

OVERVIEW of the Daf

1) Beis Hillel's lenient ruling (cont.)

The Gemara concludes explaining the circumstances in which Beis Hillel's lenient ruling will apply.

2) Clarifying the last ruling of the Mishnah

The language of the last ruling is challenged because it seemingly is not connected to what was previously discussed in the Mishnah.

Rabbah explains that it is an independent ruling that teaches that ashes are not considered muktzah.

R' Yehudah in the name of Rav further qualifies this ruling and this ruling is supported by a Baraisa.

3) Designating dirt for use

A Baraisa rules that one who brought dirt into his property may use it for any purpose, and it is not considered muktzah.

R' Yehudah issues a similar ruling regarding dirt brought into one's home, and this ruling is limited to a case where the owner designated a corner for the dirt.

R' Yehudah's ruling is challenged from a Mishnah in Chullin.

After two unsuccessful attempts to resolve the challenge, Rava explains the Mishnah in a way that does not refute R' Yehudah's explanation.

Rava and the Neharbleans disagree whether dirt brought into one's home for covering the blood of a slaughtered bird may be used for covering the excrement of a child.

A related dispute is recorded regarding the question of using dirt to cover the blood of a כוי. Is it considered like covering the excrement of a child or like a definitive need?

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REVIEW and Remember

1. When is ash not considered muktzah?

2. Why does the Baraisa prohibit slaughtering a כוי on Yom Tov?

3. Under what conditions can a positive commandment override a prohibition?

4. Why isn't there a fear that a person will think that a כוי is an undomesticated animal if one covers its blood after slaughtering during the week?

Distinctive INSIGHT

A positive mitzvah offsets a negative mitzvah

אימר דאמרינן אתי עשה ודחי לא תעשה כגון מילה בצרעת...הכא בעידנא דקא מעקר לאו לא מוקים עשה

The Baraisa taught that a כוי cannot be slaughtered on Yom Tov. It is undetermined whether a כוי is a בהמה or חיה. The mitzvah of covering the blood is only prescribed for a חיה, and not for a בהמה. The Mishnah taught that unless one has prepared soft soil in advance, it is prohibited to slaughter a חיה on Yom Tov. In case the כוי is in fact a חיה, it would require the mitzvah of covering the blood to be done, and this is prohibited.

The ruling in the Baraisa implies that the problem of כוי is insurmountable due to the status of this animal being uncertain. However, if we would have an animal which is definitely a חיה, it would be allowed to be slaughtered. The analysis of the Gemara suggests that the case must be where we are concerned that the dirt which was prepared might harden, and the person might grind it in order to cover the blood, which would involve the מלאכה of grinding. When this is done for the blood of a חיה, the positive mitzvah of כיסוי הדם will be דוחה the מלאכה of grinding (עשה דוחה לא תעשה). However, for a כוי there might not be a mitzvah of covering the blood to offset violation of the מלאכה.

Rashba points out that the rule that a positive mitzvah defers a negative one is only applied when they necessarily conflict (see Rabbi Shimon ben Lakish, Shabbos 133a). Here, however, the blood can be left uncovered until after Yom Tov, at which time the dirt can then be taken and used to cover the blood without having to crush the clods of dirt on Yom Tov.

Rashba posits a fundamental principle. At the moment the חיה is to be slaughtered, there is no way it can be done without covering its blood now, even if it might entail crushing some of the clods of dirt. It is at this moment that we evaluate the need to access עשה דוחה לא תעשה. In fact, if we were to wait, the positive mitzvah might never take place, as the person might become distracted. Therefore, the mitzvah may be performed. Other Rishonim also note that if we were to wait until after Yom Tov, the blood might become absorbed into the ground, thus precluding fulfillment of the mitzvah altogether. ■

HALACHAH Highlight

Eating animal meat on Yom Tov

דאמר ר' אבא החופר גומא בשבת ואינו צריך אלא לעפרה פטור עליה
 As R' Abba said: One who digs a hole [in the ground] on Shabbos for the purpose of obtaining the dirt he is exempt from liability.

Tosafos¹ explains that one is exempt from liability for digging a hole to obtain the dirt because it is a מלאכה שאינה צריכה לגופה a melacha that is performed for a purpose other than that for which it was performed in the Mishkan. Tosafos asks, as אנהיה צריכה לגופה, מלאכה שאינה צריכה לגופה, shouldn't the activity be rabbinically prohibited? He answers that for the sake of the mitzvah of rejoicing on Yom Tov it is permitted even לכתחילה. Since the discussion in the Gemara relates to obtaining dirt for the purpose of covering the blood of a slaughtered bird, Tosafos' comment indicates that eating meat from fowl fulfills the mitzvah of eating meat on Yom Tov². The Gemara³ later in the massechta also makes reference to the fact that eating fowl is a fulfillment of the mitzvah of simchas Yom Tov.

Elsewhere, however, the Gemara⁴ indicates that one does not fulfill the mitzvah of simchas Yom Tov by eating fowl. This is also the ruling of Rambam⁵ where he writes that one does not fulfill the mitzvah of simchas Yom Tov by eating fowl because it is not a meat that generates joy. The Magen

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The Gemara identifies who authored which opinion in the dispute.

Another explanation for the earlier cited Mishnah's ruling prohibiting the covering of a כווי's blood is presented.

The Gemara explains why this concern applies only to Yom Tov and when slaughtering during the week.

A related discussion regarding covering blood on YomTov in cases of doubt is presented. ■

Avrohom⁶ also states in the name of the Bach that only animal meat generates simcha.

A community whose shochet was ill asked the Chavos Yair⁷ whether a person knowledgeable in the halachos of shechita but lacking practical experience could slaughter animals for the upcoming Yom Tov. Chavos Yair ruled that he could slaughter birds in the presence of the ill shochet, since with the fowl they will be able to fulfill the mitzvah of simcha a little bit. It is not an actual fulfillment of the mitzvah since it is not meat from an animal, but it is a bit of the fulfillment of the mitzvah since people commonly serve fowl at fancy dinners. ■

1. תוס' ד"ה ואינו צריך
2. ע' ש"ת יחווה דעת ח"ו סי' ל"ג בהע' שם שכן דייק מהתוס'
3. גמ' לקמן יוכ"כ ביד אפרים יו"ד סי' א' סע' א' ד"ה אא"כ
4. גמרא חגיגה ח
5. רמב"ם פ"ב מהל' חגיגה ה"י
6. מגן אברהם סי' תקנ"ח ס"ק כ"ח
7. שו"ת חות יאיר סי' קע"ח ■

STORIES Off the Daf

The earth in the garden

הכניס עפר לגנתו

On today's daf we find that if a person brought earth into his garden he may use it on Yom Tov for the mitzvah of כניסוי הדם. The Mekor Chaim, זת"ל, explains that this earth symbolizes humility. Our Gemara is alluding to the concept that the "earth" is that which is brought into one's garden, one's portion in Gan Eden. As chazal said: "He who made himself near to earth in his lifetime will merit to rise for the resurrection of the dead." (Sotah 5a)

The Nodah B'Yehudah, זת"ל, would daven neilah for the congregation in Prague every year on Yom Kippur despite the fact that he wasn't an accomplished

singer. In fact, it was well known that the gadol could barely carry a tune. Even so, in deference to the prevailing custom in Prague and at the insistence of the roshei hakahal, he faithfully led the neilah prayers from year to year.

One year, a certain poor man prayed in the great shul and heard the Nodah B'Yehudah sing the neilah service, and after Yom Kippur he went from door to door to collect. Instead of offering the regular pitch, however, he decided that he would capitalize on his natural gift of impersonation. While speaking to one בעל הבית, he made a little routine out of mimicking the Rav's characteristic nusach and saw that the man found him quite entertaining and proved willing to give him more money than usual. Since it had worked once, the beggar decided to try it again, and when this imitation

was considered hilarious by all who heard it, he made it a part of his regular pitch.

When the leaders of the community got wind of his disrespectful behavior they were furious and threatened to forbid the man from collecting charity.

The poor man ran to plead before the Rav, "Everyone knows how poor I am, and people are giving me so much more money now! I mean no offense to the Rav; I'm just trying to be entertaining so that people will open up their hearts and pockets a little."

The Nodah B'Yehudah was completely unconcerned with his own honor. Not only did he allow the poor man to continue his antics, he even gave him a letter of approbation: "This man is free to support (l'chalkel) himself by imitating my m'chalkel!" ■

