

## 7.5.2

36b (משנה ב) → 37a (לאו צורך הוצאה הוא) →

- I. שבת (ק"ו) י"ט prohibitions of שבת, רשות and מצוה extend to י"ט
- שבת**: climbing a tree, riding an animal, swimming, clapping, slapping (hand on thigh) dancing
  - דשות**: judging, קידושין, יבום, חליצה, קידושין
  - מצוה**: declaring הקדש or חרם, separating תר"מ
    - In sum*: only difference between י"ט and שבת is נפש
- II. Analysis of these various איסורים
- Climbing a tree*: prohibited as a precaution against cutting fruit
  - Riding an animal*: precaution against violation of תחום
    - Challenge*: does this mean that תחומין דאורייתא (a marginal position of ר"ע)?
    - Rather*: precaution against his cutting off a branch (to use as a whip)
  - Swimming*: precaution against building a raft
  - Clapping etc.*: precaution against making an instrument (see on תוסד"ה תנן ל. ביצה ל. above, p. 23)
  - Judging*: even though he is doing a מצוה, called "רשות" in a case where there is a more senior judge there
  - Judging*: called "רשות" in the case where he is already married and has children
  - יבום וחליצה*: called "רשות" in case there is an older brother – per the rule בגדול מצוה
    - Note*: all of the "רשות" prohibitions are a precaution against writing (שטר)
  - הקדש וחרם*: precaution against transacting business
  - תר"מ*: should be obvious
    - (אוכל נפש) י"ט on כהן to תרומה ל. **לב יוסף**
    - Qualifier* (**לב יוסף**): only אסור in case of טבל from before י"ט
      - But*: טבל that became obligated on י"ט – e.g. dough for חלה – is permitted on י"ט
  - General assessment*: all of these are also considerations of רשות and שבות
  - Rather* (**ר' יצחק**): not only שבות (alone) is אסור, but also if it involves courts – and even if it involves a מצוה
- III. Challenge to exclusive difference (at end of משנה ה:א) – from ביצה ה:א
- משנה (above)*: we may move fruit through window on י"ט *but not* on שבת
    - Answer1* (**לב יוסף**): ר"א vs. ר' יהושע. in case of אותו ואת בנו that fell into pit on י"ט (תוספתא ביצה ג:ב)
      - ר"א**: take one out and slaughter it, feed other one in pit
      - ר' יהושע**: use הערמה – take one out and "change your mind" and pull other out
      - Block** (**אבני**): perhaps ר"א only bans הערמה since other animal could be fed
        - And*: perhaps ר' יהושע only allows it since there is "legitimate" deception
    - Answer2* (**ר"פ**): ר"ש vs. ר"ה (ביצה א:2ה) - whether we apply מתוך carrying
      - ר"ה in י"ט on ספר תורה or לולב, **ר"ש** may not carry child, ("מתוך" permitted (as a result of **ר"ה**))
      - Block**: perhaps ר"ש only bans carrying, but not טלטול
        - Save*: isn't טלטול an extension of הוצאה?
        - Note*: see הלכות שבת כד:יב-יג at רמב"ם וראב"ד