

Daf Hashvuah Gemara and Tosfos Beitza Daf 11
By Rabbi Chaim Smulowitz
Tosfos.ecwid.com
Subscribe free or Contact: tosfosproject@gmail.com

Daf 11a
New Sugya

The Mishna says: if you prepare the birds inside the nest, and you find birds in front of the nest, they're forbidden.

The Gemara suggests that this is a proof to R' Chanina who says that, when you have a doubt of an object's Halachic status, and most objects that exist have one status, however, such objects closest to the place where you found this object have another status, we always assume it came from the majority of those objects and not from what's closer. (After all, we'll assume that these birds come from the majority of birds that you didn't designate, despite that your designated birds were much closer to this area than other birds.)

Abaya answers: we refer to a case where there was a perch outside the nest where other birds rest on to wait for the occupants to leave so they can move in, therefore, undesignated birds are as close as the designated birds.

Rava answers: we refer to two nests, one on top of each other. Not only if you prepared the bottom ones and not the top ones, and you find only birds outside the bottom one, they're forbidden, since we worry, perhaps, the bottom ones left, and the top ones went down to take their nests. But, even in a case where you prepared the top birds and not the bottom birds, and you find birds outside the top nest, they're forbidden. We still need to worry that the top birds left, and the bottom ones went up to take their place. (Although they're young, we don't say that it's not normal for them to climb up to the higher nest.)

New Sugya

The next case in the Mishna: if there is no other birds around, they're permitted. The Gemara asks: what type of birds do we refer to? If we refer to flying ones, why don't we assume that they flew away and others flew here. Rather, we refer to young ones that just hop. If they have another nest within fifty Amos, we should worry that, perhaps, they came from the other nest. If there is no other nest within fifty Amos, it should be simple that they're permitted since Mar Ukva b. Chama says that they wouldn't hop more than fifty Amos from their nests.

Tosfos asks: how can he bring a proof (that it's so simple and the Mishna doesn't need to tell us this), from a statement of Mar Ukva, who was an Amora?

Tosfos answers: we must say that the Tannaim also said it, because otherwise, you couldn't explain a certain Mishna in Bava Basra.

Rather, we must say that there was another nest within fifty, but it was around the corner. I might have thought that the birds from the second nest will come to this one, so we're taught otherwise, since the birds would not go within fifty Amos unless they can still see their original nest.

New Sugya

Beis Shammai forbids moving on Yom Tov a board (**Rashi-that you smash grain on**) to cut up meat, (because he forbids moving utensils that main use is forbidden on Yom Tov) and Beis Hillel permits it.

Tosfos asks: since he needs the utensil to do his work, and you can move any utensil that you need it to do work, or that you need to remove it to use the place it was in, even if its main use is forbidden. (So, why is it forbidden to move?)

Rather, Tosfos explains: in Mesechta Shabbos they explain it to be Muktzah (because its too expensive and you wouldn't use it for anything but its purpose) because it may break and you'll have a loss of money. Everyone agrees, (even R' Shimon), that it's Muktzah, just like certain weaving utensil, since the owner cares that people shouldn't use it for other purposes. However, Beis Hillel permits moving it on Yom Tov because of Simchas Yom Tov.

Beis Shammai forbids placing skins (of animals Shechted that day) where people will walk on them, (which will preserve them a little), or pick them up, unless there's still a Kazayis of meat attached to them. Beis Hillel permits moving the skins.

We have a Braisa that says, both of them agree that once you used the board for cutting, it's forbidden to move it afterwards (since there is no more use for Yom Tov).

Abaya says: they only argue about using the grain-smashing board, but a board regularly used to cut meat, all agree that you may move it (and we don't say that you may change your mind about cutting it, and it will come out that you did an unnecessary exertion by bringing it for nothing).

The Gemara asks: that's simple, since the Mishna only says Beis Shammai forbids the grain-smashing board.

The Gemara answers: I might think that they really argue about both utensils. The Mishna only writes about the grain-smashing board to show the extreme position of Beis Hillel that, even if the main purpose of the utensil is forbidden, it's permitted to move to cut meat. So Abaya taught us otherwise, (that Beis Shammai permits regular boards).

Another version: Abaya's Chiddush is that everyone holds you can move a new meat cutting board, and we're not worried that you'll change your mind not to use it.

The Gemara asks: is it true that Beis Shammai doesn't worry, perhaps, someone will change their mind, and he'll end up exerting himself and do something for no reason? After all, we see a Mishna that Beis Shammai forbid carrying a Shochet's knife to an animal, or vice versa. Similarly, they forbid carrying spices and a pestle to the mortar and vice versa, (for perhaps he'll change his mind not to Shecht or cook, and it will come out he carried for no reason). Beis Hillel permits it.

The Gemara answers: over there, there's a real probability that he may not want to eat this animal, but to eat another animal (in a different location), or, they'll change their mind and use a different recipe that doesn't require spices. However, here it's not practical to change his mind. Once they Shecht the

animal, the meat has to be cut.

New Sugya

The Mishna brings an argument between Beis Shammai and Beis Hillel whether you can move the skins of an animal Shechted on Yom Tov. The Braisa says; all agree that you may salt meat over the skins (so some should fall on the skins and preserve it a little) as someone would salt for roasting, (which is less than one would salt for cooking).

Tosfos points out: that Halachically, one doesn't need to salt before roasting (to remove the blood, since the roasting alone will remove all blood). Rather, we refer to salting for taste.

Abaya says: we only permit salting for roasting and not for cooking. The Gemara asks: this is simple, since the Braisa says explicitly "salting for roasting." The Gemara answers: Abaya teaches us, even if you salt heavily for roasting, which is somewhat similar to the amount of salting for cooking, it's still forbidden.

The Gemara brings a Braisa that you can't salt fats (from a Shechted animal), nor turn them over (so they shouldn't spoil on their underside). R' Yehoshua permits putting them up on pegs (so that air should flow underneath it to prevent spoiling).

The Gemara has two versions of R' Masna's P'sak. One version is that he Paskined like R' Yehoshua and one version is that the Halacha was not like R' Yehoshua.

The Gemara asks: I understand why he would have to Paskin like R' Yehoshua, so we shouldn't assume to Paskin against him because of the rule that the Halacha is like the majority opinion against a single opinion. However, why would he need to Paskin against R' Yehoshua, if we should assume anyhow that the Halacha is like the majority?

The Gemara answers: I might have thought to Paskin like him anyhow, since his opinion really makes sense. After all, if we don't allow it, they might refrain from Shechting (and you won't have Simchas Yom Tov).

The Gemara asks: why is this different than what we permit moving the skins to where people will step on them (to preserve them)?

Daf 11b

The Gemara answers: it's not obvious that moving the skins are for preserving it, since it's fit for people to recline on. However, by the fats, people will understand the reason is to preserve it, so they'll mistakenly think that there is no difference between spreading them out and salting them. (So, they might come to salt them.)

R' Yehuda quoted Shmuel: someone can salt many pieces of meat at once, even if he only needs one of them, (and the rest he did to preserve them), since it's all one exertion. R. Ada b. Ahava made a trick and salted one piece at a time. (Although he needed only the first piece, so he doesn't need to exert himself for the other pieces, however, after each piece he said, perhaps the other piece is better, so I'll salt that one.)

Tosfos points out: we're accustomed to make a similar trick, to roast a whole chicken and only eat a little bit from it, like the liver. However, R' Shmuel says this Heter only applies before the meal (when it's possible to eat the whole chicken if necessary). However, you can't do it after the meal (when it's obvious you don't need the whole chicken).

New Sugya

Beis Shammai forbids removing the door of a box on Yom Tov (to remove ingredients) and Beis Hillel permits even (after removing it) to reattach it.

The Gemara explains we only refer to a vender's box, (since it's necessary for Simchas Yom Tov to get ingredients for cooking).

Ulla said: the rabbis permitted three things at the end (that's not needed), so that people wouldn't refrain from doing something at the beginning (that's needed). They permitted moving the skins to a place where people walk. They permitted returning the vendor's box door to its hinges. They permitted a Kohain to replace a bandage on himself in the Mikdash. And Rachbah quoted Rebbi Yehuda (the Amarah) that, according to R' Yehuda (the Tanna), we also permit a vender to finish off using a barrel, or a dough, that he started selling on the Yom Tov (and were touched by Am Haratzim buyers, who we usually decree to be Tamai), and we don't consider it Tamai.

Tosfos is bothered by the following: why do we use the title 'Rebbi' for a Babylonian Amarah, when the real title should be Rav?

Tosfos quotes Rashi: there are those who explain; since he was in doubt if he heard it from the Babylonian Amarah, R' Yehuda, or from the Eretz Yisroel Amarah, R' Yehuda Nasia. Therefore, he left it in this ambiguous title.

However, he disagrees, since Rachbah resided in Pumbadisa, and we never heard that he went up to Eretz Yisrael (where he could have heard this from R' Yehuda Nasia).

Another question: in Pesachim we said that (another Amarah) examined the words of his Rebbi like Rachbah in Pumbadisa etc. (we'll assume that the source that we see Rachbah was careful in his quotes is from here, where he showed that he was so careful to give credit to who said it, that when he was in doubt who said it, he made his doubt known). If it was true that Rachbah said this to show that he's in doubt from who he heard it from, they should have used a different saying, "he even taught all doubts of which person said it," as the Gemara brings this saying in Chulin (regarding the Sugya of Shechting above the place where you're supposed to Shecht).

Rather, the reason why he called Rav Yehudah with the title of 'Rebbi' is because R' Yehuda was his main teacher.

This, that we said that he examined his Rebbi's words, was not said on this statement, but on a different statement where he quoted his Rebbi that (Har Habayis had platforms on them) rows of platforms in front of other rows of platforms. He used the word 'Stiyuv,' instead of the more common word 'Eztibayos' in order to keep with the terminology of his Rebbi.

The Gemara asks: what's the Chiddush by moving skins? After all, it's an explicit Mishna.

The Gemara answers: I might have thought that the reason we permitted it is because there is nothing wrong to move it, since you can recline on one. In that case, we can even move it if it was Shechted on Erev Yom Tov. So, we're taught they only permitted it so people would not refrain from Shechting on Yom Tov, and we don't allow it if it was Shechted Erev Yom Tov, where you could have moved it before Yom Tov.

The Gemara asks what's the Chiddush by returning the box's door? After all the Mishna says it explicitly.

The Gemara answers: I might have thought that the reason we allow it since there is no concept of building and demolishing of utensils, and you may do it for a regular person's box. So we're taught it was only permitted so that we can get ingredients from a vendor for Simchas Yom Tov, and we don't allow it for a regular person's box.

Tosfos explains: I might have thought that there is no prohibitions by tightening parts into their sockets, or by removing parts from their sockets. Only when one makes a utensil is he Chayiv for the Melacha of "Makka B'patash" (putting the finishing touches on a utensil). Also, he's Chayiv for building if he attaches it to the ground. So, we're taught otherwise, (that even attaching and detaching parts are forbidden.)

Tosfos asks: don't we Paskin that there is no building or demolishing for utensils? (So, why does our Gemara forbid it?)

Tosfos answers: the rabbis forbade it, for perhaps you'll might fasten it with nails.

The Gemara asks: what's the Chiddush by the Kohain returning the bandage? Isn't it an explicit Braisa that you can put it back in the Mikdash, and not outside.

The Gemara answers: I might have thought that the reason we permit it was because they didn't enact any of the rabbinic Shabbos decrees in the Mikdash, so even if the Kohain is not doing the service, we allow it. So we're taught otherwise, that only if he's doing the service, (where he needs to take it off to do the service) do we allow returning it. If the Kohain is not doing the service, we forbid it (like all other medicinal applications, since you might come to grind up medicine).

The Gemara asks: what's the Chiddush by the open barrels and started dough? After all, it's an explicit Braisa.

The Gemara answers: I might have thought that it's permitted since they completely suspended the decree that Am Haratzim are Tamai for the Yom Tov, that even if an Am Haretz happen to touch a closed barrel that wasn't started, he can still use it. So we're taught that they only permitted the one's he started to sell (or else he would refrain from selling them if he can't finish them after Yom Tov).

The Gemara asks: why didn't Ulla want to list this fourth case?

The Gemara answers: he doesn't want to list a case where there is an argument.

The Gemara asks: doesn't our Mishnayos also have an argument? (After all, Beis Shammai forbids them.)

The Gemara answers: we don't consider Beis Shammai as an opinion at all, (since we never recon with them), when they argue with Beis Hillel.

The Gemara says that our Mishna is not like R' Shimon b. Elazar who says that all agree that you may remove the door, the whole argument is; could they reattach it. Beis Shammai forbids reattaching it and Beis Hillel permits it.

When do we say this? When it has hinges, however, if it doesn't have hinges, everyone permits it. The Gemara asks a contradiction from the following Braisa: they only argue if it doesn't have hinges, but everyone forbids if they have hinges. Abaya answers: everyone permits if there are no hinges at all. Everyone forbids if there are two hinges at the sides of the door (like regular). They only argue if there is one hinge in the middle, (which is not too fastened). Beis Shammai forbids it because they'll come to also put the door back when the hinges on the side. Beis Hillel permits, since they don't worry about mixing it up with hinges on the side. (So the Braisa that says they argue with no hinges must mean, that they don't have hinges on the side, but in the middle.