



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Shabbos Daf Kuf Vuv

V'CHOL HAMIKALKILIN PETURIN

- **R' Avahu** taught a Braisa that said, all destructive actions are patur except for one who makes a wound or burns something. **R' Yochanan** said to him, that is not correct, rather one who makes a wound or burns something is patur as well. The only time one would be chayuv for these actions would be if he makes a wound because he needs the blood for his dog or when he burns something because he needs the ashes (these purposes would deem the actions to be constructive).
 - **Q:** Our Mishna says that all destructive actions are patur?! **A:** The Mishna follows **R' Yehuda** (who holds that a melacha done for a purpose other than its primary purpose is chayuv, therefore we look at the purpose of the action, not the name of the action, and sometimes burning and wounding will be chayuv and sometimes it will not). The Braisa that says wounding and burning are always chayuv follows **R' Shimon** who says it's not about purpose (he holds that a melacha done for a purpose other than its primary purpose is patur) and for the reasons to be discussed, one who performs wounding or burning, although destructive actions, is chayuv.
 - **Q:** Why does **R' Shimon** say that one is chayuv for wounding and burning (since they truly are destructive acts)?! **A:** Since the Torah had to say that it is permitted to perform milah on Shabbos, it must be that one would be chayuv for other wounding. And, since the Torah had to say that we may not burn the daughter of a Kohen on Shabbos (as a punishment for z'nus), it must be that one would be chayuv for other burning.
 - **R' Yehuda** would say that the Torah has to specifically allow milah because it is being done for a constructive purpose (it "fixes" the person), and the Torah had to specifically prohibit burning the daughter of a Kohen, because to do so one must cook lead to put down her throat. Cooking lead is a constructive act because it makes the lead stronger.

SHIUR HA'MILABEN...

- **R' Yose** visually showed this shiur by showing the distance between his index and middle fingers and doubling it. **R' Chiya bar Ami** showed this as the distance between his thumb and index finger, which is double the distance between his index and middle fingers.

MISHNA

- **R' Yehuda** says, one is chayuv for trapping a bird in a closet (trapping a bird in a house allows for easy escape through windows and is not called "trapping"), and for trapping a deer in a house. The **Chachomim** say, one is chayuv for trapping a bird in a closet, and one is chayuv for trapping a deer even if he traps it in a garden, a courtyard or an enclosed area.
 - **R' Shimon ben Gamliel** says, not all enclosed areas are treated equally. The rule is: if one gets a deer into an enclosed area in which the deer will still have to be "caught", he is not chayuv for trapping. If the deer is brought into an area in which it does not need to be "caught", he is chayuv.

GEMARA

- A Mishna says one may not catch fish from a fish pond on Yom Tov (they are not considered to be captured when swimming around the pond, so catching them from there is "trapping") and one may not feed them (because they are muktzeh). However one may catch birds and animals from enclosures on Yom Tov (because they are already considered to be "trapped" in the enclosure) and one may feed them.

- **Q:** A Braisa says that one may not catch birds, animals or fish from enclosures on Yom Tov and may not feed them?! With regard to animals, we can say the Braisa follows **R' Yehuda** (from our Mishna who says that an animal is not considered to be trapped when in an enclosed area) and the Mishna follows the **Rabanan** (from our Mishna who say that an animal is considered trapped in an enclosed area). But, how do we explain the difference in the way that birds are treated in the Braisa and Mishna? You can't answer that the Mishna is talking about a roofed enclosure and the Braisa is talking about an enclosure with no roof, because in our Mishna all agree that a bird is not considered "trapped" in a house although a house has a roof!? **A: Rabbah bar R' Huna** said, our Mishna (where all require a bird to be caught in a closet to be considered "trapped") is dealing with a "d'ror" bird which is very difficult to catch and is therefore only "trapped" in a closet. However, regular birds are considered "trapped" in a house as well. Now we can say that the Braisa discusses an enclosure without a roof and the Mishna discusses an enclosure with a roof.
 - Based on making such a differentiation, we can also say that the reason for the different halacha between the Braisa and the Mishna with regard to animals is that the Braisa is talking about a large enclosure, and the animal is not considered "trapped" in a large enclosure, whereas the Mishna is talking about a small enclosure, and the animal is therefore already considered to be "trapped".
 - **Q:** What is "large" and what is "small"? **A: R' Ashi** explains, if he can reach the animal with one movement, it is "small". If not, it is "large". Or, if the enclosure is small enough that the shadows of the walls reach each other, it is small. If not, it is large. Or, if there are many corners, it is considered "large". If not, it is considered "small".

R' SHIMON BEN GAMLIEL OMER...

- **R' Yosef in the name of R' Yehuda in the name of Shmuel** said, the halacha follows **R' Shimon ben Gamliel** (that there are different halachos for different types of enclosures).
 - **Q: Abaye** asked **R' Yosef**, you seem to be saying that there are those who argue. But, we just said above that all agree that there is a difference whether the enclosure is "large" or "small"?! **A: R' Yosef** answered, it could be that no one argues, but my statement is still correct! **Abaye** responded, you can't teach like that, making people think that there are those who argue when in truth they do not.
- A Braisa says, one is chayuv for trapping a blind or sleeping deer, but patur for trapping a lame, old, or sick deer.
 - The difference is that the first group feels a person's presence and will slip away and elude capture, therefore it is not yet "trapped". The others will not.
 - **Q:** A Braisa says that one is chayuv for trapping a sick deer?! **A: R' Sheishes** said, if the deer is sick with a fever, it can still escape so one is chayuv for trapping it. If the deer is sick with weakness and fatigue, one is not chayuv for trapping it because it cannot escape.
- A Braisa says, **R' Meir** says one is chayuv for trapping grasshoppers, wasps and gnats on Shabbos. The **Chachomim** say, one is only chayuv for trapping things that are normally trapped (like the grasshopper for eating), but not typical insects.
- A Braisa says, one who traps grasshoppers when there is dew on the ground is patur (the grasshoppers become blinded from the dew and are therefore already "trapped"). If he does so during the hot summers, he is chayuv (although they are somewhat lethargic then). **Elazar ben M'havai** says, if they were coming in swarms (and therefore easily captured) he is patur for "trapping" them.
 - **Q:** Is **Elazar ben M'havai** explaining the first part, when they are blinded by the dew, and only then is one who catches them from a swarm patur, or is he qualifying the summer months and saying that if they come in swarms, he would be patur for catching them? **A:** A Braisa clearly says that he is qualifying the summer months and saying that one would be patur if they came in swarms.

- If a deer goes into a house and one closes the door, he is chayuv. If 2 people close the door, they are patur. If one couldn't close it alone, they are chayuv. R' Shimon says they are patur.

GEMARA

- **R' Yirmiya bar Abba in the name of Shmuel** says, one is not chayuv for "trapping" a lion unless he gets it into a cage that can contain it.