



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

### Beitzah Daf Lamed Tes

#### MISHNA

- A burning coal has the techum of its owner. A flame has no techum restrictions at all, because it has no substance.
- One who uses a burning coal of hekdesch is chayuv for "me'ilah". One who uses a flame of hekdesch, although assur to do, would not be chayuv for me'ilah.
- One who carries out a burning coal to the reshus harabim on Shabbos would be chayuv, but one who carries out a flame would be patur.

#### GEMARA

- A Braisa says, there were 5 distinctions made between a burning coal and a flame: 1) the coal has the techum of its owner and the flame has no techum; 2) using a coal of hekdesch carries the me'ilah penalty, whereas using a flame of hekdesch is assur, but there is no me'ilah penalty; 3) one may not benefit from a coal of avodah zarah, but may benefit from a flame of avodah zarah; 4) one is chayuv for carrying a coal out to the reshus harabim on Shabbos, but not for carrying a flame; 5) one who promises not to benefit from his friend may not use the coal of that friend, but may use his flame.
  - **Q:** Why is the flame of hekdesch assur to use but the flame of avodah zarah is mutar? **A:** Yidden find avodah zarah to be disgusting, so there was no need to be goizer against using their flames for the fear that it lead to using more. Hekdesch is not treated in that way, and the **Rabanan** therefore felt the need to be goizer.

#### HAMOTZI GACHELES L'RESHUS HARABIM CHAYUV V'SHALHEVES PATUR

- **Q:** A Braisa says that one who takes out even the smallest flame on Shabbos is chayuv!? **A: R' Sheishes** said, the Braisa is discussing where he took out the flame on a piece of wood (he is chayuv for carrying out the wood).
  - **Q:** Then let the Braisa say he is chayuv for the wood!? **A:** The wood is smaller than the size necessary to make him chayuv (however, with the flame it is considered significant enough to make him chayuv).
  - **A: Abaye** said the Braisa is discussing where he took the flame out on a keili.
    - **Q:** He should be chayuv for carrying out the keili!? **A:** It was a broken piece of pottery.
      - **Q:** He should be chayuv for carrying the pottery!? **A:** It was smaller than the size necessary to make him chayuv.
  - **Q:** If so, what is the case of our Mishna which says that one who carries out a flame is patur? **A:** Where one blew a flame into the reshus harabim.

#### MISHNA

- The water of a well has the techum of the owner of the well. A well belonging to a city has the techum of the people of the city. The water drawn from wells made for the people of Bavel who were traveling to Eretz Yisrael (public wells) take on the techum of the person who has drawn the water.

#### GEMARA

- **Q: Rava** asked **R' Nachman**, our Mishna says that the water of a private well takes on the techum of the owner, but a Braisa says that water from flowing rivers and streams (presumably,

even if privately owned) have the techum of the one who draws them!? **A: Rabbah** said, our Mishna is talking about still, stationary water, and such water takes on its owner's techum.

#### V'SHEL OLEI BAVEL K'RAGLEI HAMIMALEI

- If one drew water from such a well, with intent to draw it for his friend, **R' Nachman** says the water takes on the techum of the one it was drawn for, and **R' Sheishes** says it takes on the techum of the one who drew the water.
  - The point of machlokes is: **R' Sheishes** says that the water in the well is hefker, and one cannot acquire something of hefker for someone else. **R' Nachman** says that the water is considered as owned by all Yidden in a partnership, and such water can therefore be acquired for someone else.
    - **Q: Rava** asked **R' Nachman**, a Mishna says, if 2 people are assur to benefit from each other because of a promise made, they are allowed to use the well of the people who came from Bavel to Eretz Yisrael. Now, according to **R' Nachman**, who says the well is owned as a partnership, these 2 people should not be allowed to use the well, because they are using water which belongs in part to the one they are assur to benefit from!? **A:** The Braisa is discussing drinking water from the well. This is allowed because when the water is drawn, through breirah we say that the water drawn was his all along, and never belonged to that other individual. However, it would be assur for them to bathe in that well, because in that case, they would be benefitting from water owned by that other individual.
      - **Q:** This would mean that **R' Nachman** holds of breirah. However, based on **R' Nachman's** explanation of a Mishna regarding brothers who split an inheritance we see that he does not hold of breirah (he treats the brothers as having bought their portions from each other)!? **A:** All agree that the water in the public well is hefker. The machlokes between **R' Nachman** and **R' Sheishes** is whether when one picks up a hefker item with intent to give it to his friend, does the first person acquire it with his lifting and he then gives it to the friend, or does the first person not acquire it at all and it remains hefker until it is taken by the friend (who then acquires it). **R' Nachman** says that it remains hefker until the friend takes it, which is why this hefker water gets the techum of the person it was lifted for, and **R' Sheishes** says that the one who lifts it acquires it immediately, and the water therefore takes on his techum.