

Contract of Horseless Carriage

Dayan Yehoshua Grunwald

February 11, 2021

Q If I pass a man struggling to start his car in his driveway in the morning, am I obligated to assist him?



A There is a mitzvah in the Torah to help unload an animal struggling under its load (*perikah*) and to reload an animal whose load has fallen off (*te'inah*). Do these mitzvos obligate us to assist when a motorist has car trouble? The Aruch Hashulchan (C.M. 272) says they apply when a horse-drawn carriage has lost a wheel. The *poskim* assume the Aruch Hashulchan would say the same thing about automobile problems. Others maintain that these mitzvos don't apply to cars.

The Gemara distinguishes between loading and unloading in that the latter must be done for free, but one may charge for loading assistance.

The *Acharonim* rule that unloading is only required when the animal is in pain, which is clearly inapplicable to cars. The mitzvah to load isn't similarly limited, so the above dispute can only be about loading. Therefore, it is permitted to charge for assisting with a disabled car.

The Sema says that according to the Rambam the mitzvah only applies when the owner is in mental pain. Each case would have to be assessed individually, but a man whose car is disabled in his driveway while he sits comfortably in his home might not be suffering.

R' Chaim Soloveitchik and the Pe'as Sadcha hold the view that the basis of the mitzvah is the inherent danger of the roads. According to them, the mitzvah would apply only on the highway and not in the city.