



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

### Beitzah Daf Yud

- We had just proven that **R' Yochanan** did not say that the shitos of **B"S** and **B"H** must be flipped for the seeming contradiction just mentioned. If so, we need to understand regarding what it was stated.
  - **A: R' Yochanan** must have said his statement regarding another contradiction. A Mishna says that **B"S** do not allow one on Yom Tov to take the hide of an animal and place it in an area so that it gets trampled upon (to begin the leather working process), and does not even allow one to handle the hide at all unless there is a kezayis of meat still attached. **B"H** allow this to be done. We see that **B"S** are machmir and **B"H** are meikel for Simchas Yom Tov even though they each hold the opposite in the case of shechting a chaya or bird on Yom Tov! This must be in regard to what **R' Yochanan** said the shitos must be reversed.
    - **Q:** Why must we reverse the shitos? It may be that **B"S** are truly more machmir, and the only reason they are meikel in the previous Mishna is because the person had a shovel dug into the earth from before Yom Tov!? It may also be that **B"H** are truly more machmir, and the only reason they allow handling the hide is because it is fit to use as a mat, and is therefore not muktzeh!? **A: R' Yochanan** must have said his statement regarding another contradiction. A Mishna says that **B"S** do not allow one on Yom Tov to remove the shutters of a store to use to display his goods for sale. **B"H** even allow the shutters to be returned to their place after use. We see that **B"S** are machmir and **B"H** are meikel for Simchas Yom Tov even though they each hold the opposite in the case of shechting a chaya or bird on Yom Tov! We can answer that **B"S** are truly more machmir, and the only reason they are meikel in the previous Mishna is because the person had a shovel dug into the earth from before Yom Tov. However, there is a contradiction of the view of **B"H**! This must be in regard to what **R' Yochanan** said the shitos must be reversed.
      - **Q:** The Gemara says, we can still ask, that even **B"H** can be understood. It may be that they are truly more machmir, and are only meikel here because they hold that there is no prohibition related to the taking apart and putting together of keilim!?

#### MISHNA

- **B"S** say one may not take a bird on Yom Tov unless he had handled them (i.e. lifted them) to show preparation before Yom Tov. **B"H** say he may even stand on the ground and verbally state his intention to use them, without actually handling the birds.

#### GEMARA

- **R' Chanan bar Ami** said, the machlokes is only regarding the first babies born to the mother that year. They are typically not shechted, and **B"S** is therefore concerned that a mere verbal statement is not enough. They are concerned that one will take the bird and then decide not to shecht it and put it back. Therefore, we need a more concrete intention of using the bird. However, **B"S** would agree that all other birds need only have a verbal statement of intent.
- **Q:** According to **B"H**, why does he need to state exactly which bird he intends to take? Why can't he make a general statement that he intends to take birds (in general) without

specification? It can't be that **B"H** doesn't allow that because he doesn't hold of breirah, because a Mishna states, that **B"H** says, if one has in mind to remove a meis via a particular opening in the house, all the other openings remain tahor. **B"H** argue on **B"S**, and say that this decision is effective even if it is made after the death. We see that **B"H** holds of breirah!? **A:** It may be that **B"H** do not hold of breirah, and the reason they say the other openings are tahor is as explained by **Rabbah**, that **B"H** are speaking prospectively, not retroactively. **A2: Rava** said, it may be that **B"H** do hold of breirah. The reason he must specify which birds he is taking is because we are concerned that with a general statement, on Yom Tov he will end up picking up a bird and putting it back, which would be muktzeh. With a specific statement, he is limited to his statement, and will not do so.

- **Q:** Even with a specific statement, **Rava's** concern should still exist unless he actually handles the birds before Yom Tov!? **A:** When he makes a specific statement on Erev Yom Tov, he realizes the next day that he is limited to his previous designation, and will not come to touch any other birds. However, when he leaves the decision to Yom Tov (by making a general statement), we are concerned that he will pick up a bird that looked good and realize it is not that good, and then return it in exchange for another one. **A2:** If he makes a general statement, without even having looked at the birds, we are concerned that on Yom Tov he will find all the birds to be undesirable, and will be left without meat for Yom Tov (and will not have Simchas Yom Tov).

#### MISHNA

- If one designated black birds before Yom Tov and on Yom Tov found only white birds in the birdhouse, or prepared white birds and found black birds, or prepared 2 and found 3, the birds are all assur. If he prepared 3 and found 2, they are mutar.
- If he designated them when they were in the nest, and he finds birds in front of the nest, they are assur. However, if these are the only birds in the area, they are mutar.

#### GEMARA

- **Q:** It is obvious that if he finds birds of another color that they are assur (they are different birds than those prepared)!? **A: Rabbah** said, the Mishna is discussing where he prepared black birds and white birds, and found the black birds where the white birds were on the previous day, and the white birds where the black birds were. We would think that we can assume that they are the same birds, and they simply changed places. The Mishna teaches that we assume they are all new birds.
  - **Q:** Maybe we can say that this is a proof to **R' Chanina**, who says that when faced with the choice to follow "rov" (the majority) or "karov" (that which is near), we follow the rov (the majority of birds are not the ones he designated, but following karov would say that the birds were from the ones prepared the day before)? **A:** We can answer as **Abaye** says elsewhere, that the birdhouses under discussion have a board in front of them that many birds come and rest upon. Therefore, even the "karov" birds are likely not the birds that were designated the day before.

#### SHNAYIM U'MATZAH SHLOSHA ASSURIN

- Either way these birds are assur. Either none of these are the birds that he designated, or one of them was not designated and is now mixed with the 2 that were designated. In either case, they will all be assur to use.

#### SHLOSHA U'MATZAH SHNAYIM MUTARIN

- They are mutar, because we assume that one of the designated birds flew away, and these 2 remained.
  - **Q:** A Braisa says, if one put 2 maneh of ma'aser money into a box and later found only one maneh in the box, **Rebbi** says we assume one maneh was taken and the remaining maneh is ma'aser. The **Rabanan** say we assume all the ma'aser was removed and the maneh that is found in the box is chullin. Based on this, our Mishna seems to only follow **Rebbi**? **A:** The Mishna may follow the **Rabanan**. We have learned that **R' Yochanan** and **R' Elazar** both say that the case of the birds is different than the case of the coins,

because birds tend to jump around on their own, whereas money must have been moved by another force.

- **Q:** There is a machlokes as to the parameters of the machlokes between **Rebbi** and the **Rabanan**. One view is that they argue when the money is in 2 separate bundles, but all would agree that when the money was in one bundle, lesser amount found is totally new money. The other view is that they only argue when the money was bound in one bundle, but when they are in separate bundles all agree that the lesser amount found is part of the original amount left there. According to the second view, all agree in the case of 2 bundles, so all would also agree in the case of the birds in our Mishna. If so, why is there a need to give the answer that birds are different because they move around? **A:** **R' Ashi** said, the Mishna is discussing birds that are tied together, and the Braisa is discussing bundles of money that are tied together. With regard to birds, which move around, even though they were tied, we can say that the remaining birds were from the original 3, because they likely untied themselves through their movements, and one went and 2 stayed. However, with regard to bundles of money, they can't pull themselves apart. Therefore, if one is missing, it is likely that both are missing and the one that is there is a totally different bundle. **Rebbi** holds that even bundles sometimes become untied, and it is therefore possible that the one remaining bundle was one of the two original bundles of money.