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Beitzah Daf 9

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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

1. There is a dispute whether covering the blood of a koy is akin to covering the excrement of a child. One opinion maintains that they are similar, and if one prepares earth for covering the excrement of a child, he can use that same earth for covering the koy, because both cases are deemed to be uncertain. The other opinion maintains, however, that covering the blood of a koy is not akin to covering the excrement of a child and if one prepares earth for covering the excrement of a child, he cannot use that same earth for covering the koy because the koy is deemed to be an uncertainty in relation to the excrement of the child. The Gemara states that Rava is of the opinion that covering the blood of a koy is akin to covering the excrement of a child, because Rava ruled that if one brought in earth prior to Yom Tov to cover the excrement of a child, he can use the earth to cover the blood of a bird that he plans on slaughtering on Yom Tov. Yet, if he intended to use the earth to cover the blood of a bird, he cannot use the earth to cover the excrement of a child, so we see that Rava maintains that covering the excrement of a child is considered an uncertainty.(8b)

2. An alternative reason why one cannot cover the blood of a koy on Yom Tov is because doing so would give the impression that a koy is definitely a chaya and one would then assume that the cheilev of the koy can be eaten, as only the cheilev of a beheimah is prohibited, whereas the cheilev of a chaya is permitted to be eaten. The reason that there is no concern regarding covering the blood of a koy during the week is because during the week one will merely assume that he is cleaning his yard and not because a koy is deemed to be a chaya. The Gemara rejects this reasoning, however, because if one slaughtered a koy near garbage, an observer would not assume that he is covering the blood so that the yard will be clean. Furthermore, if one comes to ask the Halacha regarding covering the blood of a koy during the week and he is told that he must cover the blood, he will then assume that the cheilev of a koy is permitted. Rather, the reason that one is permitted to cover the blood of a koy during the week is because even if we are uncertain regarding the status of a koy, i.e. whether it has the status of a beheimah or a chaya, the Chachamim would instruct a person to trouble

himself to cover its blood because perhaps a koy is a chaya. On Yom Tov, however, one would assume that the Chachamim would not trouble a person to cover the blood of chaya, because if a koy is truly a beheimah, then the person has unnecessarily exerted himself on Yom Tov, which is prohibited. Thus, if one is permitted to cover the blood of a koy on Yom Tov, people will assume that a koy is a chaya and its cheilev is permitted. (8b)

3. Bais Shammai maintains that one cannot take a ladder from one birdhouse to another on Yom Tov, but one can tilt the ladder from one window to another in the same birdhouse. Bais Hillel, however, maintains that one can move a ladder from one birdhouse to another on Yom Tov. (9a)
4. Rav Chanan bar Ami maintains that the dispute between Bais Shammai and Bais Hillel is regarding carrying a ladder in a public domain, as Bais Shammai maintains that one observing the person carrying the ladder may assume that he is doing so to plaster his roof, which is prohibited on Shabbos and Yom Tov under the act of *binyan*, building. Bais Hillel, however, maintains that it is evident that he is carrying the ladder specifically for the birdhouse and no one will assume that he is plastering his roof. Bais Shammai will agree that one can carry the ladder in a private domain. (9a)
5. The Chachamim at times prohibited a biblical act because it gives the impression that

one is violating a prohibition, and there is a dispute if this prohibition is extended to ones private quarters. A Baraisa states that if ones clothing became wet on Shabbos, he can spread the clothing out in the sun to dry, hut he cannot spread the clothing out to dry in front of people, because observers will assume that he is washing his clothing on Shabbos, which is prohibited on account of the act of *melaben*, whitening. Rabbi Elazar and Rabbi Shimon maintain that one cannot even spread his clothing out to dry in a place where no one will see. (9a)

The Gemara offers an alternative explanation of the dispute between Bais Shammai and Bais Hillel. Rabbi Shimon Ben Elazar maintains that Bais Shammai and Bais Hillel agree that one can take a ladder from one birdhouse to another, and they only disagree regarding returning the ladder to its former location, as Bais Shammai forbids one to return the ladder and Bais Hillel permits it. Basis Shammai permits taking the ladder to the birdhouse to take birds for the Yom Tov meal because it is necessary for Yom Tov. Rabbi Yehudah posits that these rulings apply to a ladder that is unique for a birdhouse, but a ladder that is used for an attic is forbidden to carry because observers will assume that one carrying an attic ladder will be using the ladder to plaster his roof. Rabbi Dosa maintains that one cannot carry a ladder from one birdhouse to another but one can tilt the ladder from one window of

the birdhouse to another. Others quote Rabi Dosa as saying that if the window of one birdhouse is too distant to be reached by merely tilting the ladder, then he can move the ladder by walking it standing up and moving it a small distance at a time. (9b)

## INSIGHTS TO THE DAF

### *Separating Challah on Yom Tov*

Rabbah rules that if one made a dough before Yom Tov, he can separate the challah from it on Yom Tov. Rashi writes that although it is rabbinically forbidden to separate Terumos and Maasros from ones food on Yom Tov if it could have been performed prior to Yom Tov, this is not applicable to separating challah from dough that was made on Yom Tov. Kneading dough is permitted on Yom Tov so that one can enjoy eating fresh bread on Yom Tov and one does not have to do so prior to Yom Tov. Therefore one is also allowed to separate challah on Yom Tov. The father of Shmuel disagrees and maintains that even if one made the dough prior to Yom Tov, he cannot separate the challah from it on Yom Tov.

Tosfos quotes the Yerushalmi that states that separating challah was included in the rabbinic prohibition of separating Terumos and Maasros. Rabbah only permitted separating the challah on Yom Tov if the dough was made on Yom Tov.

Although one could separate the challah at the stage when the flour is mixed with the water, the prevalent custom was to separate the challah after the dough was made. Given the fact that the dough was made on Yom Tov, one can separate the challah on Yom Tov.

Tosfos then quotes a Tosefta that states that Rabbah only permitted separating challah on Yom Tov in the Diaspora where there is no concern that separating challah is akin to rectifying an object, because in the Diaspora one can eat dough even without separating challah. One would be prohibited from separating challah on Yom Tov in Eretz Yisroel because one cannot eat the dough in Eretz Yisroel without having separated challah, and separating challah would thus be akin to rectifying an object on Yom Tov which is forbidden.

Tosfos rejects the words of the Tosefta and Tosfos concludes that Rabbah permitted separating challah on Yom Tov even in Eretz Yisroel and the father of Shmuel prohibited separating challah on Yom Tov even in the Diaspora. Tosfos rules in accordance with Rabbah as Rabbah is a *basraah*, a later Amora.

The Maharshal in Chochmas Shlomo questions the ruling of Tosfos, as we have a tradition from the Geonim that we only rule in accordance with the *basraah* from the period of Abaye and Rava and on, whereas Rabbah lived earlier. The

Maharshal writes that the Rif rules in accordance with the father of Shmuel. The Ran adds that Rava is the Amora who qualifies the opinion of the father of Shmuel and Rava is the *basraah*, so for this reason the Halacha is in accordance with the father of Shmuel.

The Mitzpei Aisan (in hashmatos) answers this question based on a Rashba in Shabbos who rules that when a student differs with his teacher, we rule in accordance with the student, but this principle only applies after the era of Abaye and Rava and not earlier. When the disputants are colleagues, however, then the Halacha is in accordance with the *basraah*, and this principle applies even prior to the era of Abaye and Rava. Tosfos in Kiddushin 45b writes that the reason why the Halacha follows the *basraah* is because the later Amoraim were more exact in establishing the Halacha clearly. Furthermore, the Rosh in Sanhedrin writes that the later sages understood the logic of their predecessors, thus giving them the ability to determine whose opinion was halachically correct. The distinction between the era of Abaye and Rava and the period prior to that is that prior to the era of Abaye and Rava, a student would only study what he had heard from his teacher, whereas after the era of Abaye and Rava, the students would analyze various opinions and they would conclude that the halacha was not necessarily in accordance with the opinion of their teacher.

## DAILY MASHAL

### *Always being Observed*

The Gemara cites a dispute regarding a rabbinic prohibition that was instituted because performing the act may give the impression that one is violating a biblical prohibition. One opinion maintains that such an act is even prohibited in private quarters. One reason offered for this stringency is because a person performing the act in private quarters may be observed unknowingly. Alternatively, we are concerned that if he performs this act in private, he may come to perform the act in public. In the beginning of Shulchan Aruch, the Rema quotes the Rambam in Moreh Nevuchim, the Guide to the Perplexed (3:52), who writes that one's actions in his private quarters are not the same as when he is before a king. Yet, a person should realize that he is before the King of kings, and HaShem observes all his actions, as it is said *can a man hide in concealments and I will not see him, says HaShem*. When a person is cognizant that HaShem is constantly observing his actions, then he will fear HaShem and humble himself before Him, and he will be constantly ashamed before HaShem. Thus, besides the Halacha of not performing an act which may give the appearance of a wrongdoing, one should be meticulous in all his actions, because HaShem is always observing him.