

OVERVIEW of the Daf

1) Lowering produce through a skylight (cont.)

Three more unresolved inquiries are presented that question the application of a Mishnah in Shabbos to Yom Tov and the application of our Mishnah to Shabbos.

2) Protection from the rain

Ulla maintains that it is even permitted to cover bricks to protect them from rain whereas according to R' Yitzchok only produce may be covered.

The Gemara demonstrates R' Yitzchok's consistency regarding this issue.

Two unsuccessful attempts are made to support R' Yitzchok's position.

Numerous unsuccessful attempts are made to support Ulla's position.

A large part of that discussion revolves around a Baraisa that addresses the issue of spreading a mat over a beehive on Shabbos.

3) Dripping water

A Baraisa teaches that if the utensil collecting dripping water becomes filled it may be poured out and replaced into position without concern.

A related incident is recorded.

Shmuel rules that it is permitted to transport a chamber pot to the trash heap to empty the contents and when returning the pot it should be filled with water.

The Gemara proves that repulsive items may be removed directly and it is not necessary to move them in a utensil as some thought to infer from Shmuel's ruling.

4) **MISHNAH:** The Mishnah categorizes different activities into three different groups and declares that the activities that are prohibited on Shabbos are prohibited on Yom Tov as well.

5) Clarifying the Mishnah

The reasons for the shvus prohibitions are identified.

The Gemara begins questioning why those activities placed in the non-mandatory category are not mitzvos, which would qualify them for the third category. ■

Today's Daf Digest is dedicated by
Mr. Chaim Fisher
In memory of his mother
מרת בת'י בת ר' צבי הירש, ע"ה

Distinctive INSIGHT

Trapping or catching bees on Yom Tov

מהו דתימא במינו נצוד אסור שלא במינו נצוד מותר קמ"ל

The Gemara brought a proof for Ulla to show that it is permitted to handle a utensil to cover muktzah. The case was where a sheet was used to cover a beehive to protect it from the elements. The Gemara deferred the proof by stating that we are speaking about a beehive which had honeycombs which were designated before Shabbos for human consumption. Nevertheless, the Baraisa is understood to express the opinion of Rabbi Yehuda who applies the concept of muktzah universally. The Gemara continues to analyze this Baraisa and ponders the issue of trapping bees, which is פסיק רישיה when a sheet is spread around. The Gemara answers that the reason it is allowed to spread a sheet around it that this beehive has windows in its sides, whereby the bees can easily escape. The novelty of this Baraisa is that although bees are the type of creature which is not normally caught and trapped for hunting purposes, catching them would still be prohibited rabbinically.

The Shulchan Aruch (316:4) rules that spreading a sheet over a beehive is allowed, according to Rabbi Shimon who holds that דבר שאינו מתכוון מותר. Magen Avrohom (ibid., #9) notes that even according to Rabbi Shimon, the rule of פסיק רישיה applies by Rabbinic law as well as by Torah law. Trapping bees is only a Rabbinic prohibition, as was stated earlier. Yet we permit

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REVIEW and Remember

1. Explain the dispute between Ulla and R' Yitzchok?

2. Is it permitted to cover a beehive if the bees will become trapped?

3. Why did Abaye feel that he was deserving of punishment?

4. What is the reason for the prohibition against climbing a tree on Shabbos?

HALACHAH Highlight

Gift giving on Shabbos and Yom Tov

ולא מקדשין

Nor may one give kiddushin

The reason marriage¹ is not permitted on Yom Tov is that the man's presenting kiddushin to the woman is similar to a business deal, which is prohibited on Yom Tov. Accordingly, Poskim question whether it is permitted to give a gift on Shabbos and Yom Tov. Are all transactions prohibited, including gift giving, or perhaps only those transactions that involve an exchange of money or merchandise? Rambam² rules that one who sells property or gives a gift has violated a Rabbinic prohibition. The Magid Mishna³ cites our Mishnah as the source for this ruling.

The Beis Meir⁴ demonstrates from the earlier Gemara⁵ that it is permitted to give gifts on Shabbos, where sending tefillin to another is allowed. This clearly proves that it is permitted to give a gift on Yom Tov. The ruling of Rambam, explains Beis Meir, is limited to giving gifts of land which require an exchange transaction - חליפין. חליפין resembles a business transaction since each party is giving something to the other. A gift, on the other hand, does not resemble a business transaction since only

(Insight...Continued from page 1)

spreading a sheet on top of the beehive only if there are windows along its side. This is in contrast to the opinion of Terumas Hadeshen (#64) who holds that any Rabbinic prohibition which is done without intent (דבר פסיק) is allowed, even if it is a case of פסיק רישיה. ■

one item is being transferred.

Mishnah Berurah⁶ rules in accordance with Rambam and prohibits gift giving because of its similarity to business. Therefore, the custom of giving gifts to a chassan after his drosha is incorrect. There are those⁷, however, who justify the practice based on the halacha that it is permitted to give gifts that are mitzvah related. For example, one is permitted to give a lulav and esrog to another for the sake of fulfilling the mitzvah. Consequently, if one considers the gift as a fulfillment of the mitzvah to gladden the chosson and kallah or as a form of honoring the Torah this gift would be permitted as well. ■

1. ע' מ"ב סי' של"ט ס"ק ט"ו שטעם דלא מקדשין הוא גזירה שמא יכתוב ולא משום קנין אבל חופה אסורה משום קנין וכדי לקצר ולא להאריך שתמנו וכתבנו טעם דהוי כמקח וממכר
2. פ"ל מהל' מכירה ה"ז
3. מגיד משנה שם
4. בית מאיר אה"ע סי' מ"ה והובא דבריו בפת"ש שם סק"א
5. גמ' בביצה יז
6. מ"ב סי' ש"ו ס"ק ל"ו
7. אליה רבה סי' ש"ו ס"ק י"ט ■

STORIES Off the Daf

Extra stringencies

נפל בי רחיא דאביי אמר תיתי לי דעברי אדמר

The Degel Machaneh Efraim, zt"l, once said, "The Jews of Russia observe many stringencies above and beyond the letter of the law regarding Pesach, but none of these really find much favor in my eyes. There is one exception, though: the fact that they set aside enough water before the holiday to last through the entire festival. You might ask, then, why don't I do the same? The reason is that this was not the custom of my grandfather, the Ba'al Shem

Tov, zt"l."

After hearing this explanation, the Kochav M'Yaakov, zt"l, asked Rebbe Yisroel of Ossatin, zt"l, a pointed question. "How could the Degel Machaneh Efraim fail to observe a chumrah that he admits to be proper just because his ancestor or Rebbe didn't follow that custom? If the stringency is appropriate, shouldn't it be observed regardless of what one's parents, grandparents, or mentors did?"

Rebbe Yisroel of Ossatin responded on the spot with an anecdote from today's daf.

He said, "On Beitzah 36b, we find that Abaye asked Rabah what to do about his millstones which were disintegrating from prolonged exposure to

the dripping rain. Rabah responded that he could move them to another, better protected place if he would move his own bed into the mill. Since the millstones are a type of muktzeh that can be moved because they are repulsive, they can be moved if they are within one's living space. Abaye expressed doubts as to whether it was really permitted to move his bed just to enable the removal of the millstones. Abaye was told soon afterward that his mill had collapsed. He responded that this was his due punishment for choosing to be more stringent than his own rebbe.

"Here we have a clear source not to adopt chumros that were not observed by one's Rebbe!" ■

