

Narrowing Ha'aramah in the Babylonian Talmud

Drisha Series - Shiur #2

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1. בבלי שבת קיז:

גופא: נשברה לו חבית בראש גגו – מביא כלי ומניח תחתיה, ובלבד שלא יביא כלי אחר ויקלוט, כלי אחר ויצרף. נזדמנו לו אורחין – מביא כלי אחר וקולט, כלי אחר ומצרף. ולא יקלוט ואחר כך נזמין, אלא נזמין ואחר כך יקלוט. ואין מערימין בקדו, משום רבי יוסי בר יהודה אמרו: מערימין.

Apropos this *baraita*, the Gemara discusses the matter itself: If one's barrel broke atop one's roof on Shabbat, one may bring a vessel and place it under the barrel to salvage its contents, and this is permitted provided that one does not bring another vessel and place it on the ground to catch the liquid, another vessel and attach the vessel next to the roof. If guests happen to come over and one needs more to drink, one may bring another vessel and catch the liquid, and one may bring another vessel and attach it. And one may not catch the liquid and then invite guests; rather, one must first invite guests, and afterward catch the liquid. Until one invites guests, there is no need for the beverage, and one will be catching the liquid in a prohibited manner. And one may not employ artifice in this. In the name of Rabbi Yosei bar Yehuda, they said: One may even employ artifice.

לימא בפלוגתא דרבי אליעזר ורבי יהושע קמיפלגי? דתניא: אותו ואת בנו שנפלו לבור? – רבי אליעזר אומר: מעלה את הראשון על מנת לשוחטו, והשני עושה לו פרנסה במקומו בשביל שלא ימות. רבי יהושע אומר: מעלה את הראשון על מנת לשוחטו ואינו שוחטו, ומערים ומעלה את השני – רצה זה שוחט, רצה זה שוחט.

Let us say that Rabbi Yosei bar Yehuda and the Rabbis disagree in the dispute between Rabbi Eliezer and Rabbi Yehoshua, as it was taught in a *baraita*: With regard to it and its offspring that fell into a pit on a Festival, Rabbi Eliezer says: One may raise the first in order to slaughter it, and then slaughter it; and with regard to the second one, one may provide it sustenance in its place in the pit so that it will not die. Rabbi Yehoshua says: One may raise the first in order to slaughter it, and then reconsider and not slaughter it, and one may employ artifice and raise the second. One may slaughter either animal.

ממאי? דילמא עד כאן לא קאמר רבי אליעזר התם, דאפשר בפרנסה, אבל הכא דלא אפשר – לא. ועד כאן לא קאמר רבי יהושע התם, משום דאיכא צער בעלי חיים, אבל הכא דליכא צער בעלי חיים – לא.

From what does that conclusion ensue that the machlokot are parallel? Perhaps Rabbi Eliezer only stated that one may not raise the second animal there, in a case where it is possible to save the animal by feeding it in the pit; however, here, in the case of the barrel, where it is impossible to save without artifice, R. Yehoshua would permit using artifice. And similarly, perhaps Rabbi Yehoshua only said there in the case of the animals one may employ artifice because there is an issue of the suffering of living beings, but here, where there is no issue of the suffering of living beings, perhaps R. Yehoshua did not permit employing artifice.

2. בבלי פסחים מו, מח.

איתמר: האופה מיום טוב לחול, רב חסדא אמר: לוקה, רבה אמר: אינו לוקה.

It was stated that the *amora'im* disagree with regard to one who bakes bread on a Festival day for use during the week. Rav Hisda said: One is flogged because one has desecrated the Festival. Rabba said: One is not flogged.

רב חסדא אמר לוקה: לא אמרינן "הואיל ומיקלעי ליה אורחים – חזי ליה". רבה אמר אינו לוקה: אמרינן "הואיל"...

The Gemara explains the two opinions: Rav Hisda said that one is flogged because we do not say that since guests may happen to visit, the bread is fit for the person baking. Rabba said that one is not flogged because we say that since guests may visit, the bread is considered to have been baked for use on the Festival day itself.

מח.

...אמי רמי בר חמא הא דרב חסדא ורבה מחלוקי ר' אליעזר ור' יהושע דר' אליעזר סבר אמרינן הואיל ור' יהושע סבר לא אמרינן הואיל...

...Rami b. Hama said: This [argument between] R. Hisda and Rabbah [regarding 'Since'] corresponds to the arguments between R. Eliezer and R. Joshua, that R. Eliezer held that we do say, 'Since' and R. Joshua held that we do not say: 'Since [...].'

3. בבלי שבת קלט:

אמר רבה בר רב הונא: מערים אדם על המשמרת ביום טוב לתלות בה רמונים, ותולה בה שמרים. אמר רב אשי: והוא דתלה בה רמונים.

Rabba bar Rav Huna said: (According to the Rabbis, who prohibit suspending a strainer on a Festival,) a person may nevertheless employ artifice and circumvent the prohibition against suspending a strainer by taking it on a Festival and suspending it for the purpose of pomegranates in it, which is permitted. (Once the strainer is suspended, one may suspend it in order to filter sediment from the wine, as even the Rabbis hold that on a Festival it is permitted to do this straining through a strainer that is already suspended.) Rav Ashi said: And this is only permitted provided that one actually suspended pomegranates in it before using it to strain wine.

מאי שנא מהא דתניא: מטילין שכר במועד לצורך המועד, שלא לצורך המועד – אסור, אהד שכר תמרים ואהד שכר שעורים. אף על פי שיש להן לשון – מערים ושותה מן החדש!

In what way is that *halakha* different from that which was taught in a *baraita*: One may begin brewing beer during the intermediate days of a Festival for the purpose of using it on the Festival. If it is not for the purpose of the Festival, it is prohibited. This is the *halakha* both with regard to date beer and with regard to barley beer. And even though one has old beer, one may employ artifice and drink from the new!

התם לא מוכחא מילתא, הקא מוכחא מילתא.

There, with regard to beer, the matter is not evident. However, here, with regard to a strainer, the matter is evident.

אָמרוּ ליה רבנן לרב אָשי: חֲזִי מַר הַאי צוּרְבָא מְרַבְנֵן וְרַב הוּנָא בְּן רַבִּי חִיוֵן שְׁמִיָּה, וְאָמְרִי לֵה רַב הוּנָא בְּרַבִּי חִלּוּן שְׁמִיָּה, דְּשָׁקֵל בְּרָא דְתוּמָא וּמְנַח בְּבִרְזָא דְדָנָא, וְאָמַר: לְאַצְנוּעִיָּה קַמִּיפּוּינָא. וְאָזִיל וְנָאִים בְּמַבְרָא, וְעֵבֵר לְהַדְּ גִיסָא וְסִייר פִּירִי, וְאָמַר: אָנָּא לְמִינִם קַמִּיפּוּינָא!

The Rabbis said to Rav Ashi: Master, observe this Torah scholar, and Rav Huna ben Rabbi Ḥayon is his name, and some say that his name is Rav Huna, son of Rabbi Ḥalvan, who took a slice of garlic and placed it in the spout of a barrel, and said: I intend to store it. He thereby stopped the spout on Shabbat. And similarly, he went and slept in a ferry on the river, and the ferryman sailed the ferry across the river, and he thereby crossed to the other side and inspected the fruit of his vineyard. He said: I intend to sleep. In this way, he crosses the river by boat on Shabbat, which is a prohibited activity.

אָמַר לְהוּ: הֲעֵרְמָה קְאָמְרַתְּ? הֲעֵרְמָה בְּדַרְבְּנֵן הִיא, וְצוּרְבָא מְרַבְנֵן לֹא אֲתִי לְמִיעֵבַד לְכַתְּחִילָהּ.
Rav Ashi said to them: Are you speaking of artifice? This is artifice employed to circumvent a rabbinic prohibition, and a Torah scholar will not come to perform the action *ab initio* without artifice.

4. בבלי ביצה יז.:-

תָּא שְׁמַע: מִי שְׁלָא הֵנִיחַ עִירוּבֵי תַבְשִׁילִין, הֲרִי זֶה לֹא יֹאפֵה וְלֹא יִבְשֵׁל וְלֹא יִטְמִין, לֹא לוֹ וְלֹא לְאַחֲרִים. וְלֹא אַחֲרִים אוֹפִין וּמַבְשִׁילִין לוֹ. כִּיצַד הוּא עוֹשֶׂה – מִקְנָה קִמְחוֹ לְאַחֲרִים אוֹפִין לוֹ וּמַבְשִׁילִין לוֹ. שְׁמַע מִינָה: הוּא נֶאֱסָר וְקִמְחוֹ נֶאֱסָר, שְׁמַע מִינָה.

One who did not prepare an *eiruv* for the joining of cooked foods on a Festival eve may neither bake, nor cook, nor insulate food on the Festival for Shabbat that occurs on the following day, neither for oneself nor for others, and others may neither bake nor cook for that person. What should one do so that one will have food to eat on Shabbat? One must transfer their flour to others, and they may then bake and cook for that person. Learn from here that one is prohibited and one's flour is also prohibited.

אִיבְעִינָא לְהוּ: עֵבֵר וְאָפֵה, מֵאִי? תָּא שְׁמַע: מִי שְׁלָא הֵנִיחַ עִירוּבֵי תַבְשִׁילִין, כִּיצַד הוּא עוֹשֶׂה – מִקְנָה קִמְחוֹ לְאַחֲרִים, וְאַחֲרִים אוֹפִין לוֹ וּמַבְשִׁילִין לוֹ.

Another dilemma was raised before the Sages: In the case of one who transgressed this prohibition and baked on a Festival for Shabbat without having placed an *eiruv* for the joining of cooked foods on the eve of the Festival, what is the *halakha*? Come and hear a resolution to this question from the following *baraita*: With regard to one who did not prepare an *eiruv* for the joining of cooked foods, what should one do to have food to eat on Shabbat? One must transfer one's flour to others, and they may then bake and cook for that person.

י"ז ב

וְאִי אִיתָא, לִיתְגִּי: עֵבֵר וְאָפֵה מוֹתֵר! אָמַר רַב אֲדָא בַר מִתְנָה: תֵּנָא, תִּסְתַּנְתָּא דְהִיתְרָא – קְתִיגִי, תִּסְתַּנְתָּא דְאַסוּרָא – לֹא קְתִיגִי.

And if it is so that if one baked without having placed an *eiruv* for the joining of cooked foods, it is permitted to eat the bread, let the *baraita* simply teach: With regard to one who

transgressed the prohibition and baked, it is permitted to eat the bread. Rav Adda bar Mattana said: There is no proof from here, as the *tanna* is teaching a remedy involving acting in a permitted manner, and is not teaching a remedy involving a prohibited act.

תא שמע: מי שהניח עירובי תבשילין – הרי זה אופה ומבשל ומטמין, ואם רצה לאכול את עירובו – הרי זה אופה עד שלא אפה עד שלא הטמין – הרי זה לא יאפה ולא יבשל ולא יטמין, לא לו ולא לאחרים. ולא אחרים אופין ומבשלין לו.

Come and hear a resolution from a different *baraita*: One who prepared an *eiruv* for the joining of cooked foods on a Festival eve may bake and cook and insulate food on the Festival for Shabbat that occurs on the following day, and if one wants to eat one's *eiruv* on Shabbat, one has permission to do so. But if one ate it on the Festival before baking or insulating, one may neither bake, nor cook, nor insulate, neither for oneself nor for others, and likewise others may neither bake nor cook for that person.

אבל מבשל הוא ליום טוב, ואם הותר – הותר לשבת, ובלבד שלא יערים. ואם הערים – אסור!
However, even without an *eiruv*, one in this situation may cook for the Festival itself, and if one left over part of what he cooked, one has left it over for Shabbat, provided that one does not employ artifice to circumvent the prohibition. And if one employed artifice to circumvent the prohibition, it is prohibited to eat the food. (This indicates that one who cooks on a Festival for Shabbat in a prohibited manner may not eat the food.)

אמר רב אשי: הערמה קא אמרת – שאני הערמה דאחמירו בה רבנן טפי ממיזיד.
Rav Ashi said: This is no proof, as you speak of a case of artifice, and a case of artifice is different, as the Sages were more stringent with regard to one who employs artifice than with regard to one who intentionally cooks on a Festival for Shabbat!