

## OVERVIEW of the Daf

### 1) Bringing voluntary offerings on Yom Tov (cont.)

The Gemara concludes its challenge against Rabbah bar R' Huna who maintains that the blood of a voluntary offering slaughtered in violation of halacha should be applied in order to permit offering the sacrificial parts that night.

The Gemara responds in two ways. Either the question presents a valid difficulty or one could distinguish between a Rabbinic restriction of Shabbos and a Rabbinic restriction of Yom Tov.

### 2) Slaughtering an animal jointly owned by a Jew and a non-Jew

R' Huna was asked whether it is permitted to slaughter on Yom Tov an animal that is jointly owned by a Jew and a non-Jew.

R' Huna responded that it is permitted.

When challenged by R' Avya the Elder, R' Huna changed the subject because he was tired from teaching. The Gemara explains why this case is permitted whereas bringing voluntary offerings is prohibited.

### 3) Baking dough owned by a non-Jew

R' Chisda rules that it is permitted to slaughter an animal that is jointly owned by a Jew and non-Jew but it is prohibited to bake dough that is jointly owned.

R' Chana bar Chanilai unsuccessfully challenges the ruling concerning dough.

R' Huna was asked whether it is permitted to bake for non-Jewish soldiers. He responded that one should bake bread and give some to a Jewish child thus permitting the activity. If, however, the soldiers would object to some of their bread being given away it is prohibited.

This ruling is unsuccessfully challenged.

### 4) Preparing food for animals

As part of the response to the challenge the Gemara notes that there is a dispute between Tannaim whether it is permitted

(Continued on page 2)

Today's Daf Digest is dedicated  
In memory of  
**R' Noson Eliyahu ben HaRav Avraham Yitzchak**  
by the Abraham family, Lakewood NJ

Today's Daf Digest is dedicated  
In memory of our father,  
**Jerome Isaacs - Yerucham ben Avraham**  
by his sons Mel, Les and Harvey Isaacs

Today's Daf Digest is dedicated  
**L'Ilui Nishmas Rav Pinchas ben Zalman**  
by the Singer family

## Distinctive INSIGHT

### Cooking and handling animal food on Yom Tov

רבי עקיבא אומר אפילו נפש בהמה במשמע

Rabbi Akiva allows מלאכה to be done on Yom Tov for the sake of animals. The rule is that the halacha follows the opinion of Rabbi Akiva when he argues with another individual, but not when he argues with more than one person. Nevertheless, Tosafos (ד"ה ל"ח ולא לכלבים) explains that in this case we follow the opinion of Rabbi Yose HaGalili which prohibits performing any מלאכה for animal food. The reason for this is that the Mishnah in Challah (1:8) follows his opinion, where we find that dough may not be baked on Yom Tov if it will not be eaten by the shepherds, and it is prepared only for the dogs.

Ba'ar Hamaor argues on Tosafos, and he rules that the halacha follows Rabbi Akiva. He notes that not only do Rabbi Akiva and Rabbi Yose HaGalili argue about whether cooking food for an animal is prohibited on Yom Tov, but even handling food of an animal hinges upon this מחלוקת. Rabbi Akiva is of the opinion that food designated for animals is treated the same as human food, and it is therefore not מוקצה. Rabbi Yose HaGalili understands that food for an animal may not be cooked, and such food is מוקצה as well. Because we find many Mishnayos which regularly describe handling of such food (e.g., Shabbos 156b), we see that the halacha is according to Rabbi Akiva. The Mishnah in Challah which was cited by Tosafos is not enough to disregard all of these Mishnayos.

Shulchan Aruch rules according to Rabbi Yose HaGalili in regard to prohibiting cooking or any other מלאכה for the sake of one's animal. However, Rema notes that handling food for an animal is permitted. We do not link the halacha of doing מלאכה and that of the food being מוקצה as the Ba'al Hamaor had suggested. ■

## REVIEW and Remember

1. Why is it permitted to slaughter an animal that is jointly owned by a Jew and a non-Jew?
2. What is the source that prohibits cooking for non-Jews on Yom Tov?
3. Why is it prohibited to invite a non-Jew for a meal on Yom Tov?
4. Why is it prohibited to heat water on Yom Tov for bathing purposes?

# HALACHAH Highlight

**Spending money to avoid violating a positive commandment**  
 אמר לו תמה אני אם לא יצא שכרכם בהפסדכם שהרי אמרה תורה לכם  
 ולא לעכו"ם

[R' Yehudah ben bava] said to him, I wonder whether your loss outweighs your gain because the Torah says, "For you," and not for non-Jews

The Rema<sup>1</sup> rules that one does not have to spend more than one-fifth of one's assets to fulfill a positive commandment. On the other hand, in order to avoid violating a prohibition one must forfeit all his assets. The Pischei Teshuva<sup>2</sup> records a dispute how to categorize a prohibition that is a derivative of a positive commandment (לאו הבא מכלל עשה). According to some opinions, the critical question is whether we are dealing with a positive commandment (עשה) or whether we are dealing with a negative prohibition (לאו). Mishnas Chachamim, however, maintains that the critical issue is whether the violation is transgressed actively or passively. Normally one who transgresses a negative prohibition must perform an action and one who transgresses a positive commandment does so by behaving passively. In the case of a לאו הבא מכלל עשה, the עשה is violated by an action and is therefore treated like a prohibition rather than a positive mitzvah. Thus, concludes Mishnas Chachamim, one is obligated to forfeit all his money to avoid violating a לאו הבא מכלל עשה.

The Maharsham<sup>3</sup> cites our Gemara as proof to the position of Mishnas Chachamim. The prohibition against cooking on Yom Tov is a לאו הבא מכלל עשה (the prohibition is derived from the Torah's use of the word —לכם "For you." From this Chazal derive that one may cook for Jews but not for non-Jews). Nonetheless, R' Yehudah ben Baba told Shimon HaTimni that he should have forfeited all his money rather than cook for a non-Jew on Yom Tov. Thus we see that a לאו הבא מכלל עשה is considered for this matter a לאו. Others<sup>4</sup> dispute this conclusion and the issue has no clear resolution. ■

1. רמ"א או"ח סי' תרנ"ו סע' א' ויר"ד סי' רמ"ט סע' א'

(Overview...Continued from page 1)

to prepare food for animals on Yom Tov.

R' Yosef explains to Abaye why, according to R' Yosi HaGalili's strict position, it is permitted to throw date pits to animals on Yom Tov and Shabbos.

## 5) Baking dough owned by a non-Jew (cont.)

The Gemara notes that R' Huna's earlier ruling disagrees with R' Yehoshua ben Levi who prohibits inviting a non-Jew for a meal on Yom Tov although it is permitted to invite a non-Jew on Shabbos.

R' Acha bar Yaakov prohibits inviting a non-Jew even on Shabbos because of issues related to muktza.

Rava ruled that it is permitted to invite a non-Jew on Shabbos but not on Yom Tov. A permitted way to allow a non-Jew to eat at a Jew's home is presented.

**6) MISHNAH:** The Mishnah discusses warming water for the purpose of washing and lighting a fire to warm oneself.

## 7) Clarifying the Mishnah

Upon inquiry the Gemara clarifies that Beis Shammai and Beis Hillel dispute the permissibility to light a fire to warm oneself.

**8) MISHNAH:** R' Gamliel enumerates three opinions of Beis Shammai that he followed. A discussion between R' Gamliel and the other Sages regarding the permissibility of baking certain varieties of bread is recorded.

## 9) Insulating water

R' Huna explains that the dispute between Beis Shammai and Beis Hillel regarding insulating water refers to a case where the person did not make an eruv tavshilin and the reason Beis Hillel permits insulating the water is that in this circumstance they allow a person to make minimal preparations for Shabbos. ■

2. פת"ש יו"ד סי' קנ"ז סק"ד

3. שו"ת מהרש"ם ח"ה סי' נ"ד

4. שו"ת שואל ומשיב רביעאה ח"ב סי' ל"ט והטעם משום דמסקנת הגמ' היא דעגל טריפה הוה לכן אינו בכלל העשה ד'לכם' וכוזר לאיסור ראשון שהוא

הלאו דלא תעשה מלאכה ■

# STORIES Off the Daf

## The Chumros of Rabban Gamliel

שלשה דברים רבן גמליאל מחמיר כדברי ב"ש...אמר רבן גמליאל מימיהן של בית אבא לא היו אופין פתין גריצין אלא ריקין אמרו לו מה נעשה לבית אביך שהיו מחמירין על עצמן ומקילין לכל ישראל

In the Mishnah on today's daf we find that Rabban Gamliel ruled stringently in accordance with three opinions of Beis Shammai. Regarding the last of the three opinions mentioned, taking care to avoid making a thick batter on Yom Tov, Rabban

Gamliel defended his position by stating,

"In my father's house, they always took care to only prepare a thin batter instead of a thick dough." The Chachomim responded, "Your family ruled stringently for themselves. But for others, they were lenient." Sometimes we find that the stringencies adopted by tzaddikim were not intended to be emulated blindly by other people.

Someone once came to Rav Dovid of Skvere, zt"l, and spoke about a number of his own spiritual practices to the tzaddik, clearly seeking approval.

"I'm stringent about immersing every single day, and I also fast often," the man

said.

The Skeverer Rebbe heard his visitor out patiently, and then asked, "Tell me—why do you follow these practices?"

The man answered, "Why? Because these are the practices of the tzaddikim, and I want to follow in their footsteps!"

Rav Dovid nodded understandingly, and then said, "So you really want to emulate the ways of tzaddikim, do you?"

"Yes, of course," assented his visitor.

Rav Dovid continued, "If so, you must first refrain from doing those forbidden acts that they avoid. Then you can go and do the extra avodos that they do!" ■