



Kisui HaDam on Yom Tov

Masechet Beitzah opens with various debates between *Beit Shammai* and *Beit Hillel*. One debate (1:2) relates to *kisui ha'dam*. This refers to the *mitzvah* of covering the blood that falls to the ground when slaughtering a *chaya* (wild animal) or *ohf* (bird). *Beit Shammai* explains that one can slaughter one of these animals even if one does not have soil prepared for use. Instead, one can remove a *deker* (mattock or shovel) from the ground and use the soil that came out along with it. *Beit Hillel*, however, disagree. Instead, this solution is only allowed after the fact. In other words, the animal was already slaughtered and only then one realized that that is the only way to find soil for *kisui ha'dam*. We shall try to understand this debate.

Rav Yehuda in the *Gemara* (7b) explains that the *deker* had to have been in the soil prior to *yom tov*. The *Gemara* then asks that even if the *deker* was in the soil, one would not be allowed to crush the clods of earth. *Rashi* explains that crushing the soil would constitute a *toladah* (derivative) of the *melacha* of *tochen* (grinding). The *Gemara* answers that this case is where the soil is already soft and fit for use. The *Gemara* then asks that removing the soil would create a hole. *Rashi* explains that this would be the *melacha* of *boneh* (construction). The *Gemara* explains that according to *Rav Abba*, if one dug a hole for the purpose of the soil, they would be exempt. *Rashi* explains that since one does not want the resulting hole in one's house or *chatzer* (courtyard), the act would not be considered *boneh* or *choresh* (ploughing) but rather *mekalkel* – a destructive act for which one is *patur* (exempt).

The *Tosfot* however notes that according to the *Gemara's* conclusion, this case is a *melacha she'eina tzricha le'gufa*. In other words, even though the hole was dug, the motivation was for taking the soil. The *Tosfot Yom Tov* notes that even though we rule like *R' Yehuda* that one would be liable in a case of *melacha she'ina tzricha le'gufa*, since in this case it is also *mekalkel*, one is *patur*. Now even though the term *patur* means exempt, this only relates to the biblical prohibition and these cases would nonetheless still be rabbinically prohibited. Why then can the *deker* be pulled from the ground? The *Tosfot* answers that due to *simchat*

yom tov, the *Chachamim* allowed this rabbinic prohibition to be overridden. Why then does the *deker* need to have been in place prior to *yom tov*? That is so that the soil is considered prepared prior to *yom tov* – so that there is not an additional rabbinic prohibition of *muktzeh*.

Accordingly, *Beit Shammai* permit slaughtering the *chaya* or *ohf* with the intention of using that soil. It follows that *Beit Hillel* disagree, arguing that *simchat yom tov* alone is not a justification to override the rabbinic prohibition. Instead, it is only after the fact, where one already has the obligation to perform *kisui ha'dam*, that the rabbinic prohibition of taking the soil is overridden. Alternatively, the *Rashba* explains that according to *Beit Hillel*, having the *deker* in the soil is not enough to make it considered prepared for *yom tov*. Consequently, there are two rabbinic prohibitions that cannot be overridden by *simchat yom tov*.

The *Tosfot Rid* however understands the conclusion differently. Having the *deker* already in soft soil prior to *yom tov* alleviates the issue of digging a hole – there is no appearance of digging. How then do we understand the end of the *Gemara* cited above? Indeed, the way the *Shita Mekubtzet* understand *Rashi* is that in a case where it is a *melacha she'ino tzricha le'gufa* and *mekalkel* it is not just *patur* but *mutar* (permitted).

What then is the debate between *Beit Shammai* and *Beit Hillel*? Returning to the *Tosfot Rid*, he explains that it is whether that soil, the soil in one's *chatzer*, is considered *muktzeh*. *Beit Shammai* maintain that all the soil in one's *chatzer* is considered *muchan* (prepared for *yom tov*). *Beit Hillel* however argue that it is *muktzeh*, and one would need prepared soil to perform the slaughter. After the fact, the obligation of *kisui hadam* would override the issue of *muktzeh*.

It would seem however that *Rashi* has a different understanding of *Beit Hillel's* concern. *Rashi* understands the *Beit Hillel* is concerned that if we permit this case, one might take clods of soil and crush them for use, which is prohibited.

Revision Questions

סוכה ד': י' – ה': ח'

- How would the *mitzvah* of *nisuch hamayim* differ on *Shabbat*? (ד': י')
- What was the *chalil*? (ה': א')
- Complete the following phrase: (ה': א')
"_____ השואבה _____"
- Where was the *Simchat Beit Ha'Shoevah* celebrated? (ה': ב')
- What was used as wicks for the lamps? (ה': ג')
- What were the following people doing at the *Simchat Beit Ha'Shoevah*: (ה': ד')
 - *Chasidim* and *Anshei Ma'aseh*?
 - *Levi'im*?
 - *Kohanim*?
- Where were the *Levi'im* standing at the *Simchat Beit Ha'Shoevah*? (ה': ד')
- What was the maximum and minimum number of *tekiyot* that were performed each day in the *Beit Ha'Mikdash*? (ה': ה')
- When was this maximum number achieved? (ה': ה')
- Describe how the *avodah* was divided between the twenty-four *mishmarot* during *Sukkot*. (ה': ו')
- When else did all the *mishmarot* work together in the *Beit Ha'Mikdash*? (ה': ז')
- When all the *mishmarot* worked together how did they decide who offered the *korbanot tamid*? (ה': ז')
- When else did the *mishmarot* each get a share in the *lechem ha'panim*? (ה': ז')
- How was the *lechem ha'panim* ordinarily divided? (ה': ח')
- Where would they divide up the allocated *lechem ha'panim* between the *kohanim*? (ה': ח')
- Which *mishmar* would always divide their share in the South of the *azarah*? (ה': ח')

ביצה א': א' – ה'

- What two arguments between *Beit Shammai* and *Beit Hillel* open *Masechet Beitzah*? (א': א')
- Which opinion holds that one should ideally not slaughter a *chaya* or bird on *Yom Tov* and why? (א': ב')
- Explain the debate regarding what one must do *erev Yom Tov* in order to slaughter birds on *Yom Tov*. (א': ג')
- Can one slaughter birds on *Yom Tov* if: (א': ד')
 - He set aside black birds and found in their place white birds?
 - He set aside two birds and found in their place three birds?
 - He set aside birds in the nest and found birds in front of their nest?
- What are *trisin* and what is the debate regarding *trisin*? (א': ה')
- Can one carry a young child on *Yom Tov*? (Explain both opinions) (א': ה')

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
23 July ה' אב	24 July ו' אב	25 July ז' אב	26 July ח' אב	27 July ט' אב	28 July י' אב	29 July יא' אב
Beitzah 1:6-7	Beitzah 1:8-9	Beitzah 1:10- 2:1	Beitzah 2:2-3	Beitzah 2:4-5	Beitzah 2:6-7	Beitzah 2:8-9

