offering for donkey driving, there is no stoning either.

And **regarding** lashes normally given to one who transgresses a **negative** commandment, **he is also not liable.** Because the negative commandment of donkey driving **is a negative** commandment **that was transmitted to warn** for it concerning the **death penalty** administered by **the Rabbinical Court.** I.e., the verse is teaching us that this is not a common negative commandment that one receives lashes for. Rather it is a warning not to desecrate Shabbat. And desecrating Shabbat generally carries the death penalty.

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Even though donkey driving does not receive the court's death penalty, nevertheless, the negative commandment of "you shall not do any work," from which donkey driving is stemming from, equates donkey driving to other Shabbat work that the death penalty applies to.

And any negative commandment that was transmitted to warn for it concerning the **death penalty** administered by **the court, they do not give lashes for it**, since its main purpose is to inform about the death penalty and not lashes.

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And even according to the one that said, "A negative commandment that was transmitted to warn about the death penalty administered by the court, **they do give lashes** for," still, one who drives a donkey does not receive lashes. For it is not a full-status negative commandment. For if the Torah wished to warn regarding donkey driving with a full-status negative commandment, **it should have written, "You shall not do any work, and your animal."** For what do I need "You"? For in fact it is written: "You shall not do any work, you and your animal." Rather, this tells us that **he himself** is the one **that is liable** for the negative commandment. But if he does it with **his animal, he is not liable** for a full-status negative commandment that he would receive lashes for.

It was stated in the Mishnah: When **he reaches the outermost courtyard**, he takes the utensils that may be taken. And the utensils that may not be taken, he unties the ropes and they fall by themselves.

Said Rav Huna: If his animal was loaded on Shabbat with **glass utensils** – when he wants to unload them, **he brings pillows and linens and places them underneath her, and unties the ropes, and the sacks** that contain the utensils **fall** by themselves onto the

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pillows and linens. This is done in order that they do not fall on the ground and break. But he may not take the utensils off the animal himself.

The Gemara raises a difficulty: **And note that we taught in a Mishnah: One may take with his hand utensils that are moveable on Shabbat.** Since glass utensils can be moved on Shabbat, why did Rav Huna forbid to move them with his hand?

The Gemara answers: **When did Rav Huna say** that he may not take them? He is speaking about **the utensils of a blood-letter, that** since they are repulsive, they **are not fitting for anything** on Shabbat and they are *muktzeh*.

The Gemara again raises a difficulty: How is it possible to place pillows and linens for these utensils to fall on? Note that **he is nullifying a vessel from its prepared use.** Once the *muktzeh* utensils fall onto the pillows, it will be forbidden to move the pillows, as he cannot remove the *muktzeh*. One may not cause a moveable utensil to become immovable, as it is similar to the work of dismantling (destroying).

The Gemara answers: Here we are dealing **with small loads**, which after they fall onto the uppermost pillow, one can continue to remove the pillows until the load ends up on the ground. Thus he has not nullified the utensil from its prepared use.

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They contradicted him, from a Baraita: If **his animal was loaded** on Shabbat with *tevel*¹ or chunks of glass, **he unties the ropes and the sacks fall** by themselves. **And even though they** (the chunks) **break**, he may not take them with his hand. And he may not place pillows underneath them, because they are *muktzeh*. The *tevel* is *muktzeh* since it cannot be rectified on Shabbat and it is therefore inedible. The glass chunks are likewise *muktzeh* since they are not usable for anything on Shabbat, as will be discussed later.

This is difficult for Rav Huna who said that one places pillows underneath.

¹ Produce that grows in the Land of Israel, before *terumot* and tithes are separated.

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The Gemara answers: **There** it is speaking **about wide pieces** of glass which are meant to be made into windows. They are *muktzeh* because they are not utensils. One may not place pillows underneath them because they are going to be cut into smaller pieces anyway, so we are not so concerned if they break.

The Gemara proves this: It is **also implied** that we are speaking of this case. **For** note that **it taught** “chunks” together with “*tevel*,” which indicates they are **similar to *tevel***. **Just like *tevel*** is something **that** even during the week **it is not fit** until rectified, **even here** with chunks of glass, it is **also** speaking that **it is not fit** until it is fixed, and this is “wide pieces of glass.”

And what is the teaching conveyed to us by “**even though they** (the chunks) **break**”? **What would you have said?** Even if they break, there is not a large loss, nevertheless, **for a small loss they** the Sages **were also concerned**, as there will be a minor loss even with the wide pieces of glass. For when they fall, small, unusable pieces break off. Therefore we should permit him to place pillows and linens underneath. **It** the Mishnah **teaches us** that the Sages were not concerned about a small loss.

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It was taught in a Baraita: **Rabbi Shimon ben Yochai says:** If **his animal was loaded** on Shabbat **with a load of grain** that is *tevel*, which he wishes to unload, he may not take it with his hands, as it is *muktzeh*. Rather, **he places his head underneath it**, i.e., the grain, **and removes it** with his head **to the other side and** by doing so, **it falls by itself**. This is permissible because moving *muktzeh* with one's body is permitted.

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The donkey of Rabban Gamliel was loaded on Shabbat with **honey, and he did not want to unload it until Shabbat ended**. However, since the load remained on the animal the entire Shabbat, **when Shabbat ended, it died**.

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The Gemara is puzzled: Why did he not unload it? **And note that we taught in a Mishnah: “He takes off the back of the donkey the moveable utensils on Shabbat,”** and honey is moveable, since it is edible.

The Gemara answers: The case was **where** the honey **soured, and** since it is inedible, it is *muktzeh*.

The Gemara is puzzled: Since **it soured, for what is it fitting** and why would Rabban Gamliel bring it on his donkey?

The Gemara answers: It is fitting **to** smear it on the **wound of a camel**. Nevertheless it is *muktzeh*, as it is forbidden to do so on Shabbat.

The Gemara again asks: Why did Rabban Gamliel leave the donkey like that the entire Shabbat? **He should untie the ropes, and the sacks that contain the honey will fall.**

The Gemara answers: If he unties the sacks, the **flasks** of honey **will crack** when they fall.

The Gemara again asks: **He should bring pillows and linens and place it underneath them,** for the sacks to fall on so they should not crack.

The Gemara answers: The pillows **will** become **dirty** and become *muktzeh*, **and** he will thus **nullify a utensil from its prepared state**. This is forbidden because of dismantling.

The Gemara again asks: **And note that there is** the prohibition of causing **pain to living creatures**, which is transgressed by leaving the donkey loaded the entire Shabbat. This Torah prohibition should supersede the Rabbinic prohibition of nullifying a utensil from its prepared state.

The Gemara answers: Rabban Gamliel **holds that** even the prohibition of causing **pain to creatures** is only Rabbinic. This is the subject of a Tannaic dispute in *Bava Metzia*.

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Abaye found Rabbah who was playing with his son on a donkey.

Abaye **said to him:** But **Master**, you are using a living creature, and it was taught in a Mishnah, “They may not ride on an animal,” perhaps he might cut off a branch to drive the animal. The same applies to all other uses of the animal, which are forbidden.

He said to him: I am not putting my son on the back of the animal to ride it, rather, **these are the sides.** I.e., I am only putting him on the sides of the animal, **and** regarding **the sides, the Rabbis did not decree on them** not to use them, as that is not the normal way of using an animal.

And from where do you say that they did not decree on the sides?

From **that** which **was taught** in a Mishnah: “**He unties the ropes** on the donkey **and the sacks fall.**” **Is it not** referring to *chever gavlaki*? This refers to two sacks, one on each side of the donkey, connected together with straps. In order to unload them, he must lean on the donkey, and he is thereby using the animal. Why is this permissible?

Rather, it must be because **these are the sides, and the Rabbis did not decree on the sides.**

The Gemara dismisses this: We are **not** speaking of a *chever gavlaki*, rather to a *chever agavalki*. This refers to two sacks, also one on each side of the donkey, which are *not* tied with a strap. Rather, they are connected with a ring at the end of each sack’s strap, and the two rings are held together with a nail. In order to separate them so they should fall to the ground, all he needs to do is to pull out the nail, and for this, he does not need to lean on the animal.

Or else, we are dealing here with sacks connected **with a lechta**. Each sack had a rope that ended with a loop. They would thread one loop through another and then they would insert a bent piece of wood through the inner loop so that it will not slip out of the outer loop. When they wished to separate them, they removed the wood and the sacks fell to

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the ground. It was unnecessary to lean on the donkey in order to do this. It cannot be proved from this that the Rabbis permitted use of the sides of a donkey.

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Abaye **contradicted** Rabbah, from a Mishnah: A succah that **two** of its walls are made **by man, and one** of the walls is **in a tree**. It is **valid**, as walls connected to the ground are valid—which is not the case with the *sechach*, the roofing of the succah. It must be detached from the ground.

However, **they may not enter it² on Yom Tov**, only on the intermediate festival days. For it is forbidden to use a tree on Shabbat or Yom Tov, for fear that he might detach something from it.

(The same halachah applies if all three walls were in the tree. However the Gemara is teaching us that even if only one wall is in the tree, it is still forbidden to use it on Shabbat.)

Is it not referring to **where he carved** holes **in** the side of the **tree**, into which he inserted the canes holding up the *sechach*?

It was common to place utensils on the *sechach*, and by doing so he is considered using the tree, as the tree is supporting the *sechach*. Since the *sechach* is being supported by the sides of the tree, it follows **that** what he is using **are the sides** of the tree. We learn from this that even the **sides are forbidden**, since he may not use the succah on Yom Tov. Just as the sides of the tree are included in the prohibition of using a tree, we should also say that the sides of the animal are included in the prohibition of the using the animal itself.

The Gemara answers: We are **not** speaking of this. Rather, the case is **where he bent** the top of the **tree** over, and leaned it towards another tree. Similarly he took the second tree and leaned it towards the first, tied them together and thereby created a wall. He then

² Lit. Go up to it.

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placed the *sechach* on top of it. Thus **he is using** the top of the **tree** and not its sides. That is why it is forbidden to use this succah on Yom Tov.

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The Gemara again raises a difficulty: **If so**, I will **say** to you **the end clause** of this Mishnah, which taught: If **three** of the walls were made **by man and** only **one wall is in the tree**, the succah is **valid**, and **one may** even **enter it on Yom Tov**. **And if** the case is as you claimed, **that he bent the tree** and placed the *sechach* on it, **why can he enter it on Yom Tov?** He is using the tree, since the *sechach* is on it.

The Gemara retorts: **But what** will you say instead – that we are speaking where he carved holes in the side of the tree and placed the canes in them? And it is forbidden to enter on Yom Tov because the **sides** of the tree are also **forbidden** to use? According to your reasoning, it is also difficult. For **in the end**, where it has three man-made walls, **why can they enter it on Yom Tov** – even here he is using the sides of the tree.

Therefore we must say that we are not speaking at all of a case where he placed the *sechach* on the tree. **Rather**, we are dealing **there with** a tree called *gavaza parsekana*, whose leaves spread out on all sides. This is a case **where the tree itself, he makes it into a kind of wall**, and the *sechach* is not resting on the tree—rather on the other walls. Thus it is not needed to support the *sechach*, only to serve as a wall.

But in the case of two man-made walls and one on the tree, the *sechach* is assumedly supported also by the wall formed by the tree, as it is difficult to support *sechach* only on two walls.

The Gemara proves this: **It is also implied** by the Mishnah that we are not dealing with a case where he placed the *sechach* on the tree. **For** note that **it was taught** in the end clause: **This is the rule: Anytime that the tree would be removed and** the succah **could stand, they may enter it on Yom Tov**. Thus the case of “three made by man and one in the tree, they enter it on Yom Tov,” is speaking of where the tree is not supporting the *sechach*. For even if the tree were removed, the *sechach* would stand.

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The Gemara concludes: **Hear from it** a conclusive proof that the case is so, and therefore they are not making use of the sides of the tree.

Shall we say that this disagreement regarding use of the sides of a tree is **like** a disagreement of **Tannaim**?

As it was taught in a Baraita: A succah that two of its walls are man-made and one is in the tree, it is valid, **and they may not enter it on Yom Tov**.

Rabbi Shimon ben Elazar says in the name of Rabbi Meir: They may enter it on Yom Tov.

Is it not referring to where he carved holes in the tree, and stuck the canes holding up the *sechach* into them, and he is thereby using the sides of the tree to support the *sechach*? **And they are arguing about this: One Master** (the first Tanna) **holds that sides are forbidden**. **And** the other **Master** (Rabbi Shimon ben Elazar) **holds that sides are permissible** to use.

Said Abaye: They are **not** arguing about this. Rather, **everyone** holds that **sides are forbidden** to use, even Rabbi Meir who permitted entering the succah. This is because he does not consider this case as using the sides of the tree, rather the sides of the sides. For the person in the succah is not using the canes which are inserted into the tree, rather he is using the *sechach* which is placed on them. Being that the canes are supported by the sides of the tree, the *sechach* that is resting on them is considered the sides of the sides of the tree. **And here they are arguing about the sides of the sides**. One **Master** (the first Tanna) **holds that sides of sides are forbidden, and** the other **Master** (Rabbi Shimon ben Elazar) **holds that sides of sides are permitted**.

Rava said: There is no distinction between sides and sides of sides. Rather, **the one that forbade sides, will also forbid sides of sides. And the one that permitted sides of sides also permits sides**. Therefore the first Tanna and Rabbi Shimon ben Elazar indeed argue whether sides are permissible, as we wanted to say originally.

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Rav Mesharshiya contradicted Rava, from a Baraita: One who wishes to go on Shabbat more than two thousand *ammah*³ from his place, he places an *eiruv techumim*, i.e. two meals' worth of bread, within two thousand *ammah* outside of the town. Thus the place where he put it is considered his residence for Shabbat. From there he can go another two thousand *ammah*.

If he stuck...

³ 1 *ammah*: 18.7 in., 48 cm