

Daf Hashvuah Gemara and Tosfos Beitza Daf 27
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Daf 27a

Abaya answered back: if so, why not ask by all pots of food that are boiling Bein Hashmashes, and yet we eat from it on Shabbos night and we don't say that, once it wasn't fit Bein Hashmashes, it remains Muktzah the whole day. Rather, we must say that we didn't inquire regarding foods that could become fit by human intervention (since it's in your hands to make them fit, you plan on using it on Yom Tov, so it's not Muktzah). We only ask regarding if it needs heavenly help to make it fit, (i.e., through the sun drying out the fruit).

Tosfos asks: why don't we bring a proof from the case where you overturn a basket for chicks so they can go up (into their coop) and down (out of their coop), and you can move the basket, i.e., after the chicks went off it, even though they were Muktzah while the chicks were on it in the middle of Shabbos?

(Maharsha's text) Tosfos says: don't answer; it's considered as if a human could make it fit, since you can shoo them off, which is just like we allow pots of foods even though the food was boiling Bein Hashmashes. However, this can't be, since we don't allow the basket if the chick was on it during Bein Hashmashes. So, we must say it's not considered as if a human can make it fit.

We must answer: there, it refers to just moving the object, which we always assumed simply that we don't say that once it's Muktzah in the middle of Shabbos it's Muktzah for the whole Shabbos. We only inquired here if you may eat it, which is more stringent.

New Sugya

R' Yehuda Nesia had a B'chor and sent it to R' Ami. He thought he shouldn't inspect it. R' Yirmiyah, and others say R' Zrika, asked: why not? After all, when you have an argument between R' Yehuda and R' Shimon the Halacha is like R' Yehuda (and he permits inspecting the B'chor). He sent in front of R' Yitzchok Nafcha and he thought he shouldn't inspect it. R' Yirmiyah, and others say R' Zrika, asked: why not? After all, when you have an argument between R' Yehuda and R' Shimon the Halacha is like R' Yehuda (and he permits inspecting the B'chor). R' Abba asked, what do you have against the rabbis who Paskin according to R' Shimon? He asked: what do you have in your hands (that would justify this position)? He answered: R' Zeira says the Halacha is like R' Shimon. R' Zrika says if I would merit to go up to Eretz Yisrael, I would learn this statement directly from him. When he left, he found R' Zeira. He asked him if he said the Halacha is like R' Shimon? He said (not exactly), I said that it makes sense like R' Shimon. After all, we see the Mishna records his opinion (if you don't notice it having a blemish before Yom Tov, it's not prepared [Muktzah]), and the Braisa quotes his opinion as said by the Rabanan, therefore, it makes sense that the Halacha is like him.

The Gemara asks: what's the final conclusion of our Sugya?

The Gemara answers: (it's forbidden), and we can rely on it since we find many great rabbis who held of it. As we see R' Shimon b. Pazi said in the name etc. that Rebbi quotes the rabbis of the great community in Yerushalayim that R' Shimon b. Menasya and his colleagues say the Halacha is like R' Meir (as we'll quote).

The Gemara first asks: how can we say Rebbi quotes his elders about R' Shimon b. Menasya, since he was much younger than them (so how can they quote what they Paskin as if it was authoritative)? The Gemara answers: we meant to say; they said that R' Shimon b. Menasya's opinion is like R' Meir's. (It's possible that the older generation heard what the younger one said and commented on it).

We learned: if someone Shechts a B'chor and then has it inspected for blemishes (and finds it to be properly blemished) R' Yehuda permits it and R' Meir forbids it since you Shechted before it was inspected. So, we see R' Meir holds that inspecting a B'chor for blemishes is not the same as inspecting an animal for Treifos, since you can only inspect for blemishes while it's living and you can inspect for Treifos after its dead. (Therefore, inspecting a B'chor permits it to be Shechted, and is not only revealing if it's permitted or not.) Therefore, you can inspect for Treifos on Yom Tov but must inspect for blemishes before Yom Tov.

Abaya rejects this. After all, they don't argue about whether inspections make the permission to Shecht, but rather if we fine the Shochet for Shechting before it was inspected. As R' Yochanan says: nobody disagrees that it's forbidden if the blemish is a cataract, since the inspection after Shchita is invalid, since it changes its look after it's Shechted. (Therefore, even though it looks like it's now a permanent blemish, perhaps it didn't look that way while it was alive.) They only argue about other blemishes. R' Meir says they enacted to forbid all blemishes for perhaps you'll permit a cataract too and R' Yehuda held that they didn't enact such a decree. R' Nachman b. Yitzchok says that the Mishna there implies this, since it needs to explicitly say that R' Meir forbids because he Shechted it before it was inspected. This connotes that it's not forbidden by itself (or else it would have only said that it's forbidden), but they fined him for this reason.

Ri Paskins like R' Yehuda since the Gemara in Bechoros asks a question with the assumption of R' Yehuda's opinion. Although we Paskin like R' Meir against R' Yehuda in his decrees, that's only by true decrees and not by fines.

Ami Varidna used to inspect R' Yehuda Nesi's B'choros if they had blemishes. However, he didn't inspect them on Yom Tov. They asked R' Ami about this practice and he said that he did correct. The Gemara asks: but didn't R' Ami inspect for blemishes on Yom Tov? The Gemara answers: he really inspected it from before Yom Tov, but he only interrogated the Kohain how the blemish came about on Yom Tov.

Daf 27b

Like the case that someone brought a B'chor to Rava on Erev Yom Tov to inspect. He was in middle of washing his hair. He lifted his eyes and saw the blemish. He said to the owner: "go now and come back tomorrow." The next day he asked him how the blemish came? He answered: he threw some barley on the ground on one side of a thorn fence, and the B'chor was on the other side. The B'chor attempted to eat the barley on the other side. As it stuck his head through the fence, the fence split his lip. Rava asked: perhaps you purposely did this to cause the animal to get a blemish? The Kohain denied it.

The Gemara asks: where do we see that it's forbidden to cause a blemish to a B'chor? The Gemara bring a Braisa: it says "you should not put a blemish (into a B'chor)." I might think that it only refers to directly making the blemish, how do we know you can't even cause the blemish to happen? The Pasuk says "all blemishes (you shouldn't make)" so the extra 'all' added to 'blemish' (teaches us that you can't even cause a blemish).

New Sugya

You're not allowed to move an animal that dropped dead on Yom Tov. It once happened that they asked R' Tarfon about it and about Chalah that became Tamai (that is forbidden to burn on Yom Tov). He went to the Beis Medrish to ask the rabbis and they said not to remove it from its place.

Tosfos quotes Rashi: the Tamai Challah doesn't have a use. You can't eat it, since it's Tamai. You can't burn it, since we can't burn any Kodshim on Yom Tov. If you'll say you can throw it to the dogs, similar to what the Gemara in Pesachim allow you to throw Trumah Chametz to your dog Erev Pesach (after the time you can't eat it, but you can still have pleasure from it), Rashi answers: even though there is no bother (to do Melacha), still, since this is a way to 'destroy' it, the Torah forbids any way to destroy it like it forbids burning. As we see that you can't light on Yom Tov with oil that needs to be burned (because it's Trumah Tamai) even though you need it for Yom Tov to facilitate eating, (which we would usually don't consider as a forbidden Melacha), however, the Torah considers it as something forbidden, (so too, feeding dogs would be forbidden).

However, Tosfos is not satisfied. After all, there you need to be bothered doing Melacha of setting up a fire and to be involved in burning it. However, by just throwing it before dogs, there is no bother of any Melacha.

Therefore, Tosfos explains: you can't give it to dogs since you're commanded to burn it. As the Gemara in Shabbos says; just as you must burn Kodshim Tamai, you must burn Trumah Tamai. However, the case in Pesachim, that we allow feeding to the dog, doesn't refer to Trumah Tamai, but just refers to Chametz that you need to destroy before Pesach. This seems like the Gemara in Temurah that considers Trumah Tamai as one of the Issurim you need to burn; and you're not allowed to bury, (or get rid of them in any other way), those items that you need to burn.

Tosfos asks: how did the Gemara compare not burning Trumah on Yom Tov to not burning Kodshim on Yom Tov? After all, there's no need for people to burn Kodshim, (since it's forbidden to have pleasure from it). However, you can have pleasure from the burning of the Trumah Tamai like to have it for the fuel to cook your food, which is for the need of preparing food (which is permitted on Yom Tov).

R' Yitzchok answers: even when using it for fuel under your pot, still, since you're doing it for the Mitzvah of Hashem (to burn Trumah), the intention to burn it for people's need is considered negligible to its main need, that you're doing it to fulfil the Mitzvah, and it's as if it's completely being done for Hashem. A proof to this is the Gemara before that you can't bring voluntary Korbonos on Yom Tov, even Shlomim. Why should it be forbidden? After all, people eat from the Shlomim. So, we must say that its purpose for people is negligible considering that you need to bring it to do a Mitzvah for Hashem. Therefore, we should say the same by Trumah.

Tosfos asks: if so, why are we allowed to roast the Korbon Pesach on Yom Tov? After all, it's needed for the Mitzvah, as the Pasuk says that it needs to be roasted over fire. So, why don't we say the need for humans to eat it is negligible to the need of the Mitzvah?

Tosfos answers: really, we don't say the need of the human is negligible in contrast to the need of the Mitzvah. The only reason you can't bring a Shlomim is because the main reason for the service is for Hashem, and the Kohanim and owner only receive their share as a present from Hashem's table.

The real reason you can't burn Trumah Tamai on Yom Tov because you'll might come to burn Kodshim (that doesn't have any need for humans).

The Gemara asks: let's say this Mishna is not like R' Shimon who says that you can cut up gourds before an animal, and a carcass before dogs on Shabbos. R' Yehuda only permits it if the animal was already dead from Erev Shabbos.

The Gemara answers: we can say it's even R' Shimon, since he admits that a (healthy) animal that died on Shabbos is Muktzah. (He only permits it if it was dying from before Shabbos). The Gemara says this only fits into Rabbah who held that way, however, what could you say according to Rava who says that R' Shimon argues even with (healthy) animals that die.

Zeria explains the Mishna to answer this: we're referring to a dead Kodshim animal (which is definitely Muktzah since you can't give it to dogs).

Tosfos is bothered by the question: if so, why was R' Tarfon in doubt by this case?

Tosfos answers: because he thought there may be a Heter to move it so Kodshim shouldn't lay around in a disgraceful manner.

After all, this is implied from the Mishna that compares the dead animal case to the Challah case, which is also Kodshim. The Gemara asks: This seems to imply that only Kodshim is prohibited, but regular animals are permitted. This fits well to Rava who holds R' Shimon argues that all dead animals are permitted, but how can we answer to Rabbah who holds R' Shimon admits that (healthy) animals that die are prohibited? The Gemara answers: we refer to dying animals, and it would fit according to everyone (after all, R' Shimon holds, regarding dying animals, that Kodshim are forbidden and regular animals are permitted.)

New Sugya

The Mishna says: "you can't be counted (to be part of partaking) of an animal on Yom Tov, but you can Shecht and split it amongst you."

The Gemara asks: what does this mean? Shmuel explains: you can't make up a price for the share you'll take, (but you can split the animal and make the price tomorrow). The Gemara asks: how is that done (if the animal is no longer around to assess)? Rav says: you bring two animals that are similar (and tomorrow you'll assess the second animal). We have a Braisa like this: you can't say that you want a Selah's worth, or two Selahs' worth, of meat. Rather, you say (you want a certain percentage of the meat) a half, a third or a quarter.