

Daf Hashvuah Gemara and Tosfos Beitza Daf 34
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Daf 34a

The Mishna says that you can't heat the tiles. The Gemara asks: what prohibition did you do by heating them? R' Yochanan answers: we refer to new tiles since you need to test them (perhaps they can't bear the heat. Other say because you need to finish off their process to harden by heating them.

We learned: if a fowl is thrown against a wall, or it was trampled and it waves its feet (but can't get up) if you wait twenty-four hours before Shechting it, the fowl is Kosher (and you don't need to worry that it's Treif since its organs may have been crushed). However, R' Eliezer b. Atignus says you need to inspect the organs to make sure there is no sign of damage. R' Yirmiyah asked R' Zeira, can you Shecht this fowl on Yom Tov? Do we need to worry that there would be a problem by this fowl, and it would be Shechting on Yom Tov for no reason, or we don't need to worry? R' Zeira answered: this seems like the Mishna that you can't heat up tiles. We asked what's wrong with that and R' Yochanan answered that we refer to new tiles since you need to test them if they can withstand the heat. (Therefore, we're worried that it won't withstand the heat and it came out that you made a fire there for no reason. Therefore, we should need to worry, if you Shechted this trampled bird, it would come out to be Treif and you ended up Shechting for no reason.) R' Yirmiyah answered back: I learned the reason to forbid heating tiles is to harden them (which makes our Mishna no longer a proof to the above inquiry).

New Sugya

We learned: if one person brings fire, another brings wood, another places a pot above the fire, another puts water in the pot, another brought spices (to put in the water), and another person stirs it on Shabbos, all the above people are obligated to bring a Chatos (since they either did an action that's kindling or did an action of cooking).

The Gemara asks: we have another Braisa that only obligates the last person, and the others are exempt.

The Gemara reconciles: it's not difficult. The first Braisa refers to bringing the fire first. The second Braisa refers to a case where the person brought the fire last.

The Gemara asks: all (the other) actions I understand why they're obligated (for either cooking or kindling), but what Melacha does the person who placed the empty pot on the fire do?

Reish Lakish answers: we refer to a new pot (that needs hardening, so it has the same problem) as heating the tiles.

Tosfos says: there are those who are careful not to cook in a new pot on Yom Tov for this reason. However, it's not true (that you need to worry about this). Here, (where we forbid it), refers only to an empty pot. That's when there is a problem that it will harden like the tiles. Here, he put up the pot before the water was put in it. However, when you cook food in it, it's not applicable to say it (hardens) like heated tiles.

New Sugya

New ovens are like any other utensil lying in the courtyard (that you may move), but you can't rub oil onto it (to make it smooth and shiny), nor can you rub it with a rag. You cannot douse it with water (when the fire is in it) to harden the oven. However, you may do it if it's needed to cook (if the fire is too large and will burn the food).

Tosfos asks: we said before that (you can't heat up the tiles since) they harden, although that your intention is to roast on it.

Tosfos answers: tiles are different than ovens, since the method of hardening is done by pouring liquids on it, and will not definitely harden it (but there is only a chance it will harden it).

The Rabanan learned: you can pour scolding water over the head and legs (of a Shechted animal to help remove the skin). You can also scorch it (to remove its hair). However, you can't cover it (with abrasive material, like) potter's clay, earth or lime (to remove the hair). You can't cut them off with a scissor (since it looks like you're doing it to shear wool).

You can't cut vegetables with their special scissor (since it looks like you also used the scissor to harvest them today). However, you may prepare certain vegetables (that's difficult to prepare).

You can heat up and bake in a large oven, and you may heat up water in a large urn. However, you can't heat up a new large oven since it may collapse.

Tosfos asks: we said before, it's permitted (to bake in new ovens) if your intent to heat it up is to cook.

Tosfos answers: these large ovens are different. Since they're humongous, we have an extra worry that it may collapse.

We learned: you can't blow (to enlarge a fire) with a bellow, but you may blow with a pipe.

Ri explains: since we don't differentiate between a craftsman's bellow or a house bellow like we differentiate between a craftsman's bellow and a pipe, implies that all bellows are forbidden, even one used in houses. Therefore, one should be careful not to blow out of them. However, the world is accustomed to use it (in an unnormal manner) by turning them upside down. However, R' Peretz says that you can push off the above proof, that the Gemara doesn't differentiate between different bellows, since the Gemara would rather differentiate between different craftsman's tools (than differentiate between a craftsman's and a layman's tool.)

You can't fix a spit, nor sharpen it.

You can't crack reeds to roast on them salty fish, however, (you're allowed to wrap a nut in a rag) and crack it open, and we don't need to worry that, perhaps, you'll rip the rag.

New Sugya

R' Eliezer said another thing.

Tosfos quotes Rashi: since R' Eliezer said one law before, regarding taking a woodchip (to pick your teeth), he also says another lenient law.

However, Rashi asks: since the Mishnayos separated them with many other laws, like ho not to make a fire on Yom Tov, where R' Eliezer and Rabanan don't argue, so it shouldn't be applicable to say "and another thing." This is what said in Eiruvim, once there's other laws separating the two Halachos, it's not applicable to say "and another thing." Rather, Rashi says that the text is corrupt, and our Mishna (that R' Eliezer allows standing by the storage area etc.) was composed before the Mishna of not making fire on Yom Tov.

Tosfos asks: if so, even the order of the Gemaras are not in their right place. (It's very forced to say that many pages of Gemara were written out of order.)

Rather, R' Tam explains: if both Halachos that he said were a leniency, it's applicable to say "another thing" for it even if they're separated by other Halachos. This, what is says in Eiruvim, that it's not applicable to say "another thing" (with a separation) when one law is a stringency and the other is a leniency. The only reason they separated the two laws (with the Mishna of making fire) is because the Tanna wanted to say all the laws of fire together.

Daf 34b

A person may stand by his storage area Erev Shabbos (full of partially dried figs that are somewhat fit to eat, but needs to be designated Erev Shabbos to eat to make it no longer Muktzah) on the Shvi'us year (where there is no prohibition of Ma'aser) and say "from here I'll eat tomorrow." (He doesn't need to decide which figs he'll eat, since he holds of 'Breira,' that when he eats tomorrow, retroactively, we consider those figs were the ones he designated.) The Chachumim say that you need to mark off the figs and say "I'll eat from here (this mark) until here (the second mark)."

Tosfos brings the Yerushalmi that asks: the opinions in this Mishna seems switched with the Mishna earlier. After all, earlier we said Beis Shammai's opinion (by preparing doves for Yom Tov) is to hold each one. However, here they seem to hold that you can speak out your preparation (without handling them). (Although Beis Shammai doesn't say their opinion in the Mishna, but we must assume they hold like R' Eliezer) since R' Eliezer is from the students of Shammai.

The Yerushalmi answers: they didn't switch opinions. (They were more stringent by the doves), since the Muktzah of live animals are more stringent (than any other Muktzah).

Tosfos asks: it's still difficult, since it seems that Beis Hillel has a reversal of opinion. As before he permits by just stating I'll take from here tomorrow, and here we say they would hold that you need to mark the figs you'll take to make them prepared.

Tosfos answers: our case is different since he actively set it aside from use (to put them out to dry).

We learned: children who wrapped figs from Erev Shabbos, and they forgot to take off the Maasar, they can't even eat it Moitzie Shabbos (even in an unestablished manner) unless you remove the Maasar.

We also learned: if you bring figs into the courtyard for them to dry out, his children may eat them in an unestablished manner, and they're exempt from removing the Maasar.

Tosfos explains: although they could eat an unestablished eating until it comes into the house or courtyard, even so, since the eating of Shabbos is very prominent, that its unestablished eating gets the status of established eating. So, once you wrapped it to eat on Shabbos, it becomes obligated in Maasar even after Shabbos.

The Gemara uses a case of children wrapping (as a Chidush) although we don't consider their thoughts (to designate to legally take effect), but we consider their action (to show designation to legally take effect).

The next Tosfos brings the Yerushalmi: we were exact to say only his children eat, but if he himself eats, it makes it an established eating, since he shows that he intends to leave them as is (at this state of the process). *[See Maharam that says calling it an established eating was not exact, but that it's now it's like you finished the process.]*

Rava asked R' Nachman: would preparing them for Shabbos make them obligated in Maasar for food that had not yet (completely) finished their process. Do we say; since the Pasuk says that "He called Shabbos a pleasure," (which makes the eating on Shabbos special) that it can make the produce (prepared for that day) obligated in Maasar even for fruit that hadn't finished their process. Or perhaps, it only obligates it for food that their process is finished (that you may no longer eat it in an unestablished manner), but doesn't make fruit that didn't finish its process obligated in Maasar. He answered: it obligates the fruit in Maasar whether they had their process finished or not.

He asked: perhaps Shabbos is only similar to a courtyard. Just like bringing fruits into a courtyard only obligates it in Maasar for fruit that finished its process, also, Shabbos only obligates with something that finished its process. He answered: we have a full tradition that Shabbos obligates both for fruit that finished its process and for fruit that didn't finish its process.

Mar Zutra b. R' Nachman said: I also have a Mishna that says like this: R' Eliezer said another thing; that a person may stand by his storage area Erev Shabbos (full of partially dried figs that are somewhat fit to eat), [on the Shvius year (where there is no prohibition of Maasar) and say "from here I'll eat tomorrow."] The reason he can eat it is because it happened on Shvius where there are no Maasar, but it would be prohibited the other years of the Shmita cycle.

Tosfos explains: since Shabbos makes it an established eating. The rule of our Sugya is; when we say that something establishes it for Maasar, it means without coming into the house (normally), like carrying the produce through a series of roofs or storage areas. (For if it came into a house through its gates, it's obligated in Maasar without any other variable.)

Isn't the reason being because preparing them for Shabbos makes them obligated in Maasar whether the fruits' process is finished or not. The Gemara rejects this proof. Over there it's different since he explicitly stated that he would eat from them tomorrow obligates them in Maasar.

The Gemara asks: if so, then why does the Mishna say this refers to Shabbos? This should work even during the week.

Tosfos explains the question: if the whole reason it's obligated by your words, then it should obligate during the week too.

Tosfos asks: perhaps it's needed to write the case on Shabbos to teach us the Halacha of preparing it for Shabbos (and to another opinion it needs also) to be said "I'll take from here." Therefore, our Mishna will teach us two Chidushim. One, that your words can obligate the produce in Maasar and also about the Muktzah status (of the figs).

Tosfos answers: if so, it should have framed the case that words obligate in Maasar for during the week, since it's a bigger Chidush. Then (to teach us about Muktzah) we should have been taught that in a separate Mishna regarding produce that Maasar was already taken from. Then we can bring the argument whether you need to mark off the figs or just say "I'm taking from here." Therefore, since this Mishna frames the case on Shabbos is to tell us about how Shabbos effects Tevel that it can't be eaten (even temporarily) during the other years of the Shmita cycle.

Alternatively, the Mishna should have framed the case for during the week, and to teach us about Muktzah, we should have relied on the Mishna earlier where Beis Shammai and Beis Hillel were arguing regarding doves. However, Tosfos rejects this, since our argument (about fruit) is not the same as the Muktzah of live animals, like we explained earlier.

The Gemara answers: it teaches us a Chidush that Tevel is prepared (not Muktzah) for Shabbos for, if he transgressed (the prohibition to separate Maasar on Shabbos) and you separated, you made the food edible. (Since the Mishna doesn't end off saying, that it's prepared, which would imply that the other years it would be Muktzah. However, now it implies there is no problem of Maasar on Shvi'us, but there is a problem of Maasar on the other years, but not a problem of Muktzah.)

Tosfos explains: this is the reason it's written by Shabbos, to tell us another Chidush by framing it on Shabbos, that when you prepare it for Shabbos, it's only forbidden because it's Tevel (lit. that Maasar is mixed into it). Therefore, if a person comes and fixes it (takes off Maasar) it's fixed and we don't say, since it was Muktzah in the beginning of the day by being Tevel, it remains Muktzah the whole day. (The reason we're not stringent here) is because it's only a rabbinical prohibition to separate the Trumah and Maasar.

This is the Mishna's implication. The Mishna says (on Shvi'us) you can stand by the Muktzah (and prepare the figs) etc., implying that you can't stand there L'chatchila the other years. However, if someone would fix the Tevel, it's fixed (and not Muktzah). If the Mishna held that it's not fixed because it still has the Muktzah, then it should have been composed as follows: someone who stands by the storage area Friday in Shvi'us and says "I'm taking from here," it's prepared (not Muktzah). The implication is that, the other years, it's not prepared, (but is always Muktzah).