

OVERVIEW of the Daf

1) Simchas Yom Tov (cont.)

The Gemara makes three more unsuccessful attempts to identify the contradiction within the positions of Beis Shammai and Beis Hillel regarding simchas Yom Tov that would necessitate R' Yochanan to resolve the contradiction by reversing the opinions.

2) **MISHNAH:** Beis Shammai and Beis Hillel dispute how one prevents doves in a dovecote from becoming muktzah.

3) Qualifying the dispute

R' Chanan bar Ami writes that the dispute in the Mishnah applies only to the first brood because of the concern that the owner may change his mind. Regarding the other broods, all opinions agree that an oral declaration is sufficient.

4) Clarifying Beis Hillel's opinion

The Gemara questions why, according to Beis Hillel, one must use language that is explicit, rather than more general language?

The Gemara explains that Beis Hillel does not accept the principle of ברירה and hence requires one to explicitly identify the birds he intends to take.

Rava answers that Beis Hillel does, in fact, accept the principle of ברירה and the reason he may not rely upon ברירה in our Mishnah is for a different reason.

Rava's explanation is unsuccessfully challenged.

An alternative reason is given to explain why Beis Hillel requires the person to be explicit.

5) **MISHNAH:** The Mishnah discusses the law of finding birds which seem to be different ones than the ones that were designated.

6) Clarifying the Mishnah

Rabbah explains the novelty of the Mishnah's first ruling.

This ruling seemingly supports R' Chanina's principle that when a conflict arises between the principle of "majority" and "proximity" we follow the "majority."

The Gemara demonstrates that this conclusion cannot be definitively proven from our case.

The ruling concerning one who designated two birds and found three birds is explained.

The Mishnah ruled that when a person designated three birds and on YomTov discovered only two, it is assumed that the two were from the original group of three. This is consistent with Rabbi rather than Rabanan who seemingly dispute this issue.

Distinctive INSIGHT

Clarifying the opinions of Beis Hillel regarding Yom Tov

אמר רבי יוחנן מוחלפת השיטה

Earlier (Mishnah, 2a), Beis Hillel represents a strict position and disallows slaughtering a חיה if one has not prepared soft soil from before Yom Tov to cover its blood. The Gemara (9b-10a) brings a series of five other Mishnayos where Beis Hillel is relatively lenient in reference to Yom Tov observance. To resolve this seeming inconsistency, Rabbi Yochanan points out that the opinion of Beis Hillel must be reversed. Rashi explains that the "reversal" is in the case of moving the ladder (9a), and in the cases of all the lenient opinions listed in the five Mishnayos. In other words, Beis Hillel is to be understood as consistently strict. The Gemara questions the approach of Rabbi Yochanan, and it points out that each case should be evaluated based upon its own merits, thus demonstrating that switching the views is unnecessary.

Pnei Yehoshua shows that Rambam and Rif maintain the text as we have it in all cases, with Beis Hillel espousing the lenient opinion not as a rule, but rather due to the extenuating circumstances in each case, except in the case of the first Mishnah, where Beis Hillel disallows slaughtering a חיה if one does not have prepared soil to cover the blood. Accordingly, they understand that the explanation of Rabbi Yochanan is rejected.

Tosafos understands that Rashi learns that the words of Rabbi Yochanan are accepted, and we must reverse the opinions of the Mishnah of removal of the panels of the spice boxes, and that Beis Hillel prohibits it. Rashi and Tosafos do not have the final lines of the Gemara in their text, where the Gemara resolves the opinion of Beis Hillel in this case as well based upon the view that there is no problem of "building" in the case of כלים. ■

The Gemara explains how our Mishnah could be explained consistent with Rabanan.

It is noted that the previous explanation is seemingly superfluous according to one explanation of the dispute between Rabbi and Rabanan.

R' Ashi explains why the previous answer is not superfluous and in doing so submits that, at least according to one explanation, the dispute between Rabbi and Rabanan relates to a case of two wallets tied together. ■

HALACHAH Highlight

Transmitting tum,ah to the city gates when a corpse will be taken through

חשם להוציאו באחד מהן או בחלון שיש בו ד' על ד' מצלת על כל הפתחים כולו

If he decided to remove it [the corpse] through one of doorways or a window that is four [tefachim] by four [tefachim,] it saves the other doorways from tum'ah

Rabbeinu Yisroel Isserlin¹, the Terumas HaDeshen, records the custom of a particular town to restrict kohanim from going in and out of the city gates on days there would be a funeral until after the funeral was completed. Since the corpse would be taken out of the main gate it qualifies for the ruling cited in the Gemara that when a corpse will be taken through a designated doorway the doorway is tamei until after the corpse has been removed. Terumas HaDeshen cites authorities who are lenient and maintain that tum'ah is imparted only to the first doorway through which the deceased is removed. Rav Moshe Isserles², the Rema, cites both opinions and writes that one who follows the lenient opinion is not deficient in his observance (אינו מפסיד). Rav Yechezkel Landua³, the Noda B'Yehudah, writes that halachah accords with the lenient opinion.

Rav Tzvi Hirsh Ashkenazi⁴, the Chacham Tzvi, writes that the custom of that town was not based on the principle that eventually the tum'ah will go through that doorway since that principle

REVIEW and Remember

1. What is the difference between the first brood (בריכה) and the subsequent broods?

2. Under what condition would all the doorways of a house be t'mei'im?

3. Explain: רוב וקרוב הלך אחר הרוב.

4. Why are the cases of the birds and the wallets not parallel?

applies only in a room that has a roof. In an open city the principle does not apply. The reason for concern is the fear that the kohen will be under the city gate at the same moment the corpse is being removed. Rav Yaakov Emden⁵, the Yaavetz, the son of Chacham Tzvi, explains that Terumas HaDeshen was referring to a place where there were awnings and beams that extended from the house which contained the corpse to the city gate, and the concern was the tumah generated by the deceased as he would eventually be removed through the city gate. ■

1. שר"ת תרומת הדשן ח"ב (פסקים וכתבים) סי' כ"ד
2. רמ"א יו"ד סי' שע"א סע' ד
3. דגול מרובה המובא בפת"ש שם סק"ח
4. שר"ת חכם צבי סי' ק"ג
5. שר"ת שאילת יעב"ץ ח"א סי' קנ"ט ■

STORIES Off the Daf

White instead of black

ומצא לבנים במקום שחורים

When Rav Raphael of Barshad, zt"l, first began to search for the ideal way to serve Hashem, he heard that learning the Zohar HaKadosh was a great segulah for attaining fear of heaven. He therefore began learning a great deal of Zohar. After learning through the whole Zohar, he started the Zohar Chadash. Towards the end of the Zohar Chadash, there is a warning against being like Bil'am, who was a complete fool despite his great knowledge of serving Hashem.

Rav Raphael said to himself, "If one can know so much and still be a fool, perhaps I should focus instead on Shulchan

Aruch so that my study will bring me to action—מעשה."

He started learning Shulchan Aruch in depth. When he reached Orach Chaim #231, "All of one's acts should be for the sake of heaven," he again felt that something was missing.

"Are all of my actions really l'shem shomayim? Perhaps I should spend more time on mussar!" he wondered. Rav Rafael therefore added study of the Shelah HaKadosh to his schedule.

He was so immersed in the Shelah that he would learn it at every opportunity. He would even take it with him when waking the townsfolk for davening so that he would not waste a single minute. But after a while he again felt as if something was missing. So he traveled to the famous Rav Pinchas of Koretz, zt"l, for advice.

Rav Rafael poured out his heart. "I

want to serve Hashem in truth, but everything I have tried has been insufficient." He was so distressed that he actually fainted.

When he came to, Rav Pinchas said, "If you stay with me, you will come to truth."

Three years later, Rav Rafael dreamed that he was playing cards. Although his hand started out with black cards, they all turned white in the end. When he shared his dream with Rav Pinchas, he was given a powerful interpretation.

"Your dream is like the Gemara in Beitzah 10b, about one who designated black birds and found white ones instead.

When you first came to me, you were blackened with worry and stringencies, and this prevented you from serving Hashem in truth. But now you are white with virtue and purity!" ■

