

Daf Hashvuah Gemara and Tosfos Beitza Daf 10
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Rather, if there is a contradiction, it's from here. Beis Shammai forbids moving on Yom Tov a board (that you smash grain on) to cut up meat, (because he forbids moving utensils that main use is forbidden on Yom Tov) and Beis Hillel permits it. So Beis Shammai is more stringent regarding Simchas Yom Tov and Beis Hillel is more lenient. However, regarding Shechting and digging dirt we find the opposite. On that, R' Yochanan says that we switch their opinions. The Gemara rejects this, since it's not necessary to switch them. Perhaps Beis Shammai is only lenient when you have the Heter of a stuck-in spade, but otherwise, he would not be lenient. Also, perhaps Beis Hillel is only lenient by a grinding board since it's a utensil (even if its main use is forbidden, he allows moving it if you need to use it), but otherwise, they wouldn't be lenient.

Rather, if there is a contradiction, this is the contradiction. Beis Shammai forbids placing skins (of animals Shechted that day) where people will walk on them, (which will preserve them a little), or pick them up, unless there's still a Kazayis of meat attached to them. Beis Hillel permits moving the skins. So, we see Beis Hillel is lenient regarding Simchas Yom Tov (that we allow you to move the skins so you won't be tempted not to Shecht because you're afraid of ruining the skins) and Beis Shammai is more stringent. However, regarding Shechting and digging dirt, Beis Shammai is more lenient and Beis Hillel is stringent. So, R' Yochanan answers: switch their opinions. The Gemara rejects this, since it's not necessary to switch them. Perhaps Beis Shammai is only lenient when you have the Heter of a stuck-in spade, but otherwise he would not be lenient. Also, Beis Hillel is only lenient by the skins (that their moving could also be for the sake of Yom Tov), since they're fit for people to recline on.

Rather, if there is a contradiction, it's as follows: Beis Shammai says that a vendor on Yom Tov cannot remove the door to the box that he holds his wares in (since it's like you're demolishing the door). Beis Hillel (not only permits to remove the door), he even permits to reattach the door afterwards. So, we see Beis Shammai is stringent and Beis Hillel is lenient regarding Simchas Yom Tov. However, we see by the case of Shechting and digging the opposite. I understand it's not a contradiction to Beis Shammai, since he only permits when you have the Heter of a spade stuck in the dirt, but how can you reconcile Beis Hillel? So R' Yochanan says that we have to switch their opinion.

The Gemara rejects this. Perhaps Beis Hillel only permit removing the door from a box, since they generally hold that there is no concept of demolishing and building by utensils, (since they only apply to items attached to the ground). However, otherwise, he's not so lenient.

We'll now go back to the last Tosfos printed on 9b. (The question is, when R' Yochanan switched their opinions, which opinions did he change?) Tosfos brings an explanation that he switches the opinions by removing the door by the box (that Beis Shammai permits it and Beis Hillel forbids it). This would be true by all the previous Mishnayos brought, when we said to switch their opinions, those Mishnayos where switched, and the Mishna permitting the Shechting and digging remains intact.

Tosfos asks: (it seems that, at the Gemara's conclusion, the only Mishna that needs switching is by removing the door of the box. All the rest was already answered with the various distinctions we made. Tosfos considered all those distinctions to be forced explanations, and not the

real truth.) So, according to this, in the Gemara's conclusion we need to accept all the Gemara's forced distinctions, since we never tried to switch the Mishna of Shechting and digging. (However, if the Mishna we switched opinions was the Shechting one, then we don't have to rely on those forced distinction, since at the Gemara's conclusion, Beis Hillel is always lenient.)

Another question: one of the distinctions made was; we can move the skins because it's fit to recline on. However, in a Gemara later we write the reason is: because we allow this end (to move the skins so they won't get ruined) because of the beginning (to ensure they'll Shecht for Yom Tov and not to abstain for, perhaps, he'll lose the skins. Therefore, moving the skins is a Heter for Simchas Yom Tov).

Another question: (if we don't switch the opinions about Shechting), then Rabbah and R' Yosef's give and take (on 7b) was only according to Beis Shammai. (They argue, according to those that allow digging, do they allow digging before the Shchita or only after the Shchita.) This is very forced to say (that they bothered to argue according to Beis Shammai, who we never Paskin like).

Another question: according to this, that we switch Beis Hillel's opinion by removing the door off a box, the reason they're stringent because they hold there is a concept of demolition and building by utensils. However, we have an unnamed Mishna (that permits taking a door off a chicken-coup) that holds there is no demolition and building by utensils.

Therefore, R' Tam explains: we must say that we switch their opinions by Shechting and digging, and now all the questions are answered.

(Now that we say that Beis Hillel allows to dig for the dirt, it would seem that they can dig any dirt and they don't need to prepare the dirt before Yom Tov), so R' Tam doesn't know why people make sure to prepare and designate the dirt before Yom Tov. Besides, he remembered when he was young that they didn't prepare it, (so the old Minhag was not to worry about it being Muktzah). It must be that they only started preparing dirt after they mistakenly thought that the opinion switched was not the Shechting Mishna, and Beis Hillel is stringent and needs preparation. (However, we know that the truth is Beis Hillel is lenient, so it really doesn't need preparation.)

However, Tosfos concludes: even according to R' Tam (that Beis Hillel is lenient), you need to prepare the dirt. After all, we should assume that Beis Hillel doesn't permit more than we said Beis Shammai permits before the switch, and Beis Shammai only permitted with a spade stuck in (to prepare it. Once we say that he needs to stick the spade to prepare the dirt), then even loose dirt, (even if there is no problem of digging), needs to be prepared (like Rashi says). After all, (without the switch), we just said, perhaps, Beis Shammai only permits here because you have a spade stuck in. (So, even after the switch, we should assume Beis Hillel also needs to prepare the dirt.)

Secondly, if it's true that Beis Hillel doesn't need a spade stuck in, then R' Yehuda's statement to need a spade stuck in, after we switch their opinions, (was only said according to Beis Shammai who only permits after it was Shechted to cover it), but not according to Beis Hillel who permits Shechting it L'chatchila. (This is a forced explanation to say he was only explaining Beis Shammai.) Although the Gemara only brings it on the opinion that permits if it was B'dieved Shechted, we must say that it was said on the whole Mishna, (so, they waited to bring it at the conclusion of the Mishna). After all, it's logical that they only argue if it's permitted L'chatchila or

B'dieved. Therefore, what Beis Shammai permits B'dieved, Beis Hillel permits L'cahtchila. (So, since Beis Shammai needs a stuck-in spade to permit B'dieved), so too, Beis Hillel only permits a stuck-in spade to Shecht L'chatchila.

Another proof to this, that R' Yehuda (who requires the stuck-in spade) only allowed covering when bringing in a basket-full of dirt, (so he needs preparation on the dirt. Don't reject this proof by saying that R' Yehudah only required preparations for other uses, like covering your child's accidents, but didn't require it for the Mitzvah of covering blood, since the Gemara's conclusion seems to be that he needs this preparation for covering the blood too.

Also, just because we switched Beis Shammai's and Beis Hillel's opinions, doesn't mean we must switch the words of the Amarayim (to say that they never really meant to say their words for Beis Hillel).

Therefore, one should be careful to only cover with prepared loose dirt, like those that were piled, or to cover with ashes that is hot enough to roast an egg. You shouldn't cover with loose dirt spread on the floor, since we consider it as part of the dirt floor, nor should you cover with ash that is burnt on Yom Tov and you can no longer roast an egg in it.

Tosfos asks: if we switch their opinions in the Mishna of Shechting (and Beis Hillel is truly more lenient), why does the Mishna list this in Ediyos among the Mishnayos that Beis Shammai was lenient and Beis Hillel was stringent?

Tosfos answers: they list it there according to how they mistakenly taught it, before we corrected it to switch the opinions.

New Sugya

Beis Shammai says that one can't take doves on Yom Tov unless he prepared them the day before by picking them up. Beis Hillel permits it even if he only verbalized designating these specific birds.

R, Chanan b. Ami says that they only argue about the first set of birds hatched that season (since it was the practice of those who raised birds not to take the first set of birds, so that their parents would become attached to them, and they'll remain in the coup and they'll produce more birds). Beis Shammai held that, if you don't make a strong preparation, you'll take them on Yom Tov and then change your mind not to Shecht them (and it will make your preparation of them null, and it came out you moved them when they're Muktzah). Beis Hillel wasn't worry that may happen. However, by the second set of birds and on, all agree that you can just prepare verbally.

The Gemara asks: why does Beis Hillel make you specify which ones you're preparing? Why can't they say "I'll take from these doves?" If you want to say they don't hold of Breira (i.e., you may prepare "whichever ones you'll eventually choose," and choose later which ones you prepared). That can't be. After all, the Mishna says that if you have a corpse in a house, all the openings are Tamai. (Since the opening that they'll carry out the corpse is Tamai, and they could carry it out of any opening, so we must render all of them Tamai.) If you open one of the doors, (which shows that's the one your carrying it out), then the others are Tahor. If you decide to take it out of one of the doors, or you have an open window that's four T'fachim squared (which is fit for carrying out corpses) it saves the rest of the openings from Tumah. Beis Shammai requires to decide to carry the corpse out that exit before he died.

Beis Hillel allows it even if you decided after he died. (So, we consider it as if you chose this opening all along to carry the corpse out of it, although the actual decision didn't happen until after the death. So, we see Beis Hillel holds of Breira.)

Tosfos quotes Rashi: at this point of the Gemara, we assume that they argue about the status of the utensils that was already in the openings, that they are retroactively Tahor. They also argue (without a decision, but) by opening one of the close doors, that Beis Hillel holds that all utensils in other openings are retroactively Tahor. The reason Beis Shammai doesn't explicitly argue on that case, since he can explain it to refer to utensils brought there after the opening.

Tosfos asks: why must they change topics and argue about a decision to carry it out of a certain opening? Why didn't they stay with the case of opening a door, and argue whether it retroactively make utensils in other openings Tahor?

Tosfos answers: it wanted to teach us a Chidush, that with even a mere thought, you can save the other openings from Tumah.

Tosfos asks: according to Beis Hillel that holds of Breira, when is it ever applicable to make all the openings Tamai? After all, you'll eventually carry it out one of the doors, and it will retroactively make all the other openings Tahor, since we'll say that it was always destined to be carried through that opening.

Tosfos answers: it would be applicable if they created a new opening to carry out the dead. Since it never existed before, we can't say that it was always destined to carry out it.

Alternatively, it's applicable if the corpse will always remain in the house (*Bach: or it was burnt*).

The Gemara answers: (really, Beis Hillel doesn't hold of Breira.) The reason why Beis Hillel says the openings are Tahor, as Rabbah and R' Oshiya say, that it's not Tahor retroactively, but only Tahor from this point on. (However, Beis Shammai holds, that once there is Tumah in all openings when he died, you can't remove it by deciding to remove it through one opening.)

Rava answers: really, Beis Hillel makes the openings Tahor retroactively. The reason he needs you to prepare specific doves, for perhaps you may take one on Yom Tov, decide it's not good enough, and take another one. (So, it came out that the first one was never prepared [since it wasn't the one you took], and you moved a Muktzah dove.)

The Gemara asks: (how can you say that we're worried you won't want the one you thought looked good, and when you take it, you'll reject it?) After all, we allow someone to just verbally prepare the doves.

Daf 10b

The Gemara answers: we only allow one to do that before Yom Tov, but not on Yom Tov. After all, you'll might find what you thought was fatty was really lean, and vice versa, and you'll end up moving what was Muktzah. Or, you'll might find them all to be lean, and you'll scrape it off the menu and you'll end up refraining from Simchas Yom Tov. (However, if you need to choose the birds before Yom

Tov, you're committing to yourself to take them no matter what it comes out to be, fatty or lean, so you would never change your mind not to eat them on Yom Tov.)

New Sugya

If you designated black doves, and on Yom Tov, found white doves in its place, or vice versa, or if he designated two birds and found three birds, they're all forbidden, However, if he prepared three birds and found two, the remainder are permitted.

If you designated them inside their nest (compartment) and only found birds in front of the nests, they're forbidden. If they're the only birds around, they're permitted.

The Gemara asks: (on the case that you found a different color bird) it's too simple, and the Mishna doesn't need to teach us this (since you know it can't be the same bird you designated).

Rabbah answers: we refer to a case where you designated both black and white birds, and on Yom Tov, you found white birds in the place you left the black birds, and black birds in the place where you left the white birds. I might say, assume that these are the same birds you designated, but they just switched places. So we're taught that we should assume they left the coup completely and others moved in.

The Gemara suggests: perhaps this proves R' Chanina's statement, that when you have a doubt of an object's status, and most objects that exists has one status, however, the objects closest to the place where you found this object have another status, we always assume it came from the majority of those objects and not from what's closer. (After all, we'll assume that these birds come from the majority of birds that you didn't designate, despite that your designated birds where much closer to this area than other birds.)

The Gemara rejects the proof. Just as Abaya answers later that we refer to a case where there was a perch outside the nests that other birds rest on to wait for the occupants to leave so they can move in, therefore, undesignated birds are as close as the designated birds.

New Sugya

The next case of the Mishna: if you designated two birds and found three, they're forbidden. The Gemara explains: no matter what happened, the birds must be forbidden. After all, if both original birds left, and all three are new, then you have three Muktzah birds. If the first ones stayed and one joined them, you have one Muktzah bird mixed into them, so you need to forbid the whole mixture.

Tosfos asks: why don't we say that the one Muktzah bird is Batul in the majority of designated birds?

Tosfos answers: we have the rule that living entities cannot become Batul, since they're Chashiv (distinguished).

Alternatively, since the Muktzah bird will be permitted to eat after Yom Tov, so it's something that will eventually become permitted, which is not Batul even if mixed among a thousand permitted items.

New Sugya

The next case of the Mishna: if you designated three birds and you found two, the remainder are permitted. The reason is: we assume that those two were there before, and one just left.

Tosfos asks: since this doubt (whether it's the same birds or not) involves an Issur that will eventually become permitted, (where we are stringent by all doubts), how can we assume that they're the same birds?

Tosfos answers: since we see two are left, (we don't have much reason to doubt that these birds stayed), so, we can assume they're permitted even in such a case (where it will eventually become definitely permitted).

The Gemara asks: perhaps this is only according to Rebbi and not the Rabanan. In the case where someone left a hundred Zuz of Maaser Sheini money, and found two hundred Zuz in its place, Rebbi held that you have a mixture of half Maaser Sheini and regular money.

Tosfos quotes Rashi: therefore, he takes the bigger of the two bags and make the following condition: if this is the Maaser, then it's good. If it's not, then I'm redeeming the other money on this.

Tosfos asks: the Gemara in Hazahav says you can't redeem silver coins on other silver coins and Maos (copper coins) on other Maos.

Rather, Tosfos explains: you need to take the worth of the larger bag in copper Prutos and redeem the money wherever it is, then take the bigger bag of money and redeem the Prutos.

Rabanan held they're all regular money

Tosfos explains: we assume, (once a change took place), all the original money was removed and this is completely different money.

Tosfos asks: we don't assume something happened in a way to permit it unless it's a rabbinical Issur. As the Gemara in Pesachim says, that only by rabbinical Trumah we say, if you have two pots, one with Trumah and one with regular produce, and Trumah fell into one of them, I can assume that the Trumah fell into the Trumah pot, and the regular produce remains Kosher. (However, we wouldn't assume it happened in the permitted way by a Torah law, like by Maaser money.)

Tosfos answers: since people don't leave regular money next to Maaser Sheini money, so we can assume that it happened that you exchanged all the monies and forgot about it.)

The same if the opposite happened. You left two hundred and only found one hundred. Rebbi held that the money is the remainder of what you originally put there, and it's Maaser Sheini. The Rabanan say it's all exchanged and it's regular money. (So, let's say that we assume the two remaining birds are the original ones only according to Rebbi that held the remaining money were also the original ones.)

R' Yochanan and R' Elazar answer: it could still be the Rabanan, and birds are different, since they move in different directions. (Thus, if one leaves, it doesn't create a doubt, perhaps the others also left in the same way, like someone took all three).

The Gemara asks: how can both R' Yochanan and R' Elazar need to answer this? After all, we have an argument between those two, that one holds Rebbi and Rabanan only argue about if the two-hundred Zuz were kept in two bags, but if they're kept in one bag, everyone agrees that all the coins were taken and were replaced by other coins. The other says that Rebbi and Rabanan only argue when the money was in one bag, but if they were in two bags, then all agree that they removed one and left the other one in its place.

The Gemara concludes their question: (since different birds are different entities), I understand why the one who says they argue by two bags, (since it's a good comparison to birds), needs to differentiate between money and birds, because birds move away from each other. However, to the one who says that they only argue with one bag, (but by two bags, we assume the remaining bag was always there), why do you need to differentiate that birds move away?

R' Ashi answers: we refer to birds tied to each other, (which is similar to "one bag," which we'll explain as two bags being similar to one bag, i.e.), two bags of money tied to each other. So, the Rabanan hold that you can assume the other birds stayed, since the other bird probably got out of the tie with his movements. However, the bags don't move from each other to undo the knot. However, Rebbi held that there still is good reason to assume that they separated, since the knot might happen to get untied.