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בס"ד Intro

Today we will בע"ה learn מסכת ביצה of דף לז מסכת. Some of the topics we will learn about today include:

More discussion about the laws of שבות on Shabbos and Yom Tov, as well as a מחלוקת regarding whether only items of אוכל are permitted on Yom Tov or even other items as well.

A discussion of the laws of תחומין on Yom Tov, as well as various related Halachos such as the possessions of a person, and borrowed items, are also governed by the תחום.

A discussion of the concept of ברירה, and how that relates to the laws of Techum on Shabbos and Yom Toy

Whether only items of אוכל נפש אוכל נפש are permitted on Yom Tov

В

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

טרחה מרובה

There is an שבות of איסור on Shabbos and Yom Tov which is learned from the pasuk ביום השביעי תשבות, that Shabbos and Yom Tov should be a day of rest, to exclude something that compromises the spirit of rest on Shabbos. Included in this איסור is any activity which entails - טרחה מרובה - an unusual amount of exertion and effort expended on Yom Tov, even if this will benefit the person on Yom Tov.

אותו ואת הנו איסור איסור איסור אוחוו is the איסור to Shecht an animal and its offspring on the same day.

הערמה is an Halachic subterfuge to avoid various איסורים. Sometimes איסורים permitted הערמה, and sometimes they did not.



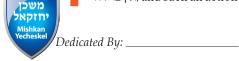
תחומים

A person, on Shabbos or 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 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 or Yom Tov, he must make an Eruvei 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.

ברירה

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 יש ברירה, which would retroactively validate such a conditional action, or אין ברירה, and such an action would be rendered invalid.





Review

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טומאת פתחים

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 אחל אהל. 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, שכלים, all of them become איטכא, unless one designates one of them which will be the actual window or doorway through which the corpse will be removed from the house.









1 So let's review.....

We had learned in the previous Mishnah various activities that are אסור on Yom Tov because of שבות - one of which was - ולא מגביהין תרומות ומעשרות

It is forbidden to separate תרומות ומעשרות on Yom Tov. The Gemara asks; פשיטא:

Certainly this is forbidden, as separating תרומות is being מתקן the produce to allow it to be eaten



תני רב יוסף לא נצרכא אלא ליתנה לכהן בו ביום
The Mishnah teaches that it is forbidden even in a case where he
wants to give it to the Kohen that day, which would make it
appear that he is doing this to be משמח the Kohen, and not
necessarily to be מתקן
the rest of the produce.



It is nevertheless, אסור.
However, the Gemara qualifies;
וה"מ פירי דטבילי מאתמול
וה"מ פירי דטבילי האידנא
אבל פירי דטבילי האידנא
האדנא מינה חלה
מפרשינן ויהבינן לכהן
מפרשינן ויהבינן לכהן
דהבינן איסור applies only to general produce from which one could have separated תרומות ומעשרות before Yom Tov.
However, it is חלה to separate חלה from dough which was kneaded on Yom Tov, since it only now became טכל, as he is

allowed to bake fresh bread on Yom Tov.

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The concluding statement of the previous Mishnah was; אין בין יו"ט לשבת

אלא אוכל נפש בלבד

There is no difference between Shabbos and Yom Tov with the exception of אוכל נפש אוכל.

The Gemara asks:

ורמינהו משילין דרך ארובה ביו"ט

אבל לא בשבת

We see that there are differences in Halachah between Shabbos and Yom Tov even where not related to אוכל נפש?

Rav Yosef explains:
א קשיא הא רבי אליעזר הא רבי יהושע
Our Mishna here of
דאין בין יו"ט לשבת אלא אוכל נפש בלבד - follows רבי אליעזר, who does
NOT allow
אוס בי ארחה יתרה במקום הפסד ממון And the first Mishnah of
בוס בירות דרך ארובה ביום טוב - follows רבי יהושע, who does allow

As we see in the following Braisa: דתניא אותו ואת בנו שנפלו לבור

Two cows, a mother and its offspring fell into a pit on Yom Tov. Now, according to the Torah, a mother and its offspring may not both be slaughtered on the same day, as the Posuk states: אותו - And so in this case,

ר"א אומר מעלה את הראשון על מנת לשוחטו ושוחטו

One may hoist up only the one animal that he intends to slaughter on Yom Tov

והשני עושה לו פרנסה במקומו כדי שלא ימות

And the second animal should be cared for in the pit until after Yom Tov, because to hoist up the second animal, which cannot be used on Yom Tov, would be a טרחה יתרה and forbidden on Yom Tov. Whereas

רבי יהושע אומר מעלה את הראשון ע"מ לשוחטו ואינו שוחטו וחוזר ומערים ומעלה השני

רבי יהושע permits הערמה to save both animals. He raises one for the purpose of שחיטה, but does NOT Shecht it. He may then raise the second animal under the pretext of not being satisfied with the first one.

אין בין יו"ט לשבת אין בין יו"ט לשבת אלא אוכל נפש בלבד משילין דרך ארובה ביו"ם אבל לא בשבת We see there are differences between Shabbos and Yom Tov even where not related to אוכל נפש?







However, Abaye differentiates between the two cases.

Therefore, Rav Papa reconciles the two Mishnayos as follows: לא קשיא הא בית שמאי הא בית הלל

Our Mishnah here of

ב"ש אוכל נפש בלבד - follows ב"ש, who only permit on Yom Tov activities that are directly related to אוכל נפש – And the first Mishnah of

טוב ביום דרך ארובה משילין פירות - follows ב"ה, who permit even items which are not directly related to אוכל נפש -

As we see in the following Mishnah;

דתנן ב"ש אומרים אין מוציאין לא את הקטן ולא את הלולב ולא את ספר תורה דתנן ב"ש אומרים אין מוציאין לא ה

One may not carry a child, Lulav or Sefer Torah on Yom Tov. ב"ה מתירין – They allow it.

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2 Zugt the Mishna: הבהמה והכלים כרגלי הבעלים

On Shabbos or Yom Tov, animals or utensils may travel only within the מחום of their owner.

המוסר בהמתו לבנו או לרועה הרי אלו כרגלי הבעלים

If one gives over his animal to his son or to a shepherd on Yom Tov, the animal is governed by the תחום of the owner and not by the חחח of the son or shepherd, because the חחח is established at the onset of Yom Tov, when it was still in the owner's possession.





Review



The Gemara cites a Braisa which seems to contradict the Mishnah:

המוסר בהמה לרועה אע"פ שלא מסרה לו אלא ביו"ט הרי היא כרגלי הרועה

Even if one gives over his animal to a shepherd on Yom Tov, the animal is governed by the חחח of the shepherd and not by the חחח of the owner.



The Gemara resolves this apparent contradiction as follows: כאן ברועה אחד

The Braisa is speaking of where there is only one shepherd in town. Therefore, it is already considered to be in the possession of the דועה at the onset of Yom Tov, because the owner had in mind before Yom Tov to give it to the shepherd on Yom Tov.

Similarly the Braisa rules הלוקח בהמה מחברו מערב יו"ט

אע"פ שלא מסרה לו אלא ביו"ט

הרי היא כרגלי הלוקח

An animal bought before Yom Tov, but delivered on Yom Tov, is governed by the חתחה of the buyer, because the seller had in mind before Yom Tov to deliver it to the buyer on Yom Tov. However, the Mishnah is speaking of where there are two or more possible shepherds to whom he would give these animals. Therefore, since it was not yet decided at the onset of Yom Tov, it remains in the possession of the owner.

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Œ בשני רועים המוסר בהמתו לבנו המוסר בהמה לרועה אע"פ שלא מסרה לו אלא ביו"מ או לרועה הרי אלו כרגלי הבעלים הרי היא כרגלי הרועה It was not yet decided The owner had in mind before yom Tou to give it to the shepherd onset of Yom Tou on you Tou Similarly the Braisa rules: הלוקח בהמה מחברו מערב יו"מ אע"פ שלא מסרה לו אלא ביו"ם הרי היא כרגלי הלוקח

The Mishnah continues:

כלים המיוחדין לאחד מן האחין שבבית הרי אלו כרגליו

Possessions that belong to one household member are governed by that person's תחום.

ושאין מיוחדין הרי אלו כמקום שהולכין

Household items that belong collectively to all household members are restricted to the common Techum of all household members – to an area where they are all permitted.









השואל כלי מחבירו מעיו"ט כרגלי השואל ביו"ט כרגלי המשאיל

If someone borrows an item BEFORE Yom Tov, the item is governed by the תחום of the borrower. If it was borrowed ON Yom Tov, the item is governed by the תחום of the lender. In both cases, it is based on who had possession of the item at the ONSET of Yom Tov.



The gemara cites the following Braisa: ת"ר שנים ששאלו חלוק אחד בשותפות זה לילך בו שחרית לבית המדרש וזה ליכנס בו ערבית לבית המשתה זה ערב עליו לצפון וזה ערב עליו לדרום If two people jointly borrowed a garme

זה ערב עליו לצפון וזה ערב עליו לדרום זה ערב עליו לדרום זה ערב עליו לדרום זה ערב עליו לדרום זה ערב עליו לדרום If two people jointly borrowed a garment, each to use at different times to go in opposite directions, the garment may only be carried as far as both of their individual עחומין would allow.

שנים ששאלו חלוק אחד כשותפות
זה לילך בו שחרית לבית המדרש
וזה ליכנם בו ערבית לבית המשתה
זה ערב עליו לצפון וזה ערב עליו לדרום
The garment may only be carried
as far as both of
their individual
would allow

אם מצעו את התחום הרי זה לא יזיזנה ממקומה ואם מצעו את התחום הרי זה לא יזיזנה ממקומה If each placed their תחום to the extreme ends of each opposite direction, and there is no common area, they may not carry it at all on Yom Tov.









Similarly;

אתמר שנים שלקחו חבית ובהמה בשותפות

Two people who jointly bought a barrel of wine, or an animal which was subsequently slaughtered on Yom Tov.

רב אמר חבית מותרת

Rav holds that each partner may transport his half of the contents of the barrel within the entire area of his own תחום. He is not restricted at all by the חחום of his partner.

As the Gemara explains - Rav holds

- יש ברירה

When divided on Yom Tov, each partner's portion is retroactively considered to have been divided at the onset of Yom Tov, acquiring his only. However,

ובהמה אסורה

The animal that is slaughtered and divided up on Yom Tov may only be transported within both of their תחומין.

We cannot apply the principle of ברירה to the animal דקא ינקי תחומין מהדדי

Since at the onset of Yom Tov the animal was still alive, and each part of the animal was sustained from the other part, we cannot retroactively consider it to have been divided. Therefore, each part of the animal was jointly owned at the onset of Yom Tov, and acquired both תחומין.

ושמואל אמר חבית נמי אסורה

Shmuel holds that even the contents of the barrel are restricted to an area that is accessible to both partners, because he holds אין – he does not subscribe to the principle of considering something that happens now, to have retroactively taken effect earlier. Therefore, even regarding the contents of the barrel, each part was jointly owned at the onset of Yom Tov, and acquired both החומין.



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The Gemara cites ר' יוחנן – and after some discussion clarifies -

- בדאורייתא אין ברירה

Regarding Halachos that are מדאורייתא, they both agree that we say אין ברירה –

– בדרבנן – Regarding Halachos that are מדרבנן, they have a Machlokes

ר' הושעיא אמר יש ברירה ור' יוחנן אמר אין ברירה

דרש מר זוטרא הלכה כרבי אושעיא

The Halachah follows רבי אושיעא that in דאורייתא matters we Pasken אין ברירה, and in דרבנון matters – such as תחומין - we Pasken יש ברירה.





