

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 – אָבֵל יוֹם טוֹב...בְּלֵל בְּלֵל 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. *Mishhat 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 – מִפְּנֵי...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).

וּמֵאֵן דְּתַנִּי "מְנַשְׁרִין" לֹא מִשְׁתַּבֵּשׁ, דְּתַנִּן: מִי שְׁנַשְׂרוּ בְּלִיּוֹ בְּמֵים מֵהַלֵּךְ בָּהֶם וְאִינוּ חוֹשִׁשׁ. אִי נָמִי מֵהָא דְּתַנִּן: אִיזְהוּ לְקַט – הַנּוֹשֵׁר בְּשַׁעַת קַצִּירָה.

תַּנִּן: "מִשְׁוִלִין פִּירוֹת דְּרִךְ אַרְבַּע בֵּינִים טוֹב". עַד כַּמּוֹה? אָמַר רַבִּי זֵירָא אָמַר רַבִּי אֲסִי וְאָמַר לֵה אָמַר רַבִּי אֲסִי אָמַר רַבִּי יוֹחָנָן. כְּאוֹתָהּ שֶׁשָּׁנְנוּ: מִפְּנֵי אַרְבַּע וְחֲמֵשׁ קוֹפּוֹת שֶׁל תְּבוּן וְשֶׁל תְּבוּאָה מִפְּנֵי הָאוֹרְחִים, וּמִפְּנֵי בְּטוּל בֵּית הַמְּדֻרָשׁ.

וְדִלְמָא שְׂאֵנִי הֵתֵם, דְּאִיכָא בְּטוּל בֵּית הַמְּדֻרָשׁ, אָבֵל הֵכָא דְּלִיכָא בְּטוּל בֵּית הַמְּדֻרָשׁ – לֹא. אִי נָמִי הֵתֵם הֵינּוּ טַעֲמָא דְּאַרְבַּע וְחֲמֵשׁ קוֹפּוֹת שְׂרִי – מִשּׁוּם שְׁבֵת דְּחֻמְרָא וְלֹא אֲתִי לְזִלְזוּלֵי בֵּיהּ, אָבֵל יוֹם טוֹב דְּקִיל וְאֲתִי לְזִלְזוּלֵי בֵּיהּ – בְּלֵל בְּלֵל לֹא.

אִי נָמִי לְאִידֶךָ גִּיסָא: הֵתֵם הֵינּוּ טַעֲמָא – דְּלִיכָא הֶפְסֵד מִמּוֹן, אָבֵל הֵכָא דְּאִיכָא הֶפְסֵד מִמּוֹן – אֶפִּילוּ טוּבָא נָמִי.

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 אֲתִי לְאַשְׁוִי – דְּלִמָּא אֲתִי לְאַשְׁוִי – 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).

הֵתֵם תַּנִּן: אָבֵל לֹא אֵת הָאוֹצֵר, וְאָמַר שְׂמוּאֵל: מֵאִי אָבֵל לֹא אֵת הָאוֹצֵר – אָבֵל לֹא יְגַמּוּר אֵת הָאוֹצֵר כּוּלּוּ, דְּלִמָּא אֲתִי לְאַשְׁוִי גּוּמּוֹת. הֵכָא מֵאִי?

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?

כְּשֶׁנִּגְזְרוּתֵיהֶן שׁוּין – When the roofs are on the same level – The Jerusalem Talmud cites a *baraita* that permits one to carry from one roof to another if the roofs are on the same level.

A Festival is regarded lightly and they might come to belittle it – יום טוב דקיל וְאֵתִי לְלוּזְלֵי בֵּיה – The Gemara here considers the possibility that the Sages should make *halakhot* for a Festival more stringent than for Shabbat, since people are more likely to belittle the severity of the Festival. The Rashba raises a question: The mishna states explicitly that produce on the roof may be moved out of the rain on a Festival, but not on Shabbat; does this not prove conclusively that Shabbat laws are more stringent than Festival laws? He answers as follows: An action is more likely to be prohibited on Shabbat than on a Festival; the Torah itself permits certain labors to be done on a Festival, but not on Shabbat. However, when an action is to be permitted with certain parameters and limitations, the Sages were concerned that people would go beyond the permitted limitations on a Festival, which is regarded with less severity. This was less of a concern on Shabbat, which people view with great severity.

## HALAKHA

כִּיצַד מוֹתֵר לְהוֹרִיד פִּירוֹת – How may one lower produce – When the Sages permitted lowering produce from a roof on a Festival, they allowed it to be done only through a skylight. One may neither bring in produce through a window by means of ropes nor lower it on ladders; nor may one transfer the produce from one roof to another, even if they are on the same level in accordance with Rav Nahman and the *baraita* (*Shulhan Arukh, Orah Hayyim 521:1*).

הַתָּם הוּא בְּשַׁבַּת דְּאָסוּר – משום דְּחִמּוּר, אֲבָל יוֹם טוֹב דְּקִיל – שְׁפִיר דְּמִי. אוֹ דְּלָמָּא: הַתָּם דְּאִיכָּא בְּטוּל בֵּית הַמְּדֻרָּשׁ – אֲמַרְתָּ לָּא, הֵכָּא דְּלִיכָּא בְּטוּל בֵּית הַמְּדֻרָּשׁ – לֹא כָּל שַׁבָּן.

The Gemara specifies the possible arguments: Perhaps it is there, on Shabbat, that it is prohibited, because punishment for Shabbat desecration is severe, but on a Festival, which has a lighter punishment for desecration, it is acceptable. Or perhaps it can be argued to the contrary: There, in the case of the sacks on Shabbat, even though there is suspension of study in the study hall, i.e., the clearing out facilitates a mitzva, you say that they did not permit exposing the floor. Here, in the case of lowering produce on a Festival to prevent its ruin, where there is no suspension of study in the study hall, i.e., clearing out the produce does not facilitate any mitzva, is it not all the more so prohibited?

וְהֵכָּא תִּנְן מְשִׁילִין פִּירוֹת דְּרִיךְ אַרְוֵבָה בְּיוֹם טוֹב, וְאָמַר רַב נַחֲמָן: לֹא שָׁנוּ אֶלְיָא בְּאוֹתוֹ הֲגַג, אֲבָל מִגַּג לְגַג – לֹא. וְתַנְיָא נִמְי הֵבִי: אֵין מְטַלְטְלִין מִגַּג לְגַג, אֶפְיָלוּ כְּשֶׁנִּגְזְרוּתֵיהֶן שׁוּין.

The Gemara poses a further question. And here we learned in the mishna: One may lower produce through a skylight on a Festival, and Rav Nahman said: They taught this *halakha* only with regard to the same roof, i.e., only if the skylight is in the same roof where the produce is located, but to carry the produce from one roof to another roof in order to lower it through a skylight in the second roof is not permitted. This would involve too much exertion to be permitted on the Festival. And this ruling is also taught in a *baraita*: One may not carry from one roof to another roof, even when the two roofs are on the same level<sup>N</sup> and there is no extra effort of lifting or lowering the produce while transporting it between the roofs.<sup>H</sup>

הַתָּם מֵאִי? (כָּל שַׁבָּן שַׁבַּת דְּחִמּוּרָא, אוֹ דְּלָמָּא) הֵכָּא הוּא דְּאָסוּר – משום יוֹם טוֹב דְּקִיל וְאֵתִי לְלוּזְלֵי בֵּיה, אֲבָל שַׁבַּת דְּחִמּוּרָא וְלֹא אֵתִי לְלוּזְלֵי בֵּיה – שְׁפִיר דְּמִי.

The question arises: There, in the case of moving sacks on Shabbat for guests or for study, what is the *halakha*? May the sacks be moved from one roof or house to another for this purpose? Perhaps all the more so they may not be moved on Shabbat, because Shabbat is more severe than a Festival? Or perhaps it can be argued to the contrary: It is here, with regard to a Festival, that it is prohibited to transfer from one roof to another, because a Festival is regarded lightly by people and they might consequently come to belittle it;<sup>N</sup> but on Shabbat, which is severe in people's eyes and so they will not come to belittle it, it is acceptable to transfer even from one house to another.

אוֹ דְּלָמָּא: מַה הֵכָּא דְּאִיכָּא הֶפְסֵד פִּירוֹת – אֲמַרְתָּ לָּא, הַתָּם דְּלִיכָּא הֶפְסֵד פִּירוֹת – לֹא כָּל שַׁבָּן.

Or perhaps it may be argued: If here, in the case of clearing produce from the roof, when there is the issue of the loss of the produce, you say he may not transfer from one roof to another, then there, in the case of moving sacks on Shabbat for guests or study, when there is no issue of loss of produce, is it not all the more so prohibited?

הֵכָּא (תִּנְן): לֹא יִשְׁלַח שְׁלֵם בְּחֶבֶל בְּחַלּוֹנוֹת, וְלֹא יוֹרִידִם דְּרִיךְ סוּלָמוֹת, הַתָּם מֵאִי? הֵכָּא בְּיוֹם טוֹב הוּא דְּאָסוּר – דְּלִיכָּא בְּטוּל בֵּית הַמְּדֻרָּשׁ, אֲבָל שַׁבַּת דְּאִיכָּא בְּטוּל בֵּית הַמְּדֻרָּשׁ – שְׁפִיר דְּמִי.

The Gemara presents yet another dilemma: Here, with regard to bringing produce into one's house from the roof, we learned in a *baraita*: If there is no skylight from the roof to the house, necessitating another method of moving the produce out of the rain, he may not lower them by means of a rope through the windows, nor may he take them down by way of ladders. There, with regard to moving sacks on Shabbat, what is the *halakha*? May they be moved by ropes or using a ladder? Perhaps it is only here, in the case of moving produce out of the rain on a Festival, that it is prohibited, because produce left on a roof does not entail suspension of a mitzva such as study in the study hall; but on Shabbat, when there is the possibility that leaving the sacks in their current location will lead to suspension of study in the study hall, it is acceptable to remove them even via windows and ladders.

אוֹ דְּלָמָּא: הֵכָּא דְּאִיכָּא הֶפְסֵד פִּירוֹת – אֲמַרְתָּ לָּא, הַתָּם דְּלִיכָּא הֶפְסֵד פִּירוֹת – לֹא כָּל שַׁבָּן? תִּיקוּ.

Or perhaps it can be argued to the contrary: Here, in the case of the produce on the roof, when there is the issue of the loss of the produce, you say it is not permitted. There, in the case of clearing out sacks on Shabbat, where there is no issue of the loss of produce, should it not all the more so be prohibited to lower them via windows and ladders? No resolution was found, so the dilemma shall stand unresolved.

Covering against rain – כִּיסוּי מִפְּנֵי הַגֶּשֶׁם: If one has produce on his roof and is concerned it might be ruined by rain, he is prohibited to lower it into his house on Shabbat, but he may cover it. *Magen Avraham*, citing *Yam Shel Shlomo*, writes that some prohibit covering it on Shabbat, but most authorities allow it. One may even cover bricks, which are *muktze*, in accordance with Ulla, as Rabbi Yitzhak's view is rejected (*Shulhan Arukh, Oraḥ Ḥayyim* 338:7).

Place a vessel beneath a leak – כְּלִי תַּחַת הַדֹּלֶף: It is permitted to place a vessel underneath a leak on Shabbat and a Festival. If it fills, one may pour out the water and put the vessel back in place. However, this applies only if the leaking water is fit for some use. Otherwise it is prohibited, as one may not initiate a situation of: A container of excrement, by putting repulsive matter into a vessel (Rambam). In a situation of exigent circumstances, one may place a vessel even under a leak of unusable water and rely on the lenient ruling of the *Tur*, who maintains that Ulla disagreed in this case as well (*Ḥayyei Adam; Shulhan Arukh, Oraḥ Ḥayyim* 338:8, 521:3).

NOTES

It was necessary for the *tanna* to add the examples of jugs of wine and jugs of oil – כְּדֵי יַיִן וְכְדֵי שֶׁמֶן: Ostensibly, the example of jugs of wine and oil would suffice on its own, as if it is permitted to cover them even though the monetary loss is minimal, all the more so would it be permitted to cover produce, whose loss is greater. Some suggest that had the mishna stated only the case of jugs, which involve a minor loss, one might have concluded that rows of bricks, whose ruin would constitute a great loss, would certainly be permitted to be covered. The mishna therefore teaches the case of produce, to imply that only items that are fit for the Festival may be covered (*Tziyyun LeNefesh Ḥayya*).

With regard to a minor loss they were not concerned – לְהִפְסֵד מוֹעֵט לֹא חֲשָׁשׁוּ: The Gemara's conclusion is that the Sages were indeed lenient even in cases of a minor loss. Several early commentaries note that this seems to contradict the Gemara in tractate *Shabbat* (154b), where it is stated that the Sages were not lenient in cases of minor loss.

Several answers are offered. Some note that the loss in this case is actually substantial, as it is called minor only because it is much less than the loss involved in the first case of the mishna; they consequently differentiate between this case and the case in tractate *Shabbat*, which is objectively small (*Shitta Mekubbetzet*). Others explain that the Gemara in tractate *Shabbat* is referring only to Shabbat, whereas the Gemara here is dealing with a Festival. The Sages showed less leniency for Shabbat due to its severity (Ra'ah). Alternatively, since the effort involved here is slight, they allowed it to prevent even a minor loss (Rashba).

Leakage that is fit – דֹּלֶף הֶרְאוּי: If the leaking water were unfit even for an animal, it would consequently be prohibited to bring a bucket to catch it. Most commentaries and authorities explain that this applies not only according to Rabbi Yitzhak, but even according to Ulla, because it would involve canceling the state of readiness of a vessel, which is prohibited even according to Ulla. The Rambam provides a different reason, that one may not initiate a situation of a container of excrement, by placing repulsive matter into a vessel (see *Yam Shel Shlomo*).

”וּמְכַסִּין אֶת הַפִּירוֹת.” אָמַר עוּלָא: וְאִפְּלוּ אֲוִירָא דְלִבְנֵי רַבִּי יִצְחָק אָמַר: פִּירוֹת הָרְאוּיִן. וְאִדָּא רַבִּי יִצְחָק לְטַעְמֵיהּ. דְּאָמַר רַבִּי יִצְחָק: אֵין בְּלִי מִטְּלָא אֶלָּא לְדַבְּרֵי הַנִּטְלָא בְּשַׁבָּת.

תַּנּוּ: מְכַסִּין אֶת הַפִּירוֹת בְּכֵלִים. פִּירוֹת – אֵין, אֲוִירָא דְלִבְנֵי – לֹא! הוּא הַדִּין דְּאִפְּלוּ אֲוִירָא דְלִבְנֵי, וְאִינְדִי דְתַנָּא רִישָׁא מִשִּׁילִין פִּירוֹת – תַּנָּא סִּיפָא נִמְי מְכַסִּין אֶת הַפִּירוֹת.

תַּנּוּ: וְכֵן כְּדֵי יַיִן וְכֵן כְּדֵי שֶׁמֶן. הֵכָּא בְּמֵאָה עֶסְקִינֵן – בְּטִבְּלָא.

הָכִי נִמְי מִסַּתְבְּרָא, דְּאִי סְלֵקָא דְעַתְדָּא כְּדֵי יַיִן וְכְדֵי שֶׁמֶן דְּהִתֵּירָא – הָא תַּנָּא לִיהֵ רִישָׁא פִּירוֹת.

כְּדֵי יַיִן וְכְדֵי שֶׁמֶן אֲצַטְרִיכָא לִיהֵ, סְלֵקָא דְעַתְדָּא אֲמִינָא: לְהִפְסֵד מְרֻבָּה – חֲשָׁשׁוּ, לְהִפְסֵד מוֹעֵט – לֹא חֲשָׁשׁוּ, קָא מִשְׁמַע לְ?

תַּנּוּ: נוֹתֵינֵן כְּלִי תַּחַת הַדֹּלֶף בְּשַׁבָּת. בְּדֹלֶף הֶרְאוּי.

תָּא שְׁמַע: פּוֹרְסִין מִחֲצֵלֶת עַל גְּבֵי לְבָנִים בְּשַׁבָּת. דְּאִיִּיתוּר מְבַנְנָא, דְּחִזִּי לְמוֹנָא עַלִּיָּהּ.

It was taught in the mishna: **And one may cover produce with cloths to prevent damage due to a leak. Ulla said: And even a row of bricks that might be ruined by the rain may be covered to prevent damage.**<sup>h</sup> Although the *halakha* in the mishna mentions produce, it is not limited to that case, but extends to any item liable to be spoiled. **Rabbi Yitzhak said:** It applies only to an item like **produce, which is fit for use on the Festival, but not to items such as bricks, which are designated for building and are not fit for use on the Festival.** The Gemara comments: **And Rabbi Yitzhak follows his line of reasoning in this regard, as Rabbi Yitzhak said: A vessel, even if it is of the type that may be handled on Shabbat, may be handled on Shabbat only if it is going to be used for something that may itself be handled on Shabbat, but not for the sake of set-aside [*muktze*] objects.** Since the bricks are *muktze*, one may not handle cloths to cover the bricks.

The Gemara attempts to find a proof for this view: **We learned in the mishna: One may cover produce with cloths, which seems to imply: Produce, yes, because it may be handled on the Festival, but *muktze* items such as a row of bricks, no.** The Gemara rejects this argument: This is no proof, as it is possible that **the same is true even for a row of bricks, i.e., that they may be covered.** But **since the *tanna* taught in the first clause of the mishna: One may lower produce, and there it is referring specifically to produce, as bricks may not be handled at all and surely not lowered from the roof, he taught also in the latter clause: One may cover produce.** The example of produce was chosen to parallel the first clause in the mishna, not in order to imply exclusion of bricks.

The Gemara offers a different proof. **We learned in the mishna: And similarly one may cover jugs of wine and jugs of oil due to a leak in the ceiling.** This choice of examples seems to indicate that one may cover only things that are fit for use on the Festival, as opposed to objects such as bricks, which are *muktze*. The Gemara rejects this proof: **With what are we dealing here? With jugs that contain wine and oil that are untithed, which are not fit for Festival use and are therefore *muktze*.** And the same would be true for bricks.

The Gemara goes further: **So, too, it is in fact more reasonable that this is the case, as if it enters your mind that the mishna is referring to jugs of wine and jugs of oil containing permitted liquids, didn't the *tanna* already teach in the first clause of this part of the mishna that it is permitted to cover produce?** What new information would be added by specifying jugs as well?

The Gemara rejects this assertion. It is possible that the mishna is referring specifically to jugs containing permitted liquids. Nevertheless, **it was necessary for the *tanna* to add the example of jugs of wine and jugs of oil,<sup>n</sup> as it could enter your mind to say that the Sages were concerned over a substantial loss, such as of produce, which can be ruined by drops of rain that leak on it. But with regard to a minor loss, such as drops of rain falling into a wine jug or an oil jug, they were not concerned,<sup>n</sup> and they did not permit covering them.** The mishna therefore **teaches us** that those may be covered as well.

The Gemara raises objections against Rabbi Yitzhak's view: **We learned in the mishna: One may place a vessel beneath a leak<sup>h</sup> on Shabbat.** It is permitted, then, to bring a bucket for the purpose of containing the water leaking into the house, although that water is ostensibly not fit for drinking and is therefore *muktze*. The Gemara rejects this objection: The case in the mishna is of **leakage of water that is in fact fit<sup>n</sup> to be drunk, at least by animals, and is consequently fit for Festival use.**

Come and hear another objection from a *baraita*: **One may spread a mat over bricks on Shabbat to protect against rain.** The *baraita* explicitly permits covering bricks, which Rabbi Yitzhak prohibited. The Gemara rejects this argument: This *baraita* is referring to bricks **that were left over from building** and are no longer designated for use in building, and **which are consequently fit for use on the Festival by sitting on them.**



**Rounded [mekurzalot]** – מקורזלות: The commentaries disagree about the meaning of this word. Some claim it means round, without sharp edges (*Arukh*), some explain it as jagged (Rashi), while others understand it to mean soft (*Tosafot* and others).

**When the beekeeper had in mind to eat them himself – שחשב עליהם:** *Tosafot* in tractate *Shabbat* ask how it can be permitted to cover the hive due to the honeycombs, as it is prohibited to scoop out a honeycomb from a hive on Shabbat. Consequently, the honeycombs are unfit for Shabbat use. They answer that it refers to honeycombs that had already been detached, an approach that also resolves several other difficulties. The Rashba here explains that it deals with a case where there is some honey oozing out of the combs.

**In what manner did you establish this baraita? In accordance with Rabbi Yehuda – כרבי יהודה:** In accordance with Rabbi Yehuda, as Rabbi Shimon does not generally accept the concept of *muktze*. Some early commentaries raise the question: Why does the Gemara not simply answer that the *baraita* was taught in accordance with Rabbi Shimon's opinion (see Rashi)? Some suggest that since the removal of the honeycombs would lead to great monetary loss, this would constitute a case of something set aside and placed out of limits due to monetary loss, which even Rabbi Shimon agrees is considered *muktze* and therefore prohibited (*Simhat Yom Tov*). Others say that since the assumption underlying the question was that the *baraita* was in accordance with Rabbi Yehuda, the Gemara shows that even if one accepts this assumption, he can reconcile the *baraita* with Rabbi Yitzhak's position (*Shitta Mekubbetzet*).

## BACKGROUND

Beehive – כורת



Traditional wicker beehive

**Beekeeping – טיפול בכורות:** Bees are active mainly in the summer months. During the winter they remain inside their hive and do not venture out to gather pollen for honey. Beekeepers generally remove honeycombs from the hive in the autumn, leaving a few for the bees to eat in the winter. If there is not enough honey or honeycomb left in the hive, the bees are liable to die of hunger before the following spring.

תא שמע: פורסין מחצלת על גבי אבנים בשבת. באבנים מקורזלות, דחזין לבית הפסא.

Come and hear another objection. It was taught in a *baraita*: **One may spread a mat over stones<sup>H</sup> on Shabbat**, although stones are *muktze*. The Gemara responds: That *baraita* is speaking not of ordinary stones but of **rounded [mekurzalot]<sup>N</sup> stones, which are fit for use in personal hygiene in the lavatory on Shabbat**, and are therefore not *muktze*.

תא שמע: פורסין מחצלת על גבי כורת דבורים בשבת, בחמה – מפני החמה, ובגשמים – מפני הגשמים, ובלבד שלא יתכוין לצוד. התם נמו, דאיכא דבש.

Come and hear an objection from a different source. **One may spread a mat over a beehive<sup>HB</sup> on Shabbat** to protect it from the elements, **in the sun due to the sun, and in the rain due to the rain, provided he does not have the intent to trap the bees inside** by covering the hive, as trapping is prohibited on Shabbat. A beehive and its bees are not fit for Shabbat use, yet it is permitted to handle a mat in order to cover the hive. The Gemara rejects this: **There, too**, the reference is to an item that is fit for Shabbat use, as it is discussing a hive **when there is honey** in it, which can be eaten on Shabbat. It is therefore permitted to handle the mat for the sake of the honey.

אמר ליה רב עוקבא ממישן לרב אשי: התינת בימות החמה דאיכא דבש, בימות הגשמים מאי איכא למימר? לא נצרכא אלא לאותן שתי חלות. אותן שתי חלות מוקצות הן. הכא במאי עסקינן – שחשב עליהם.

**Rav Ukva from Meishan said to Rav Ashi:** This explanation works out well with regard to the summer, when there is honey, but in the rainy season, when there is no honey in beehives, **what can be said?** The *baraita* explicitly mentioned the two phrases in the sun and in the rain. The Gemara answers: This *halakha* is necessary only for those two honeycombs left in the beehive in the winter to sustain the bees.<sup>B</sup> The Gemara questions this: **Are those two honeycombs not muktze**, as they have clearly been left for the sake of the bees, and not to be used by humans? The Gemara replies: **With what case are we dealing here?** This is a case when the beekeeper had in mind before the Festival that he was going to take them from the bees and eat them himself.<sup>N</sup>

אבל לא חשב עליהם מאי – אסור, אדתני ובלבד שלא יתכוין לצוד – לפלוג ולתני בדידה: במה דברים אמורים – שחשב עליהן, אבל לא חשב עליהם – אסור.

The Gemara raises an objection to this interpretation. **But if he did not have in mind to take them for himself, what would be the halakha?** Wouldn't it be prohibited to spread a mat over the hive? If so, when the *baraita* goes on to specify that sometimes it is prohibited to cover the hive, **rather than teaching: As long as he does not have the intent to trap the bees**, introducing a totally new factor into the discussion, **let it make a distinction within the case itself** by saying: **In what case is this statement said**, that the beehive may be covered? **When he had in mind beforehand to take the honeycombs; but if he did not have in mind to take them, it is prohibited.**

הכי קאמר: אף על פי שחשב עליהן, ובלבד שלא יתכוין לצוד.

The Gemara responds: **This is what the tanna is saying: Even if he had in mind to take the honeycombs**, so that there is no problem of the hive's being *muktze*, it is still permitted to cover it **provided he does not have intent to trap the bees.**

במאי אוקימתא – כרבי יהודה דאית ליה מוקצה, אימא סיפא: ובלבד שלא יתכוין לצוד, אתאן לרבי שמעון, דאמר: דבר שאין מתכוין מותר!

The Gemara raises a further objection against this interpretation of the *baraita*. **In what manner did you establish and explain this baraita?** In accordance with the opinion of Rabbi Yehuda,<sup>N</sup> who, in disagreement with Rabbi Shimon, holds that the *halakhot* of *muktze* apply. But now say the latter clause of the *baraita*: **Provided he does not have the intent to trap**. This indicates that even though the bees may be trapped in the process of covering, it is permitted if this was not his intention. If so, **we have come to the opinion of Rabbi Shimon**, who, in disagreement with Rabbi Yehuda, said: **An unintentional act is permitted** even though it leads inadvertently to a prohibited result. This interpretation of the *baraita* is internally conflicted, half in accordance with Rabbi Yehuda and half in accordance with Rabbi Shimon.

## HALAKHA

**A mat over stones – מחצלת על גבי אבנים:** One may spread a mat over stones on Shabbat, if he is concerned that they might be damaged by the weather (Rambam *Sefer Zemanim, Hilkhot Shabbat* 25:25).

**A mat over a beehive – מחצלת על גבי כורת:** It is permitted to

spread a mat over a beehive on Shabbat in order to protect it from the sun or the rain, as long as one does not intend to trap the bees (*Shulhan Arukh, Oraḥ Hayyim* 316:4). This is in accordance with Rabbi Shimon, who does not accept the *halakha* of *muktze*, and who permits actions that might lead inadvertently to a prohibited result.

A labor performed unintentionally – מלאכה שאין – מתכוון: It is permitted to perform an action that may lead to an unintentional labor on Shabbat, provided it is not an inevitable result of the act, as in that case even Rabbi Shimon agrees that it is prohibited (*Shulhan Arukh, Orah Hayyim 337:1*).

וְתִסְבְּרָא דְרַבִּי שִׁמְעוֹן? וְהָא אֲבִי וְרַבָּא דְאִמְרֵי תְרוּוּיָהּ: מוֹדָה רַבִּי שִׁמְעוֹן בְּפִסְקֵי רִישָׁיהּ וְלֹא יְמוּת!

The Gemara rejects this argument. And how can you understand that the *baraita* follows the view of Rabbi Shimon at all? But didn't Abaye and Rava both say: Rabbi Shimon concedes that even an unintentional act is prohibited in a case of: **Cut off its head and will it not die?**<sup>H</sup> In this case the person covering the hive with a mat inevitably traps the bees, even if he does not have intent to do so, and this act should be prohibited even by Rabbi Shimon.

לְעוֹלָם כּוֹלֵה רַבִּי יְהוּדָה הִיא, וְהִכָּא בְּמַאי עָסְקִינָן – דְּאִית בֵּיהּ כּוּי. וְלֹא תִימָא לְרַבִּי יְהוּדָה וּבְלִבְדָּ שְׁלֵא יִתְבּוּיִן לְצוּד,

Rather, actually all of the *baraita* is in accordance with Rabbi Yehuda, and with what case are we dealing here? With a beehive that has windows, i.e., small openings, besides the main opening on top, so that some of the windows remain uncovered and covering the hive does not inevitably trap the bees. And in the *baraita* you should not say, according to Rabbi Yehuda: Provided he does not have intent to trap the bees, which would imply that the deciding factor is the intention of the one who covers them,

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NOTES

An animal whose type is not generally trapped is permitted... The *baraita* teaches us that one may not trap bees – קא משמע לן – קא משמע לן. There are two ways of understanding the Gemara's conclusion. Some explain it to mean that even though bees are not usually trapped, and there is no Torah prohibition against trapping such creatures as the Gemara teaches elsewhere (*Shabbat 106b*), it is nevertheless prohibited by rabbinic law to do so (Rabbeinu Hananel; *Meiri*). However, others explain that the Gemara's conclusion here is that bees are in fact considered a type of animal that is trapped, as people sometimes seek to capture them in order to transfer them to another beehive. See comments in *Yam Shel Shlomo on Beit Yosef*; see also the explanations of *Mishnat Aharon* and others.

אֵלָא אִימָא: וּבְלִבְדָּ שְׁלֵא יַעֲשֶׂנָה מְצוּדָה. פְּשִׁיטָא. מַהוּ דְּתִימָא: בְּמִינוּ נְצוּד – אָסוּר, שְׁלֵא בְּמִינוּ נְצוּד – מוֹתָר, קָא מְשַׁמַּע לָן.

but rather say the following: **Provided he does not make it a trap** as he covers it, i.e., as long as he takes care not to cover all the openings. The Gemara questions this: But it is obvious that it is prohibited to directly trap bees on Shabbat; why would the *baraita* mention it? The Gemara responds: It does inform us of something that is not obvious: **Least you say: An animal whose type is generally trapped** and hunted by people for some purpose is prohibited to be trapped on Shabbat, whereas an animal whose type is not generally trapped, such as a bee, is permitted to be trapped even *ab initio*, as this is not considered to be the normal manner of hunting. The *baraita* therefore teaches us that one may not in fact trap bees.<sup>NH</sup>

רַב אֲשִׁי אָמַר: מִי קִתְּנֵי בִּימּוֹת הַחֶמֶה וּבִימּוֹת הַגֶּשֶׁמִּים? בְּחֶמֶה מְפִנֵי הַחֶמֶה, וּבְגֶשֶׁמִּים מְפִנֵי הַגֶּשֶׁמִּים קִתְּנֵי. בְּיוֹמֵי נִסָּן וּבְיוֹמֵי תִּשְׁרֵי, דְּאִיכָּא חֶמֶה וְאִיכָּא גֶשֶׁמִּים וְאִיכָּא דְּבִשׁ.

Rav Ashi said a different elucidation: **Is it taught in the *baraita*: In the summer, and: In the rainy season?** No, it is taught: **In the sun due to the sun and in the rain due to the rain.** The *baraita* speaks not of the summer and the rainy season, but of the spring days of Nisan and the autumn days of Tishrei, when there is sometimes sun and there is sometimes rain, and when there is also honey in the hive. It is possible, then, that the *baraita* permits covering the hive during these seasons because of the honey that is in it, as initially proposed.

”וְנִתְּנָן כְּלֵי תַּחַת הַדֶּלֶף בְּשַׁבָּת”. תִּנְא אִם נִתְּמַלָּא הַכְּלֵי – שׁוֹפֵךְ וְשׁוֹנֶה וְאִינוּ נִמְנָע.

It was taught in the mishna: **And one may place a vessel beneath a leak in order to catch the water on Shabbat.** A Sage taught in a *baraita*: **If the vessel became full with the leaking water, he may pour out its contents, place the vessel back under the leak, and repeat the entire process if necessary, and he need not refrain from doing so.**

HALAKHA

When does the prohibition against trapping apply – בְּמָה: On Shabbat, one who traps a creature of a species that is ordinarily trapped or hunted is liable for trapping, one of the thirty-nine categories of labor prohibited on Shabbat. If the animal is of a species that is not typically hunted he is exempt from punishment, but it is still prohibited to hunt or trap it, even for the needs of the Festival (*Magen Avraham*, citing the Ran). One may not catch flies, even though they are generally not hunted. Therefore, one must be careful not to close a drawer or container with a fly in it, as its capture is an inevi-

table result of such an action. Some are lenient if the container is of a type that would immediately release the flies when opened (Rema), while others are stringent (*Magen Avraham*, citing the *Bayyit Hadash*).

Some disagree with this application of the law entirely (*Yam Shel Shlomo*; Vilna Gaon; and others). With regard to grasshoppers, Rashi prohibits one to trap them, but the Rambam rules that they are considered to be a species that is not hunted. Fish, however, are certainly a type of creature that is hunted (*Shulhan Arukh, Orah Hayyim 316:3*).

**Abaye's millhouse** – **בֵּי רִחְיָא דְאַבְיִי**: Rashi explains this incident differently, and the Rid expands on this alternative explanation: As Abaye's mill was portable and was held together by clay, the rain caused it to become muddy and threatened to ruin it altogether. Rabba therefore permitted Abaye to bring his bed there so that he could remove the mill from his presence, as it would be considered repulsive, like a container of excrement. The *Meiri*, however, explains that the point of Rabba's permitting Abaye to bring his bed into the millhouse was in order to allow the buckets of water to be removed.

**And may one initiate a situation of a container of excrement** – **וְכִי עוֹשִׂין גֵּרָף שֶׁל רֵעִי**: Abaye's objection appears to be correct, as it was taught above (21b) that one may not initiate a situation of a container of excrement. Here, however, the Gemara implies that Abaye's misgivings were improper. Several resolutions have been offered to this inconsistency, such as that in this case rainwater has already entered, and the situation of a container of excrement has therefore already been formed (*Tosafot*; see Rabbeinu Peretz), or that the Sages were lenient in cases where a great loss is involved (Rashba).

**I had this coming to me for having gone against the words of my master** – **תִּיתִי לִי דְעֵבְרִי אֲדָמֶר**: The *Yam Shel Shlomo* explains this expression slightly differently: Abaye prayed that the punishment of the collapse of his mill would be sufficient to atone for his sin of casting doubt on his rabbi's words. See also the commentary of Talmid HaRamban, who presents a completely different explanation in accordance with his divergent approach to the entire passage.

## LANGUAGE

**Spices** [*isparmekei*] – **אֶסְפְּרִמְקֵי**: Apparently from the Middle Iranian *isprahmaq*, meaning fragrant herbs.

**בֵּי רִחְיָא דְאַבְיִי דְלוּף, אֲתָא לְקַמֵּיהּ דְרַבָּה. אָמַר לֵיהּ: זֵיל עִיילִיהּ לְפוּרְנָךְ לְהַתֵּם, דְּלֵהוּי בְּגֵרָף שֶׁל רֵעִי וְאֶפְקִיָּהּ.**

The Gemara relates: **Abaye's<sup>p</sup> millhouse<sup>n</sup> once developed a leak on Shabbat.** Abaye was concerned about the potential damage to the millstones, which were made partly of clay and which would become ruined from the leaking water, and he did not have enough buckets to catch all the water without emptying and refilling them. But the water was unfit for drinking and was therefore *muktze* and could not be removed. **Abaye came before Rabba<sup>p</sup> to ask him how to proceed.** **Rabba said to him: Go and bring your bed into the millhouse, so that the dirty water will be considered like a container of excrement,** which, despite being *muktze*, may be removed from one's presence due to its repulsive nature, **and then remove the water.**

**וְתִיב אַבְיִי וְקָא קְשִׁיָּא לֵיהּ: וְכִי עוֹשִׂין גֵּרָף שֶׁל רֵעִי לְבַתְחִלָּה? אֲדָהֲכִי נִפְלַב בֵּי רִחְיָא דְאַבְיִי. אָמַר: תִּיתִי לִי דְעֵבְרִי אֲדָמֶר.**

**Abaye sat and examined the matter and posed a difficulty: And may one initiate a situation of a container of excrement,<sup>n</sup> i.e., may one intentionally place any repulsive matter into a situation which will bother him and will then have to be removed, *ab initio*?** **In the meantime,** as he was deliberating the issue, **Abaye's millhouse collapsed.** **He said: I had this coming to me for having gone against the words of my master,<sup>n</sup> Rabba,** by not following his ruling unquestioningly.

**אָמַר שְׁמוּאֵל: גֵּרָף שֶׁל רֵעִי וְעָבִיט שֶׁל מִימֵי רְגָלִים מוֹתֵר לְהוֹצִיאָן לְאַשְׁפָּה, וְכִשְׁהוּא מְחֻזָּרוּ – נוֹתֵן בּוֹ מַיִם וּמְחֻזָּרוּ.**

**Shmuel said: With regard to a container of excrement<sup>h</sup> and a container of urine, it is permitted to remove them on Shabbat to a garbage heap. And when he returns the container to the house he must place water in it first and then return it,** for it is prohibited to carry these containers alone, as their foul odor makes them *muktze* due to their repulsive nature.<sup>h</sup>

**סְבוּר מִיָּהּ: גֵּרָף שֶׁל רֵעִי, אֲגַב מְנָא – אִין, בְּפִנֵּי עֲצָמוֹ – לֹא. תָּא שְׁמַע; דִּהְוֵא עֲבִירָתָא דְאַשְׁתַּבַּח בֵּי אֶסְפְּרִמְקֵי דְרַב אֲשִׁי, אָמַר לְהוּ רַב אֲשִׁי: נִקְטָה בְּצוּצִיתָהּ וְאֶפְקִיָּהּ.**

Some Sages at first **understood from** the wording of Shmuel's statement that with regard to removing **a container of excrement on account of the vessel, i.e., along with its vessel: Yes, this is permitted;** but to remove the excrement **by itself, without a vessel containing it: No, this is prohibited.** The Gemara counters this conclusion with the following story: **Come and hear that a certain dead mouse was discovered in Rav Ashi's storeroom for spices** [*isparmekei*].<sup>l</sup> **Rav Ashi said to them: Take hold of it by its tail and remove it.** This shows that repulsive matter may be removed even directly.

## PERSONALITIES

**Abaye** – **אַבְיִי**: Abaye was one of the most famous of the Babylonian *amora'im*. The disagreements recorded in the Gemara between Abaye and his colleague Rava are so essential that the Gemara itself is referred to as the discussions of Abaye and Rava. Among those hundreds of discussions, the ruling follows Abaye in only six cases.

Abaye was orphaned at the time of his birth and raised by his paternal uncle, Rabba. The woman who assisted his uncle in raising him impressed upon him many life lessons that he quotes in her name. There are a number of stories in the Gemara that illustrate his intelligence even as a child, including some in which his adoptive father, Rabba, tested him with questions.

Abaye was chosen to head the academy in Pumbedita. He valued the study of Torah to such an extent that he would hold a celebration for the scholars whenever one of them completed a tractate. Growing up in his uncle's home, he was aware of the difficulties of scholars who were without financial means.

**Rabba** – **רַבָּה**: Rav Abba bar Nahmani HaKohen, popularly referred to as Rabba throughout the Babylonian Talmud, was a third-generation Babylonian *amora*.

Rabba was a student of Rav Huna, who himself was a student of Rav; as such, Rabba's approach to Jewish law was in concert with Rav's teachings. Rabba was considered the sharpest among his peers, to the extent that he was referred to as "one who uproots mountains," in contrast to his colleague, Rav Yosef, whose expertise was in his broad knowledge, and was referred to as Sinai. In almost every dispute between them, the ruling follows Rabba's opinion.

Rabba had many students, and virtually all of the Sages of the following generation studied with him. His personal life was one of great tragedy; it appears that his children died during his lifetime. He was poverty-stricken his entire life, eking out a living from agricultural work. When his nephew Abaye became orphaned at a young age, Rabba took him in and raised him.

## HALAKHA

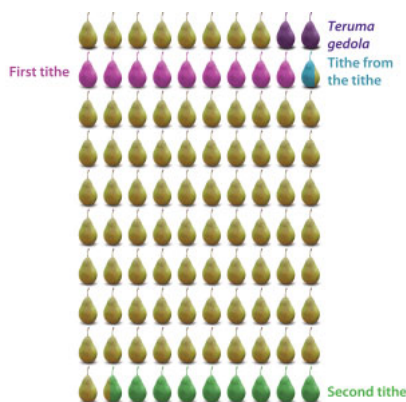
**A container of excrement** – **גֵּרָף שֶׁל רֵעִי**: In any case of repulsive matter, such as vomit, excrement, and the like, whether of humans or animals, and whether in the house or in a courtyard that is in use, one is permitted to remove it to a garbage heap or a lavatory, even if he carries it directly, i.e., not with a container, in accordance with Rav Ashi. However, one may not remove it from a courtyard that is not being used, where it is not causing discomfort to anyone. If he is concerned that a child will dirty himself with it, he may cover it. This *halakha* applies equally to Shabbat and Festivals (*Shulhan Arukh, Orah Hayyim* 308:34, 518:5).

**Replacing a container of excrement** – **הַחֲזֵרֵת גֵּרָף שֶׁל רֵעִי**: Although it is permitted to take out a container of excrement or a vessel containing urine, one may not bring it back to the house unless he first places water in it. This water must be fit for drinking by an animal, at least when it is in the vessel (*Magen Avraham*). Some add that as long as the vessel is still in his hands after emptying it, it is permitted to bring it back in the house (*Magen Avraham*); others, however, are stringent even in that case (*Mishna Berura*, citing *Eliya Rabba* and *Peri Megadim; Shulhan Arukh, Orah Hayyim* 308:35).



**BACKGROUND**

**Teruma and tithes** – תְּרוּמָה וּמַעֲשֵׂר: The method of separating *teruma* and tithes from one hundred units, as in the illustration, is as follows: First one separates *teruma*, which is given to priests. The measure recommended by the Sages is one-fiftieth of the produce, two units in the illustration. Then he separates first tithe, which is given to a Levite. It is one-tenth of the remainder, slightly less than ten units in the illustration. Then he separates second tithe, one-tenth of the remainder, slightly less than nine units in the illustration. The owner must take the second tithe to Jerusalem and eat it there. In the third and sixth years of the Sabbatical cycle, instead of second tithe one separates the poor man's tithe, which is distributed to the poor.



Amounts separated for *teruma* and tithes from one hundred units of produce

**HALAKHA**

**Acts that are prohibited as *shevut*** – דְּבָרִים הָאֶסְרוּרִים – *shevut*: One may not climb a tree, even a dead one, nor may one ride on an animal or make use of it, nor may one swim, on a Festival or on Shabbat. One may not clap his hands, although in practice people do not follow this ruling, at least not when a mitzva is involved. See the *Arukh HaShulhan*, who relies on the opinion of *Tosafot*, that the mishna's principle does not apply in all cases. One may not clap one's thigh nor dance, though the custom is to be lenient in regard to dancing as well (*Arukh HaShulhan*, citing *Levush*). One may not judge, nor betroth a woman, even if he has never married before (Rashi; Rambam; Rosh). Although some allow a first-time betrothal in order to fulfill the mitzva to "be fruitful and multiply" (Genesis 1:28), following Rabbeinu Tam, the custom is not to do so. One may not marry, nor perform levirate marriage, nor divorce, although some permit divorce by means of a previously written *get* in extenuating circumstances. One may not perform *halitza*, nor consecrate items, nor separate *teruma* or tithes (*Shulhan Arukh, Orach Hayyim 524:1*), as the mishna states.

**Shabbat and Festivals** – שְׁבֻת וַיּוֹם טוֹב: All actions prohibited on Shabbat, whether because they themselves constitute prohibited labor, or because they will lead to the performance of a prohibited labor, or because they are *shevut*, are prohibited on Festivals as well, apart from labors associated with the preparation of food (Rambam *Sefer Zemanim, Hilkhot Yom Tov 1:17*).

**מתני' כל שחייבין עליו משום שבות, משום רשות, משום מצוה, בשבת – חייבין עליו ביום טוב.**

**ואלו הן משום שבות: ולא עולין באילן, ולא רוכבין על גבי בהמה, ולא שטין על פני המים, ולא מטפחין, ולא מספקין, ולא מרקדין.**

**ואלו הן משום רשות: לא דנין, ולא מקדשין, ולא חולצין, ולא מיבמין.**

**ואלו הן משום מצוה: לא מקדשין, ולא מעריבין, ולא מחרימין, ולא מגביהין תרומה ומעשר.**

**כל אלו ביום טוב אמרו, קל וחומר בשבת. אין בין יום טוב לשבת אלא אוכל נפש בלבד.**

**MISHNA** Any act for which one is liable due to a rabbinic decree made to enhance the character of Shabbat as a day of rest [*shevut*]; or if it is notable because it is optional,<sup>N</sup> i.e., it involves an aspect of a mitzva but is not a complete mitzva; or if it is notable because it is a full-fledged mitzva, if it is prohibited on Shabbat, one is liable for it on a Festival as well.<sup>N</sup>

And these are the acts prohibited by the Sages as *shevut*: One may not climb a tree on Shabbat, nor ride on an animal, nor swim in the water, nor clap his hands together, nor clap his hand on the thigh,<sup>N</sup> nor dance.

And the following are acts that are prohibited on Shabbat and are notable because they are optional, i.e., which involve an aspect of a mitzva but are not complete mitzvot: One may not judge, nor betroth a woman,<sup>N</sup> nor perform *halitza*, which is done in lieu of levirate marriage, nor perform levirate marriage.

And the following are prohibited on Shabbat despite the fact that they are notable because of the full-fledged mitzva<sup>N</sup> involved in them: One may not consecrate, nor take a valuation vow (see Leviticus 27), nor consecrate objects for use by the priests or the Temple, nor separate *teruma* and tithes<sup>B</sup> from produce.<sup>H</sup>

The Sages spoke of all these acts being prohibited even with regard to a Festival; all the more so are they prohibited on Shabbat. The general principle is: There is no difference between a Festival and Shabbat,<sup>N</sup> except for work involving preparation of food alone, which is permitted on a Festival but prohibited on Shabbat.<sup>H</sup>

**NOTES**

Due to...*shevut*, because it is optional, etc. – משום שבות, משום מצוה, וכי רשות: Many commentaries discuss the meaning and explanation of these statements. One basic question is why the mishna found it necessary to separate these *halakhot* into three categories, since all the acts mentioned in the mishna are considered *shevut*, as the Gemara notes later, and in any event the mishna's conclusion is that all of these acts are prohibited. According to Rabbeinu Tam's approach (see *Tosafot*) there is a practical difference between the categories, as he maintains that if there is an actual mitzva involved the action is permitted on Shabbat or on a Festival. Some write that even according to Rashi there is a difference between the various types of prohibitions listed here, with regard to performing them at twilight (*Simhat Yom Tov*).

The term: Optional, has also been discussed, as some of these actions can, in certain circumstances, involve a proper mitzva; indeed, even the ones classified as regular *shevut* can be mitzvot in certain circumstances. The *Hatam Sofer* explains that nevertheless the first group of acts is categorized as ordinary *shevut* because they usually do not involve any mitzva; and the second group of acts is likewise categorized as optional, meaning that an aspect of mitzva is involved but it is not a full-fledged mitzva, because usually these acts are optional. Even in those cases where a full-fledged mitzva is involved, such as retrieving a shofar from a tree to blow on Rosh HaShana, since the Sages forbade these acts the prohibition remains intact.

The Jerusalem Talmud appears to understand the mishna as follows: The three categories are: (a) *Shevut* that is optional, involving no mitzva whatsoever, (b) An optional act that is also a mitzva, (c) a full-fledged mitzva. Others write that optional means that although there is a certain aspect of a mitzva involved, it is not always a mitzva, whereas the final category refers to issues that are mitzvot in all circumstances.

Any act for which one is liable...on Shabbat, one is liable for it on a Festival as well – כל שחייבין עליו...בשבת, חייבין עליו ביום טוב: The converse, however, is not true, as the *halakhot* of *muktze* include prohibitions that apply to Festivals but not to Shabbat (*Bayyit Hadash*).

Clap hands and clap the thigh – מטפחין ומספקין: The translation of these terms follows Rashi and most other commentaries. The

Jerusalem Talmud explains that the first term refers to clapping joyfully, whereas the second term means clapping the hands with anger (see Numbers 24:10). The Rambam explains in his Commentary to the Mishna that the second term refers to striking cymbals together, whereas the first means hitting the hands together. Rabbeinu Yehonatan understands the latter phrase to mean striking the heart.

Nor betroth a woman – לא מקדשין: The Ran writes that the mishna does not mention a prohibition against divorcing on Shabbat and Festivals because it is obvious that this is prohibited, as, unlike betrothal, which can be accomplished without outright Shabbat desecration, divorce can be carried out only through writing a *get*, which would involve one of the prohibited Shabbat labors. The later authorities discuss at length the aspect of acquisition of monetary rights involved in betrothal and divorce.

And the following are prohibited on Shabbat despite...the full-fledged mitzva – ואלו הן משום מצוה: That is, the Sages forbade these acts as *shevut* despite the fact that they constitute full-fledged mitzvot. The Rashba and other early authorities raise an apparent contradiction to this: It is taught in tractate *Shabbat* (150a) that it is permitted to arrange a marriage, i.e., to become engaged, on Shabbat on the grounds that it is a mitzva to do so. Why is that not prohibited as *shevut* as well? According to Rabbeinu Tam's approach, that the Sages did not forbid betrothals, divorces, etc. on Shabbat when they constitute full-fledged mitzvot, this presents no difficulty. Even according to Rashi, who disagrees with this approach, it can be suggested that the Sages did not forbid as *shevut* acts that constitute a greater mitzva than those listed in the mishna.

There is no difference between a Festival and Shabbat, etc. – אין בין יום טוב לשבת וכי: As the Gemara points out below, there are various exceptions to this rule, as there are several acts permitted on Festivals but prohibited on Shabbat that are not food preparation, such as actions that indirectly facilitate food preparation, according to Rabbi Yehuda. Moreover, some note that the mishna is referring only to differences between a Festival and Shabbat with regard to performing labor *ab initio*; however, the punishment for violations on Shabbat is more severe than a Festival (*Tosefot Yom Tov*).

גמ' "לא עולין באילן" – גזרה שמא יתלוש.

**GEMARA** The Gemara clarifies the reasons for each of these *halakhot*: **One may not climb a tree.** This is a decree that was made lest one detach branches or leaves as he climbs, thereby transgressing the prohibited labor of reaping.

"ולא רוכבין על גבי בהמה" – גזרה שמא יצא חוץ לתחום. שמע מינה תחומין דאורייתא? אלא: גזרה שמא יחתוך זמורה.

**Nor ride on an animal:** This is a decree that was made lest one go beyond the Shabbat limit<sup>NB</sup> on the animal. The Gemara asks: Can one then learn from here that the prohibition against venturing beyond the Shabbat limits, which applies also to Festivals, is by Torah law? If the prohibition with regard to the Shabbat limit were rabbinic, the Sages would not have reinforced it with the additional decree against riding an animal. It is known that this is a matter of dispute; in light of this explanation of the mishna it would be a proof that Shabbat boundaries are of Torah origin. **Rather**, give a different reason for the prohibition: It is a decree that was made lest one cut off a branch to use as a riding switch, and thereby perform the labor of reaping, which is prohibited by Torah law.

"ולא שטין על פני המים" – גזרה שמא יעשה חבית של שיטין.

**Nor swim in the water:** This is a decree that was made lest one make a swimmer's barrel, i.e., an improvised flotation device used to teach beginners how to swim.

"ולא מטפחין ולא מספקין ולא מרקדין." – גזרה שמא יתקן כלי שיר.

**Nor clap one's hands together, nor clap his hand on the thigh, nor dance:** All of these are prohibited due to a decree that was made lest one assemble put together a musical instrument to accompany his clapping or dancing.

"ואלו הן משום רשות: לא דגין, והא מצוה קעביד! לא צריכא, דאיכא דעדוף מיניה.

§ It was taught in the mishna: **And the following** are acts that are prohibited on Shabbat and are notable because they are optional, i.e., which involve an aspect of a mitzva but are not complete mitzvot: **One may not judge.** The Gemara asks: **But doesn't one perform** a full-fledged mitzva by acting as a judge in a court? Why is it categorized as optional rather than as a full-fledged mitzva? The Gemara answers: **No**, it is necessary for the mishna to categorize it as optional, as it is speaking of a case where there is another person who is more qualified than he. Since the other person can judge even better, it is not considered an absolute mitzva for the first one to judge.

"ולא מקדשין" – והא מצוה קעביד. לא צריכא

§ **Nor betroth a woman:** The Gemara asks: Why is this categorized as optional, indicating that it is not a full-fledged mitzva? **But doesn't one perform a full-fledged mitzva** when he marries, as this enables him to fulfill the mitzva to be fruitful and multiply? The Gemara answers: **No**, it is necessary for the mishna to categorize it as optional,

**NOTES**

גזירה שמא – גזירה שמא – A decree lest one go beyond the Shabbat limit – גזירה שמא – Some early authorities note that the Jerusalem Talmud provides an additional reason for this prohibition, that when one rides his animal he also transgresses the mitzva to allow his animal to rest, and that the Gemara here gives a different reason because it applies even to a case in which the animal belongs to a gentile, when the mitzva to allow one's animal to rest does not apply.

**BACKGROUND**

Shabbat limit – תחום: A concept used in *halakhot* pertaining to movement on Shabbat and Festivals, this is essentially the distance that one is permitted to walk on Shabbat. The Shabbat limit for each person is based on the area where he establishes residence on Shabbat. If this established residence is in an isolated place, with no fences or partitions, it is defined as the four cubits where the person is located, and if it is a place surrounded by a fence, the Shabbat residence area is defined as the area within the enclosure. For those living in a city, the Shabbat limit includes the entire area of the city plus two thousand cubits beyond it in every direction. Some authorities hold that in contrast to this concept, which stems from a rabbinic ordinance, there is also a Shabbat limit stipulated by the Torah, which is approximately twelve *mil* in every direction.