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Moed Katan Daf 11

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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

The Mishna states: One is permitted to build a fence (*maakeh*) for a roof or a porch, provided that it is done in an amateur manner. One may coat the cracks in the oven with plaster and roll over them with a roller, using his hand or his foot; however, one may not use a *machlatzin* (*wooden block, used for sealing*). One may fix a broken hinge, socket, lintel, lock or key during Chol Hamoed (*prevent thieves from stealing*), provided that he did not delay the repair of these items until Chol Hamoed. One is permitted to pickle foods that one can eat during the festival. (11a)

The Gemora asks: How does one construct a *maakeh* in an amateur manner? Rav Yosef answers: He builds a fence using palm leaves and laurel branches. It was taught in a braisa: One piles stones on top of other stones, but does not use mortar to cement them together. (11a)

The Mishna had stated: One may fix a broken hinge, socket, lintel, lock or key during Chol Hamoed. The Gemora asks on this from another Mishna (Maaser Sheini 5:15) which states: Yochanan Kohen Gadol instituted that tools should not be used on Chol Hamoed? The Gemora answers: Yochanan Kohen Gadol was referring to the hammer of a blacksmith, which makes a lot of noise; our Mishna is referring to

the hammer of a carpenter, which does not generate a loud noise and therefore is permitted.

The Gemora asks: How will people be able to make the distinction between which noise is prohibited and which is permitted?

Rav Chisda answers: Our Mishna is referring to a large saw, which doesn't generate any noise; Yochanan Kohen Gadol was referring to axes, which generate noise and therefore prohibited.

Rav Papa answers: Our Mishna is discussing the halachos before Yochanan Kohen Gadol issued his decree.

Rav Ashi answers: Yochanan Kohen Gadol was following the viewpoint of Rabbi Yehudah who maintains that work done (if it's to prevent a loss) during Chol Hamoed must be done in an irregular manner; our Mishna is following Rabbi Yosi's opinion that permitted work may be done in the usual manner. (11a)

The Gemora records an incident: The Bedisa river of Levai was drained causing an abundance of fish on the river bank. Everyone went and brought back fish. Rava permitted them to salt the fish on Chol Hamoed (*even though the salting process would make the fish*

*inedible for the festival*). Abaye asked him: Doesn't our Mishna state that on Chol Hamoed, one can only pickle foods that can be eaten during the festival? Rava replied: Since initially they brought the fish with the intent to eat them, and if they leave the leftover fish unsalted, it will be an irretrievable loss and therefore permitted.

The Gemora cites a slightly different version of this incident: Rava permitted them to go and catch the fish and salt them on Chol Hamoed. Abaye asked him: Doesn't our Mishna state that on Chol Hamoed, one can only pickle foods that can be eaten during the festival? Rava replied: These can also be eaten by squeezing out the salt, as it happened once with Shmuel, who was served salted fish, and he ate them after squeezing them sixty times.

The Gemora concludes with different statements from Rav regarding the eating of fish. (11a)

### **WE SHALL RETURN TO YOU, MASHKIN BEIS HASHELACHIN**

The Mishna states: If one turned over his olives to press them and he became a mourner (*prohibiting him from work*), or something unavoidable occurred before a festival (and he couldn't press the olives) or if his workers failed to come to work before the festival, he is permitted to load the beam one time on the olives during Chol Hamoed and leave it there until after the festival. (*Once the olives have been turned over, they must be pressed immediately; otherwise, they will spoil. In this situation, one is permitted to press the olives on Chol Hamoed. Usually, it would be forbidden on account of*

*threshing*.) This is the viewpoint of Rabbi Yehudah. Rabbi Yosi maintains: He is permitted to pour the olives onto the press and load the beam as many times as is necessary and he may cover the barrel in the usual manner. (11b)

The Gemora asks: The Tanna began with a case where one became a mourner and concluded with the permissibility of pressing the olives during Chol Hamoed? What is the law regarding the mourner?

Rav Shisha the son of Rav Idi says: It is evident from the Mishna that permission is granted only in regards to Chol Hamoed, but we are stricter regarding a mourner and he would be forbidden from pressing the olives even one time.

Rav Ashi disagrees: It is not necessary to teach the permission regarding a mourner since the prohibition against working is only Rabbinic; the Mishna is teaching us that even during Chol Hamoed, which involves a Biblical prohibition, it would still be permitted because of the loss that would result if the olives would not be pressed. The Gemora cites a braisa supporting the opinion of Rav Shisha. (11b)

## **INSIGHTS TO THE DAF**

### **CONSTRUCTING A MAAKEH**

The Mishna states: One is permitted to build a fence (*maakeh*) for a roof or a porch, provided that it is done in an amateur fashion.

The Ritva states that our Mishna is not referring to the mitzva of *maakeh* since a porch is exempt from the obligation of constructing a *maakeh*. Furthermore, if there would be a mitzva, he should be permitted to build a *maakeh* using a professional.

The Gemora in Sukkah (3a) states that if one has a house that is less than four amos squared, he is exempt from building a fence around the roof, for this is not considered a house. The commentators ask that it is still a stumbling block and if one doesn't build a fence there, it will endanger people's lives? The Gemora in Bava Kamma (15b) learns from the passuk of *lo sasim damim beveisecha* that one should not raise a wild dog in his house or a rickety ladder. Shouldn't he be required to build a fence here because of the possibility of someone falling?

The Chazon Ish (Y"D 214) answers that in truth a roof is not a dangerous area and it is not considered a stumbling block. People who ascend a roof understand beforehand that they must be careful and this is a worldly custom. The Torah, nevertheless mandated that one who builds a house is required to build a fence on the roof and this halachah has its guidelines. A house that is less than four amos squared is not regarded as a house for this halachah.

The Emek Brocha adds that this explains why one is not allowed to build a professional *maakeh* on Chol Hamoed even though he would be permitted to build and fix other things for the fear of bandits. The lack of a *maakeh* is not an inherent danger and therefore is not considered a *dovor heovud*, an irretrievable loss and will not be allowed to build on Chol Hamoed. (This is not like the Ritva we mentioned above.)

Reb Akiva Eiger asks on the obligation to recite a blessing when building a *maakeh*. Tosfos in Chulin (105a) rules that one does not recite a blessing on *mayim acaharonim* (water after the meal) for it was instituted for the benefit of man that he shouldn't harm himself due to the *melach sdomis* (certain type of poisonous salt). It would stand to reason that constructing a *maakeh* should not have a blessing either, for it is only to prevent damage? Rabbi Dovid Goldberg answers according to the Chazon Ish: A *maakeh* is not built to prevent damage. In truth, it would not be necessary; the Torah taught us that it is required even if it is merely a distant possibility for a damage occurring, hence a blessing is recited.

## DAILY MASHAL

### Something Fishy

By: Rabbi Eli Mansour

The Gemara presents a number of rules regarding the consumption of fish. It establishes that it is more healthful to eat old fish rather than fresh fish, and that it is harmful to drink water immediately after eating fish. Tosafos comment that the first of these guidelines – that old fish is preferable to fresh fish – applied only in Talmudic times. As we know from our own experience, fish spoils very easily, and thus in our times fresh fish is far more healthful than old fish. Rabbi Akiva Eiger notes that the second provision, warning against drinking water immediately after eating fish, indeed applies even today. Accordingly, a number of authorities, including the Kaf Ha'chaim and the Aruch Ha'shulchan, rule that one should not drink water immediately after eating fish.