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Daf Notes is currently being dedicated to the neshamah of

**Tzvi Gershon Ben Yoel (Harvey Felsen) o”h**

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

1. We learned in the Mishnah (2a) that Bais Hillel agrees that if one already slaughtered the wild animal or bird on Yom Tov and he had not previously prepared earth to cover the blood, he digs with a spade and covers the blood with earth.

The Gemara qualifies this ruling to mean that it is permitted if one has a spade that was already placed in the ground prior to Yom Tov. This will obviate the prohibition of plowing, which is prohibited on Yom Tov, and he will also avoid the prohibition of muktzeh, because placing the spade in the ground prior to Yom Tov is a form of preparation. There is no prohibition of crushing, which is a toldah, a derivative, of the av melacha, a primary act, of tochein, grinding, because we are referring to loose earth which does not require crushing. Although he is making a hole in the ground, which is an act that falls under the prohibition of binyan, building, he is exempt in this case because he dug

the hole for the earth and not for the purpose of the hole itself. He is exempt from a prohibition, because by digging a hole where he does not require the hole, it is deemed to be kilkul, a destructive act, which he is not liable for. (7b-8a)

2. We learned in the Mishnah (2a) that the ashes of a stove are deemed to be prepared for use on Yom Tov and are not muktzeh.

The Gemara qualifies this to mean that ash from wood that was burnt before Yom Tov can be used, but ash from wood that was burned on Yom Tov is prohibited. Yet, if the ash is sufficiently hot to roast an egg on it, then the ash that was burned prior to Yom Tov can be used both for cooking and for covering the blood of a slaughtered animal. (8a)

3. One cannot slaughter on Yom Tov a koy, which is a specie that the Chachamim were uncertain whether it

is categorized as a beheimah, a domestic animal, or a chaya, a wild animal. If one slaughtered a koy, since it may be a beheimah, one cannot cover its blood.

The Gemara qualifies this ruling to mean that not only can one not slaughter on Yom Tov an animal whose status is certain, but even an animal whose status is not ascertained, such as a koy, one cannot slaughter it on Yom Tov. One would have thought that an animal whose status is uncertain can be slaughtered for the sake of being joyful on Yom Tov. (8a)

4. The Gemara states that the reason one cannot cover the blood of a koy that was slaughtered on Yom Tov is because one may come to crush clods of earth, whereas regarding a certain requirement to cover the blood we are not concerned about crushing the earth. The reason there is no concern is because the positive commandment to cover the blood overrides the negative commandment of crushing something on Yom Tov. (8b)
5. The principle that a positive commandment overrides a negative commandment was only said

regarding a case where one performs the negative commandment and the positive commandment simultaneously. Thus, one who has tzaraas on his foreskin is permitted to violate the negative commandment of removing tzaraas, because he is simultaneously performing the positive commandment of circumcision. Similarly, when one wears a garment of linen and attaches wool tzitzis to the garment, at the same time that he is violating the negative commandment of shaatnez, wearing a mixture of wool and linen he is simultaneously performing the mitzvah of wearing tzitzis on a four-cornered garment. Thus, we have to say that the Mishnah refers to a case where one slaughters the animal near the earth or ash that he will cover the blood with, so when he crushes the earth he is immediately covering the blood with the earth. (8b)

6. Rava maintains that one who prepares the ashes from a stove intends to use it for matters that are certain but not for uncertain matters.

Rava goes according to his reasoning, because Rava maintains that if one brought a pile of earth into his domain

prior to Yom Tov with the intention of covering excrement from a child, he is permitted to use the earth to cover the blood of a bird that he will slaughter on Yom Tov. If he intended to use the earth to cover the blood of a bird, however, he cannot use the earth to cover the excrement of a child. The reason for this ruling is because prior to Yom Tov, one does not know that the child will relieve himself in an area where he must cover the excrement, so covering the excrement is deemed to be an uncertainty, whereas covering the blood of a bird that will be slaughtered on Yom Tov is a certainty.

The Neharbelaens, i.e. Rami bar B'Ribbi, however, maintain that even if one was intending to use the earth to cover the blood of a bird, he could also use the earth to cover the excrement of a child, because the Neharbelaens consider it likely that one will need the earth to cover the excrement of a child. (8b)

## INSIGHTS TO THE DAF

### ***A Blessing for a Completed Mitzvah***

One cannot slaughter on Yom Tov a *koy*, which is a specie that the Chachamim were uncertain

whether it is categorized as a *beheimah*, a domestic animal, or a *chaya*, a wild animal. If one slaughtered a *koy*, since it may be a *beheimah*, one cannot cover its blood. There is a concern that one who observes someone else covering the blood of a *koy* on Yom Tov will assume that a *koy* is a *chaya*, as we would not permit one to exert himself on Yom Tov for an uncertain specie and one would then permit the *cheilev* of a *koy* to be eaten, when in fact, because of its uncertain status, one is prohibited from eating the *cheilev* of a *koy*.

The Rambam writes that one who covers the blood of a *beheimah* that is *kelayim*, an animal that was bred from a *chaya* and a *beheimah*, one does not recite the blessing that is normally recited for the mitzvah of covering the blood.

Rav Chaim Brisker wonders why one does not recite a blessing in such a case as there is reason to say that the animal that was slaughtered was a *chaya* which requires that its blood be covered.

Rav Chaim answers that although there is reason to require that its blood be covered, the converse is also true, as there is reason to exempt one from covering the blood of this animal. The mitzvah is thus lacking a full requirement and for this reason one does not recite a blessing when covering the blood.

Rav Chaim likens this ruling to a different ruling of the Rambam. The Rambam writes that when a child is born circumcised, or if a convert to Judaism was already circumcised prior to his conversion, we draw some blood, known as *hatafas dam bris*, but one does not recite a blessing on this procedure, although this is not a case of uncertainty. The reason for this ruling is because the mitzvah cannot be performed completely, so one does not recite a blessing when performing such a mitzvah.

Rav Soloveitchek in *Harerei Kedem* likens this case to sitting in the Sukkah on Shemini Atzeres, as there is a requirement to sit in the Sukkah on Shemini Atzeres, yet there is also reason to exempt one from sitting in the Sukkah on Shemini Atzeres. Given the fact that one cannot fulfill the mitzvah of sitting in the Sukkah completely, he will not recite a blessing for sitting in the Sukkah.

It is noteworthy that the Gemara in Sotah states that a mitzvah cannot extinguish an *aveira*, a sin, yet an *aveira* can extinguish a mitzvah. Apparently, the principle that a positive commandment can override a negative commandment is not a contradiction to this Gemara.

Perhaps the idea is that when one performs an *aveira* intentionally, he has rebelled against HaShem, and it is not possible for one to appease HaShem with a mitzvah when he has just committed an act of rebellion. When one is simultaneously overriding the negative commandment by performing a positive commandment, however, he is demonstrating that he is fully aware that he is performing a negative commandment, yet he is permitted by the Torah to override the negative commandment. This principle allows him to perform the positive commandment and be rewarded for its performance.

## DAILY MASHAL

### ***Performing a Positive and Negative Commandment Simultaneously***

The Gemara states that a positive commandment will override a negative commandment when both commandments are performed simultaneously.