

NOTES

A decree lest one climb and pick – גזירה שפא יעלה ויתלוש, היא גופה גזירה, ואנן ניקום ונגזור גזירה לגזירה? בוליה חדא גזירה היא.

A decree lest one climb and pick – גזירה שפא יעלה – ויתלוש: *Tosafot* ask: Why is picking produce prohibited on a Festival? If one does it for the purpose of food preparation, it should be permitted, just as labors such as kindling and cooking are permitted. See the passage in the Jerusalem Talmud cited in *Tosafot*, where it is explained that the Sages permitted only certain labors on a Festival, those that are closer to the preparation of the food itself.

Many authorities rule that this prohibition applies by rabbinic decree, not Torah law. One explanation is that the Sages prohibited picking fruit lest one pick more than he requires, or lest he sever leaves inadvertently (Rabbeinu Peretz). Another difficulty is raised from a different angle: Why isn't this fruit prohibited as *muktze*, as it certainly wasn't on his mind before the Festival?

Several answers have been offered for this: The Gemara is not referring to attached fruit. Rather, it is referring to fruits that have already been picked and prepared for domesticated birds; or it is referring to fruits that have fallen off and are balanced on the branches (Ra'avad); or it is referring to fruits that are very ripe, and, therefore, he had the intention to eat them after they would fall (*Meiri*). Some commentaries claim that the prohibition of *muktze* is not discussed here because, as mentioned in the Gemara, the Sages did not apply one prohibition of *muktze* as a preventive decree due to a different case of *muktze* (see *Rashba*).

**Decree to prevent violation of another decree – גזירה לגזירה:** The main reason for this principle is that the Sages derived the requirement to issue decrees from the verse: "And you shall safeguard My observances" (Leviticus 18:30), from which it is derived: Establish a safeguard for My observances, and it is inferred: Do not establish a safeguard for a safeguard. It has been noted that in certain cases, when the Torah prohibition is particularly severe, the Sages did in fact impose a decree to a decree (see Rabbi Shlomo Eiger).

**Do not accept that there is a Torah prohibition of preparation – הךנה לית להו –** Although Rabba relied on a *baraita*, this matter is subject to a dispute of *tanna'im* (*Shitta Mekubbetzet*). Furthermore, the Gemara does not mean that, according to these Sages, there is no prohibition against using items that were not prepared the previous day. Rather, they do not accept Rabba's version of preparation, that one may not even use items that were prepared on their own (*Meiri*).

**And Rabbi Yitzhak, what is the reason, etc. – ורבי יצחק מאי טעמא וכו':** In this case, the Gemara does not state: All of them did not say, as it did earlier, because Rav Nahman's and Rabba's opinions were supported by *baraitot*, whereas Rabbi Yitzhak and Rav Yosef stated their explanations based on their own reasoning (Rabbeinu Peretz). Additionally, it is possible that other Sages did not accept the rationale for either decree. Furthermore, Rabba and Rav Nahman considered the decrees of Rabbi Yitzhak and Rav Yosef as relating to uncommon cases and therefore illegitimate (*Meiri*). That is probably why the authorities rejected the interpretations of Rabbi Yitzhak and Rav Yosef (*Rosh*).

גזירה שפא יעלה ויתלוש, היא גופה גזירה, ואנן ניקום ונגזור גזירה לגזירה? בוליה חדא גזירה היא.

רב יצחק אמר: גזירה משום משקין שזבו.

אמר ליה אביי: משקין שזבו טעמא מאי – גזירה שפא יעלה ויתלוש, היא גופה גזירה, ואנן ניקום ונגזור גזירה לגזירה? בוליה חדא גזירה היא.

בוליהו כרב נחמן לא אמרי – כי קושטין. כרבא נמי לא אמרי – הכנה לית להו.

אלא. רב יוסף מאי טעמא לא אמר כרבי יצחק? אמר לך: ביצה אוכלא, ופירות אוכלא. לאפוקי משקין דלאו אוכלא.

ורבי יצחק מאי טעמא לא אמר כרב יוסף? אמר לך: ביצה בלועה ומשקין בלועין, לאפוקי פירות דמגלו וקיימו.

ואף רבי יוחנן סבר גזירה משום משקין שזבו. דרבי יוחנן רמי דרבי יהודה אדרבי יהודה, ומשיני.

It is a decree lest one climb the tree and pick<sup>N</sup> the fruit, as this would constitute the prohibited labor of harvesting. If so, the prohibition against eating fruit is itself due to a decree. And will we arise and issue a decree to prevent violation of another decree?<sup>N</sup> Rav Yosef responded: That is not so; rather, when the Sages issued the initial decree, they enacted the prohibitions against both fruit that fall and a laid egg, as all the prohibitions are components of one decree. In other words, the similar cases of the fruit and the egg were both included in the original decree.

**Rabbi Yitzhak said a different reason:** An egg that was laid on a Festival is prohibited as a decree due to liquids that seeped<sup>H</sup> from the fruit (*Eiruvin* 39b), which is prohibited on that day. The legal status of an egg that was laid on a Festival is like that of liquids that seeped from a fruit on a Festival.

**Abaye said to him:** With regard to liquid that seeped from fruit, what is the reason that the Sages prohibited it? It is a decree lest one purposely squeeze the fruit, and thereby perform the prohibited labor of threshing. However, the prohibition against consuming this juice is itself a rabbinic decree. And will we arise and issue a decree to prevent violation of another decree? Rabbi Yitzhak replied: All the prohibitions are components of one decree. When the Sages prohibited this juice, they banned the eating of an egg laid on a Festival for the same reason, as the actions are similar.

As various explanations have been offered for this mishna, the Gemara seeks to clarify why each Sage was dissatisfied with the other explanations and suggested an alternative. The Gemara says: All of them, Rabba, Rav Yosef, and Rabbi Yitzhak, did not state their explanations in accordance with the opinion of Rav Nahman, as stated in our previously stated objection to Rav Nahman's explanation. The other Sages also did not state their explanations in accordance with the opinion of Rabba, as they do not accept that there is a Torah prohibition of using items whose preparation<sup>N</sup> was from Shabbat to a Festival or from a Festival to Shabbat.

However, the following question arises: Since Rav Yosef provides an explanation that is similar to that of Rabbi Yitzhak, what is the reason that he did not state his explanation in accordance with the opinion of Rabbi Yitzhak? The Gemara answers that Rav Yosef could have said to you: An egg is food, and fruit is food, i.e., an egg is comparable to fruits that fall. This observation would serve to exclude juice, which is not food but drink. Consequently, an egg is not comparable to juice and would not be included in the same decree.

The Gemara asks the reverse question: And with regard to Rabbi Yitzhak, what is the reason<sup>N</sup> that he did not state his explanation in accordance with the opinion of Rav Yosef? The Gemara answers: He could have said to you that the case of an egg is more similar to juices that seep from fruit. How so? An egg is enclosed inside a chicken before it is laid, and likewise juice is enclosed inside the fruit. This observation serves to exclude fruits that fall from a tree, which are standing exposed on the tree. Therefore, the comparison between fruits that fall and an egg is weaker than the comparison between liquid that seeped from fruit and an egg.

**S** The Gemara notes: And Rabbi Yohanan also holds that the prohibition against eating an egg laid on a Festival is a decree due to liquid that seeped from fruit. What proof can be cited for this? It is proven as Rabbi Yohanan raised a contradiction between one statement of Rabbi Yehuda and a different statement of Rabbi Yehuda, and he resolved the apparent contradiction in a manner that indicates his own opinion.

HALAKHA

**Liquids that seeped – משקין שזבו:** Liquids that seeped on their own from fruits whose primary use is for juice, e.g., olives and grapes, or from fruits that are typically although not exclusively squeezed for juice, e.g., oranges, is prohibited on a Festival. However, it is permitted to use liquids that seeped on their own from fruits typically used for food (*Shulhan Arukh, Orah Hayyim* 320:1).

**Squeezing fruit – תְּחִיטַת פְּרִיֹת** – It is prohibited to squeeze juice from olives and grapes on Shabbat. Likewise, one may not squeeze juice from any fruit that is typically squeezed for that purpose. However, it is permitted to squeeze juice from fruit that is typically used for food. If there are places where those fruits are squeezed for juice, some authorities prohibit squeezing them only in those places (Rema; *Magen Avraham*), and others prohibit doing so everywhere (*Beit Yosef*). The *halakha* is in accordance with the opinion of Rabbi Yehuda as per Rabbi Yoḥanan's directive to reverse the opinions, which means that this opinion is that of an unattributed mishna (*Shulḥan Arukh, Oraḥ Hayyim 320:1*).

**Stipulate a condition with regard to a basket – מִתְּנָה... על כִּלְכִּלָּה**: If one has two baskets of untithed fruit in front of him, then on the first Festival day, he designates specific fruits and says: If today is a weekday, the fruit in this basket is *teruma* for the fruit in the other basket; and if today is holy, my statement is meaningless. On the second Festival day, he says: If today is a weekday, the fruit in this basket is *teruma* for the fruit in the other basket. He then leaves aside the basket that he has separated as *teruma* and partakes of the other one. The *halakha* is in accordance with the opinion of Rabbi Yehuda, as per Rabbi Yoḥanan's reversal of the opinions (Rambam *Sefer Zemanim, Hilkhot Yom Tov 6:12*).

**An egg laid on the first may be eaten on the second – בִּיצָה שְׁנוּלָה בְּרֵאשִׁון תֹּאכַל בְּשֵׁנִי**: On the second Festival day, it is permitted to eat an egg laid on the first Festival day. This is not the case on Rosh HaShana, on which both days are considered a single sanctity (*Shulḥan Arukh, Oraḥ Hayyim 513:5*).

## BACKGROUND

**A basket of fruit – כִּלְכִּלָּה שֶׁל פְּרִיֹת** – This refers to a woven basket that was ordinarily made from willow or palm branches, but occasionally made from other materials. The basket had a wide opening on top and raised sides, although it was not overly deep. It was used for soft fruits, such as dates, grapes and so forth.



Floor mosaic from the first century depicting a fruit basket, fish, and birds, National Museum of Rome

תָּנָן: אֵין סוֹחֲטִין אֶת הַפְּרִיֹת לְהוֹצִיא מֵהֶן מִשְׁקִין, וְאִם יֵצְאוּ מֵעֲצָמָן – אֲסוּרִין. רַבִּי יְהוּדָה אָמַר: אִם לְאוֹכְלֵין – הַיּוֹצֵא מֵהֶן מוֹתֵר, וְאִם לְמִשְׁקֵין – הַיּוֹצֵא מֵהֶן אֲסוּר.

The Gemara elaborates on the previous statement. **We learned in a mishna (*Shabbat 143b*): One may not squeeze fruits<sup>h</sup> to extract liquids from them on Shabbat, and if the liquids seeped out on their own, it is prohibited to use them on Shabbat, lest he come to squeeze fruits intentionally. Rabbi Yehuda says: If the fruit is designated for eating, e.g., apples, the liquid that seeps from them is permitted.** Since there is no concern that one might squeeze the fruit, there is no reason to prohibit its liquid. **And if the fruit was originally designated for liquids, such as grapes for wine, there are grounds for concern that one might squeeze them, and therefore the liquid that seeps from them is prohibited.**

אֲלָמָא: כָּל אוֹכְלֵין לְרַבִּי יְהוּדָה אוֹכְלֵי דְאִפְרַת הוּא.

From the fact that Rabbi Yehuda said that liquid from fruit intended for eating is permitted, one can infer that, **apparently, all food that comes out of another food is classified as food that was separated, according to the opinion of Rabbi Yehuda.** Food that was separated is not considered a new food, but part of the food that previously existed.

וְרַמְיָנָהּ, וְעוֹד אָמַר רַבִּי יְהוּדָה: מִתְּנָה אָדָם עַל כִּלְכִּלָּה שֶׁל פְּרִיֹת בְּיוֹם טוֹב רֵאשִׁון

**And the Gemara raises a contradiction against this from a different source: And Rabbi Yehuda said further, concerning untithed fruit, which may not be rendered fit to be eaten on a Festival by separating *teruma* and tithes from it (*Eiruvin 39a*): A person may stipulate a condition with regard to a basket<sup>h</sup> of untithed fruit<sup>b</sup> on the first day of a Festival, and say: If today is the true Festival day, the second Festival day is actually a weekday. Therefore, this fruit is permitted, once I separate tithes from it, as on any other weekday. And vice versa: If today is, in fact, a weekday, and tomorrow is the Festival, I hereby separate its tithes today.**

וְאוֹכְלָה בְּשֵׁנִי, וְכֵן בִּיצָה שְׁנוּלָה בְּרֵאשִׁון תֹּאכַל בְּשֵׁנִי.

Likewise, on the following day, he should again stipulate: If today is a weekday and yesterday was holy, I hereby separate tithes from the fruit now; if today is holy and yesterday was a weekday, separating the tithes yesterday was sufficient. **And he may then eat the produce on the second Festival day, as in either case no prohibition is involved. And similarly, an egg<sup>n</sup> laid on the first Festival day may be eaten on the second<sup>h</sup> day, regardless of which day is the actual Festival.**

בְּשֵׁנִי – אֵין, בְּרֵאשִׁון – לֹא. וּמִשֵּׁנִי רַבִּי יוֹחָנָן: מִחוֹלְפַת הַשִּׁטָּה.

Rabbi Yehuda's statement indicates that **on the second day, yes, it is permitted to partake of the egg; but if the egg was laid on the first day, no, one may not eat it.** If so, Rabbi Yehuda apparently contradicts himself, as he said previously that liquid from food prepared for eating has the same status as the food itself, and that its emergence is considered to be nothing more than the separation of two foods from each other. **And Rabbi Yoḥanan resolves the difficulty: The attribution of the opinions with regard to the second day of the Festival is reversed (*Berakhot 17b*),<sup>n</sup> so that Rabbi Yehuda's opinion corresponds with his ruling above.**

וּמִדְקָא מְרַמֵּי לְהוּ אֲהַדְרִי – שְׂמַע מִיָּנָה חַד טַעְמָא הוּא.

The significance of Rabbi Yoḥanan's statement for the issue at hand is as follows: **Since Rabbi Yoḥanan raised a contradiction between the cases of an egg and liquid that oozed, one may conclude from this that it is the same reason in both cases, i.e., an egg is prohibited on a Festival due to the rabbinic decree against liquid that oozed from fruit.**

## NOTES

**And similarly an egg, etc. – וְכֵן בִּיצָה וְכוּ**: Many commentaries ask why Rabbi Yoḥanan explained Rabbi Yehuda's ruling with regard to an egg as a decree due to liquid that oozed from fruit. Since Rabbi Yehuda accepts the prohibition of *muktze*, it would appear to be more reasonable to explain that the mishna is referring to a *muktze* chicken, as stated by Ravina bar Ulla. One answer is that, if his ruling were due to the prohibition of *muktze*, Rabbi Yehuda should have stated his opinion with regard to the chicken itself, rather than the egg (Maharsha; see Maharam Schiff; *Ziyyun LeNefesh Hayya*).

**The attribution of the opinions is reversed – מִחוֹלְפַת הַשִּׁטָּה**: This answer, which appears in several places in the Talmud, essentially states that the opinions of the Sages in a mishna or *baraita* were switched, leading to an apparent contradiction

between their respective rulings. In this case, Rashi explains that the dispute which should be reversed is the first one, concerning squeezing fruits (see *Tosafot*).

The *Ziyyun LeNefesh Hayya* adds a perceptive observation: The opinion of the Sages is not mentioned explicitly in the second *halakha*, and therefore it is impossible to reverse the opinions in that case. However, some commentaries do accept the second explanation in *Tosafot*, which suggests that it is the opinions concerning the basket that must be reversed (see *Shitta Mekubbetzet*).

One commentary writes that if the first mishna specifically was the one that had to be adjusted, Rabbi Yoḥanan would have said: Reverse, or something similar, whereas the phrase: The attribution is reversed, is merely a general statement that the contradiction must be resolved by changing one of the sources (Rabbeinu Peretz).

NOTES

**Ravina said...do not reverse** – לֹא תִפּוֹךְ – רַבִּינָא אָמַר... According to one interpretation, this does not mean that Ravina agrees with Rabbi Yoḥanan that the reason for the decree in the case of egg is due to liquid that seeped from fruit. Rather, Ravina is attempting to resolve the difficulty presented by the *baraitot* according to Rabbi Yoḥanan's opinion, despite the fact that he himself holds otherwise (Rashba).

**And if there is uncertainty it is prohibited** – וְסִפִּיקָא אֶסְרָה – The halakhic ramifications of this uncertainty are discussed at great length by the early authorities. The main difficulty is that if an egg with regard to which there is uncertainty whether it was laid on a Festival became intermingled with other eggs, this is apparently a compound uncertainty; and the *halakha* is generally lenient in a case that involves more than one uncertainty. Some commentaries explain that the first uncertainty differs fundamentally from the second, as the uncertainty is not with regard to a mixture. Rather, it concerns the incident itself, as it is unclear whether the egg was laid on the Festival or beforehand (Rabbeinu Peretz).

**Granted, according to Rabba... it involves an uncertainty by Torah law** – בְּשִׁלְמָא לְרַבָּה... סִפִּיקָא דְאִוּרֵי תָא – According to some commentaries, this *baraita* refers to a Festival that occurred on a Sunday. Consequently, Rabba maintains that it is prohibited by Torah law to prepare for that Festival the day before. Even Rabba agrees that the prohibition of an egg applies by rabbinic law when the Festival occurs on another day of the week (Rashba; see Maharsha).

HALAKHA

**Moving an egg that was laid** – טַלְטוּל בִּיצָה שְׁנוּלָדָה – It is prohibited to move an egg laid on a Shabbat or Festival. It may not even be touched, as its circular shape renders it very likely to move by mere touching (*Beit Yosef*). However, it is permitted to cover it with a vessel to ensure that it does not break (*Shulḥan Arukh, Orah Ḥayyim* 322:1, 513:1,4).

**An egg laid on Shabbat or a Festival in a mixture** – תַּעֲרֹבַת – **ביצה שְׁנוּלָדָה**: If it is uncertain whether an egg was laid on Shabbat or a Festival, the egg is prohibited. It is likewise prohibited even if it was mingled with other eggs, although some authorities permit this mixture (*Beit Yosef*, citing the Rashba). With regard to a rabbinic prohibition, i.e., when it is not a day that occurred after either Shabbat or a Festival, if there is a pressing need, or if a loss would be incurred, one may rely on the lenient ruling (*Magen Avraham; Mishna Berura*). If the egg of uncertain legal status became intermingled with other eggs, and that mixture subsequently became intermingled with other eggs, some authorities prohibit that mixture (*Shakh*), while others permit it (*Taz*). If the egg became mingled with objects of a different type, it is nullified if the mixture contains sixty parts of permitted food. However, according to the Rema, if one purposely added it to the food with the aim of permitting the egg, it is not nullified (*Shulḥan Arukh, Orah Ḥayyim* 513:2 and *Yoreh De'a* 102:1).

רַבִּינָא אָמַר: לְעוֹלָם לֹא תִפּוֹךְ, וְרַבִּי יְהוּדָה לְדַבְרֵיהֶם דְּרַבְנָן קָאָמַר לְהוּ:

לְדִידֵי אֶפִּילוּ בְּרֵאשׁוֹן נִמְי שְׂרִיָא, דְּאוּכְלָא דְאֶפְרַת הוּא, אֶלָּא לְדִידְכוּ אוּדוּ לִי מִיְהַת דְּבִשְׁנֵי שְׂרִיָא, דְּשִׁתִּי קְדוּשׁוֹת הֵן, וְאִמְרֵי לִיהַ רַבְנָן: לֹא, קְדוּשָׁה אַחַת הִיא.

רַבִּינָא בְּרִיהַ דְּרַב עוּלָא אָמַר: הֵכָא בְּתַרְנַגּוּלַת הָעוֹמֶדֶת לְגַדֵּל בִּיציָם, וְרַבִּי יְהוּדָה לְטַעֲמִיָה, דְּאֵיתִי לִיהַ מוּקְצָה.

מִיְתִיבֵי: אַחַד בִּיצָה שְׁנוּלָדָה בְּשַׁבָּת וְאַחַד בִּיצָה שְׁנוּלָדָה בְּיוֹם טוֹב אֵין מְטַלְטְלִין אוֹתָהּ לֹא לְכַסּוֹת בָּהּ אֶת הַכֵּלִי, וְלֹא לְסִמּוֹךְ בָּהּ כְּרַעֲי הַמַּטָּה.

אֲבָל כּוּפָה עָלֶיהָ אֶת הַכֵּלִי בְּשִׁבּוּל שְׂלֵא תִשְׁבֵּר, וְסִפִּיקָא אֶסְרָה, וְאִם נִתְעַרְבָה בְּאֶלֶף – כּוּלָן אֶסְרוּרֹת.

בְּשִׁלְמָא לְרַבָּה דְאָמַר מִשּׁוּם הִכְנָה – הֵן סִפִּיקָא דְאִוּרֵי תָא, וְכֹל סִפִּיקָא דְאִוּרֵי תָא לְחִוּמָרָא.

With regard to the contradiction presented by Rabbi Yoḥanan, which led him to suggest that the opinions should be reversed, **Ravina said** that this is not the only possible resolution: **Actually, do not reverse**<sup>N</sup> the opinions. Rather, in the case of the two Festival days, one could claim that **Rabbi Yehuda spoke to them in accordance with the statement of the Rabbis**, rather than presenting his own opinion.

If so, Rabbi Yehuda's statement should be understood as follows: **In my opinion, even on the first Festival day, the egg is also permitted, as it is food that was separated. However, according to your opinion, which is that you prohibit liquid that comes from food, at least agree with me that it is permitted on the second day, as they are two sanctities.** The first and second days of Rosh HaShana are not one unit, but two separate entities. Therefore, it is possible that the first day is sacred, while the second is a weekday. Consequently, an item prohibited on the first day might be permitted on the second. **And the Rabbis said to him: No, the two days are one sanctity, i.e., they are viewed as a single continuous unit. The uncertainty applies equally to both of them.**

**Ravina, son of Rav Ulla, said:** There is an alternative resolution to the contradiction raised by Rabbi Yoḥanan. **Here, in the case of the egg laid on a Festival, Rabbi Yehuda prohibited eating the egg since it is not from a chicken designated for food, whose legal status is that of food. Rather, the case refers to a chicken designated for laying eggs, and Rabbi Yehuda conforms to his standard line of reasoning, as he holds that there is a prohibition of *muktze*. Since the egg is produced by something *muktze*, it is certainly *muktze* itself, which means that the *halakha* of food that was separated is inapplicable to this case.**

**S** The Gemara raises an objection from a *baraita*, which clarifies the issue differently: **Both an egg that was laid on Shabbat and an egg that was laid on a Festival are considered to be *muktze*, and therefore in both cases, one may not move the egg, neither for the sake of food nor for any other purpose: Not to cover a vessel with it, nor to support the legs of a bed with it.**<sup>B</sup>

**However, if one wishes, he may cover the egg with a vessel, without handling the egg itself, so that it does not break** from being accidentally trodden upon. Although it is prohibited to move the egg itself, it is nevertheless permitted to move a vessel for its sake.<sup>H</sup> **And even if there is uncertainty with regard to whether this egg was laid on a Festival, it is prohibited<sup>N</sup> to move it. And, furthermore, if it became intermingled with a thousand permitted eggs, they are all prohibited.**<sup>H</sup>

The Gemara notes: **Granted, according to the opinion of Rabba, who said that an egg is prohibited due to the lack of preparation, this case involves an uncertainty with regard to the legal status of an item prohibited by Torah law;<sup>N</sup> and in any case of an uncertainty with regard to the legal status of an item prohibited by Torah law, the ruling is stringent.** Therefore, the egg is prohibited even if there is uncertainty whether it was laid on a Festival.

BACKGROUND

**לְסִמּוֹךְ בָּהּ כְּרַעֲי הַמַּטָּה** – To support the legs of a bed with it – The early authorities are puzzled as to how a large and heavy object such as a bed can be supported by means of an egg. Although from a purely mechanical perspective the structure of an egg is strong enough to enable it to withstand great pressure, notwithstanding the thinness of its shell, this use remains impractical without special means of support. Consequently, the explanation of the *Meiri* appears the most

likely: This does not refer to a bed upon which people lie, but to a kind of vessel placed on a table, which requires support due to its particular shape. Some say that it is similar to a kind of small boat. An egg is well suited to support a vessel of that sort. This term also appears in the Mishna (*Ma'asrot* 1:7), and many commentaries explain it as referring to a small earthenware vessel that is occasionally placed on a table. See the Rambam's Commentary on the Mishna.

תלתן – תלתן של כלאי הכרם: With regard to bundles of clover that are prohibited food crops in a vineyard, and likewise other vegetables that are prohibited food crops in a vineyard, if they become mingled with a permitted substance two hundred times their size, they are permitted, in accordance with the opinion of the Rabbis (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 16:8).

אֵלָא לְרַב יוֹסֵף וְלְרַבֵּי יִצְחָק, דְּאָמְרֵי מְשׁוּם גְּזֵרָה, סְפִיקָא דְרֵבֵנָּה הִיא, וְכֹל סְפִיקָא דְרֵבֵנָּה לְקוּלָּא.

However, according to the opinions of Rav Yosef<sup>n</sup> and Rabbi Yitzhak, who say that an egg is prohibited due to a decree, this case involves an uncertainty with regard to the legal status of an item prohibited by rabbinic law, and in any case of an uncertainty with regard to the legal status of an item prohibited by rabbinic law, the ruling is lenient.

(אָמַר לֵיהּ): סִיפָא אַתָּאן לְסַפֵּק טְרַפָּה.

The Gemara answers: In the latter clause of the *baraita*, we have arrived at a different case. The case does not involve the prohibition of an egg laid on a Festival; the case involves an egg laid by a chicken with regard to which there is uncertainty whether it is an animal with a condition that will cause it to die within twelve months [*tereifa*], which is prohibited by Torah law. The uncertainty with regard to the legal status of the chicken is relevant to the egg.

אִי הָכִי, אֵימָא סִיפָא: נִתְעַרְבָּה בְּאֵלֶּף – בּוֹלָן אֲסוּרוֹת. אִי אָמַרְתָּ בְּשִׁלְמָא סְפֵק יוֹם טוֹב סְפֵק חוּל – הוּי דְבַר שֵׁישׁ לוֹ מִתִּירִין, וְכֹל דְבַר שֵׁישׁ לוֹ מִתִּירִין – אֲפִילוּ בְּאֵלֶּף לָא בְּטִיל.

The Gemara raises a difficulty with this response: If so, say the latter clause of that same *baraita*: If it became intermingled with a thousand other eggs, they are all prohibited. Granted, if you say that there is uncertainty whether the egg was laid on a Festival and uncertainty whether it was laid on a weekday, then it is an object whose prohibition is temporary, as the egg will be permitted on the following day, and the principle is: Any object whose prohibition is temporary is not nullified, even by a thousand permitted items. Since its prohibition will lapse on its own, there is no need to make use of the option of nullification.

אֵלָא אִי אָמַרְתָּ סְפֵק טְרַפָּה – דְּבַר שְׂאִין לוֹ מִתִּירִין הִיא וְתַבְטִיל בְּרוּבָא!

However, if you say that the egg referred to in the *baraita* is an uncertain *tereifa*, it is an object whose prohibition is not temporary, as there is no way to permit the prohibition of *tereifa*, and it should therefore be nullified by a simple majority.

וְכִי תִימָא: בִּיצָה חֲשׂוּבָה וְלֹא בְּטִלָּה, הִנְחָא לְמָאן דְּאָמַר "כֹּל שְׂדֵרְכוּ לִימְנוֹת" שְׁנִינּוּ,

The Gemara adds: And if you say that an egg is significant and is not nullified, as nullification applies only to items that have no intrinsic significance, while a significant object cannot be nullified, that works out well according to the one who said that we learned: Any item whose manner is also to be counted,<sup>n</sup> i.e., that is sometimes sold by unit, rather than by weight or volume, is considered significant. An egg falls into that category, as it is sometimes sold by unit.

אֵלָא לְמָאן דְּאָמַר "אֵת שְׂדֵרְכוּ לִימְנוֹת" שְׁנִינּוּ, מֵאִי אֵיבָא לְמִימְרָא?

However, according to the one who said that we learned: That item whose manner is exclusively to be counted, i.e., that is always sold by unit, is considered significant, what can be said? Although eggs are often sold by unit, they are also often sold by weight or volume.

דִּתְנִן: מִי שְׁהִיּוּ לוֹ חֲבִילֵי תֵלְתָן שֶׁל כִּלְאֵי הַכֶּרֶם – יִדְלָקוּ. נִתְעַרְבוּ בְּאַחֲרוֹת, וְאַחֲרוֹת בְּאַחֲרוֹת – בּוֹלָן יִדְלָקוּ, דְּבַרֵי רַבֵּי מֵאִיר, וְחֲכָמִים אֹמְרִים: יַעֲלוּ בְּאַחַת וּמְאֵתִים.

The Gemara cites the mishna where the dispute cited above appears. As we learned (*Orla* 3:6–7): With regard to one who had bundles of clover, a type of legume, that were diverse kinds of food crops that grew in a vineyard,<sup>hn</sup> from which it is prohibited to derive benefit, those bundles must be burned. If the bundles were intermingled with others, and those others were intermingled with others, they must all be burned. This is the statement of Rabbi Meir. And the Rabbis say: They may be nullified by one part in two hundred<sup>n</sup> similar parts. When the prohibited portion is less than one-half of one percent of the permitted portion, the prohibition is nullified.

NOTES

However, according to Rav Yosef, etc. – אֵלָא לְרַב יוֹסֵף וְכו' – The early commentaries ask: Why doesn't the Gemara also raise this difficulty against the opinion of Rav Nahman, who maintains that the egg is prohibited due to the rabbinic prohibition of *muktze*? One suggestion is that Rav Nahman accepts Rabba's opinion in principle, despite the fact that he explains the mishna differently (see *Shitta Mekubbetzet*, *Tziyyun LeNefesh Hayya*, and *Hatam Sofer*). Alternatively, the prohibition of *muktze* is so severe that it has the status of a Torah prohibition (*Tosefot Yom Tov*). The later authorities discuss this latter opinion at great length. Others add that Rav Nahman maintains that the Sages were particularly stringent with regard to a Festival, as they were worried that people might treat its prohibitions with contempt (*Mishhat Aharon*). A far simpler solution is that, as Rav Nahman's statement has already been declared problematic, the Gemara did not go to the trouble of

raising further difficulties against it (Rabbeinu Peretz; Rashba; see Maharam Schiff).

Whose manner is to be counted – שְׂדֵרְכוּ לִימְנוֹת – An object that is counted is included in the category of an important item that cannot be nullified in any mixture. This category is defined as anything that is not usually divided into parts or dismantled, but remains a whole unit that is counted alongside others (Rav Yitzhak Abuhav).

Diverse kinds in a vineyard – כִּלְאֵי הַכֶּרֶם – The *halakhot* of diverse kinds [*kilayim*] in a vineyard are stated briefly in the Torah: "You shall not sow your vineyard with diverse kinds of seed, lest fullness of the seed that you have sown be forfeited, together with the increase of the vineyard" (Deuteronomy 22:9). The Sages explained that if one plants food crops in a vineyard, all of the produce is forbidden for consumption and benefit,

and must be burned. The details of these *halakhot* are discussed at length in tractate *Kilayim*.

They may be nullified by one in two hundred – יַעֲלוּ בְּאַחַת – וּמְאֵתִים – Rashi explains that an amount of this proportion is removed from the mixture and destroyed. The rest of the mixture is subsequently permitted, as it is assumed that the removed portion was the prohibited substance. Most early commentaries, however, disagree and maintain that this method of removal applies only to objects subject to a monetary claim, either of a private individual or of a group, as is the case with *teruma*. In such instances, the individual concerned receives part of the mixture. However, with regard to mixtures of prohibited foods, the prohibited part is considered entirely nullified, and when the Gemara states that it can be nullified, it means that it is negated by the overall amount of produce (Rabbeinu Peretz; Rashba).

BACKGROUND

Badan – באדן: This place is associated with the modern Horvat Parveh in Wadi Badan, a few kilometers northwest of Shechem.

NOTES

Branches of spinach – הלפי תרדין: Some commentaries explain that this refers to a particular type of spinach, tougher than the regular kind, which is somewhat similar to hilfa, eragrostis, a tough grass that is a species of rush (Meiri).

Cabbage stalks – קלחי כרוב: This does not refer to regular cabbage leaves, nor to the type of cabbage that generally grows in the shape of leaves, but to a special type of high quality cabbage with large, distinctive stalks. The term here is kilhei, but there is a variant reading, kolsei.

That which is fit to orla, etc. – הראוי לערלה וכו': The Jerusalem Talmud asks in tractate Orla why teruma is omitted from this list. The answer given there is that teruma applies to all items, which is not true of orla and of diverse kinds. Others suggest that because teruma is nullified by one part in a hundred, the tanna did not list it alongside those prohibitions that are nullified by one part in two hundred (Rabbeinu Peretz).

A litra...that he pressed onto the mouth of one of the circular vessels – ליטרא...שדרסה על פי עגול: The method of preparing figs was as follows: After the figs were pressed, they would be cut with a special knife into pieces, each weighing one litra, and preserved in circular shapes. These circular shapes would be placed in a larger vessel for storage, although each would remain separate (Meiri).

HALAKHA

Items that cannot be nullified – דברים שאינם מתבטלים: An important prohibited object cannot be nullified, even by one in a thousand. The seven items the Sages listed, as well as living creatures, can never be nullified. Other items, however, can be nullified. The halakha is in accordance with the opinion of Rabbi Akiva, as his ruling is stated anonymously before the dispute.

Some authorities maintain that any object that is occasionally counted by units cannot be nullified (Bah), while others hold that this principle applies only to objects that are invariably sold by unit (Rema). If there is uncertainty whether or not an item is significant, it can be nullified, as it is uncertainty with regard to a prohibition by rabbinic law (Rema). The general principle is that any object that is significant in a particular place is prohibited and cannot be nullified in that place (Shulhan Arukh, Yoreh De'a 110:1).

LANGUAGE

Litra – ליטרא: From the Greek λίτρα, litra; or in Latin, libra. The modern pound is descended from this measure of weight, and the abbreviation lb for pound is short for libra.

שְׁהִיָּה רַבִּי מֵאִיר אֹמֵר: אֶת שְׂדֵרְכּוֹ לְמִנּוֹת מִקֹּדֶשׁ, וְחֻכְמִים אֹמְרִים: אֵינוֹ מִקֹּדֶשׁ אֲלֵא שְׁשֵׁה דְבָרִים בְּלִבְדּוֹ. רַבִּי עֲקִיבָא אֹמֵר: שִׁבְעָה. וְאֵלוֹ הֵן: אֶגְזוּזֵי פֶרֶךְ, וְרִמּוּזֵי בְּאֶדְן, וְחִבּוּיֵי סִתּוּמֹת, וְחֻלְפֵי תְרֵדִין, וְקִלְחֵי כְרוּב, וְדִלְעַת וְיֹנִית. רַבִּי עֲקִיבָא מוֹסִיף אַף כְּבֹרוֹת שֶׁל בַּעַל הַבַּיִת.

הָרְאוּי לְעֵרְלָה – עֵרְלָה, הָרְאוּי לְכִלְאֵי הַכֶּרֶם – כִּלְאֵי הַכֶּרֶם. וְאֵתְמַר עֲלֶיהָ, רַבִּי יוֹחָנָן אָמַר: "אֶת שְׂדֵרְכּוֹ לְמִנּוֹת" שְׂנִינּוּ, וְרַבִּי שְׁמַעוֹן בֶּן לִקְיִשׁ אָמַר: "כֹּל שְׂדֵרְכּוֹ לְמִנּוֹת" שְׂנִינּוּ.

הַנִּחָא לְרַבִּי שְׁמַעוֹן בֶּן לִקְיִשׁ, אֲלֵא לְרַבִּי יוֹחָנָן מֵאִי אִיבָא לְמִמַּר?

אָמַר רַב פַּפָּא: הָאִי תַנָּא – תַנָּא דְלִיטְרָא קְצִיעוֹת הוּא, דְאָמַר: כֹּל דְבַר שְׁבַמְנִין, אֲפִילוּ בְּדַרְבְּנָא לֵא בְטִיל, וְכֹל שְׁבֵן בְּדַאֲרוּיִיתָא.

דַּתְנָן: לִיטְרָא קְצִיעוֹת שְׂדֵרְסָה עַל פִּי עֵגוּל, וְאֵינוֹ יוֹדַע בְּאִיזָה עֵגוּל דְרִסָּה; עַל פִּי חִבִּית, וְאֵינוֹ יוֹדַע בְּאִיזוֹ חִבִּית דְרִסָּה; עַל פִּי כּוּרֵת, וְאֵינוֹ יוֹדַע בְּאִיזוֹ כּוּרֵת דְרִסָּה. רַבִּי מֵאִיר אֹמֵר: רַבִּי אֶלְיָשֹׁר

The mishna continues: Rabbi Meir says that they must all be burned, as Rabbi Meir would say: That whose manner is exclusively to be counted, is considered significant and cannot be nullified. Therefore, it renders the entire mixture forbidden, and it must be burned. And the Rabbis say: Only six items are sufficiently significant to render the entire mixture forbidden. Rabbi Akiva says: There are seven. And they are: High-quality nuts from Perekh, and pomegranates from Badan,<sup>b</sup> and sealed barrels of wine, and branches of spinach,<sup>n</sup> and cabbage stalks,<sup>n</sup> and Greek pumpkin. Rabbi Akiva adds: Even loaves of a homeowner.

Different prohibitions apply to these seven items. That which is fit to be forbidden due to orla,<sup>n</sup> fruit that grows during the first three years after a tree is planted, is forbidden due to orla. That which is fit to be forbidden due to diverse kinds of food crops that grew in a vineyard is forbidden due to diverse kinds in a vineyard (Avoda Zara 74a). And it was stated about the wording of this mishna that there is an amoraic dispute. Rabbi Yohanan said that we learned: Only that whose manner is exclusively to be counted is significant and cannot be nullified, and it is therefore prohibited by Rabbi Meir. And Rabbi Shimon ben Lakish said that we learned: Any item whose manner is also to be counted, is significant and cannot be nullified.<sup>h</sup>

Returning to the matter of the egg, the Gemara reprises its question: This works out well according to the opinion of Rabbi Shimon ben Lakish, but according to Rabbi Yohanan, what can be said? Since an egg is not sold exclusively by unit, it is not significant. Therefore, the egg of a tereifa should be nullified by a simple majority.

Rav Pappa said: According to Rabbi Yohanan, this tanna, who said that an egg cannot be nullified, is the tanna of the halakha concerning a litra<sup>l</sup> of dried figs, who, based on his statement, said: Any item that is counted, even if it is prohibited by rabbinic law, cannot be nullified, and all the more so items prohibited by Torah law, e.g., the egg of a tereifa.

As we learned in a mishna: With regard to a litra of dried figs, whose stems were removed, and were dried and pressed in different vessels and shaped into circles, the obligation to tithe fruits is by rabbinic law. If one forgot to tithe the figs, and later remembered that he placed the figs into a barrel, and during the process of producing a circle he pressed the figs onto the mouth of one of the circular vessels<sup>n</sup> in which the circles are formed, and does not know into which circular vessel he pressed it; or, if he recalls that he pressed it on the mouth of a barrel, but does not know in which barrel he pressed it, or if he recalls that he pressed it on the mouth of a straw receptacle, but does not know in which receptacle he pressed it, Rabbi Meir says that in all these cases there is a dispute between the tanna'im of the previous generation: Rabbi Eliezer

Perek I  
Daf 4 Amud a

אֹמֵר: רוֹאִין אֶת הָעֲלִיּוֹנוֹת בְּאֵלוֹ הֵן פְּרוּדוֹת, וְהַתְּחִתּוֹנוֹת מַעֲלוֹת אֶת הָעֲלִיּוֹנוֹת.

says: One considers the upper circles<sup>n</sup> of dried figs as though they are separate pieces, rather than one unit. And the lower ones, which were there beforehand and have certainly been tithed, nullify the upper ones, as there are enough circles of figs in the entire barrel to nullify the upper litra.

NOTES

One considers the upper circles, etc. – רוֹאִין אֶת הָעֲלִיּוֹנוֹת וכו': although based on a supporting verse [asmakhta], is rabbinic. Consequently, the Sages are lenient with regard to the nullification of the litra, despite the fact that it is not a full-fledged mixture (Shitta Mekubbezet).