

2.3.10

46b → 47b (סיום הפרק) (דמי ליה אביי לרבה)

Note: in our סוגיא, the issue of a בהמה טהורה is raised; if such an animal is תמים, it must be brought as קרבן by שמן; if it has a מום קבוע, the כהן may eat it and it may be slaughtered even on יום טוב. In order to allow this, a חכם must inspect it and declare the מום to be קבוע

7. אֲדִין דְּנִיָּאל דִּי שְׁמָה בְּלִטְשָׁאצֵּר אֲשֶׁתּוּמָּם קִשְׁעָה קֶדְה וְרִעִינְהִי יְבַהֲלָנָה עֲנָה מִלְכָּא... דְּנִיָּאל ד, טז

I. אביי's challenges

a. To ר"ש ruled that there is no מוקצה (excess oil in נר is permitted)

- i. Yet: in ביצה גזר, he ruled (in re: בהמה טהורה) that if the מום was not recognized before י"ט, it is not המוכן
- ii. Answer: in the case of the נר, he knows (and anticipates) that the נר will extinguish and he'll have access to שמן
- iii. But: in the case of the animal, he has no reason to think it'll get a מום on י"ט
 1. And even if: it gets a מום, who's to say it'll be קבוע מום
 2. And even if: it is a מום קבוע, who's to say that a חכם will agree to inspect it (see note)
- iv. Challenge (ר"ח): שבת נדרים – we perform התרת נדרים and הפרת נדרים on שבת for שבת-related needs
 1. However: who's to say that her husband will repudiate the נדר?
 - a. Answer: per רבא – a woman takes a נדר on condition that her husband will assent
 2. Yet: how are we מתיר נדרים – who's to say the חכם will agree to hear the case?
 - a. Answer: in that case, if a חכם is unavailable, she can get התרה from 3 הדיוטות (unlike מומים (התרת מומים))

b. To ר"ש only allowed carrying נר after it goes out

- i. Presumably: he is concerned that carrying it may extinguish it → must wait until it goes out
- ii. Challenge: ר"ש rules that דבר שאין מתכוין is permitted, per his ruling about גרירה
 1. Answer (רב יוסף): ר"ש is גוזר when the full act, with intent, would be an איסור תורה (e.g. כיבוי מותר, אסור if they intended, מה"ת)
 - a. Challenge (רבא): כלאים ט: – selling שעטנז garments – 'tho it would be אסור
 2. Answer (רבא): the נר is unique; since the flame is בטל, the oil and wick are also אסורים (while lit)

II. אסי told ר' ר' יוחנן that ר' ר' ר' reported that ר' ר' permitted ר' ר' to carry a fire-pan with ashes

- a. Challenge (ר' זירא לר' אסי): שבת נבא: ר' ר' permits carrying boy who is holding a rock or a basket with a rock in it
 - i. only allowed if the basket is filled with fruit – else, בסיס לדבר אסור and forbidden
 - ii. דב אסי was speechless (v. 1); then answered that there were unburnt pieces of לבונה in the firepan
 1. Challenge: that would be of no significance to a wealthy man like ר' ר' and wouldn't permit the מחתה
 - a. Per: ברייתא which accords significance to עניים for בגדי עניים only
 - iii. אביי: it was permitted as we permit a chamber pot to be emptied on שבת
 1. Challenges (רבא): גרף של רעי is disgusting, unlike ash-can; it is also visible; firepan is sealed closed
 - iv. רבא: in ר' ר' 's house, we would carry firepans with ash, even though they had עצים שברי
 1. Reason: the ash could be used to cover things → not מוקצה (and broken pieces of wood are carried along)
 2. Challenge: ר"ש agrees that if there are wick-shards in the נר, it may not be carried
 - a. Defense (אביי): that was taught in the גליל (where there is a surplus of oil and שברי פתילה aren't to it)

III. לוי בר שמואל and the folding bed

- a. He asked: ר' ר' אבא ור' הונא בר חייא and they permitted it; ר' יהודה, who quoted ר' ר' as saying he is חייב for setting up
 - i. Challenge: תוספתא שבת יב: – if he reassembles the stems of a lamp – חייב; but a stick, made up of segments which fit into each other – פטור אבל אסור – פטור
 1. reassembling a complex horn (cornet) – חייב; a simple one – פטור
 - ii. Answer: they ruled like ר' ר' in רשב"ג – reassembling segments of a bed is פטור; if he plugs it in (hard) – חייב
 1. מותר: if it was loose – דשב"ג
 - a. Note: רבא relied on this to re-set a folding bed on יום טוב

IV. משה ונ: permitted to put a כלי under the נר to catch sparks – but may not put water into it, as it extinguishes the ניצוצות

- a. Challenge: he is making the כלי unusable (cannot move it with ניצוצות inside)
 - i. Answer: sparks have no substance (→ מותר to carry it even afterwards)
- b. Note: prohibition at end of משנה seems to follow ר' יוסי (contra רבנן) who prohibits כיבוי גרם
 - i. Correction: even יוסי only forbids כבוי כבוי on שבת; this prohibition is even on ע"ש (ברייתא)
 1. Rather: all agree here – it hastens the כיבוי – as soon as sparks hit the כלי, they go out