



OVERVIEW of the Daf

1) Deposited fruit

Rav and Shmuel dispute the status of produce deposited by another. According to Rav it is limited to the techum of the one by whom it is deposited whereas according to Shmuel it remains limited by the techum of the depositor.

The Gemara suggests that this dispute is related to a dispute Rav and Shmuel have in Bava Kamma regarding liability for damages.

The Gemara demonstrates that the two issues are not necessarily connected.

Two unsuccessful challenges to Rav's ruling are presented.

A related incident is recorded which was initially understood as relevant to the present discussion but ultimately it's demonstrated that it is not relevant.

A second detail regarding this incident is examined.

In light of this discussion the Gemara concludes that the relevant issue of the incident is that the meat became hidden from view.

2) **MISHNAH:** The Mishnah discusses the permissibility of watering and slaughtering different animals.

3) Clarifying the Mishnah

The Gemara explains that the Mishnah mentions watering the animal to teach that it is beneficial to water an animal before slaughtering to ease the removal of the skin.

A Baraisa records a dispute concerning the definition of range animals and domestic animals.

The Gemara questions whether Rabbi accepts the principle of muktza as implied in the Baraisa.

Three resolutions to this challenge are offered.

הדרן עלך משילין
וסליקא לה מסכת ביצה



Distinctive INSIGHT

The תחום of fruit deposited with a watchman

אתמר: המפקיד פירות אצל חבירו, רב אמר כרגלי מי שהפקידו לו

The Gemara discusses the תחום of fruit which was deposited by its owner into the care of a watchman. As Yom Tov commences, we find the fruit in the possession of the guard who is fully responsible for its security. Therefore, Rav is of the opinion that the fruit is limited by the תחום of the watchman. Pnei Yehoshua wonders about this ruling. Although the watchman has financial responsibility to guard and protect the fruit, in what way has the ownership rights of the original owner been forfeited? Why is his תחום dismissed as irrelevant? We would expect the halacha to take into consideration the owner himself as well as the שומר in determining the domain of the fruit, and it should be limited only to the area overlapped by both of these parties.

ר"ן in fact cites an דאמר (ד"ה ובגמ') ר"ן which explains the Gemara according to this approach. They say the fruit is constrained by the domain of both the owner and the watchman. The wording of Rav is understood to be that the fruit is "even in the domain of the guard," as well as that of the original owner.

Maharshal, in his ים של שלמה, does not favor this explanation. The major commentators do not understand

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REVIEW and Remember

1. Is a guest permitted to take food home if it entails taking it beyond the host's techum?
2. In what way are the laws of techum and liability different from one another?
3. What are the two opinions regarding the definitions of range animals and domesticated animals?
4. According to the Gemara's conclusion, does Rabbi accept the principle of muktza?

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HALACHAH Highlight

Feeding animals on Yom Tov

אין משקין ושוחטין את המדבריות אבל משקין ושוחטין את הבייתות

We may not water or slaughter wild animals but we may water and slaughter domesticated animals.

Shulchan Aruch¹ rules in accordance with our Gemara that one is prohibited to feed wild animals, birds or fish on Shabbos or Yom Tov because of the concern that one may decide to trap the undomesticated animals. Therefore, Mishnah Berurah² writes critically of the custom to put out wheat kernels or crumbled bread or cake on Shabbos Shira. Since the birds that will eat this food are ownerless the prohibition against feeding wild animals should apply. Nevertheless, there are Poskim who justify the custom. For example, the Aruch HaShulchan³ explains that the intention behind the custom is to express thanks and appreciation to the birds who sang shira. Thus the custom is for our benefit rather than for the bird's benefit and is therefore permitted. The Minchas Elazar⁴ cites another reason behind the custom. Dason and Aviram attempted to disprove Moshe Rabbeinu's prophecy that manna would not fall on Shabbos by putting out, on Shabbos night, the second portion of manna that fell on Friday morning. The birds came and ate the manna before anyone had a chance to discover the manna. An expression of thanks we share with the birds some of our Shabbos food.

Animals that are already trapped may be fed because the

(Insight...Continued from page 1)

the fruit to be in two domains according to Rav, and the statement of Rav does not suggest this interpretation. Rather, the אמר מאן איכא must hold that we are in doubt whether to rule according to Rav (which is the standard approach in cases of איסור), or according to Shmuel (because here the wording of the Mishnah makes most sense according to him). This is why this opinion declares that the fruit must adopt the stringencies of the domain of the owner as well as the watchman.

Pnei Yehoshua, on the other hand, understands the opinion cited in the ר"ן as a definitive ruling, and that Rav deems the fruit to be in two domains. ■

concern about trapping them does not apply. Consequently, people who have pets, e.g. dogs, cats, fish, birds, etc. may feed their pets on Shabbos and Yom Tov since the concern that one may trap them does not apply. Although pets are muktza, nonetheless, there is no decree against feeding pets because of the concern that one may be led to touch the animals as well⁵. Additionally, Aruch HaShulchan⁶ writes that if a wild animal cannot find food and is hungry it is permitted, occasionally, to put out food because the pasuk states, ורחמנו על כל מעשיו. Thus it would be permitted to occasionally put out food for a wild dog or cat if they cannot find their own food. ■

1. שו"ע אר"ח סי' שכ"ד סע' י"א וסי' תצ"ז סע' ב'
2. מ"ב סי' שכ"ד ס"ק ל"א
3. ערוה"ש שם סע' ג'
4. נימוקי אורח חיים שם שמאריך על המנהג
5. ערוה"ש הנ"ל סוף סע' ב' ■

STORIES Off the Daf

Bringing in the guest

מי שזמן אצלו אורחים לא יוליכו בידם מנות אה"כ זכה להם מנותיהם מערב יו"ט ואי אמרת כרגלי מי שהפקידו אצלו כי זכה להם ע"י אחר מאי הוי ה"נ כיון שזכה להם ע"י אחר כמי שיחד לו קרן זויד דמי

On today's daf we find a discussion regarding how guests might be permitted to remove food items from their host's home where there is a question about the techum. The Gemara then raises a doubt as to how the problem of moving the food can be avoided by having the host designate it for the use of his guests before Yom Tov. One possible answer

offered is that doing so really makes the food the property of the guest, even though it is temporarily still in the trusteeship of the host. Such a designation ahead of Yom Tov means that the guest can take the food home and it also implies that the mitzvah of hachnosas orchim can be fulfilled in sending a guest away as much as it is by inviting him in.

While on a journey, Rabbi Akiva Eiger, zt"l, once passed through the town of Lissa, and went to visit the famous Rav of the town, Rav Yaakov of Lissa, zt"l, the author of the Nesivos on Choshen Mishpat and many other important works.

When Rabbi Akiva Eiger arrived, the Rav of Lissa wished to honor him with an elaborate meal as befits the gadol

ha'dor, however the Nesivos also realized that his visitor was in a rush. Inviting him to remain for such a meal would certainly inconvenience his guest.

Rav Yaakov said, "We learn about the mitzvah of receiving guests from our father Avraham, and he also taught us many important details about how to fulfill it. He would never detain important guests who wished to move on, but would instead give them some bread and send them on their way. We find an allusion to this in the Gemara, that sometimes sending a guest away is considered like receiving one. And our case right now is a perfect example. Since our esteemed guest is in such a hurry, we will certainly not detain him for the meal that befits his honor!" ■