

OVERVIEW of the Daf

1) Tree roots

Rabbah and R' Sheishes disagree whether it is permitted to use tree roots that extended above three tefachim and then dropped below three tefachim.

Their respective positions are explained and the Gemara cites three cases related to this dispute.

An incident involving Abaye that relates to this dispute is related.

The Gemara unsuccessfully attempts to prove R' Sheishes' opinion correct.

A Baraisa is cited that teaches rules regarding the use of trees, animals and other structures on Shabbos.

A contradiction between two Baraisos is noted regarding the permissibility to descend a tree on Shabbos.

A number of different resolutions are suggested.

R' Huna the son of R' Yehoshua suggests a link between the contradictory Baraisos, and another dispute between Tan-naim but the Gemara demonstrates that the issues may not be related.

A contradiction between two Baraisos is noted regarding the permissibility to use a dry tree on Shabbos.

The contradiction is resolved.

2) Grass

R' Assi is quoted as prohibiting the act of walking on grass on Shabbos.

A contradiction between two Baraisos is noted regarding the permissibility to walk on grass on Shabbos.

Six possible resolutions are suggested.

3) Marital relations

R' Assi is quoted as prohibiting a man to force his wife to have relations.

Other issues related to relations are discussed.

As part of the above discussion the Gemara digresses into a discussion of the punishments Chava received for her sin. ■

REVIEW and Remember

1. Why did the Gemara think that R' Sheishes would agree with Rabbah in the case of Abaye's palm tree?

2. Explain the point of dispute between R' Yehoshua and R' Eliezer.

3. What steps should be taken to have only male children?

4. What are the punishments Chava received for her sin?

Gemara GEM

Learning from the animals

אמר רב חייא: מאי דכתיב [איוב לה:יא] מלפנו מבהמות ארץ ומעוף השמים יחכמונו... אמר רבי יוחנן אלמלי לא ניתנה תורה לישראל למדנו צניעות מחתול וגזל מנמלה ועריות מיונה ודרך ארץ מתרנגול

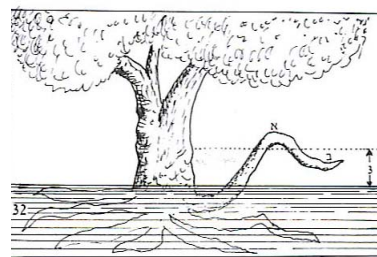
Had we not received the Torah we would have been able to learn various middos (character traits) from other sources. This Gemara gives four examples of animals whose traits and actions we could have learned just by observing them.

Hashem gave animals middos so that we would be able to learn from them (see Rashi here). All middos that we find in animals we can find in ourselves, as well. Hashem put these middos into them so that we should learn to utilize them properly (Mussar Chochmo, Mishlei 6:6). The Maharal explains that animals do not actually deliberately and consciously act, out of their personal wisdom. Rather, these middos are part of their nature. Animals act a certain way, but not because they understand what they are doing; their nature is to act this way. The ant is neither diligent in her work, nor abstinent from theft because she possesses wisdom or the fear of Heaven. Rather, this is her nature.

What exactly is the purpose of this ingrained nature?

The purpose is to teach us derech erez – how we should act. Hashem teaches us derech erez through the animals and birds. This is one of the reasons why they were created (see Etz Yosef ad loc.). Neither the ant nor the dove avoid theft because it is forbidden. Rather, they do so in order for us to learn to act like them. ■

Daf DIAGRAM



איתמר שרשי האילן הבאין מלמעלה משלשה לתוך שלשה... רבה אמר מותר להשתמש בהן דכל פחות מוג' דארעא ארעא הוא ר' ששת אמר אסור להשתמש בהן דכיון דמכח איסור קאתי אסורין

If the roots of a tree extend upwards three tefachim and then bend and dip below three tefachim: Rabbah rules that it is permitted to use the part of the tree within three tefachim because anything within three tefachim of the ground is considered part of the ground and not subject to the decree. R' Sheishes rules that it is forbidden to make use of the tree since it is a derivative of a prohibition. ■

HALACHAH Highlight

Adjusting a timer on Shabbos

מותר לילך עלך גבי עשבים בשבת

It is permitted to walk on grass on Shabbos

The Gemara teaches that since halachah is in accordance with R' Shimon's opinion that an unintentional act is permitted (דבר שאינו מתכוין מותר) it is permitted to walk on grass on Shabbos. This ruling is codified in Shulchan Aruch¹. Pri Megadim² explains that it is permitted to walk on grass even though one is moving the grass which is muktzeh with his feet because there is no prohibition against moving a muktzeh item with one's feet. From this explanation it is evident that Pri Megadim applies the restrictions of muktzeh even to items that are attached to the ground.

Poskim discuss the issue of adjusting a timer on Shabbos by either moving the clip while the appliance is off so that it does not turn on or to remove the clip while the electricity is running so that it does not turn off. Besides the issues related to making or breaking a circuit the issue of muktzeh is raised. In other words, does moving a clip on a timer violate the muktzeh prohibition or not? Clearly a

timer is a kli she'melachto l'issur which means that generally it may not be moved and it makes no difference whether one moves an entire muktzeh object or part of a muktzeh object. Sefer Pri Bikkurim³ rules that it is permitted to move one of the clips on Shabbos because he maintains that since the time is plugged in it is considered mechubar l'karka – attached to the ground and there is no prohibition against moving muktzeh items attached to the ground. He bases this on Mishnah Berurah's interpretation of Shulchan Aruch⁴ that one may use grass to wipe oneself and moving the grass does not violate the muktzeh prohibition. Magen Avrohom⁵, however, explains that Shulchan Aruch, in fact, does prohibit moving the grass in that case because the prohibition of muktzeh does apply to items attached to the ground. Rav Moshe Feinstein and Dayan Weiss⁶ rule that one may not move the clips on a timer since they are muktzeh. ■

¹ שו"ע או"ח סי' שליו סעי' ג'.

² משב"ז שם סק"ד.

³ ספר פרי ביכורים קונטרס על אבות שאחרי ל"ת ש"כ – הלכות מוקצה.

⁴ מ"ב סי' שייב ס"ק י"ט.

⁵ מג"א שם סק"ו.

⁶ שו"ת אג"מ יו"ד סי' מ"ז סי' י"ג ושו"ת מנחת יצחק ח"א סי' נ"ח

סי' ק"י. ■

Distinctive INSIGHT

The ant teaches about theft

גזל מנמלה

Rabbi Yochanan teaches that if the Torah had not commanded us regarding theft, we would have learned the lesson not to steal by observing the ant. Rashi explains that every ant stores grain throughout the summer so that it will have enough to provide its needs for the winter, and that no ant takes grain that was stored by any other.

The Midrash (Devarim Rabbah 5:2) teaches this same lesson. It expounds upon the verses from Mishlei 6:6-8, "Go to the ant you lazy one, see its ways and grow wise. Though there is no officer nor guard who rules over her, she prepares her food in the summer and stores up her food in the harvest time." The Rabbis said, "Let us

note how proper is the conduct of the ant! Let us be impressed by how it distances itself from theft!" Rabbi Shimon ben Chalafta said, "Once, an ant dropped its wheat kernel, and as each ant sniffed it, it ran away and refused to touch that which was not his. Finally, the one who dropped the wheat came, sniffed it, and retrieved that which was his." All this, concludes the Midrash, is the conduct of the ant which it does naturally, without being taught by any other creature. Such is the conduct of the ant, as it naturally abhors theft, without any officer or guard enforcing the rules.

The Chidushei Harim presented a piercing question against the Midrash. How can we be impressed by the conduct of the ant? After all, every grain it has is stolen from fields owned by others! How can we be impressed and learn how to avoid theft from a crea-

ture whose entire sustenance is gathered from stolen goods?

The answer is that, on the one hand, it stays clear from any theft from its peers. On the other hand, it steals its food from people. The reason for this confusion, as the verse explains, is that the ant has no officer nor guard to direct its behavior. In other words, it has no guide to develop its morals in order to define what is proper and what is unacceptable.

The message of the Midrash is precisely this: Good intentions are not enough. Without Torah, the world would be chaotic. Even one who understands that theft is unethical can only succeed within a system which formally defines what is allowed and what is illegal behavior. The world needs Torah to teach judges and legislators to define lawful conduct, and we also need officers to monitor and enforce justice. ■

