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Work done on Chol Hamoed

Shmuel says that if one hires non Jewish workers to work at a fixed price, it is permitted only if it outside of the techum zone, where people can walk on Shabbos, but prohibited elsewhere, as people will suspect that he hired them to do this work now.

Rav Pappa says that it is only permitted outside the techum when there is no city whose techum includes the work area, but otherwise it is prohibited, since that city’s residents will have the same suspicion.

Rav Mesharshia says that it is only permitted on Shabbos and Yom Tov, when people are restricted to their techum, but not on Chol Hamoed, when they can travel beyond it.

Mar Zutra, the son of Rav Nachman, had a mansion built for him on Yom Tov by non-Jewish workers at a fixed rate.

Rav Safra and Rav Huna bar Chinena did not enter the house since it was built on Yom Tov. Some say Mar Zutra himself also didn’t enter.

The Gemora asks why they didn’t enter, as Shmuel said that it is permitted to hire such workers outside the techum.

The Gemora answers that an important person like Mar Zutra should not have relied on this leniency, or that he assisted them by providing the construction material.

Rav Chama allowed the workers of the exilarch’s household to set up the tables on Chol Hamoed, since they do not get paid for such work. Although they are allowed to eat at the meal, that isn’t significant enough to prohibit the work on Chol Hamoed.

The Gemora cites a braisa which says that one can give work to a non-Jew on Chol Hamoed, but only for him to do after Chol Hamoed. The general rule is that one may only ask a non-Jew to do something which he himself can do. Another braisa says that one may give a non-Jew work on Chol Hamoed for him to do afterwards, but he may not measure, weigh or count, as we would do on a regular workday.

Breeding

The Gemora cites a braisa which says that one may not breed animals on Chol Hamoed, nor may one breed a first born animal or a sacrifice which has been redeemed, as breeding is a form of work with the animal, which is prohibited in all these situations.

Another braisa says that one may not breed an animal on Chol Hamoed, but Rabbi Yehudah says



that if a donkey is in heat, one may breed a male with her, to prevent her from becoming sterile. One may indirectly breed other animals by leading them all into a pen, but not manually breeding them.

Fertilizing a field

The Gemora cites a braisa which says that one may not fertilize a field (by leading animals across it) on Shabbos, Yom Tov, or Chol Hamoed, but if the animals came on their own, it is permitted. One may not assist the animals along, or send someone to guard the animals. However, if the non-Jewish shepherds who bring the animals were hired for a full week, month, year, or for seven years, one may help them and send someone to guard the animals. Rebbe says that on Shabbos, one may only accept thanks for the help, and on Yom Tov, one may receive a meal for the help. On Chol Hamoed, one may receive payment for the help. Rav Yosef rules like Rebbe.

Sealing wine

The Mishna says that if someone had wine in his press and then a period of mourning befell him, or an unavoidable mishap (occurred) or he was tricked (thus preventing him from pouring it into the barrels), Rabbi Yosi says that he may pour it out and seal it normally, while Rabbi Yehudah says that he may just seal it to prevent it from fermenting.

The Gemora explains that both this Mishna and the preceding one are necessary, as there is more loss from oil than from wine. Therefore, we may have thought that Rabbi Yosi's position is limited to oil, and Rabbi Yehudah's is limited to wine.

Rav Yitzchak bar Abba says that the Tanna who says that one must do work abnormally even when doing

it for a loss is inconsistent with Rabbi Yosi's position. Rav Yosef rules like Rabbi Yosi.

They asked Rav Nachman bar Yitzchak whether one may seal a beer barrel on Chol Hamoed, and he said that Rav Yosef ruled like Rabbi Yosi.

The Gemora challenges this, as Rabbi Yosi's position may be limited to wine, which is a large loss, but rejects this, as there is a large loss with beer, as Abaye said that his mother said that six se'ah of sealed beer is worth more than eight se'ah of unsealed beer.

Rules of Chol Hamoed

Rav Chama bar Guria cites Rav saying that the rules of Chol Hamoed are like the rules of Cutheans, and Rav Daniel bar Ketina explains that this means that they are separate, and one may not extrapolate from one to another.

The Gemora supports this with Shmuel's ruling that one may seal a small jug, but not a barrel, and Rav Dimi's opposite ruling, since Shmuel is concerned with the amount of exertion, which is less with a smaller container, while Rav Dimi is concerned with the loss, which is larger with a larger container.

Abaye says that the rules of Chol Hamoed are like the rules of Shabbos, as in both there are things which are prohibited but not liable, and some things which are permitted.

Harvesting a field

Rav Huna's field was harvested on Chol Hamoed.

His son Rabbah challenged him from a braisa which says that one may mill flour on Chol Hamoed for use

on Chol Hamoed, and one may do work for something which will be otherwise lost on Chol Hamoed. The braisa limits this to work which is detached, but one may not work on something attached, even if it will be lost otherwise. If one needs food to eat, he may harvest and fully process grain, but may not thresh with cows.

Rav Huna answered that this braisa is an individual opinion, as another braisa cites Rabbi Yosi saying that one may not do work on attached produce.

The Gemora asks how this braisa can be Rabbi Yosi's opinion, as he should allow one to thresh with cows, since he doesn't require abnormal methods of work, and answers that harvesting is often done without cows.

The Gemora cites a braisa which says that one may mill flour, chop wood, and make beer for Chol Hamoed use, but not for afterwards. If one did these things for Chol Hamoed use and there was left over, one may use it afterwards, but one may not pretend that he is doing it for Chol Hamoed, planning to use the remainder.

The Gemora challenges this braisa from another one, which says that even if one has aged beer, one may pretend to want new beer, and make it on Chol Hamoed.

The Gemora answers that this is a dispute of Tannaim, as another braisa says that one may not pretend, while Rabbi Yosi the son of Rabbi Yehudah says that one may.

Rav's field was harvested on Chol Hamoed, and when Shmuel heard about it, he got upset.

The Gemora suggests that Shmuel was following the individual opinion that prohibits work on attached grain, even if there is a loss, but rejects this, since the field was wheat, which would not be a loss.

The Gemora explains that Rav had it harvested because he had no other food, and Shmuel was upset because he didn't hear the whole story, or because Rav should have been strict, since he was important.

Rabbi Yehudah Nesia went outside on Shabbos wearing a ring with an almog signet and he drank water heated by a non-Jew, and Rabbi Ami got upset. Rav Yosef asked why he got upset, as such a ring is considered a utensil which one may wear on Shabbos, and the prohibition of food cooked by a non-Jew doesn't apply to a food which may be eaten raw, and the Gemora answers that an important person should be strict.

Chopping trees

Rav Chananel quoted Rav saying that one may chop down a palm tree on Chol Hamoed, even if he only needs the sawdust, but Abaye would curse one who would do so.

Rav Ashi had a forest in Shalnia, and he went to chop down trees on Chol Hamoed. Rav Shila from Shalnia asked him why he was doing so, in light of Abaye's curse, and he answered that he didn't agree with Abaye. When he went to chop the wood, the ax slipped and almost cut his leg, and he therefore decided to return home instead.



Cutting vegetation

Rav Yehudah permitted one to uproot flax, cut hops, and uproot sesame on Chol Hamoed. Abaye told Rav Yosef that he understood the permission for flax, since one can use it for washing hair, and for hops, since one can make beer, but what use does one have for sesame? He answered that one can use the seeds for oil.

Rabbi Yannai had an orchard whose harvest time arrived on Chol Hamoed, and he harvested it. After seeing this, the next year, everyone waited for Chol Hamoed to harvest their fields. Rabbi Yannai therefore relinquished that year's harvest.

Avoiding loss

The Mishna says that on Chol Hamoed one may bring in his fruits, to avoid theft, and he may take his flax out of it soaking, to prevent their rotting, as long as he didn't plan to do this on Chol Hamoed. If one did plan it, they must be left and lost.

The Gemora cites a braisa that requires one to bring them inside privately. Rav Yosef had beams which he brought inside during daytime. Abaye asked why he did this, as the braisa requires one to do it privately, and he explained that daytime is the most private time for such activity, since doing it at night would require many more people and special lighting.

INSIGHTS TO THE DAF

DRINKING COFFEE HEATED

BY A GENTILE

The Gemora states: Anything which is normally eaten raw is not subject to the prohibition against gentile

cooking. (*Water does not need to be heated and therefore should not be subject to this prohibition.*)

The Radvaz in his teshuvos (3:637) writes: It is permitted to drink coffee heated by a gentile and it is not subject to the prohibition against gentile cooking; even though coffee cannot be eaten in its raw state, it is something which does not eaten at a king's table as an accompaniment to the bread and therefore it is permitted. There is also no concern that they cooked something forbidden in those pots beforehand, since it is well known that they have designated utensils for the coffee (because otherwise, the taste of the coffee would be ruined). He concludes: One should not drink coffee in the accompaniment of gentiles since that will result in many transgressions.

It is brought like that in the Hagahos from the Maharikash (114) as well. He rules that one should be stringent about drinking coffee in a coffee house of gentiles, similar to the halacha regarding wine and beer. Furthermore, it is considered a *moishev leitzim* (i.e. a session of jesters) and should be avoided.

The Knesses Hagedolah in his sefer Ba'ey Chayei (Y"D 145) disagrees and maintains that coffee heated by a gentile is prohibited to drink. He states: Anything which is eaten or drunk at the royal table by itself, even if it does not come as an accompaniment to the bread is subject to the prohibition of gentile cooking. Furthermore, the requirement that the food must be something that accompanies bread on the royal table is limited to food items, not liquids. He continues: "Even though when I was younger, I would rely on those who ruled that it is permitted, I

have now investigated it thoroughly and cannot find a reason for its permission and therefore I refrain from drinking it.” He found that the Arizal prohibited drinking coffee heated by a gentile. He concludes that he is not prohibiting it for the public, but he himself refrained from drinking it.

Pri Chadash (114:6) writes that it is permitted based on Tosfos (Avodah Zarah 31b): Wheat is nullified in water in regards to reciting the blessing of *shehakol*, so too it is nullified in regards to the prohibition against gentile cooking. Similarly, the coffee is nullified in the boiling water that it is being cooked with and it is therefore not subject to the prohibition against gentile cooking.

Teshuvos Beis Yehudah (Y”D 21) objects to the reasoning of the Pri Chadash. The Gemora Brochos (39a) rules: The proper blessing on water which was cooked with vegetables is *ha’adamah* and this is the ruling of the Shulchan Aruch (205:2). The reasoning is based on the fact that this is the common method for these vegetables. Accordingly, the blessing on coffee should be *ha’adamah* as well. Our custom of reciting *shehakol* on coffee is astounding, but we cannot add to this novelty by being lenient with the prohibition against gentile cooking.

Rabbi Yaakov Emden in his sefer Mor U’ktziah (204) writes that actually the proper blessing on coffee should be *ha’eitz* since it is a fruit from a tree and that was the original intent of those that planted the coffee beans; to drink from the liquid. He concludes that the custom is to recite a *shehakol* anyway, similar to date beer and barley beer.

DAILY MASHAL

Prominent People have Different Eyesight

The Gemora cites an incident: Non-Jews built a mansion outside the techum for Mar Zutra on Shabbos. Rav Safra and Rav Huna did not go inside because it was built on Shabbos. Some say that Mar Zutra didn’t even enter the mansion. The Gemora explains that even though it was being built outside the techum and therefore it should be permitted, prominent people (like these Amoraim) are different and must hold themselves to a higher standard.

A story is related regarding Reb Shmelka from Nikkolsberg. One Friday evening he was in the synagogue and the candles in his house were inadvertently extinguished. Members of his household requested of a gentile to rekindle the light and he did so. When Reb Shmelka returned to his house, he was not able to see where he was going, and he was groping around like a blind person. They questioned him: Rebbe, the candles are burning; why can’t you see? It was then that they understood that since they violated the Shabbos by asking a gentile to kindle the lights (in this particular situation), the righteous person (although it was unknown to him) couldn’t derive benefit from this transgression, and it was darkness to him.

Perhaps these Amoraim did not enter the house – not because they held themselves on a higher standard, but rather, it was because they didn’t see the house at all!