

1 In the previous daf דף we learned a מחלוקת between ר' מאיר and ר' יהודה regarding the מוקצה status of a broken utensil. ר' מאיר holds מעין מלאכה - As long as there is some use for the broken piece, it is not מוקצה, whereas רבי יהודה holds מעין מלאכתו - It must be usable in a way that resembles the original function of the כלי, for it not to be מוקצה.

1 מחלוקת

status of a **BROKEN UTENSIL**

ר' יהודה	ר' מאיר
מעין מלאכתו Must resemble the original function	מעין מלאכה As long as there is some use

2 The Gemara quotes a ברייתא that might relate to this מחלוקת: תנו רבנן שברי תנור ישן הרי הן ככל הכלים הניטלין בחצר דברי רבי מאיר - R' Meir holds that broken pieces of an old oven are not מוקצה. מוקצה. But רבי יהודה אומר אין ניטלין.

2 ברייתא: תנו רבנן שברי תנור ישן

ר' יהודה אין ניטלין	ר' מאיר הרי הן ככל הכלים הניטלין בחצר
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3 ways to explain this מחלוקת

1 אמר אביי בעושין מעין מלאכה ואין עושין מעין מלאכתו קמיפלגי

Pieces that are **useful** but **not** for the same purpose

ר' יהודה X	ר' מאיר ✓
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כי רבא רבא rejects this

שברי תנור ישן
The same would be true of broken pieces of any כלי

There are three ways to explain this מחלוקת: אמר אביי בעושין מעין מלאכה ואין עושין מעין מלאכתו קמיפלגי - We are speaking about broken pieces that are useful but not for the same purpose as the original oven. רבי מאיר and רבי יהודה argue whether that function is enough to avoid the מוקצה status.

רבא rejects this explanation because the ברייתא did not have to speak specifically about broken pieces of an oven, the same would be true of broken pieces of any כלי.

3 Therefore, אמר רבא בשברי דהאי תנור קמיפלגי - This מחלוקת is specifically about the broken pieces of a specific type of oven whose status as a כלי is subject to a מחלוקת even while intact.

3 אמר רבא בשברי דהאי תנור קמיפלגי

An oven put over a hole in the ground

If not attached to the ground the first time it's heated

ר' יהודה כלי NOT a	ר' מאיר כלי IT'S a
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מוקבל טומאה
Its broken pieces will certainly not be a כלי and will not be מוקצה

מוקבל טומאה
Its broken pieces would also be considered a כלי and not be מוקצה

כי רבא רבא rejects this

The ברייתא did not have to speak about the broken pieces
The same applies to the oven while intact

An oven which is put over the mouth of a hole in the ground, if it is not attached to the ground the very first time it is heated up, רבי יהודה holds it never becomes a כלי and is therefore not טומאה. When it breaks it will certainly not be a כלי and will be מוקצה. רבי מאיר holds it does become a כלי when heated up and therefore can be מוקצה. Its broken pieces would also be considered a כלי and not be מוקצה.

רבא rejects this explanation because the ברייתא did not have to speak about the broken pieces of the oven, the same מחלוקת applies to the oven itself while intact.

4 Therefore, רב אשי says the מחלוקת is about broken pieces of an oven that are ארבעה עשרה טפא - they can be used as heated tiles that can bake a dough.
 R' Meir says; According to me, these shards are not מוקצה, because I hold מלאכה - any use is sufficient. But even ר' יהודה should agree that these shards should not be מוקצה, because they should be considered מלאכתן - they're functioning in a similar way to the oven.
 ר' יהודה, however, thinks that since the tiles are heated from the outside, and the dough is baked in a horizontal position - unlike the oven which is heated from the inside, and the dough is baked vertically - it is not considered to be similar to the original מלאכה.

5 Zugt di Mishnah; האבן שבקירויה... זמורה שהיא קשורה בטפח - The Mishnah speaks of two cases where something מוקצה is attached to a כלי - a stone attached to a dried gourd shell that is used for drawing water, and a vine tied to a pitcher - both become part of the כלי and are not מוקצה.

6 The Gemara cites אבן שעל פי החבית later on דף קמ"ב which says: when a barrel has a stone on it, one may lift the barrel, move it to a safe spot, and tilt it so the stone will fall off. All agree that this is only true בשוכח - when one forgot the stone on the barrel, but not if מניח - the person put the stone there on purpose. If it was מניח there are two opposite opinions: רבה holds if he placed it there, the barrel becomes a בסיס לדבר האסור - a base for the מוקצה rock, and the barrel becomes מוקצה like the rock and may not be moved at all. Rabah explains, the case of our Mishnah is different - Since the rock is attached to the gourd so that it does not fall out, it becomes part of the gourd, which is a כלי, and the rock is not מוקצה. ר' יוסף holds when he places the rock on the barrel, it becomes a חבית, a cover for the barrel and even the rock is not מוקצה, and the rock may be moved directly. Rav Yosef explains - our Mishnah here which says that if the stone is not attached to the gourd it's מוקצה, is different. An unattached stone serves no purpose, because it will fall out of the gourd, therefore it is מוקצה. The stone on the barrel serves as a cover for the barrel, and therefore is NOT מוקצה. The גמרא explains the basis of their מחלוקת: Rabbah in the name of ר' אמי holds that a significant act is needed to turn the rock into a כלי. Merely placing it on the barrel does not remove its מוקצה status. Therefore, since the rock remains מוקצה, the barrel becomes מוקצה as a בסיס לדבר האסור. Rav Yosef in the name of ר' אשי holds that no significant act is required to turn the rock into a כלי. Merely placing it on the barrel turns it into a cover, and it's no longer מוקצה.

4

3 אמר רב אשי...
עושה מעשה טפא
They can be used as heated tiles that can bake a dough

ר' יהודה	ר' מאיר
מעין מלאכתן	מעין מלאכה
<i>Must resemble the original function</i>	<i>As long as there is some use</i>
מוקצה	מוקצה NOT
<i>The tiles are heated from the outside</i>	

5

האבן שבקירויה... זמורה שהיא קשורה בטפח



מוקצה attached to a כלי

Become part of the כלי

מוקצה NOT

6

The Gemara cites אבן שעל פי החבית



All agree בשוכח
 One FORGOT the stone on the barrel

But מניח
 Put the stone there on PURPOSE

רב יוסף	רבה
The rock is a כיסוי לחבית	The barrel is a בסיס לדבר האסור
<i>May be moved DIRECTLY</i>	
Our אשי	Our אשי
An unattached stone serves no purpose it will fall	The rock is attached
The basis of their מחלוקת	
ומר סבר	מר סבר
לא בעינן מעשה	בעינן מעשה

7 The Gemara demonstrates that רבי אסי and רבי אמי have the same מחלוקת in determining what kind of action רבי רבי held was necessary to designate a row of stones as seats for שבת when he had gone for שבת to a new place, and was planning to give a Shiur there.

רבי אסי says - צאו ושפשומו אמרו להו -

He told his Talmidim to wipe the stones clean. Although a minor and insignificant act, it's sufficient to remove the מוקצה status - לא - בעינן מעשה - and therefore we have time to arrange the stones on שבת.

רבי אמי says - צאו ולמדומו אמרו להו -

He told them to arrange the seating before שבת. Wiping them down is not significant enough an act to remove the מוקצה status - בעינן מעשה. Therefore, since they remain מוקצה, we must arrange the seating before שבת so that they need not be moved on שבת.

7 *מחלוקת*

What kind of **ACTION** רבי רבי held was necessary to designate a row of stones as seats

<p>רב אסי</p> <p>צאו ולמדומו</p> <p>אמרו להו</p> <p>Arrange the seating</p> <p>Wiping is not significant</p> <p>בעינן מעשה</p>	<p>רב אסי</p> <p>צאו ושפשומו</p> <p>אמרו להו</p> <p>Wipe the stones</p> <p>Although a minor act</p> <p>לא בעינן מעשה</p>
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8 Alternate versions of the story of רבי have him permitting either a stack of beams or a pole used to measure the depth of the water for a ship, with minimal action.

הענין - מאן דאמר סוואר אבל גשוש קפיד עליה - the opinion that רבי permitted a stack of beams with minimal preparation would hold that he would not have said the same thing about the pole used to measure the depth of the ocean since it is

מוקצה מחמת חסרון כיס -

The owner would not use it for other purposes out of fear of bending it and ruining it.

מאן דאמר גשוש כ"ש סוואר -

If he permitted a pole which could be considered מוקצה מחמת חסרון כיס, of course he would permit a stack of beams.

8 *Alternate versions...*

רבי permitted

<p>סוואר</p> <p>של קורות</p> <p>Stack of Beams</p> <p>מאן דאמר סוואר</p> <p>אבל גשוש קפיד עליה</p> <p><i>מוקצה מחמת חסרון כיס</i></p>	<p>Pole - גשוש</p> <p>Used to measure the depth of the water</p> <p>מאן דאמר גשוש</p> <p>כל שכן סוואר</p>
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9 The Gemara permitted moving the vine tied to a pitcher, implying that if it were not tied to the pitcher, it would be אסור to handle.

The Gemara at first suggests that this is not in accord with רשב"ג regarding palm branches that were cut for firewood, making them מוקצה, and he now wants so sit on them. רשב"ג says, he does not have to do a מעשה - tie them into bundles to remove the מוקצה status. Designating it במחשבה is sufficient.

The Gemara concludes that there are two possible reasons that even רשב"ג may require the vine to be tied:

1- the vine is still attached to the ground. Therefore, even according to מחשבה - רשב"ג is not enough - you need an act to change its status.

The Gemara points out - there is no issue of לקרקע - using something that is attached to the ground, since it is within three טפחים of the ground which is considered like the ground itself.

2- the concern with the vine is that you might cut it shorter if it isn't tied, because it's soft.

9

Implying if **NOT TIED**

אסור

רשב"ג

Palm Branches

Cut for firewood → מוקצה

...now wants to **SIT on them** → he does NOT have to do a מעשה

זמורה שהיא קשורה במטפח

2 גזירה שמא יקטום

1 במחבורת באביה

10 The Gemara continues with the next Halacha in the Mishnah.
 פקק החלון - A shutter of a window
 - רבי אליעזר אומר בזמן שהוא קשור ותלוי פוקקין בו ואם לאו אין פוקקין בו
 R' Eliezer holds we may shutter the window only if the shutter is tied to the building and hanging. Rashi explains that when not in use it hangs from the rope and does not rest on the ground.
 If it is not tied - or even if tied but it rests on the ground we may not use the shutter.
 - וחכמים אומרים בין כך ובין כך פוקקין בו
 Either way, one may use the shutter.

10 *משנה*: פקק החלון
 רבי אליעזר אומר
 בזמן שהוא קשור ותלוי פוקקין בו
 ואם לאו אין פוקקין בו
 וחכמים אומרים
 בין כך ובין כך פוקקין בו

11 The Gemara explains that all agree בתחלה גמרא -
 One may not make a new temporary structure on שבת or טוב.
 They argue whether מוסיפין על אהל עראי - Whether one may add to an existing structure on שבת and טוב.
 - רבי אליעזר אומר אין מוסיפין
 one may NOT add to an existing structure.
 Therefore, if the shutter is tied and hanging from the building he may use it, because it does NOT appear like adding to the structure - it's already part of the building. If it's NOT tied or not hanging from the building, he's not allowed to use it - because it appears like adding to the structure.
 - וחכ"א מוסיפין
 One may add to an existing structure.
 Their opinion will be clarified on the next daf.

11 All Agree
 אין עושין אהל עראי בתחלה
 They Argue
 מוסיפין על אהל עראי
 רבי אליעזר אומר
 אין מוסיפין
 וחכמים אומרים
 מוסיפין