Intro

Today we will learn about today include:

A discussion of the opinion of Bais Shamai and Bais Hillel regarding whether they are מחמיר or מוקצה regarding simchas Yom Tov in halachic decisions. 고 TestCase

A Mishna which brings a ביצה דף י between הביצה ובית הלל as to how one actually designates birds for use on Yom Tov -

And a second mishna, which will discuss the halachic ramifications of various cases where one designates birds for use on Yom Tov, and subsequently finds different birds in the coops.

Some of the key topics and concepts that we will learn about include:

- בני וסתירה לכלם
- בני וסתירה בכלים
- בני וסתירה

It is a Machlokes between Bais Shamai and Bais Hillel whether and apply only to structures attached to the ground, or to movable utensils as well.

Bereirah is the concept of making something contingent upon events that have not yet taken place. For example, making a sale conditional on something that will happen only tomorrow. It is a Machlokes in the Gemara and in Halacha as well, if י, רבייה, which would retroactively validate such a conditional action, or א, רביה, and such an action, is invalid.

If a corpse or part of a corpse is in a house, it causes all people and vessels in the house to become Tamei, which is called רכאנא ראש. Additionally, it is also Metamei those vessels that are positioned under the doorway, because, since it will be removed through the doorway it is considered as if it is already in the doorway. If the house has several doorways, כלם in all of them become קיים, unless one designates one of them as the actual window or doorway through which the corpse will be removed from the house.

The opinion of whether they are מחמיר or מוקצה regarding simchas Yom Tov

How one designates birds for use on Yom Tov

…Halachic ramifications… where one DESIGNATES birds for use on Yom Tov, and subsequently finds DIFFERENT birds in the coops

A discussion of the opinion of ביצה דף י regarding whether they are מחמיר or מוקצה regarding simchas Yom Tov in halachic decisions.
Ma’aser Sheni is separated from produce after Terumah and Maaser Rishon is taken, during the first, second, fourth and fifth years of the seven-year cycle. Ma’aser Sheni must be brought to Yerushalayim and eaten there while one is in a state of purity. If it is impractical to bring the actual food to Yerushalayim, produce may be redeemed with money, which acquires the status of Maaser Sheni, and then must be brought to Yerushalayim.
So let's review.....

The gemara continues the discussion of the previous daf:  
If there is a case which might support Rebbe Yochanan's statement - to reverse the opinions of Bais Shamai and Bais Hillel, it would be the following:

The Mishna on the next Daf states:  
Bais Shamai holds that one may not take an - a thick board used to chop and crush items that are forbidden on Yom Tov - even to cut meat, which is permissible, because the board is a כלי שמלאכתו לאיסור  
Bais Hillel permits using the board, apparently because he is in the face of Simchas Yom Tov. This again seems to contradict the first mishna of the mesechta;  

The gemara answers;  
The mishna forbids the ulcer because it's מועצה -  
But permit איסור because they hold that there is no מוקצה דרבי  
The mishna permit using the ulcer, because it's a כל - and therefore is not מוקצה מיקצה מיקצה which is מועצה override מיקצה override  
But forbid אנשי because they hold there IS anAnthropomorphic explanation.

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<th><strong>Avot Mekalot</strong></th>
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Ma'aser Sheni must be brought to Yerushalayim and eaten there כלי שמלאכתו לאיסור because the birds are כלי שמלאכתו לאיסור purposes. The mishna forbids the use of the hide כ_pct_ because they hold there IS an מוקצה. The gemara again refutes this, איסור because they hold there IS an מוקצה. The mishna permits both. The gemara further clarifies in the opinion of רבי חנינא that the Yerushalayim location is מועצה override the original monies and can be regarded as chulin. The gemara further clarifies in the opinion of רבי חנינא that the Yerushalayim location is מועצה override the original monies and can be regarded as chulin. The gemara further clarifies in the opinion of רבי חנינא that the Yerushalayim location is מועצה override the original monies and can be regarded as chulin.

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**Review**

Dedicated By: ____________________
Another case -

According to Bais Shamai, the hide of an animal that was slaughtered on Yom Tov, may not be placed where people will trample upon it, nor may it be moved. Bais Hillel permits both.

Here too, the Gemara explains:
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The hide of an animal that was slaughtered on Yom Tov, may not be placed where people will trample upon it, nor may it be moved. But permit because they hold that there is no actual food to Yerushalayim, redeemed with money, which acquires the status of Temple. The Pasuk of the Gemara says:

Another case:

Bais Shamai forbids removing shutters and doors of closets on Yom Tov, because of - סתירה - disassembling. Bais Hillel permits removing them, and even allows one to replace the doors, all in order to provide food and other needs for Yom Tov. This case also seems to show that a person, may not take goods from a storekeeper who knows him, even on Yom Tov, as long as financial matters are not discussed.

As Rashi explains, one is allowed to take goods from a storekeeper who knows him, even on Yom Tov, as long as financial matters are not discussed.
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PERMIT
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because
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In summation, the gemara could not prove that בִּשְׂמַע מַדָּא is lenient as a
general rule regarding cases of Simchas Yom Tov, and
therefore there is no contradiction between the mishnayos, and
thus there is no need to reverse the opinions in the first mishna
of our Mesechta.

The next Mishnah continues to discuss taking doves from the
dovecote for the Yom Tov meals:
Zugt the Mishna:
בִּשְׂמַע מַדָּא אַל תַּטְגַלַּל נַעֲגֵג בְּנַעֲגֵג בְּנַעֲגֵג
Bais Shamai holds that he may take the birds only if he handled
those birds before Yom Tov. Only with physical handling do
they become designated for use on Yom Tov, and the מוקצה
status removed.
ובְּנַעֲגֵג אָמַרְוָא עְנֵיָּמָא עָטִיל אָא לָא עָטִיל בְּנַעֲגֵג
holds that verbal designation is sufficient to remove the
modo status.

In summation,
There is NO contradiction
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and thus there is NO NEED
to REVERSE the opinions
The gemara further clarifies in the opinion of ב”ד, ברייה, that the reason that he must specify the actual birds - ב”ד הוא איני↵ נמסאר - and it is not sufficient to specify the coop or bird house from which he will be taking the birds - ב”ד הוא נמסאר אני נמסאר למקצה - is because ב”ד does not hold of ברייה. If one held of ברייה, they would be allowed to choose birds on Yom Tov, which would then retroactively indicate that these were the birds that he had intended to use from before Yom Tov.

Rabbah explains that perhaps ב”ד does hold of ברייה, however in our case we cannot permit a general designation, because when the person actually takes the birds on Yom Tov, he might not be happy with some specific birds, and he would end up handling muktze unnecessarily. Alternately, he might find all of the birds unsatisfactory, and therefore there is no contradiction between the mishnayos, and therefore there is no need to reverse the opinions in the first mishna.

In summation, the gemara could not prove that ב”ד is lenient as a househalder, and it’s therefore impossible to reverse the opinions of various cases where one designates birds for use on Yom Tov. On the contrary, the gemara teaches, that if there is a case where there is דרבנן – יש בנין וסתירה בכלים, it is not sufficient to specify the coop or bird house from which the person actually takes the birds on Yom Tov, he might not be happy with some specific birds, and he would end up handling muktze unnecessarily.

If he actually chooses the birds before Yom Tov, he will use them on Yom Tov.

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If he actually chooses the birds before Yom Tov, he will use them on Yom Tov.
The gemara explains that this is speaking of a case where he prepared both black and white birds, but they were found in different positions from where they were previously. The mishna teaches that we cannot assume that these are the same birds – they may be new birds, and therefore muktze.

If one designated two birds and then found three birds, they are similarly forbidden. Either, because all three birds are new birds, or an extra bird got mixed with the original two. In either case, all three birds are now forbidden.

If he set aside 3 birds and on Yom Tov found only two, they are permissible, as we assume that one flew away, and the remaining two are from the original batch.
If he left them inside their nest and there are now birds outside the nest, the birds are forbidden, as we cannot be sure that these are the original birds.

If however there are no other birds near the nest before Yom Tov except for these birds, they are permissible, as it is reasonable to assume that these are the same birds.

The gemara compares the case of Sheni with the case of Maaser Sheni funds, described in a Braisa:

A person left 100 Zuz of Maaser Sheni, and later found 200 Zuz in that spot.

Rebbe holds that we assume that these are the original 100 zuz of Maaser Sheni funds, with another 100 zuz of chulin mixed in. The chachamim hold that all the 200 zuz here are new chulin funds. Similarly, if he left 200 zuz and subsequently found only 100, we assume that he took 100, and left 100 of the original Maaser Sheni.

The chachamim again hold that the 100 zuz are not from the original monies and can be regarded as chulin. The gemara suggests that our mishna, ש阑שת ומנהuggle מקأسواق, must follow Rav Ber, who holds that we assume that only a part was removed. According to the chachamim, we assume that all three birds left, and what we find are new birds.

Birds, unlike money, have a habit of wandering, and therefore it is plausible to say that one of the three birds wandered off, leaving 2 of the original 3 birds. However in the case of Maaser Sheni, it is highly unlikely that someone would only take some of the money, and leave some of it behind.