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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

### ***Explaining the Mishna***

The *Mishna* had stated: One can clear out dried *turmos* [because it is good for goats].

The *Gemora* notes: It is only permitted if they are dried, but not if they are moist. What is the reason for this? When they are bitter (since they are moist), even a goat will not eat them (and therefore they are *muktzeh*).

The *Mishna* stated: One cannot clear away *tevel*.

The *Gemora* asks: But that is obvious (for it is forbidden to all)!?

The *Gemora* answers: It is necessary to teach it only of *tevel* that requires to be tithed by Rabbinical law, e.g., if it was planted in an unperforated flowerpot. [Since it does not draw nourishment from the ground, it is not Biblically subject to *ma'aser*. It, nevertheless, is regarded as *muktzeh*, for it is subject to *ma'aser* on a Rabbinic level.]

The *Mishna* had stated: One cannot clear away *ma'aser rishon* [whose *terumah* has not been taken].

The *Gemora* asks: Is that not obvious (for it is forbidden to all)!?

The *Gemora* answers: This had to be stated, for the case in which the Levi came beforehand and thus obtained the *ma'aser rishon* while the grain was still in the ears, and he separated the *terumas ma'aser* of it, but not the *terumah*

*gedolah*<sup>1</sup>; you might argue as Rav Pappa proposed to Abaye (that 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*, just as it would be if the Levi preempted the Kohen when the grain was still in its ears); therefore, the *Tanna* informs us that it is as Abaye answered him (that there is another verse that teaches us that this is not the case).

The *Mishna* had stated: One cannot clear away *ma'aser sheini* [or *hekdesch* that was not redeemed].

The *Gemora* asks: But that is obvious (for it is forbidden to all)!?

The *Gemora* answers: It is necessary to teach it only where they have been redeemed, but not properly; i.e., the *ma'aser sheini* was redeemed on an unminted slug, for the Torah states: And you shall bind up [vetzarta] the money in your hand, implying that which bears an image, and *hekdesch* which was deconsecrated by means of land, for the Torah states: Then he shall give the redemption money ... and it shall be assured to him.

The *Mishna* had stated: One cannot clear away *luf*. [Rabban Shimon ben Gamliel maintains that *luf* can be cleared out, because *luf* is considered food for ravens, (and wealthy people raise ravens as a symbol of their wealthy status).]

The *Gemora* cites a *braisa*: We may handle *chatzav* (a *chatzav* tree is a plant with which Yehoshua marked the

<sup>1</sup> A Levi who received stalks of grain for his *ma'aser* must thresh the grain and pile them, and then he can separate *Terumas ma'aser*, which is ten percent of the grain that the Levi receives from a Yisroel which the Levi then gives to the Kohen.



boundaries of the land of Canaan for the Jewish people, for the roots go straight down and not to the side; this way, it does not take nutrients from other lands), 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. Rabbi Nassan said to him: If so, let bundles of vines be handled as well, because they are food for elephants?

The *Gemora* explains that Rabban Shimon ben Gamliel maintains that ostriches are common, whereas elephants are rare.

Ameimar notes: Provided he has ostriches.

Rav Ashi said to Ameimar: Then when Rabbi Nassan said to Rabban Shimon ben Gamliel, "Let bundles of vines be handled as well, because they are food for elephants," if one has elephants, why can they not be handled? Evidently, he means that they are fit (*for elephants*); so here too they are fit (*for ostriches*). (127b – 128a)

## **People of Israel are Princes**

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 – as we have just stated (for we learned regarding *luf*, which is a bean that is inedible when it is raw and cannot even be fed to animals. Glass 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 by any Jew, because *luf* is considered food for ravens, and wealthy people raise ravens as pets as a symbol of their wealthy status. Glass may be cleared away, for it is food for ostriches).

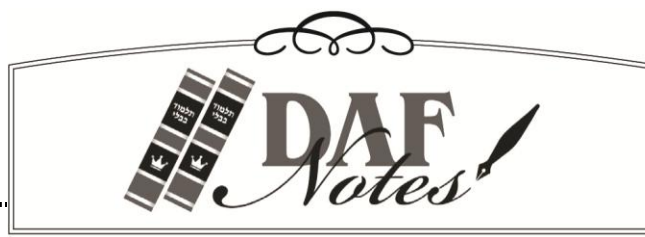
2. Rabbi Shimon - for we learned in a *Mishna*: One may not smear his loins that ache with rose oil on *Shabbos*. Given the rarity and expensiveness of rose oil, one who is smearing himself with rose oil must be doing so for medicinal purposes. Princes, however, would be permitted to smear their wounds 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 Rabbi Akiva: All Jews are worthy of such a robe. (128a)

## **Muktzeh**

The *Mishna* had stated: Bundles of straw, twigs, and tender reeds [*can be moved on Shabbos if they have been designated to feed animals. If they have not been designated to feed animals, one cannot move them*].

The *Gemora* cites a *braisa*: Bundles of straw, twigs, and tender reeds can be moved on *Shabbos* if they have been designated to feed animals. If they have not been designated to feed animals, one cannot move them. Rabban Shimon ben Gamliel said: Bundles which can be taken up with one hand (*even if they have not been designated to feed animals*) may be handled; with two hands, may not be handled. As for bundles of *si'ah*, hyssop and *koranis* – if they were brought in for firewood, one may not use them on *Shabbos*; if they were brought in as animal fodder, he may use them on *Shabbos*; and he may break them (*into small pieces*) with his hand and eat them (*which is not the regular manner*), provided that he does not break it with a utensil (*which would constitute threshing*). And he may rub it (*a small amount - which is not the regular manner*) and eat (*the seeds*), provided that he does not rub a large quantity



with a utensil (*which would constitute threshing*); these are the words of Rabbi Yehudah. But the Sages maintain: He may rub with the tips of his fingers and eat, provided, however, that he does not rub a large quantity with his hands in the same manner as he does on weekdays. The same applies to *amisa*, the same applies to rue, and the same applies to other kinds of spices.

*Amisa*, the *Gemora* explains, is mint. *Si'ah*, Rav Yehudah explains, is *tzasrei* (*which is either an aromatic herb, or pennyroyal*). *Eizov* is hyssop. *Koranis* is what is called *koranisa* (*and known under no other name*).

The *Gemora* asks: But there was a certain man who asked, "Who wants *koranisa*," and it emerged that he meant *chashei* (*indicating that it has another name*)?

The *Gemora* answers: Rather, *si'ah* is *tzasrei*, *eizov* is hyssop, and *koranisa* is *chashei*.

It was stated: Salted (*raw*) meat may be handled on *Shabbos* (*for it is edible*); unsalted meat, — Rav Huna says: It may be handled (*for he holds like R' Shimon concerning muktzeh*); Rav Chisda said: It may not be handled.

The *Gemora* asks: Rav Huna says: It may be handled? But Rav Huna was a disciple of Rav, and Rav agrees with Rabbi Yehudah who accepts the prohibition of *muktzeh*?

The *Gemora* answers: Regarding the prohibition of *muktzeh* in respect of eating he agrees with Rabbi Yehudah (*that one may not eat muktzeh*); regarding the prohibition of *muktzeh* in respect of handling he agrees with Rabbi Shimon (*that one may move muktzeh*).

The *Gemora* asks: Rav Chisda said: It may not be handled. But Rav Yitzchak bar Ami visited Rav Chisda's house and he saw a (*slaughtered, raw and unsalted*) duck being moved from the sun into the shade, and Rav Chisda observed, "I see here a financial loss" (*if it would remain in the sun*). [*Evidently, he does not hold of muktzeh!?*]

The *Gemora* answers: A duck is different, because (*due to its tenderness*) it is fit as raw meat.

The *Gemora* cites a *braisa*: Salted (*raw*) fish may be handled; unsalted (*raw*) fish may not be handled (*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 humans*); meat, whether unsalted or salted, may be handled.

The *Gemora* cites a *braisa*: Bones may be handled because they are food for dogs; spoiled meat, because it is food for beasts; uncovered water (*which is deemed dangerous for humans and animals on account of snake venom that may have been injected into it*), because it is fit for a cat (*for the venom does not affect them*). Rabban Shimon ben Gamliel said: It may not be kept at all, because of the danger (*and therefore, it is muktzeh*). (128a – 128b)

## **Mishna**

One may turn a basket upside down so that birds can ascend to and descend from their nest. If a hen runs away (*from the house, and is thus in danger*), she may be pushed (*with the hands*) until she re-enters. Calves and young donkeys may be helped to walk, and a woman may help her child walk. Rabbi Yehudah said: When is that? It is only if he lifts one foot and places another down; but if he drags them, it is forbidden (*for she is then carrying him*). Rav Yehudah said in the name of Rav: If an animal (*on Shabbos*) falls into a stream of water (*and cannot climb out*), one may bring pillows and cushions and places them under it, and if it ascends it ascends. [*He may not lift the animal, for it is muktzeh.*] (128b)

## **Aiding an Animal**

The *Gemora* asks on this from a *braisa*: If an animal falls into a stream of water, provisions may be provided for it where it lies, so that it should not perish. This implies that only provisions (*are permitted*), but not pillows and cushions (*for placing them underneath the animal would be rendering these items immovable*)!?

The *Gemora* answers: There is no difficulty, for here it means where provisions are possible (*and that would be sufficient to alleviate the animal's suffering*); there, it refers to a case where provisions are impossible (*e.g., the water is too deep, so food will not help it*). If provisions are possible, well and good; but if not, one brings pillows and cushions and places them under it.

The *Gemora* asks: But he is being *mavatel kli maheichano* - he would be negating the use of the pillows and cushions (*by placing them under the animal, for now, it would become a base for muktzeh, and it would be forbidden to move*)?

The *Gemora* answers: The (*prohibition against*) negating of the use of a vessel is merely Rabbinic, and the avoidance of suffering of live animals is a Biblical law, so the Biblical law comes and overrides the prohibition of the Rabbis.

The *Mishna* had stated: If a hen runs away.

The *Gemora* infers from the wording of the *Mishna* that we may only push it, but we may not help it walk. Accordingly, we have learned here in the *Mishna* what our Rabbis have taught in a *braisa*: An animal, beast, or bird may be helped to walk in a courtyard, but not a hen.

Abaye explains why a hen is different: It is because she raises herself (*when a person grabs her wings; this then would be forbidden to do, for one would be carrying muktzeh*).

The *Gemora* cites a *braisa*: An animal, beast, and bird may be helped to walk in a courtyard, but not in the public domain; a woman may help her child in the public domain, and in the courtyard - it goes without saying (*that it is permitted*). Another *braisa* taught: An animal, beast, and bird may not be lifted in a courtyard, but we may push them that they should enter.

The *Gemora* asks: Now this is self-contradictory. You say that we may not lift it, which implies that we may certainly

help them walk; then you say that we may only push but not help?

Abaye said: The second clause refers to a hen.

Abaye said: When one slaughters a rooster, he should press its legs on the ground or else lift them up, lest it place its claws on the ground (*trying to escape from the slaughterer*) and dislodge its pipes (*from where they are connected to the jaw*). (128b)

## Mishna

One may not deliver an animal (*in giving birth*) on a Festival (*for it involves excessive exertion*), but one may assist it. We may deliver a woman on *Shabbos*, summon a midwife for her from place to place, desecrate the *Shabbos* on her account, and tie up the umbilical cord. Rabbi Yosi said: One may cut it as well. And all the requirements of circumcision may be done on *Shabbos*. (128b)

## Delivering on Shabbos and Yom Tov

The *Gemora* asks: How may we assist (*the animal to deliver*)?

Rav Yehudah said: The newborn animal is held (*after its emergence from its mother's womb*), so that it should not fall on the earth. Rav Nachman said: The flesh (*of the mother*) may be compressed in order that the fetus should emerge.

The *Gemora* cites a *braisa* in accordance with Rav Yehudah. How do we assist (*an animal to deliver on a Festival*)? We may hold the fetus, so that it should not fall on the ground, blow into its nostrils, and put the (*mother's*) teat into its mouth that it should suck. Rabban Shimon ben Gamliel said: We stimulate pity to a kosher animal (*so that the mother should not reject it*) on a Festival.

What was done? Abaye said: A lump of salt was brought and placed in its womb so that it (*the mother*) might remember its travails (*during labor*) and have pity upon it; and we sprinkle the water of the afterbirth upon the newborn





(animal), so that its mother might smell it and have pity upon it.

The *Gemora* notes: This is 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 (*even with these expedients*).

The *Mishna* had stated: We may deliver a woman on *Shabbos* [*summon a midwife for her from place to place, desecrate the Shabbos on her account*].

The *Gemora* asks: Let us see; the *Tanna* taught that one may deliver a woman on *Shabbos*, and that he may summon a midwife for her from place to place, then what is added by saying that he may desecrate the *Shabbos* on her account?

The *Gemora* answers: It adds that which was taught in the following *braisa*: If she needs a lamp, her friend may kindle a lamp for her. And if she needs oil, her friend brings her oil (*even through a public domain*) in her hand; and 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 friend may kindle a lamp for her.

The *Gemora* asks: Is that not obvious (*for otherwise, her life will be in danger, and that would override Shabbos*)?

The *Gemora* answers: This is necessary (*to be taught*) only in the case of a blind woman. You might have thought that since she cannot see it, it is forbidden; therefore the *Tanna* informs us that we place her mind at ease, as she reasons, "If there is anything required, my friend will now see it and do it for me."

The *braisa* stated: If she needs oil, etc.

The *Gemora* asks: But it should emerge (*that when she brings it in her hair, it should be forbidden*) on the grounds

of "squeezing out" (*which is a Biblical melachah; so what did we gain by avoiding her carrying it in a usual manner*)?

Rabbah and Rav Yosef both answer: The prohibition of "squeezing out" does not apply to hair (*for the liquid is not actually absorbed in the hair*). Rav Ashi said: You may even say that "squeezing out" does apply to hair; the case here is where she brings it to her in a vessel by means of her hair, because as much as we can deviate (*from the usual manner of carrying*), we do so. (128b)

## INSIGHTS TO THE DAF

### *Causing an Animal Distress*

The *Gemora* states that an animal that fell into a pool of water and cannot be sustained in the water, one brings pillows and cushions to allow the animal to climb out of the water.

The *Gemora* questions the permissiveness of this, as by placing the pillows and cushions under the animal, one is nullifying a utensil from its preparedness.

The *Gemora* answers that this is only a Rabbinic injunction, whereas causing an animal distress is biblically forbidden, and a Biblical concern overrides a Rabbinic prohibition.

There are various sources for the prohibition of causing an animal distress. Rashi here 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 *Gemora* in Bava Meztiah records a dispute as to whether the prohibition of causing an animal distress is Biblical or Rabbinical.

The Rosh<sup>2</sup> writes that causing an animal distress is derived from the verse quoted by Rashi.

The Meiri, Rabbeinu Nisim Gaon, and the Ramban all concur with this view.

<sup>2</sup> Siman 3; Bava Metziah second Perek, 29

Rabbeinu Peretz and the Ritva<sup>3</sup> write that the injunction is a *halachah le'Moshe mi'Sinai*, a *halachah* taught to Moshe by Hashem at Sinai.

The Raavad<sup>4</sup>, Rabbeinu Yehonasan<sup>5</sup> 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 Rambam<sup>6</sup> and the Sefer Chasidim<sup>7</sup> 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 Rambam<sup>8</sup> and the Chinuch<sup>9</sup> also write that the prohibition is derived from the *mitzvah* of *shiluach hakan*, 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 *vra'ahma al kol masav*, and His mercy is on all of His creations.

In the Sefer Yom Teruah<sup>10</sup> it is written that the injunction against causing an animal distress is Rabbinical, and is alluded to in the verse *vhishkisa es haedah v'es beiram*, where Hashem told Moshe to give to drink the congregation and their animals.

## Squeezing Water from Hair

By: Meoros HaDaf HaYomi

This article will focus specifically on squeezing water from wet hair.

Since hair cells are so densely packed together, water is never actually absorbed into the hair. Rather, it is caught between the hairs. For this reason, our Sages tell us that there is no Torah prohibition against squeezing water out of wet hairs. However, the Rishonim reveal from our sugya that there is still a Rabbinic prohibition.

The *Gemora* discusses the case of a woman in labor who needs to have oil brought for her use. A number of practical suggestions are offered as to how to carry oil through a *reshus harabim*, in minimum violation of halacha. The first suggestion is to wipe oil on someone's hands, and have him walk through the *reshus harabim*. Since the oil is carried in an unusual way, this is only a Rabbinic prohibition. If more oil is needed, someone's hair may be drenched with oil, and thus brought to the site of the labor, and then squeezed out into a vessel. The *Gemora* asks why this is not a violation of squeezing, and answers that squeezing does not apply to hair.

The Ron understood this to mean that there is no Torah prohibition against squeezing hair, but there is still a Rabbinic prohibition. Otherwise, the *Gemora* would have first suggested this option, as preferable to carrying on one's hands. Many Rishonim and Poskim concur with the Ron's view, that squeezing is forbidden by Rabbinic law (see *Maggid Mishna*, Shabbos 9:11; *Beis Yosef* Y.D. 199 citing the Raavad; *Magen Avraham* 326 s.k. 8 citing the Maharil; *Mishna Berura* *ibid* s.k. 21, 24).

This halacha is of great practical significance in regard to immersing in a mikva on Shabbos. The Meiri (*Nida* 67b) writes that people should be warned not to squeeze water from their hair while drying themselves. Tradition has it that R' Boruch of Medzhiboz *zt"l*, the grandson of the Baal Shem Tov, would conduct himself with the greatest care after ascending from the mikva, for fear that he might accidentally squeeze water from his hair. The *Mishna Berura* also warns against this (*ibid*, s.k. 24).

Truth be told, there is no clear proof from the Ron that this kind of squeezing is forbidden. As we discussed in a previous

<sup>3</sup> Bava Metziah 33Yeshanim edition

<sup>4</sup> *Ibid* quoted in Shita Mekubetzes

<sup>5</sup> *Ibid* 90a

<sup>6</sup> *Moreh Nevuchim* 3:17

<sup>7</sup> 666

<sup>8</sup> *Ibid*

<sup>9</sup> *Mitzvah* 540

<sup>10</sup> from the Maharam ben Chaviv



issue, there is a difference between squeezing liquids in order to use them, such as juice from a fruit, and squeezing liquids that will be poured out to waste. Our *Gemora* discusses squeezing oil from hair in order to catch it and use it, which is certainly not the case when drying one's hair after immersing in a mikva. Nevertheless, the Poskim do not rely on this distinction, and forbid squeezing water from hair, for any purpose (Orchos Shabbos ch. 13, footnote 84).

The Ben Ish Chai (Second Year, parshas Pekudei, 8) writes that one may not forcefully towel his hair to squeeze out the water. However, he may place a towel gently over his hair, such that the water on the hair's surface will be absorbed. R' Elyashiv agreed with this ruling (Orchos Shabbos ch. 13, footnote 89).

R' Shlomo Zalman Auerbach makes a different distinction. He forbids squeezing water from hair with one's hand. However, he permits squeezing water into a towel, since the water goes directly from the hair into the towel, and is absorbed therein, never being recognizable as a separate entity. This act of squeezing is in no way similar to the Torah prohibition of squeezing juice from grapes, and therefore the Sages had no need to forbid it. When the towel is not made wet enough to squeeze out, he rules that one may rely on this leniency (Shemiras Shabbos K'Hilchosa ch. 14, footnote 64).

**Drying off mustache hairs:** According to the opinions that forbid towelng hair dry, the same should theoretically apply when one's mustache hairs are made wet while drinking. He should be forbidden to dry them. However, the Ktzos HaShulchan (133, Badei HaShulchan 8) writes that our Sages forbid squeezing hair only because it is similar to squeezing juice from grapes. Therefore, it applies only when there is enough wet hair in question to produce a significant amount of water. The tiny drops that might be squeezed from a wet mustache are not enough to be considered similar to the above melacha. For this reason, it is permitted to wash one's face on Shabbos, provided that there is not enough facial hair to trap a significant amount of water (see Orchos Shabbos ibid, 54. See also Kobetz Teshuvos of R' Elyashiv, 1:27, in a letter to R' Chaim Kanievsky, *shlita*).

## DAILY MASHAL

### ***Reward in this World and the Next***

In Maseches Chullin (142a), the *Gemora* states that as a general rule the reward for our mitzvos is enjoyed only in the World to Come. However, our *Gemora* cites a Mishna from Maseches Pei'ah, which states that a person is rewarded both in this world and the next, for the mitzvos of honoring one's parents, doing chesed for others, bringing peace between friends, and Torah study is equivalent to them all. The Rambam (Commentary to the Mishna, Pei'ah 1:1) explains that mitzvos such as tzitzis, tefillin and Shabbos, are purely spiritual, and therefore their reward is enjoyed in the spiritual World to Come. However, the mitzvos of *bein adam l'chaveiro* have two advantages. They are an expression of obedience to Hashem's will, just like tzitzis and tefillin, therefore their reward is enjoyed in the World to Come. However, they also benefit other people in this world. Therefore their reward is also enjoyed in this world. The greatest reward awaits those who study Torah, since this is the greatest kindness one can do for the world.

### ***Hashem will Judge Favorably***

When a person judges others favorably, Hashem correspondingly judges him favorably as well. The Ben Ish Chai asks that one need only judge favorably when the other person's motives, or the circumstances of the situation are unclear. In such a case, one must judge based on his limited information. Therefore, we are encouraged to judge others favorably, and assume the best. However, before Hashem all is revealed. He knows our intentions, and all the details of the situation. He can judge us as is befitting, according to His infinite knowledge. How then is it possible to say that He judges us favorably?

He answers that when a person does not perform a mitzva, simply because he was unable, Hashem judges him favorably that he would have performed the mitzva, had he been able to do so (Ben Yehoyada).