

Then he digs with a shovel – שִׁחְפוֹר בְּדָקָר: Apparently, the conclusion is that Beit Shammai and Beit Hillel disagree over whether regular earth in a courtyard is *muktze* or whether it is considered prepared and may be carried and used for covering (Rid). It is permitted to use the earth after the fact, as the positive mitzva by Torah law to cover the blood overrides the rabbinic prohibition against moving *muktze* objects (*Shitta Mekubbetzet*).

And that is when one has a shovel embedded – הוּא: The mishna alludes to this *halakha*, as it does not simply state: He digs and covers the blood, but rather: He digs with a shovel, which indicates that there is a shovel ready for this purpose (*Hatam Sofer*, 2nd ed.). An embedded shovel is permitted because to a certain extent it can be considered prepared for this purpose (Rabbi Aharon HaLevi).

But doesn't he perform crushing – וְהָא קָא עֲבִיד כְּתִישָׁה: Some commentaries explain that this does not refer to the crushing performed afterward, but to the crushing of the earth that occurs when one removes the shovel from the ground (Rabbeinu Hananel; see *Meiri*).

HALAKHA

One who digs a hole...but he needs only its earth – הַחֹפֵר גּוּמָא...וְאִינוּ צָרִיךְ אֲלָא לְעַפְרָה: One who digs a hole on Shabbat only for its earth is exempt by Torah law, as he is considered to have committed a destructive act (Rambam *Sefer Zemanim, Hilkhot Shabbat* 1:17).

The ashes of a stove are prepared – אֶפְרֵי כִירָה מוּכָן הוּא: The ashes from a stove that was ignited on the eve of a Festival are considered prepared for covering the blood, and it is permitted to rely on them and slaughter animals on the Festival. If the stove was ignited on the Festival itself, its ashes are prohibited, unless they are warm enough to be used for minimal cooking, e.g., to roast an egg with them, or even to take the chill off a cold drink (*Peri Megadim*). If one transgresses and slaughters an animal, it is permitted to cover its blood with these ashes even if they have cooled off completely. Some authorities, such as the Rema and the *Taz*, maintain that in that case it is preferable to use an embedded shovel, if one is available. Others, such as the *Magen Avraham* and the Vilna Gaon, disagree (*Shulhan Arukh, Oraḥ Hayyim* 498:15).

אָמַר יוֹסֵף לְאַבָּי: כֵּן לֹא; רַתְּ, כְּשֶׁנֶּחְמָד לְפִי וְכֵן לְפִי רַבָּנֵי וְרַבֵּי לִי בֵּין לְרַבָּה אֵינִי לָן; דְּרַבִּי זִירָא, וְהָכָא בְּהָא קָא מְפַלְגִינן; רַבָּה סָבַר, אִי אִיכָא עֶפְרָ לְמִטָּה – אִין, אִי לֹא – לֹא, חֲתִישִׁין דְּלָמָּא מְמַלִּיךְ וְלֹא שְׁחִיט. וְלִדְרַבִּי (אֲדָרְבָּה), הָא עֲדִיפָא, דְּאִי לֹא שְׁרִית לִיה אֲתִי לְאֲמַנְוֵי מְשַׁמַּחַת יוֹם טוֹב.

Rav Yosef said to Abaye: This is not so; rather, both according to me and according to Rabba we are of the opinion that the ruling is in accordance with the opinion of Rabbi Zeira, and here we disagree with regard to this matter: Rabba holds that if there is prepared earth beneath, yes, in that case one may slaughter an animal, but if there is no earth prepared beneath, no, he may not slaughter it at all. Why not? Rabba says: We are concerned that perhaps one will reconsider and not slaughter it at all, and he will have dug a hole on a Festival unnecessarily. And according to my opinion, on the contrary: This situation, in which he is permitted to dig first, is preferable, since if you do not permit him to dig in all cases for the purpose of slaughter, he will be unable to eat meat and will refrain from rejoicing on the Festival.

”וּמוֹדִים שְׂאֵם שְׁחַט שִׁחְפוֹר בְּדָקָר וּכְפָה.” אָמַר רַבִּי זְרִיקָא אָמַר רַב יְהוּדָה: הוּא שִׁישׁ לוֹ דְּקָר נְעוּץ מְבַעוּד יוֹם. וְהָא קָא עֲבִיד כְּתִישָׁה! אָמַר רַב חֲזִיָּא בַר אֲשִׁי אָמַר רַב:

That mishna states: And Beit Hillel concede that if one transgressed and slaughtered an animal, then he digs with a shovel^N and covers the blood. Rabbi Zerika said that Rav Yehuda said: And that is the *halakha* specifically when one has a shovel already embedded^N in the ground while it was still day, before the onset of the Festival. The Gemara asks: But what purpose does an embedded shovel serve; doesn't he still perform the act of crushing,^N as one must crush the lumps of earth to make the soil fit for covering? Rav Hiyya bar Ashi said that Rav said:

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בְּעֶפְרָ תִּיחֹחַ.

Here it is referring to loose earth that does not require further crushing.

וְהָא קָא עֲבִיד גּוּמָא! כְּדָרְבֵי אָבָא, דְּאָמַר רַבִּי אָבָא: הַחֹפֵר גּוּמָא בְּשַׁבָּת וְאִינוּ צָרִיךְ אֲלָא לְעַפְרָה – פְּטוּר עָלֶיהָ.

The Gemara challenges this: But even in the case of loose earth, one makes a hole^N by the very act of removing the earth or the shovel from that place. The Gemara answers: This ruling is in accordance with the opinion of Rabbi Abba, as Rabbi Abba said: One who digs a hole on Shabbat, but he needs only its earth^{HN} and has no interest in forming a pit, is exempt for that act. Since he has no interest in the hole, he is considered to have performed a destructive act, and the *halakha* is that one who commits a destructive act is not liable for the performance of prohibited labor on Shabbat and Festivals.

”שְׂאֶפְרֵי כִירָה מוּכָן הוּא.” אֶפְרֵי כִירָה מֵאֵן דְּכֵר שְׂמִיָּה? אָמַר רַבָּה: הֵכִי קָאָמַר: וְאֶפְרֵי כִירָה מוּכָן הוּא.

The mishna states: That the ashes of a stove are prepared. The Gemara express puzzlement at this statement: The ashes of a stove, who mentioned anything about it?^N Why does the mishna suddenly speak about the ashes of a stove when it had not previously discussed or even mentioned them? Rabba said: This is what the *tanna* said: And the ashes^N of a stove are prepared.^{HN} In other words, everyone agrees that in addition to prepared earth, the ashes of a stove are also considered prepared, and one may cover the blood with them. It is not necessary to prepare these ashes especially for this purpose the day before.

NOTES

But one makes a hole – וְהָא קָא עֲבִיד גּוּמָא: Digging a hole inside a house constitutes the prohibited labor of building; doing so in a field constitutes the prohibited labor of plowing (*Meiri*).

Needs only its earth – אִינוּ צָרִיךְ אֲלָא לְעַפְרָה: This *halakha* concerning digging a hole is an example of the broader topic of prohibited labor performed not for its own sake, which is a case where one performs a prohibited labor for a purpose other than its primary objective. In that case, Rabbi Shimon rules that one is exempt, and Rabbi Yehuda deems him liable. However, in this case Rabbi Yehuda would agree that he is exempt because he performed a destructive act.

Although the principle with regard to the prohibitions of Shabbat is that exempt means exempt by Torah law but the act is prohibited by rabbinic law, according to Rabbi Shimon this would be permitted because it is a prohibition based on two rabbinic decrees, as it is a labor performed not for its own

sake and it is also a destructive act, which is permitted when it is for the purpose of fulfilling a mitzva (*Tziyyun LeNefesh Hayya*). *Tosafot* claim that even according to Rabbi Yehuda, it is permitted in this case, due to the mitzva of rejoicing on the Festival. Others explain that the ruling here is exempt and permitted because there is a shovel already embedded in the ground (Rid). Some commentaries combine these arguments.

Who mentioned anything about it – מֵאֵן דְּכֵר שְׂמִיָּה: Some commentaries explain that this cannot refer back to the mishna's earlier statement, as it was already stated that everyone agrees that one who slaughtered an animal should cover its blood. Since no previous dispute was recorded with regard to the ashes of a stove, the Gemara asks how it can be said that Beit Shammai and Beit Hillel agree in that case as well (Rav Yitzhak Abuhav).

This is what he said, and the ashes – הֵכִי קָאָמַר, וְאֶפְרֵי: This

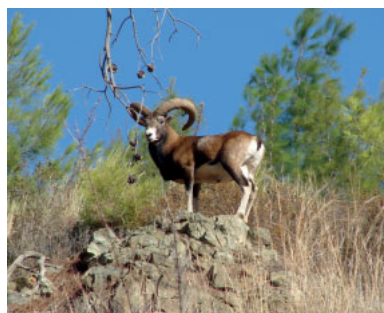
explanation should not be understood as a proposed change to the text of the mishna. Rather, Rabba is saying that sometimes the term: That, i.e., the prefix letter *shin*, does not signify an explanation, but adds to the previous statement, like a *vav*, which means: And (see *Etz Yosef*).

And the ashes of a stove are prepared – וְאֶפְרֵי כִירָה מוּכָן הוּא: *Tosafot* ask: But according to the opinion of Beit Shammai, one may not cover blood with ashes even on a weekday. Consequently, they explain that the statement that the ashes of a stove are considered prepared for all of one's needs means that the ashes do not have the status of *muktze*; it does not refer to the mitzva of the covering of the blood at all. The *Piskei HaRid* states likewise. Others, however, explain this statement as follows: Beit Hillel agree that the ashes of a stove are considered prepared for covering blood, and therefore if one has ashes of a stove available he may slaughter an animal even *ab initio* (Rashba).

BACKGROUND

Koy – כּוּי: Many problems arise in trying to identify the *koy*. It is mentioned numerous times in the Mishna and the Gemara, not because it is a common animal, but rather because it is useful in discussions that explore the parameters and limits of the laws of domestic animals versus wild animals. As early as the mishnaic period, the Sages disagreed on the identification of the *koy*. Some maintain that it is a hybrid born to a deer or another kosher wild animal and a goat.

According to many researchers, the *koy* is identified as the water buffalo. There are allusions to this identification in some medieval rabbinic sources. Others reject this idea and claim that water buffalo did not live in Eretz Yisrael during the time of the Mishna, when the *koy* was first mentioned. Others maintain that the *koy* is the mouflon, a subspecies of wild sheep, although there are a number of opinions as to the specific subspecies of mouflon it may be. There is also uncertainty with regard to both the origin of the term *koy* and its proper vocalization.



Mouflon



Water buffalo

אָמַר רַב יְהוּדָה אָמַר רַב: לֹא שָׁנָה אֶלְיָא שְׁהוּסַק מֵעֶרֶב יוֹם טוֹב, אֲבָל הוּסַק בְּיוֹם טוֹב – אָסוּר. וְאִם רָאוּי לְצִלּוֹת בּוֹ בַּיּוֹם – מוּתָר.

תֵּנִיא נִמְי הֵי: בְּשִׁאֲמָרוּ אֶפְרַיִם בִּירָה מוּכָן הוּא, לֹא אָמְרוּ אֶלְיָא שְׁהוּסַק מֵעֶרֶב יוֹם טוֹב, אֲבָל הוּסַק בְּיוֹם טוֹב – אָסוּר, וְאִם רָאוּי לְצִלּוֹת בּוֹ בַּיּוֹם – מוּתָר.

הַכֵּנִים עֶפֶר לִגְנָתוֹ וְלְחוֹרְבָתוֹ – מוּתָר לְכַסּוֹת בּוֹ. וְאָמַר רַב יְהוּדָה: מִכֵּנִים אֲדָם מִלֵּא קוֹפְתוֹ עֶפֶר וְעוֹשֶׂה בָּהּ כָּל צָרָבוֹ.

דָּרַשׁ מַר זוּטְרָא מִשְׁמֵיהּ דְּמַר זוּטְרָא רַבָּה: וְהוּא שְׁיִיחָד לֹא קָרַן זְוִית.

מִתִּיבִי: כּוּי אֵין שׁוֹחֲטִין אוֹתוֹ בְּיוֹם טוֹב, וְאִם שָׁחֲטוּ – אֵין מְכַסִּין אֶת דָּמוֹ. וְאִי אֵיתָא – לְכַסְיָהּ כְּדָרְבַּי יְהוּדָה!

וְלִטְעָמֵיךְ, לְכַסְיָהּ בְּאֶפְרַיִם בִּירָה אוֹ בְּדָקָר נְעוּץ! אֶלְיָא – דְּלִית לֵיהּ, הֲכָא נִמְי – דְּלִית לֵיהּ.

Rav Yehuda said that Rav said: They only taught that the ashes of a stove are considered prepared if the stove was ignited on the Festival eve, so that the ashes had already formed at the start of the Festival. However, if it was ignited on the Festival itself, the ashes are prohibited.^N And if the ashes are still hot and fit to roast an egg in them,^N they are not considered *muktze*, and therefore it is permitted to use them for covering as well.

The Gemara comments: That opinion is also taught in a *baraita*: When they said that the ashes of a stove are prepared, they said so only when it was ignited on the Festival eve; however, if it was ignited on the Festival, they are prohibited. And if the ashes are still hot and fit to roast an egg in them, they are permitted.

The Gemara further states: If before the Festival one brought earth into his garden^H or his ruin to use for various needs, it is permitted to cover blood with it. And Rav Yehuda likewise said: A person may bring in a basketful^N of earth^H the day before the Festival and use both the basket and the earth it contains for all his needs on the Festival.

With regard to this case, Mar Zutra added and taught in public in the name of Mar Zutra the Great that the application of this *halakha* is limited: And that is the case only if one designated a corner for this earth, thereby demonstrating that he intends to use it for all his requirements, rather than merely bringing earth in to scatter over the floor of the house. In that case, the dirt is nullified. It is considered part of the floor, which means that it is once again classified as *muktze*.

The Gemara raises an objection against this from a mishna (*Bikkurim* 4:9): In the case of a *koy*,^B a kosher animal with characteristics of both domesticated and non-domesticated animals, one may not slaughter it on a Festival, as it is uncertain whether or not its blood requires covering. And if one did slaughter it, he may not cover its blood. And if it is so, that one may use his basket of earth as he wishes, as claimed by Rav Yehuda, even if a *koy* is definitely a domesticated animal, let him cover it, in accordance with the opinion of Rav Yehuda.^H

The Gemara expresses surprise at this objection: And according to your reasoning, one could equally suggest: Let him cover the blood of the *koy* with ashes of a stove or with earth dug up with an embedded shovel.^N Rather, this mishna must be referring to a situation where one does not have prepared earth to use for covering the blood; here too, one can say that he does not have a basket of earth ready for all his needs.

NOTES

הוּסַק – If it was ignited on the Festival they are prohibited – אָסוּר: Some commentaries explain that Rav, who issued this statement, clearly holds in accordance with the opinion of Rabbi Yehuda, who accepts the prohibition of *muktze*, and therefore he holds that the ashes are prohibited (Rashba). Others claim that even Rabbi Shimon, who does not accept the prohibition of *muktze*, agrees that in this case the ashes are prohibited, as they came into being [*in olad*] on the Festival (Rabbi Aharon HaLevi; Rid). In the Jerusalem Talmud, it is stated that if one slaughtered an animal, it is preferable to cover the blood with ashes from a fire ignited on that day, rather than cover it by means of an embedded shovel.

Fit to roast...in them – רָאוּי לְצִלּוֹת בּוֹ: How can this be if there is a *halakha* that for covering blood one must use a substance fit for growing plants, which is not true of hot ashes? One answer is that ashes are suitable for this purpose after they cool down. Furthermore, ashes consist of a suitable type of matter, and

therefore it makes no difference that in this particular instance the substance cannot be used for growing plants (*Meiri*).

A person may bring in a basketful, etc. – מִכֵּנִים אֲדָם מִלֵּא: The early commentaries ask: Why does the Gemara pose the question from the *koy* to Rav Yehuda rather than question the *baraita* itself, which apparently states the same *halakha*? They suggest several answers: One can understand the *baraita* as referring only to cases after the fact, where one already slaughtered the animal, but not *ab initio*. Alternatively, the *halakha* of the *baraita* applies to cases where covering is certainly required by Torah law, whereas Rav Yehuda says that one may use the earth for all one's needs, which includes even uncertain cases (Rav Yitzhak Abuhav). Others suggest that the *baraita* is referring to the rare case in which one brought a large quantity of earth into his garden. It is, however, not unusual for one to have a basket of earth at hand in one's house for covering filth on the floor. Therefore, it is appropriate to ask why one

may not use this earth for covering the blood of a *koy* as well (*Shitta Mekubbetzet*).

Let him cover it with ashes of a stove or with an embedded shovel – לְכַסְיָהּ בְּאֶפְרַיִם בִּירָה אוֹ בְּדָקָר נְעוּץ: *Tosafot* ask why the Gemara cites the example of an embedded shovel, as this method is available only according to the opinion of Beit Shammai. Some explain that the main difficulty is indeed based on the case of the ashes of a stove, and an embedded shovel is mentioned only incidentally (Rabbi Aharon HaLevi). Alternatively, the question is posed to Beit Hillel with regard to the ashes of a stove, and it is posed to Beit Shammai concerning an embedded shovel (Rashba). Another possibility is that since one has already slaughtered the *koy*, perhaps it should be considered a situation after the fact, in which case he should be permitted to use an embedded shovel, even according to the opinion of Beit Hillel (Rav Yitzhak Abuhav).

HALAKHA

Brought earth into his garden – הַכֵּנִים עֶפֶר לִגְנָתוֹ: If one brings loose earth into his garden and piles it up in one spot, it is permitted to use it to cover the blood, as he intended that this earth serve all his needs. However, if one brings only a small quantity, it is nullified and considered part of the earth of the garden. Some commentaries say that if one brings earth into his house, he may use it even if it is a small amount (*Shulhan Arukh HaRav*). Others claim that the Sages permitted use of this earth only for a mitzva, e.g., covering blood, and only after the

fact. Using it for any other purpose is certainly prohibited (*Peri Hadash*; Vilna Gaon). According to the *Mishna Berura*, it is appropriate to act stringently in this regard, unless one's Festival joy will be adversely affected (*Shulhan Arukh, Oraḥ Hayyim* 498:16).

Bring in a basketful of earth – מִכֵּנִים...מִלֵּא קוֹפְתוֹ עֶפֶר: One who brings a basketful of earth into his house before the Festival begins may use it for all of his needs on the Festival (*Shulhan Arukh, Oraḥ Hayyim* 498:17).

Slaughter of a koy on a Festival – שְׁחִיטַת כּוּי בְּיוֹם טוֹב: A *koy*, whose status as a domesticated or undomesticated animal is uncertain, may not be slaughtered on a Festival. If one does slaughter it, its blood may not be covered, so that people will not think its prohibited fats are permitted, like those of an undomesticated animal. However, if the blood is located in a place where it disturbs people, one may cover it (*Shulhan Arukh, Oraḥ Hayyim* 498:18).

אי הכי, מאי איריא ספק? אפילו ודאי נמי לא!

The Gemara asks: **If so**, if the mishna is referring to a situation where one does not have prepared earth, **why discuss specifically** the case of a *koy*, where there is **uncertainty** whether there is a mitzva to cover its blood? **Even** in the case of an undomesticated animal, whose blood must **certainly** be covered, slaughter should **also not** be permitted, as the *halakha* is in accordance with the opinion of Beit Hillel that one may not slaughter if he does not have prepared earth.

לא מבעיא קאמר; לא מבעיא ודאי דלא לשחוט, אבל ספק – אימא משום שמחת יום טוב לשחוט, ולא לבסייה – קא משמע לן.

The Gemara explains that this *baraita* is **speaking** utilizing the style of: **It is not necessary**, as follows: **It is not necessary** to state the *halakha* with regard to **definite** undomesticated animals and birds, **that it is not permitted to slaughter** them; **however**, with regard to **an uncertainty**, one might say: **Due to the joy of the Festival let one slaughter it and not cover** its blood, as there is **uncertainty** whether there is a mitzva to cover its blood, and therefore it is overridden by the mitzva to rejoice on a Festival. The *baraita* therefore **teaches us** that one should not slaughter it *ab initio* if he does not have something prepared with which to cover the blood.

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והא מדקתני סיפא: ואם שחטו – אין מכסין את דמו, מבלל (דרישא) בדאית ליה עסקינן.

The Gemara challenges this: **From the fact that the latter clause teaches: And if he slaughtered it one may not cover its blood, it may be inferred that in the first clause we are dealing with a situation where he does have something with which to cover the blood.** If he does not have anything he can use, why is it necessary to state that one may not cover it? And consequently, if he does in fact have material with which to cover the blood, why may he not do so, either with his basket of earth, in accordance with the opinion of Rabbi Yehuda, or with the ashes of a stove?

אלא אמר רבה: אפר בירה מוכן ודאי ואין מוכן לספק.

Rather, Rabba said that the ashes of a stove, which the mishna stated are prepared, are **prepared only for covering the blood** in a case of a **definite obligation**, but they are **not considered prepared for a case of uncertainty**.ⁿ Although his intention was to use these ashes to cover the blood of any animal he slaughters, whether in a definite or an uncertain case, they are nevertheless not considered prepared for an uncertain case.

לספק מאי טעמא לא – דקא עביד גומא, ודאי נמי קא עביד גומא. אלא כדרבי אבא – הכא נמי כדרבי אבא.

The Gemara inquires: In a case of **uncertainty, what is the reason** that the ashes are not considered prepared? If the reason is **that one makes a hole** in the mound of ashes when he removes part of it for covering, in a **definite case he also makes a hole**. If it is prohibited to make a hole, that prohibition applies in all cases. **Rather**, one must say, **in accordance with** the opinion of **Rabbi Abba**, that the making of this hole is not considered prohibited labor, as he is merely performing a destructive act. If so, **here too**, in a case of uncertainty, there should be no cause for concern, **in accordance with** the opinion of **Rabbi Abba**.

אלא: ספק מאי טעמא – דלמא עביד כתישה. ודאי נמי – נגזור משום כתישה! ודאי כי קא עביד כתישה – איתי עשה ודחי את לא תעשה.

Rather, the Gemara retracts from the previous suggestion and offers an alternative: With regard to a case of **uncertainty, what is the reason** that it is prohibited? The reason is that **perhaps one** will forget and **perform crushing** with this earth, to ready it for covering. However, the same problem arises as before: If so, **we should also decree against covering the blood in a definite case, because** he might **crush** the earth. The Gemara answers: This presents no difficulty, as when one fulfills the mitzva of covering the blood in a **definite case, even if he performs crushing, the positive mitzva of covering the blood comes and overrides the prohibition concerning the desecration of a Festival**.ⁿ

NOTES

מוכן לודאי ואין מוכן לספק – Prepared for a definite obligation, but they are not prepared for a case of uncertainty – The Gemara originally understands Rabba as saying that one cannot prepare for a case of uncertainty at all, which means that even if one were to try to do so, his intention is disregarded (Rabbi Aharon HaLevi). The Gemara proceeds to question why preparation should be ineffective in a case of uncertainty. If it is due to the prohibition of *muktze*, his preparation before the Festival should preclude that concern. The answer is that not even preparation can alleviate the concern for prohibitions performed during the act of covering. These concerns are overridden by a definite mitzva, but not by a case of uncertainty (Rashba).

The positive mitzva comes and overrides the prohibition – איתי עשה ודחי את לא תעשה: Some commentaries ask: Since the positive mitzva of covering can be performed later, why should it override a prohibition? The answer given is that the mitzva should be performed in the proper fashion *ab initio*, as otherwise the obligation is fulfilled in an incomplete manner (Rashba; see later authorities).

Cloak on which ritual fringes are placed – סדין בציצית: By Torah law, it is permitted to place woolen ritual fringes on a linen garment, as the positive mitzva of ritual fringes overrides the prohibition against wearing a mixture of diverse kinds. In practice, linen ritual fringes are used for a linen garment, to fulfill the positive mitzva without transgressing a prohibition. However, during those periods when the practice was to use a string of a sky blue dye, which can be used only on woolen thread, this woolen thread was placed on a linen garment as well (Rambam *Sefer Ahava, Hilkhot Tzitzit* 3:6).

A Festival includes the positive mitzva and the prohibition – יום טוב עשה ולא תעשה: One who performs prohibited labor on a Festival transgresses both the positive mitzva to rest and the prohibition itself (Rambam *Sefer Zemanim, Hilkhot Yom Tov* 1:2).

NOTES

Rather, Rava said – אלא אמר רבא: It is evident from other sources that Rava does not accept the claim that the observance of Festivals involves both a positive mitzva and a prohibition. If so, why does this question pose a problem for Rava here? One suggestion, based on *Tosafot*, is that Rava maintains that labor that merely facilitates food preparation is not permitted on a Festival, and covering the blood is included in this category (Rashba).

Brought in earth to cover...the blood of a bird, etc. – הכניס עפר לכסות בו...דם צפור וכו': Some commentaries explain Rava's opinion, which also appears in the parallel discussion in the Jerusalem Talmud, to include the explanation offered later in the Gemara. They say as follows: There are two reasons for permitting the covering of the blood. First, because the action itself constitutes the performance of a mitzva; and second, because it looks like he is cleaning his courtyard (Ra'avan).

The Sages of Neharbela said, etc. – נהרבליאי אמרי: The case of a *koy* does not present a difficulty to their opinion, as they agree with Rami, son of Rav Yeiva, that a *koy* is prohibited for a different reason (Rid; Jerusalem Talmud).

A *koy* is not similar to excrement – כוי אינו בצואה: The difference between the two cases is that he had some intention with regard to excrement, as this is a likely occurrence, whereas he had no similar intention with regard to a *koy* (see Rashi). According to Rashi's explanation, the Gemara should be understood as follows: Can the issues be compared, in which case it would also be permitted to cover the blood of a *koy*, or are they not comparable (see Jerusalem Talmud)?

אימר דאמרינן "אתי עשה ודחי את לא תעשה" כגון מילה בצרעת, אי נמי סדין בציצית.

דבעידנא דקא מעקר לאו – קא מוקים לעשה, הכא, בעידנא דקא מעקר לאו – לא מוקים עשה! הא לא קשיא; דבהדי דכתיש קא מכסי.

סוף סוף, יום טוב עשה ולא תעשה הוא, ואין עשה דוחה את לא תעשה ועשה!

אלא אמר רבא: אפר כירה דעתו לודאי, ואין דעתו לספק.

ואודא רבא לטעמיה, דאמר רבא: הכניס עפר לכסות בו צואה – מותר לכסות בו דם צפור, דם צפור – אסור לכסות בו צואה.

נהרבליאי אמרי: אפילו הכניס עפר לכסות בו דם צפור – מותר לכסות בו צואה.

אמרי במערבא: פלגי בה רבי יוסי בר חמא ורבי זירא, ואמרי לה: רבא בריה דרב יוסף בר חמא ורבי זירא. חד אמר: כוי הרי הוא בצואה, וחד אמר: כוי אינו בצואה.

The Gemara challenges this: Say that we said the following principle: A positive mitzva comes and overrides a prohibition in a case such as the circumcision of a child who has leprosy. Cutting off a leprous blemish is a violation of a prohibition. However, if a baby's foreskin is leprous, it is permitted to cut it off by circumcision. Alternatively, the principle applies to a case of a linen cloak on which woolen ritual fringes are placed,^f despite the prohibition against wearing diverse kinds, i.e., a mixture of wool and linen.

The Gemara explains the difference between those *halakhot* and the issue at hand. In those cases, at the time that one uproots the prohibition, he fulfills the positive mitzva with the same act. However, here, in the case of covering blood, two separate actions are involved, as at the time that one uproots the prohibition, when he crushes the earth, he does not fulfill the positive mitzva of covering the blood. The Gemara answers: This is not difficult, as it is possible to say that when one crushes the earth, he covers the blood with it; he fulfills the positive mitzva by means of the same action through which he uproots the prohibition.

The Gemara challenges this explanation from a different perspective: Ultimately, a Festival is a mitzva that includes both the positive mitzva of rest and also the prohibition^h against performing prohibited labor, and there is a principle that a positive mitzva by itself does not override a prohibition and a positive mitzva together.

Rather, the Gemara rejects the previous explanation, in favor of the following. Rava said:ⁿ One's initial intention is to use the ashes of a stove for a mitzva that is definite, and he does not have this intention for cases of uncertainty. One may not use an article on a Festival for a purpose which he did not have in mind beforehand.

The Gemara comments: And Rava follows his regular line of reasoning in this regard, as Rava said: If one brought in earth in order to cover a baby's excrement with it on a Festival, it is likewise permitted to cover with it the blood of a slaughtered bird. Since he prepared this earth for a case of uncertainty, as it is possible that the baby will not soil the house, he certainly intended to use it for covering the blood of a bird prepared before the Festival for slaughter. If, however, one prepared the earth at the outset to cover the blood of a bird,ⁿ it is prohibited to cover excrement with it, as he did not know in advance that he would require the earth for this purpose. He had only definite uses in mind, not possible ones such as covering excrement.

The Sages of Neharbela^b said:ⁿ Even if one brought in earth to cover the blood of a bird with it, it is permitted to cover excrement with it, as it cannot be said that he did not intend this usage.

They say in the West,^b Eretz Yisrael, that Rabbi Yosei bar Hama and Rabbi Zeira disagree with regard to this issue, and some say it was disputed by Rava, son of Rav Yosef bar Hama, commonly mentioned in the Babylonian Talmud as Rava, without the patronymic, and Rabbi Zeira. The Gemara elaborates: One of them said that a *koy* is similar to excrement in this regard. Just as one may cover the blood of a bird with earth brought in for the purpose of covering excrement, he may likewise use it for covering the blood of a *koy*, as both the case of excrement and the case of the *koy* are cases of uncertainty. And the other one said: A *koy* is not similar to excrement.ⁿ Since the covering of excrement is common, it is regarded as a definite purpose in comparison to a *koy*, which is by definition an uncertain case. It is therefore prohibited to cover the blood of a *koy* with earth prepared for the sake of covering excrement.

BACKGROUND

Sages of Neharbela – נהרבליאי: The city of Neharbela was likely to have been located on a river, or in Hebrew, *nahar*. This river has been identified as the Baal River, or possibly the Bel or Bil River, in Babylonia.

It is explained in tractate *Sanhedrin* that the head Sage of that city was known as Rami bar Berukhi or Rav Ami bar Berukhi, and the phrase: The Sages of Neharbela teach, refers primarily to him.

Other than the fact that he was from Neharbela, nothing is known about this scholar.

In the West – במערבא: In the Babylonian Talmud, Eretz Yisrael is referred to as the West, as it is southwest of Babylonia. In later periods, the customs of Eretz Yisrael were referred to as Western ones, as opposed to the Eastern customs of Babylonia.

Conclude – תסתים: This expression is used when the Gemara is determining the precise author of each opinion in a dispute, when there is a tradition that two Sages disagree about an issue.

Conclude that Rava is the one who said – תסתים דרבא הוא – דאמר: This should be understood as follows: The one who holds that the Sages permit covering excrement with earth brought in for the purpose of covering the blood of a bird maintains the following: Since the possibility that one would need to cover excrement is a case of only mild uncertainty, it is distinct from the case of a *koy*. It can be understood from the fact that Rava holds that one is not permitted to cover excrement with earth brought in for the purpose of covering the blood of a bird that he regards covering excrement to be a full-fledged case of uncertainty. Therefore, the same *halakha* that applies to excrement applies to a *koy* as well.

Not only did they say a *koy* – לא בוי בלבד אמרו: The prohibition against covering a mixture of blood apparently provides a more novel ruling than the case of a *koy*, as the obligation to cover the blood of a *koy* is a matter of uncertainty, whereas the mixture certainly contains some blood that must be covered. If so, why doesn't the first *baraita* state this novel *halakha*? One explanation is that the case of a *koy* provides a different novel ruling, as due to the uncertainty it may not be slaughtered *ab initio*, which is not the case with regard to other animals (Rav Yitzhak Abuhav; see *Hatam Sofer*, 2nd ed.).

It is prohibited to cover it – אסור לכסותו: How could the Sages uproot a positive mitzva from the Torah? One answer is that the mitzva of covering the blood can be performed later, albeit not *ab initio*, by covering the mark left by the blood, after the conclusion of the Festival. Therefore, the Sages could postpone its fulfillment temporarily.

LANGUAGE

Yasinia – יאסיניא: From the Greek name *Ἰασών*, *Yason*, or *Ἰασών*, *yasion*, which means: Just. It is similar in meaning to the Hebrew name Zedekiah.

HALAKHA

Covering the blood of a mixture – כסוי דם תערובת – On a Festival, if one slaughtered a domesticated animal, whose blood need not be covered, together with an undomesticated animal or a fowl, whose blood must be covered, and the blood of both animals became mingled together, the *halakha* of the blood of a *koy* applies. In a case where the blood of the undomesticated animal or fowl is greater, and one has earth ready, if he can cover it all with one shovelful, such that he does not add any effort for the purposes of covering the blood of the domesticated animal, he should do so; otherwise, he should not cover the blood, in accordance with the opinion of Rabbi Zeira and Rabbi Yosef ben Yasinia (*Shulhan Arukh, Orach Hayyim* 498:19).

Covering blood from yesterday – כסוי דם של אתמול – If one slaughtered fowl on the eve of a Festival without covering its blood, he may not cover the blood on the Festival, even with prepared earth (*Shulhan Arukh, Orach Hayyim* 498:20).

תסתים דרבא הוא דאמר בוי הרי הוא כצואה, דאמר רבא: הכניס עפר לכסות בו צואה – מותר לכסות בו דם צפור, דם צפור – אסור לכסות בו צואה, תסתים.

The Gemara comments: **Conclude^N that Rava is the one who said^N that a *koy* is similar to excrement, as Rava said: If one brought in earth to cover excrement with it, it is permitted to cover the blood of a bird with it; if he did bring in earth to cover the blood of a bird, it is prohibited to cover excrement with it.** One intends to use the earth for the definite rather than the uncertain purpose, and likewise in the case of a *koy*. The Gemara summarizes: Indeed, **conclude** that this is the correct version of the opinions in the dispute.

רמי בריה דרב ייבא אמר: בוי היינו טעמא דלא מכסינן – גזירה משום התרת חלב.

Rami, son of Rav Yeiva, said a different reason: In the case of a *koy*, **this is the reasoning for the *halakha* that one may not cover its blood:** It is not because this action would constitute prohibited labor; rather, **it is a rabbinic decree due to the permission of its prohibited fat.** If one were to cover its blood, people might think that a *koy* is definitely an undomesticated animal, and it is well known that the fats of an undomesticated animal may be eaten, whereas those of a domesticated animal are prohibited.

אי הכי אפילו בחול נמי. בחול אמרי: לנקר חצרו הוא צריך.

The Gemara challenges this: **If so, even on a weekday as well, the blood of a *koy* should not be covered, due to this concern.** The Gemara answers: **On a weekday, people will say that he needs to clean his courtyard, and that he is covering the blood merely to keep his courtyard presentable, rather than to fulfill the mitzva of covering blood.**

שחט באשפה מאי איבא למימר? בא לימלך מאי איבא למימר?

The Gemara asks: And if he slaughtered a *koy* in a *dunghill*, a place used for the disposal of refuse, **what is there to say?** It will be evident that he is not concerned about its cleanliness, and that he is attempting to perform the mitzva of covering blood. Alternatively, **if he comes to consult a Sage concerning whether or not he should cover the blood of a *koy* on a weekday, what is there to say?** If the owner of the *koy* is instructed to cover the blood, would he not come to the erroneous conclusion that its fats are permitted?

אלא: בחול [אי נמי] מספקא – אמרי ליה רבנן: זיל טרח וכסי. ביום טוב, אי מספקא – מי אמרי ליה רבנן זיל טרח וכסי?

Rather, the Gemara answers: **On a weekday, even if the matter is uncertain, the Sages nevertheless say to him: Go and take the trouble and cover it, as it involves the possible fulfillment of a mitzva. On a Festival, however, if there is uncertainty, would the Sages say to him: Go and take the trouble and cover it?** If one was told to cover the blood on a Festival, this would indicate that a *koy* is definitely an undomesticated animal.

תני רבי זירא: לא בוי בלבד אמרו, אלא אפילו שחט בהמה חיה ועוף ונתערבו דמן זה בזה – אסור לכסותו ביום טוב.

Rabbi Zeira teaches the following *baraita*: **Not only did the Sages say that the blood of a *koy*^N should not be covered on a Festival, but even if one slaughtered a domesticated animal, whose blood need not be covered, and also slaughtered an undomesticated animal or a fowl, whose blood must be covered, and their bloods became mingled together, it is prohibited to cover the mixture of blood^N on a Festival.**

אמר רבי יוסי בר יאסיניא: לא שנו אלא שאין יכול לכסותו בדקירה אחת, אבל יכול לכסותו בדקירה אחת – מותר.

Rabbi Yosei bar Yasinia¹ said: **They taught this *halakha* only in a case where one cannot cover the entire mixture by one thrust of a shovel. However, if he can cover it with one thrust, it is permitted.** Since the entire amount of blood can be covered with a single action, it does not matter if one unnecessarily covers the blood of a domesticated animal while performing the mitzva of covering the blood of a fowl or an undomesticated animal.^h

פשיטא. מהו דתימא: נגזר דקירה אחת אטו שתי דקירות, קא משמע ל?

The Gemara comments: It is **obvious** that this is the case; since he covers all the blood in a single action, clearly he performs a mitzva. The Gemara answers: This ruling is nevertheless necessary, **lest you say that we should decree and prohibit even one thrust, due to the possibility that he might perform two thrusts.** Therefore, **Rabbi Yosei bar Yasinia teaches us that this concern is not taken into account.**

אמר רבה: שחט צפור מערב יום טוב – אין מכסינן אותו ביום טוב.

Rabba said: If one slaughtered a bird on the eve of a Festival, **one may not cover its blood on the Festival itself.**^h