

Daf Hashvuah Gemara and Tosfos Beitza Daf 23
By Rabbi Chaim Smulowitz
Tosfos.ecwid.com
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Daf 23a

R' Yehuda forbade putting the incense on coals to smoke the fruit, but allows to put it upon heated pottery shards.

Tosfos quotes Rashi: there is no extinguishing in this case, and even the burning of the incense isn't forbidden, since you're burning it in an irregular manner.

However, R' Yitzchok explains: we can say that it's burning it in a regular manner and it still could be permitted since he holds that unnecessary kindling is permitted on Yom Tov. The Yerushalmi in the last Perek implies this too. The Gemara there inquires if you can light an unnecessary candle on Yom Tov. R' Yossi forbids it and the Rabanan allows it. The one who forbids it holds that the purpose that the Torah wrote a separate Lav not to kindle on Shabbos is to teach us to split the Av Melachos on Shabbos. (I.e., we don't consider Shabbos as one Lav, and if you do many Melachos, you should bring one Chatos for all of them. Rather, we split them up and bring a Chatos for each Av Melacha you did.) Therefore, kindling is a regular Av Melacha like all others, (and since it's forbidden to do Melacha on Yom Tov), it's prohibited to kindle fire on Yom Tov (unless you have the Heter of doing it for food preparations or other uses). However, the one who permits holds the reason the Torah wrote a separate Lav by kindling is to tell us it's different from other Melachos, and it's only a regular Lav (without the death penalty). Therefore, it's not classified as an Av Melacha, so it's not prohibited on Yom Tov (since the Torah only forbids it on Shabbos).

However, the Yerushalmi concludes that we shouldn't forbid it outright, but we shouldn't permit it either. Therefore, we should be careful not to kindle for no use, since they said not to forbid or permit it. Anyhow, you should forbid putting the incense on coals, since you're extinguishing, besides the kindling, which is done for something that's not appreciated by all (since the Torah only permits Melacha for uses that everyone appreciates). Even according to those in the Yerushalmi who permit kindling unnecessarily would not permit extinguishing, since kindling at least have times where it's permitted, when necessary for preparing food. However, since you never need extinguishing for food preparation, everyone agrees that you can't extinguish on Yom Tov. *[See R'shas on Shabbos 73a that this Tosfos implies that they must hold that extinguishing is also only a Lav, and therefore, he needs to come up with another reason to differentiate between them. However, he brings many Gemaros that say that, even those who hold kindling is a Lav, extinguishing has the death penalty.]*

However, Rava who, later, permits it on coals, he permits it since he considers it as appreciated by everyone, even by the poor, since they would need it if they were rich.

Rabbah prohibited it over earthenware shards, since you're creating a smell in the shard. (This creation is similar to a Melacha, so the Rabanan forbade it.) As Rabbah and R' Yosef both say that it's forbidden to overturn a perfumed cup onto silk cloth on Yom Tov since it creates a smell in it.

The Gemara asks: why is this different than what we permit to rub spices between your fingers or to break them to bring out the smell? The Gemara answers: over there it has a smell, and you're only trying

to make the smell stronger. However, by overturning the cup onto the silk, you're completely creating this smell in the silk.

Rava permits smoking the fruit even on coals (and you don't need to worry about extinguishing or burning or creating smells) the same way you can roast meat on coals and you don't need to worry about any of those problems.

R' Giviah from K'sil Darshened by the gateway of the Reish Gelusah that 'Ketura' is permitted. Ameimar asked: what does he mean by 'Ketura'? Does he mean that you can make creases in the sleeves and pant legs? How can they be permitted? After all, it's a craftsman's work. Does he mean that you can smoke fruits? How could they? After all, it's extinguishing fire. R' Ashi answers: it really means to smoke the fruit. It's permitted like it's permitted to roast meat on coals.

A second version: Ameimar asked: what does he mean by 'Ketura'? Does he mean that you can make creases in the sleeves and pant legs? How can they be permitted? After all, it's a craftsman's work. Does he mean that you can smoke fruits? How could they? After all, it's creating a smell. R' Ashi answers: (don't ask on him) I told this P'sak to him in the name of a great man. It really means to smoke the fruit. It's permitted like it's permitted to roast meat on coals.

New Sugya

Tudas the Roman accustomed the Roman Jews on the first night of Pesach to roast a lamb like they roasted the Korbon Pesach. They sent to him: if it wasn't that you're the great Tudas, we would excommunicate you, since you're feeding Jews Kodshim outside the Mikdash. The Gemara asks: is this real Kodshim? The Gemara answers: we mean; something that looks like Kodshim.

New Sugya

There were three things R' Elazar b. Azarya permitted and the Chachumim forbade. His cow walked out with a strap between its horns on Shabbos (and the rabbis felt it's not an ornament, so it's a load, and the animal would be carrying on Shabbos.) He allowed to scratch an animal's back with a comb with thin teeth (that may cause it to bleed), called 'Kirud'. He also permitted grinding pepper in a pepper-mill on Yom Tov. R' Yehuda forbade scratching with a thin tooth comb, since it will make a wound, but he allows it with a thick tooth comb (since it won't make a wound) called 'Kirtzuf.' The Chachumim even forbade the thick tooth comb.

The Gemara asks on the wording "his cow walked out with a strap between its horns on Shabbos" implying that he only had one cow. Doesn't Rav say that thirteen thousand calves were taken off from R' Elazar b. Azarya's herd for Maasar every year? The Gemara answers: it wasn't his cow, but a neighbor's. However, since he didn't protest, they considered it as if it was his cow who went out.

Tosfos asks: we know that R' Elazar b. Azarya lived somewhat after the Beis Hamikdash's destruction. After all, R' Gamliel was the Nassi before R' Elazar, and he was after the destruction. After all, R' Yochanan b. Zacai was the Nassi after the destruction as we see he made many enactments then. The reason why he was Nassi (although he wasn't in Rebbi's lineage), since R' Gamliel, the next in line, wasn't old enough to accept the leadership then. After that, R' Gamliel finally became Nassi, and then came R' Elazar b. Azarya. He was only eighteen years old when he became Nassi (a few years) after the destruction. The Gemara in Bechoros says that they enacted to stop separating Maasar from animals after the Mikdash's destruction. If so, how can the Gemara

says here that he brought all this Maasar from his animals year after year?

Tosfos answers: they didn't enact right after the Churbon not to separate Maasar Behaima, but some time afterwards.

Alternatively, while he was a child during the Beis Hamikdash, his guardian separated the Maasar for him.

Alternatively, we don't refer to Maasar Behaima, but rather, we refer to him separating a tenth of his flock as tax to the king.

New Sugya

The Gemara asks: what's the difference between 'Kirud' and 'Kirtzuf'? The Gemara answers: "Kirud' have thin teeth which may cause a wound, and 'Kirtzuf' have thick teeth that won't cause a wound. It comes out that there is a three-way argument in the Mishna. R' Yehuda forbade 'Kirud,' (although he doesn't intend to wound the animal), since he forbids doing an unintended Melacha. However, he allows 'Kirtzuf' since it doesn't wound, and he didn't enact to forbid 'Kirtzuf' for perhaps you'll permit 'Kirud.' The Rabanan agree with R' Yehuda that forbids doing an unintended Melacha, but they take it a step further and enacted to forbid 'Kirtzuf' for perhaps you'll permit 'Kirud.' However, R' Elazar b. Azarya holds like R' Shimon who permits to do something that might result in an unintended Melacha, therefore, he permits both 'Kirud' and 'Kirtzuf.'

Rava quoted R' Nachman who quoted Shmuel, (and others say R' Nachman said it himself): the Halacha is like R' Shimon since R' Elazar b. Azarya agrees with him. Rava asked R' Nachman: why don't you say the Halacha is like R' Yehuda because the Rabanan agree with him? R' Nachman answered: I hold like R' Shimon, and as an added reason to Paskin like him, R' Elazar b. Azarya held like him.

Ri explains: the Halacha is like R' Shimon to permit scratching the animal's back with a comb. However, that is only by wooden combs. However, everyone would agree that our metal combs are forbidden. (Since we only allow unintended Melachos that might happen and not what will definitely happen), and our metal combs will definitely rip out hairs.

Daf 23b

New Sugya

(A pepper-mill has three parts. The top is a flat metal piece that smashes the pepper. Underneath is a wooden sifter. Underneath that is a wooden bowl to collect the ground pepper.) The pepper-mill is susceptible to Tumah through three utensils. **(Rashi- even if one is missing, the other two is susceptible to Tumah.)**

Tosfos explains: if Tumah touches one of them, they're considered separate utensils that the other parts do not become Tamai. Even when you're using the mill, (that I might think, since they're working together, they become one utensil at that time), still, we consider them different utensils since each one can do their job independently. Therefore, it is not similar to two blades of a scissor (that's made to be taken apart) and the blade of a carpenter's plane (to its handle), which we consider them attached when you're working with them (since they can't do the work independently).

One is Tamai for being a wooden utensil with a receptacle. One is Tamai for being a flat metal

utensil and one is Tamai by being a sifter. The Gemara explain: the bottom bowl is Tamai because it's a wooden utensil with a receptacle. The top smasher is Tamai for being a flat metal utensil. The middle utensil is Tamai for being a sifter.

Tosfos quotes Rashi: even though it's made of wood, and it doesn't have a receptacle (since it doesn't hold anything), yet, they enacted Tumah on it since it's similar to a woven utensil (since it's made in a crisscross manner).

Tosfos disagrees. After all, weaving is not applicable to wood. Weaving is only applicable by fabric, like wool and linen.

Rather, Tosfos explains: this is like the Yerushalmi that says that flour sifters are Tamai, since it holds the bran that are too big to go out of its holes. (So too by the pepper mill's sifter, it catches the bigger piece that wasn't ground enough.)

Tosfos is bothered by the question: if in essence it's Tamai because it has a receptacle, why say it's Tamai because of a new category of a sifter? Say that it's Tamai because it has a receptacle.

Tosfos answers: (it's telling us a Chidush) that it's Tamai because it holds items like a sifter does, that we consider it to have the status of a utensil with a receptacle.

New Sugya

A child's wagon (**Rashi- that a child rides in**) is susceptible to Tumas Medres (if a Zav etc. sits on it, since it's designated for sitting).

Tosfos disagrees with Rashi's definition that the child rides in it, because, if so, what's the Chidush that it susceptible to Tumas Medres? After all, it's obvious that it's designated for sitting in.

Rather, Tosfos explains: it refers to a wagon that a child learns to walk with. It has three wheels (like a tricycle) and the child hold onto it, and the wagon rolls before him.

You're also permitted to move it on Shabbos (i.e., it's not Muktzah). However, you can only roll it on top of clothing, and not on top of the ground. R' Yehuda says that all other utensils can't be dragged on the ground on Shabbos (since it might dig into the ground and make a furrow), but you can roll the wagon since (it doesn't dig into the soil), but only pushes down the soil (but doesn't lift the dirt.)

The Gemara explains the Mishna: it's susceptible to Tumas Medres, since the child leans on it. You can move it on Shabbos since it has a status of a utensil (which is not Muktzah). You can only drag it over clothing, but not on the ground, since he might make a furrow. Who is this like? It's like R' Yehuda who forbids unintended Melachos. After all, it can't be like R' Shimon who permits unintended Melachos, since he explicitly permits dragging a chair or a bench as long as he doesn't intend on making a furrow.

The Gemara asks: (How can this first part of the Mishna be R' Yehuda?) After all, R' Yehuda says in the latter part of the Mishna that all utensils are forbidden to drag except for the wagon, since it pushes down the dirt. So, he holds that it doesn't make a furrow.

The Gemara answers: We must say there is two Tannaim arguing what R' Yehuda held. (One held it's permitted since it only pushes down the soil. The other held it's forbidden, for perhaps, the wheels

might get stuck and stop spinning and would start gouging out the dirt.)

Third Perek

You can't capture fish from trenches of water on Yom Tov.

Tosfos quotes Rashi: although we permit doing Melachos for food preparations, that's only for things like cooking, baking and Shechting which can't be done before Yom Tov. After all, it's always better to have hot (fresh) bread. Also, you'll need to cook and Shecht on Yom Tov, (because if you did them before Yom Tov), you'll have to worry that it might spoil. However, capturing can be done before Yom Tov, and you may keep the trap in the water to keep the fish alive.

However, Tosfos explains that it doesn't seem correct, like he explains towards the beginning of the Mesechta, since we never differentiate by actual food preparation whether you could have done it before Yom Tov or not. We only differentiate like that regarding fixing utensils needed for food preparation.

Rather, it seems the correct explanation is like R' Chananel from Kinon who says the reason capturing is forbidden since it's similar to the Melacha of harvesting (which is not permitted on Yom Tov).

You cannot feed those fish on Yom Tov either.

Tosfos quotes Rashi: since it's not your obligation to feed them, since they have all their food in their habitat. They eat the weeds that grow in the water and sometimes they'll eat the dirt. The big fish eat the small fish. This is true even according to the opinion that you may do Melacha on Yom Tov for your animal since they're included in what the Torah allows doing Melacha "for all souls." (However, that's only doing Melacha for animals that depend on you feeding them, so it's your obligation to feed them. But fish don't depend on you), therefore, it's not your obligation to feed them.

Tosfos asks: the Gemara asks a contradiction from our Mishna to a Braisa whether you can capture an animal from a cage. The Gemara reconciles that our Mishna refers to a small cage in which the animal is considered completely captured and the Braisa refers to a larger cage where you would need to further catch it before you can Shecht it. However, this only reconciles them regarding if you can capture it, but it doesn't reconcile why our Mishna allows to feed them and the Braisa doesn't allow it. (After all, just because they have a roomier cage doesn't make the animal less dependent on you feeding them.)

Therefore, Tosfos explains: the Heter of feeding them is dependent whether you can capture them or not. Therefore, you can't feed the fish, since you might come to capture them. Therefore, when the Gemara answers the contradiction whether you can capture an animal, it also answers the question of whether you can feed them, since they're dependent on each other.

However, Tosfos asks: (how can you suggest that feeding is dependent if you can capture it?) After all, the Gemara in Shabbos list animals that you can't capture, but they allow you to throw them food?

Tosfos answers: there it refers to Shabbos, which is more stringent than Yom Tov since you

can't do Melacha for food preparation, therefore, it's not applicable to be concerned that you might take the animals. However, our Gemara refers to Yom Tov where it's permitted to do Melacha for food preparation. It's applicable to decree not to give them food for perhaps you'll come to take an animal.

However, it's permitted to capture a wild animal and fowl from their cages and to give them food. R' Shimon b. Gamliel says that not all cages are similar. The rule is; any cage small enough that it's not necessary to capture the animal inside, it is permitted. If not, it's forbidden.