

LANGUAGE

Vat [*ma'atan*] – מעטן: From the Arabic *عطن*, *atana*, which means softening. A *ma'atan* is a large vessel in which olives were placed for a certain amount of time to soften them, at which point their oil was extracted in the olive press.

NOTES

A ritually pure vat and a ritually impure person who is – מעטן טהור וגברא טמא: This case was stated without further specification, as most people are typically impure for one reason or another (*Meiri*).

According to Rabbi Eliezer *teruma* establishes – לרבי: The Gemara could equally have stated that in Rabbi Eliezer's view a courtyard establishes an obligation of tithing, and all the more so Shabbat. It specifies *teruma*, however, since the mishna explicitly states that case (*Tziyyun LeNefesh Hayya*).

והלא מותרו חזור, ושמינין ליה לרבי אליעזר דאמר: בל היכא דמותרו חזור – לא קבע.

דהנן: הנוטל זיתים מן המעטן – טובל אחת אחת במלח ואוכל, ואם טבל ונתן לפניו עשרה – חייב. רבי אליעזר אומר: מן המעטן טהור – חייב, מן המעטן טמא – פטור, מפני שהוא מחזיר את המותר.

והוינו בה: מאי שנא רישא ומאי שנא סיפא? ואמר רבי אבהו: רישא במעטן טהור וגברא טמא, דלא מצי מהדר ליה.

סיפא במעטן טמא וגברא טמא, דמצי מהדר ליה.

מתניתין נמי במוקצה טהור וגברא טמא, דלא מצי מהדר ליה. והלא מיהדרין ועומדין הן.

אלא אמר רב שמי בר אשי: רבי אליעזר קא אמרת? רבי אליעזר לטעמיה, דאמר: תרומה קבעה, ובל שכן שבת. דתנן: פירות שתמן עד שלא נגמרה מלאכתן, רבי אליעזר אוסר לאכול מהן עראי, וחכמים מתירין.

The Gemara challenges: How can one say that the very decision to partake of the fruit establishes it as fixed with regard to tithes? **But isn't it true** that even if one declared his intention to eat it the following day, it can nevertheless be assumed that **the remaining fruit is restored to the pile? And we have heard that Rabbi Eliezer explicitly said: Anywhere that its leftovers are restored, it is not established with regard to liability for tithes at all.**

This is as we learned in a mishna in tractate *Ma'asrot*: **One who removes olives from a vat [*ma'atan*]<sup>LH</sup> where they are temporarily stored before being pressed may dip them one by one in salt and eat without tithing them first, since he is eating them one at a time. Although he is eating them with salt, it is not considered a fixed meal. And if he dipped and placed several olives before him, such as ten, they are liable in tithes. However, Rabbi Eliezer says: One who eats from a ritually pure vat is liable to separate tithes; one who eats from a ritually impure vat is exempt because he returns the surplus to the vat.**

And we discussed it: What is different in the first clause of the mishna and what is different in the latter clause; why is the issue of purity relevant to this case? **And Rabbi Abbahu said: The first case is referring to a ritually pure vat and a ritually impure person,<sup>N</sup> who transfers his impurity to the olives he touches. He may not return the olives to the vat because he would thereby render all the remaining olives ritually impure. Therefore, from the outset he takes only the amount he wishes to eat. This is enough to consider it a fixed meal, and he must tithe them.**

However, the latter clause is referring to a ritually impure vat and a person who is ritually impure, who may return the olives to the vat, as the olives it contains are already ritually impure. He is not particular to take the exact amount he wants to eat, since he knows he may return the remaining olives, and they are therefore not considered fixed for tithes. For the purposes of this discussion, it can be seen from here that Rabbi Eliezer maintains that whenever one may restore the food, it is not considered fixed until its work is complete.

The Gemara answers: **The mishna also deals with the case of *muktze* food that is pure and a ritually impure person, who may not return them to the vat. The Gemara challenges this answer: But aren't they already returned?** This is not a case where a person takes all the fruit and replaces what remains after his meal; rather, he takes the amount he explicitly designated the day before, while the rest remains in place.

Rather, Rav Shimi bar Ashi said: The previous explanation is to be rejected, and it should be understood as follows: **Rabbi Eliezer, you said?** There is no difficulty according to his approach. **Rabbi Eliezer conforms to his standard line of reasoning, as he said that the separation of *teruma* itself establishes<sup>N</sup> the work of fruit as completed, so that one may not eat it even in a casual manner without first separating the other tithes. And, all the more so, Shabbat itself establishes food as fixed with regard to tithes, as we learned in a mishna: Fruits from which *teruma* has been separated before their work was completed,<sup>H</sup> Rabbi Eliezer prohibits eating from them in a casual manner without separating the rest of the tithes, as the *teruma* establishes the food as fixed; but the Rabbis permit it.**

HALAKHA

One who removes olives from a vat – הנוטל זיתים מן המעטן: One who removes olives from a vat may dip them in salt one by one and eat them without first tithing them. However, if he salted several olives and placed them before him, he must separate tithes, in accordance with the opinion of the Rabbis (Rambam *Sefer Zera'im, Hilkhot Ma'aser* 5:18).

Fruits from which *teruma* was separated before their work was completed – פירות שתמן לפני גמר מלאכתן: If one separated *teruma* from fruits before their work was completed, it is permitted to eat them in a casual manner without separating tithes, except for a basket of figs, which are considered fixed with regard to tithes in such a situation, in accordance with the opinion of the Rabbis (Rambam *Sefer Zera'im, Hilkhot Ma'aser* 3:4).

Untithed produce... is prepared with regard to Shabbat – טָבֵל מוֹכֵן הוּא אֵצֶל שַׁבָּת – Some suggest that this is because, according to Torah law, one may separate tithes by means of thought alone, by intending to separate them from a particular side of the pile. Therefore, the physical separation of the tithes merely completes the act of tithing, which means the fruit can be viewed as ready the day before (*Shitta Mekubbetzet*).

If one was eating from a cluster – הִיָּה אוֹכֵל בְּאֶשְׁכּוֹל – Most commentators follow Rashi's explanation, that it is assumed that grapes will be used to make wine, which is why the cluster is considered unfinished. Some, however, claim that by beginning to eat the cluster, he has revealed his intention to consume it in its present state, and its work is therefore completed. According to this understanding, this dispute concerns something whose work has been completed (*Meiri*; see *Yam Shel Shlomo* and *Rashash*).

He may exit the courtyard and finish – יוֹצֵא חוּץ – This position maintains that by exiting the courtyard, one demonstrates that he did not enter it in order to establish the cluster as fixed, and therefore the fixed state of the cluster is negated when he leaves (*Rabbi Aharon HaLevi*).

## HALAKHA

One who was eating from a cluster in a garden – הִיָּה אוֹכֵל בְּאֶשְׁכּוֹל בְּגִנָּה – If one was eating a cluster of grapes in a garden and entered a courtyard, he must separate tithes before continuing eating, even if he subsequently exited the courtyard, as the *halakha* follows the opinion of *Rabbi Yehoshua* as opposed to the opinion of *Rabbi Eliezer* (*Rambam Sefer Zera'im, Hilkhot Ma'aser* 4:17).

Shabbat, *teruma*, a courtyard, and a transaction – שַׁבָּת, תְּרוּמָה, חֲצֵר, וּמִקְחָה – Six things establish fruit as fixed, obligating them in tithes: Fire, i.e., cooking or preparing them in fire; salt; Shabbat; *teruma*; a courtyard; and a transaction involving buying them from their owners. All of these establish the fruit as fixed only after their work was completed (*Rambam Sefer Zera'im, Hilkhot Ma'aser* 3:3).

תָּא שְׂמַע מִסִּיפָא: וְחֻכְמַי אֹמְרִים עַד שִׁירְשׁוּם וַיֹּאמֶר "מִכָּאן וְעַד כָּאן" טַעְמָא דְעֵרֵב שַׁבָּת בְּשַׁבְיָעִית, דְּלֹא פֶר עֲשׂוּרֵי הוּא, הָא בְּשָׂאָר שׁוּנֵי שְׁבוּעָה, דְּבִנֵּי עֲשׂוּרֵי נִיגְהוּ – אֲסוּרִים. מֵאֵי טַעְמָא: לָא מְשׁוּם דְּשַׁבָּת קָבְעָה?

The Gemara suggests a different answer to Rava's question as to whether Shabbat establishes an obligation to tithe food whose labor is incomplete: **Come and hear a resolution from the latter clause of the mishna, which states: And the Rabbis say:** Even in the Sabbatical Year, when *teruma* and tithes are not separated from fruit, a declaration from the day before is not enough to render the food prepared for Shabbat, **unless one marks the fruit he is preparing and says explicitly: From here to there.** The Gemara infers from this: **The reason is that the eve of Shabbat during the Sabbatical Year is not fit for tithes; but during the other years of the Sabbatical cycle, which are fit for and obligated in tithes, the fruits are prohibited. What is the reason? Is it not because Shabbat itself establishes them as fixed?** If this is the view of the Rabbis, one may not reject it in favor of a minority opinion such as *Rabbi Eliezer's*.

לָא, שְׂאֵי הֵתִם, כִּיּוֹן דְּאָמַר "מִכָּאן וְעַד כָּאן אֲנִי אוֹכֵל לְמָחָר" – קָבַע לֵיהּ. אֵי הֲכִי, מֵאֵי אֲרִיָּא שַׁבָּת, אֲפִילוּ בְּחוּל נְמִי? הָא קָא מְשַׁמַּע לָן: דְּטָבֵל מוֹכֵן הוּא אֵצֶל שַׁבָּת, שְׂאֵם עֵבֵר וְתִקְנוּ – מִתּוֹקָן.

The Gemara refutes this: **No, this is no proof; there it is different. Since he said: From here to there I will eat tomorrow, he has thereby established his meal, and the reason is not due to Shabbat.** The Gemara asks: **If so, why discuss particularly Shabbat; even on a weekday as well the same law applies?** The Gemara answers: **This comes to teach us, as stated above, that untithed produce is not fundamentally *muktze* because it is prohibited to remove the dues and tithes on Shabbat; rather, it is considered prepared with regard to Shabbat,<sup>n</sup> in that if one transgressed the words of the Sages and tithed it, it is tithed.**

וְרַמְיָנֵיהּ: הִיָּה אוֹכֵל בְּאֶשְׁכּוֹל וְנִכְנַס מִגִּנָּה לְחֲצֵר, רַבִּי אֱלִיעֶזֶר אוֹמֵר: יִגְמֹר, רַבִּי יְהוֹשֻׁעַ אוֹמֵר: לָא יִגְמֹר.

And we raise a contradiction from a different source, in which it is taught: **If one was eating from a cluster<sup>n</sup> of grapes, whose work is not completed, as grapes are designated for juice extraction, and came in from a garden,<sup>h</sup> where one may eat fruit in a casual manner without separating tithes, to a courtyard, *Rabbi Eliezer* says: He may finish eating the cluster, as the courtyard itself does not establish the fruit with regard to tithes, if their work was not completed beforehand. *Rabbi Yehoshua* says: He may not finish.** He maintains that a courtyard does establish the fruit as fixed for tithes, even if their work has not been completed.

חֲשֵׁכָה בְּלַיְלֵי שַׁבָּת רַבִּי אֱלִיעֶזֶר אוֹמֵר: יִגְמֹר, רַבִּי יְהוֹשֻׁעַ אוֹמֵר: לָא יִגְמֹר.

Similarly, **if it grew dark on Friday evening, the night of Shabbat, while one was eating the cluster, and eating on Shabbat is considered a fixed meal, *Rabbi Eliezer* says: He may finish,** as not even Shabbat establishes fruit as fixed if its work was not completed. **And *Rabbi Yehoshua* says: He may not finish.** He holds that Shabbat does indeed establish fruit as fixed for tithes even if its work has not been completed. This indicates that *Rabbi Eliezer* maintains that Shabbat does not establish food with regard to tithes, whereas the mishna here indicates that he agrees that the beginning of Shabbat does establish them as fixed.

הֵתִם כְּדִקְתַּנִּי טַעְמָא, רַבִּי נָתָן אוֹמֵר: לָא בְּשָׂאָר רַבִּי אֱלִיעֶזֶר "יִגְמֹר" בְּחֲצֵר יִגְמֹר, אֲלֵא יוֹצֵא חוּץ לְחֲצֵר וְיִגְמֹר. וְלֹא בְּשָׂאָר רַבִּי אֱלִיעֶזֶר "יִגְמֹר" בְּשַׁבָּת יִגְמֹר, אֲלֵא מִמְתִּין לְמוֹצָאֵי שַׁבָּת וְיִגְמֹר.

The Gemara answers: **There, the reason is as he taught explicitly that *Rabbi Natan* says: It is not that when *Rabbi Eliezer* said: He may finish, he meant that he may finish in the courtyard itself; but rather he meant: He may exit the courtyard and finish.<sup>n</sup> And similarly, it is not that when *Rabbi Eliezer* said: He may finish, he meant that he may finish on Shabbat itself; but rather, he meant that he may wait until the conclusion of Shabbat and finish.** If so, this source does not contradict the mishna here.

כִּי אָתָּא רַבִּין אָמַר רַבִּי יוֹחָנָן: אֶחָד שַׁבָּת וְאֶחָד תְּרוּמָה וְאֶחָד חֲצֵר וְאֶחָד מִקְחָה – כּוֹלֵן אֵין קוֹבְעִין אֲלֵא בְּדַבְרֵי שְׁנַגְמָרָה מְלֵאכְתָּן.

With regard to the halakhic ruling in this case, **when Ravin came from Eretz Yisrael to Babylonia,<sup>b</sup> he said that *Rabbi Yoḥanan* said: Whether with regard to Shabbat; or with regard to the separation of *teruma* from fruit; or with regard to a courtyard into which the fruit is brought; or with regard to a transaction;<sup>h</sup> in all of these cases, if one sold the fruits, they establish a requirement for tithes only for items whose labor is completed.**

## BACKGROUND

כִּי אָתָּא רַבִּין – *Ravin* came from Eretz Yisrael to Babylonia – *Ravin* was one of the Sages who descended, or who would often travel from Eretz Yisrael to Babylonia, primarily to transmit the Torah of Eretz Yisrael to the Torah centers of the Diaspora, although occasionally he traveled on business as well. Consequently, many

questions, particularly those concerning the Torah of Eretz Yisrael, remained unresolved, until the messenger from Eretz Yisrael would arrive and elucidate the *halakha*, the novel expression, or the unique circumstances pertaining to a particular statement that required clarification.

NOTES

To exclude the opinion of Hillel – לְאַפּוּקֵי מִדְּהִלֵּל: *Tosafot* ask why the Gemara does not state that it comes to exclude the opinion of Rabbi Eliezer. According to the opinion that the mishna that is referring to one who was eating a cluster is speaking of a cluster whose work has been completed, this difficulty does not arise at all. Rabbi Aharon HaLevi similarly explains that Rabbi Eliezer and Rabbi Yehoshua disagree even with regard to a cluster whose work has been completed.

Others answer that the law is not explicitly stated by Rabbi Eliezer. Alternatively, once the Gemara mentioned Hillel, an early *tanna*, it did not find it necessary to mention Rabbi Eliezer, a later *tanna* (*Shitta Mekubbetzet*). Rabbi Zerahya HaLevi explains that Rabbi Yohanan, an *amora*, could not disagree with *tanna'im* unless he found a source for his statement. He therefore cited a *baraita* in which Rabbi Yehuda explicitly states that the *halakha* does not follow Hillel. The same applies to the subsequent proofs.

One who gathers fruit...to reap [*liktzor*] – הַמְעֵמֵר: *The verb to reap is difficult in this context. The Vilna Gaon, based on the Tosefta, reads this word liktzor, to dry.*

שַׁבַּת – לְאַפּוּקֵי מִדְּהִלֵּל, דְּתַנְיָא:  
הַמְעֵמֵר פִּירוֹת מִמְקוֹם לְמִקוֹם לְקִצּוֹר,  
וְקָדַשׁ עֲלֵיהֶן הַיּוֹם – אָמַר רַבִּי יְהוּדָה:  
הִלֵּל לְעֵצְמוֹ אוֹסֵר.

The Gemara notes that each of these details teaches a novel *halakha*. How so? **Shabbat comes to exclude the opinion of Hillel,<sup>N</sup> as it is taught in a *baraita*: One who gathers fruits from one place to another in order to reap<sup>N</sup> them, and the day sanctified upon them, i.e., Shabbat commenced, Rabbi Yehuda said: Hillel prohibits the food from the gatherer himself.** In other words, Hillel alone prohibits eating the fruit in that case until its tithes have been separated, for he believes that the beginning of Shabbat itself causes the fruit to be considered completed. Rabbi Yohanan teaches that the *halakha* in this case is not in accordance with the opinion of Hillel.

Perek IV  
Daf 35 Amud b

NOTES

One who acquires figs, etc. – הַלּוֹקֵחַ תְּאֵנִים וְכוּ': Although this passage appears long and repetitive, the Gemara had to cite this *baraita*, despite the fact that it is not particularly clear, because the issue is disputed in the subsequent mishna, and Rabbi Yohanan generally rules in accordance with an unattributed mishna. The Gemara therefore brought a source proving that the *halakha* follows Rabbi Yehuda rather than the unattributed mishna (Rabbi Aharon HaLevi; Ritva; see *Shitta Mekubbetzet*).

One may tithe doubtfully tithed produce, etc. – מְעֵשְׂרִין: It is unusual to tithe before the work of the produce has been completed, as ruled by Rabbi Yohanan himself. Although there is a general principle that the majority of people who are in the category of *am ha'aretz* do separate tithes, there is a specific concern that this *am ha'aretz* may not have separated tithes, since the work of the produce had not been completed. Why is the fact that the majority do separate tithes not overruled by the fact that most people do not separate tithes before the produce has been completed, such that one is obligated to separate regular tithes? Some explain that since this person is selling the figs as tithed, it is assumed that he acted properly and has already tithed them (*Simhat Yom Tov*).

חָצֵר – לְאַפּוּקֵי מִדְּרַבִּי יַעֲקֹב, דְּתַנְיָא:  
הַמְעֵבִיר תְּאֵנִים בְּחָצֵרוֹ לְקִצּוֹת – בְּנֵי  
וּבְנֵי בֵיתוֹ אוֹכְלִין מֵהֶן עֲרָאִי, וּפְטוּרִים  
מִן הַמְעֵשֵׂר. וְתַנִּי עֲלֵיהֶן: רַבִּי יַעֲקֹב  
מְחַיֵּיב, וְרַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה פּוֹטֵר.

In addition, it was necessary for Rabbi Yohanan to teach the law that a courtyard does not establish fruit for tithes unless its work is completed, to exclude the opinion of Rabbi Ya'akov. As we learned in a mishna: **One who was transporting figs in his courtyard to make them into dried figs, his children and the members of his household may eat from them in a casual manner, and they are exempt from tithes. And a *baraita* is taught in that regard: Rabbi Ya'akov obligates him, and Rabbi Yosei, son of Rabbi Yehuda, exempts him.**

תְּרוּמָה – לְאַפּוּקֵי מִדְּרַבִּי אֱלִיעֶזֶר,  
דְּתַנְיָא: פִּירוֹת שֶׁתְּרַמְּנוּ עַד שֶׁלֹּא נִגְמְרָה  
מְלֶאכֶתָּן, רַבִּי אֱלִיעֶזֶר אוֹסֵר לְאָכְלוֹ  
מִהֶן עֲרָאִי, וְחַכְמַיִם מְתִירִין.

With regard to the law that the separation of *teruma* does not establish fruit as fixed for tithes, this comes to exclude the opinion of Rabbi Eliezer. As we learned in a mishna: **Fruits from which *teruma* had been separated before their work was completed, Rabbi Eliezer prohibits eating from them in a casual manner, and the Rabbis permit it.**

מִקֵּחַ – (בְּדִתְנָן): הַלּוֹקֵחַ תְּאֵנִים  
מֵעַם הָאָרֶץ, בְּמִקוֹם שְׂרׁוּב בְּנֵי אָדָם  
דּוֹרְסִין – אוֹכְלִין מֵהֶן עֲרָאִי וּמְעֵשְׂרִין  
דְּמֵאִי.

With regard to the statement that a transaction does not fix fruit for tithes, this is as we learned in a *baraita*: In the case of one who acquires figs<sup>N</sup> from an *am ha'aretz* in a place where most people press and dry their figs in order to make them into cakes, the work of the figs is not completed before this stage, and he may therefore partake of them in a casual manner. And when their work is completed, he need only tithe them as doubtfully tithed produce, in accordance with the law with regard to all produce bought from an uneducated person.

שָׂמַע מִינָהּ תִּלְתָּ; שָׂמַע מִינָהּ: מִקֵּחַ  
אֵינָהּ קוֹבֵעֵת אֶלָּא בְּדָבָר שֶׁנִּגְמְרָה  
מְלֶאכֶתָּהּ, וְשָׂמַע מִינָהּ: רוּב עַמֵּי הָאָרֶץ  
מְעֵשְׂרִין הֵן, וְשָׂמַע מִינָהּ: מְעֵשְׂרִין  
דְּמֵאִי מֵעַמֵּי הָאָרֶץ אֶפְיִלוּ בְּדָבָר שֶׁלֹּא  
נִגְמְרָה מְלֶאכֶתָּהּ.

The Gemara comments: One can learn from this *baraita* three *halakhot*: **Learn from here that a transaction establishes produce as fixed only with regard to an item whose work is completed, but if its work has not been completed, even selling it does not obligate it in tithes. And learn from here that most people who are in the category of *am ha'aretz* separate tithes, and therefore one need only separate tithes as doubtfully tithed produce, rather than definitively untithed produce. And one can learn from here another law: One may tithe doubtfully tithed produce<sup>N</sup> purchased from an *am ha'aretz*, even with regard to something whose work is not completed.**

**המחליף פירות – לעגן מעשר**  
 Tithes in the case of one who exchanges fruit – לעגן מעשר: One who exchanges fruit with his friend, if they both intend to eat the fruit immediately, the exchange is considered a transaction that fixes the fruit with regard to tithes. If they both took the fruit in order to dry it, or to perform some other work, neither of them need tithe their fruit, as its work is not considered complete. If one intended to eat his fruit and the other to dry it, the former is obligated to separate tithes and the latter is exempt, in accordance with the opinion of Rabbi Yehuda and the conclusion of the previous *baraita*, as stated by Rabbi Yoḥanan (Rambam *Sefer Zera'im, Hilkhot Ma'aser* 5:4).

ולא פוקי מהא דתענ: המחליף פירות עם חברו, זה לאכול וזה לאכול, זה לקצות וזה לקצות, זה לאכול וזה לקצות – חייב. רבי יהודה אומר: לאכול – חייב, לקצות – פטור.

Rabbi Yoḥanan rules in accordance with this opinion **to exclude that which we learned** in a mishna: **One who exchanges fruits with his friend**, which is considered a commercial transaction, if their intention was for **this one to eat and that one to eat**, or for **this one to make them into dried fruit and for that one to make them into dried fruit**, they are both **obligated** in tithes.<sup>H</sup> **Rabbi Yehuda**, however, **says**: The one who took the fruits in order **to eat is obligated**, as for him their labor is completed, but the one who intended **to make them into dried fruit is exempt** and may partake of the fruit in a casual manner, as for him their work has not yet been completed. Rabbi Yoḥanan rules in opposition to the first *tanna*. He maintains that the transaction itself does not make the fruit liable to tithes unless its work has been completed.

הדרן עלך המביא



**מתני'** משילין פירות דרך ארובה ביום טוב, אבל לא בשבת. ומכסים פירות בכלים מפני הדלף, וכן כדי יין וכדי שמן. ונותנין כלי תחת הדלף בשבת.

**גמ'** אתמר, רב יהודה ורב נתן, חד תני: משילין, וחד תני: משחילין.

אמר מר זוטרא: מאן דתני "משילין" לא משתבש, ומאן דתני "משחילין" לא משתבש. מאן דתני משילין לא משתבש – דכתיב "כי ישל יתך". ומאן דתני משחילין לא משתבש – דתני: השחול והכסול. שחול – שגשמה ירכו, כסול – שאחד מירכותיו גבוהה מחברתה.

אמר רב נחמן בר יצחק: מאן דתני משירין לא משתבש, ומאן דתני משחירין לא משתבש ומאן דתני מנשירין לא משתבש.

מאן דתני משירין לא משתבש – דתני: רבי ישמעאל אומר: נזיר לא יחוף ראשו באדמה, מפני שמשיר את השער. ומאן דתני משחירין לא משתבש – דתני: השחור והזוג של ספרים, אף על פי שגחלקו – טמאין.

**MISHNA** One may lower produce, which had been laid out on a roof to dry, into the house through a skylight<sup>6</sup> on a Festival, in order to prevent it from becoming ruined in the rain. Although it is a strenuous activity, it is permitted to do so on a Festival in order to prevent a financial loss; however, one may not do so on Shabbat. And one may cover produce<sup>N</sup> inside a building with cloths to prevent damage due to a leak in the ceiling over it, and similarly one may cover jugs of wine and jugs of oil<sup>N</sup> for the same reason. And one may place a vessel beneath a leak in order to catch the water on Shabbat, to prevent it from dirtying the house.

**GEMARA** The Gemara discusses the first word of the mishna from a linguistic standpoint. It was said: Rav Yehuda and Rav Natan recited differing versions of the mishna's opening word, which is in all versions a verb meaning to lower. One of them taught *mashilin*, as in the text of this mishna, and the other one taught *mashhilin*.<sup>N</sup>

Mar Zutra said: The one who teaches *mashilin* is not mistaken, and the one who teaches *mashhilin* is not mistaken, as support can be found for both versions. He elaborates: The one who teaches *mashilin* is not mistaken, as it is written: "For your olives will fall [*yishal*]" (Deuteronomy 28:40). *Mashilin* would therefore mean: To cause to fall. And he who teaches *mashhilin* is not mistaken, as we learned the following cases in a mishna that lists blemishes that invalidate an animal for sacrifice: The *shahul* and the *kasul*.<sup>N</sup> The mishna explains these terms: *Shahul* is referring to an animal whose thigh is dislocated, i.e., it has slipped out of place; *kasul* is referring to an animal one of whose thighs is higher than the other. This shows that the root *sh-h-l* is referring to something that has slipped down from its place.

Rav Nahman bar Yitzhak said that there are other possible variations of this word as well. One who teaches *mashirin* is not mistaken, and one who teaches *mashhirin* is not mistaken, and one who teaches *manshirin* is not mistaken.

He elaborates: One who teaches *mashirin* is not mistaken, as we learned in a mishna: Rabbi Yishmael says: A nazirite may not wash the hair of his head with clay as a kind of shampoo, because it causes hair to fall off [*mashir*], and a nazirite is prohibited to remove the hairs of his head. This shows that *mashir* indicates causing something to fall. And one who teaches *mashhirin* is also not mistaken, as we learned in a mishna: The *shehor*, a type of razor, and a barber's scissors, even if their blades are detached, are subject to ritual impurity. The fact that a razor is called *shehor* implies that the root *sh-h-r* indicates causing to fall down.

NOTES

And one may cover produce – **מכסים פירות**: Rashi implies that this *halakha* is stated only with regard to Festivals; only placing a vessel under a leak, which the mishna explicitly states with regard to Shabbat, is permitted on Shabbat. However, the Rosh cites Rabbeinu Yitzhak's view that all the *halakhot* of the mishna, apart from the first one where Shabbat is explicitly excluded, apply to Shabbat as well (see *Tosefot Yom Tov*).

And similarly jugs of wine and jugs of oil – **וכן כדי יין וכדי שמן**: The novelty of this teaching is that one may cover jugs of wine and oil even though the risk of loss from exposure to rainfall is considerably less than in the case of exposed produce.

*Mashilin*...*mashhilin* – **משחילין**: Some add in explanation that *mashhilin* is an altered form of *mashlihlin*, meaning: One may send away. Alternatively, it is related to the Aramaic root *sh-h-l*, meaning to remove or to draw out (Rav Natan, Head of the Yeshiva).

The *shahul* and the *kasul* – **השחול והכסול**: Even though the end result of these two categories is the same, in that one limb is longer than the other, the blemish of *kasul* is congenital whereas that of *shahul* is caused by an accident (*Meiri*).

BACKGROUND

**Skylight** – **ארובה**: Many Roman houses, and probably also similar houses in Eretz Yisrael, had a skylight in the center of the hall; this was an opening in the roof underneath which they would light an oven or fireplace. As they would place produce to dry on the roof surrounding the skylight, it was easy to lower the produce through it in the event of rain.



Skylight in an ancient Roman building

NOTES

Alternatively from that which we learned – אי נמי מהא – דתנן: *Tosafot* and the Rashba explain that it was necessary for the Gemara to cite this second proof for the root *n-sh-r* because the first proof, from the phrase: Whose clothes fell off [*nashru*], can be refuted. The word *nashru* can also be read *nishru*, from the root *sh-r-h*, which means: They became soaked, and would have no relevance to the mishna.

But on a Festival...one may not move the items at all – אַבְלָל יוֹם טוֹב...כָּלֵל כָּלֵל לֹא – Many later authorities find difficulty with this phrase, as the mishna states explicitly that one may lower produce from the roof; the only issue is the amount. Many answers have been offered. *Mishvat Aharon* suggests that the words: Not at all, are not to be taken literally, but rather as indicating a very small amount.

Where there is monetary loss...one may carry even a larger amount – דְּאִיכָא הֶפְסֵד מִמּוֹן אֶפִּילוּ טוּבָא נָמִי – The mishna states explicitly that the lowering of produce from the roof to prevent a monetary loss is permitted on a Festival but not on Shabbat. However, clearing out sacks in order to facilitate a mitzva is permitted even on Shabbat. Therefore, it is clear that facilitating a mitzva is a stronger basis for leniency than preventing monetary loss. How, then, can the Gemara suggest the opposite?

One explanation given is as follows: Although the Sages did not show leniency to prevent a loss on Shabbat, since they did show such leniency on a Festival, it is logical to argue that this leniency be applicable without limitation; as, if the leniency was limited to four or five sacks' worth there would still be a major monetary loss from the remainder (Ra'ah).

HALAKHA

One may clear out...sacks – מְפַנֵּין...קוֹפּוֹת – If a storehouse is filled with produce or grain, and one requires the space for studying or for guests, it is permitted to remove five sacks of three *se'á* each for each guest. However, one may not clear out the entire storehouse (*Shulhan Arukh, Orach Hayyim* 333:1, 333:3).

ומאן דתני "מנשירין" לא משתבש, דתנן: מי שנשרו כליו במים מהלך בהם ואינו חושש. אי נמי מהא דתנן: איזהו לקט – הנשיר בשעת קצירה.

תנן: "משירין פירות דרך ארובה ביום טוב". עד כמה? אמר רבי זירא אמר רבי אסי ואמר לה אמר רבי אסי אמר רבי יוחנן, באותה ששנינו: מפנין ארבע וחמש קופות של תבן ושל תבואה מפני האורחים, ומפני בטול בית המדרש.

ודלמא שאני התם, דאיכא בטול בית המדרש, אבל הכא דליכא בטול בית המדרש – לא. אי נמי התם היינו טעמא דארבע וחמש קופות שרי – משום שבת דחמירא ולא אתי לולולי ביה, אבל יום טוב דקיל ואתי לולולי ביה – כלל כלל לא.

אי נמי לאידך גיסא: התם היינו טעמא – דליכא הֶפְסֵד מִמּוֹן, אבל הכא דאיכא הֶפְסֵד מִמּוֹן – אפילו טובא נמי.

And one who teaches *manshirin* is not mistaken either, as we learned in a mishna: One whose clothes fell down [*nashru*] into water on Shabbat may continue to walk in them while they dry of their own accord, and he need not be concerned that people might suspect him of having washed them on Shabbat. Alternatively, another support can be found from that which we learned<sup>N</sup> in the following mishna: What is gleaning [*leket*], which must be left for the poor as commanded in Leviticus 19:9? That which falls [*nosher*] during reaping. These sources show that the root *n-sh-r* means: To fall down, and *manshirin* would consequently mean: To cause to fall down.

§ The Gemara discusses the *halakha* in the mishna: We learned that one may lower produce through a skylight on a Festival. The Gemara asks: Up to how much produce may be lowered in this manner? At what point is it considered to be too strenuous an activity to be performed on the Festival? Rabbi Zeira said that Rav Asi said, and some say that Rav Asi said that Rabbi Yohanan said: It is like that which we learned in a mishna with regard to a different case: One may clear out four or five sacks<sup>H</sup> of hay or grain from a room on Shabbat due to visitors, to clear a place for them to sit, or due to suspension of study in the study hall, i.e., to make room there for more people, who would not be able to study Torah otherwise. Here too, only four or five sacks' worth of produce may be lowered from the roof.

The Gemara raises an objection to the comparison of the two cases. But perhaps there it is different, since there is the matter of preventing suspension of study in the study hall or of providing hospitality to guests, i.e., moving those items is permitted in order to facilitate a mitzva. But here, where there is no suspension of study in the study hall, i.e., no facilitation of any mitzva, they did not permit one to move such a large amount. Alternatively: There, this is the reasoning that four or five sacks are permitted: Because Shabbat is severe in people's eyes and they will not come to belittle it; but on a Festival, which is regarded more lightly and which people might come to belittle, one may not move the items at all.<sup>N</sup>

Alternatively, a claim can be made from the other perspective: There, this is the reasoning that it is permitted to carry only four or five sacks: Because there is no monetary loss involved. But here, where there is monetary loss if the produce is not moved, one may carry even a larger amount<sup>N</sup> than four or five sacks.

Perek V

Daf 36 Amud a

NOTES

Lest he come to level out depressions – דְּלִמָּא אָתִי לְאַשְׁוִי – דתנן: גומות: This does not mean that he might by chance level out depressions while removing the sacks, as the speaker here is Shmuel, who permits labors that occur unintentionally. Rather, the concern is that after exposing the floor he might notice that the floor is not straight and intentionally level it (Ra'ah; Rashba).

התם תנן: אבל לא את האוצר. ואמר שמואל: מאי אבל לא את האוצר – אבל לא יגמור את האוצר כולו, דלמא אתי לְאַשְׁוִי גומות. הכא מאי?

The Gemara poses another question with regard to the same issue. We learned elsewhere, at the end of the mishna cited above concerning clearing out sacks for guests and study: But one may not clear out a storeroom. And Shmuel said: What is the meaning of: But not a storeroom? It means: But one may not finish clearing out the entire storeroom while clearing out the sacks, exposing the floor of the storeroom. The reason this is prohibited is lest he come to level out depressions<sup>N</sup> in the dirt floor of the storeroom, which would constitute a biblically prohibited labor. What would be the *halakha* here, with regard to lowering the produce from the roof on a Festival to prevent its ruin in the rain? Is it prohibited also in this case to remove all of it and thereby expose the floor of the roof?