

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) Penalizing surviving children (cont.)

The Gemara continues to present the different sides of the argument that could be made regarding the inquiry of whether we penalize the children of a father who improperly scheduled work during Chol Hamoed.

R' Zeira and Abaye present different proofs that demonstrate that we do not penalize children for the misdeeds of their parents.

2) **MISHNAH:** The Mishnah discusses conditions that permit business during Chol Hamoed.

3) A needy worker

Rava asked R' Nachman whether business is permitted to provide employment for a worker who does not have food to eat.

R' Nachman offers a proof that it is permitted which, although challenged by Rava, is supported by Abaye.

R' Sheishes challenges this lenient ruling but his challenge is refuted by R' Pappa and Ravina.

Following the refutation to R' Sheishes' initial challenge R' Ashi refines and limits R' Sheishes' original analogy.

4) **MISHNAH:** The Mishnah discusses the permissibility of transferring objects from one domain to another and from the house of the craftsman.

5) Clarifying the Mishnah

Abaye resolves what was initially seen as a contradiction between two rulings of the Mishnah.

R' Pappa reports a contradiction posed by Rava to his students and their suggested resolutions.

A Beraisa is cited that supports the second resolution.

Rava, however, rejected the second resolution.

6) **MISHNAH:** The Mishnah discusses the permissibility of covering figs, selling items for the needs of Yom Tov, and the permissibility of different professionals to work on Chol Hamoed.

7) Clarifying the Mishnah

Two different ways to explain the dispute in the Mishnah concerning covering figs with straw are presented.

The Gemara questions the meaning of R' Yosi's statement that certain professionals took a stringency upon themselves.

A Beraisa is cited that demonstrates that they refrained from work altogether.

The Gemara digresses into a discussion of the definition of chilka, targis and tsnai.

Abaye and R' Dimi dispute the meaning of chilka.

R' Dimi's opinion is successfully challenged on the Gemara's second attempt to refute his opinion.

8) Spice merchants

R' Huna permitted spice merchants to sell their product on

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Gemara GEM

Fisherman and catching fish on Chol Hamoed

צדי חיות ועופות ודגים צדין בצנעה לצורך המועד

This Beraisa includes fisherman among the hunters who must conduct their trade in a subtle and quiet manner on Chol Hamoed. However, Rema (O.C. #533:4-5) writes, in the name of the Mordechai, that fisherman may catch their fish in a public and obvious manner, just as we find that it is permitted for those who grind spices for the Yom Tov to conduct their trade in public. In both cases, everyone knows that they are doing so for the sake of the festival. The Gr"m comments (ibid., note #5) that the Gemara text which the Mordechai had must not have had the words "or fisherman" in it.

Magen Avraham (ibid., note #10) takes issue with Rema and his understanding of the Mordechai. Magen Avraham notes that Mordechai is only speaking about a person who does not catch fish as a profession. This is the implication of the statement of Rava back on 11a, in that he allowed only an individual to catch a large amount of fish in public. However, a fisherman, who catches large amounts of fish at once should be prohibited from doing so in public, as it appears as if he is catching the fish for beyond the need of the holiday.

Keren Orah points out, though, that Mordechai compares the case of permitting the fisherman to fish to the case of the one who grinds and sells spice. The spice is prepared in large amounts, but it is permitted, as it is understood to be for the sake of the Yom Tov. The objection of Magen Avraham against Rema should be understood to be that we should not automatically assume that a professional fisherman is fishing for the sake of the holiday, when it is not conclusive from the statement of Rava in the Gemara on 11a that this leniency applies beyond the case of an individual.

Mishnah Berura (533:B.H. של חיות) writes that the difference of opinion in this case is only in regard to catching the fish in public (Mordechai allows it; Rambam, according to M.A. does not). However, all agree that a fish store may sell fish in public on Chol Hamoed, for anyone observing large scale sale of fish understands that it is for the sake of the Yom Tov. ■

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by the Frankel, Handelman, and Wolper families
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ר' מרדכי בן ר' אביגדור ז"ל
Mr. Max Kaufman z"l

HALACHAH Highlight

Carrying on Chol Hamoed

אין מפנין מבית לבית

It is prohibited to move items from one house to another.

Poskim disagree whether there is a restriction against carrying on Chol Hamoed. Meiri¹, for example, writes explicitly that there is no restriction against carrying on Chol Hamoed. The rationale behind this ruling is that carrying is categorized as an inferior melachah (מלאכה גרועה) and as such it is not significant enough to be included in the melachos that are prohibited on Chol Hamoed. This lenient approach is cited by R' Shlomo Zalman Auerbach². On the other hand one can infer from Biur Halacha³ and Chazon Ish⁴ that carrying unnecessarily on Chol Hamoed is prohibited. Consequently, when walking in a public domain one would be required to check his pockets to be certain that he is not carrying something that would constitute a violation.

Rav Shmuel Halevi Vosner⁵, the Shevet Halevi, cites our Gemara as proof to the position that carrying is permitted on Chol Hamoed. The Mishnah rules that it is prohibited to move items from a house in one courtyard to a house in another courtyard. The reason, explains Nimukei Yosef⁶, is that carrying items from a house in one courtyard to another involves exertion that is prohibited on Chol Hamoed. Shevet Halevi notes that if carrying on Chol Hamoed was prohibited that should have been cited as the reason for the prohibition; the fact that it was not cited is an indication that carrying is, in fact, not prohibited.

Shevet Halevi also notes that the practice for generations was to be lenient concerning this question in accordance with the implication of the wording of Rambam⁷ and Tur⁸. When they introduce the laws of Chol Hamoed they write that Chazal prohibited some melachos and they do not enumerate carrying as one of the activities that

REVIEW and Remember

1. What are the three leniencies to engage in commerce on Chol HaMoed?
2. What were the two resolutions offered to the contradiction noted by Rava?
3. What is the rationale behind selling certain items on Chol HaMoed?
4. Why is there a difference between purchasing fruit and purchasing spices?

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Chol Hamoed. This ruling is unsuccessfully challenged.

הדרן עלך מי שהפך

9) **MISHNAH:** The Mishnah enumerates different people who are permitted to cut their hair and launder their clothing on Chol Hamoed. ■

are prohibited on Chol Hamoed. Therefore, concludes Shevet Halevi, halacha will follow the common practice of generations to be lenient and there is no requirement to check one's pockets before walking outside in a public domain. ■

1. מאירי לקמן וח: ד"ה אין כותבין.
2. ששי"כ פס"ח סעי' כ"ו והעי' קי'.
3. ביאור הלכה סי' תקל"ו סעי' א' ד"ה מותר.
4. חזו"א או"ח סו"ס קל"ה ד"ה רא"ש.
5. שו"ת שבת הלוי ח"ו סי' ס"ח.
6. נמוקי יוסף למשנתנו ו: בדפי הרי"ף.
7. רמב"ם פ"ז מהל' יו"ט.
8. טור או"ח סי' תק"ל. ■

STORIES Off the Daf

Working for the Poor

"שכר פעולה שאין לו מה יאכל..."

On today's daf we find that a poor person who doesn't have food is permitted to work on Chol Hamoed.

Someone once asked the Nodah B'yehudah, zt"l, if it was permitted for him to pay a poor barber to give him a shave on chol hamoed.

The Gadol permitted this, and wrote by way of explanation: "Although the customer, who is presumably not poor, is also enabling the barber to do his work by sitting still and positioning his head, such 'assistance without substance' is not prohibited."

The Nodah B'yehudah did, however, prohibit outright melachah even when performed on behalf of a poor person. Regarding this opinion, Rav Shlomo Zalman Auerbach, zt"l, asked, "It is unclear why he doesn't permit one to do outright labor on chol hamoed for the benefit of a poor person who has nothing to eat. The Nemukei Yosef writes that a poor person can do melachah on Chol Hamoed because there is no greater *davar ha'aved* than having nothing to eat!

"Even people who do have food to eat can be deprived of the peace of mind they need to enjoy the holiday if they will sustain an irreplaceable loss, and this is the Ritva's reasoning as to why many work in such a case. It seems clear from this that any person should be able to do any form of melachah on Chol Hamoed in order to make enough

money to help a poor person who doesn't have food to eat."

He continued, "One should be able to take this a step further. This ought to be permitted even if the one working is also taking his own needs into consideration. However, a person who is thinking primarily about his own needs and harbors the feeling that if his labor would only benefit the poor person exclusively he would not do it, the melachah would be forbidden."

Rav Shlomo Zalman Auerbach concluded, "This requires further consideration, though. Perhaps outright melachah on behalf of the poor is prohibited simply because there are those who would work on chol hamoed and claim that they are giving the proceeds to the poor even though they are really keeping their earnings entirely to themselves? V'tzarich Iyun!" ■