



## Daf In Review – Weekly Chazarah

### Maseches Beitzah, Daf לב – Daf לה

Daf In Review is being sent I'zecher nishmas R' Avrohom Abba ben R' Dov HaKohen, A"H vI'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

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#### MISHNA

- One may not form the receptacle of a lamp (out of clay), because he thereby makes a keili, or make charcoal on Yom Tov, or cut a wick into two. **R' Yehuda** says, one may “cut” a wick into two by burning it.

#### GEMARA

- **Q:** Who is the shita that holds that forming the receptacle (even without having it heated in an oven) is considered to have completed the keili? **A:** **R' Yosef** said it is **R' Meir**, who says in a Braisa that an earthenware keili is considered complete when it is shaped out.
  - **Q:** **Abaye** asked, maybe **R' Meir** holds that way there because the keili is fit to hold something, but in our Mishna, since a lamp is too small to hold something (other than oil, which it can't hold until it is completed in the oven), even he would agree that it is not considered to be complete!? **A:** The lamp is large enough to hold coins, so **R' Meir** would consider it complete.
  - **Others** say that **R' Yosef** said that the Mishna is the shita of **R' Eliezer the son of R' Tzadok**, who says in a Mishna that plates of the villagers that have not yet been shaped out (i.e. they are still a flat, round disc), do not become tamei because they are not a completed keili. This suggests, that if they were shaped out, even if not yet placed in an oven, they would be considered as complete.
    - **Q:** **Abaye** asked, maybe **R' Eliezer the son of R' Tzadok** holds that way there because the keili is fit to hold something, but in our Mishna, since a lamp is too small to hold something (other than oil, which it can't hold until it is completed in the oven), even he would agree that it is not considered to be complete!? **A:** The lamp is large enough to hold coins, so **R' Eliezer the son of R' Tzadok** would consider it complete.
- **Q:** It is obvious that charcoal may not be made on Yom Tov, since there is no Yom Tov use for it (charcoal would only be used by goldsmiths). Why does the Mishna need to tell us that!? **A:** **R' Chiya** taught, there is a Yom Tov use for charcoal. It can be used to heat the water of a bathhouse.
  - **Q:** Bathing on Yom Tov is not allowed!? **A:** It can be used to make a sauna, which was allowed before a gezeira prohibited even that on Yom Tov, and this Mishna was taught before the gezeirah.

#### V'EIN CHOTCHIN ES HAPSILAH L'SHNEYIM

- **Q:** Why is it not permitted to cut it with a knife but is permitted to cut it with fire? **A:** **R' Chiya** taught, the Mishna is discussing where the 2 ends of a long wick are each in a separate lamp of oil. When he lights it in the middle (and thereby separates it), it looks like he is just lighting a wick, not like he is trying to cut it into two. That is why it is allowed.
- **R' Nosson bar Abba in the name of Rav** said, we may trim wicks on Yom Tov. **R' Chanina bar Shlamya** explained, this means the darkened pieces of charcoal may be removed from the top of the wick.
- **Bar Kappara** said, there are 6 things to be said about wicks – 3 chumras: they may not be twisted on Yom Tov, they may not be singed (for easier lighting at a later time) on Yom Tov, and they may not be cut into two; and 3 leniencies: they may be pressed by hand, they may be soaked in oil, and they may be cut into 2 with fire when its ends are in two lamps.
- **R' Nosson bar Abba in the name of Rav** said, the wealthy people of Bavel are destined for Gehinom, as can be seen that when Shabsai ben Marinus went and asked them for help in business, they refused him; when he asked for support, they refused him again. He said, these people must not be real Yidden, because real Yidden have rachmanus.
- **R' Nosson bar Abba in the name of Rav** said, if one must look to another person for support, it is as if he lives in a “dark world”. **R' Chisda** said, such a life is not even considered living.

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- A Braisa says, there are 3 people whose lives are not worth living: one who must look to others for support, one whose wife rules over him, and one whose body is afflicted with “yesurim”. Others add, also one who only has one shirt (it leads to getting lice). The T”K doesn’t include this because he holds that the shirt can be inspected for lice and the lice can be removed.

### MISHNA

- One may not break a piece of earthenware or cut paper to use as a separation between the grill and fish (to prevent it from burning).
- One may not shovel out an oven whose wall lining fell down into it, but he may push the material into the floor so that it is smooth.
- One may not set up two barrels so that a pot can be set on top of them (hanging over the airspace in between them). One may also not set up a pot over a piece of wood. The same is true of a door.
- One may not lead an animal with a stick on Yom Tov. **R’ Elazar the son of R’ Shimon** allows this.

### GEMARA

- The reason one may not break the earthenware or cut the paper is because he thereby creates a keili.
- **R’ Chiya bar Yosef** taught in front of **R’ Nachman**, that if the oven can’t be used without sweeping it out, it may be swept.
  - A brick fell into the oven of **R’ Chiya’s** wife, and he indicated that it is mutar to take it out. **Rava** indicated this idea to his attendant as well.
  - **Ravina** told **R’ Ashi**, I have heard that you allow spreading mud (which is created by mixing earth and water, which is the melacha of kneading) to seal an oven on Yom Tov!? **R’ Ashi** said, we have pre-made mud from the riverbank.
    - The Gemara says, that would only be mutar if the mud was marked off (and thereby prepared for Yom Tov use) from before Yom Tov.
    - **Ravina** said, ashes may be used to seal an oven, because it doesn’t entail kneading.

### V’EIN MAKIFIN SHTEI CHAVIYOS

- **R’ Nachman** said, one may set up 2 bricks to use for sitting on when relieving oneself.
  - **Q: Rabbah** asked, our Mishna says that 2 barrels may not be set up to put a pot on!? **A: R’ Nachman** said, in that case he is making an “ohel”, and that is why it is not allowed.
    - **Q: Rabbah Zuta** asked, does this mean to say that building a solid structure would be permitted (it seems that making the tent is the only issue)!? **A: R’ Ashi** said, building a permanent structure is assur D’Oraisa. Building a temporary structure (like the pot on the barrels) is assur D’Rabanan. When it comes to human dignity (going to the bathroom) the **Rabanan** were not goizer.
    - **R’ Yehuda** said, if one wants to build a bonfire on Yom Tov, to avoid the act of “building”, he must first hold the upper pieces in place and then have the lower pieces put into place under it (not the other way around). The same would apply to placing eggs on a grill. The same applies when placing a pot onto barrels. The same applies when putting together a bed. The same applies when piling barrels.
- **Q:** What does the Mishna mean that a pot can’t be set on a door? **A:** The Mishna means to say that a door may also not be supported with a piece of wood on Yom Tov.

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- A Braisa says, we may not support a pot or a door with a piece of wood on Yom Tov, because wood is muktzeh for any use other than for burning on Yom Tov. **R’ Shimon** allows using the wood for the pot or the door.
- The Mishna said one may not lead an animal with a stick on Yom Tov, but **R’ Elazar the son of R’ Shimon** allowed it.

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- **Q:** Shall we say that **R' Elazar** holds like his father **R' Shimon**, who does not hold of muktzeh, and therefore allows using the stick? **A:** It may be that even **R' Shimon** would not allow leading with a stick because it looks like he is taking the animals to the market (has nothing to do with muktzeh).
- **R' Nachman** says one may not use a pointy stick as a spit on Yom Tov (the stick was not a keili before Yom Tov and is therefore muktzeh). **R' Sheishes** allows it.
  - Regarding a moist stick all would agree that it is assur, since it is not even fit to be used as firewood. However, if it is a dry stick, **R' Nachman** says wood may only be used for burning on Yom Tov, and **R' Sheishes** says, just like one may roast by burning this piece of wood, he may roast by using this wood as a spit as well.
    - **Others** say, all agree that a dry stick may be used. When the stick is moist, **R' Nachman** says, since it is not fit to be used as firewood, it may not be used as a spit either, and **R' Sheishes** says, even a moist stick can be used as wood for a large fire, and it may therefore be used as a spit as well.
    - The Gemara paskens, that a dry stick is mutar and a moist stick is assur.
- **Rava** said, a woman may not walk into the woodshed on Yom Tov to take a stick to use as a fire stoker. Also, if an existing stoker broke on Yom Tov, one may not use that for firewood on Yom Tov, because we may burn keilim on Yom Tov (they are not muktzeh), but not broken pieces of keilim.
  - **Q:** How can we say that **Rava** holds of muktzeh? **Rava** once instructed to prepare a goose on Yom Tov and to throw the intestines to a cat (which means he does not hold of muktzeh)!? **A:** Since the intestines would spoil if left until after Yom Tov, he clearly had in mind before Yom tov to give those intestines to the cat.

### MISHNA

- **R' Eliezer** says, one may use any small piece of wood that he finds in his house as a toothpick, and he may collect pieces of wood from his entire chatzer to use as firewood, because anything found in the chatzer is considered to be prepared for Yom Tov use. The **Chachomim** say, one may only gather wood from within his house, and may only use it for firewood.
- On Yom Tov, one may not make fire from wood, stones, earth, or water. One may also not heat tiles to roast things upon.

### GEMARA

- **R' Yehuda** said, the issur of making a keili will not apply to anything that is fit to use as animal food (straw or leaves).
  - **Q: R' Kahana** asked, a Braisa says we may handle besamim wood to smell them, to waive them, to roll them between the fingers to stimulate the smell, however, one should not chop off the top to stimulate the smell, and if he does, he is patur although it is assur. If he wants to cut the wood to use as a toothpick, it may not be done, and one who does so is chayuv. Now, besamim wood is fit for animal food, and we see that creating a keili is assur (and even chayuv)!? **A:** The Braisa is discussing hard wood that is not fit for animal food.
    - **Q:** The Braisa discusses rolling them in one's fingers, and that can't be done to hard wood!? **A:** The Braisa is missing words and should say: one may roll the wood and cut the wood to smell it, however that is only if the wood is soft. If the wood is hard, he may not cut it to smell it and if he does he is patur although it is assur, and if he cuts it to use as a toothpick, he would even be chayuv.
  - **Q:** There is one Braisa that says that one may cut besamim wood to smell it, and another Braisa that says that it may not be done!? **A: R' Zeira in the name of R' Chisda** said, the first Braisa discusses soft wood, and the second discusses hard wood.
    - **Q: R' Acha bar Yaakov** asked, why is cutting hard wood assur? A Mishna allows cutting open a barrel to gain access to dried figs that are within it as long as he doesn't intend to make a keili. The same should be with cutting the hard wood besamim!? **Q2: Rava bar R' Ada and Ravin bar**

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**R' Ada** said that **R' Yehuda** would break sticks for them even though they could have been used as ax handles. Why should cutting the besamim wood be different!? **A:** The Braisa that doesn't allow it follows **R' Eliezer** of a Braisa and the Braisa that does allow it follows the **Chachomim**. The Braisa says, **R' Eliezer** allows one to take a piece of wood from in front of him and use it for a toothpick. The **Chachomim** say one may only do so if the wood is fit for animal food. They agree that one may not break the piece of wood. If one does break it to use as a toothpick: **R' Eliezer** says, if it is done b'shogeg on Shabbos he would be chayuv a chatas, and if done b'meidid on Yom Tov he would be chayuv malkus; the **Chachomim** say he is only "oiver" a D'Rabanan. Based on this, we can say that **R' Eliezer** (who says that cutting to make a keili is assur D'Oraisa) would say that cutting to smell it will be assur D'Rabanan, and the **Chachomim** (who say that cutting to make a keili is only assur D'Rabanan) would say that cutting to smell is mutar to do.

- **Q:** Does **R' Eliezer** not agree with the Mishna that one may cut open a barrel to get the dried figs from inside as long as he does not intend to make a keili? **A:** **R' Ashi** said, the Mishna is discussing a barrel made of patchwork and inferior materials. Such a barrel will never be cut with intent to make a keili, and therefore **R' Eliezer** would agree that it would be mutar.

### U'MIGABEIV MIN HECHATZER

- A Braisa says, one may gather wood from a chatzer on Yom Tov to use as firewood, because all wood in a chatzer is considered to be prepared for Yom Tov use. However, one should not gather them into piles. **R' Shimon** allows even that.
  - **Q:** What is the point of machlokes? **A:** The **T"K** says, making piles gives the impression that it is being done for use after Yom Tov and is therefore assur. **R' Shimon** says, the fact that the gatherer begins cooking shows that he needs the piles of wood for Yom Tov itself.

### EIN MOTZI'IN ES HA'UR...

- The reason this is assur is because he would be creating something on Yom Tov, which may not be done.

## -----Daf 77-----34-----

### V'EIN MILABNIN ES HAR'AFIM

- **Q:** What melacha is being done by heating the tiles? **A:** **Rabbah bar bar Chana in the name of R' Yochanan** said, the Mishna is discussing new tiles, which have not yet been heat tested. Therefore they can't be used, because if they can't stand up to the heat and they crack, the heating was done for no purpose on Yom Tov. **Others** explain, because they must be heated up to complete their manufacturing process, and that may not be done on Yom Tov.
  - A Mishna says, if a bird was crushed in some way, but it still moved somewhat and remained living for a 24 hour period, it is not a treifah, and may be eaten.
    - **R' Elazar bar Yanai in the name of R' Elazar ben Antignas** said, the bird must still be checked for signs of a treifah before it is eaten.
    - **Q:** **R' Yirmiya** asked **R' Zeira**, may such a bird be shechted on Yom Tov? Do we have to assume there may be a treifah problem (in which case it may not be shechted on Yom Tov) or not? **A:** **R' Zeira** answered, we said (above) that new tiles may not be heated for the concern that they may break. This would suggest that this bird may also not be shechted on Yom Tov, because we must be concerned that it may be a treifah.
      - **R' Yirmiya** said, we have learned that the reason the tiles may not be used is because they are being heated and we are thereby completing their manufacturing process. Based on this, there is no proof.
  - A Braisa says, if on Shabbos one person brings a fire, one brings wood, one puts an empty pot over the fire, one puts water inside, one puts spices inside, and one mixes the pot, they are all chayuv.
    - **Q:** Another Braisa says that only the last person is chayuv!? **A:** That Braisa is discussing where the fire was brought at the end.

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- **Q:** Why is the person who placed an empty pot on the fire chayuv? **A: Reish Lakish** said, he is chayuv for the same reason it is assur to use the tiles – the fire hardens the pot.
- A Braisa says, a new oven has the status of a regular keili (they can be used for storage on Shabbos or Yom Tov), but they may not be smeared with oil, or rubbed with a cloth, or have cold water applied to them to harden them. Cold water may be applied to them on Yom Tov if the oven needs to be cooled down for baking.
- A Braisa says, we may put the head or legs of a shechted animal into boiling water on Yom Tov to remove the hair, and we may burn off the hair with fire. However, we may not remove the hair with solutions or scissors (as is usually done by a leather tanner). We may also not trim a vegetable with tools normally used to cut the vegetable from the ground, although we may prepare vegetables for eating, even in ways that take a lot of work. We may also heat up very large ovens and water urns, although new ones should not be used, because if they break, all the work would have been for nothing.
- A Braisa says, one may not fan a fire with a bellows on Yom Tov, but it may be done with a tube. One may not fix or sharpen a spit on Yom Tov.
- A Braisa says, one may not split a reed to use for roasting fish. However, one may crack nuts with a cloth, and we are not concerned that the cloth may rip.

### MISHNA

- **R' Eliezer** also said, on a Friday in shmitta, one may stand by food that will become muktzeh (e.g. fruit that is drying but not yet fully dry), and state: I will eat from here tomorrow. The **Chachomim** say it only helps if he marks off exactly which fruit from the piles he will eat the next day.

### GEMARA

- **Q: Rava** asked, we learn that Shabbos creates a ma'aser obligation for regular fruit (it may no longer be eaten as a snack without taking ma'aser), and we have also learned that fruit left to dry does not yet get a ma'aser obligation. What is the story with fruit left to dry over Shabbos? Does Shabbos automatically set in the obligation, or does it not in this case because the food is not at its final stage of preparedness? **A: R' Nachman** said, Shabbos automatically sets in the obligation.
  - **Q: Rava** asked, maybe Shabbos should be like bringing fruit into a chatzer, which only sets in the obligation when it is in its final prepared state? **A: R' Nachman** said, we have a set teaching that tells us that Shabbos sets in the obligation in every case.
    - **Mar Zutra the son of R' Nachman** said, we see this from our Mishna as well. The Mishna said, if the muktzeh issue is removed, the drying fruit may be eaten the next day. The Mishna specifies this as taking place during shmitta, when there is no ma'aser obligation. Presumably, during any other year this would not be permitted unless ma'aser was first separated.
      - The Gemara says, it may be that his designation of saying "I am eating from here tomorrow" is what sets in the ma'aser obligation, and that's why it is only during shmitta that this would be mutar. The ma'aser obligation setting in may have nothing to do with Shabbos.
      - **Q:** If so, why even discuss a case of Erev Shabbos? Why not discuss a weekday? **A:** The Mishna is teaching an additional Halacha, that even something that is tevel can be considered as prepared for Shabbos use (even though one would have to be oiver a D'Rabanan of separating terumah and maaser on Shabbos in order to eat it).

### -----Daf 77-----35-----

- **Q:** How can we say that **R' Eliezer** holds that the designation of food sets in its ma'aser obligation? We find that **R' Eliezer** says in a Mishna that when one takes a bunch of olives to eat from a tahor vat, they become chayuv in ma'aser, but if they are taken from a tamei vat they do not become chayuv in ma'aser. **R' Avahu** explained, the cases are where the person himself is tamei. Therefore, when he takes olives from a tahor vat he will not return them to the vat (so as not to make the rest tamei) and they therefore become chayuv in ma'aser. In the second

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case, since the olives are anyway tamei, he may decide to return them to the vat if he doesn't eat them. Therefore, they do not become chayuv in ma'aser. In our Mishna the fruits may be decided to be returned as well, and therefore the designation would not make them chayuv in ma'aser according to **R' Eliezer**!? **A:** Our Mishna is also discussing a case where the fruit was tahor and the person was tamei, so the fruit would not be put back.

- **Q:** In our Mishna the fruit were never physically taken, they were only designated!? **A: R' Simi bar Ashi** said, **R' Eliezer** must hold that Shabbos makes the fruit chayuv in ma'aser, just like we find that **R' Eliezer** holds that the act of separating terumah from fruit makes it chayuv in ma'aser as well. However, the **Chachomim** argue regarding the act of separating terumah, and may therefore also argue regarding Shabbos.
- The Gemara says, the end of our Mishna may be a proof to **R' Nachman's** statement (that Shabbos creates a ma'aser obligation even for produce that is not in its final stage of preparation). The Mishna says that the **Chachomim** say that a clear designation on Erev Shabbos of shmitta helps to allow eating of the fruits (that are not fully processed) on Shabbos. This seems to suggest that if it was not shmitta it would assur to eat because ma'aser must be given. Presumably because Shabbos sets in the ma'aser obligation.
  - It may be that the clear designation (and not Shabbos) is what sets in the ma'aser obligation.
    - **Q:** If so, why does the Mishna set the case on Erev Shabbos? It could have been any day of the week!? **A:** The Mishna did so to teach that tevel is considered to be prepared for Shabbos, and if one is "oiver" the D'Rabanan and separates ma'aser on Shabbos, the food would be mutar (there is no muktzeh issue).
- **Q:** There is a Mishna in which **R' Eliezer** says, that if one was eating grapes and Shabbos set in, he may finish eating the grapes without giving ma'aser. This contradicts what we said earlier, that **R' Eliezer** says that Shabbos does make the ma'aser obligation set in!? **A: R' Nosson** explained that **R' Eliezer** means that he may finish eating the grapes *after* Shabbos. However, any eating on Shabbos may only be done if the ma'aser was given first.
- **Ravin** said in the name of **R' Yochanan**, neither the onset of Shabbos, nor the separation of terumah, nor the bringing into one's chatzer, nor the purchase of produce causes the ma'aser obligation to set in.
  - Each of these set of circumstances is subject to a machlokes, and **R' Yochanan** therefore felt the need to clearly pasken. A Braisa says that Hillel said that the onset of Shabbos sets in the ma'aser obligation. A Mishna said that **R' Yaakov** said that bringing the produce into one's chatzer sets in the ma'aser obligation. A Mishna says that **R' Eliezer** says that the act of separating terumah sets in the ma'aser obligation. A Mishna says that purchase of produce sets in the ma'aser obligation.

**HADRAN ALACH PEREK HAMEIVI!!!**

**PEREK MASHILIN -- PEREK CHAMISHI**

### MISHNA

- One may lower fruit from a roof to the house by way of a skylight in that roof (to save it from becoming ruined from the rain), on Yom Tov but not on Shabbos.
- One may cover fruit with keilim to protect them from dripping water. Similarly, barrels of wine and oil may be covered as well.
- One may place a keili under dripping water on Shabbos.

### GEMARA

- **R' Yehuda** and **R' Nosson** had different versions of the word in our Mishna used to mean "lower". One had the version of "mashilin" and one had the version of "mashchilin".
  - **Mar Zutra** said, both versions are correct and mean to lower (one based on a pasuk where the word "yishal" means to throw down, and the other based on a Mishna where the word "shachul" means to lower).

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- **R' Nachman bar Yitzchak** said, the Mishna could have also used the words “mashirin” (based on a Mishna where “mashir” means to make fall out), “maschirin” (based on a Mishna referring to a razor as a “shechor” because it makes hair fall off), or “manshirin” (based on a Mishna where “nashru” means to fall, or another Mishna where “nosher” means to fall).
- **Q:** How much produce would one be allowed to lower through the skylight on Yom Tov? **A: R' Zeira in the name of R' Assi** said, it is the same as the Mishna in Shabbos that says: If one needs room for guests or for talmidim to learn, he may move away even 4 or 5 boxes of straw or produce on Shabbos. Here too one may move that amount.
  - **Q:** Maybe that much is allowed there so as to allow for learning, but here would be less? **Q2:** Maybe that much is allowed there because we need not be concerned that he will become lenient with Shabbos and do unnecessary work. However, our Mishna discusses Yom Tov, and maybe only less would be allowed? **Q3:** Maybe over there only 4 or 5 boxes are allowed because we are not faced with a potential financial loss. However, in our Mishna where we are, maybe even more would be allowed?
  - **Q:** The Mishna in Shabbos said that one may not completely empty the storehouse of straw, and **Shmuel** explained, because we are concerned that he may then smooth out the floor (by filling in the holes). Would it be the same in our Mishna that we don't allow him to empty the entire roof? Maybe we are only concerned for the more chamur Shabbos, but not for the more lenient Yom Tov? Maybe we should say that if we don't allow this over there for this concern even though it may prevent people from learning, surely we should not allow it over here?
  - **Q: R' Nachman** says about our Mishna that it may only be lowered through a skylight in that roof, but it may not be passed to a skylight in another roof. Would we say that in the case of the Mishna in Shabbos as well? Maybe we are only concerned in our Mishna because people treat Yom Tov more leniently, and it may lead to degrading Yom Tov, but this concern would not apply to Shabbos? Or, maybe we should say that if we don't allow it in our Mishna where one is faced with a financial loss, surely he may not do so in the Mishna in Shabbos, where one is not faced with that loss?
  - **Q:** A Braisa says regarding our Mishna that the fruit may not be lowered through windows with rope, or down ladders. Would that apply regarding the Mishna in Shabbos as well? Maybe it is only assur in our Mishna because it does not prevent people from learning? Or, maybe we should say that if we don't allow it in our Mishna where one is faced with a financial loss, surely he may not do so in the Mishna in Shabbos, where one is not faced with that loss?
  - **A:** To all the above questions, the Gemara says “**TEIKU**”.

### -----Daf 17-----36-----

#### UMECHASIN ES HAPEIROS

- **Ulla** said, even a pile of bricks may be covered with a cloth to protect it. **R' Yitzchak** said, only something that is not itself muktzeh may have something else moved for it. Therefore, only things like fruit (and not bricks) may be covered with a cloth.
  - **Q:** Our Mishna says that “fruit” may be covered. This seems to support **R' Yitzchak**!? **A:** Really, even bricks may be covered. The Mishna mentions fruit only because the first part of the Mishna discusses lowering fruit through the skylight.
  - **Q:** The Mishna says that barrels of wine and oil may be covered. This again suggests that only non-muktzeh items may be covered!? **A:** The Mishna is referring to barrels of tevel, which are muktzeh, and teaches that they too may be covered. This must be the case, because if not, why does the Mishna need to list items in addition to the fruit already mentioned?
    - It may be that barrels of wine and oil were mentioned to teach that even though the potential financial loss is minimal (unlike the more significant financial loss associated with fruit becoming wet), it is mutar to cover them.
  - **Q:** The Mishna says that one may move a keili to catch the rain water, which presumably is not fit to drink and is therefore muktzeh. This supports **Ulla**!? **A:** The Mishna is discussing rain water that is fit to drink.

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- **Q:** A Braisa allows placing a mat over bricks?! **A:** The Braisa is dealing with bricks left over from building, that can be used on Shabbos for sitting on (so they are not muktzeh).
- **Q:** A Braisa allows placing a mat over stones?! **A:** The Braisa is dealing with sharp stones that can be used for wiping in the bathroom (so they are not muktzeh).
- **Q:** A Braisa allows placing a mat over a beehive in the summer and the winter as long as one doesn't have in mind to trap the bees?! **A:** The Braisa is discussing where there is honey in the hive and it is therefore not muktzeh. **Q:** In the winter there is no honey and it is therefore muktzeh?! **A:** Even in the winter there are 2 honeycombs which are left in the hive to enable the bees to make it through the winter. **Q:** Those honeycombs are never eaten and are therefore muktzeh?! **A:** We are discussing a case where he had in mind before Shabbos to eat those honeycombs. **Q:** If so, the Braisa should say it is only assur if he did not have in mind to eat that honey, but if he did it is mutar!?! Why the need to differentiate whether or not he intends to trap the bees? **A:** The Braisa means to say, that even if he intends to eat that honey, it is only mutar if he doesn't intend to trap the bees.
  - **Q:** The Braisa can't follow **R' Shimon**, because he doesn't hold of muktzeh, and it can't follow **R' Yehuda** because he says that even if one doesn't have in mind to catch bees, it would be assur because "davar she'eino miskaven" is assur?! **A:** The Braisa follows **R' Yehuda** and it is only mutar to place the mat on the hive when he leaves room for the bees to escape. The chiddush is, even though bees are not normally trapped, it would still be assur.
  - **R' Ashi** said that the Braisa only permits placing the mat to protect the hive when there is honey inside (so it is not muktzeh). When the Braisa says one may place the mat on the hive "u'vagshamim mipnei hagshamim" (in the rain because of the rain), it does not mean in the winter (like we said before), rather it means in the spring or fall when it rains, one may protect the hive from the rain. In the spring and fall there is honey in the hive and it is therefore not muktzeh.

### V'NOSNIN KLI TACHAS HADELEF B'SHABBOS

- A Braisa says, if the keili fills up, one may empty it and replace it under the leak.
  - There was once water leaking onto **Abaye's** millstones (which would fall apart if they became wet, and the leak was too large to simply place a keili to catch the water). He asked **Rabbah** what could be done. **Rabbah** told him, bring your bed into the mill room. The wet millstones will then be disgusting to you and you will be allowed to remove them from the room altogether, as if they were a keili full of excrement. **Abaye** wondered if that was correct, since one may not initially create a pile of wastes that he will have to remove. While deliberating, the millstones fell apart from the water. **Abaye** said, he deserved that for questioning what his rebbi had told him to do.
  - **Shmuel** said, one may empty a keili of excrement or urine into the garbage dump and return the empty keili to the house as long as he puts in some water first (this prevents the disgusting keili from being treated as muktzeh).
    - It was thought that such disgusting things (like excrement) may only be moved when in a keili, but not directly by hand. However, the Gemara says that **R' Ashi** once instructed to remove a mouse from his spices, by grabbing it by the tail.

### MISHNA

- Anything that is assur to do on Shabbos based on a Rabbinic enactment, even if it prevents one from doing something that is an optional mitzvah, and even it prevents one from doing an obligatory mitzvah, may also not be done on Yom Tov.
- The following are assur based on Rabbinic enactment: one may not climb a tree, ride an animal, swim, clap his hands, slap his thigh, or dance.
- The following are considered optional mitzvos which are assur to do on Shabbos and Yom Tov based on Rabbinic enactment: one may not judge a court case, be mekadash a woman, or do chalitza or yibum.

## Daf In Review – Weekly Chazarah

- The following are considered obligatory mitzvos which are assur to do on Shabbos and Yom Tov based on Rabbinic enactment: one may not make hekdesch promises, eirechin promises, cheirem promises, and one may not separate terumah or ma'aser.
- All these things are assur on Yom Tov and are therefore surely assur on Shabbos as well. The only difference between Yom Tov and Shabbos is the allowance of food preparation on Yom Tov.

### GEMARA

- One may not climb a tree, as a gezeirah so that he not rip something off the tree.
- One may not ride an animal, as a gezeirah so that he not travel beyond the techum.
  - **Q:** This suggests that techum is a Halacha D'Orasia (which is a matter of dispute)!? **A:** One may not ride an animal as a gezeirah so that he not rip off a branch from a tree to use as a whip.
- One may not swim, as a gezeirah so that he not construct a tube to help him swim.

### V'LO MITAPCHIN V'LO MISAPKIN V'LO MERAKDIN

- This is assur as a gezeirah so that he not make a musical instrument.

### V'EILU HEIN MISHUM RESHUS, LO DANIN

- **Q:** Judging a case is an *obligatory* mitzvah!? **A:** The Mishna is discussing where there are more qualified people to act as the judge, in which case the mitzvah is on those people, and not the less qualified person.

### V'LO MEKADSHIN

- **Q:** It is an obligatory mitzvah to get married!? **A:** The Mishna is referring to one who was already married and already had children.

### LO CHOLTZIN V'LO MEYABMIN

- **Q:** These are obligatory mitzvos!? **A:** The Mishna is discussing one who has older brothers to do these mitzvos, in which case the primary mitzvah lies with the older brother.
- **Q:** Why may all the above not be done? **A:** It is a gezeirah to prevent one from writing.

## -----Daf ןל--38-----

### HASHOEL KLI MEICHAVEIRO MEI'EREV YOM TOV

- The chiddush of the Mishna is that as long as the lender agreed to lend the keili before Yom Tov, even if it wasn't given to the possession of the borrower until after Yom Tov began, it still takes on the techum of the borrower.
  - **R' Yochanan** said like this explanation of our Mishna as well.

### B'YOM TOV K'RAGLEI HAMASHIL

- The chiddush of the Mishna is, that even if it is typical for this borrower to always borrow from this lender, still, if he didn't agree to lend the keili before Yom Tov, it retains the techum of the lender. We don't say that the lender had in mind to give it to this borrower before Yom Tov, because we assume that he thinks that the borrower found someone else to borrow from.

### V'CHEIN HA'ISHA SHESHOALAH MEI'CHAVERTA

- When **R' Abba** went to Eretz Yisrael, he davened that he should make a Torah statement that will be accepted by the **Rabanan** there. He found a group of **Rabanan** sitting and learning our Mishna. They asked, the salt and water should become batul to the dough and the dough should only take on the techum of the owner of the flour!? **R' Abba** said to them, if one's kav of wheat became mixed in his friend's 10 kav of wheat, does the owner of the 10 kav simply take ownership of the one kav as well because it becomes batul? Of course not! Because we only say something becomes batul for issurim, not regarding matters of ownership. Similarly, techum is based on ownership, and therefore the salt and water don't become batul for purposes of techum. The **Rabanan** laughed at **R' Abba's** statement.
  - **R' Oshaya** said, the **Rabanan** were correct in rejecting **R' Abba's** statement, because **R' Abba** gave the case of wheat becoming mixed in wheat. The reason he didn't give the case of wheat mixed in barley is because he would hold that it would become batul in that case, because it is of unlike kind. However, in truth even items of like-kind become batul according to the **Rabanan**, and therefore it should not make a difference.

## Daf In Review – Weekly Chazarah

- **R' Safra** said that **R' Abba** was correct. We find that if one removes pebbles from the straw in the silo of his friend, he must pay his friend for straw equal to the weight of the pebbles (because he could have sold the wheat with the pebbles and gotten paid for the total weight), and the worthless pebbles are not considered to become batul. Similarly, the salt and water, which are there to provide taste (and are not totally worthless) cannot be considered to be batul either, and they therefore retain their ownership status and their techum status.
  - **Q: Abaye** asked, these cases are not comparable! In the case of the pebbles, the removal of the pebbles causes a monetary loss, whereas in the case of the dough, since the water is borrowed and need not be repaid until after Yom Tov, the only effect of ownership is the techum restriction, with no real monetary rights, and should therefore become batul!? **A: R' Safra** said, we find that **R' Chisda** said, that when neveilah meat becomes mixed in shechted meat, where the shechted meat is the majority of this mixture, the neveilah becomes batul with regard to tumah even according to **R' Yehuda** (who says that like kind mixtures do not become batul). Will you (**Abaye**) say that if the neveilah has an owner it would not become batul? You can't say that, because a Braisa says that **R' Yochanan ben Nuri** says, that even hefker items get a techum. We see that lack of ownership does not allow for the bittul of techum.
    - **Abaye** said, you can't compare the case of techum to the case of the pebbles. The pebbles are a question of monetary law, and therefore we cannot apply bittul to it. The case of techum is a question of issur, to which bittul does apply.
- **Q:** Why is it that the salt and water are not batul in the dough? **A: Abaye** says, it is a gezeirah for a case when a dough is made in partnership, in which case the techum of the dough truly must be limited to the common techum of the partners. **A2: Rava** says, spices are made to give taste, and are therefore never batul. **A3: R' Ashi** says, these are items which are "yeish lo matirin" (they will become totally mutar to move about after Yom Tov), and such items do not become batul.

### R' YEHUDA POTEIR B'MAYIM

- **Q:** This suggests that **R' Yehuda** says that only the water becomes batul, but not the salt. A Braisa says that **R' Yehuda** says that the salt becomes batul in the dough as well!? **A:** The Braisa refers to fine salt, which dissolves, and the Mishna refers to thick salt.
- **Q:** In the Mishna **R' Yehuda** says that water becomes batul in dough or in a cooked dish, but in a Braisa he says that it only becomes batul in dough (and not in a cooked dish, because it is more recognizable there)!? **A:** The Mishna refers to thick food (where the water is not noticeable) and the Braisa refers to thinner food (where it is noticeable).