

HALAKHA

Separating *halla* on a Festival – הפרשת חלה ביום – טוב: It is prohibited to separate *halla* from dough on Shabbat. On a Festival, it is permitted to separate *halla* from dough that was prepared on the Festival, as this is part of the process of preparing food. However, it is prohibited to separate *halla* from dough kneaded on the eve of a Festival.

If one is outside of Eretz Yisrael, one may bake the dough and eat the bread, as long as he leaves over a portion of the bread and separates *halla* from it on the next day. The same practice is permitted on Shabbat, with regard to bread that was accidentally baked without separating *halla*. If Shabbat falls on the day before Passover, it is prohibited to leave it for the next day since it is leavened; and if one has no other bread to eat on that Shabbat besides bread from which *halla* has not been separated, some authorities permit one to separate the *halla* on Shabbat, but only outside of Eretz Yisrael (*Mishna Berura*).

If one forgot to separate *halla* from dough kneaded on the eve of the Festival, an alternative resolution is as follows: One may knead new dough on the Festival and place it in the same utensil as the dough that was prepared before the Festival. Then, one may separate *halla* from the new dough on behalf of yesterday's dough, as well. Some are lenient and permit this even if the second batch of dough is not of sufficient size to require the taking of *halla* (*Shulhan Arukh HaRav*; see *Mishna Berura*). This is permitted in Eretz Yisrael, as well (Ramban; Rashba; *Shulhan Arukh, Orach Hayyim* 506:3).

Halla from outside of Eretz Yisrael – חלת חוצה – ללא: In the case of a loaf of bread outside of Eretz Yisrael, where *halla* is a rabbinic obligation, one may first eat the bread and later separate *halla* from the rest. This ruling is in accordance with the opinion of Shmuel (*Shulhan Arukh, Yoreh De'a* 323:1).

גלגל עיסה מערב יום טוב – מפריש ממנה חלתה ביום טוב. אבואה דשמואל אמר: אפילו גלגל עיסה מערב יום טוב – אין מפריש ממנה חלתה ביום טוב.

לימא פליגא דשמואל אדאבואה (דשמואל) דאמר שמואל: חלת חוצה לארץ אוכל והולך ואחר כך מפריש!

אמר רבא: מי לא מודה שמואל שאם קרא עליה שם שאסורה לזרים?

מתני' בית שמאי אומרים: אין מוליכין את הסולם משוכך לשוכך, אבל משהו מחלון לחלון, ובית הלל מתירין.

גמ' אמר רב חנן בר אמי: מחלוקת ברשות הרבים, דבית שמאי סברי: הרוצה אומר: להטיח גגו הוא צריך, ובית הלל סברי: שוככו מוכיח עליו. אבל ברשות היחיד – דברי הכל מותר.

If one kneaded dough^N on a Festival eve, i.e., the day before the Festival, he may separate its *halla* on the Festival.^N In general, one may not separate *teruma* and tithes on a Festival. However, since it is permitted to bake bread on the Festival for the requirements of the day, and because bread may not be eaten unless *halla* has first been separated from it, separating *halla* is considered a necessary stage in the preparation of bread, and the Sages permitted it. **Shmuel's father said: Even if one kneaded dough on a Festival eve, he may not separate^N its *halla* on the Festival,** as he should have separated *halla* then. The mitzva of separating *halla* goes into effect at the time of the kneading of the dough.^H

The Gemara comments: **Let us say that Shmuel disagrees with his father, as Shmuel said: With regard to *halla* from outside of Eretz Yisrael,^H where the separation of *halla* is a rabbinic obligation, one may proceed to eat the bread and afterward separate the *halla* from the remainder of the dough.** This statement indicates that the separation of *halla* outside of Eretz Yisrael is not required to render the bread permitted, in contrast to the separation of *teruma* and tithes from produce. Consequently, separating *halla* is permitted on a Festival, as it does not involve a significant change. This contradicts the opinion of Shmuel's father, who prohibited separating *halla* that could have been separated before the Festival.

Rava said: This is not necessarily the case. **Doesn't Shmuel concede that if one designated a piece of dough as *halla* outside of Eretz Yisrael, it is prohibited to non-priests?** This proves that even Shmuel admits that a certain measure of sanctity applies to the *halla*. Therefore, he might also agree with his father that it is prohibited to separate *halla* on a Festival even outside of Eretz Yisrael.

MISHNA Beit Shammai say: One may not carry a ladder, which was used for reaching doves, from one dovecote to another. However, one may move it slightly so that he tilts it from one window to another in the same dovecote. And Beit Hillel permit even carrying a ladder from one dovecote to another.

GEMARA Rav Hanan bar Ami said: This dispute applies only in a case where one moves the ladder in the public domain,^N as Beit Shammai hold that one who sees someone carrying his ladder will say to himself: He must need the ladder to plaster his roof, to prevent rainwater from dripping into his house. In other words, an onlooker will suspect him of performing prohibited labor on the Festival. And Beit Hillel hold that his dovecote proves about him^N that he is not moving the ladder for the purpose of a transgression, as it is evident that he is placing the ladder alongside the second dovecote, and everyone will understand his intention. **However, in the private domain, where one will not be observed by strangers, everyone agrees that it is permitted.**

NOTES

Kneaded dough – גלגל עיסה: *Tosafot* point out that this term does not refer to the completion of kneading the dough but to mixing the flour with water and the beginning of the kneading.

Covering the blood and the separation of *halla* on a Festival – כיסוי דם והפרשת חלה ביום טוב: Several possibilities have been suggested to explain why covering the blood is prohibited on a Festival while separating *halla* is permitted. Some say that the *halakha* depends on the question of whether or not the action could have been performed beforehand (see the *Meiri*). Other commentaries explain that the key factor is whether it is permitted to eat the food in question: A bird may be eaten whether or not its blood has been covered, whereas bread may not be eaten if *halla* has not been separated from it (Rid; Ra'avan). Yet others suggest that, according to Rashi, the distinction is that

covering blood involves effort, and any unnecessary effort is prohibited on a Festival, whereas the separation of *halla* entails no extra effort at all (*Kikkayon DeYona*).

Even if one kneaded... he may not separate – אפילו גלגל... אין מפריש: Some commentaries explain that even Rabba permitted the separation of *halla* on a Festival only outside of Eretz Yisrael. Separation of this *halla* is not a Torah obligation, and therefore its performance on a Festival is not prohibited by rabbinic law. Shmuel's father, however, maintains that as the sanctity of *halla* applies to the separated piece, the rabbinic prohibition against separating *teruma* and tithes goes into effect (see *Shitta Mekubetzet* and *Meiri*). The Jerusalem Talmud differentiates between ritually pure dough, from which *halla* may be separated beforehand, and impure dough, whose *halla* may be separated only after it has been fully kneaded.

The dispute applies in the public domain, etc. – מחלוקת – ברשות הרבים וכו': As pointed out by the early authorities, the language of the Gemara indicates that Rav Hanan analyzes only the opinion of Beit Shammai. This is an unusual occurrence that requires justification. Some say that Rav Hanan's explanation of the opinion of Beit Shammai sheds light on the entire dispute, as the argument is explained differently in the alternative version of his statement, which affects the ruling of Beit Hillel as well (Rav Yitzhak Abuhav).

His dovecote proves about him – שוככו מוכיח עליו: Two different explanations have been suggested for this statement (see Rashi). Either it is evident that the ladder is being used for the dovecote because of its position (*Meiri*; Jerusalem Talmud), or the mishna is referring to a special dovecote ladder, which attests to its purpose (Rabbi Aharon HaLevi).

In public and in private – בְּפִרְהֵסְיָא וּבְעֵנְנָא: Wherever the Sages prohibited an action due to the appearance of a prohibition, one is prohibited to perform the action even in his innermost chamber. Consequently, if one's clothes fell into water on Shabbat, he may not spread them out in the sun to dry them, as this has the appearance of laundering; it is likewise prohibited to do so in private. One need not, however, remove items from where they were placed to dry on Friday (*Mishna Berura; Shulhan Arukh, Orach Hayyim* 301:45).

איני? והא אמר רב יהודה אמר רב: כל מקום שאסרו חכמים מפני מראית העין – אפילו בחדר חדרים אסור! תנאי היא. דתנאי: שוטחן בחמה אבל לא כנגד העם, רבי (אליעזר) ורבי שמעון אסרין.

The Gemara asks: **Is that so? But didn't Rav Yehuda say that Rav said:**ⁿ **Wherever the Sages prohibited an action due to the appearanceⁿ of prohibition, even if one performs the act in his innermost chamber, where no one will see it, it is prohibited.** The Gemara answers: This is a dispute between *tanna'im*,ⁿ as it is taught in a *baraita*: One whose clothes fell into water on Shabbat or a Festival may spread them out to dry in the sun, but he may not do so opposite the masses, i.e., in a place where people can see him, lest they suspect him of laundering on Shabbat. However, **Rabbi Eliezer and Rabbi Shimon prohibit doing so even in private.**^h

איכא דאמרי, אמר רב חנן בר אמי: מחלוקת ברשות היחיד, דבית שמאי אית להו דרב יהודה אמר רב, ובית הלל לית להו דרב יהודה אמר רב. אבל ברשות הרבים – דברי הכל אסור.

Some say a different version of this discussion. **Rav Hanan bar Ami said:** The dispute applies to the public domain, as Beit Shammai are of the opinion that the *halakha* is in accordance with that which Rav Yehuda said that Rav said, and therefore Beit Shammai apply the decree to the private domain. **And Beit Hillel, by contrast, are of the opinion that the *halakha* is not in accordance with that which Rav Yehuda said that Rav said. However, in the public domain, everyone agrees that it is prohibited to move the ladder.**

לימא רב דאמר בבית שמאי?

The Gemara challenges this interpretation: **Should we say that Rav stated his opinion in accordance with that of Beit Shammai?** According to Rav Hanan bar Ami, only Beit Shammai maintains that anything prohibited by the Sages due to appearances may not be performed even in private.ⁿ

תנאי היא, דתנאי: שוטחן בחמה אבל לא כנגד העם, רבי (אליעזר) ורבי שמעון אסרין.

The Gemara rejects this suggestion: No, it is a dispute between *tanna'im*, as it is taught in a *baraita*: If clothes fell into water on Shabbat or a Festival, one may spread them out in the sun but not opposite the masses. **Rabbi Eliezer and Rabbi Shimon prohibit doing so.** Rav Hanan bar Ami accepts the opinion of the first *tanna* in the *baraita*, who rejects Rav's principle. According to the opinion of that *tanna*, it can be claimed that Beit Hillel also rejected Rav's principle, and they permitted moving the ladder in private but not in public. Rav, on the other hand, follows the opinion of Rabbi Eliezer and Rabbi Shimon in interpreting the opinion of Beit Hillel.

NOTES

איני והא – אמר רב יהודה אמר רב: Why does the statement of Rav present a difficulty for Rav Hanan bar Ami? Since both he and Rav are *amora'im*, why not simply say that he disagrees with Rav? Rashi and *Tosafot* explain that since Rav, alongside Shmuel, was the greatest Sage of his generation, his opinion is considered authoritative for a later and lesser Sage like Rav Hanan bar Ami. Rabbi Tzvi Hirsch Chajes adds a point mentioned by other later authorities. Rav, as a student of Rabbi Yehuda HaNasi, straddles the gap between *tanna'im* and *amora'im*. The Talmud often states that Rav is a *tanna* and, as such, has the authority to dispute the opinion of another *tanna*. For the same reason, a statement of his can be regarded as authoritative for a different *amora*. Others contend that there is no difficulty here at all, as the Gemara often questions one *amora* by citing the statement of another (Rabbi Aharon HaLevi).

The appearance – מראית העין: The Jerusalem Talmud questions Rav based on numerous *mishnayot* that distinguish between an act performed in public and one done in private (*Kilayim* 9:1). The Rashba explains how each of those sources does not present a difficulty for Rav's principle. One of the distinctions he draws is between two types of situations in which the Sages prohibited an action in public. At times, people may conclude that a person performing some action is doing so in order to violate a prohibition. An example of this would be the case here, where people will believe that one is moving the ladder in order to plaster one's roof. In such cases, Rav's principle applies and the action is prohibited in private as well. However, there are also cases in which a person's public actions are thought to be prohibited, when they are in fact permitted. In such cases, the Sages instructed that a particular action should be performed in private rather than in public.

The Rambam rules in accordance with Rav that something prohibited due to appearances is prohibited even in one's innermost chamber. However, he maintains that the case of the mishna is an exception to the rule, as the Sages were lenient due to the joy of the Festival. The Ra'avad disagrees, since the joy of the Festival is not mentioned in the Gemara as relevant to this case. He argues that as the *halakha* is in accordance with Rav, one must reject the second version of Rav Hanan bar Ami's reading of the mishna and rule in accordance with the first version, i.e., that Beit Hillel permit moving the ladder even in public.

תנאי היא – תנאי היא: Some commentaries explain that in this case even Rav holds, in accordance with the opinion of Beit Hillel, that there is no prohibition due to appearances in the case of moving the ladder, as one's dovecote is indicative of his intention. However, in other places, where the Sages prohibited some matter due to appearances, there is a dispute between *tanna'im* as to whether it extends to the private sphere as well (Rashba; see Rav Yitzhak Abuhav).

Should we say that Rav stated his opinion in accordance with Beit Shammai – לימא רב דאמר בבית שמאי: The commentary in the text follows Rashi's explanation that the difficulty is raised against the opinion of Rav Hanan, who appears to establish Rav's statement in accordance with the opinion of Beit Shammai. Conversely, many commentaries maintain that the difficulty is raised against the opinion of Rav himself, an interpretation explicitly rejected by Rashi. They explain that Rav does not, in fact, hold in accordance with Beit Shammai, as Rav maintains that the Sages were lenient only in this specific case, due to the joy of the Festival (see Rambam, *Meiri, Shitta Mekubbetzet*, and *Petaḥ Einayim*).

BACKGROUND

Dovecote and attic ladders – סולם שובך ועליה: The exact design of these two types of ladders is unknown. Apparently, the dovecote ladder was light, similar to present-day ladders, by contrast to the heavier attic ladder. Furthermore, the attic ladder had wide, stair-like boards for rungs, as it served a similar function to modern stairs, for ascending from the house to the second-floor loft. An attic ladder was sometimes fixed in place, but when it was needed for work that required frequent and steady climbing, e.g., fixing a roof, it would be carried from one place to another.



Replica of Roman ladders:
(A) attic ladder, resembling a staircase
(B) dovecote ladder

PERSONALITIES

Rabbi Hiyya – רבי חייא: Rabbi Hiyya, son of Abba, from the Babylonian city of Kafri, was one of the last of the *tanna'im*, and a contemporary of Rabbi Yehuda HaNasi.

Rabbi Hiyya was born to an important family that traced its roots back to King David and included many important Jewish Sages. Rabbi Hiyya was recognized as a leading Torah scholar even when he lived in Babylonia. Upon moving to Eretz Yisrael, he became a close friend and colleague of Rabbi Yehuda HaNasi. He also developed ties with Rabbi Yehuda HaNasi's son, Rabbi Shimon, who became his partner in trade. A powerful force in his generation, Rabbi Hiyya also worked closely with Rav, who learned Torah from Rabbi Hiyya despite the fact that Rav was the recognized leader of the Jewish people.

Rabbi Hiyya's greatest work was his compilation of oral traditions that were not included in the Mishna of Rabbi Yehuda HaNasi. This collection of *baraitot*, which was assembled with the assistance of Rabbi Hiyya's student-colleague, Rabbi Oshaya, was viewed as authoritative, to the extent that the Sages said that any *baraita* that is not found in his work should not be discussed in the study hall. Some maintain that Rabbi Hiyya edited the *Tosefta* that is in our possession today.

Although Rabbi Hiyya apparently received financial support when he first came to Eretz Yisrael, he ultimately became a successful merchant who dealt in international business ventures, particularly the silk trade. He had twin daughters, Pazi and Tavi, as well as twin sons, Yehuda and Hizkiya, who were leading Sages in the generation between the *tanna'im* and *amora'im*. They took over the leadership of his academy in Tiberias after his passing.

מתניתין דלא כי האי תנא. דתנא, אמר רבי שמעון בן אלעזר: מודים בית שמאי ובית הלל שמוליכין את הסולם משובך לשובך. לא נחלקו אלא להחזיר; שבית שמאי אומרים: אין מחזירין, ובית הלל אומרים: אף מחזירין.

אמר רבי יהודה: במה דברים אמורים – בסולם של שובך, אבל בסולם של עליה דברי הכל אסור. רבי דוסא אמר: מטהו מחלון לחלון. אחרים אומרים משום רבי דוסא: אף מדדין בו.

בני רבי חייא נפוק לקרייתא. כי אתו אמר להו אבוהון: כלום מעשה בא לידכם? אמרו לו: סולם בא לידנו, והתירונו. אמר להם: צאו ואסרו מה שהתרתם.

אינהו סבור: מדקא אמר רבי יהודה בסולם של עליה לא פליגי – מכלל דתנא קמא סבר פליגי. ולא היא, רבי יהודה טעמיה דתנא קמא קא מפרש.

ממאי – מדקתני: מוליכין את הסולם משובך לשובך, ואי סלקא דעתך בסולם של עליה פליגי, האי "מוליכין את הסולם משובך לשובך"? "מוליכין את הסולם לשובך" מבעי ליה! אלא לאו הכי קאמר: של שובך – אין, של עליה – לא.

With regard to the mishna itself, the Gemara comments: **The mishna is not in accordance with the opinion of this tanna, as it is taught in a baraita: Rabbi Shimon ben Elazar said that Beit Shammai and Beit Hillel agree that one may carry a ladder from one dovecote to another to take doves; they disagree only after one has finished at the second dovecote, whether it is permitted to replace^N the ladder to its original spot at the first dovecote, as Beit Shammai say: One may not replace the ladder, and Beit Hillel say: One may even replace it.**

Rabbi Yehuda said: In what case is this statement said? With regard to a dovecote ladder, which clearly serves the purpose of taking doves. However, in the case of an attic ladder,^B which has a variety of uses, everyone agrees that it is prohibited, as this will raise suspicions. Rabbi Dosa says: One may tilt it from one window to another in the same dovecote. Aherim say in the name of Rabbi Dosa: One may even shift^N the ladder from one place to another by shuffling its legs.

The Gemara relates: **The sons of Rabbi Hiyya^F went out to the villages to attend to their business. When they came back, their father said to them: Did any incident requiring a ruling of halakha come to your notice? They said to him: The issue of carrying an attic ladder to a dovecote came to our notice, and we permitted it. Rabbi Hiyya said to them: Go out and prohibit^N that which you permitted.**

The Gemara explains: Rabbi Hiyya's sons thought that from the fact that Rabbi Yehuda said that Beit Shammai and Beit Hillel do not disagree with regard to an attic ladder, this proves by inference that the first *tanna* holds that they do disagree. Consequently, Rabbi Hiyya's sons thought that according to the first *tanna*, Beit Hillel permit even the use of a loft ladder, and they ruled in accordance with this opinion. **But that is not so, as Rabbi Yehuda does not disagree with him, but rather he explains the reason of the first tanna.^{NH}**

From where can this be inferred? From the fact that the first tanna teaches: One may carry a ladder from one dovecote to another. And if it enters your mind to say that Beit Shammai and Beit Hillel disagree with regard to an attic ladder, if so, this phrase: One may carry a ladder from one dovecote to another, is inexact, as he should have said: One may carry a ladder to a dovecote. Rather, isn't this what the tanna said: With regard to a dovecote ladder, yes, it is permitted to move it; however, in the case of an attic ladder, no, one may not use it.

NOTES

They disagree only to replace – לֹא נִחְלְקוּ אֶלָּא לְהַחֲזִיר: The ruling that one may replace the ladder can be explained in accordance with the opinion that, in certain cases, the Sages permitted the final stages of an action due to its initial stage. If people were not permitted to replace their ladders, they would not carry them to take doves at all, which would hamper the joy of the Festival (*Meiri*; see 10a).

One may even shift [medadin] – אף מדדין: Some texts read *medarin*, which is related to the Aramaic *dara*, meaning carried. According to this version, it is even permitted to pick up the ladder and transport it to another place entirely (*Meiri*).

Go out and prohibit, etc. – צאו ואסרוכו: This story is also related in the Jerusalem Talmud, with minor variations. In that account, Rabbi

Hiyya instructs a Sage to issue a public ruling prohibiting what his sons had permitted.

He explains the reason of the first tanna – אף מדדין קמא קא מפרש: *Tosafot* ask: How can the Gemara conclude that Rabbi Yehuda is merely explaining the opinion of the first *tanna*? Doesn't that conflict with Rabbi Yoḥanan's opinion in tractate *Sanhedrin* (25a) that whenever Rabbi Yehuda says: In what case is this statement said, he is taking issue with the previous approach? They explain that Rabbi Yoḥanan's principle is limited to cases where Rabbi Yehuda states that qualification in the Mishna, and here it is a *baraita*. There is also an alternative opinion cited in *Sanhedrin* that claims that when Rabbi Yehuda uses the phrase: In what case is this statement said, he seeks to explain rather than dispute the previous claim. One could argue that Rabbi Hiyya follows that opinion.

HALAKHA

Carrying a dovecote ladder on a Festival – הולכת סולם של שובך: It is permitted to carry a dovecote ladder on a Festival from one dovecote to another to take fledglings for the Festival, even in the public domain, and even it could have been done the day before. However, it is prohibited to carry an attic ladder. With regard to a house ladder, some authorities prohibit it entirely (*Yam Shel*

Shlomo), others permit it inside the house (*Magen Avraham; Shulḥan Arukh HaRav*), and some permit it to be carried even outside (*Mishna Berura*, citing *Eliya Rabba*). It is permitted in all cases to climb a ladder without moving it (*Shulḥan Arukh HaRav; Mishna Berura*). The *halakha* follows Rabbi Hiyya's ruling in accordance with the opinion of Rabbi Yehuda and Beit Hillel (*Shulḥan Arukh, Orah Ḥayyim* 518:4).

They thought, etc. – אינהו סבור וכו'. The question arises: Even according to the reasoning of Rabbi Ḥiyya's sons, why did they rule in accordance with the minority opinion of Rabbi Dosa, against the more stringent views of the first *tanna* and Rabbi Yehuda? One suggestion is that they thought that Rabbi Yehuda and Rabbi Dosa dispute the meaning of the opinion of the first *tanna*, which means that if Rabbi Dosa's ruling is accepted, his is no longer a minority opinion (*Petaḥ Einayim*).

With regard to rejoicing on the Festival, etc. – גבי שמחת – יום טוב וכו'. Clearly, Beit Shammai and Beit Hillel do not dispute the general requirement to rejoice on the Festivals. Rather, they disagree over whether this requirement justifies a lenient ruling in the case of a possible prohibition (*Meiri*).

And the Gemara raises a contradiction, one who slaughters, etc. – רמינהי השוחט וכו'. *Tosafot* ask why the Gemara doesn't raise an objection from the case of an egg laid on a Festival. Some suggest that as people generally use eggs laid the day before, the prohibition of an egg laid on that day doesn't affect the joy of the Festival to a great extent (*Hatam Sofer*). Others explain simply that the Gemara prefers to raise its objections from adjacent *halakhot* (*Rashba*).

The attribution of the opinions of the *tanna'im* is reversed – מוקלפת השיטה. *Tosafot* understand Rashi as saying that Rabbi Yoḥanan sought to reverse the opinions of Beit Hillel and Beit Shammai in all of the *mishnayot* cited below, in the Gemara, to render them consistent with the mishna about slaughtering fowl and undomesticated animals. In contrast, *Tosafot* suggest that the opinions in the mishna concerning slaughtering should be reversed. Rabbenu Peretz points out that although Rashi's explanation is supported by the fact that the mishna about slaughtering appears in its current form in tractate *Eduyyot*, there is no choice but to reverse the opinions in that mishna. If the opinions in a different mishna were to be reversed, Beit Shammai's opinion would be the lenient one, which would be an irregularity, as Beit Shammai are generally more stringent than Beit Hillel. In that case, it should have been listed in tractate *Eduyyot* alongside the other irregular *mishnayot*. Some commentaries say that not even Rashi holds that Rabbi Yoḥanan is suggesting that the opinions be reversed in all of the other *mishnayot*; rather, he merely states in general terms that the opinions must be reversed, without specifying which one (*Shitta Mekubbetzet; Tziyyun LeNefesh Hayya*).

An entirely different understanding of this discussion is based on the idea that the statement: The attribution of opinions is reversed, does not mean, in this case, that the opposing opinions must be reversed. Rather, it indicates that the opinions of Beit Shammai and Beit Hillel are not fixed and that they adjusted their rulings in different cases, sometimes ruling leniently due to the needs of the public or for some other reason, while at other times they ruled stringently (*Ittur*; see *Rashba* and *Rosh*). This opinion fits in well with those authorities who rule in accordance with the opinion of Beit Hillel in all of these *mishnayot*, without reversing the opinions at all.

ואיך: מי קתני "סולם של שובך"? "משובך לשובך" קתני, ואפילו לכמה שובכין.

איכא דאמרי: אמרו לו: הטוי סולם של עליה בא לדינו, והתירוהו. אמר להם: צאו ואסרו מה שהתרתם. אינהו סבור: מאי דקא אסר תנא קמא – קא שרי רבי דוסא. ולא היא, מאי דקא שרי תנא קמא – קא אסר רבי דוסא.

"אבל מטהו מחלון לחלון" וכו'. אלמא, גבי שמחת יום טוב בית שמאי לחומרא ובית הלל לקולא.

ורמינהי: השוחט חיה ועוף ביום טוב, בית שמאי אומרים: יחפור בדקר ויכסה, ובית הלל אומרים: לא ישחוט אלא אם כן היה לו עפר מוכן מבעוד יום.

אמר רבי יוחנן: מוקלפת השיטה. ממאי? דלמא עד כאן לא קאמרי בית שמאי התם אלא היכא דאיכא דקור נעוץ, אבל היכא דקור נעוץ – לא.

ואי נמי: עד כאן לא קאמרי בית הלל דקא אלא דשובכו מוכיח עליו, אבל התם לא.

אלא, אי קשיא הא קשיא: בית שמאי אומרים: לא ישול אלא אם כן נענע מבעוד יום, ובית הלל אומרים: עומד ואומר זה וזה אני נוטל.

The Gemara asks: **And the others**, Rabbi Ḥiyya's sons, what is their reasoning? The Gemara answers that they would reply: **Is it taught in the *baraita*: A dovecote ladder? It teaches: From one dovecote to another, and this simply means that it is permitted to do so even with regard to several dovecotes.**

Some say a slightly different version of this incident. Rabbi Ḥiyya's sons said to him: **The tilting of an attic ladder came to our notice, and we permitted it.** We were asked whether an attic ladder positioned near a dovecote before the Festival may be moved from one window to another in the same dovecote, and we allowed it. Rabbi Ḥiyya said to them: **Go out and prohibit that which you permitted.** The Gemara explains that **they thought**:^N **That which the first *tanna* prohibits, i.e., moving an attic ladder, Rabbi Dosa permits, i.e. Rabbi Dosa is more lenient than the first *tanna* and permits moving even an attic ladder from one window to another. And that is not so.** Rather, **that which the first *tanna* permits, moving a dovecote ladder, Rabbi Dosa prohibits.** He is more stringent and maintains that even a dovecote ladder may be moved only by tilting rather than in the usual manner.

§ The mishna taught: **However, everyone agrees that one may tilt a dovecote ladder from one window to another in the same dovecote.** The Gemara infers: **Apparently, with regard to rejoicing on the Festival,^N the opinion of Beit Shammai is stringent, and that of Beit Hillel is lenient.**

And the Gemara raises a contradiction from the first mishna of the tractate (2a): **With regard to one who slaughters^N an undomesticated animal or a fowl on a Festival, Beit Shammai say: He may dig earth with a shovel and cover the blood, and Beit Hillel say: He may not slaughter an undomesticated animal or a fowl, unless he had earth prepared for that purpose while it was still day.** This indicates that it is Beit Shammai who are concerned for the honor and joy of the Festival, and they are therefore lenient with regard to covering the blood; whereas Beit Hillel do not share the same concern and are stringent about covering the blood, despite the fact that their ruling might adversely affect the joy of the Festival.

Rabbi Yoḥanan said: **The attribution of the opinions of the *tanna'im* is reversed.**^N The opinion attributed to Beit Hillel is actually that of Beit Shammai, and vice versa. The Gemara rejects Rabbi Yoḥanan's answer: **From where** do you infer that this extreme conclusion is necessarily the case? A different explanation is possible: **Perhaps Beit Shammai say their opinion, that it is permitted to cover the blood, only there, where there is already a shovel embedded in the earth ready for this purpose, and therefore there are grounds for a lenient ruling. However, where there is no embedded shovel, they did not permit it.**

Alternatively, it is possible to say that **Beit Hillel say their opinion, that an act is permitted for the sake of the joy of the Festival, only here, where his dovecote, the place where he ultimately positions the ladder, proves with regard to him that he intended to use his ladder for a permitted purpose; but there, where there is no equivalent proof, they were not lenient.** This shows that there is no clear contradiction between the rulings in the two cases.

Rather, the Gemara retracts the previous version and suggests that Rabbi Yoḥanan issued his statement with regard to a different issue: **If the dispute between Beit Shammai and Beit Hillel is difficult, this is what is difficult:** It was taught in a different mishna (10a): **Beit Shammai say: One may not take fledgling doves on a Festival unless he shook them, as an act of preparation, while it was still day. And Beit Hillel say: It is indeed necessary to perform some act of preparation to permit the taking of fledglings on a Festival, but this does not have to be done by shaking them. Rather, it is enough if one stands the day before and says: I will take this dove and that one.**

אָלְמָא: גְּבִי שְׂמַחַת יוֹם טוֹב בֵּית שְׁמַאי
לְחוּמְרָא וּבֵית הַלֵּל לְקוּלָּא, וּרְמִינְהִי:
הַשּׁוֹחֵט חִיָּה וְעוֹף בַּיּוֹם טוֹב. אָמַר רַבִּי
יֹחָנָן: מוֹחֲלֵפֵת הַשִּׁטָּה.

Apparently, with regard to rejoicing on the Festival, the opinion of Beit Shammai is stringent and that of Beit Hillel is lenient. And the Gemara raises a contradiction as above: With regard to one who slaughters an undomesticated animal or a fowl on a Festival, Beit Shammai are lenient and allow one to dig with a shovel to cover the blood, due to the joy of the Festival, whereas Beit Hillel do not permit one to slaughtering at all, unless there was a shovel ready from the day before. It was with regard to this contradiction that Rabbi Yoḥanan said: The attribution of the opinions is reversed.

וְדִלְמָא לֹא הִיא: עַד כָּאֵן לֹא אָמְרֵי בֵּית
שְׁמַאי אֶלְאִי הֵיכָא דְאִיכָא דְקָר נְעוּץ.

The Gemara challenges this explanation: But perhaps that is not so, as a different explanation is possible: Beit Shammai only state their lenient opinion, that it is permitted to cover the blood, where there is an embedded shovel.

Perek I
Daf 10 Amud a

NOTES

Alternatively, they say only here, etc. – אי נמי עד כאן – **וכו**: This whole section, until the mishna, in which the Gemara repeatedly points out inconsistencies between the mishna about slaughtering fowl or undomesticated animals on Festivals and other *mishnayot*, appears in several versions of the Talmud. However, there are many texts that omit the entire passage, with significant ramifications. If the section is included, Rabbi Yoḥanan's statement is ultimately rejected and the opinions are not reversed, which means that the rulings in all the *mishnayot* remain as they are. Even without this section, apparently some Sages decided that these *mishnayot* should not be adjusted based on logic alone, as they also appear in tractate *Eduyyot*, and it is better to accept some sort of interpretation rather than change all the texts (see Rif and Rambam). However, Rashi, *Tosafot* and many others did not include this section and fundamentally accept the claim that the opinions should be reversed, and they rule likewise in practice.

אָבֵל הֵיכָא דְלִיכָא דְקָר נְעוּץ – לֹא, אִי
נָמִי: עַד כָּאֵן לֹא קְאָמְרֵי בֵּית הַלֵּל הַכָּא
אֶלְאִי בֵּין דְמוֹקְצָה הוּא, בְּעוּמֵד וְאֹמְרֵי
יְהִי וְהָאֵי נוּטֵל סָגִי, אָבֵל הָתָם – לֹא.

However, where there is no embedded shovel, even Beit Shammai did not permit it. Alternatively, it is possible that Beit Hillel say their opinion only here,^N since a dove is *muktze*, which is prohibited by rabbinic law, and therefore when he stands and says: I will take this and that, it is enough. However there, where the prohibition applies by Torah law, they did not say so.

אֶלְאִי, אִי קִשְׁיָא הָא קִשְׁיָא: בֵּית
שְׁמַאי אֹמְרִים: אִין נוּטְלִין אֶת הָעֵלִי
לְקַצֵּב עָלָיו בְּשֶׁר, וּבֵית הַלֵּל מְתִירִין.
אָלְמָא: גְּבִי שְׂמַחַת יוֹם טוֹב בֵּית שְׁמַאי
לְחוּמְרָא וּבֵית הַלֵּל לְקוּלָּא, וּרְמִינְהִי:
הַשּׁוֹחֵט חִיָּה וְעוֹף בֵּית שְׁמַאי וְכוּ. אָמַר
רַבִּי יֹחָנָן: מוֹחֲלֵפֵת הַשִּׁטָּה.

Rather, if there is a difficulty involving a contradiction, this is the difficulty, from a different mishna (11a): Beit Shammai say: One may not take a large pestle from a mortar, which is normally used for crushing wheat in the preparation of porridge, for any other purpose on a Festival, e.g., to cut meat on it; and Beit Hillel permit it. Apparently, with regard to rejoicing on the Festival, the opinion of Beit Shammai is stringent, and that of Beit Hillel is lenient. And the Gemara raises a contradiction: With regard to one who slaughters an undomesticated animal or a fowl on a Festival, Beit Shammai say: He may dig earth with a shovel and cover the blood, and Beit Hillel say: He may not slaughter an undomesticated animal or a fowl, unless he had earth prepared for that purpose while it was still day. It was in this regard that Rabbi Yoḥanan said: The attribution of the opinions is reversed.

מִמָּאֵי? דִּלְמָא לֹא הִיא: עַד כָּאֵן לֹא
קְאָמְרֵי בֵּית שְׁמַאי הָתָם אֶלְאִי הֵיכָא
דְאִיכָא דְקָר נְעוּץ, אָבֵל הֵיכָא דְלִיכָא
דְקָר נְעוּץ – לֹא, אִי נָמִי: עַד כָּאֵן לֹא
קְאָמְרֵי בֵּית הַלֵּל הַכָּא אֶלְאִי דְאִיכָא
תּוֹרַת כְּלֵי עָלִיו, אָבֵל הָתָם – לֹא.

The Gemara rejects this: From where do you know this? Perhaps it is not so. Rather, Beit Shammai say their opinion only there, where there is a shovel embedded and prepared the day before, but where there is no embedded shovel, they did not rule leniently. Alternatively, one can say that Beit Hillel say their opinion only here, with regard to a pestle, which at least has the status of a vessel, and therefore it is not completely *muktze*. However, there, in the case of slaughtering, Beit Hillel did not issue a lenient ruling.

אֶלְאִי, אִי קִשְׁיָא הָא קִשְׁיָא: בֵּית שְׁמַאי
אֹמְרִים: אִין נוֹתְנִין אֶת הָעוֹר לְפָנֵי
הַדּוֹרְסָן, וְלֹא יִגְבִּיהֶנּוּ אֶלְאִי אִם כּוּן יֵשׁ
עָלָיו כּוֹבֵית בְּשֶׁר, וּבֵית הַלֵּל מְתִירִין.

Rather, if there is a difficulty, this is the difficulty: It is taught in a mishna (11a): Beit Shammai say: One may not place an unprocessed hide before those who will tread on it, as this is an instance of the prohibited labor of tanning on a Festival. And one may not lift the hide from its spot, as it is considered *muktze*, unless there is an olive-bulk of meat on it, in which case it may be carried on account of its meat. And Beit Hillel permit one to place a hide before those who will tread upon it.

אָלְמָא: גְּבִי שְׂמַחַת יוֹם טוֹב בֵּית שְׁמַאי
לְחוּמְרָא וּבֵית הַלֵּל לְקוּלָּא, וּרְמִינְהִי:
הַשּׁוֹחֵט חִיָּה וְעוֹף בַּיּוֹם טוֹב, וְכוּ. אָמַר
רַבִּי יֹחָנָן: מוֹחֲלֵפֵת הַשִּׁטָּה.

Once again the Gemara states: Apparently, with regard to rejoicing on the Festival, the opinion of Beit Shammai is stringent, and that of Beit Hillel is lenient. And the Gemara raises a contradiction: With regard to one who slaughters an undomesticated animal or a fowl on a Festival, Beit Shammai say, etc. Concerning this case, Rabbi Yoḥanan said: The attribution of the opinions is reversed.