

Daf Hashvuah Gemara and Tosfos Beitza Daf 35
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Daf 35a

The Gemara asks: aren't the extra figs returnable (to their original stage), and we know that R' Eliezer holds that, when you can return the leftovers to its original place (even when you singled it out for eating) it doesn't establish the obligation of Maasar.

Tosfos explains: according to R' Eliezer, even if you take many olives of Tewel during the week, it's not an established obligation, as we'll see very soon, if it's fit to return from the place you took it from, and of course he'll hold that way (when you didn't take them), but only said you'll use them, it shouldn't establish the obligation.

As we learned; if someone takes olives from a certain vessel (where you keep them until they're ready for pressing), you can dip one at a time in salt and eat it (since it's not an established eating), but if you dipped ten of them and place them in front of you (to eat) it's obligated (in Maasar). R' Eliezer says: if taken from a Tahor vessel, it's obligated. If taken from a Tamai vessel, it's exempt, since you can return the leftovers. We asked: what's the difference between the first case and the last case (since you can return it to the Tahor vessel if you're Tahor)? R' Avahu answers: the first case refers to a Tahor vessel and a Tamai person, so you can't return the leftover olives to the vessel. The last case refers to a Tamai vessel and a Tamai person, since you could return the leftovers to the vessel.

Tosfos asks: (even with a Tahor vessel) doesn't (the Tamai person) make (the olives) left in the vessel Tamai when he picks the olives from there?

Tosfos answers: he only makes Tamai the place where he took, and he can be careful to lift them out without touching the others. However, he still can't return them, since by returning them, he'll mix up the Tamai ones with the Tahor ones. This is how Rashi answers it.

Alternatively, we refer to a case where he removes it with a flat wooden utensil (which is not susceptible to Tumah) or a (Tahor) friend took it and handed it to him.

The Gemara answers: our Mishna also refers to a storage area of Tahor figs and a Tamai person, so you can't return the leftovers.

The Gemara asks: (since you never physically moved them from their place), they're all in the position of being returned. (I.e., whatever you don't eat, are safely left in their place.)

Tosfos explains: since he only 'took' it by expressing his intention to eat, there is no bigger "return to its place" than this. After all, if it doesn't obligate in Maasar if it's fit to return, of course it doesn't obligate if he never took it at all.

Rather, R' Simi b. Ashi answers: (really, the reason it's obligated in Maasar is because it's designated to eat on Shabbos). If you're asking from R' Eliezer who obligates, R' Eliezer is consistent to his view that Trumah

obligates in Maasar (that once you separate Trumah, you can't eat the grain in a temporary manner until you separate all Maasar), so of course he'll hold designating for Shabbos obligates. As we learned: unprocessed fruits that you took Trumah off, R' Eliezer forbids eating from them in a temporary matter and the Rabanan permit. (Therefore, we have no proof what the Rabanan would hold regarding Shabbos.)

Tosfos explains: of course we must say that R' Eliezer holds that Shabbos establishes an obligation for Maasar even for produce that their process is not finished just like he held that way by Trumah. However, we don't have a proof for the Rabanan who permit by Trumah what their position is regarding Shabbos.

The Gemara brings a proof from the last part of the Mishna. The Chachumim say that you need to mark off (from here to here) where you'll eat. This implies that it's only permitted because it's Erev Shabbos on Shvi'os, however, it would be forbidden all other years (where there is an obligation for Maasar). Isn't it because Shabbos obligates it?

Tosfos explains: since the Rabanan don't argue with R' Eliezer in the Mishna except that they don't hold of Briera (so you can bring the same type of proof as you brought from R' Eliezer earlier). It's not applicable to ask here that you can return the leftovers, since the Rabanan don't hold of that logic, that even if you can return it to the place, it still establishes an obligation for Maasar.

The Gemara answers: since you said "from here to here I'll eat tomorrow," you established it to obligate it in Maasar. The Gemara asks: if so, why did they frame the case by Shabbos? This should be true even during the week. The Gemara answers: the Chidush by Shabbos that Tevel is not Muktzah for Shabbos, that if you fix it (by separating the Maasar) it's fixed (and is not Muktzah for the whole Shabbos).

The Gemara asks: if someone eats from a cluster of grapes and enters from a garden to a courtyard (which obligates in Maasar), R' Eliezer holds he may continue eating without taking off Maasar, and R' Yehoshua says you can't finish. (If he's eating the cluster Friday late afternoon) and it becomes dark and becomes Shabbos night, R' Eliezer says that he may finish eating and R' Yehoshua says that he can't. (So, we see that R' Eliezer doesn't hold that Shabbos establishes an obligation to take off Maasar on unprocessed fruit.)

The Gemara answers: like R' Nosson explains; R' Eliezer doesn't mean that you may finish it in the courtyard, but you must remove it from the courtyard and finish eating it. And it's not that R' Eliezer says that you may finish eating it on Shabbos, but you must wait to Motzei Shabbos to finish eating it.

Tosfos asks: why is this any different from the case of kids wrapping (figs) that we disallow eating them even on Motzei Shabbos?

Tosfos answers: over there, you designated to eat them on Shabbos, but here you didn't designate eating it for Shabbos, like Rashi explained.

Alternatively, over there, it refers to figs which their process was finished, but here we refer to a cluster of grapes that is not the finished product (since it's usually designated to make wine out of it).

When Ravin came, he quoted R' Yochanan: whether by Shabbos, or by the taking off Trumah, or by a sale or by a courtyard, they only establish an obligation to separate Maasar by produce that finished their process.

Tosfos asks: what difference does it make (that these things establish the obligation for Maasar)? After all, it only establishes them if they finished their process (which anyhow establishes their obligation).

Tosfos answers: it makes a difference that they establish their obligation before they see the inside of the house. (However, regular fruit can still be eaten temporarily until they see the inside of the house.)

The case of Shabbos was written as opposed to Hillel's opinion. As we learned: if someone was moving his produce around to dry out, and it became (dark) and Shabbos came in, R' Yehuda says that Hillel is the only one who holds it's now prohibited to eat temporarily until Maasar is removed.

Tosfos explains: it could have also have said that it's opposed to R' Eliezer's opinion that Shabbos establishes an obligation even on fruits that didn't finish their process. The reason they didn't say it, since it's not a Chidush since we anyhow don't Paskin like him since he's from the students of Shammai.

However, later the Gemara says that we list Trumah as opposed to R' Eliezer's opinion. The reason we pick him there is because we don't find any Tanna who held that Trumah establishes the obligation for Maasar for fruit that didn't finish their process besides R' Eliezer.

Daf 35b

He says a courtyard as opposed to R' Yaakov's opinion: As we learn: if you're moving figs in his courtyard to dry out, his sons and household may eat from them in a temporary manner and are exempt from removing Maasar. We learned on that; R' Yaakov obligates and R' Yossi b. Yehuda exempts.

He says Trumah, as opposed to R' Eliezer's opinion. As we learned: fruits that you took off Trumah before their process were finished; R' Eliezer forbids eating from them in a temporary manner.

He says a sale, as we learned: if you bought figs from an Am Ha'aretz, if it's in a place where most people press them into cakes, you may only eat them in a temporary manner, and you only need to take off Maasar like Damai (with all its leniencies). This teaches three things. One, that a sale doesn't establish an obligation for Maasar only for produce that finished their process. Second, most Am Ha'aretz take off Maasar, (so you only need to take it off as a big stringency of Damai, therefore, you can rely on the leniencies). Third, that it's also only Damai with produce that hadn't finished its process.

This is as opposed to the following: if you exchange fruits with your friend (which is like a sale), it doesn't make a difference if both intend to eat the fruit as is, or both want to dry them out, or one wants to eat as is and one wants to dry them out, the Tanna Kama says you're obligated in Maasar. R' Yehuda says that you're only obligated if you want to eat them as is (the process is finished) and not if you want to dry them out (where the process is not finished).

Fifth Perek

You're allowed to lower produce (from a roof to protect it from rain) through a skylight on Yom Tov, but not on Shabbos. You're also allowed to cover the produce with utensils to protect them from rain. The same is true about jugs of wine and oil. You may place a utensil under a drip (leaking in from the rain) on Shabbos.

There was an argument between R' Yehuda and R' Nosson about our Mishna's text, about which Hebrew word was used to describe "lowering down." One said that it's 'Mashilin' and one said it's 'Mashchilin.' Each word is not a corrupt text (to say it doesn't mean "lowering down"). The word 'Mashilin' is not corrupt, as the Pasuk says "when your olives 'Yashal' fall (off the tree)." The word 'Mashchilin' is not corrupt, as the Mishna says, (when counting the blemishes of a B'chor), the 'Shachol' and the 'Kasol.' They explained 'Shachol' as when one thigh dislocates (and falls) and 'Kasol' as when one thigh is bigger than the other one.

R' Nachman b. Yitzchok (had other texts) and the text of 'Mashirin' and 'Mashchirin' and 'Minashirin' are not corrupt. 'Mashirin' is not corrupt, as the Mishna says; R' Yishmael says that a Nazir cannot rub his hair (to clean it) with a certain earth since it will 'Masher' make fall out the hairs. 'Mashchirin' is not corrupt, as it says in a Mishna; the 'Shachor' (Rashi- a razor) and a Sofer's pair of scissor, although the pieces are separated, they're still susceptible to Tumah.

Tosfos quotes Rashi that Shachor is a razor. Its handle is not (permanently) attached, and it's taken apart occasionally. Even if they're separated, they're still susceptible to Tumah, since each part is fit for use on its own.

Tosfos asks: what function can a handle do by itself?

Rather, Tosfos explains: a Shachor is also a scissor, but a small pair. The "pair of scissor" mentioned is bigger than a Shachor. They both consists of two knife blades. The smaller one is call Shachor since it makes the hair fall, and therefore, it's a proof that it's a term of falling.

'Minashirin' is not corrupt, as it says if someone's clothes 'Nashru,' fell, into water (on Shabbos), he can still walk with them on and you don't need to worry (that he'll squeeze it). Alternatively, from the following Mishna; what is Leket? 'Hanosher' what fell at the time of harvesting.

Tosfos explains: from here we see that it means that it fell, like it's used by "fallen fruit." This is not the way Rashi explained it in Shabbos that it means soaking. However, this is what it means here that the Gemara needed an alternative source from "what is Leket? What falls after harvesting." After all, the first source can be pushed off saying that it means soaking, like Rashi explains.

New Sugya

The Gemara inquires: how much (of the produce) can you lower down on Yom Tov? R' Assi, or R' Yochanan, said: like we taught by the Mishna in Shabbos, that you may clear out from a storehouse four or five boxes worth of straw or grains to make room for guests (to eat, or for people to learn) so there shouldn't be a stoppage of learning.

The Gemara asks: (perhaps this is not a simple comparison.) Perhaps there we're more lenient since there would be a stoppage of Torah learning, but here where there won't be a stoppage of learning, then you can't have as much. Alternatively, perhaps we're more lenient there since it refers to Shabbos, which is more stringent in people's eyes, and people won't come to disgrace it (by becoming extra lax by it). However, here by Yom Tov that's light in people's eyes, if we're as lenient here, people would come to disgrace it (by becoming extra lax by it), so you can't have anywhere that much. Alternatively, we can say it's not a comparison in the opposite direction. We didn't allow that much there since there is no financial loss, but here where there is a financial loss, maybe we wouldn't be so stringent.