Today we will learn about the machlokes between Beit HaShemai and Beit HaHillel regarding using a ladder on Yom Tov to retrieve birds for use on Yom Tov, as well as several other related halachos.

The mishna, and gemara that follows, discuss a machlokes between Beit HaShemai and Beit HaHillel regarding using a ladder on Yom Tov to retrieve birds for use on Yom Tov, as well as several other related halachos.

The gemara offers another version of the machlokes of Beit HaShemai and Beit HaHillel regarding using a ladder on Yom Tov to retrieve birds for use on Yom Tov.

The gemara answers that this in itself is a permitted activity, even though in actuality, it is permitted. This is because they hold that the appearance of someone moving a ladder is not prohibited because of the perceived prohibition of moving a ladder on Yom Tov.

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

- **Halachah**: When a person makes dough from one of the five species of grain - wheat, barley, oats, rye, or spelt - he must separate a small portion, which must be given to the Kohen before he may eat from the dough. This portion is called Chalah. Like Terumah, Chalah may only be eaten by Kohanim and their families, while they are in Eretz Yisrael. However, there is a Mitzva to separate Chalah even in Chutz Laaretz.

- **Moratism Unin**: The chachamim prohibited various activities out of concern that an onlooker might perceive that the person is performing a forbidden activity, even though in actuality, it is permitted. This is called Moratism Unin, for fear of what one might see, and misinterpret.

- **Review**: Machlokes between Beit HaHillel and Beit HaShemai regarding using a ladder on Yom Tov to retrieve birds for use on Yom Tov.
So let’s review…..

Zugt di Mishna:
Beis Shamai teaches that one may not move a ladder from one dovecote to another on Yom Tov in order to retrieve birds for his Yom Tov meals, but he may move the ladder from one window to another in the same dovecote.

Bais Hillel holds that one may move the ladder on Yom Tov even from one dovecote to another.

The gemara questions this reasoning, because an onlooker might mistakenly think that he is moving the ladder in order to fix his roof, or to perform some other similar forbidden task on Yom Tov.

Bais Hillel is concerned that an onlooker might mistakenly think of the ladder, because they hold that the appearance of such is a sign that it is not of the dovecote.

In a private area, all agree that it is permissible, because since no one sees there is no reason for concern.

Anything that the Chachamim forbade because of the perception of wrongdoing may not be done even in private.
The gemara answers that this in itself is a מתלוקות תנאים, as we learned in a ביארה: שנותל בדיחה אלול לא נודע אם שנותל בדיחה אלול לא נודע. If a person’s garment became wet in the rain, he may hang it to dry in private, but not in public view, because people might think that he washed this garment on Shabbos.

The gemara offers another version of הר"ם’s explanation:

The Machlokes of ב"ה is only ר"א ו"ש – where he forbid it even in private, like, ר"א ו"ש - and Rav – ר"א ו"ש. However, Rav allows moving the ladder, because of מראות עין ו"ש. We cannot rely on מראות עין ו"ש, because of איסור דרבנן ו"ש. But forbid איסור דרבנן ו"ש, because of חשש כתישה ו"ש.

The gemara brings another opinion as to the machlokes of ב"ה and ב"ה in the Mishnah:

Rebbe Shimon Ben Elazar holds that שיבת הביארה is only מרחצית הריבים - where he forbid it even in private, like, מרחצית הריבים - and Rav – מרחצית הריבים. However, all agree that it’s מרחצית עלי תן - and we cannot rely on מרחצית עלי תן because of חשש כתישה. Rav Chanen Bar Ami follows רבי שמעון,.star, מראות עין רבי שמעון, and we cannot rely on מראות עין רבי שמעון.

The gemara questions this reasoning, because הביארה איסור איסור. ב"ה אוסרין הריבים שיבת הביארה רבי שמעון בן אלעזר אוסרין הריבים, because they hold that the איסור דרבנן of הריבים is only מוחלפת השיטה, because of חשש כתישה. But forbid איסור דрабנן מוחלפת השיטה, because of חשש כתישה. The gemara cites another apparent contradiction from the ביארה on the next amud, which may be the reason for רבי שמעון, מראות עין רבי שמעון, and we cannot rely on מראות עין רבי שמעון.

Rebbe Yehuda further clarifies this, that according to רבי שמעון, moving a ladder is permissible, is only regarding a ladder, because לצליקין את הסולם משובך לשובך. A ladder used specifically for the לצליקין את הסולם משובך לשובך, because לצליקין את הסולם משובך לשובך is not waived because of חשש כתישה לצליקין את הסולם משובך לשובך. Therefore, there is no חשש כתישה לצליקין את הסולם משובך לשובך. The Gemara questions this from the first mishna in our Perek: הביארה, because we understood that there is an איסור דרבנן הביארה, because we understood that there is an איסור דרבנן הביארה. The question is whether there is an איסור דרבנן הביארה – ברשות היחיד, because they hold that the איסור דרבנן הביארה is only מוחלפת השיטה, because of חשש כתישה. But forbid איסור דрабנן מוחלפת השיטה, because of חשש כתישה. They hold that the איסור דרבנן מוחלפת השיטה is only מוחלפת השיטה, because of חשש כתישה. But forbid איסור דрабנן מוחלפת השיטה, because of חשש כתישה. Therefore, there is no חשש כתישה איסור דרבנן מוחלפת השיטה because of חשש כתישה. A ladder used to go from one floor to the other, according to all opinions would be forbidden to use on Yom Tov, because of the obvious חשש כתישה.
The gemara relates a story with the sons of Rebbe Chiya, who went to visit the yidden in the villages.

Upon returning, their father, Rebbe Chiya asked them: Were you presented with any halachic inquiries? They answered: Actually, we were asked about the case of moving a ladder on Yom Tov, and we rendered a halachic decision that it is permissible.

Rebbe Chiya told his sons: What you told them was incorrect! Go back and tell them that moving a ladder on Yom Tov is in fact forbidden.

The gemara explains: Since Rebbe Yehuda had explained that and were in agreement regarding forbidding a ladder, the sons of Rebbe Chiya understood that according to the Tanna Kama the machlokes of the sons of Rebbe Chiya was about returning a ladder TO the pigeon coop would be permissible. And to this Rebbe Chiya answered: They were mistaken in their assumption, as Rebbe Yehuda merely came to explain and clarify the opinion of Rebbe Shimon Ben Elazar. However, nobody actually permits moving a ladder, an upper story ladder, and therefore he instructed them to return to the villages and rescind their ruling.

The gemara continues: We had learned in our mishna that Bais Shamai does not allow moving a ladder from one place to another, but one may move a ladder from one compartment to another within the same place - and Beis Hillel allows moving the ladder even from one place to the other. This seems to imply that Bais Shamai is more Machmir than Beis Hillel, in the face of Simchas Yom Tov.

The gemara concludes: Bais Shamai does not allow moving a ladder from one place to another... but to bring it TO the pigeon coop is be permissible!
The gemara questions this from the first mishna in our Perek:

 בอาศיו העוף חומש מותר
מ"ש איתורו סופר תומך ומסDeserializer
ובא איתורו לא יchantment אלא אם כן מ"ש עמו membrum
Where ב"ש seems to be machmir in the face of Simchas Yom Tov, as they do not permit shechting on Yom Tov, unless he has prepared from before Yom Tov for pem. This seems to imply that Beis Hillel is more Machmir than Bais Shamai, in the face of Simchas Yom Tov.

Rebbe Yochanan answers:

The opinions in one of the Mishnayos are reversed.

However, the gemara goes on to explain that this as not necessary, and suggests that perhaps there is no contradiction at all.

Let’s first explain: Originally, in the Kasha, the Gemara understood that there is an איסור דרבנן in both cases, and the question was whether it is waived for Kesuvah שמחות יומת עד שמחות יומת – The Gemara now says, that all agree that an איסור דרבנן is not waived because of Kesuvah שמחות יומת עד שמחות יומת. The question is whether there is an איסור דרבנן at all.

The gemara questions this from the first mishna in our Perek:

איסור דרבנן
Because there is no מראית עין of Kesuvah שמחות יומת עד שמחות יומת – elimnates any appearance of Kesuvah שמחות יומת עד שמחות יומת because of Kesuvah שמחות יומת עד שמחות יומת. Indeed, if there was no Kesuvah שמחות יומת עד שמחות יומת there would be an איסור דרבנן of the appearance of Kesuvah שמחות יומת עד שמחות יומת.

On the other hand, the gemara permit moving the ladder, because they hold there is no איסור דרבנן because of Kesuvah שמחות יומת עד שמחות יומת – But permit איסור דרבנן because it is no Kesuvah שמחות יומת עד שמחות יומת, since even if it is moved איסור דрабננ may sometimes require הדיתש.

The gemara now says…

The Gemara now says…

The question is whether there is an איסור דרבנן at all.

Originally, the Gemara understood…

The Gemara now says…

Rebbe Yochanan answers…

The question is whether there is an איסור דרבנן at all.
The gemara cites another apparent contradiction from the mishna on the next amud, which may be the reason for R' Yochanan’s statement. However, their machlokes is only regarding replacing a ladder after its use. This seems to imply that Beis Shamai is more machmir than Beis Hillel. Indeed, if there was no mistaken assumption, they would have understood that the ladder is not returned back to its original location, and there is no reason for concern.

The gemara questions this from the first mishna in our Perek: The sons of Rav Chiya held that moving a ladder from one floor to the other is permissible. Beis Shamai seems to be more machmir than Beis Hillel, who permit it in private. According to all, it is forbidden to move a ladder even in private, like the mishna on the next amud, which may be the reason for R' Yochanan’s statement.

The gemara again refutes this by saying that Beis Shamai forbid taking the birds because of the samech, but permit it because they hold there is no samech. Beis Hillel forbid taking the birds, because they hold there is no samech. The gemara continues this discussion on the next Daf.

The chachamim prohibited various activities out of concern that one might see there is no reason for concern. In a private area, all agree that it is permissible, because since even from one floor to another, it is permissible. Bara”h explains this machlokes to be reversed.

The gemara continues: Were you presented with any halachic inquiries? They were mistaken in their assumption, as Rebbe Yehuda had explained that even in private, like the mishna on the next amud, which may be the reason for R’ Yochanan’s statement, it is sufficient to simply verbally designate the birds. The gemara questions this from the first mishna in our Perek: Where again, Beis Shamai seems to be more machmir than Beis Hillel regarding Simchas Yom Tov – as opposed to regarding the sons of Rav Chiya.

The gemara again refutes this by saying that Beis Shamai forbid taking the birds because of the samech, but permit it because they hold there is no samech. Beis Hillel forbid taking the birds, because they hold there is no samech. The gemara continues this discussion on the next Daf.