

Daf Hashvuah Gemara and Tosfos Beitza Daf 12
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Daf 12a

Beis Shammai forbids carrying a child, a Lulav and a Sefer Torah on Yom Tov (because they're not necessary for food preparation). Beis Hillel permits it (because, once the Torah permits it for food preparations, they even permit it for non-food preparations).

There was a Braisa taught to R' Yitzchok b. Avdimi: if someone Shechted a volunteered Korbon Olah (i.e., that one brought it on his own accord, and not because the Torah obligates him) on Yom Tov, he receives Malkos. R' Yitzchok commented: the author must be Beis Shammai who holds that we don't say, once the Torah permits carrying for food, it allows carrying even if it's not necessary for food. However, Beis Hillel who holds they also permitted it even when it's not necessary for food, they would say the same by Shchita. Just as they permitted Shchita to eat, they should permit it even if it's not needed for food.

Tosfos points out: we could have said that the author is R' Akiva, (who said in Pesachim that it's forbidden to burn Chametz on Pesach, which can only be if he didn't allow Melachos on Yom Tov for non-food reasons). However, they decided to say it's Beis Shammai, because their statement was more direct.

Tosfos asks: if the Braisa is like Beis Shammai, why did it need to frame the case to be about volunteer Olos? Why not say, if someone Shechts an obligated Olah on Yom Tov he receives Malkos? After all, Beis Sahmmai says later; if someone Shechts an Olah Riya (the Olah that every Jew is obligated to bring during the Mo'ed) on Yom Tov, he receives Malkos. As it says "you shall make a Chag." I.e., you may only bring your Chagigah, and not your Olah Riya.

Tosfos answers: the author was exact to write "a volunteer Olah" since they needed this exact case for its implications. For if he would write "an obligated Olah," I might think the implications are, "but Shechting an obligated Shlomim doesn't receive Malkos." However, this implies, "Shechting a volunteer Shlamim would receive Malkos." After all, since it's not obligated, it can be brought a different day. Therefore, the Brasia says you get Malkos for a volunteer Olah, which implies that you don't receive Malkos for a volunteer Shlomim. Although you're not obligated to bring it and it could be brought at a later day, however, since people eat some of the Korbon, he doesn't receive Malkos.

Tosfos asks: why must you say that the Braisa is Beis Shammai? After all, Beis Hillel says that it's forbidden to bring volunteer Olos on Yom Tov, so they should also hold someone receives Malkos for Shechting them.

Tosfos answers: Beis Hillel learns this prohibition from the Pasuk; (you should do Melacha for food preparation) "for you," which excludes doing them for G-d. Therefore, since this is a prohibition implied from a positive statement, which has the status of an Asei, you don't receive Malkos for transgressing it.

Tosfos asks: why don't you say that, once the Torah took away the Heter, it returns to the original prohibition (that it's doing a Melacha on Yom Tov, which receives Malkos.) As we see this

concept by Kodshim that became Pasul and was redeemed. (Although it no longer has the prohibition to take pleasure from it and the Torah allows eating it, we forbid shearing its wool) and one gets Malkos for the shearing. Although we learn that prohibition from what the Torah permits 'Shechting' which implies, but not shearing, which is a prohibition implied by a positive statement, he still receives Malkos. So, this proves that, once the Torah removes it from the Heter, it returns to its original prohibition (and it's as if you took pleasure from Hekdesh). So, the same should apply to the volunteer Olos. We should say when the Torah excludes it from the Heter, it reverts to a regular Melacha on Yom Tov and you get Malkos.

Tosfos answers: we only say this by Pasul Kodshim, where we don't find the Torah explicitly permits shearing it in the first place. So, once we see that the Torah hints to us that it's prohibited, so we revert it to the original prohibition.

However, by Yom Tov, we have a Pasuk permitting to do these Malchos for food. Then Beis Hillel says: from logic we can deduce, once the Torah permitted Melachos for food, they permitted them in all cases, which includes volunteer Olos. Therefore, once the Torah explicitly permits it, when the Torah then excludes it, it doesn't revert back to the first prohibition, but only prohibits it as much as we see the exclusion prohibits it, which in our case, it only becomes an Asei.

Rabbah asks: how do you know that the reason Beis Hillel argues (and allows carrying) is because, once the Torah permits Melachos for food, it permits it for all reasons? Perhaps, they only argue to permit carrying, and they argue whether there is only " 'Erev' and carrying" by Shabbos and not by Yom Tov, or it's by both. Beis Shammai hold that it applies to both Shabbos and Yom Tov, and Beis Hillel holds it applies only to Shabbos and not to Yom Tov. As the Pasuk says in Yimiya, "don't carry a burden on Shabbos," which implies that you may carry it on Yom Tov.

Tosfos quotes Rashi: that 'Erev' here means an Erev Chatzeiros (to allow carrying from one courtyard to another).

Tosfos asks: why would you need an Eruv on Yom Tov if, anyhow, you can carry for all your needs?

So, it seems the true explanation is like how R' Chaim Kohain explains: the text reads " 'Erev' carrying," without an 'and' in between. Which means; did they 'Eruv,' i.e., mix, the Melacha of carrying to be among the other Melachos for Yom Tov, despite being a lesser Melacha (since carrying, per se, isn't prohibited on Shabbos, as long as it's not in a street). So, they argue whether the prohibition to carry applies at all on Yom Tov.

However, we can answer Rashi's explanation: we do have a need for an Eruv Chatzeiros on Yom Tov, to carry items that are not needed for Yom Tov at all.

R' Yosef counter-asks: if so, then why didn't they argue about stones? So, we must say they're arguing about allowing food-preparatory Melachos when they're not needed for food.

Tosfos quotes Rashi: the true text reads "if so, they should argue with stones, and since they don't argue with stones, it's a proof etc." I.e., if it's true that Beis Hillel doesn't hold there is a concept of prohibiting carrying on Yom Tov, why didn't they argue about moving around stones on Yom Tov? After all, if Beis Hillel doesn't hold of the prohibition of carrying, he wouldn't hold of Muktzah either.

After all, they only forbid Muktzta, even of utensils whose main use is forbidden, or anything not needed for Yom Tov, for perhaps you may carry it out, as the Gemara says in Mesechtas Shabbos. They would have liked to even forbid moving items needed for Yom Tov because you may come to carry them out, but they couldn't make a decree on something when most people are not holding by keeping it. So, since they don't argue by stones, it's a proof that Beis Hillel's rationale for his Heter is, once they permitted for food etc.

Rashi's bothered by the question: at the end of the day, Beis Hillel permits all carrying, even items that are not necessary, so, there is no practical carrying out on Yom Tov. So, why did they forbid moving stones on Yom Tov?

Rashi answers: in truth, there is no carrying that's practically forbidden from the Torah on Yom Tov. After all, since they permit it for food, they permitted it completely. However, since theoretically, the Melacha of carrying is part of all Melachos, they forbade all unnecessary carrying.

Rashi didn't want to use the text that reads "if so, someone carrying stones on Yom Tov doesn't receive Malkos." The reason he doesn't want this text is; then the Gemara's conclusion is that people get Malkos for carrying stones on Yom Tov, and he held that, once the Torah permitted carrying, they permitted it completely. It's only that the rabbis decided to prohibit carrying for no reason.

Tosfos asks: in Pesachim we say that, if someone cooks on Yom Tov for the weekday, he gets Malkos, and we don't say that once they permitted cooking for food it's permitted in this case too. Even according to Rabbah who says you don't get Malkos, that's only because he holds of the logic; since it might happen that guest will come on Yom Tov (and you can feed them what you cooked for the weekday, we can consider the cooking as done for Yom Tov). He doesn't say the reason is because, once the Torah permits cooking food for Yom Tov they allowed cooking for any reason.

Another problem: he erased the most common text in order to explain it his way.

Rather, Tosfos says to keep the old text "if so, then you shouldn't be Chayiv," i.e., Malkos from the Torah. "Since they don't argue about carrying stones, so he must hold that he's Chayiv for carrying stones." Therefore, the Torah only allows carrying that has some use for Yom Tov with the logic; because once we allow for food we allow for all other uses for Yom Tov. However, if it has no use for Yom Tov at all, it's forbidden from the Torah. This includes cooking for the weekday and carrying stones that are not needed for your personal needs, nor for any Simchas Yom Tov.

When Beis Shammai and Beis Hillel argue, they only argue by Melachos that are not needed for food, but has some need on Yom Tov, like a child to get a Milah (since a Mitzvah is considered a need for Yom Tov), and a Luluv to be Yoitze the Mitzvah, and a Sefer Torah to read. R' Chananel also explains it this way. However, this exact explanation is not totally correct, since you can carry a child even if he doesn't need a Milah, but just for him to get out and play. As we see that they allowed playing ball in the streets, although it doesn't fulfil any need besides playing.

Tosfos asks: (we said; Beis Hillel exempts one who Shechts an Olah on Yom Tov for this reason), but what need does Shechting an Olah fulfil?

Tosfos answers: this also helps Simchas Yom Tov, so that you shouldn't have your table full

and your Master's table empty.

We must say that R' Yochanan also agrees that Beis Hillel's Heter is based on, "once they permitted Melacha for food etc." After all, someone taught a Braisa to him; if someone cooks Gid Hanashe in milk on Yom Tov and eats it, he gets five Malkos. He gets Malkos on account of cooking Gid on Yom Tov, (since the Torah only gives permission to cook food one can eat), and for eating Gid, and for cooking meat and milk, for eating meat and milk, and because he kindled a fire on Yom Tov.

R' Yochanan told him to take the Braisa out of the Beis Medrish, since it's not a true Braisa regarding cooking and making a fire on Yom Tov. Even if it's a real Braisa, it's only authored by Beis Shammai who doesn't hold "once they permitted carrying for food etc." However according to Beis Hillel who held "once they permitted carrying for food they even allowed it if it's not needed for food." The same applies to burning the fire and cooking.

Tosfos asks: (we already said that it needs to have some use on Yom Tov), so, what use do you have for cooking a non-Kosher food like Gid?

Tosfos answers: since he wants to eat it on Yom Tov, we consider it as a Yom Tov need.

New Sugya

Beis Shammai says that you cannot bring Challah or Matanos (pieces of meat that you must give to a Kohain from any Shechted animal) on Yom Tov, regardless whether it was separated that day, or the day before. Beis Hillel permits it.

Beis Shammai explained: we have somewhat a Gezeira Shava here. The Torah called Trumah a present (to the Kohain) and it calls Challah and Matanos presents. Just as you can't bring Trumah to the Kohain on Yom Tov, you shouldn't bring Challah or Matanos.

Beis Hillel answered back: you can't compare them to Trumah, since the reason they forbade it by Trumah is because you don't have a right to separate it on Yom Tov. This is no comparison to Challah and Matanos that you may separate them on Yom Tov (since you may knead and Shecht on Yom Tov, so they allowed separating those presents that become obligated on that day).

Tosfos explains: it's not exact to say they only forbade bringing them to the Kohain, but also, the Kohain can't come to you to pick them up. This is the implication of the Yerushalmi: if you take off Trumas Maaser of D'mai (from an Am Haretz's produce, that we suspect he didn't separate Maaser. Although it's only a Safeik if it needs to be separated, since it's only edible to a Kohain, we force you to give it to a Kohain) or the poor man's Maaser from definite Tevel, (but you wouldn't need to give it away from D'mai, since it's only a Safeik, the poor would need to prove you owe it to them before you need to relinquish it), a Kohain or poor man may not take them on Yom Tov. However, if they frequently eat at your house, they can come to your house and you can feed it to them, as long as you let them know that you have these gifts i.e., from before Yom Tov.

The Yerushalmi explains that, this prohibition of not collecting these gifts is learned from our Mishna that you shouldn't send the gifts to them. (So, we see they all have the same Halacha.)

The Yerushalmi concludes: "he learns from she, and she learns from he." ('He' and 'she' are

really 'it' in masculine and feminine form.) I.e., we learn 'she' i.e., Shabbos (which is a feminine word) from 'he' i.e., Yom Tov (which is a masculine word) As the Mishna mentions this Halacha by Yom Tov and we assume that it also applies to Shabbos. However, that Halacha we learned by 'He,' i.e., Yom Tov, only applies by 'She' i.e., the case brought in the Yerushalmi that we only permit when he usually eats by you. Otherwise, he shouldn't even eat by you, since people know that he wouldn't just take his food to eat by someone else. So, they'll suspect he's coming to eat Trumah that you separated that day on Yom Tov.

The Gemara suggests: the explanation of "regardless whether it was separated that day or the day before," that it was Shechted and separated that day, and Shechted and separated the day before. If so, you must say that it's not like R' Yossi or R' Yehuda in the following Braisa, but just like Acheirim.

For, R' Yehuda said: they all agree that you may separate and send Matanos (if it was Shechted and separated today. They also agree) if it was separated and Shechted yesterday, you can send it today if you send it along with other Matanos that were separated and Shechted today. They only argue about sending yesterday's Matanos by themselves. Beis Shammai forbade and Beis Hillel permitted. Beis Shammai says that we can learn from Trumah that you can't send. Beis Hillel answers back: that's only because you can never separate Trumah on Yom Tov, which is not the case by these Matanos.

R' Yossi says: all agree that it's always permitted to send Matanos to the Kohain on Yom Tov, they only argue about Trumah. Beis Shammai forbids sending Trumah and Beis Hillel permits it. Beis Hillel compares Trumah to Matanos. Just as Matanos are a present to the Kohain and you could send them on Yom Tov, so should Trumah, which is also a present to the Kohain, be permitted to send to the Kohain. However, Beis Shammai answers that Trumah is different since you can't separate it on Yom Tov.

Acheirim says: they don't argue about Trumah, since everyone holds you can't send it. They only argue about Matanos. Beis Shammai says that you can't send it and Beis Hillel allows sending it.

So, let us say our Mishna is like Acheirim and not like R' Yehuda. Rava answers: really it's like R' Yehuda. Does our Mishna say "those animals Shechted and separated today on Yom Tov." Our Mishna only says "Matanos that were separated today," which connotes that it was Shechted yesterday. (However, if it was Shechted on Yom Tov, even Beis Shammai permits to send it.)

The Gemara suggests: if so, then the Mishna will only be R' Yehuda and not Acheirim. The Gemara answers: really the Mishna could be Acheirim, and he only forbade sending Matanos that were Shechted yesterday.

The Gemara asks: if so, he holds exactly like R' Yehuda (and the Braisa implies that they argue).

The Gemara answers: they argue whether you can send yesterday's Matanos along with today's Matanos, or not. (R' Yehuda allows it, and Acheirim disallows it).

Shmuel says the Halacha is like R' Yossi (and Beis Hillel even allows sending Trumah). R' Nechemia had a barrel of Trumah. He went to R' Yosef and asked if he can send it to a Kohain. He answered yes, since Shmuel Paskined like R' Yossi.

New Sugya

Rabbah b. Chanan's landlord had bundles of mustard still in their pods on Yom Tov. He asked Rabbah if he may break them open to snack on the mustard seeds. He didn't know, so he asked Rava. Rava answered: you're allowed to rub kernels to remove the chaff, and break open pods to remove the beans, (which would also include removing mustard seeds from their pods).

Abaya asks: the Braisa says; for Shabbos, you may rub the kernels from Erev Shabbos, blow the shells away by dumping the grains from hand to hand (which is not the regular way) and eat, but he can't remove them by placing them in a funnel (and let the grain roll down, leaving the chaff on top) or large plate (that you'll tip, and the grain will roll down, and the chaff will remain in its place). For Yom Tov, he needs to rub it Erev Yom Tov, and then you can actually blow the chaff away, as long as you do a little at a time, and you may even separate it with a funnel or a large plate. However, you can't separate with a sifter or sieve, (since they are used to sift large volumes, so it looks like you're doing it for after Yom Tov).

To conclude Abaya's question: this proves that we only allow rubbing off the chaff on Erev Yom Tov, and not on Yom Tov itself.

The Gemara answers: really the Braisa could have permitted it on Yom Tov too. It only wrote "rubbing it Erev Yom Tov" to parallel the case of Shabbos where we only allow the rubbing the day before.