

The hinges of shutters – ציורי התריסים: The Sages permitted the removal and replacement of shop shutters only if their hinges are in the middle of the board. If they are on the side, it is prohibited. If the shutter has no hinges at all, their removal and replacement is permitted in all cases, in accordance with the opinion of Abaye (*Shulhan Arukh, Orah Hayyim 519:1*).

והתניא: במה דברים אמורים – בשאין להן ציר, אבל יש להן ציר – דברי הכל אסור. אמר אביי: בשיש להן ציר מן הצד – דברי הכל מותר, כי פליגי – בשיש להן ציר באמצע.

The Gemara challenges this claim: **But isn't it taught in a baraita: In what case is this statement said? What is the situation in which Beit Shammai and Beit Hillel disagree? They disagree when the shutters do not have a hinge; however, if they have a hinge, everyone agrees that it is prohibited.** Abaye said that the two sources can be reconciled: **When they have a hinge on the side, everyone agrees that it is prohibited, as the placement of a hinge in the side is a complicated endeavor that resembles building. If they have no hinge at all, everyone agrees that it is permitted, as it is considered merely the replacement of a board. When they disagree, it is with regard to a case where they have a hinge in the middle rather than on the side.**^H

Perek I
Daf 12 Amud a

מִן סָבֵר: גְּזָרִין צִיר בְּאֲמֻצָּע אֶטּוּ צִיר מִן הַצֵּד, וּמִן סָבֵר: לֹא גְזָרִין.

One Sage, Beit Shammai, holds that we issue a decree and prohibit a hinge in the middle due to a hinge on the side; and one Sage, Beit Hillel, holds that we do not issue this decree. Since placing a hinge of this type does not constitute the prohibited labor of building, it is permitted.

מתני' בית שמאי אומרים: אין מוציאין לא את הקטן, ולא את הלולב, ולא את ספר תורה לרשות הרבים. ובית הלל מתירין.

MISHNA Beit Shammai say: One may carry out on a Festival neither a minor child,^N nor a lulav, nor a Torah Scroll into the public domain, as none of these are required for the preparation of food; and Beit Hillel permit it.^H

גמ' תני תנא קמיה דרבי יצחק בר אבדימי: השוחט עולת נדבה ביום טוב לוקה.

GEMARA The tanna who reviews mishnayot teaches a baraita before Rav Yitzhak bar Avdimi: One who slaughters a gift offering^N on a Festival is flogged for transgressing the prohibition: "No manner of work shall be done on them" (Exodus 12:16). Since this slaughtering was not performed for the purpose of eating, the action constitutes a prohibited labor on a Festival.

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אין מוציאין...את הקטן: In the Jerusalem Talmud, it is stated that the same dispute applies to carrying out adults as well, and the mishna mentioned a minor only to convey the far-reaching nature of the stringent opinion of Beit Shammai. With regard to the basic approach of the mishna, Rabbeinu Hananel explains that it mentions only those objects that are carried for the purpose of a mitzva rather than for themselves. A minor is carried for his circumcision; a lulav is taken out for the mitzva to shake it; and a Torah Scroll is transferred to read from it. This clarifies the Gemara's comments concerning the slaughter of a burnt-offering on a Festival: Beit Shammai prohibit this despite the fact that it involves a mitzva. Conversely, Rashi and most commentaries maintain that the mishna merely cites examples that serve some sort of purpose, not necessarily that of a mitzva.

השוחט עולת נדבה – וכי: Some say that Beit Shammai prohibit not only a gift-

offering, but also the burnt-offering of appearance, which is brought to the Temple by pilgrims on the three Pilgrim Festivals. They prohibit the slaughter of this offering, despite the fact that it is an obligation of the Festival. However, as the Gemara originally thought that this mishna is also in accordance with the opinion of Beit Hillel, it did not raise the issue of the burnt-offering of appearance (Rabbi Aharon HaLevi). *Tosafot* and many later authorities analyze Beit Hillel's opinion at length. Some commentaries do not agree that Beit Hillel indeed permit the sacrifice of a gift-offering on a Festival (see *Kerem Shlomo*). Some maintain that the key point is not the prohibition itself, but the claim that one is liable to receive lashes for it; even if Beit Hillel prohibit the offering, they do not concur that the transgressor is flogged for this act (*Meiri*). Certain later authorities suggest that although the positive mitzva of the Festival remains in place, according to the opinion of Beit Hillel, the prohibition does not apply to this case.

HALAKHA

Carrying out on a Festival – הוצאה ביום טוב: The halakha is in accordance with the opinion of Beit Hillel. Since carrying out is permitted for the requirements of food preparation, it is also permitted for other purposes. Consequently, it is permitted to

carry out a child, a Torah Scroll, or vessels to the public domain. Some authorities say that it is proper to refrain from removing items that serve no purpose of the Festival at all (*Taz; Mishna Berura; Shulhan Arukh, Orah Hayyim 518:1*).

There are no *halakhot of eiruv* ... on a Festival – אין עירוב... ליום טוב: It is not necessary to join courtyards or merge alleyways on a Festival. However, one must establish a joining of borders. When joining courtyards and merging alleyways for the entire year, one should have in mind that he is doing so for the Festivals as well, *ab initio* (Taz, citing Rav Shlomo Luria; *Shulhan Arukh, Orach Hayyim* 528:1).

אמר ליה: דאמר לך מני – בית שמאי היא, דאמרי: לא אמרין מתוך שהותרה הוצאה לצורך – הותרה נמי שלא לצורך. דאי בית הלל – הא אמרי: מתוך שהותרה הוצאה לצורך – הותרה נמי שלא לצורך. הכא נמי, מתוך שהותרה שחיטה לצורך – הותרה נמי שלא לצורך.

מתקוף לה רבה: ממאי דבית שמאי ובית הלל בהא פליגי? דלמא בערוב והוצאה לשבת ואין ערוב והוצאה ליום טוב קא מפלגי?

מר סבר: ערוב הוצאה לשבת וערוב הוצאה ליום טוב.

ומר סבר: ערוב הוצאה לשבת, ואין ערוב הוצאה ליום טוב, כדכתיב "ולא תוציאו משא מבתיכם ביום השבת." בשבת – אין, ביום טוב – לא.

מתקוף לה רב יוסף: אלא מעתה לפלגו באבנים. אלא, מדלא מפלגי באבנים, שמע מינה:

בהוצאה שלא לצורך פליגי.

Rav Yitzhak bar Avdimi said to that *tanna*: Who could have said this *baraita* to you? It is evidently in accordance with the opinion of Beit Shammai, who say that we do not say: Since carrying out was permitted on a Festival for the purpose of food preparation, it was also permitted not for that purpose.^N For if you say the *baraita* is accordance with the opinion of Beit Hillel, they say: Since carrying out was permitted for the requirements of food preparation, it was also permitted not for these requirements. Here, too, with regard to the prohibited labor of slaughtering, since slaughter was permitted for the requirements of food preparation, it was also permitted not for these requirements. It was permitted for any purpose that benefits people, whether directly or indirectly.

Rabba strongly objects to this reasoning: From where do you infer that Beit Shammai and Beit Hillel disagree over this issue? Perhaps they disagree about the following: The *halakhot of eiruv* and the prohibition against carrying out apply to Shabbat, but there are no *halakhot of eiruv* nor a prohibition against carrying out on a Festival.^{HN}

The Gemara clarifies the dispute according to this explanation: One Sage, Beit Shammai, holds that the *halakhot of eiruv* and the prohibition against carrying out apply to Shabbat, and similarly the *halakhot of eiruv* and carrying out apply to a Festival. The only difference is that, on a Festival, carrying, like other types of prohibited labor, is permitted for the sake of food preparation.

And one Sage, Beit Hillel, holds that the *halakhot of eiruv* and the prohibition against carrying out apply to Shabbat, but there are no *halakhot of eiruv* nor a prohibition against carrying out on a Festival, as it is written: "Neither carry forth a burden out of your houses on the Shabbat day" (Jeremiah 17:22), from which Beit Hillel inferred: On Shabbat, yes, carrying from one domain to another is indeed prohibited; on a Festival, no, it is not prohibited. According to this explanation, Beit Shammai and Beit Hillel did not disagree about whether a prohibited labor that is permitted for the purpose of food preparation on a Festival is also permitted when it does not serve that purpose.

Rav Yosef strongly objects to this explanation of Rabba: However, if that is so, that the dispute is whether the prohibition against carrying out applies on a Festival, Beit Hillel should permit one to move *muktze* objects, as the prohibition of handling *muktze* is an extension of the prohibition against carrying out. Consequently, let them differ with regard to whether or not it is permitted to carry out stones on a Festival. Rather, from the fact that Beit Shammai and Beit Hillel do not disagree with regard to stones but concerning objects that serve some sort of purpose, conclude from this: Everyone agrees that carrying out is prohibited on a Festival, and the Torah permitted it only when it is necessary for sustenance.

Instead, Beit Shammai and Beit Hillel disagree with regard to carrying out that is not for the purpose of food preparation. According to the opinion of Beit Hillel, since carrying out is permitted for the sake of sustenance, it is entirely permitted. According to Beit Shammai, the Sages permitted only labor that serves the purpose of food preparation.

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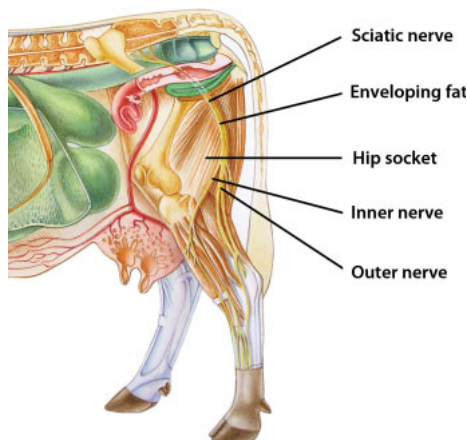
Permitted not for that purpose – הותרה... שלא לצורך: On a Festival, labors necessary for the preparation of food are explicitly permitted by the Torah. The Gemara states the principle that an action that is permitted for the purpose of food preparation is permitted even when it is being performed for a different purpose. Both early and later authorities discuss at length the question of whether this principle is to be understood as blanket permission. One opinion is that there is no difference between a Festival and a weekday with regard to these labors. When the Sages did not apply this principle, but rather prohibited certain actions, they did so as a safeguard for Torah prohibitions. Another opinion is that the prohibition remains in place, and it is merely overruled by the needs of the celebration of the Festival. Consequently, it remains in force when there is no reason to permit it (see Rashi and *Tosafot*). Rabbeinu Tam accepts the latter understanding. However, he maintains that it is permitted to carry a child because not doing so will cause suffering. It may

be suggested that the justification for the permission to sacrifice a gift-offering can be derived from the statement on 2ob: So that your table should not be full while that of your Master is empty. This means that one should not satisfy his needs while the altar is neglected; rather, the Festival is fully joyful when offerings are sacrificed on the altar.

There are no *halakhot of eiruv* or carrying out on a Festival – אין עירוב והוצאה ליום טוב: Some commentaries, following the understanding that prohibitions remain in place on the Festival and are suspended only because of the need to celebrate, maintain that the *halakhot* of an *eiruv* do apply on a Festival. An *eiruv* is required for carrying out items that are not needed for food, for a mitzva, or for the joy of the Festival (Rashba). One opinion, cited by several authorities, maintains that when the Shabbat *eiruv* boundaries are placed for the entire year, they should be established with the Festivals in mind as well (*Yam Shel Shlomo*).

BACKGROUND

The sciatic nerve – גיד הנשה: The sciatic nerve is the *nervus ischiadicus*, which runs down the back of the hind leg of an animal. It is one of the parts of a kosher animal, domestic or non-domestic, that may not be eaten by Torah law (Genesis 32:33).



Hindquarter with sciatic nerve

ואף רבי יוחנן סבר: במתוך שהותרה הוצאה לצורך הותרה נמי שלא לצורך פליגי. דתני תנא קמיה דרבי יוחנן: המבשיל גיד הנשה בחלב ביום טוב ואכלו – לוקה חמש.

לוקה משום מבשיל גיד, ולוקה משום אוכל גיד, ולוקה משום מבשיל בשר בחלב, ולוקה משום אוכל בשר בחלב, ולוקה

The Gemara comments: And Rabbi Yohanan also holds that Beit Shammai and Beit Hillel disagree with regard to the principle: Since carrying out is permitted on a Festival for the purpose of food preparation, it was also permitted not for this purpose, as the *tanna* teaches a *baraita* before Rabbi Yohanan: One who cooks the sciatic nerve^b in milk on a Festival and eats it is flogged for violating five distinct prohibitions.ⁿ

How so? (1) He is flogged due to the prohibition of cooking the sciatic nerve, which is prohibited because the sciatic nerve is unfit for consumption; (2) and he is flogged due to the prohibition of eating the sciatic nerve, which is explicitly prohibited by the Torah; (3) and he is flogged due to the prohibition of cooking meat in milk; (4) and he is flogged due to the prohibition of eating meat cooked in milk; (5) and lastly, he is flogged

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He is flogged for five prohibitions – לוקה חמש: In several places, the Sages describe a single action, or several closely related actions, whose performance entails numerous prohibitions. Usually, these lists of prohibitions are instructive, in that one can extract novel insights from the lists with

regard to the prohibitions themselves. In the case of the sciatic nerve, since there is an opinion that it is not edible, one might have thought that it does not have the status of meat that may not be cooked in milk. The *baraita*, therefore, informs us otherwise.

Perek I
Daf 12 Amud b

משום הבערה.

אמר ליה: פוק תני לברא. הבערה ובשול אינה משנה. ואם תמצא לומר משנה – בית שמאי היא, דאמרי: לא אמרין מתוך שהותרה הוצאה לצורך – הותרה נמי שלא לצורך, הקא נמי לא אמרין מתוך שהותרה הבערה לצורך – הותרה נמי שלא לצורך.

דאי בית הלל, בין דאמרי מתוך שהותרה הוצאה לצורך – הותרה נמי שלא לצורך, הקא נמי, מתוך שהותרה הבערה לצורך – הותרה נמי שלא לצורך.

due to the prohibition of kindlingⁿ a fire on a Festival.

Rabbi Yohanan said to that *tanna*: Leave and teach it outside,ⁿ i.e., this *baraita* is not fit for discussion in the study hall. The opinion that there is a prohibition against kindling and cookingⁿ on a Festival is not a *mishna* worthy of serious consideration. And if you say that it is a *mishna* rather than an error, this statement is still not in accordance with the *halakha*, as it is following the opinion of Beit Shammai, who say: We do not say: Since carrying out was permitted on a Festival for the purposes of food preparation, it was also permitted when performed not for these purposes. Here, too, we do not say: Since kindling was permittedⁿ on a Festival for the purposes of food preparation, it was also permitted when performed not for these purposes.

The Gemara explains why the *baraita* cannot be attributed to Beit Hillel. If one were to suggest that this *baraita* follows the opinion of Beit Hillel, this cannot be the case, as they say: Since carrying out was permitted for the purposes of food preparation, it was also permitted when performed not for these purposes. Here, too, since kindling was permitted for the purposes of food preparation, it was also permitted when performed not for these purposes.^h Therefore, according to the opinion of Beit Hillel, kindling cannot be included amongst those prohibitions for which one is liable on a Festival.

NOTES

Due to kindling – משום הבערה: Kindling is the last prohibited labor mentioned, as the case is referring to someone who first placed the pot on burning coals and only afterward stoked them alight (Rabbi Aharon HaLevi).

Leave and teach it outside – פוק תני לברא: This expression makes sense in light of the study practices of the talmudic period. A large proportion of classes began with a citation of *baraitot* relevant to the topic at hand and a discussion of their relationship to the *mishna*. Since there was a great variety of *baraitot*, some of which had fallen prey to errors over the course

of time, not every *baraita* was worthy of quotation and discussion in the study hall. This is the meaning of Rabbi Yohanan's comment: Go out and teach it outside, i.e., this *baraita* is unworthy of analysis inside the study hall.

Kindling and cooking – הבערה ובשול: Many later authorities discuss this issue from a different perspective. According to the accepted *halakha*, there is no division of types of prohibited labor on a Festival, i.e., one is not punished separately for each category of labor. Rather, lashes are administered for prohibited labor in general, even if one performed many different types

of labor. If so, the distinction between kindling and cooking certainly has no ramifications for the *halakha* (*Tziyyun LeNefesh Hayya*; Rabbi Akiva Eiger).

Since kindling was permitted – מתוך שהותרה הבערה: Some commentaries claim that the Torah itself alludes to this *halakha*, as it states: "You shall kindle no fire throughout your habitations on the Shabbat day" (Exodus 35:3), which indicates that it is permitted to do so on a Festival (Rishon LeTziyyon; Torat Hayyim, based on Rambam). It has been noted that the source of this statement is the Jerusalem Talmud.

HALAKHA

Kindling not for these purposes – הבערה שלא לצורך: It is permitted to use fire on a Festival, even when this does not serve the purposes of food preparation. Some authorities are

stringent with regard to an action that can easily be performed before the Festival without any detriment. They maintain that this action should be performed only in an unusual manner (see

Rema and Magen Avraham, citing *Shenei Luhot HaBrit*; *Shulhan Arukh, Oraḥ Hayyim* 495:1).

Halla – חלה: The Torah commands the giving of a portion of dough to the priests (Numbers 15:20). This portion is called *halla* and is governed by all the rules pertaining to *teruma*, the priests' portion of the crop. The Torah does not specify a measure for *halla*. The Sages required a private person to give one twenty-fourth of his dough and a commercial baker to give one forty-eighth. *Halla* must be taken from all dough made from any one of the five types of grain, provided that the quantity of flour is at least one-tenth of an ephah in volume. If *halla* is not separated, the dough is considered untithed and may not be eaten. Today, as all Jews are considered ritually impure, *halla* is governed by the same *halakhot* as ritually impure *teruma* and must be burned. Accordingly, the measures mentioned no longer apply; instead, a small portion is separated from the dough and burned, after which the rest of the dough may be used.

Priestly gifts – מתנות: As noted, in this context the priestly gifts refer to the foreleg, the jaw, and the maw. The Torah commands that these portions be given to a priest when non-sacrificial animals, e.g., cattle, sheep, and goats used for consumption, are slaughtered (Deuteronomy 18:3). No sanctity is attached to these gifts; therefore, once they have been given to a priest, the priest may give or sell them to a non-priest.

HALAKHA

Bringing *halla* and gifts on a Festival – הולכת חלה ונתנות ביום טוב: *Terumot* and tithes separated on the eve of a Festival, and, all the more so, *halla* or the foreleg, the jaw, and the maw that had been separated on the Festival itself, may be brought to a priest on the Festival. The *halakha* is in accordance with the opinion of Beit Hillel, as explained by Rabbi Yosei. If one is in a place where no priest is available or where the custom is to burn *halla*, he may still separate *halla* from dough that was kneaded on a Festival (Rambam *Sefer Zemanim*, *Hilkhot Yom Tov* 4:26; *Shulhan Arukh*, *Orach Hayyim* 506:3).

מתני' בית שמאי אומרים: אין מוליכין חלה ומתנות לכהן ביום טוב, בין שהורמו מאמש בין שהורמו מהיום. ובית הלל מתירין.

MISHNA The separation of *halla* is permitted on a Festival, as one is permitted to prepare dough and bake it on a Festival, and bread may not be eaten without first separating *halla*. **Beit Shammai say: One may not bring separated *halla*^{BN} or any of the other priestly gifts,^B i.e., the foreleg, the jaw, and the maw of a slaughtered animal, to a priest on a Festival, though it is permitted to separate them from an animal slaughtered on a Festival. This is prohibited regardless of whether they were separated last evening, i.e., before the Festival, or whether they were separated today. And Beit Hillel permit it.^H**

אמרו להם בית שמאי: גזרה שוה: חלה ומתנות – מתנה לכהן, ותרומה – מתנה לכהן, כשם שאין מוליכין את התרומה – כך אין מוליכין את המתנות.

אמרו להם בית הלל: לא, אם אמרתם בתרומה – שאינו זכאי בהרמטה, תאמרו במתנות שזכאי בהרמתן?

Beit Shammai said to Beit Hillel: This *halakha* can be derived by an analogy: *Halla* and the other gifts are both considered a gift to the priest, and likewise *teruma* separated from produce is also a gift to the priest. Just as you agree that one may not bring *teruma* to a priest on a Festival, so too, one may not bring the other gifts.

Beit Hillel said to them: No, this analogy is incorrect. If you said that you derive the *halakha* from *teruma*, where its separation is not allowed on the Festival, how will you say the same with regard to the gifts from an animal or *halla*, concerning which their separation is allowed on the Festival? Since it is not prohibited to separate these gifts, they may likewise be brought to a priest.

גמ' קא סלקא דעתך: שהורמו מהיום ושנשחטו מהיום, ושהורמו מאמש ושנשחטו מאמש. מני מתניתין? לא רבי יוסי, ולא רבי יהודה, אלא אחרים. דתנא, אמר רבי יהודה: לא נחלקו בית שמאי ובית הלל על המתנות שהורמו מערב יום טוב שמוליכין עם המתנות שהורמו מהיום ושנשחטו מהיום. לא נחלקו אלא להוליכן בפני עצמן, שבית שמאי אומרים: אין מוליכין, ובית הלל אומרים: מוליכין.

GEMARA It enters your mind to explain that when the mishna states: They were separated today, it means: From animals slaughtered today. And the phrase: They were separated last evening,^N is referring to animals slaughtered last evening. The Gemara asks: If so, whose opinion is expressed in the mishna? It is not Rabbi Yosei nor Rabbi Yehuda, but the opinion of *Aherim*, as it is taught in the *Tosefta* that Rabbi Yehuda said: Beit Shammai and Beit Hillel did not dispute with regard to gifts separated on the eve of a Festival, that one may bring them to a priest on a Festival day itself along with gifts separated that day and from those animals slaughtered that day. They disputed only the *halakha* of bringing gifts separated the day before by themselves, as Beit Shammai say: One may not bring these gifts by themselves, and Beit Hillel say: One may bring them.

וכך היו בית שמאי דנין: חלה ומתנות מתנה לכהן ותרומה מתנה לכהן, כשם שאין מוליכין את התרומה – כך אין מוליכין את המתנות. אמרו להם בית הלל: לא, אם אמרתם בתרומה שאינו זכאי בהרמטה, תאמרו במתנות שזכאי בהרמתן?

And Beit Shammai would reason as follows: *Halla* and gifts from a slaughtered animal are a gift to the priest, and *teruma* is a gift to the priest. Just as one may not bring *teruma* to a priest on a Festival, so too, one may not bring the other gifts. **Beit Hillel said to them:** No, granted, if you said so with regard to *teruma*, the reason is that separation is not allowed on a Festival, but how will you say the same with regard to the other gifts, concerning which separation is allowed on the Festival? It is therefore permitted to bring these gifts to a priest as well. This is Rabbi Yehuda's interpretation of the dispute between Beit Shammai and Beit Hillel, according to which Beit Shammai prohibit bringing even gifts separated on the Festival itself.

NOTES

One may not bring *halla*, etc. – אין מוליכין חלה וכו' – Several reasons have been suggested for Beit Shammai's stringent ruling. Some say the main concern is the transportation via the public domain of an item that is not required for the Festival. Others reject this explanation and claim that it is a decree to prevent one from separating *teruma*, as there is similarity between the separation of these gifts and of *teruma* (Rashba). Some commentators add that it is also a decree due to appearances, as people will suspect one of separating *teruma* at an inappropriate time (*Meiri*). Yet others note that the separation of *teruma* and *halla* is not concluded by the act of separation itself, as one can, at least according to the opinion of Beit Hillel, rescind the separation

by having it dissolved by a halakhic authority. However, once the *teruma* has been given to a priest, it may no longer be rescinded. Therefore, the consecration of *teruma* is in practice fully completed only when one hands it over to a priest (*Tziyyun LeNefesh Hayya*).

They were separated last evening – הורמו מאמש: Separating these gifts is permitted both because one may eat from an animal without separating the gift and because the precise identity of the parts donated to the priest is fixed. This means that there is no actual separation in this case, as the gifts have already been designated by the Torah (Rabbi Aharon HaLevi).

Had a bottle of wine – הָיָה לִיּה גִּבְבָּא דְחַמְרָא – The early authorities ask: How could Rav Tovi, son of Rabbi Nehemya, be in possession of *teruma* outside of Eretz Yisrael? Like all mitzvot tied to the land, the mitzva of *teruma* applies only inside Eretz Yisrael. Most early authorities answer that people would separate *terumat* in the lands adjacent to Eretz Yisrael, either due to a rabbinic decree or by custom (Rid; Rashba). The *ge'onim* write that it was a pious custom to separate *terumat* and observe the *halakhot* of ritual purity outside of Eretz Yisrael, despite the fact that it was unnecessary to do so by Torah law. Some commentaries, however, explain that this is referring to wine imported from Eretz Yisrael, in which case its *teruma* was a Torah obligation (Rabbi Aharon HaLevi).

The *halakha* is in accordance with the opinion of Rabbi Yosei – הֵלְלָהּ כְּרַבִּי יוֹסֵי – Although the *halakha* is generally ruled in accordance with the opinion of Rabbi Yosei, in opposition to the opinion of a single colleague, it was necessary to reiterate it in this case, as the mishna certainly does not follow Rabbi Yosei's opinion. Shmuel's ruling is in accordance with the *baraita* rather than the mishna, which he viewed in this case as reflecting a minority opinion (*Petaḥ Einayim*).

HALAKHA

One may husk kernels – מוֹלְלִים מְלִילוֹת – It is permitted to husk kernels of grain by hand on a Festival. Some authorities maintain that one should be stringent and do so in an unusual manner (*Magen Avraham*, citing Ran), while others are lenient (*Taz*; Vilna Gaon). Where possible, it is preferable to perform this action in an unusual manner (*Shulḥan Arukh HaRav*). Legumes may be crushed in the usual manner on a Festival. One may crush them a little at a time and eat them, even by means of a tray, but not by means a winnow or a sieve, as the *halakha* is in accordance with the opinion of Rava (*Shulḥan Arukh, Oraḥ Ḥayyim* 510:1).

אָמַר רַבִּי יוֹסֵי: לֹא נִחְלְקוּ בֵּית שְׁמַאי וּבֵית הֵלֵל עַל הַמִּתְנּוֹת שְׁמוּלִיכִין, לֹא נִחְלְקוּ אֶלָּא עַל הַתְּרוּמָה, שְׁבִית שְׁמַאי אוֹמְרִים: אֵין מוּלִיכִין, וּבֵית הֵלֵל אוֹמְרִים: מוּלִיכִין. וְכֵן הָיוּ בֵּית הֵלֵל דְּמִן: חֵלָה וּמִתְנּוֹת מִתְנָה לְבָהֵן, וְתְרוּמָה מִתְנָה לְבָהֵן. כֵּן מוּלִיכִין אֶת הַתְּרוּמָה. אָמְרוּ לָהֶם בֵּית שְׁמַאי: לֹא, אִם אָמַרְתֶּם בְּמִתְנּוֹת – שְׂזַכְאֵי בְּהַרְמָתָן, תֵּאמְרוּ בְּתְרוּמָה שְׂאִין וְכֵאִין בְּהַרְמָתָהּ?

אֲחֵרִים אוֹמְרִים: לֹא נִחְלְקוּ בֵּית שְׁמַאי וּבֵית הֵלֵל עַל הַתְּרוּמָה שְׂאִין מוּלִיכִין, לֹא נִחְלְקוּ אֶלָּא עַל הַמִּתְנּוֹת. שְׁבִית שְׁמַאי אוֹמְרִים: אֵין מוּלִיכִין, וּבֵית הֵלֵל אוֹמְרִים: מוּלִיכִין. לִימָא אֲחֵרִים הֵיא וְלֹא רַבִּי יְהוּדָה.

אָמַר רַבָּא: מִי קִתְּנִי "שְׁהוּרְמוּ מֵהַיּוֹם וְשִׁנְשַׁחְטוּ מֵהַיּוֹם"? "שְׁהוּרְמוּ" קִתְּנִי, וְלַעוֹלָם שְׁחִיטָתָן מֵאָמֶשׁ. לִימָא רַבִּי יְהוּדָה הֵיא וְלֹא אֲחֵרִים? אֶפְיֵלוּ תִּמְאָא אֲחֵרִים, וּבְהֵנָּךְ דְּנִשְׁחַטוּ מֵאָמֶשׁ.

אִי הָכִי הֵינְנוּ רַבִּי יְהוּדָה! אִיבָא בִּינְיָהוּ טַפְלָהּ.

אָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל: הֵלְכָה כְּרַבִּי יוֹסֵי. רַב טוֹבִי בְּרִיהַ דְּרַב נַחֲמִיָּה הָוָה לִיָּה גִּבְבָּא דְחַמְרָא דְתְרוּמָה. אֶתָּא לְקַמִּיָּה דְרַב יוֹסֵף, אָמַר לִיָּה: מַהוּ לְאִמְטוּיָי לְבָהֵן הָאִידְנָא? אָמַר לִיָּה: הָכִי אָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל: הֵלְכָה כְּרַבִּי יוֹסֵי.

אוֹשְׁפוּכְנִיָּה דְרַבָּא בְּרַב חֲנַן הָוָה לִיָּה אֶסְרוּיָתָא דְחַרְדְּלָא, אָמַר לִיָּה: מַהוּ לְפְרוּכִי וּמִיכַל מְנִיָּהוּ בְיוֹם טוֹב? לֹא הָוָה בִּידְיָה, אֶתָּא לְקַמִּיָּה דְרַבָּא. אָמַר לִיָּה: מוּלְלִין מְלִילוֹת וּמְפָרְכִין קִטְנִיּוֹת בְּיוֹם טוֹב.

Rabbi Yosei said: That is not the correct record of the dispute, as Beit Shammai and Beit Hillel did not dispute about the fact that one may bring the gifts from an animal to a priest on a Festival. They disputed only with regard to *teruma*, as Beit Shammai say: One may not bring it, and Beit Hillel say: One may even bring *teruma*. And Beit Hillel would reason as follows: *Halla* and gifts are a gift to the priest, and *teruma* is a gift to the priest. Just as one may bring the other gifts on a Festival, so too, one may bring *teruma*. Beit Shammai said to them: No; if you said so with regard to the other gifts, concerning which their separation is allowed on the Festival, will you say the same with regard to *teruma*, whose separation is not allowed?

Aherim say that the dispute was as follows: Beit Shammai and Beit Hillel did not dispute with regard to *teruma*, that one may not bring it to a priest on a Festival. They disputed only the case of the other gifts, as Beit Shammai say: One may not bring the other gifts, and Beit Hillel say: One may bring them. The Gemara proposes: Let us say that the mishna is only in accordance with the opinion of *Aherim*, and not in accordance with the opinion of Rabbi Yehuda. The Gemara does not even suggest that the mishna might be in accordance with the opinion of Rabbi Yosei, as it is clear that it cannot be reconciled with his explanation.

Rava said: Is it taught in the mishna: They were separated that day and were slaughtered that day? No; it teaches: They were separated, and actually the mishna should be explained as follows: They were slaughtered last evening and separated today, which is exactly what Rabbi Yehuda said. The Gemara asks: If so, let us say that the mishna is in accordance with the opinion of Rabbi Yehuda and not in accordance with the opinion of *Aherim*? The Gemara rejects this: Even if you say that the mishna is in accordance with the opinion of *Aherim*, it can still be claimed that, in their opinion, Beit Shammai and Beit Hillel disputed the case of these animals that were slaughtered last evening, not those slaughtered on the Festival.

The Gemara asks: If so, this is the same opinion as that of Rabbi Yehuda. What, then, is the difference between the opinions of Rabbi Yehuda and *Aherim*? The Gemara answers: The practical difference between them is with regard to secondary gifts. If one has gifts separated before a Festival, is he permitted to join them as secondary gifts along with others separated on the Festival and transport them together to a priest? Rabbi Yehuda maintains that secondary gifts may be brought to a priest, according to the opinion of Beit Hillel, whereas *Aherim* prohibit it.

With regard to the dispute cited in the *Tosefta*, Rav Yehuda said that Shmuel said: The *halakha* is in accordance with the opinion of Rabbi Yosei. The Gemara relates: Rav Tovi, son of Rabbi Nehemya, had a bottle of *teruma* wine.^N He came before Rav Yosef and said to him: What is the *halakha* with regard to bringing this wine to a priest now, on a Festival? Rav Yosef said to him: That is what Rav Yehuda said that Shmuel said: The *halakha* is in accordance with the opinion of Rabbi Yosei,^N who maintains that Beit Hillel permit one to bring *teruma* to a priest on a Festival, and the *halakha* is in accordance with their opinion.

S The Gemara relates: The host of Rava, son of Rav Hanan, had bundles of unprocessed mustard, whose seeds remained in their stems. He said to his guest, the Sage: What is the *halakha* with regard to crushing these mustard stalks and eating from them on a Festival? Rava, son of Rav Hanan, did not have an answer readily available, so he came before Rava to ask his opinion. Rava said to him that it was taught: One may husk kernels^H by rubbing them between one's fingers, and one may likewise crush legumes on a Festival. This statement indicates that it is permitted to crush mustard stalks.

Winnow – מִנְפֵּחַ: Although winnowing is itself a form of selecting, since the food was basically prepared and ready before the Festival, this action was not considered significant enough for the Sages to prohibit it (Rid).

A little at a time – עַל יָד עַל יָד: This phrase literally means: One hand at a time. Rashi and the *Meiri* maintain that in the case of Shabbat the correct version is: From hand to hand, i.e., it is permitted to rub the grains together only by passing them from one hand to another.

If so, we have found *teruma*, etc. – אִם כֵּן מָצִינוּ: Some ask: Why didn't the Gemara pose this question earlier, as the *baraita* itself apparently contradicts the mishna? They answer that it might have been thought that the *halakha* of rubbing grain is referring only to a small quantity, for which one is not obligated to separate *teruma*. After clarifying the *baraita*, the question is more appropriate (Rav Yitzhak Abuhav). For an alternative answer, see the *Mishnat Aharon*.

LANGUAGE

Tray [*kanon*] – קָנָן: From the Greek *κανών*, *kanoun*, which means a basket, primarily a bread basket. These baskets were probably woven and came in various sizes, and they were also used for winnowing grain.

HALAKHA

Winnowing kernels of grain – יָנִיפוּ מְלִילוֹת: If one husked kernels of grain before Shabbat, he may not winnow them with a tray or a large vessel, nor may he do so with both hands. However, he may use one hand (*Shulhan Arukh, Oraḥ Hayyim* 319:7).

אִתְיַבֵּיהּ אַבְיִי: הַמּוֹלֵל מְלִילוֹת מֵעֶרֶב שַׁבָּת, לְמַחֵר מִנְפֵּחַ מִיַּד לְיָד וְאוֹכֵל, אֲבָל לֹא בְקָנוֹן וְלֹא בְתַמְחוּי.

Abaye raised an objection to Rava from a *baraita*: In the case of one who husks kernels of grain on Shabbat eve, on the following day, on Shabbat itself, he may winnow^N the chaff in an irregular manner by passing the kernels from hand to hand and then eat them. However, one may not do so, neither by means of a tray [*kanon*]^L that is occasionally used for sorting and separating the chaff nor with a large vessel.^H

הַמּוֹלֵל מְלִילוֹת מֵעֶרֶב יוֹם טוֹב, לְמַחֵר מִנְפֵּחַ עַל יָד עַל יָד וְאוֹכֵל, אֲפִילוּ בְקָנוֹן וְאֲפִילוּ בְתַמְחוּי, אֲבָל לֹא בְטַבְּלָא וְלֹא בְנִפְחָה וְלֹא בְכִבְרָה. מֵעֶרֶב יוֹם טוֹב – אִין, בְּיוֹם טוֹב – לֹא.

With regard to one who husks kernels of grain on a Festival eve, on the following day, he may winnow a little grain at a time^N and eat, even with a tray or a large vessel. However, he may not do so with a tablet, nor with a winnow, nor with a sieve. Since these vessels are designed for winnowing, they are used only for large quantities, and therefore it will appear as though he were preparing for after the Festival, which is certainly prohibited. In any case, the wording of the *baraita* indicates: On a Festival eve, yes, one may husk or crush legumes; on the Festival itself, no, it is prohibited to do so.

אֲפִילוּ תִימָא בְיוֹם טוֹב, וְאִידי דְתַנָּא רִישָׁא מֵעֶרֶב שַׁבָּת – תַּנָּא סִיפָא נְמִי מֵעֶרֶב יוֹם טוֹב.

The Gemara refutes this: Even if you say that it is permitted on a Festival, the *baraita* can be understood. The reason is as follows: Since he taught in the first clause of the *baraita*: On Shabbat eve, as husking grain may not be performed on Shabbat itself, for it might lead to a prohibited labor on Shabbat, he also taught in the latter clause: On a Festival eve. However, this does not mean that rubbing or crushing legumes is prohibited on the Festival itself.

אִם כֵּן מָצִינוּ תְרוּמָה שְׂזָכַאי בְהַרְמָתָהּ, וְתַנְן: לֹא. אִם אִמְרַתֶם בְּתְרוּמָה שְׂאִינוּ זְכָאי בְהַרְמָתָהּ וְכוּ'.

Abaye raises a difficulty against the opinion of Rava from a different angle: If you say so, we have thereby found a case of *teruma*^N for which separation is allowed on a Festival. Before being rubbed, the grains of wheat were certainly not fit to be eaten, and therefore there was no obligation to separate *teruma* from them. Now that one has prepared them as food by rubbing them, he is obligated to separate *teruma* from them, and if one is permitted to eat them, he must be permitted to separate *teruma* from them first. And we learned explicitly in the mishna: No, if you said that you derive the *halakha* from *teruma*, where its separation is not allowed on the Festival. This statement indicates that even Beit Hillel agree that one may not separate *teruma* of any kind on a Festival.

לֹא קִשְׂיָא: The Gemara refutes this challenge: This is not difficult.

Perek I
Daf 13 Amud a

הָא – רַבִּי, הָא – רַבִּי יוֹסִי בְרַבִּי יְהוּדָה. דְתַנָּא: הַכֵּנִים שְׂבִלִין לְעִשׂוֹת מִהֶן עִסָּה – אוֹכֵל מִהֶן עֲרָאִי וּפְטוּר.

This source, the *baraita*, is in accordance with the opinion of Rabbi Yehuda HaNasi, who holds that one must separate *teruma* from kernels of grain on the stalk, and one may separate *terumot* on a Festival. That source, the mishna, is in accordance with the opinion of Rabbi Yosei, son of Rabbi Yehuda,^N who maintains that there is no need to separate *teruma* from kernels of grain on the stalk, as it is taught in a *baraita*: If one brought inside his house stalks of grain in order to grind them into flour and to make dough from them, he may eat from them, as a snack, before they are ground, and he is exempt from *teruma*. Provided that the grain has not yet been fully processed, the obligation to separate *teruma* does not apply. The Sages decreed that such produce may only be consumed casually and not as part of a regular meal.

NOTES

This is Rabbi Yehuda HaNasi and that is Rabbi Yosei, son of Rabbi Yehuda – הָא רַבִּי הָא רַבִּי יוֹסִי בְרַבִּי יְהוּדָה: The later authorities are puzzled by this terminology, as the Gemara is not trying to resolve a contradiction between two *mishnayot* or *baraitot* in this case, but is merely attempting to find a source for Rava's opinion. Some relate this to the general question of whether the opinions of Beit

Hillel and Beit Shammai should be reversed in these *mishnayot*, in which case an answer must be sought for both opinions (see *Sefat Emet*). *Tziyyun LeNefesh Hayya* writes that since the opinions of Rabbi Yehuda HaNasi and Rabbi Yosei, son of Rabbi Yehuda, are not entirely clear, as indicated below, the Gemara wishes to state that Rava's opinion fits in with at least one opinion.