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Shabbos Daf 128

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Mav the studing of the Daf Notes be a zechus for their neshamot and mav their souls find peace in Gan Eden and be bound up in the Bond of life

And the first tithe whose terumah has been separated. But that is obvious? — It is necessary [to teach it] only where he anticipated [the separation of] the maaser rishon in the ears, and separated terumas maaser but not terumah gedolah.¹ and the rule stated follows Rabbi Avahu, for Rabbi Avahu said in the name of Rish Lakish: *Ma’aser rishon* for which the *Levi* has come beforehand and obtained in the ear is not liable to *terumah gedolah*, since it is written: *And you shall separate from it Hashem’s terumah, a tithe part of the tithe.* A tithe from the tithe is what I have told you, not the *terumah gedolah* plus the *terumah* of the tithe from the tithe.

[The *Gemora* is referring to a case where the *Levi* preempted the *Kohen*, and took his *ma’aser rishon* when the grain was still “in its ears” (before the produce was smoothed in a pile – it therefore is regarded as being “not finished”) before the *Kohen* received his *terumah*. The *Levi* is exempt from giving *terumah gedolah* to the *Kohen* even though he has gained because of it. Ordinarily, a *Yisroel* gives one-fiftieth to the *Kohen* for *terumah* and one-tenth to the *Levi* as *ma’aser*. If he has one hundred bushels, he would give two bushels to the *Kohen* and 9.8 to the *Levi*. Here, the *Levi* received ten whole bushels. This exemption is derived from the following verse: *When you (the Levi) accept from the Children of Israel the ma’aser, you shall separate from it a tenth (to give to the Kohen) from a tenth (which he received from the Yisroel).* This implies that the *Levi* is not required to give the *terumah gedolah* to the *Kohen*. This exemption, however,

only applies when the *Levi* received the *ma’aser* before the produce was “finished.” If, however, it was already smoothed into a pile, the *Levi* would be required to give *terumah gedolah (one-fiftieth)* to the *Kohen* besides the tenth of the tenth – *terumas ma’aser*.]

Rav Pappa asked Abaye: If this is so, then even if the *Levi* preempted the *Kohen* when the grain was smoothed in the pile, he should be exempt from the obligation of separating *terumah gedolah*? And Abaye answered him: Regarding your question the Torah says: *from all your gifts you shall separate.* But why do you see fit to include the case of when the produce was smoothed in the pile, and to exclude the case of produce “in the ears”? I include the case of produce smoothed in the pile because it is regarded as “grain,” and I exclude the case of produce in the ears because it does not come under the title of “grain.” (127b)

And the maaser sheini, etc. But that is obvious? - It is necessary [to teach it] only where the principal has been given but not the fifth:² thus he informs us that the fifth is not indispensable.³ (127b)

And dry turmos, etc. Only dry, but not moist. What is the reason? Since it is bitter, she [the goat] will not eat it. (127b)

¹ Terumah gedolah is a portion of the produce, unspecified by Scriptural law, which the *Yisroel* must give to the *Kohanim*; for *terumas maaser*. Terumah gedolah was to be separated first and then maaser rishon. But here the order was reversed, and the *Yisroel* separated the maaser while the grain was yet in the ears.

² When one redeemed the maaser sheini he had to add a fifth of its value.

³ To the validity of the redemption, and the redeemed produce may be consumed anywhere, even though the fifth has not been added.

But not tevel, etc. That is obvious? — It is necessary [to teach it] only of tevel made so by Rabbinical law, e.g., if it was sown in an unperforated pot.⁴ (128a)

Nor the maaser rishon, etc. That is obvious? — It is necessary [to teach it] only where it had been anticipated in the pile, the maaser having been separated but not terumah gedolah. You might argue as Rav Pappa proposed to Abaye;⁵ hence he [the Tanna] informs us [that it is] as Abaye answered him. (128a)

Nor the maaser sheini, etc. That is obvious? - It is necessary [to teach it] only where they have been redeemed, but not in accordance with their laws; [i.e.,] the maaser [sheini] was redeemed by unminted slug, for the Divine Law states: And you shall bind up [ve-tzarta] the money in your hand, [implying], that which bears a figure [tzurah]; [and] hekdesch which was secularized by means of land,⁶ for the Divine law states: Then he shall give the money and it shall be assured to him.⁷ (128a)

Nor luf: Our Rabbis taught: We may handle chazav,⁸ because it is food for deer, and mustard, because it is food for doves. Rabban Shimon ben Gamliel said: We may also handle fragments of glass, because it is food for ostriches. Said Rabbi Nassan to him: If so, let bundles of twigs be handled, because they are food for elephants. And Rabban Shimon ben Gamliel? Ostriches are common, [whereas] elephants are rare.

Ameimar observed: provided he has ostriches. Rav Ashi said to Ameimar: Then when Rabbi Nassan said to Rabban Shimon ben Gamliel, 'let bundles of dried branches be handled, because they are food for elephants', — if one has elephants, why not? But [he means,] they are fit for [elephants]; so here too they are fit for [ostriches].

⁴ By Scriptural law it is not tevel at all, and one would think that the produce might therefore be handled.

⁵ That it is exempt.

⁶ I.e., land was given in order to redeem it.

⁷ I.e., it can be redeemed by money, but not by land.

⁸ A type of grass whose roots grow straight down and do not spread to the sides.

Abaye said: Rabban Shimon ben Gamliel, Rabbi Shimon, Rabbi Yishmael and Rabbi Akiva, all maintain that all Jews are regarded as princes.

The *Gemora* demonstrates how we know that each of these *Tannaim* hold that Jews are considered like royalty.

1. Rabban Shimon ben Gamliel – from what we have just stated.⁹
2. Rabbi Shimon - for we learned in a *Mishna*: [One may not smear his loins that ache with rose oil on *Shabbos*. Given the rarity and expensiveness of rose oil, one who is smearing himself with rose oil must be doing so for medicinal purposes.] Princes, however, would be permitted to smear their wounds on *Shabbos* with rose oil, as a prince would smear himself even during the weekday with rose oil even if he did not have a wound or an ache. Rabbi Shimon maintains that all Jews are like princes, and any Jew can smear his wounds with rose oil on *Shabbos*.
3. Rabbi Yishmael and Rabbi Akiva - for we learned in a *braisa*: If one was a debtor for a thousand *zuz*, and he wore a robe a hundred *manehs* in value, he is stripped from it and is dressed with a garment that is fitting for him. But a *Tanna* taught in the name of Rabbi Yishmael and a *Tanna* taught in the name of Rabbi Akiva: All Jews are worthy of such a robe. (128a)

Bundles of straw, twigs, etc. Our Rabbis taught: Bundles of straw, bundles of branches, and bundles of young shoots, if one prepared them as animal fodder, may be handled; if not, they may not be handled. Rabban Shimon ben Gamliel said: Bundles which can be taken up with one hand may be handled; with two hands, may not be handled. As for bundles

⁹ *Luf* is a bean that is inedible when it is raw and cannot even be fed to animals. Mustard seed is also not edible. Since one cannot cook or grind them on *Shabbos*, it is *muktzeh*, and cannot be cleared away. Rabban Shimon ben Gamliel maintains that *luf* can be cleared out, because *luf* is considered food for doves, and wealthy people raise doves as pets as a symbol of their wealthy status. The same concept is seen from the fact that he permits glass to be handled as it is food for ostriches.

of si'ah, hyssop and koranis:¹⁰ if they were brought in for fuel, one must not draw on them [for food] on the Shabbos; [if brought in] as animal fodder, he may draw on them on the Shabbos; and he may break [it] with his hand and eat [from them], provided that he does not break it with a utensil. And he may crush it and eat, provided that he does not crush a large quantity with a utensil; these are the words of Rabbi Yehudah. But the Sages maintain: He may crush [it] with the tips of his fingers and eat, provided, however, that he does not crush a large quantity with his hands in the [same] way as he does on weekdays; the same applies to amisa, the same applies to rue, and the same applies to other kinds of spices. What is amisa? Mint. [What is] si'ah? — Said Rav Yehudah: Si'ah is tzasrei.¹¹ Eizov is hyssop; koranis is what is called koranisa. But there was a certain man who asked, 'Who wants koranisa,' and it transpired [that he meant] chashei? — Rather si'ah is tzasrei, eizov is hyssop, and koranisa is chashei. (128a)

It was stated: Salted meat may be handled on the Shabbos; unsalted meat, — Rav Huna says: It may be handled; Rav Chisda rules: It may not be handled. 'Rav Huna says: It may be handled'? But Rav Huna was Rav's disciple, and Rav agrees with Rabbi Yehudah who accepts [the prohibition of] muktzeh?¹² - In [the interdict of] muktzeh in respect of eating he agrees with Rabbi Yehudah;¹³ in [the interdict] of muktzeh as regards handling he agrees with Rabbi Shimon.¹⁴ 'Rav Chisda rules: It may not be handled.' But Rav Yitzchak bar Ammi visited Rav Chisda's house and he saw a [slaughtered] duck being moved from the sun into the shade, and Rav Chisda observed, I see here a financial loss.¹⁵ — A duck is different, because it is fit as raw meat.

Our Rabbis taught: Salted fish may be handled; unsalted fish may not be handled;¹⁶ meat, whether unsalted or salted, may be handled;¹⁷ (and this is taught anonymously as Rabbi Shimon)¹⁸. (128a)

Our Rabbis taught: Bones may be handled because they are food for dogs; putrid meat, because it is food for beasts; uncovered water, because it is fit for a cat. Rabban Shimon ben Gamliel said: It may not be kept at all, because of the danger.¹⁹ (128a – 128b)

MISHNAH: A basket may be overturned before chicks, for them to ascend or descend. If a fowl runs away [from the house], she is pushed [with the hands] until she reenters. Calves and foals may be made to walk, and a woman may make her son walk. Rabbi Yehudah said: when is that? If he lifts one [foot] and places [another] down; but if he drags them it is forbidden.²⁰ (128b)

GEMARA: Rav Yehudah said in Rav's name: If an animal falls into a stream of water, one brings pillows and bedding and places [them] under it, and if it ascends it ascends. An objection is raised: If an animal falls into a stream of water, provisions are made for it where it lies so that it should not perish. Thus, only provisions, but not pillows and bedding? — There is no difficulty: here it means where provisions are possible; there, where provisions are impossible. If provisions are possible, well and good; but if not, one brings pillows and bedding and places them under it. But he robs a utensil of its readiness [for use]?²¹ — [The avoidance of] suffering of dumb

¹⁰ Various type of legumes that are generally fed to animals.

¹¹ Either an aromatic herb or pennyroyal.

¹² Which applies to unsalted meat, since it is not fit for food.

¹³ That which is normally unfit for food may not be eaten, even if its owner wishes.

¹⁴ That it is permitted.

¹⁵ If you leave it in the sun. Thus they moved it at his orders.

¹⁶ Because it cannot be eaten, nor will it be given to dogs, as one does not give to dogs what can be made fit for man. This is following the opinion of Rabbi Yehudah.

¹⁷ Although the Baraisa follows the opinion of Rabbi Yehudah, the unsalted meat may be handled because of the opinion cited above that all Israel are considered princes and the meat will be fed to their pets.

¹⁸ Maharshah deletes this phrase.

¹⁹ To a human being who may drink it.

²⁰ As the mother in effect carries him. The reference is to a public domain.

²¹ Because once he places the bedding under the animal, he may no longer remove it on Shabbos.

animals is a Biblical [law], so the Biblical law comes and supersedes the [interdict] of the Rabbis.²² (128b)

If a fowl runs away. We may only push [it], but not make it walk. We have here learnt what our Rabbis taught: An animal, beast, or bird may be made to walk in a courtyard, but not a fowl. Why not a fowl? — Said Abaye, Because she raises herself.²³

One [Baraisa] taught: An animal, beast, and bird may be made to walk in a courtyard, but not in the street; a woman may lead her son in the street, and in the courtyard it goes without saying. Another taught: An animal, beast, and bird may not be carried in a courtyard, but we may push them that they should enter. Now this is self-contradictory. You say, We may not carry, which implies that we may certainly make them walk; then you say, we may only push but not lead? — Said Abaye: The second clause refers to a fowl. (128b)

Abaye said: When one kills a fowl he should [either] press its legs on the ground or else lift them up,²⁴ lest it places its claws on the ground and tears its organs loose.²⁵ (128b)

MISHNAH: One may not deliver an animal [in giving birth] on a festival, but one may assist it. We may deliver a woman on the Shabbos, summon a midwife for her from place to place, desecrate the Shabbos on her account, and tie up the navel-string. Rabbi Yosi said: one may cut [it] too. And all the requirements of circumcision may be done on the Shabbos. (128b)

GEMARA: How may we assist? Rav Yehudah said: The newborn [calf, lamb, etc.] is held so that it should not fall on the earth. Rav Nachman said: The flesh is compressed in order that the young should come out. It was taught in accordance with Rav Yehudah. How do we assist? We may hold the young

²² The prohibition of depriving a utensil on a Shabbos of its readiness for use, with the result that one carries it. This is forbidden as muktzeh.

²³ But ducks when held by their wings actually walk.

²⁴ So that they cannot touch the ground at all.

²⁵ Viz., the windpipe and the gullet. If these are torn loose before being cut the animal or bird is unfit for food.

²⁶ To clear them of their mucus, etc.

so that it should not fall on the ground, blow into its nostrils,²⁶ and put the teat into its mouth that it should suck. Rabban Shimon ben Gamliel said: We stimulate pity to a kosher animal on a Festival. What was done? — Said Abaye: A lump of salt was brought and placed in its womb so that it [the mother] might remember its travails²⁷ and have pity upon it; and we sprinkle the water of the after-birth²⁸ upon the newly-born [animal] so that its mother might smell it and have pity upon it. Yet only [in the case of] a kosher [animal], but not a non-kosher one. What is the reason? A non-kosher animal does not spurn its young, and if it does spurn it, it does not take it back.²⁹ (128b)

One may deliver a woman, etc. Consider: He [the Tanna] teaches: One may deliver a woman and summon a midwife for her from place to place, then what does: And desecrate the shabbos on her account add? — It adds the following taught by the Rabbis: If she needs a lamp, her neighbor may kindle a lamp for her. And if she needs oil, her neighbor brings her oil³⁰ in her hand;³¹ but if that in her hand is insufficient, she brings it in her hair; and if that in her hair is insufficient, she brings it to her in a vessel.

The Master said: 'If she needs a lamp, her neighbor may kindle a lamp for her.' That is obvious? — This is necessary [to be taught] only in the case of a blind [woman]: you might argue, Since she cannot see it, it is forbidden; hence he informs us that we tranquillize her mind, [as] she reasons, if there is anything [required] my friend will see it and do it for me.

'If she needs oil, etc.' [But] deduce it on the grounds of wringing out?³² — Rabbah and av Yosef both answer: [The interdict of] wringing out does not apply to hair. Rav Ashi said: You may even say that wringing out does apply to hair: she

²⁷ In giving birth.

²⁸ Water in which the placenta was soaked.

²⁹ Lit., 'bring it near' — in spite of these expedients.

³⁰ Through the street.

³¹ But not in a vessel, if it can be avoided.

³² I.e., if she brings it in her hair she must then wring it out, which is just as much forbidden as carrying it in a vessel. Since this is so, why not carry it ordinarily?



brings it to her in a vessel by means of her hair,³³ [because] as much as we can vary it we do so.³⁴ (128b)

Rav Yehudah said in Shmuel's name: If a woman has just given birth, as long as the womb is open, whether she states, 'I need it,' or 'I do not need it,' we must desecrate the Shabbos on her account. If the womb is closed, whether she says, 'I need it' or 'I do not need it,' we may not desecrate the Shabbos for her; that is how Rav Ashi recited it. Mar Zutra recited it thus: Rav Yehudah said in Shmuel's name: If a woman has just given birth, as long as the womb is open, whether she says, 'I need it' or 'I do not need it,' we desecrate the Shabbos for her. If the womb is closed, if she says, 'I need it,' we desecrate the Shabbos for her; if she does not say, 'I need it,' we do not desecrate the Shabbos for her.

Ravina asked Mereimar: Mar Zutra recited it in the direction of leniency, [while] Rav Ashi recited it in the direction of stringency; which is the law? — The law is as Mar Zutra, replied he: where [a matter of] life is in doubt we are lenient. (128b – 129a)

DAILY MASHAL

Causing an Animal Distress

The *Gemora* discusses if there is a Biblical concern for causing an animal distress, or not. There are various sources for this prohibition.

Rashi writes that the prohibition is derived from the verse *azov taazov imo*, you shall surely help out your friend whose animal is overburdened by a load.

The Rosh³⁵ writes that causing an animal distress is derived from the verse quoted by Rashi. The Meiri, Rabbeinu Nisim Gaoin, and the Ra"n all concur with this view.

Rabbeinu Peretz and the Ritva³⁶ write that the injunction is a *halachah lemoshe misinai*, a *halachah* taught to Moshe by Hashem at Sinai.

The Raavad³⁷, Rabbeinu Yehonasan³⁸ and the Baal HaShelamah write that the injunction against causing an animal distress is derived from the verse of *lo sachsom*, do not muzzle an animal while it is threshing. This is also implied for the words of the Meiri.

The Rambam³⁹ and the Sefer Chasidim⁴⁰ write the source for the injunction against causing an animal distress is derived from Balaam, who the angel said, "why are you hitting your donkey?"

The Rambam⁴¹ and the Chinuch⁴² also write that the prohibition is derived from the mitzvah of *shiluach haken*, sending the mother bird away when taking its young, and from the injunction of *oso v'es beno*, slaughtering a mother and its child on the same day. These two injunctions are both based on the prohibition of causing an animal distress.

The Chasam Sofer writes a novel source for this injunction deriving it from the verse in Tehillim *vraachmav al kol masav*, and His mercy is on all of His creations.

In the Sefer Yom Teruah⁴³ it is written that the injunction against causing an animal distress is rabbinical, and is alluded to in the verse *vhishkisa es haedah ves beiram*, where Hashem told Moshe to give to drink the congregation and their animals.

³³ The vessel is attached to her hair.

³⁴ When the Shabbos must be desecrated, we do it in as unusual a manner as possible.

³⁵ Siman 3; Bava Metziah second Perek, 29

³⁶ Bava Metziah 33; Yeshanim edition

³⁷ Ibid quoted in Shita Mekubetzes

³⁸ Ibid 90a

³⁹ Moreh Nevuchim 3:17

⁴⁰ 666

⁴¹ Ibid

⁴² Mitzvah 540

⁴³ from the Maharam ben Chaviv