



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

### Beitzah Daf Chuf Daled

#### PEREK EIN TZADIN -- PEREK SHLISHI

##### MISHNA

- We may not catch fish from a fish pond on Yom Tov, and we may not feed these fish on Yom Tov (they can survive without us giving them food), but one may catch birds and wild animals that were brought into an enclosed area before Yom Tov, and feed them on Yom Tov as well.
- **R' Shimon ben Gamliel** says, not all enclosures are treated the same. The general rule is, anything that still needs to be trapped is assur on Yom Tov, and anything that does not need to be trapped, is mutar on Yom Tov.

##### GEMARA

- **Q:** A Braisa says that one may not catch birds or wild animals from an enclosure on Yom Tov, and one may not feed them on Yom Tov!? With regard to animals, we can say the Braisa follows **R' Yehuda** (who says in a Mishna that an animal is not considered to be trapped when in an enclosed area) and the Mishna follows the **Rabanan** (who say that an animal is considered trapped in an enclosed area, which is why one would be allowed to catch it from there on Yom Tov). However, 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 that the Braisa is talking about an enclosure with no roof, because **R' Yehuda** and the **Rabanan** agree in another Mishna that a bird is not considered "trapped" in a house although a house has a roof!? **A: Rabbah bar R' Huna** said, that Mishna (where all require a bird to be caught in a closet to be considered "trapped", and a roofed structure is not enough) 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** explained, if he can reach the animal with one movement, it is "small". If not, it is "large". Or, if there are many corners, it is considered "large", if not, it is considered "small". Or, if the enclosure is small enough that the shadows of the walls reach each other, it is small. If not, it is large.

##### R' SHIMON BEN GAMLIEL OMER LO KOL HABI BARIN SHAVIN...

- **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.

ZEH HAKLAL KOL HAMECHUSAR TZEIDA...

- **Q:** What does it mean that an animal "still needs to be trapped"? **A: R' Yosef in the name of R' Yehuda in the name of Shmuel** said, if one needs a trapping device to catch it, it "still needs to be trapped".
  - **Q: Abaye** asked, chickens require a trapping device to be caught, and yet a Braisa says one is patur for catching chickens!? **A: Rabbah bar R' Huna in the name of Shmuel** said, chickens go back to the coop in the evening, and therefore are considered to be trapped even when outside the coop.
    - **Q:** Doves go back to their coop in the evening as well, and yet a Braisa says that one who captures them is chayuv!? **A: Rabbah bar R' Huna in the name of Shmuel** said, chickens go to the coop at night, *and* they rely on their owners for sustenance. That is why they are considered to be already caught. Doves are self-sustaining. **A2: R' Mari** said, chickens do not evade capture when in their coop, and doves do, which is why they are treated differently.

MISHNA

- Traps that were set on Erev Yom Tov and were then found to have animals in them on Yom Tov, the animals may not be taken on Yom Tov unless it is known that the animals were caught before Yom Tov.
- It once happened that a goy brought a fish (which was possibly caught on Yom Tov) to **R' Gamliel** on Yom Tov, and **R' Gamliel** said, it is mutar, but I don't want to take a present from him.

GEMARA

- **Q:** We are bringing a story that seems to contradict what was stated prior in the Mishna!? **A:** The Mishna is missing words and should say that if it is questionable when it was caught, it is assur, but **R' Gamliel** says it is mutar. The story is then brought where **R' Gamliel** said it was mutar to eat fish possibly caught on Yom Tov.
  - **R' Yehuda in the name of Shmuel** said, we do not pasken like **R' Gamliel**.
    - Others say that **Shmuel's** psak was said on a Braisa where **R' Gamliel** says it is mutar and **R' Yehoshua** says it is assur. **Shmuel** paskened like **R' Yehoshua**.
    - Still others say that **Shmuel's** psak was said on the following Braisa. The Braisa says one may shecht animals from enclosures on Yom Tov, but not animals from nets or traps. **R' Shimon ben Elazar** says, if one sees his nets out of place on Erev Yom Tov, it must mean that an animal was caught in them on Erev Yom Tov, and if he finds his nets out of place on Yom Tov, it means an animal was caught in them on Yom Tov.
      - **Q:** The inferences of the two parts of **R' Shimon's** statement conflict each other!? The first part suggests that a safek would be assur and the second part suggests that a safek would be mutar!? **A:** The Braisa means to say that a safek is as if you found the nets displaced on Yom Tov, in which case it will be assur.

It was on this Braisa that **Shmuel** said the Halacha follows **R' Shimon ben Elazar**.

V'AMAR MUTARIN HEIM

- **Q:** For what purpose did **R' Gamliel** say they were mutar? **A: Rav** says they were mutar to handle, and **Levi** says they were mutar to eat.
  - **Rav** said, it is so important to never miss one moment in the Beis Medrash, because I was there when **Rebbi** retracted his statement that **R' Gamliel** meant they are mutar to eat, and said that **R' Gamliel** actually meant they were mutar to handle. However, **Levi** was not there then, which is why he never heard the retraction of **Rebbi**.
  - **Q:** A Braisa says, that if a goy brings a gift of moist fish or fruits picked that day to a Yid on Yom Tov, they are mutar. Clearly this refers to being mutar to handle, because fruits

picked that day would surely be assur to eat on Yom Tov!? **A:** Fruits picked that day would be assur to handle as well! The Braisa must be referring to fish and fruit that appear fresh as if they had been caught and picked that day, but were actually picked earlier.

- **R' Pappa** said, the Halacha is, if a goy brings a gift on Yom Tov from a species from which there still remain some attached to the ground, it is assur, and is assur after Yom Tov as well for the amount of time it takes to cut and bring that species to you. If there is none of that species still attached to the ground, it is mutar as long as it came from within the techum. If it came from outside the techum, it is assur for the Yid for whom it was brought, but is mutar for another Yid.