

This month's Daf Digest is dedicated
l'ilui nishmas Yisrael Tzvi ben Zev, Mr. Israel Gotlib of Antwerp and Petach Tikva, 24 Av.
Yosef ben Chaim haKohen Weiss, Mr. Joseph Weiss 8 Elul &
Rivke Yenta bas Asher Anshel, Mrs Yenta Weiss 13 Elul
By the Weiss family, London, England

OVERVIEW of the Daf

1) Analyzing the four explanations of the Mishnah (cont.)

The Gemara concludes demonstrating that the earlier cited Baraisa follows the opinion which maintains that items that are sold by individual unit even occasionally cannot be nullified.

R' Ashi presents a defense for R' Yosef and R' Yitzchak who explained that the Baraisa referred to a Rabbinic decree. The Baraisa refers to an egg about which there is doubt whether it was laid on Yom Tov or on a weekday and the reason it is prohibited is the principle that any item that will become permitted cannot become nullified.

2) An egg laid on Yom Tov

A Baraisa cites the opinion of R' Eliezer who ruled, like Beis Shammai, that an egg laid on Yom Tov may be eaten.

R' Zeira and Abaye offer one explanation of the Baraisa.

R' Mari presents a second explanation of the Baraisa.

3) Shabbos and Yom Tov that occur consecutively

Rav maintains that an egg laid on one day is prohibited on the next day, whereas R' Yochanan maintains that the egg is permitted on the second day.

The Gemara explains that the point of dispute is whether we accept Rabbah's principle of "preparation." Rav accepts the principle and the egg is prohibited, but R' Yochanan rejects the principle and the egg is therefore permitted.

It is noted that this issue is one that was disputed by Tan-

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REVIEW and Remember

1. What does R' Eliezer mean when he ruled that an egg laid on Yom Tov can be eaten with its mother?

2. Why did R' Pappa refuse to answer a question when it was posed to him?

3. When is it permitted to knowingly nullify a prohibited substance?

4. Why do we in the Diaspora continue to keep two days of Yom Tov?

Distinctive INSIGHT

Outnumbering (ביטול) of an איסור דרבנן

אמר רב מתנה עצים שנשרו מן הדקל לתוך התנור ביום טוב מרבה עליהם עצים מוכנים ומסיקן

Rabbi Yochanan had taught that if branches fall off a tree on Shabbos, and the pieces fall onto a pile of firewood, those branches may not be used for fuel on the next day if it is Yom Tov. However, Rav Masna teaches that if branches fall off a tree on Yom Tov, although these pieces are muktzah, they may be used for fuel even that same day. The Gemara clarifies that the entire wood pile can be handled because the muktzah pieces are outnumbered by permitted pieces that either were there in the first place, or that they were added after the muktzah pieces fell on the pile. Furthermore, we are even allowed to "outnumber" the muktzah branches **לכתחילה**, in this case, because we are dealing with a halacha which is **דרבנן** (muktzah), and the outcome is used for burning.

There are a number of qualifications to this halacha which are discussed by the Rishonim. Rashba explains that this dispensation only applies where the muktzah branches fell onto a pile of permitted wood. Even if there are only a few pieces, we can then add more permitted pieces to outnumber the muktzah ones. If, however, we began with muktzah, we cannot then perform **ביטול** by adding permitted wood upon them.

Rosh adds another constraint. The only situation where we can do **ביטול** **לכתחילה** onto muktzah pieces which are prohibited **מדרבנן** is when the goal is to use the pile to burn, as in this case where the benefit is for firewood. However, if the final product is for some other benefit, we do not condone **ביטול** **לכתחילה** even in the case of a **דרבנן**.

In Yoreh De'ah 99:6 the **מחבר** rules according to the Rashba. The Rema adds that we do not allow **ביטול** **לכתחילה** in the case of any **דרבנן** **איסור**, and the case of the wood is only allowed due to the consideration of the Rosh, that the benefit of burning wood comes only once the prohibited muktzah is consumed by fire. ■

Today's Daf Digest is dedicated

In memory of

ר' יהוסף בן הרב פנחס שלום הלוי, ע"ה
ומרת טויבא בת ר' דוב, ע"ה

HALACHAH Highlight

Continuing customs

זיהרו במנהג אבותיהם בידיכם זמנין דגזרי המלכות גזרה ואתי לאקולקולי

Be careful with the customs of your ancestors that are in your hands [because of the fear that] sometime the government may issue a decree and you will come to make a mistake.

There is considerable debate concerning the practice of customs whose reason no longer applies. For example, in the time of Chazal it was enacted that Kiddush should be recited in shul for the benefit of the guests who would eat and sleep in shul¹. Nowadays, people no longer eat and sleep in shul. Should the practice be continued or not?

In the opinion of some Rishonim,³ once the reason for the enactment no longer applies the custom should be discontinued. The Beis Yosef,⁴ cites numerous opinions which explain that although there was a specific reason which motivated Chazal to institute a specific custom, once instituted it is followed even if the motivating reason no longer applies. A proof that is used in support of this position is our Gemara⁵. Our Gemara rules that although the initial reason for keeping two days of Yom Tov in the Diaspora no longer applies since we have a fixed calendar, nonetheless we continue to keep two days since it is a custom instituted by our ancestors.

Regarding the specific issue of reciting Kiddush in shul on Friday night, Shulchan Aruch cites two opinions⁶. Initially he cites the opinions who maintain that the custom should be followed even when the reason no longer applies and Kiddush should therefore be recited. Afterwards he cites the opinion of those who hold that Kiddush should not be recited since the reason no longer applies. Mishnah Berurah⁷ cites the Magen Avrohom, who writes that the custom was to recite Kiddush. ■

STORIES Off the Daf

Exaggeration or fabrication?

גוזמא קתני

Rav Pinchas of Koretz, ז"ל, was very careful to always speak the precise truth, without ever adding or subtracting a single detail. This unusual level of scrupulousness in speech kept him far from anything even resembling falsehood, like exaggeration. He often exhorted his students to follow this path as well.

A student once asked Rav Pinchas,

“We find in Beitzta 4a that when Rav Eliezer said that a chick and its shell may be eaten on Yom Tov, the phrase he used was a guzmah, an exaggeration. Rashi explains that such exaggerations were a means sometimes used by the sages to bolster their arguments. Does this mean that we, too, are allowed to exaggerate?”

Rav Pinchas of Koretz explained, “The Ba'al Shem Tov taught about a similar concept. Although chazal said that it is permitted to lie in order to maintain the peace, he held that one who has fallen in this area previously should not do so. It is far better for someone else who is clean of

this sin to do the kosher lying!”

Rav Pinchas continued, “Similarly, when our Gemara permits exaggeration to strengthen one’s position in a debate, they are only discussing chazal who always told the truth. We do not have to fear that a person with the integrity of chazal will degenerate into outright falsehood from a minor exaggeration. Someone with a tendency to lie, however, is likely to fall again into sin from a simple exaggeration. Since such a person can accomplish what he needs to by speaking straightforwardly and honestly, it is forbidden for him to exaggerate even the slightest bit! ■

(Overview...Continued from page 1)

naim.

Two related incidents are recorded.

4) Branches that fell from a tree on Shabbos and the next day is Yom Tov

R' Yochanan ruled that branches that fell from a tree on Shabbos may not be used the next day that is Yom Tov. He explains why this case is different from the parallel case of the egg that, in his opinion, is permitted.

R' Masna rules that if branches fell into an oven on Yom Tov, one may add permitted wood and use the oven that same day.

This ruling is unsuccessfully challenged.

5) The two-day Yom Tov of the Diaspora

Rav and R' Assi dispute whether an egg laid on one day of Yom Tov is permitted on the second day of the Diaspora.

The rationale behind R' Assi's opinion is that he was uncertain whether the two days are one extended period of kedusha or not.

R' Zeira maintains that R' Assi has the more logical position, whereas Abaye maintains that Rav has the more logical position.

The Gemara explains why nowadays, in the Diaspora, two days of Yom Tov continue to be observed.

6) The two days of Rosh Hashanah

Rav and Shmuel rule that an egg laid on one day of Rosh Hashanah is prohibited on the second day. ■

1. ע' גמ' פסחים ק
2. ע' גמ' שבת כד
3. ע' טור אר"ח סי' רס"ט וב"י שם ד"ה ונוהגין
4. ב"י שם בשם הר"ן והרבמב"ם ועוד
5. ע' שו"ת המהרי"ל החדשות סי' א' שמביא ראיה זו
6. שלחן ערוך אר"ח סי' רס"ט
7. מ"ב שם סק"ה ■