

Daf Hashvuah Gemara and Tosfos Beitza Daf 31
By Rabbi Chaim Smulowitz
Tosfos.ecwid.com
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Daf 31a
New Sugya

You're allowed to bring gathered wood from a field, but you may bring from a storage-area even scattered wood.

Tosfos asks: wouldn't one transgress the Av Melacha of gathering scattered produce (into a pile)?

Tosfos answers: this Melacha only applies when you gather it in the place where it grew, as the Gemara in Shabbos explains.

What's considered to be a storage-area (that you may even gather scattered wood)? R' Yehuda holds that it needs to be close to the city. R' Yossi holds that, all those areas that you enter with a key (is considered these permitted storage areas) even (if it's far from the city) as long as it's in your T'chum.

R' Yehuda quotes Shmuel that you may only bring gathered wood from a storage area. The Gemara asks: didn't we learn in the Mishna that you can gather even scattered wood from these areas? The Gemara answers: our Mishna is a single opinion. As we see a Braisa says; R' Shimon b. Elazar says; Beis Shammai and Beis Hillel don't argue in a case where it's scattered in the field, which you can't bring, or where it's gathered in a storage area where you could bring. They only argue when it's gathered in the fields or scattered in the storage area, which Beis Shammai forbids bringing them and Beis Hillel permits. (However, the Rabanan argue on R' Shimon b. Elazar and holds all forbid when it's gathered in the fields or scattered in the storage area.)

Rava says: if it's a pile of leaves (of reeds or vines), although they're gathered, we give it the status of scattered. After all, after any wind, they will separate, and it's forbidden to bring. However, if there was a utensil placed on them from before Yom Tov (that weigh them down so they won't blow away), it's permitted.

New Sugya

The Gemara inquires about the argument between R' Yehuda and R' Yossi. Does R' Yehuda mean that it needs to be closer to town, as long as it's under lock and key. On that, R' Yossi says, if it has a lock and key, then it's permitted (far away) as long as it's in the T'chum. Or does R' Yehuda mean that it's permitted close to town whether it has a lock and key or not. On that, R' Yossi responds that if it has a lock and key, it's permitted anyplace within the T'chum. However, if it doesn't have a lock and key, then it's forbidden even close to town.

Tosfos quotes Rashi that we don't have the text to say "is R' Yossi more lenient or more stringent." This would imply that they were in doubt if he was more stringent than the first Tanna (R' Yehuda) which is not true. After all, they were in doubt what R' Yehuda said too. (So, whatever R' Yossi held, you could explain R' Yehuda to be more stringent than that.) Rather our text reads etc., (the way we have it in the Gemara).

This is the explanation: is it that R' Yehuda needs both variables to be stringent, that, not only does it need to be close to the town, it also needs to have a lock and key. Although he doesn't mention the lock and key in his words, we assume that the standard storage area has a lock and key. Therefore,

R' Yossi responds, once it has a key, even if it's far from town, it's permitted. Since he says the permission for far places is dependent on having a key, it implies that closer ones are permitted without a lock and key. Therefore, he holds that you can have either variable to be lenient. Either it needs to be close to town, or it needs a lock and key.

However, on the flip side, does R' Yehuda hold that it's permitted if it's close to town, whether or not it has a key. We must assume by this side that standard storage areas don't have keys (so we don't say he meant that it needs a key by just mentioning it to be a storage area like we said in the first side.) On that, R' Yossi responds that a storage area needs a lock and key to permit even if it's close to town, and of course it needs it when it's far from town. However, it doesn't help to be close to town without a key. This is Rashi's explanation.

However, the prince of Coucy asks: (in the second side) I can understand the explanation for R' Yehuda (that you only need it to be close) since he only made the Heter dependent on being close to town, and a key is a non-issue. However, what forced you to say that R' Yossi held it always needs a key? After all, why can't we explain him like we did in the first side, that he only explained the Heter for far storage areas is to have keys, which implies that the closer ones don't need keys to permit. After all, it seems like a Kal V'chomer. If the first side where R' Yehuda requires both variables to permit, R' Yossi needs either one, in the second side where even R' Yehuda only needed one variable, of course R' Yossi should allow for either variable.

He answers: according to this second side, we can't explain that R' Yossi is lenient in both variables. After all, we see that R' Yehuda doesn't hold that a key helps or hinders (as we explained, that he doesn't hold that the standard storage area has a key), rather, it's permitted if it's closer to town whether it has a key or not. Therefore, R' Yossi shouldn't have responded by "all storage areas that you go in with a key," but rather "if it has a key, you can always collect even at the end of the T'chum." This would imply that, if it's close to town, it's permitted without a key. However, now since he says "all storage areas that you go in with a key," he implies that there are storage areas that don't have keys (that R' Yehuda permits), but he forbids. After all, R' Yossi makes the Heter dependent on whether it has a key or not, implying, whether it's close or far from town.

However, according to the first side, it makes sense to say that R' Yossi permitted if it had either variable, and it fits well the response "all storage areas that you go in with a key," because if he would say "if there is a key," it implies that R' Yehuda was not referring to it to having a key, which, to this way if learning R' Yehuda, is wrong, since R' Yehuda definitely was referring to those with keys. *[Tosfos seems to repeat himself here. See Maharsha that this seems like a mistake.]* However, this doesn't seem to fit into Rashi later (we're he explains the Gemara's conclusion that R' Yehuda permits close to town without a key and R' Yossi permits either variable.) We'll skip the rest of Tosfos that explains the Gemara's conclusion until after the Gemara's conclusion.

The Gemara answers: we see R' Yossi says "all storage areas that you go in with a key," (which implies that R' Yossi permits close to the city without a key), so it's a proof that R' Yossi permits both variables. (Rashi- we'll deduce from this that R' Yehuda would permit with being close to the city and doesn't need both variables.) R' Yirmiyah Paskined like R' Yossi to be lenient

Tosfos explains: from the fact that he said "all storage areas that you go in with a key," would tell us that he would need a key in all storage areas no matter where they are, so why did he need to conclude "even within the T'chum?" After all, we should know it from his words "all storage areas" which implies even far away. So, the only reason he needs the last line "even within the T'chum" is not to permit the far ones, but to permit the near ones (without a key). So, this is how he's read; "all

storage areas that you go in with a key.” When is this necessary, if it’s only within the T’chum. However, if it’s close to the city, then it’s permitted without a key. Therefore, R’ Yossi holds that you can be lenient by either variable, and from there you can understand R’ Yehuda was stringent to need both variables, because if he held you only need to be close, R’ Yossi’s words “all storage areas” would be difficult (as we explained). If R’ Yossi was coming to include all storage areas to need keys, this can’t be, since we said he (held the closer ones don’t need keys), since he holds you only need either variable to be lenient. Therefore, (if it was true that R’ Yehuda only needs it to be close to town) R’ Yossi should have said “if it has a key” (as we explained earlier).

New Sugya

You’re not allowed to chop beams, or a beam that broke, (for fire wood). You’re not allowed to cut them with an ax or with a saw or with a sickle, but only with a cleaver.

Daf 31b

The Gemara asks: didn’t we say that you can’t cut them at all?

Tosfos quotes Rashi’s explanation: at this point we don’t assume the problem here is Muktzah, but rather, because it’s similar to a Melacha and it’s extra bother. (The first item in the Mishna refers to beams that were meant for firewood from Erev Yom Tov) and the formula of the Mishna is in the form of; “not this, and of course, you don’t need to say this.” I.e., you can’t cut beams that are prepared to be used as firewood from before Yom Tov, and of course you can’t cut beams that broke on Yom Tov. On that, the Gemara asks (how can you say you can cut with a cleaver), if it says you can’t cut at all?

Shmuel answers: the Mishna is missing some words. This is how it should be read; you can’t cut at all from a pile of beams (set aside for building), nor from a beam broken on Yom Tov, but you can cut a beam that was broken from Erev Yom Tov. However, even those beams, you’re not allowed to cut them with an ax or with a saw or with a sickle, but only with a cleaver. We have a Braisa like that. It says; you can’t cut at all from a pile of beams (set aside for building), nor from a beam broken on Yom Tov, but you can cut a beam that was broken from Erev Yom Tov, since it’s not prepared (i.e., Muktzah).

New Sugya

The first version of Rav; Rav said that when the Mishna forbids an ax, it only refers to the ‘female’ side (some axes had a double edge, the ‘female’ side was a larger blade and the ‘male’ side was a smaller blade), however, the ‘male’ side is permitted. The Gemara asks: this should be simple, since we permitted a cleaver (which is similar to the smaller blade of the ax). The Gemara answers: I might think that only refers to a single blade cleaver, however, with this double blade, I might say that, since one side is forbidden to use, we should forbid the other side, so he teaches otherwise.

The second version of Rav was said on the end of the Mishna; Rav said: when the Mishna allows a cleaver, that is only by its ‘male’ side, but not on its (larger blade) ‘female’ side. The Gemara asks: this seems simple, since the Mishna forbids an ax (which is similar to this large blade). The Gemara answers: that may only be by a single ax blade, however, by this double blade, I might say that, once one side is permitted, we should permit the other side too, so he teaches otherwise.

Tosfos says: nowadays we’re not experts on what’s considered to be an ax, (i.e., perhaps even what we consider a smaller blade, Chazal may define it as an ax). Therefore, we should forbid

chopping wood (with a blade) but only cut it with our hands.

New Sugya

A house that is (sealed off completely) that's filled with fruit, Tanna Kama allows, if some of the house collapses, to partake in the fruit. R' Meir allows to take apart the house L'chatchila to take the fruits.

Tosfos asks: according to the Rabanan, how can you take the fruit through the hole in the structure? After all, Bein Hashmashes, these fruits were unavailable since it takes a rabbinic Issur to access it. So, once it's Muktzta Bein Hashmashes, it should remain Muktzta the whole day.

Tosfos brings Rashi who answers: since it's only a rabbinic prohibition to remove it, as we'll establish the case in the Gemara that the bricks of this structure are not cemented together, so it's permitted when it collapses. After all, for rabbinical prohibitions, we don't say "once it's Muktzta Bein Hashmashes it's Muktzta the whole day." As we say at the end of our Perek, that Tevel is considered 'prepared' (i.e., not Muktzta) because, if someone transgresses and separates Maasar from Tevel, it will be permitted. So, we don't say that it remains Muktzta because there is a rabbinical prohibition that stopping you to access the object.

Tosfos asks: we find many things that are Muktzta because a rabbinical prohibition stops its use, and yet, when the prohibition is gone, we still say it remains Muktzta always. After all, we see that if you turn over a basket for chicks to descend from their coop on (that if the chick was on it all Bein Hashmashes) it remains Muktzta for the whole day, even though the original Muktzta is only a rabbinic prohibition. Similarly, we say money laying on a wheel Bein Hashmashes keeps it Muktzta the whole day even after the money is removed.

R' Moshe answers: we only say the Muktzta doesn't disappear with the rabbinic prohibition with the removal of the prohibition is when the prohibition remains in the world (although it's no longer with this object) like by the money, even though it's removed (from the wheel), it still exists. However, by the Tevel, when you remove the Maasar, the Tevel is completely gone from the world, therefore the Muktzta is also gone.

Tosfos asks: the Gemara in Chulin says: it's prohibited to eat what's Shechted on Shabbos that day and Chavrai (Amoraim) wanted to say it's R' Yehuda that holds once it was prohibited Bein Hashmashes when it was alive it's prohibited, although after it's Shechted, the Muktzta is completely forbidden.

Tosfos answers: there is different, since it's Muktzta because it takes a Torah prohibition to access it, it remains Muktzta the whole Shabbos even though the prohibition that made it Muktzta is no longer in this world.

Tosfos asks: still, by our Gemara, where the house collapsed, the prohibition is still in the world, (the bricks), and we should compare it to the wheel that had the money on it, (and we should prohibit it) since the money still exists even though it's not on the wheel but someplace else.

Therefore, Tosfos answers: our Mishna holds like R' Shimon who doesn't hold of the prohibition of Muktzta.

Tosfos asks: in the beginning of the Mesechta we say that, in Beitza, the Tanna has an unnamed Mishna like R' Yehuda. Why don't we say that this Mishna is an unnamed Mishna like R'

Shimon?

Tosfos answers: we only consider something an unnamed Mishna (that it should be authoritative) when we could have written the name of the Tanna, but rather they wrote it without a name (to make it sound as it's universally held). However, in this Mishna, the Mishna couldn't have written R' Shimon as the first Tanna, since it says that you can only remove the fruit from the house if it collapsed, but you can't take it apart, it's possible that R' Shimon agrees with R' Meir that you may remove the bricks in the first place. However, in the other Mishna which we said was an unnamed Mishna like R' Yehuda, the only issue is Muktzta, so it could have quoted R' Yehuda, but it didn't, therefore we consider it an unnamed Mishna.

The Gemara asks: (how can you take apart the house) if you'll be transgressing the Melacha of demolishing?

Shmuel answers: we refer to a structure of bricks without mortar connecting them.

The Gemara asks: didn't R' Nachman say that you're allowed to move leftover bricks from a house on Shabbos, since people use it for sitting (it's a utensil). However, if you pile them up to prepare it for future buildings (it's no longer has the status of a utensil) and is Muktzta. (So, why can you remove these bricks to get the fruit, since they're Muktzta?)

R' Zeira answers: we only allow on Yom Tov (to be able to facilitate Simchas Yom Tov) and not on Shabbos. We have a Braisa like that. R' Meir allows to take apart the house on Yom Tov but not for Shabbos.

Tosfos explains: they permit moving the Muktzta on Yom Tov to facilitate preparing food, but not on Shabbos. This is a proof to the Ritzva who we quoted earlier that we permit moving Muktzta on Yom Tov for food preparations.

Shmuel says: you're allowed to untie a rope that's tying down something attached to the ground (like the rope that's closing up the door to a pit) but you're not allowed to unwind the twists of material that makes up the rope and you can't cut the rope. However, you're allowed to unwind and to cut ropes that close up utensils. This applies whether it's Shabbos or Yom Tov.

The Gemara asks: a Braisa says; you can untie ropes that's tying down something attached to the ground, but you're not allowed to unwind or cut them on Shabbos. However, you may untie, unwind and cut on Yom Tov.

The Gemara answers: that Braisa is authored by R' Meir who allows to take apart the bricks on Yom Tov, but the Rabanan argue. So, Shmuel said his Halacha according to the Rabanan.