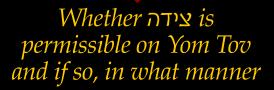




בס"ד Intro

Today we will מסכת ביצה דף כ"ד of ביצה מסכת. Our Daf begins the third Perek of Mesechte Beitzah, אין צדין, which will discuss three main topics.

- -1- Whether צידה trapping and hunting is permissible on Yom Toy and if so, in what manner
- -2- Whether one may check a firstborn animal for a blemish on Yom Tov in order to use it, and if so in what manner



Whether one may check a firstborn animal for a blemish on Yom Tov in order to use it and if so, in what manner

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-3- When and in what manner one may take goods from a storekeeper on Yom Tov, so as not to be violating laws of doing business on Yom Tov.

Some of the topics we will learn about today include:

The איסור on Yom Tov, and the criteria for the permissible methods of hunting and trapping on Yom Tov

Taking goods from a storekeeper on Yom Tov

The איסור on Yom Tov

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A machlokes regarding ספק מוכן - when it is unclear if something was prepared and ready for use from before Yom Toy.

Several cases of non-Jews doing work for Jews on Yom Tov, and the relevant Halachos in each case

ספק מוכן

when it is unclear if something was prepared and ready for use from before Yom Tov

Several cases of non-Jews doing work for Jews

on Yom Tov







So.

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

צידה - Trapping or hunting animals is one of the אב מלאכות 29 which are forbidden on Shabbos, and, as our Mishnah explains, is forbidden on Yom Tov as well.

בכדי שיעשו

If an איסור is performed on Shabbos or Yom Tov, it is forbidden to benefit from the איסור. As such, it is prohibited, even after Shabbos or Yom Tov, for the amount of time called בכדי שינשו, which is the amount of time after Shabbos or Yom Tov that it takes to perform the Melachah.

תחום שבת ויום טוב

A person on Shabbos and Yom Tov is only allowed to walk a distance of 2000 Amos, (which is between 960 and 1,152 meters (or 3147 and 3774 feet), depending upon the differing Halachic opinions) outside the city limits, or from his encampment - if he is not in a city. If one wants to walk beyond that distance on Shabbos, they must make an Eruv Techumin, by placing two meals worth of food slightly less than 2000 Amos from his present location. In this manner the person can walk an additional 2000 amos past the Eruv. If something is brought for someone from outside the חתה, the item is forbidden to be used on Shabbos or Yom Tov.









1 So let's review.....

The first Mishna in the Perek begins:

אין צדין דגים מן הביברים ביו"ט

One is forbidden on Yom Tov to catch fish from a pond - and certainly not from lakes and rivers.

Although, צורך אוכל נפש is permitted on Yom Tov, the rule is that מלאכות that can be performed before יום טוב without a deterioration of the quality or taste of the food are forbidden. Fish, can just as well be caught from the pond before Yom Tov, and kept in a tank, or in the pond in a net, until they are needed on Yom Tov. For this reason, צידה, in general is forbidden on Yom Tov.

ואין נותנין לפניהם מזונות

We also may not feed fish in these ponds on Yom Tov, if it entails extra טרחה on Yom Tov. As Rashi explains, fish are considered אין מזונותן עליך, as they are able to eat things growing in the water.

Tosfos explains, that we may not feed anything that is מחוסר ב"דה - that we need to catch, because, if we are allowed to feed the animal, one may come to catch it, which is forbidden.



The Mishnah continues: אבל צדיו חיה ועוף מן הביברין

One is, however, permitted to catch fowl and other animals from fenced in areas.

ונותנין לפניהם מזונות

And one may feed these animals on Yom Tov, because they are מזונותן עליך, it is your obligation to feed them.

רשב"ג אומר לא כל הביברין שוין

Rabban Shimon Ben Gamliel clarifies that not all fenced in areas have the same status.

זה הכלל

כל המחוסר צידה אסור

Any enclosure, in which the animals need to be chased and caught, would be forbidden to catch aaaaaon Yom Tov. ושאינו מחוסר צידה מותר

However any area where no great efforts are necessary to catch the animal, that is not considered Halachic צידה, and is permissible on Yom Tov.









היכי דמי מחוסר צידה

The Gemara defines מחוסר צידה:

אמר רב יוסף אמר רב יהודה אמר שמואל

כל שאומר הבא מצודה ונצודנו

Where one would use a trap to catch this animal -

רבה בר רב הונא אמר שמואל

Adds, that even where one might use a trap, the animal or fowl is considered sufficiently trapped and not מחוסר צידה, if they are באין לכלובן לערב

ומזונותו עליר

If at night they come into their cages on their own – and are dependent on their owners for food. OR –

באין לכלובן לערב

ולא עבידי לרבויי

If at night they come into their cages on their own – and once they are in their cage they do not try and run from the owners. Such birds or animals even if they are out of their cages, are not considered מחוסר צידה, and may be trapped even outside of their cages on Yom Tov.

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Our Gemara brings a Braisa which seems to contradict our Mishnah:

ביברין של חיה ושל עופות אין צדין מהם ביום טוב ואין נותנין לפניהם מזונות

Which seems to contradict our Mishna which ruled; אבל צדין חיה ועוף מן הביברין

The Gemara offers several answers:

 The Braisa is authored by Rebbe Yehuda who teaches in a Mishnah in Shabbos

הצד צפור למגדל וצבי לבית חייב

לבית הוא דמחייב אבל לביברין לא

That for one to be עובר of איסור on Shabbos one needs to chase the animal specifically into a house, but into a ביבר, a pen or a cage, is not considered sufficiently trapped. Therefore, when one traps it now in the ביבר, he is doing איזרה now.

2. Our Mishnah which permits taking animals from a ביבי is referring to a ביבר, a small ביבר, whereas the Braisa which prohibits using animals from a ביבר is referring to a ביבר גדול, a larger ביבר.











היכי דמי ביבר גדול

How do we qualify a ביבר גדול?

אמר רב אשי

כל היכא דרהיט אבתרה ומטי לה בחד שחיא ביבר קטן

ואידך ביבר גדול

If we can reach and subdue the animal in one stride, it is a ביבר סטן. Otherwise, it is a ביבר גדול.

Also

כל היכא דאיכא עוקצי עוקצי ביבר גדול

ואידך ביבר קטן

If there are nooks and hiding places where the animal can escape to, it is considered a ביבר גדול. Otherwise it is classified as a ביבר קטן

And finally

כל היכא דנפלי טולא דכתלי אהדדי ביבר קטן

ואידך ביבר גדול

If the pen is so small that shade falls on it from one wall to the opposite wall, it is considered a ביבר קטן. Otherwise, it is considered a ביבר גדול.

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The next Mishna begins:

מצודות חיה ועוף ודגים שעשאן מערב יום טוב

לא יטול מהן ביום טוב

אלא אם כן יודע שנצודו מערב יום טוב

Even if animals are trapped by themselves, for which there is no Yom Tov, still, to be able to use these animals on Yom Tov, it must be מוכן, trapped and prepared from before Yom Tov, or else the animals are מוקצה.

And so, our mishna teaches, one may use these animals only if he knows that they were trapped from before Yom Tov.

The gemara adds that our mishna is אחסורי מיחסרא, it is missing a clause that states;

ספק מוכן אסור ורבן גמליאל מתיר

The Tanna Kamma holds that it may be used only if we are certain that it has been trapped from before Yom Tov, but not if it is doubtful. Rabban Gamliel is of the opinion that it may be used even when it is merely possible that it was trapped before Yom Tov.











ומעשה בנכרי אחד שהביא דגים לרבן גמליאל ומאמר מותרין הן אלא שאין רצוני לקבל הימנו :ואמר מותרין הן אלא שאין רצוני לקבל הימנו

And the mishna relates an incident that illustrates this, that Rabban Gamliel permitted fish that were brought to him on Yom Tov by a non-Jew.

However, this is actually a Machlokes:

ספק מוכן ר"ג מתיר ורבי יהושע אוסר

אמר רב יהודה אמר שמואל הלכה כר' יהושע

That ספק מוכן אסור on Yom Tov

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The mishna had said that Rabban Gamilel received fish from a non-Jew on Yom Tov, and had ruled that is was permissible, מותרים הם.

The gemara clarifies;

רב אמר מותרין לקבל

Rav holds one may accept it from the non-Jew as they are not מוקצה -

לוי אמר מותרין באכילה

Levi holds that one may even eat them.

Rashi explains, that neither Rav nor Levi hold like Rabban Gamliel, as they hold like בבי יהושע according to whom the Halacha follows, that ספק מוכן is אסור, but they are merely coming to explain the words of Rabban Gamliel.

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8 The gemara continues:

אמר רב לעולם אל ימנע אדם עצמו מבית המדרש אפילו שעה אחת Rav teaches that one should not absent himself from the Bais HaMidrash even for a short period, as evidenced by this very case.

דאנא ולוי הוינן קמיה דרבי כי אמרה להא שמעתא

Both Levi and I were present in the evening when Rebbe taught מותרין באכילה, but in the morning, he retracted his statement and changed his teaching to מותרין לקבל.

אנא דהואי בי מדרשא הדרי בי

לוי דלא הוה בי מדרשא לא הדר ביה

I was present at both lectures, and accordingly, changed the teaching. Levi was absent in the morning, and did not hear the final ruling of Rebbe on the matter.

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ז אין אור בוני אחד להביא דאים ליבן איליאל האנו לאיל אורנין בן אלא לאין יצוני לקבל פיאנו רב אמר ליי אמר ליי אמר מותרין לקבל מותרין באכילה מותרין לקבל מותרין באכילה one may even they are not eat them









9 The gemara continues:

אמר רב פפא הלכתא נכרי שהביא דורון לישראל ביום טוב If a non-Jew brought fresh produce to a Jew on Yom Tov אם יש מאותו המין במחובר אסור ולערב נמי אסורין בכדי שיעשו

If this type of produce is still growing in the fields, then it would be forbidden on Yom Tov - and would also be forbidden on Motzai Yom Tov for the amount of time of שיעשו, however long it would take to bring the produce after nightfall, because, it is אסר for a Jew to benefit from a אלאכה that a non-Jew did for him

אמר רב פפא...

If a non-Jew brought fresh produce
to a Jew on Yom Tov
אם יש מאותו המין במחובר אסור
ולערב נמי אסורין בכדי שיעשו
because, it is אסג for a Jew to benefit
from a אסגע that a non-Jew did for him

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ואם אין מאותו המין במחובר

תוך התחום מותר חוץ לתחום אסור

If this produce is no longer on the tree, and we can therefore be sure that it was not picked on Yom Tov, then it is permissible, provided it was brought from within the איסור, but if it was brought from outside the איסור because of the איסור.

והבא בשביל ישראל זה מותר לישראל אחר

However, it is only אסור for the person for whom it was brought – but it is מותר for others, because the חכמים were not as strict with ,תחומין, which is only a

ואם אין מאותו המין במחובר תוך התחום חוץ לתחום מותר אסור

ארב אבילי אבאי - הארב אבילי אבאה אבילו because the המאין were not as strict with אפונין which is only a אביבן



