

And a donkey with its load

וחמור במשא –

OVERVIEW

The **ברייטא** mentions various **תולדות** of **רגל**, including **בשליף שעליה** (of a **בהמה**) and **חמור במשא**, which is seemingly the same thing. **תוספות** explains the need to mention **חמור במשא**.¹

תוספות responds to an anticipated difficulty:

אף על גב דכבר שנה בשליף שעליה² אצטריך לאשמועין -

Even though the **ברייטא** **already taught** **בשליף שעליה** (with the load that is upon her), nevertheless **it was necessary to inform us** that **חמור במשא** is also a **תולדה דרגל** -

לפי שאין משאוי של חמור מהודק ומחובר בו כבשאר בהמה³ וסלקא דעתין דלא הוי כגופו⁴:

Since the load of the donkey is not fastened tightly upon him as it is by other בהמות, so we may have thought that damaging במשא is not considered as damaging with his body, therefore the **ברייטא** teaches us that **חמור במשא** is also considered **damaging בגופו**.

SUMMARY

The load of a **חמור** is considered **כגופו** even though it is not fastened tight.

THINKING IT OVER

1. Why would we have thought that since the load of a donkey is not fastened tight; it should be considered **צוררות** and not **גופו** (as opposed to a load which is fastened tightly)?
2. Why does not the **ברייטא** mention only **חמור במשא** and it would not need to mention **בשליף שעליה**?

¹ We also need clarification why a **חמור במשא** is mentioned and no other beasts of burden. See footnote # 3.

² See **רש"י ד"ה בשליף**.

³ This explains why **חמור** is mentioned. See footnote # 1

⁴ One might have thought that a damage caused by the **משא החמור** would be considered **צוררות** (since it is merely **כחו**, not **גופו**) and pay only a **נזק חצי**. See 'Thinking it over' # 1.