

## OVERVIEW of the Daf

### 1) Muktzah (cont.)

Abaye rejects R' Zeira's attempt to answer the question of whether there is muktzah for part of Shabbos.

### 2) Examining a bechor on Yom Tov

An incident is recorded in which R' Yehudah Nesiah sent a bechor to be examined to determine whether it had a permanent blemish. The result is a dispute whether we follow R' Shimon's strict opinion or R' Yehudah's lenient opinion.

Although R' Zeira did not issue an explicit ruling on this matter, his tendency was to rule in accordance with R' Shimon's strict opinion.

R' Yosef attempts to demonstrate that the majority of Sages follow the opinion that prohibits the examination of a bechor on Yom Tov.

Abaye demonstrates that the source utilized by R' Yosef to make his assertion has no bearing on the present discussion.

R' Nachman Bar Yitzchak confirms Abaye's explanation based on the language of the Mishnah.

A related incident is recorded from which we learn that it is permitted to examine a bechor before Yom Tov and issue the ruling on Yom Tov.

Another story is presented that confirms the permissibility of this practice.

**3) MISHNAH:** The Mishnah teaches that on Yom Tov one may not move an animal that died or challah that became tamei.

### 4) Identifying the author of our Mishnah

It is noted that the Mishnah seemingly follows R' Yehudah's position, accepting the principle of muktzah, rather

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## Distinctive INSIGHT

### Dividing an animal among a group on Yom Tov

אמר רבי יהודה אמר שמואל אין פוסקין דמים לכתחילה על הבהמה ביום טוב

Rashi explains that Rabbi Yehuda in the name of Shmuel teaches that the Mishnah prohibits a person from arranging a price on Yom Tov for a portion of meat he wishes to acquire. This is similar to a business transaction. It is permitted, however, for a group of people to gather together and to divide an animal among themselves, each declaring the percent of the animal he will take. The commentators question this explanation of Rashi, because this interpretation leaves the Mishnah with no novel insight, as it is obvious that any type of business dealing is prohibited on Yom Tov.

Rashba understands that the lesson of the Mishnah is that we might have thought that if a group has agreed before Yom Tov to divide an animal among themselves, their coming together on Yom Tov and arranging final dollar amounts might not be considered as a business arrangement. This might have been viewed simply as a maneuver similar to dividing portions of a half, a third and a quarter, which is allowed. The lesson of the Mishnah is that even among pre-arranged groups, mentioning monetary amounts is also prohibited.

Toldos Yaakov explains that the **חידוש** of the Mishnah is that not only may a person himself not mention money when dividing an animal, but others are also prohibited from discussing dollar amounts on his behalf, similar to what might be found in a group of people.

Tiferes Yisroel notes that business discussions are prohibited because we are afraid that a person may come to write down calculations. We might have thought that this is not a problem when we are dealing with a group of people. We find (Shabbos 20a) that a Korban Pesach may be lowered into an oven as Shabbos begins, and we do not prohibit it despite the standard concern that a person might stir the coals. This is because the Pesach is always brought by a group of people, and if one might forget and try to stir the coals, others will remind him not to do it on Shabbos. Here, too, perhaps mentioning money among a group would be allowed, because the chance this may lead to writing would be alleviated by the fact that we have a group. The novel ruling of the Mishnah is that even here we do not allow mentioning money. ■

## REVIEW and Remember

1. What lead R' Zeira to believe that the halacha should follow R' Shimon?  
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2. Did R' Ami actually examine bechoros on Yom Tov?  
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3. What is the source for the prohibition against indirectly causing a blemish to a bechor?  
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4. What is the permissible way to set the price of an animal on Yom Tov?  
\_\_\_\_\_

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by Dr. and Mrs. Dovid Mael  
In memory of their mother  
מרת מירל צבי' בת ר' דוד, ע"ה

# HALACHAH Highlight

## When is one responsible for indirect actions?

ועל החלה שנטמאת... לא יזיזם ממקומם

And concerning challah that became tamei ... He may not move them from their place.

The Magen Avraham<sup>1</sup> writes that placing grain into a water mill on Shabbos violates only a Rabbinic prohibition. The reason is that to violate a Biblical prohibition one must perform the מלאכה as it was done in the Mishkan, and in the Mishkan the grinding was performed by hand. Therefore, since a water mill grinds the grain without his direct input it only constitutes a Rabbinic infraction. The Even HaOzer<sup>2</sup> disagrees with Magen Avrohom and maintains that even one's placing something into a water mill is considered a direct act rather than indirect. As evidence of this, he cites the law regarding torts. If one was to take another's object and through it into a mill he would certainly be liable for damages because it is conceptually the same as throwing something into a fire. Thus, there is a debate whether one is liable for activities that complete themselves.

Rav Eliezer Gordon<sup>3</sup> cites a dispute between Rashi<sup>4</sup> and Tosafos<sup>5</sup> in our Gemara which parallels the dispute between Magen Avrohom and Even HaOzer. Rashi maintains that placing tamei challah before a dog to eat is considered direct destruction of the challah, similar to the position espoused by Even HaOzer. Tosafos, on the other hand, maintains that placing tamei challah before a dog is indirect destruction of the challah, similar to the approach adopted by Magen Avrohom.

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than the opinion of R' Shimon.

After fine tuning its approach a few times, the Gemara demonstrates how the Mishnah could in fact be consistent with R' Shimon.

5) **MISHNAH:** The Mishnah discusses laws of buying a portion of an animal to be slaughtered for or on Yom Tov.

### 6) Clarifying the Mishnah

The phrase אין גמנין is explained to mean that it is not permitted to set a price for an animal on Yom Tov.

Rav presents a method to set the price of an animal without violating the prohibition.

A Baraisa supports this approach. ■

Rav Tzvi Pesach Frank<sup>6</sup> disputes this contention and argues that there is no parallel between the two disputes. He argues that the reason Rashi considers this to be direct destruction is the additional factor of fulfilling the mitzvah of destroying kodshim which became tamei. It is specifically the fulfillment of a mitzvah that elevates this act into being considered direct, but in a circumstance where there is no fulfillment of a mitzvah, like placing grain into a water mill, there is no indication that Rashi would consider it to be a direct act. Thus the dispute between Rashi and Tosafos has no direct bearing on the dispute between Magen Avrohom and Even HaOzer. ■

1. מג"א סי' רנ"ב סק"כ
2. אבן העוור סי' שכ"ח
3. מובא דבריו בשו"ת הר צבי או"ח ה"א סי' קמ"ח
4. ד"ה ועל החלה שנטמאת
5. ד"ה ועל החלה
6. שו"ת הר צבי הנ"ל ■

# STORIES Off the Daf

## The broken bellows

בהמה שמתה לא יזינה ממקומה

On today's daf we find that on Yom Tov one may not move an animal that has died. Chazal taught us that a materialistic person is compared to an animal. Chazal also teach that the wicked are considered dead even during their lifetimes. This is because they do not move forward spiritually or morally. A "dead animal" of this kind who doesn't even feel a spark of life or inspiration on Yom Tov cannot be moved by anything short of a miracle.

A group of maskilim once approached the famous Dubno Maggid, zt"l, with a strange request. "We would like to invite

you to lecture to us, provided that you promise that you won't lace your storytelling with mussar. We aren't interested in that; we just want to hear a good tale."

The Maggid heard them out and offered them a parable right then and there. "Once, a man from a small town visited the city for the first time. He saw many things that astonished him, but nothing came close to the wondrous device that the blacksmith used to keep his fires burning bright. The man had never seen a bellows before, and the fantastic apparatus seemed to manufacture fire from nothing at all.

He said to himself, "Such a device could save me so much time! I must get one!"

He bought a bellows off the blacksmith for what seemed a ridiculously low price and brought it back proudly to his

little town. He summoned everyone to the middle of the town to demonstrate the magical power of his new acquisition. To his dismay and great shame, however, the bellows would not make fire at all—it only blew air!

The simple man returned to the smith fuming with indignation. "How could you sell me this fire-maker when you knew full well that it doesn't work?"

"What 'fire-maker?' This is just a bellows—everyone knows that it blows air that fans a spark into a flame. Am I to blame if you don't know the simplest truth? If you want a fire, you need a spark!"

The Maggid thundered, "And you maskilim are exactly the same! A story is just like a bellows. Unless you have a spark of willingness to change, there is no moving you at all." ■