

פרק שלישי – אין צדין Introduction to

As we have already learned, not all **מלאכות** are permitted on **יום טוב** for food preparation. Our chapter focuses on **צידה** – trapping – which is still forbidden on **יום טוב** and it fleshes out the parameters and definitions of **צידה**. In addition, the permissibility of checking a **בכור** for a **מום** (which would make it available for **שחיטה** (by the **כהן** to whom it is given) on **יום טוב**) is addressed.

7.3.1

23b (משנה א) → 25a (בגנה שאינה סמוכה)

I. יר"ט trapping fish and animals on משנה א

- a. **אסור**: to trap fish from a *vivarium* (fishery) and to feed them there, but
- b. **מותר**: to trap and feed animals (and birds) in a *vivarium*
- c. **דשב"א**: not all *vivaria* are the same
 - i. Rule: anywhere where they are **צידה** is **אסור**; if not, **מותר**
 1. **מחוסר צידה**: when you have to say "let's bring a trap to trap them"
 - a. Challenge: geese etc. need to be trapped, yet you are not **חייב** (ועומדים)
 - b. Rather: need trapping, aren't fed by you & require skilled trapping (they escape)
- d. Challenge from **ברייתא**: Bird and animal *vivaria* - **אסור** to feed or trap
 - i. Resolution: **חיות** - **יהודה** - **ר' יהודה** (צבי) not considered trapped in a **ביבר** v. **חכמים**
 1. And: **עופות** - free bird vs. domesticated:
 2. Could answer: same for **חיות** - small **ביבר** vs. large one (several distinctions offered)

II. עיר"ט traps laid on משנה ב

- a. May not: take prey out on עיר"ט unless certain they were trapped before עיר"ט
 - i. Story: **נכרי** brought fish to ר"ג (on עיר"ט); declared them **מותר** but refused on other grounds
 - ii. Omission: **משנה** forbade **מוכן** **ספק** and ר"ג permitted

III. Ruling re: position of ר"ג

- a. **שמואל** (ספק מוכן אסור) אין הלכה כר"ג
 - i. Some: read this as related to dispute **יהושע** re: ר"ג/ר' יהושע מוכן
 - ii. Alternate read: of **שמואל** as decision on **ברייתא**
 1. **ד"ק** **שחיטה** permitted from **ביבר**, but not from traps
 2. **דשב"א** if traps were found to be broken on עיר"ט (→trapped before עיר"ט)
 - a. But: if found to be broken on עיר"ט, **אסור** (→trapped on עיר"ט); **ספק**: הלכה כרשב"א: **שמואל**
- b. Clarification: of ר"ג's "permission":
 - i. **דב** may be moved (**מותר** **בטלטול**) but may not be eaten
 - ii. **לוי** may be eaten
 1. Challenge: **מימרא** "allows" even same-day fruit & fish if brought by **נכרי** - must mean **טלטול**
 2. Defense: that's **אסור** even **בטלטול** (→the **מימרא** cannot be referring to real **יומן**)
 3. Explanation: they are red fish and brined fruit that look same-day
- c. Final ruling: re: gifts brought by **נכרי** ביר"ט
 - i. If: they are the type which are still **מחובר** - **אסור** (assume picked today) until **שיעשו**
 - ii. If not: same as **מחובר**
 1. **תחום** if they came from within **תחום**, **מותר**
 - a. If not: **אסור** for the intended beneficiary, **מותר** for another **ישראל**

IV. Related ruling re: צידה

- a. **דב** if you dam a river on עיר"ט and find fish in the reservoir on עיר"ט, they are permitted
 - i. Application: a **חיה** that nested in an orchard, it's offspring requires no **זימן**
 - ii. Challenge: in index case, he performed an action (dam) unlike application, besides which:
 1. **ברייתא** explicitly requires **זימן** in such a case (and **צפור** **דור** must have its wings tied)
 2. Challenge; **רשב"א**: **ב"ש** **וב"ה**
 - a. Agree: that birds must be in the original place where designated
 - b. Agree: that a **חיה** that nested in an orchard requires no **זימן**
 - c. Resolution: an orchard near the city requires no **זימן**; a distant one requires **זימן**
 - i. Rationale: the proximate orchard is accessible at all times