



Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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Tzvi Gershon Ben Yoel (Harvey Felsen) o"h

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Firing tiles – checking or strengthening?

The Mishnah stated that one may not fire tiles on Yom Tov, and the Gemara asks as to why this is prohibited. Rabbah bar Bar Chanah quotes Rabbi Yochanan answering that the Mishnah is referring to tiles never used before, and it is prohibited since one must first check that they can withstand fire.¹ Some say his answer is that the new tiles are strengthened the first time they are fired, and finishing the tiles is prohibited on Yom Tov. (33b3 – 34a1)

The Gemara cites a Mishnah which says that if a bird was stepped on, thrown at a wall, or trampled by an animal, and then was shaky, if one waited a full day and slaughtered it, it is permitted. Rabbi Elozar bar Yanai quoted Rabbi Elozar ben Antignos saying that one must examine the bird before eating it, since there is reason to believe it is a prohibited tereifah.

Rabbi Yirmiyah inquired of Rabbi Zaira whether one may slaughter such a bird on Yom Tov, even though it may not be permitted to eat. He replied to him: We have learned it: Nor may one make tiles red-hot in order to roast on them; and we raised the point: What labor is he performing? And Rabbah bar Bar Chanah in the name of Rabbi Yochanan said: We are dealing here with new bricks [and they must not be heated] because he has yet to examine them.² He said to him: We teach: Because he has yet to harden them.³ (34a1)

The Gemara cites a Baraisa which lists people who can be liable for steps in the process of cooking food:

1. One who brings the fire
2. One who brings the fuel, e.g., wood
3. One who puts the pot on the fire
4. One who puts water in the pot
5. One who puts spices in the pot
6. One who stirs it

Another Baraisa says that the last one is liable, and the others are exempt!?⁴ The Gemara answers that this is not difficult, as the Baraisa (which states that they are all liable) refers to a case when the fire is brought first, and the other Baraisa refers to a case when the fire was brought last (and therefore only he has done work).

The Gemara asks: It is understandable that they all performed an act, but what work is being done by the one who places the pot on the fire? Rabbi Shimon ben Lakish answers that the case is referring to a new pot, and the prohibition is the same as that of firing a new tile, i.e., making the pot usable by strengthening it.

The Gemara cites a Baraisa which says that a new oven can be moved like any other utensil, but one may not polish them with oil, scrub them with a cloth, or cool them with water, in order to strengthen them, but one may cool them with water if it's necessary for baking on Yom Tov. (34a1 – 34a2)

¹ Since they may not be able to withstand it, this may result in unnecessary work on Yom Tov.

² To see if they crack. Hence we see that we do assume an unsoundness on account of the stringency of the Festival.

³ It therefore is unrelated to the question regarding the bird.

The Gemara cites a Baraisa which states that one may rinse the head and legs of an animal or bird on Yom Tov in hot water (to soften them), and one may singe them (to remove the hairs), but one may not coat them with clay dust, soil, or plaster, nor trim its hairs with scissors, since these look like work unrelated to food preparation. One may not cut vegetables with harvesting implements, but one may prepare vegetables for eating. One may fire and bake with a large oven, and heat up water in an urn, but one may not bake with a new large oven, lest it break. (34a2)

The Gemara cites a Baraisa which says that one may not fan a fire with a bellows, but one may fan it with a tube. One may not fix a spit or sharpen it.

The Gemara cites a Baraisa which states that one may not split a reed to roast a fish on, but one may crush a nut in a cloth, with no concern for the possibility that the cloth will rip. (34a2 – 34a3)

Preparing unprocessed produce

The Mishnah cites another statement of Rabbi Eliezer that one may stand by muktze (unfinished produce) on the eve of Shabbos during Shemittah and proclaim that he will eat from them on Shabbos. The Sages say that one must delineate exactly which fruits he will take on Shabbos. (34a3 – 34b1)

The Gemara cites a Mishnah which states that if children put aside figs before Shabbos, and then forgot them, they may not eat from them after Shabbos until they tithe them, since Shabbos is considered a formal meal and not a snack.

The Gemara cites another Mishnah which states that if one passes figs through his courtyard, with the intention of eventually drying them out, his household may snack from them without tithing.

Rava inquired of Rav Nachman whether Shabbos designation obligates tithing for produce which has not finished its processing, or only for processed produce. Do we say: Since

it is written: And [you shall] call the Shabbos a pleasure, it [the Shabbos] establishes a liability even where the commodity is not completely ready [for tithing], or perhaps it [the Shabbos] establishes liability only where the commodity is completely ready [for tithing], but not where the commodity is not yet completely ready? — He replied to him: The Shabbos establishes liability whether the commodity is completely ready [for tithing] or not.

Rava said to him: Why don't we equate Shabbos with a courtyard, (which only obligates processed produce, as is evident from the second Mishnah cited)? Just as a courtyard establishes liability only where the commodity is completely ready [for tithing], so also the Shabbos does not establish liability except where the commodity is completely ready? — He replied to him: We have a clear tradition that Shabbos obligates all produce, both if its processing was completed and if its process was not completed.

Mar Zutra, Rav Nachman's son, said that our Mishnah supports this statement, as Rabbi Eliezer said that one may stand by muktze (unfinished produce) on the eve of Shabbos during Shemittah and proclaim etc. Thus it is only in the Shemittah year, when it is free from tithe; but in the other years of the seven-year cycle it would be forbidden; [and] for what reason? Is it not because the Shabbos establishes liability! — The Gemara deflects this by saying that there (in our Mishnah) it is different, since he said, "From here I will eat tomorrow," he has established the tithing obligation (making the food more than a snack).

The Gemara challenges this: If so, why are we discussing Shabbos, as this would be true even on a weekday?

The Gemara deflects this by saying the Mishnah chose the case of Shabbos to teach the implication that on other years, one should not make the proclamation, but if one did so, the produce isn't muktze, since untithed produce which was tithed on Shabbos is considered prepared. (34b1 – 34b3)

INSIGHTS TO THE DAF

Slaughtering on Yom Tov

Rabbi Yirmiyah asks whether one may slaughter a trampled bird on Yom Tov, since it must be checked before eating. When Rabbi Zaira attempted to answer him from the case of firing tiles, he deflected his answer, leaving the question unresolved.

The Rosh and Rambam rule leniently, but the Ran and others rule stringently. The Tur and Shulchan Aruch (498:8) rule like the Rosh and Rambam, but the Magen Avraham and Taz rule that it is proper to be stringent, to account for the Ran's position.

By the same token, in an environment where tereifos are just as common as non-tereifos, one should not slaughter any animal on Yom Tov. However, if most are truly not a tereifah, it is permitted, even if we treat many more as tereifos due to extra stringencies.

The Chaye Adam writes that the custom has become not to slaughter any animals, due to a concern that it may be a tereifah.

Others also raise the issue of how the meat will be divided and sold, which must be different than normal weekday procedure, as reasons to avoid slaughtering animals on Yom Tov.

Produce vs. birds

The Mishnah cites a dispute between Rabbi Eliezer and the Sages about preparing unprocessed produce by designation before Yom Tov. Rabbi Eliezer requires a general designation, while the Sages require specific designation of which produce he will use.

Tosfos (34b v'omer) cites the Yerushalmi, which raises a seeming contradiction between this Mishnah and an earlier one about designating birds. In the earlier Mishnah (10a), Bais Shamai required one to handle the birds he planned to

slaughter, while Bais Hillel said that designating which one's he will use is sufficient, whereas in our Mishnah, Rabbi Eliezer, who was a disciple of Bais Shamai, is more lenient than the Sages, who presumably follow Bais Hillel. Tosfos answers that Bais Shamai are more stringent with birds, since they are live, as opposed to inanimate produce. Bais Hillel are more stringent with produce, since he actively made them unfit by starting the drying process, as opposed to birds, which are not prepared simply by their innate status.

DAILY MASHAL

The Gemara Chulin (52a) rules regarding an animal which most of its ribs were broken is deemed to be a tereifah and cannot be eaten even if it was slaughtered properly.

The Gemara and Shulchan Aruch (Y"D 54) does not clarify as to what the halachah would be regarding a bird.

The Peri Megadim relates an incident that took place in the city of Rahbutsh where there was a great disagreement amongst the poskim as to what the halachah would be regarding bird that most of its ribs were broken. The Peri Megadim ruled that it would seem to him that the bird should be considered a tereifah even though he didn't find explicit proof for this. Present at that argument was the Gaon Rav Sender, the grandson of the Tevuos Shor and he too was not certain of the correct ruling. Upon returning to his city, Rav Sender found that Rashi in Beitzah 34 explicitly states regarding a bird that most of its ribs were broken, is deemed to be a tereifah. The Peri Megadim commented "ani heoni lo motzoviv" – "I, the poor person was not able to locate it." The poor person is not referring to one who lacks wealth, rather one who lacks Torah knowledge.