

OVERVIEW of the Daf

1) Dividing meat

The Gemara explains that the permissible way to divide meat is by distributing standard size cuts.

2) **MISHNAH:** The Mishnah discusses the permissible methods of "purchasing" other products from a merchant.

3) Clarifying the Mishnah

R' Yehudah in the name of Shmuel explains that Tanna Kamma maintains that the prohibition applies only to measuring utensils used for measuring, whereas R' Yehudah maintains that even a utensil that will eventually be used for measuring is included.

This indicates that R' Yehudah is strict regarding issues of simchas Yom Tov whereas Rabanan are lenient.

A contradiction is presented against each opinion.

Both contradictions are resolved.

Rava explains that Tanna Kamma maintains that the only restriction is not verbalizing the name of the measure, whereas R' Yehudah maintains that one is not even permitted to use a measuring utensil.

The contradiction regarding their respective positions concerning simchas Yom Tov is raised and resolved.

4) The practice of Abba Shaul ben Botnis

A Baraisa relates that Abba Shaul ben Botnis followed the practice mentioned in the Mishnah on Chol HaMoed as well as on Yom Tov.

Another Baraisa relates the practice of Abba Shaul ben Botnis and his friends concerning the extra wine and oil that was legally retained when selling these products.

5) Measuring on Yom Tov

R' Chisda discussed measuring grain for one's animal and spices for one's food.

Rav and Shmuel dispute the permissibility of measuring flour on Yom Tov so that challah will be given more generously.

A contradiction regarding Shmuel's position is noted.

Abaye explains that Shmuel is hinting that the halacha allows for leniency but when someone makes an inquiry he should be told that it is prohibited.

6) Resifting flour

A Baraisa records a dispute whether flour may be resifted, but all opinions agree that if a splinter fell into the flour it may be resifted. A second related Baraisa is cited.

The conclusion of the Gemara is that resifting is permitted on Yom Tov.

Two related incidents are recorded.

7) **MISHNAH:** The Mishnah teaches that one may ask a storeowner for a specific quantity of food since this is not the normal

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Distinctive INSIGHT

Resifting flour on Yom Tov

דביתהו דרב יוסף נהלא קמחא אגבא דמהולתא... דביתהו דרב אשי נהלא קמחא אגבא דפתורתא וכו'

The wife of Rav Yosef resifted flour on the back side of a sieve. Rav Yosef corrected his wife and told her that resifting flour in an unusual manner was unnecessary, and that it could be done in a normal manner. The wife of Rav Ashi resifted flour on the flat underside of a hollowed-out table, thus acting in an unusual manner. Rav Ashi was impressed, noting that his wife was the daughter of Rami bar Chamma, who was very conscientious in his actions. Had she not seen that the resifting was done in this unusual manner in her house as she grew up, she would not have adopted this practice on her own.

The Gemara here illustrates two types of unusual manners of resifting flour, with Rav Yosef of the opinion that such a change was unnecessary, and Rav Ashi holding that it was appropriate. Rambam (Hilchos Yom Tov 3:14) rules that a שינוי is needed, and either method of the two mentioned in the Gemara is acceptable. Rif cites the incident of Rav Yosef as well as that of Rav Ashi. This seems inconsistent, for, as we have seen, they seem to be arguing whether a שינוי is required when resifting flour. The Rishonim explain how to understand the words of Rif so that they do not contradict:

Rosh (סימן ט"ז) writes that Rif holds that a small, token שינוי is all that is needed. Rav Yosef told his wife that sifting on the back of the sieve was too much of a change, and that it even affected the outcome whereby the quality of the bread was diminished. This is why Rav Yosef told her to stop. Rav Ashi correctly noted that his wife performed a minor שינוי.

Meiri holds that no שינוי is needed at all. Rav Yosef correctly told his wife to not continue. Rav Ashi noticed that

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REVIEW and Remember

1. What is the reason one may not use a measuring cup on Yom Tov?

2. If someone stole and does not know from whom he stole what should he do with the stolen money?

3. Why did R' Ashi have trust in his wife's unusual method of sifting flour?

4. Explain the dispute between Tanna Kamma and R' Shimon ben Elazar in the Baraisa?

HALACHAH Highlight

Using stolen money for public needs

דתניא גזל ואינו יודע למי גזל יעשה בהם צרכי רבים

As the Baraisa taught, if one stole but does not know from whom he stole, he should use the money for public needs

Shulchan Aruch¹ rules, in accordance with our Gemara, that one who steals and does not know from whom he stole should use the stolen property to provide public needs (צרכי רבים). The reason the money should go towards public projects is so that the victim should be able to benefit from the public project that was paid for with the stolen funds². Aruch HaShulchan³ explains that we expect that Hashem, through Divine Providence, will bring about the necessary circumstances to allow the victim to benefit from this project.

There are two interesting applications of this principle. The first⁴ is whether there is an obligation to apply the money to public needs if there is reasonable certainty that the victim will not benefit from the project. For example, if the thief is presently in a distant country from where the original theft took place and it is unreasonable to think that the victim will ever benefit from the public need provided by the thief. Another issue⁵ is whether one can use the funds to provide a public need that is consumable, for example, providing oil or candles for a shul. Do any public needs qualify or does the public

way to do business.

8) Clarifying the Mishnah

A Baraisa is cited that elaborates on the Mishnah.

הדרן עלך אין צדין

9) **MISHNAH:** The Mishnah discusses how to transport wine and straw in a way that does not represent a weekday activity. ■

need have to be able to exist for a long period of time to provide the opportunity for the victim to benefit from this public need? Poskim⁶ tend to rule that the obligation is for the thief to provide a lasting public need which produces a reasonable possibility for the victim to benefit from the donation.

Rav Moshe Feinstein⁷ writes that one who stole money from a pushka and is donating the money back to the shul must ensure that his donation will be done quietly. In other words, when giving the money back to the shul one is not allowed to give the impression that a generous donation is being made so that it will generate appreciation or honor for the thief. ■

1. שו"ע חו"מ סי' שס"ו סע' ב'
2. ע' סמ"ע שם סק"ה
3. ערוה"ש שם סע' ג'
4. ע' פתחי חושן הל' גזילה פ"ד סע' י"ט
5. שו"ת ישמח לבב אר"ח סע' ג'
6. פתחי חושן הל' גזילה הנ"ל
7. שו"ת אג"מ חו"מ ח"א סי' פ"ח ■

STORIES Off the Daf

Making restitution

גזל ואינו יודע למי גזל יעשה בהם צרכי רבים

On today's daf we see from the anecdote involving Rav Abba Shaul ben Bitnis, that one who has caused a loss to an unknown person should make restitution to the public.

A merchant from Porashov used to travel all over the Ukraine to peddle his wares. Once, his business brought him to the vicinity of Shinova. When the merchant entered the town he heard from the locals that the famous Shinover Rebbe, zt"l, would be conducting a tisch that evening in honor of Rosh Chodesh. The merchant decided to take advantage of the opportunity to spend time in the Rebbe's presence and joined the chassidim that evening.

It just so happened that there were not many people at the tisch that night, so the stranger's presence was quite noticeable. The Rebbe greeted the newcomer and asked him a little about himself, his name and from where he had come.

The merchant said, "I'm just passing through on business, but I'm from Porashov originally."

The Rebbe seemed quite pleased. "Oh, Porashov! It's been a long while since we've seen someone from there!" He immediately withdrew a sum of money from his pocket and handed it to the man.

"Please," begged the Rebbe, "Do me a favor. When you return to Porashov, give this money to the people in charge of the railway depot just outside the town. I'd like it to be used to have benches made for the station."

After the man left, the chassidim asked the Rebbe, "Is it usually the Rebbe's practice to go around taking care of the

railways' business? And why give money specifically for the train station near Porashov?"

The Rebbe answered, "Once, I was waiting for the train at that station and a gang of goyishe ruffians threatened me. I ran off into the fields near the depot, and in my haste to hide I trampled what had been growing in them. The Gemara in Beitzah 29a says that anyone who steals without knowing from whom he stole should make restitution to the community at large. That's why I'm paying to fix the benches there. I've been waiting so long for someone from Porashov to come so that I could pay my debt!" ■

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his wife performed a שינוי not as a halachic necessity, but as a personal stringency, which impressed him. Ran also notes this explanation — ד"ה תנו רבנן — (ואפילו), and this seems to be the approach of Rashi, as well (see מרא דעובדא). ■