

Daf Digest for the month of Av is dedicated

ל"ג ר' מנחם מנדל בן ר' יוסף יצחק אייזיק כ"ז מנחם אב תשס"ו בעל המחבר "עטרת אבי" על מסי ביצה ומו"ק
מאת משפחת קאהן

OVERVIEW of the Daf

1) Non-Jews working on Shabbos

Shmuel rules that it is permitted to hire a contractor to work outside of the techum of the city, but it is prohibited if he will work within the techum of the city.

R' Pappa and R' Mesharshiyah add additional qualifications to this ruling.

A related incident is recorded.

2) Working on Chol Hamoed

R' Chama permitted the stewards of the Reish Galusa to repair his tables on Chol Hamoed since the only payment they received was free meals.

A Baraisa discusses contracting non-Jews on Chol Hamoed.

Another related Baraisa is cited.

Additional Baraisos related to working on Chol Hamoed are recorded.

The discussion concludes with R' Yosef ruling, concerning the permissibility of non-Jews bringing their animals to fertilize a field, in accordance with Rebbi's guidelines.

3) **MISHNAH:** The Mishnah discusses whether it is permitted for one to seal barrels of wine that were recently pressed on Chol Hamoed or during one's period of mourning.

4) Clarifying the Mishnah

The Gemara explains why it is necessary to have a Mishnah address the same question of completing a manufacturing process regarding grapes as well as by olives.

R' Yitzchok bar Abba notes that the opinion that maintains that work done to prevent a loss must be done in an unusual fashion is inconsistent with R' Yosi.

R' Yosef rules in accordance with R' Yosi's position.

R' Nachman bar Yitzchok rules that it is permitted to seal barrels of beer to prevent a loss.

5) The laws of Chol Hamoed

R' Chama bar Gurya in the name of Rav states that the laws of Chol Hamoed cannot be derived one from the other.

Abaye states that the laws of Chol Hamoed are like the laws of Shabbos – some acts are permitted and some are prohibited but do not carry liability.

An incident involving R' Huna related to R' Yosi's ruling in the Mishnah is recorded.

(Overview...Continued on page 2)

Today's Daf Digest is dedicated

In honor of shiloshim

Mrs. Ruth Schwarz of Nitra Mt. Kisco, NY

Rochel Shayna bas Yakkov Yehuda

The Schwartz, Bennett families Monsey NY

May she be a Malitz Yosher for our entire Mishpahcha

Gemara GEM

Grinding grain for the sake of the Yom Tov

טוחנין קמח במועד לצורך המועד ושלא לצורך המועד אסור

Ritva points out two peculiarities about this statement. First of all, once the Baraisa states that it is only permitted to grind grain for the sake of the Yom Tov, this would clearly indicate that if it was not for the sake of the Yom Tov it would be prohibited. Why, then, does the Baraisa reiterate that which is obvious, by saying "but if not for the Yom Tov it is not allowed"?

Secondly, notes Ritva, the entire initial statement of the Baraisa is unnecessary, as the Baraisa concludes by teaching that if a person does not have what to eat, he may even harvest, bundle, etc., among many other melachos, in order to eat. Grinding is just one of a group of permitted acts under these circumstances. Why is grinding singled out?

Ritva answers that if the critical need for food can be satisfied with one melachah, such as grinding, then the act may be done open-handedly. But if the food preparations necessitate many acts, beginning from harvesting and beyond, then the amount processed must be the bare minimum. This is why the Baraisa singles out grinding. In a case where we already have the grain ready, it may be ground generously, rather than in minimal amounts.

Ritva concludes that even when many melachos are necessary, if a person cannot find a worker who is willing to produce a small volume, it is then permitted to have a large amount prepared, since it is needed for the Yom Tov. ■

REVIEW and Remember

1. When is work performed by a non-Jew permitted on Shabbos, prohibited on Chol HaMoed?
2. Why is it necessary to have one Mishnah address the issue preventing a loss of oil and another address the issue of preventing a loss of wine?
3. Is it permitted to employ subterfuge on Chol HaMoed?
4. Explain the restriction against scheduling work during Chol HaMoed?

Today's Daf Digest is dedicated

In honor of our father,

Mr. Dov Berger, אהרון דב בן אפרים הלוי, on his birthday.

May he be זוכה to have many more years of learning.

HALACHAH Highlight

Cases of possible loss

דבר שאבוד במועד מותר לעשותו במועד

Something that [if not taken care of] will result in a loss may be performed on Chol Hamoed

Rav Avrohom Avli Gombiner¹, the Magen Avrohom, ruled that not only is it permitted to perform melachah to prevent a loss, but it is even permitted to perform a melachah if there is the possibility that there will be a loss (ספק דבר האבד). Rav Yosef Teomim², the Pri Megadim, explained that the issue of performing melachah in a case where there is the possibility that there may be a financial loss depends upon whether the prohibition against melachah on Chol Hamoed is Biblical or Rabbinic. If the prohibition is Biblical one would have to be strict in cases of doubt, but if it is Rabbinic one could be lenient in cases of doubt.

Biur Halacha³, however, demonstrates that there is no relationship between the issue of whether the prohibition against melachah is Biblical or Rabbinic and the issue of possible financial loss. Rabbeinu Shlomo ben Aderes⁴, the Rashba, holds that the prohibition against melachah is Biblical and nonetheless, he maintains that it is permitted for a person to record financial transactions because of the possibility that the person may forget the details⁵. Therefore, Biur Halacha distinguishes between possible losses that are likely and possible losses that are unlikely. A possible loss that is likely to occur, e.g. forgetting the details of a financial transaction, allows melachah to be performed even if the prohibition against melachah is Biblical. If, however, the possible loss is unlikely, melachah may not be performed even if the prohibition against melachah is only Rabbinic.

Other authorities⁶ draw a different distinction. They maintain that the difference lies in whether, after time, it will become revealed that the melachah was done for no purpose. If there is the possibility that it will be discovered that the melachah was unnecessary it is prohibited, but if it will never become known whether the melachah was unnecessary it may be performed even if there is only a possibility that

(Continued from page 1)

A Baraisa elaborates on activities permitted and prohibited during Chol Hamoed.

The last ruling of the Baraisa is challenged and the Gemara admits that the matter is subject to a dispute between Tannaim.

An incident involving Rav and Shmuel related to the previously cited Baraisa is recorded.

Another incident is presented that revolves around a prominent person being held to a higher standard.

Rav and Abaye dispute whether it is permitted to cut down a palm tree during Chol Hamoed.

A related incident is presented.

R' Yehudah permits uprooting flax, cutting hops and uprooting sesame.

Abaye unsuccessfully challenges this ruling.

The Gemara concludes with an incident related to a prominent person being held to a higher standard.

6) **MISHNAH:** Different activities are listed that are permitted in order to prevent financial loss, but it is emphasized that one may not intentionally schedule that this work be done on Chol Hamoed.

7) Bringing fruit into the house

A Baraisa teaches that when it is permitted to bring fruits into one's house it must be done in private.

A related incident is recorded.

8) Penalizing surviving children

The Gemara begins to present the inquiry R' Yirmiyah posed to R' Zeira concerning the question of whether we penalize the children of a father who improperly scheduled work for Chol Hamoed. ■

there will be a financial loss. ■

¹ מג"א הקדמה לסי' תקל"ז.

² פמ"ג א"א שם.

³ ביאור הלכה שם סעי' א' ד"ה דבר האבד.

⁴ ע"י ביאור הלכה ס"י תקי"ל ד"ה ומותר.

⁵ שו"ת הרשב"א ח"ג סי' רע"ג.

⁶ שו"ת חקר הלכה (לאנדא אות ח' דין חוה"מ סק"א). ■

STORIES Off the Daf

A Prominent Talmid Chacham

"אדם חשוב שני..."

Rav Chaim Kreisworth, zt"l, told that once when he met the Brisker Rav, zt"l, the Rav told him that although his father, Rav Chaim Brisker, zt"l, was known to rule stringently in halacha, the two areas in which he was most circumspect were Shabbos and refraining from melachah on Chol Hamoed.

Rav Chaim immediately said, "I think I may understand why he was more particular in those specific two areas. In Shabbos 51a and in Moed Katan we find the expression אדם חשוב שני, 'a prominent Talmid

Chacham should be stringent,' about these two areas. I think that your father held himself to be in this category and was thus exceedingly strict in these areas. The truth is that the Tashbatz writes that a prominent Talmid Chacham should be especially careful in these two areas because these are where we find the expression 'אדם חשוב'.

The Rav replied, "I don't understand the Tashbatz. The Gemara says in Kesubos 52 and 86 that Rav Yochanan and Rav Nachman said, 'We have made ourselves like lawyers' by offering counsel in a case that concerned relatives. Later, they both retracted their opinions. What caused them to do so? At first, they thought that since one must not withhold needed aid from a relative, it was proper to offer counsel. Later, they realized

that getting so personally involved in the case was not appropriate for them because they were prominent people. So we see that the concept of אדם חשוב applies in other areas as well!"

"The only answer I could come up with," continued Rav Chaim, "is that the Gemara in Sanhedrin 7 compares one who judges without justice to idolatry. 'One who appoints a judge who is not qualified is considered as if he planted a tree consecrated to idolatry.' Since this is an exceedingly great sin, a prominent scholar must naturally avoid it in any form since this is one of the three sins for which one must offer his life rather than transgress! The Tashbatz is discussing ordinary halachos which are not associated with such stringencies." ■