

Daf Hashvuah Gemara and Tosfos Beitza Daf 25
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New Sugya

Rabbah b. R' Huna quotes Rav: if you close up a trench of water with fish (by closing up the entrance and exit) from Erev Yom Tov, if you get up the next day and find fish there, they're not Muktzah, so you may eat them.

The first version was that R' Chisda said: from here we see that, if an animal gives birth in a guarded orchard, the child is permitted and it didn't need to be designated from before Yom Tov. R' Nachman says that my colleague put himself in an area that many will argue with him.

The second version was that the statement was by Rabbah b. R' Huna, and R' Nachman says that my colleague's son put himself in an area that many will argue with him. After all, in the case of the trench, he did an action to permit the fish, so, that's why it's not Muktzah. However, by the animal giving birth, there was no action to designate the child.

The Gemara asks from a Braisa: R' Shimon b. Elazar says: Beis Hillel and Beis Shammai admit that, if one designated birds inside their nests and then found them the next day in front of the nest, they're forbidden (perhaps they're not the same birds he designated). However, this is only by doves (that live in a coop or by the top floor) or by birds that live in jugs (built into walls) or on castles. However, geese and chickens and Hadrian doves and an animal that gives birth in a guarded orchard are permitted. (You need to tie the 'Dror' bird by its wings so you shouldn't confuse it with its mother [since they're small birds]. Any tied bird or those you moved around before Yom Tov [to designate it], is permitted when found in wells, houses, trenches and caves. However, they're forbidden if found in the trees, since you might climb it and pluck off a fruit. However, if you find tied birds, or ones that were handled by other people, it's forbidden to take [even during the week] because it's stealing.

Tosfos quotes Rashi: because someone already acquired it when he picked it up.

Tosfos disagrees. It doesn't seem that the birds are acquired by lifting them.

Rather, Tosfos explains: we say that looking at Hefker items acquire them as long as you handled them a little bit.

Anyhow, we see the Braisa said that the child born in the orchard is not Muktzah.

R' Nachman answered: that only permits the child. We were forbidding the mother.

The Gemara asks: this implies that the mother is permitted if you designated it before Yom Tov. However, how is it permitted? After all, you're capturing it.

Rather, R' Nachman b. Yitzchok answers: both refer to the child (who's not mobile enough to be considered as you're capturing it). We only permit if the orchard is close to town (since you're always thinking about it), and we forbid if it's not close to town.

Tosfos asks: (Why did R' Nachman argue with the Amoraim who said it's permitted?) Why don't we say they only permitted it in the same way that we concluded it's permitted, (when it's close to town)?

Tosfos answers: Amoraim need to explain their words better. So, the very fact they didn't explicitly differentiate shows they held it's permitted in all cases, whether it's close or far from town.

New Sugya

You can't Shecht a dying animal on Yom Tov unless you have enough time to roast a Kazayis of meat and eat it. R' Akiva permits it even if you only have enough time to eat a Kazayis of raw meat from the place where you Shechted it (by the neck). If you Shecht it in the fields, you should not carry it into town draped over a pole, but you need to carry each limb by hand.

Rami b. Abba says: the Torah required to skin an Olah and cut it up before putting the limbs on the Mizbeiach, and this teaches the butchers that it's not proper to eat meat before skinning and cutting up the limbs.

The Gemara asks: regarding what aspect is it teaching us? (Is it teaching us a Halacha in Treifos, that you can't eat the meat until you dissect the animal to see if it has any hidden Treifos?) Did he say this to be opposed to the statement of R Huna? As we see he says that an animal has a Chazaka of being forbidden until it's known that it was Shechted properly. However, if it's Shechted properly, it has a Chazaka that it's Kosher until you find it to be a definite Treifa?

Tosfos quotes Rashi: that the animal, while alive, has a Chazaka of being prohibited because it's "a limb of a live animal." Tosfos disagrees. After all, why does it need to be known that it was Shechted properly (to remove it from the Chazaka of that prohibition)? After all, if it's dead, we know that it doesn't have a prohibition of "a limb from a live animal" since that only applies when it's alive.

Rather, Tosfos explains: it has a Chazaka of having the prohibition of not being Shechted. After all, the Torah says "you shall Shecht and you shall eat." This is a command to only eat animals after it's Shechted. According to this, it fits well even according to the opinion that, while the animal is alive, we don't view the limbs as if they're ready to cut up. (As the Gemara in Chulin says, if someone eats a complete live bird whole, there is an argument if he transgressed eating "a limb of a live animal." On one hand, it doesn't have that prohibition, since it's not a limb, but a whole animal. On the other hand, perhaps we view the whole animal as if it's ready to be cut up into limbs, and it's as if we view the animal now as a bunch of limbs. According to Rashi, you can only say a live animal has a Chazaka that it's prohibited because of "limbs of a live animal" according to the opinion that we view live animals as if they're cut up into limbs.)

The Gemara rejects it: we have a Mishna to support R' Huna's opinion. As R' Akiva says that you can Shecht a dying animal on Yom Tov even if you have enough time to eat a Kazayis of raw meat from the place where you Shechted it. The Gemara suggest: doesn't it mean literally where you Shechted it (by the neck, and you don't need to open the animal to look for Treifos)? The Gemara rejects the proof: perhaps it only means to eat from the place where your Shechted animal digested its food (from the stomach. So, you need to cut open the animal to check for Treifos.) The Gemara says: this can't be the right explanation since R' Chiya says it means from the place it's Shechted (by the neck).

Daf 25b

Rather, Rami b. Abba teaches us that it's proper etiquette to cut it up before eating it.

Tosfos quotes Rashi: but there is no prohibition regarding Treifos. However, Tosfos disagrees. After all, the Gemara later seems to say that there is some prohibition to eat it, since it says that Orlah “chops the feet” (i.e., leaving him with no feet to stand on in his Divine judgement) of butchers (who eat before skinning and chopping up the limbs).

Tosfos answers: really, there is no true prohibition, since once it's Shechted it has a Chazaka that it's Kosher. However, if he found it to be a Treifa after he ate it (before skinning and butchering it), he would get punished as if he transgressed forgetfully, and not like if it was totally out of his control to do it, since he shouldn't have rushed to eat it.

As we see from a Braisa (that they taught proper etiquette): someone shouldn't eat a garlic and onion from its head, but from its leaves, and if he bites into them from its head, he's a glutton. Similarly, someone shouldn't drink his cup of wine in one gulp, and if he does, he's a glutton. We learned in a Braisa: if you drink your cup in one gulp, you're a glutton. If you drink it in two gulps, it's proper etiquette. In three gulps, you're haughty.

Rami b. Abbah says: the grass 'Chatzuva' (whose roots don't spread) “cuts down the feet” of the wicked (who steal and extends their property into other people's boundary) [so they don't have a leg to stand on the day of judgment. After all, the 'Chatzuva' stays in its own boundary and doesn't spread out.] A planting (that's still Orlah, and you must wait to eat the fruit) “cuts down the feet” of butchers (who don't wait to eat from the animal until it's properly cut up and checked for Treifos) and those who have relations with Niddos (and can't wait until they Toivel). The bean 'Turmas' “cuts down the feet” of the enemies of the Jews (a euphemism to the Jews), as the Pasuk says “the Jews continue to do bad in Hashem's eyes and worshipped the Baal and the Eshtiros and the god of Aram etc. they left Hashem and they didn't worship Him.” Once it's written “they left Hashem,” why does it need to say “they didn't worship Him?” R' Elazar says; Hashem was saying, that the Jews didn't even make for Him like a Turmas where you cook the bitter bean seven times and it finally becomes good that you can eat it for dessert. (I.e., they worshipped those seven gods, which brought upon them seven times punishments, and yet they didn't become good from it.)

R' Meir says: why did Hashem give the Torah to the Jews? Since they're brazen (and they need to learn Torah to wear them out to soften their brazenness). R' Yishmael taught, the Pasuk says “from his right hand he gives a fiery law to us,” Hashem says, these Jews (who are brazen) are fit to give them a fiery law (to wear them out). Others say: these Jews' nature is fiery (and therefore, I must give them the Torah to counteract it). After all, if the Torah wasn't given to the Jews, no nation could stand before them. This is like Reish Lakish says: there are three brazen beings. The Jews are the brazen among the nations. The dog is the brazen among the animals. Chickens are the brazen among birds. Others say that the caper bush is the brazen among the trees.

Tosfos quotes Rashi that he doesn't know why the caper bush is considered brazen. However, Tosfos brings a Tosefta that explains that it makes three edible products, the berry, the peel and the leaves. Also, it produces fruit daily, which no other tree does.

Alternatively, the Ri explains: since they made ‘wine’ from its peels which is sharp (literally ‘brazen’). As we say by the Ketores, that you soak the herbs in ‘Kaprisin’ wine (wine from the caper’s peels) to make them sharp. This is not like Rashi’s definition in Krieses, that this is wine grown in the ‘Kapris’ region.

New Sugya

A blind man can’t go out with his stick, or a shepherd with his bag, or a man or lady carried out in a chair (since they’re all weekday activities).

The Gemara asks: didn’t R’ Yaakov b. Idi send a letter that there was an old man in his town who was carried by a chair and they asked R’ Yehoshua b. Levi and he said “if the community needs him (to Darshen in the Beis Medrish), you’re allowed to.” Also, the rabbis relied on the words of Acha Shakya who said he carried R’ Huna in a chair from the town Hini to the town Shilli and back. R’ Nachman b. Yitzchok testified that he carried Shmuel from the shade to the sun and back (wherever he was more comfortable).

The Gemara answers: like R’ Yehoshua said his reason; only if the community needs him, (we give a special dispensation).

R’ Nachman asked Lachma (who constantly went to Eretz Yisrael): next time you go, go out of your way and circle the mountain of Tzur to reach R’ Yaakov b. Idi and ask him about carrying with chairs. When he went there, R’ Yaakov already passed away. However, he found R’ Zrika and he said that R’ Ami permitted it as long as you don’t do it on your shoulders. The Gemara asks: what does it mean to do it on your shoulders? R’ Yosef b. Rava says: when two people place their arms over their friend’s shoulders and put the chair over their arms. (This is more weekday-like and looks like he’ll travel further than just holding the chair in their hands.)

The Gemara asked: didn’t R Nachman allowed them to carry his wife Yalta on a chair in this manner? The Gemara answers; Yalta was different since she was scared to be carried out by just lifting the chair (since it wasn’t as secure.)

Tosfos asks: why were they permitted to carry her at all on a chair? After all, we only carry a person if the community needs him

Tosfos answers: here too, they might have needed her. After all, she was the daughter of the Reish Gelusa, and the community need her (for her influence).

They carried Ameimar and Mar Zutra this way to give their Shiur on the Shabbos during Yom Tov. It was either because they were also scared because of the masses (that, when they stood up for them, they may topple over). Alternatively, (they’re trying to go quickly) so that they shouldn’t overburden the crowds to stand long for them.