

Daf Hashvuah Gemara and Tosfos Beitza Daf 26
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Daf 26a

A B'chor (a first-born animal who can't be eaten nowadays without receiving a permanent blemish) that fell into a well (and might have received a blemish). R' Yehuda says that you lower down an expert (in recognizing true blemishes) to inspect the animal. If it has a blemish, you can bring it up and Shecht it. If not, you can't Shecht it. R' Shimon says, if you didn't inspect the blemish before Yom Tov (you can never Shecht it on Yom Tov), since it's not prepared, (i.e. to be permitted).

Tosfos says: we must refer to a case where the animal's permanent blemish came from before Yom Tov, just that you didn't have a chance to show it to a Chachum then. However, if it got the blemish on Yom Tov, R' Yehuda would have never permitted it, since it was Muktzah by being a prohibition (that you can't Shecht an unblemished B'chor), which you didn't have in mind to use at all. After all, R' Yehuda holds of the prohibition of Muktzah (of being unprepared Bein Hashmashas, that it remains Muktzah for the whole Yom Tov.)

Therefore, Rashi explain: this is how our Mishna is read; if an animal falls in a well before Yom Tov and you didn't have a chance to show it to a Chachum before Yom Tov, R' Yehuda allows to lower him into the well, since he holds you can inspect blemishes on Yom Tov. R' Shimon says it's not prepared, but he can't mean that it's Muktzah, since R' Shimon doesn't hold of the concept of Muktzah. Rather, he means, if you don't have a Chachum inspect it before Yom Tov and you don't know if it has a permanent blemish, it's not prepared, i.e., to permit it, since he holds you're not allowed to inspect a blemish on Yom Tov. It's forbidden, either because it looks like you're fixing it, (since it becomes permitted to Shecht through it), or it's as you're convening a Beis Din for a court case, which the rabbis forbid.

Tosfos asks: the connotation "it's not prepared" is, even if B'dieved the Chachum inspects it on Yom Tov, since it wasn't known to have a permanent blemish before Yom Tov, it remains prohibited. However, according to Rashi's explanation, it's not prepared to become Kosher is only L'chatchila, but B'dieved, the animal is Kosher.

Another question: the Gemara in Shabbos explains R' Shimon's prohibition here is because of Muktzah, as the Gemara there asks on this, doesn't R' Shimon hold that there is no prohibition of Muktzah?

Rather, Tosfos explains: really, R' Shimon prohibits because of Muktzah, even if the Chachum transgressed and inspected it, that it's not prepared, i.e., because of Muktzah. They argue on both concepts; if it's prohibited to inspect blemishes, and, we see from the extra line "it's not prepared," they argue also about Muktzah.

This, that the Gemara asks: (why does the Mishna need to argue if it fell into a well?) They should argue if you can regularly inspect blemishes on Yom Tov. It means to prohibit them even for Muktzah, like our Mishna.

Also, according to the Gemara's answers: I might think since you (know that the B'chor hurt itself) that you had in mind to use it (and it's not Muktzah) so we're taught otherwise, that it's forbidden because of Muktzah, even if the Chachum transgresses and inspects it on Yom Tov. This is even according to R' Yehuda (in a case where the blemish was temporary before Yom Tov and developed into a permanent one on Yom Tov.) R' Shimon holds it to be Muktzah even if it has a permanent blemish from before Yom Tov, like we explained, and not like Ada b. Uchmi (in the Gemara who holds the B'chor is B'dieved permitted in that case if it was inspected).

Tosfos asks: why is this different than all other places where R' Yehuda is more stringent regarding Muktzah than R' Shimon?

Tosfos answers: there is a great reason for R' Yehuda to permit here. After all, he permits a Chachum to inspect the animal and he knows that it had a permanent blemish before Yom Tov, so it's not Muktzah, since he definitely had in mind to use it on Yom Tov. However, R' Shimon holds that it's forbidden to inspect it, therefore, he's not expecting to use it on Yom Tov. Therefore, it remains forbidden (because of Muktzah) even if a Chachum B'dieved inspects it.

The Gemara asks: what are they arguing about? If you say that they're arguing whether you're allowed to inspect for blemishes on Yom Tov, that R' Yehuda permits and R' Shimon forbids, then they should simply argue if you could inspect or not. Why must the case be that it fell into a well?

The Gemara answers: they needed the case of a B'chor falling into a well for the following Chidush; I might think, like R' Yehoshua held in another case, in order to relieve the pain of an animal, they should make a trick (by saying that there must be a blemish) and to lift it out of the well before the inspection. So, our Mishna teaches us otherwise (that you need to first inspect before lifting the animal out).

The Gemara asks: that can't be the Chidush, for then why did R' Yehuda say (if it doesn't have a blemish) "not to Shecht?" He should rather have said "you shouldn't lift it out and Shecht" (since the real Chidush is not allowing the lifting before inspecting the blemish).

The Gemara answers: we refer to a case where someone transgressed and lifted it out before inspection. Therefore, I might think you could Shecht it, so we're taught otherwise. The Gemara asks: how can we think you can Shecht it if it doesn't have a blemish? The Gemara answers: it means that even if it developed a blemish (on Yom Tov). The Gemara asks: how can you think you can Shecht it, since it's Muktzah (and R' Yehuda holds Muktzah is forbidden)? The Gemara answers: that it had a temporary blemish from before Yom Tov and it developed into a permanent blemish on Yom Tov. I might think that, because there is start of a blemish, he expects it to become permitted on Yom Tov and it wouldn't be Muktzah. So, we're taught otherwise.

New Sugya

An unblemished B'chor that falls into a well, R' Yehuda Hanassi says; you should lower an expert into the well to inspect for a blemish. If there is a blemish, you raise the animal and Shecht it. If not, you don't Shecht it.

Tosfos points out: according to this text, it implies that R' Yehuda Hanassi doesn't hold of Muktzah. After all, he says you can lift it up and Shecht if it gets a blemish, even if it fell into the well

on Yom Tov when it was unblemished. These Tannaim hold that there is no Muktzah on a B'chor since they're always thinking that, perhaps, it will get a blemish. "If not" i.e., if it didn't get a blemish on its own, you can't Shecht.

Tosfos asks: this last line seems too simple, since, of course you can't Shecht if it's unblemished?

Tosfos answers: we need to explain it that you can't lift it out of the well with a trick that you'll say (that it probably has a blemish) and I'll Shecht it.

Tosfos is bothered: didn't the Gemara reject that explanation when explaining R' Yehuda's opinion?

Tosfos answers: the Gemara didn't want to give a forced answer that "you shouldn't Shecht" means "you shouldn't lift it out and Shecht," since it has a better answer. After all, since R' Yehuda holds of the concept of Muktzah we can establish the case where it's now a blemished animal (that became that way on Yom Tov). However, R' Yehuda Hanassi doesn't hold of Muktzah, since he allows Shechting when it was unblemished when it fell in on Yom Tov. Therefore, we can't explain it like we explained R' Yehuda that it got a blemish on Yom Tov.

Rashi has another explanation: this one's text doesn't read that the B'chor fell in unblemished, but rather, it just fell in. If it has a blemish, i.e., it was known to have a blemish from before Yom Tov, you can Shecht it. If it didn't, but received the blemish on Yom Tov, then you can't Shecht it even if you lifted it out of the pit, since it's Muktzah. Therefore, we'll say that R' Yehuda Hanassi held of the concept of Muktzah.

The Gemara doesn't ask on this Braisa like it asked on R' Yehuda of our Mishna, since there it's simple and doesn't teach us anything. It's not needed to teach us that he forbids Muktzah, after all, we know from many places in Shas that he holds of Muktzah. However, this Braisa; we need it to tell us the Chidush that R' Yehuda Hanassi holds of Muktzah.

Tosfos asks: at the end of the Mesechta, we have a doubt if R' Yehuda Hanassi held of Muktzah or not, why don't we prove from here that he holds of it?

Tosfos answers: they weren't sure about what he held in this Braisa, since we have two ways to explain it, in one he held of Muktzah and the other he didn't hold of Muktzah. Therefore, they were in doubt which explanation to follow, so they couldn't prove anything from this Braisa.

R' Shimon b. Menasya said: they say not to inspect blemishes on Yom Tov. Therefore, if it received a blemish before Yom Tov, you can't inspect it on Yom Tov.

Daf 26b

However, if it received the blemish on Yom Tov, R' Shimon says it's not prepared. However, everyone agrees (R' Yehuda Hanassi and R' Shimon b. Menasya) that if it's born on Yom Tov with a blemish, it's considered prepared.

Rabbah b. R' Huna said: if the child is born with a blemish, you're allowed to L'chatchila inspect it on Yom Tov. R' Nachman asked: but my father taught a Braisa that if you (B'dieved) inspected it on Yom Tov, you can Shecht it. If so, how can you say that you can L'chatchila inspect it?

Abaya says that Rabbah b. R' Huna is more logical. After all, the Braisa the Gemara quoted above split the Halachos in three separate cases. The first case is, if it had a blemish from before Yom Tov, you can't inspect it on Yom Tov. This implies only L'chatchila, but if you B'dieved inspect it, you can Shecht it. Then it says; if it gets a blemish on Yom Tov, R' Shimon says that it's not prepared, implying that, even if you B'dieved inspect it, you can't Shecht it. Then it says; if it's born with a blemish, it's prepared, implying that you may L'chatchila inspect it.

The Gemara asks: when R' Oshiya came, he brought a Braisa that says; whether the blemish came before Yom Tov or during Yom Tov, the Chachumim say it's not prepared (and it's forbidden even if someone B'dieved inspects it). How can we reconcile with the earlier Braisa that supports Rabbah b. R' Huna? The Gemara answers: that Braisa was taught by Ada b. Uchmi (who always made mistakes quoting Braisos) and he corrupted the text.

R' Nachman b. Yitzchok says: our Mishna also infers that it's forbidden. R' Shimon says; if the blemish is not recognizable from before Yom Tov, it's not prepared. What does it mean the blemish is not recognizable from before Yom Tov? If it means that it wasn't recognizable at all, then it would be too simple. Rather, we must say that it wasn't shown to a Chachum before Yom Tov to inspect whether the blemish is permanent or temporary. Even so, it says that it's not prepared (and is forbidden to Shecht even if B'dieved inspected).

New Sugya

R' Hillel inquired from Rabbah: is there Muktzah for a half of Shabbos or not? The Gemara asks: what's the case? If it's fit for use Bein Hashmashos, then it's fit and is never Muktzah. If it's not fit for use Bein Hashmashos, then it's unfit (and remains Muktzah for the whole Shabbos even after it becomes fit). Rather, we refer to a case where it was originally fit Bein Hashmashos, and then, in middle of Shabbos, becomes unfit, and then it becomes again fit later on. (The question is: could you use it after it becomes fit again?) Rabbah answered: it's Muktzah (for the rest of Shabbos).

The Gemara asks: in the above Braisa, if the B'chor is born with a blemish, then it's prepared. According to what we said, why is it prepared (and not Muktzah)? After all, when it was still in the mother (it's not Kodosh yet) and you can eat it (if you Shecht the mother). Then, when it's born, it's Muktzah (since you can't Shecht it until it's inspected), and then, when a Chachum inspects it, it's fit (and we just said that it remains Muktzah in this situation).

Abaya, and some say R' Safra, answers: we refer to a case where the Chachum saw it while it's being born (and it was never a moment that it was born and had an uninspected blemish).

A different version: Rabbah says that there is no Muktzah for a half of Shabbos

The Gemara wants to bring as a proof: in the above Braisa, if the B'chor is born with a blemish, then it's prepared. According to what we said, I understand why it's prepared (and not Muktzah). After all, when it was still in the mother (it's not Kodosh yet) and you can eat it (if you Shecht the mother). Then, when it's born, it's Muktzah (since you can't Shecht it until it's inspected), and then, when a Chachum inspects it, it's fit.

Abaya, and some say R' Safra, push off the proof: we refer to a case where the Chachum saw it while it's being born (and it was never a moment that it was born and had an uninspected blemish).

The Gemara brings a proof: if someone's eating grapes and has leftovers, and he brings them to the roof to dry and make raisins. Or he was eating figs and has leftovers and brings them to the roof to make dried figs. He can't eat them on Shabbos and Yom tov unless he prepares them before the holy day comes in. The same applies to apricots, quinces and other fruits. The Gemara asks: what's the case? If it's edible before Yom Tov, then why do you need to prepare it specially? If it's not edible, why does it help to prepare it?

If it's Muktzah because you didn't know if it was ready before Yom Tov or not (even if you find out afterwards that it was fit beforehand), that's not true. After all, R' Kahana says; a storage area (full of drying raisins and figs) that became dried before Shabbos, but the owners are not aware of it, it's permitted. Rather, we must say that it's our situation, that it was fit before Shabbos (they were grapes and figs) they became unfit during the day (when they start to dry out) and then became fit later (by becoming raisins and completely dried figs), and we say that it's Muktzah.

The Gemara asks: if so, what does it help to prepare them before Shabbos? (After all, it's fit then anyhow, and just becomes Muktzah later.)

Rather, the true situation is: it's somewhat fit before Shabbos. Some people eat them and others wouldn't eat them. Therefore, if you specifically prepare them, then you showed that you would like to use them as they are, so it's not Muktzah. If you didn't prepare them, you hadn't shown that you want to eat them at this stage, so they remain Muktzah.