

OVERVIEW of the Daf

1) Trapping wild animals and birds

A contradiction is noted. Our Mishnah permits trapping wild animals and birds on Yom Tov and a Baraisa prohibits it.

The contradiction concerning wild animals is resolved by distinguishing between R' Yehudah and Rabanan's position.

Rabbah bar R' Huna resolves the contradiction regarding birds by distinguishing between a large enclosure and a small enclosure. This distinction could also be used to resolve the discrepancy concerning wild animals. R' Ashi offers two ways of defining a large enclosure and a small enclosure.

2) Clarifying R' Shimon ben Gamliel's opinion

R' Yosef, in the name of others, rules in accordance with R' Shimon ben Gamliel.

Abaye questioned the necessity for the ruling when Tanna Kamma does not dispute this point and R' Yosef does not provide a strong answer to this challenge.

R' Yosef in the name of others explains that an animal is considered free (מחוסר צידה) if one would say, "Bring a trap so we can catch the animal."

Abaye unsuccessfully challenges this definition.

In the course of this discussion the Gemara states that one is exempt from trapping geese and chickens.

Two reasons are presented to explain why geese and chickens are exceptions.

3) MISHNAH: The Mishnah discusses the permissibility of using animals trapped on Yom Tov. A non-Jew offered Rabban Gamliel fish on Yom Tov. He permitted them, but he did not want to accept it

4) Clarifying the Mishnah

It is noted that the incident recorded in the Mishnah contradicts the earlier cited halacha.

The Gemara answers that a portion of the Mishnah was left out and cites the entire text of the Mishnah.

R' Yehudah in the name of Shmuel rules that the halacha is not like Tanna Kamma, rather in cases of doubt the animal should be treated as muktza.

The Gemara presents two alternate versions of where R' Yehudah in the name of Shmuel may have ruled against R' Gamliel.

5) Clarifying the incident recorded in the Mishnah

Rav maintains that R' Gamliel ruled that the fish may be accepted whereas Levi maintains that he ruled that the fish may also be eaten.

Rav states that Levi disagrees because he was not present in the Beis Midrash when Rabbi retracted his original ruling.

The Gemara unsuccessfully challenges Levi's position.

R' Pappa presents guidelines for accepting gifts from non-Jews when there is a concern that a מלאכה was performed to obtain or deliver the item. ■

Distinctive INSIGHT

The time frame of בכדי שיעשה

ולערב נמי אסורין בכדי שיעשו

The Gemara concludes that if a non-Jew brings a gift (e.g., fruit or fish) to a Jew on the first day of Yom Tov, the Jew may not benefit from that gift until after Yom Tov, and the Jew must also wait an additional period of time referred to as בכדי שיעשה before eating it. Rashi explains that the gift may be used on the night of the second day of Yom Tov, after the first day of Yom Tov has elapsed, and this is the opinion of the Shulchan Aruch (O.C. 515:1). Rashi himself cites another opinion, that the gift may not be used until after the second day of Yom Tov has ended. Tosafos (ד"ה ולערב) agrees with this more stringent opinion, and this is the halacha found in Rema (ibid.).

We find several opinions (ביאור הלכה שם ד"ה ושיעור) regarding how to determine the amount of time prescribed by the term בכדי שיעשה. According to Rabbeinu Tam in Tosafos it would be necessary to wait until after the second day of Yom Tov, and then the amount of time needed to actually go and come to the place from where the fruit was cut, or from where the fish were caught, in addition to the time needed to cut the fruit or catch the fish. Otherwise, we are afraid that the Jew might instruct the non-Jew to perform a task, thus enabling it to be available at an earlier time.

Beis Yosef cites סמ"ק who points out that if the non-Jew brought the gift for a specific Jew, others may use it after waiting the time necessary to actually cut the fruit or catch the fish, but it is not necessary to add travel time beside. עולת שבת does not make this distinction, and requires the full time for any Jew to benefit from the gift. Rosh and the Tur

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REVIEW and Remember

1. What are the two definitions of a large enclosure?

2. Why is an animal that becomes trapped on Yom Tov prohibited for use?

3. Why should a person never be absent from the Beis Midrash?

4. What are the guidelines for benefitting from gifts delivered by a non-Jew on Yom Tov?

HALACHAH Highlight

Listening to a radio turned on by a Jew on Shabbos

ולערב נמי אסורין בכדי שיעשו

And it is prohibited the night [following Yom Tov for the amount of time it would take for] this act to be done.

Rav Tzvi Pesach Frank¹, the Har Tzvi, was asked whether it is permitted to listen to a radio that was turned on by a non-religious Jew on Shabbos. Rav Frank begins his analysis of the issue by noting that there is a fundamental difference between the restriction against deriving benefit from a מלאכה performed by a Jew and the restriction against deriving benefit from a מלאכה performed by a non-Jew. When a Jew performs a מלאכה, e.g. a Jew cooked food on Shabbos, the prohibition rests upon the food itself (איסור חפצא). When a non-Jew performs a מלאכה for a Jew, e.g. a non-Jew cooked for a Jew on Shabbos, the prohibition rests upon the Jew (איסור גברא) and restricts him from benefiting from the מלאכה that was done. The reason is the concern that if the Jew was permitted to benefit from the מלאכה that was done on his behalf, it could lead to asking the non-Jew to perform מלאכה on the Jew's behalf.

Another difference between the case of a מלאכה performed by a Jew and a מלאכה performed by a non-Jew is the requirement to wait after Shabbos or Yom Tov the amount of time it would take for this act to be done. This requirement is in force only for מלאכה performed by a non-Jew.

STORIES Off the Daf

Back to Baranovitch!

לעולם אל ימנע אדם עצמו מבית המדרש
אפילו שעה אחת

On today's daf we find that, unless one has no choice, one should never absent oneself from the beis medrash.

Rav Elchonon Wasserman, zt"l, was not only the Rosh Yeshiva of Baranovitch he was also personally responsible for raising the funds to cover the yeshiva's expenses. Quite often, the yeshiva's considerable debts would force him to travel many hours by train to find donors. Sometimes, reaching potential sources of funds would even entail and time-consuming travel by horse-drawn carriage.

But Rav Elchonon would do anything for the sake of the yeshiva.

Once, the accumulated debts were so great that Rav Elchonon saw no choice but to travel outside of Eastern Europe altogether in order to make contact with wealthier communities. He therefore decided to make the arduous journey to England, and after a long and exhausting trip he finally arrived in Manchester. Right after he arrived, a widow who had heard about the gadol's upcoming visit brought her contribution to the home of his host: five hundred pounds sterling, a fortune unheard of in impoverished Baranovitch. Rav Elchonon did not lose his composure at this unexpected boon. His only reaction was to heap heartfelt blessing upon the generous widow, and soon afterward she went on her way.

(Insight...Continued from page 1)

write that we calculate the time needed to bring fruit from near the city. Rashba and Ran rule that the time framework incorporates travel to the spot where the fruit was picked and to collect it, but ביאור הלכה concludes that it is adequate to wait the amount of time specified by Rosh. Also, others, for whom the gift was not intended, may use the fruit after the first day of Yom Tov. The poskim differ whether they must also wait the additional time of בכדי שיעשה. ■

The reason, explains the Ran², is that when a non-Jew performs a מלאכה there is a concern that it will lead to further intentional violations of Shabbos (שווג אטו מזיד). Thus additional restrictions are necessary. On the other hand, when a Jew performs a מלאכה there is not a concern that it will lead to further intentional violations of Shabbos and additional restrictions are unnecessary.

Rav Frank then cites the opinion of the Pri Megadim³ who maintains that a mumar, one who regularly violates halacha, is treated in this matter also like a non-Jew and thus it is prohibited to benefit even from unintentional violations because of the fear that it could lead to intentional violations. After additional analysis, Rav Frank concludes that it is difficult to permit deriving benefit from the radio turned on by a non-religious Jew. ■

1. שו"ת הר צבי או"ח ח"א סי' קפ"ג וע"ש שדן גם על הענין אי בכה"ג אמרינן דקול אין בו ממש אולם אכמ"ל
2. ר"ן מסכת שבת מו בדפי הרי"ף ד"ה ואם בשביל
3. פמ"ג מש"ז סי' רע"ו סק"ה ■

The moment the woman left, Rav Elchonon hoisted his as-yet-unpacked suitcases and headed for the door.

When his host asked where he was going, Rav Elchonon said emphatically, "Back to Baranovitch!"

When those present tried to convince Rav Elchonon to take advantage of the time already spent traveling and secure more donations to maintain the yeshiva for a longer period, the Gadol refused.

"I only left the yeshiva because we could not find any other source of money and it was a choice of either traveling or closing the yeshiva. But my job is to teach Torah. Now that I have what we need, I am not permitted to remain here even one day!" ■