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Daf Notes is currently being dedicated to the neshamah of

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Secondary Labors

The *Gemora* cites a *braisa*: One (on *Shabbos*) who milks (an animal), strains coagulated milk (so that the whey will drip out), or makes cheese, (the standard for liability is) the size of a dried fig.

The *braisa* continues: If one sweeps (the floor of his house), lays the dust (by sprinkling water so that the dust will not rise), or removes loaves of honey (i.e., honeycomb, from a beehive), if he does this unwittingly on *Shabbos*, he is liable to a *chatas*¹; if he does it deliberately on a festival, he incurs forty lashes; these are the words of Rabbi Eliezer. The Sages, however say: In both cases (*Shabbos* and *Yom Tov*), it is (forbidden) only as a *shevus* (a Rabbinical enactment).

Rav Nachman bar Gurya visited Nehardea. They inquired of him: If one milks (an animal on *Shabbos*), on what account is he liable? He replied: On account of milking. If one strains coagulated milk, on what account is he liable? He replied: On account of straining coagulated milk. If one makes cheese, on what account is he liable? He replied: On account of making cheese. They said to him: Your teacher must have been a reed cutter in a marsh (for he did not

know how to explain a *braisa*). He went and inquired in the study hall. They said to him: He who milks is liable on account of unloading (extracting). [It is a *toladah* (secondary form) of threshing, where the grain is extracted from its outer covering; so too here, the milk is being extracted from where it was collected in the cow.] One who strains coagulated milk is liable on account of selecting (for the curds are selected and separated from the whey). He who makes cheese is liable on account of building (for the pressing of the curds into a solid block is regarded as similar to the act of putting together an edifice).

The *braisa* had stated: If one sweeps (the floor of his house), lays the dust (by sprinkling water so that the dust will not rise), or removes loaves of honey (i.e., honeycomb, from a beehive), if he does this unwittingly on *Shabbos*, he is liable to a *chatas*²; if he does it deliberately on a festival, he incurs forty lashes; these are the words of Rabbi Eliezer.

Rabbi Elozar said: What is Rabbi Eliezer's reasoning? The verse states: *And he dipped it in the forest of honey*. What is the connection between a forest and honey? Just as one must bring a *chatas* if he harvested something from a forest on *Shabbos*, so too a person must bring a *chatas* from taking honey from a beehive on *Shabbos* (for honey is regarded as

¹ sin offering

² sin offering

being attached to the ground even if the beehive is not attached to the ground).

The *Gemora* relates: Ameimar permitted sprinkling (the floors) in Mechoza. He argued: What is the reason that the Rabbis said (that it is forbidden)? It is because one may come to level the holes (in the earthen floor; this would be a *toladah* of building). Here there are no holes (for all the houses had stone floors).

Rabbah Tosfa'ah found Ravina suffering discomfort on account of the dust, and others state, Mar Kashisha the son of Rava found Rav Ashi suffering discomfort on account of the dust. He said to him: Doesn't master agree with that which was taught in a *braisa*: If one wishes to lay the dust in his house on *Shabbos*, he can bring a basin full of water, wash his face in one corner, his hands in another, and his feet in another, and it will emerge that the house has its dust laid automatically? He replied: I did not think of it (i.e., he did not remember it).

It was taught in a *braisa*: A wise woman (the wife or daughter of a Torah scholar) can lay the dust in her house on *Shabbos* (by hearing the aforementioned *braisa* from her husband or her father).

The *Gemora* notes: Now that we hold as Rabbi Shimon (that performing a permitted act is permitted even if it results in an unintentional forbidden act), it is permitted even at the very outset (for when he is sprinkling the floor, he is not intending to level the holes). (95a)

Mishna

If one detaches (a plant) from a perforated pot, he is liable (for it draws nourishment from the ground,

and is therefore regarded as being connected to the ground; plucking it out from the flower pot is thus a *toladah* of harvesting); if it is unperforated, he is exempt. Rabbi Shimon, however, declares him exempt in both cases. (95a)

Perforated Pots

Abaye pointed out a contradiction to Rava, and others state that it was Rabbi Chiya bar Rav to Rav: We learned in our *Mishna*: Rabbi Shimon, however, declares him exempt in both cases; this proves that according to Rabbi Shimon, a perforated pot is treated the same as an unperforated pot. But the following contradicts it: Rabbi Shimon said: The only difference between a perforated and an unperforated pot is in respect of making its seeds susceptible to *tumah*. [Food can become *tamei* only if they become wet from any of the following seven liquids: water, dew, wine, oil, blood, milk and bees' honey. This can only take place after they were detached from the ground. Now, a perforated pot is regarded as attached to the ground, and therefore its seeds cannot become susceptible to *tumah*; whereas an unperforated pot is detached, and so if moisture falls upon its seeds, when grown it is fit to become *tamei*. This proves that R' Shimon too recognizes this difference between the two.]

Rava answers: In all matters, Rabbi Shimon treats it as detached, but in the matter of *tumah*, it is different, because the Torah extended (the scope of) *tumah* in the case of seeds, for it is written: [And if any of their carcass shall fall] upon any sowing seed which is to be sown, [it is *tahor*]. [If it is in any way attached to the ground, it is *tahor*, and this includes a perforated pot, for some of its nourishment is

drawn from the ground. Regarding an unperforated pot, however, it draws no nourishment from the ground, and therefore it is regarded as completely detached from the ground; it is therefore susceptible to tumah.]

A certain old man inquired of Rabbi Zeira: If the root (of the plant) is (directly) over the hole (where no part of the utensil is blocking it from the ground), what would Rabbi Shimon say to me? [Would R' Shimon agree that it is regarded as being attached to the ground?] He was silent and did not say anything to him. On a (subsequent) occasion, he (the elder) found him (R' Zeira) sitting and teaching: Rabbi Shimon admits that if it is perforated to the extent of making it *tahor*, (there is culpability regarding *Shabbos*). [If a utensil becomes *tamei* and then a hole is made in it large enough for an olive to pass through, it technically ceases to be a utensil and becomes *tahor*. Thus here too, if the perforation is if that size, R' Shimon admits that the pot and its contents, even those that are not directly over the hole are regarded as attached to the ground.] He (the elder) said to him (R' Zeira): Seeing that I asked you about a root that is over the hole, and you gave me no reply, can there be a doubt concerning a pot that is perforated to the extent of making it *tahor*? [How could it be clear to R' Zeira that the part which is not directly over the hole can be regarded as attached to the ground?]

Abaye said: If this teaching of Rabbi Zeira was stated, it was stated as follows: Rabbi Shimon admits that if it is perforated below (the capacity to contain) a *revi'is*³, (there is culpability regarding *Shabbos*). [If the perforation is so low on the sides of the pot that

*the portion of the pot beneath it cannot hold a *revi'is*, then it is certainly not regarded as a utensil, and its seeds are regarded as growing directly from the ground. Accordingly, the perforation spoken of in the Mishnah was high up on the sides of the pot.]*

Rava said: There are five measures in the case of an earthenware utensil: (1) If it has a perforation sufficient (only) for a liquid to run out, it is *tahor* in that it cannot become *tamei* as a shard (if the vessel is a regular sound one, such a small hole does not deprive it of its character as a utensil and it is still susceptible to *tumah*, for people place a shard under it to catch the leak; however, if it is only a utensil based on it being used as a shard, then a small hole causes it to lose its status as a utensil), yet it is still a utensil in respect of sanctifying the water of purification with it (the springwater mixed with ashes from the red heifer, used to purify someone who became *tamei* with corpse *tumah*; an integral part of the process is sanctifying the water in a vessel). (2) If it has a perforation sufficient for a liquid to seep in (somewhat larger than the hole in the preceding case), it is *tahor* in respect of sanctifying the water of purification with it (i.e., it is not a utensil in respect of sanctifying the waters of purification, yet it is still a utensil to render its seeds fit to become *tamei*, and even the Sages admit that if the perforation is not larger than that, the pot and its contents are treated as detached from the ground; this is because the hole is less than the size of the width of a root, and it does not receive much nourishment from the ground below it). (3) If it has a perforation as large as a small root, it is *tahor* in respect of making its plants fit to become *tamei* (for with a hole so large, the seeds can draw nourishment from the ground; it is therefore regarded as attached and the plant cannot become *tamei*), yet it is still a

³ A quarter of a log

utensil in that it can hold olives (*for a utensil that is not designated for any particular purpose must be able to hold olives in order to be susceptible to tumah*). (4) If it has a perforation large enough to allow olives to pass through, it is *tahor* in that it cannot hold olives (*for since people discard such utensils, it is not susceptible to tumah*), yet it is still a utensil to contain pomegranates (*and therefore, if it was explicitly designated for holding pomegranates, it is still a utensil and susceptible to tumah*). (5) If it has a perforation large enough to allow pomegranates to pass through, it is *tahor* in respect of all things. If, however, it is closed with a sealed cover, (*it prevents corpse tumah from entering its interior*) unless the greater portion of the utensil is broken.

Rav Assi said: I have heard that the standard of an earthenware vessel is a hole large enough to allow a pomegranate to pass through (*and not olives*).

Rava said to him: Perhaps you heard this only of a vessel closed with a sealed cover (*for that is when a large break is required in order to negate its effectiveness regarding the prevention of corpse tumah from entering, but regarding the ordinary tumah of a utensil, it loses its status as a utensil as soon as the hole is large enough for olives to pass through*).

The *Gemora* asks: But it was Rava himself who said that if it is closed with a sealed cover, (*it prevents corpse tumah from entering its interior*) unless the greater portion of the utensil is broken?

The *Gemora* answers: There is no difficulty, as this one (*when Rava ruled that if it is closed with a sealed cover, it prevents corpse tumah from entering its*

interior unless the greater portion of the utensil is broken), refers to large ones, and his other ruling (*that a hole the size of a pomegranate negates its effectiveness regarding the prevention of corpse tumah from entering*) refers to small ones. (95a – 96a)

INSIGHTS TO THE DAF

Freezing Ice Cream on Shabbos

In our sugya, we learn that making cheese on Shabbos is an *issur deoraisa*, a violation of *meleches boneh* (building). To explain this remarkable connection, we must examine the concept of *av* and *tolda* in *meleches* Shabbos. Each melacha finds its source in the construction of the Mishkan. There were thirty-nine categories of constructive activities that were necessary in assembling the Mishkan. The *av melacha* of each category is the activity as it was performed in the Mishkan. Associated with each *av* is a number of derivative *toldos*, which our Sages deemed similar enough to be included in the *issur deoraisa* of that melacha, although they were not actually performed in the construction of the Mishkan.

“Building,” is one such *av melacha*. The Rambam (Shabbos 7:6) defines building as, “Any gathering of one part to another, and attaching them together, until they become one body.” During the process of cheese-making, milk solids known as curds, which are naturally found in milk, combine to form one solid mass. As such, our Sages viewed this process to be a *tolda* of building.

At a superficial level, one might think to compare making ice from water, to making cheese from milk. Both processes take a liquid substance, and



transform it into solid. However, the Poskim drew no less than three clear distinctions, and therefore ruled that making ice is not a violation of *boneh*.

First, milk is turned into cheese by human endeavor. It is treated and stirred until the curds form and combine. Therefore, this process is considered the violation of a melacha. However, there is no human interaction in the process of freezing water. At best, placing water in the freezer may be considered a *grama* (indirect action), which is exempt in hilchos Shabbos.

Second, among the conditions of *melechtes boneh* is permanency. "Building" milk solids into cheese achieves permanent results. The cheese will never revert to milk. However, "building" water into ice is impermanent. When the ice is warmed, it melts and reverts to its previous state.

Third, and most significant, the definition of *boneh* is the construction of one entity out of numerous component parts. Our Sages tell us that the collection of milk solids into one mass of cheese falls into this category. However, when water freezes, no component parts combine. The entire body of water, as one, converts to ice (Chedvas Yaakov O.C. 4, 5; Tzitz Eliezer 3:55; Yechaveh Daas 1:30).

Dolderama ices: Despite all these distinctions, R' Chaim Pilaji (2:192) nevertheless forbid making "dolderama" ices on Shabbos. During his time [1788-1869], ices were made with the use of a machine that contained two bowls, a smaller one within the larger. The smaller bowl contained sweet liquids, and the larger bowl contained ground ice. The smaller bowl was rotated within the larger, until the liquid inside it froze, producing an icy treat. R' Chaim

considered this process to be similar to cheese-making, and thus it falls under the same prohibition.

The Shevisas Shabbos (1, p. 9) adds that the similarity between the two is even more manifest today. In our times, since we have freezers, the transformation of water into ice can be considered permanent, since the ice will remain solid if it is kept in the freezer.

Melted ice cream: The accepted opinion among Poskim is that freezing liquids does not fall under the prohibition of cheese-making. However, some Poskim rule that it is best not to make ice, except in cases of great need. They compare this to the Rabbinic prohibition of *molid* – making a new substance, which the Rema (O.C. 318:16) applies to melting solid fats into liquids. It stands to reason that the same applies to freezing liquids into solid ice.

This prohibition is the subject of debate among contemporary Poskim. It is interesting to note, that R' Shlomo Zalman Auerbach *zt"l* permitted returning melted ice cream to the freezer. Since the ice cream had already been frozen before it melted, it is not considered *molid* to return it to its previous frozen state (Shemiras Shabbos Kehilchasa ch.10, footnote 20).