

By an *Angario* which is returned

באנגריא¹ חוזרת –

Overview

The משנה ruled that if one rented a donkey and it was הבריקה or it became an אנגריא, it is the loss of the renter (not the owner). רב qualified this ruling that it is valid only if it is an אנגריא שאינה חוזרת (it will be returned to the שוכר), but by an אנגריא חוזרת, the owner is liable to provide the renter with a substitute donkey. תוספות explains this ruling of רב.

דיכול לעשות מלאכתו כשתחזור אף על פי שתתאחר במלאכתו² –

The reason the משכיר is not required to provide the שוכר with another donkey, is because the שוכר can do his work when the donkey will be returned, even though his work will be delayed, nevertheless the משכיר is not liable -

שבשביל איחור אין חייב להעמיד לו חמור אחר -

Since a delay is not sufficient reason to obligate the משכיר to provide him with another donkey -

כמו הבריקה³ או נשתתה שמתאחרת נמי במלאכתה⁴ ולא חיישינן:

Just like הבריקה or the animal became insane, where the work is also delayed, but we are not concerned and do not require the משכיר to provide another donkey.

Summary

Delaying or working slowly is not a reason to provide a substitute animal.

Thinking it over

1. Is the שוכר required to pay for the time the animal is conscripted?
2. To תוספות it seems more logical that a substitute animal is not provided by הבריקה, than it is by אנגריא.⁵ Why is this so?

¹ See רש"י on ד"ה או עה,א ד"ה אנגריא means שנטלוה לעבודת המלך it was conscripted for the king's service.

² The work which the שוכר intended to do now has to be pushed off until the חמור is returned to him.

³ The משנה states this rule regarding הבריקה (see the immediately preceding גמרא for an explanation of הבריקה); the following ברייתא teaches the rule by נשתתה (in both cases לפניך). (אומר לו הרי שלך לפניך).

⁴ This delay means that the animal will work slower, than a 'normal' animal. Therefore תוספות previously wrote that the שוכר's work will be delayed, however here תוספות writes במלאכתה, that the animal will be tardy in her work; she will work slower than 'normal' animals.

⁵ הבריקה או נשתתה explains אנגריא based on the logic which we find by נשתתה.