

BACKGROUND

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

NOTES

Branches of spinach – הלְפִי תְרֵדִין: 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 – קִלְחֵי כְרוֹב: 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. – הָרְאוּי לְעֵרְלָה 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 – לִיטְרָא...שְׂדֵרְסָה עַל פִּי עֵגוּל: 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 – דְּבָרִים שְׂאִינִם מִתְבַּטְּלִים: 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 – לִיטְרָא: 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.

Perek I
Daf 4 Amud a

שְׂהֵיָה רַבִּי מֵאִיר אֹמֵר: אֵת שְׂדֵרְכוּ לְמִנּוֹת מְקֻדָּשׁ, וְחֻכְמִים אֹמְרִים: אֵינוּ מְקֻדָּשׁ אֲלֵא שְׂשֵׁה דְבָרִים בְּלַבַּד. רַבִּי עֲקִיבָא אֹמֵר: שִׁבְעָה. וְאֵלוּ הֵן: אֶגְזוּי פְּרֵךְ, וְרִמּוּנֵי בְּאֶדְנָן, וְחֻבִּיּוֹת סְתוּמוֹת, וְחֻלְפֵי תְרֵדִין, וְקִלְחֵי כְרוֹב, וְדִלְעַת וְיֻנִּית. רַבִּי עֲקִיבָא מוֹסִיף אַף בְּכֹרוֹת שֶׁל בַּעַל הַבַּיִת.

הָרְאוּי לְעֵרְלָה – עֵרְלָה, הָרְאוּי לְכִלְאֵי הַכֶּרֶם – כִּלְאֵי הַכֶּרֶם. וְאֵת מֵר עֲלֶיהָ, רַבִּי יוֹחָנָן אָמַר: "אֵת שְׂדֵרְכוּ לְמִנּוֹת" שְׂנִינּוּ, וְרַבִּי שְׁמַעוֹן בֶּן לִקְיֵשׁ אָמַר: "כֹּל שְׂדֵרְכוּ לְמִנּוֹת" שְׂנִינּוּ.

הַנִּחְתָּא לְרַבִּי שְׁמַעוֹן בֶּן לִקְיֵשׁ, אֲלֵא לְרַבִּי יוֹחָנָן מֵאִי אִיבָא לְמִמַּר?

אֲמַר רַב פַּפָּא: הָאִי תַנָּא – תַנָּא דְּלִיטְרָא קְצִיעוֹת הוּא, דְּאָמַר: כֹּל דְּבַר שְׂבָמִינָן, אֲפִילוּ בְּדִרְבָּנָן לֹא בְּטִיל, וְכֹל שְׂבָן בְּדִאֹרֵייתָא.

דְּתַנּוּ: לִיטְרָא קְצִיעוֹת שְׂדֵרְסָה עַל פִּי עֵגוּל, וְאֵינוּ יוֹדַע בְּאִיזָה עֵגוּל דְּרִסָּה; עַל פִּי חֻבִּיּוֹת, וְאֵינוּ יוֹדַע בְּאִיזוֹ חֻבִּיּוֹת דְּרִסָּה; עַל פִּי כְרוֹת, וְאֵינוּ יוֹדַע בְּאִיזוֹ כְרוֹת דְּרִסָּה. 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,^b and sealed barrels of wine, and branches of spinach,ⁿ and cabbage stalks,ⁿ 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,ⁿ 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.^h

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^l 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 vesselsⁿ 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

אֹמֵר: רוֹאִין אֵת הָעֵלְיוֹנוֹת בְּאֵלוּ הֵן פְּרוּדוֹת, וְהַתְּחִתּוֹנוֹת מְעֻלוֹת אֵת הָעֵלְיוֹנוֹת.

says: One considers the upper circlesⁿ 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 אֵת הָעֵלְיוֹנוֹת 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 Mekubbetzet).

רבי יהושע אומר: אם יש שם מאה פומין יעלו, ואם לאו הפומין אסורין, והשולים מותרין.

In contrast, Rabbi Yehoshua says: **If there are one hundred mouths of different barrels or circular vessels there,ⁿ the prohibited *litra* of untithed figs on the mouth of one of the vessels is nullified by a ratio of one part of prohibited figs to one hundred parts of similar, permitted figs. And if not, all of the circles of figs at the mouths of the barrels or circular vessels are prohibited, as one of them clearly contains a prohibited *litra* that has not been nullified. And the figs on the insides of the vessels are permitted, as the prohibited figs certainly did not reach there. This is Rabbi Meir's version of the dispute.^h**

רבי יהודה אומר: רבי אליעזר אומר: אם יש שם מאה פומין יעלו, ואם לאו – הפומין אסורין והשולים מותרין. רבי יהושע אומר: אפילו יש שם שלש מאות פומין לא יעלו.

Rabbi Yehuda says a different version of the dispute. **Rabbi Eliezer says: If there are one hundred mouths of vessels with permitted figs present there, in addition to the prohibited one, it is nullified by the one hundred permitted mouths. And if not, the figs at the mouths are prohibited and those at the bottom are permitted. Rabbi Yehoshua says: Even if there are three hundred mouths present there, they are not nullified, as this *litra* cannot be nullified in any manner. Rav Pappa was referring to this opinion when he said that there is a *tanna*, meaning Rabbi Yehoshua in Rabbi Yehuda's version, who maintains that even an item occasionally sold by unit, e.g., a circle of dried figs, can never be nullified.**

דרסקה בעגול ואינו יודע באיזה עגול דרסקה – דברי הכל יעלו. דברי הכל? היינו פלוגתייהו.

The same mishna further states: **If one pressed the *litra* of figs into a circular vessel but he does not know into which circular vessel he pressed it, everyone agrees that the prohibited fig cakes^b are nullified. The Gemara expresses surprise at this statement: Everyone agrees? This is the very matter of their dispute, whether or not the *litra* is nullified.**

אמר רב פפא: הכי קאמר: דרסקה בעגול ואינו יודע באיזה מקום עגול דרסקה, אי לצפונה אי לדרומה – דברי הכל יעלו.

Rav Pappa said: **This is what the *tanna* said, i.e., he meant the following: One pressed it onto a circular vessel but does not know onto which place, which side of the circular vessel he pressed it, whether on its north or on its south side. In this case, as the prohibited *litra* is not located in a specific place and it cannot be distinguished from the others, it certainly cannot be considered an object of significance, and everyone agrees that it is nullified.**

רב אשי אמר: לעולם ספק יום טוב ספק חול הוי דבר שיש לו מתירין, וכל דבר שיש לו מתירין – אפילו בדרבנן לא בטיל.

The Gemara explained why the egg mentioned in the *baraita*, an egg laid by a chicken that is a *tereifa*, cannot be nullified even if it is mingled with a thousand permitted eggs. However, **Rav Ashi said: Actually,ⁿ the *baraita* can be explained as referring to a case where there is uncertainty whether it is a Festival or a weekday. While it is true that according to most opinions this is a rabbinic prohibition, and the *halakha* is generally lenient with regard to uncertainties involving rabbinic law, it is an object whose prohibition is temporary. And with regard to any object whose prohibition is temporary, even if it involves a rabbinic prohibition, it cannot be nullified.**

תניא, אחרים אומרים משום רבי אליעזר: ביצה תאכל היא ואמה. במאי עסקינן? אילימא בתרנגולת העומדת לאכילה – פשיטא דהיא ואמה שריא. אלא בתרנגולת העומדת לגדל ביצים – היא ואמה אסורה. אמר רבי זירא: תאכל אגב אמה.

§ It is taught in a *baraita*: *Aherim* say in the name of Rabbi Eliezer: With regard to an egg laid on a Festival, it and its mother may be eaten. The Gemara asks: **With what case are we dealing? If we say that this is dealing with a chicken designated for food, it is obviousⁿ that it and its mother are permitted. Rather, say that this is dealing with a chicken designated for laying eggs, but in that case it and its mother are both prohibited. Rabbi Zeira said that the *baraita* should be understood as follows: The egg may be eaten on account of its mother; if it is permitted to eat the chicken, the egg may also be eaten.**

ליטרא קציעות – ליתרא קציעות: In one case, one had jugs full of tithed figs, and pressed a *litra* of dried figs that were *teruma* onto the mouth of a jug, but does not know which jug. If there were one hundred and one jugs in total, the *litra* is nullified. He should sell one jug to a priest, and subtract the price of that *litra*, which is *teruma*. If there were fewer than one hundred and one jugs in total, all of the fruits at the mouths of the jugs are considered to be a mixture that contains *teruma*, which is prohibited, whereas the fruits in the other parts of the jugs are permitted.

In another case, one pressed the *litra* onto a circular vessel or a jug but is not sure exactly where he pressed it. If altogether there are one hundred parts more than the *litra*, the *litra* is nullified. According to the *Kesef Mishne*, the *halakha* is in accordance with the opinion of Rabbi Yehoshua and contrary to that of Rabbi Eliezer, as Rabbi Yehoshua's ruling is stated in the form of an unattributed mishna (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 14:6-7).

BACKGROUND

Fig cakes – עיגולי דבילה: In talmudic times, most figs were not eaten fresh but rather dried in various ways. Typically, after picking the fruit, the stems were removed and the figs were placed to dry in the sun. At that stage, the fruit is called *ketzi'ot*. Those figs that are placed to dry and are not processed any further are called *gerogarot*. Sometimes, these dried figs were stored in barrels or strung on a cord. A significant proportion of *ketzi'ot* would be processed further and pressed in barrels or circular vessels. At that stage, the fig is called *deveila*. After final pressing and drying, the circular fig cakes were removed from the vessels and slices would be cut from the cakes for consumption.



Figs strung on a cord

NOTES

אם יש שם מאה – If there are one hundred mouths there – פומין: Although these mouths are not mingled, since they are all subject to the uncertainty with regard to the legal status of the figs, they are considered a single unit to which the *halakha* of nullification applies (Rashba).

רב אשי אמר לעולם וכו' – Rav Ashi said, actually, etc. – Rav Ashi explains that just as the *halakha* rules stringently with regard to a mixture, it likewise rules stringently in cases of uncertainty. Many commentaries note that according to this explanation, the key point of the resolution is missing from the text, as Rav Ashi refers solely to a mixture and does not mention cases of uncertainty. However, it is possible that Rav Ashi wanted to emphasize the fundamental reasoning concerning an object

whose prohibition is temporary, which applies equally to a case of uncertainty: Just as it is permitted to eat a mixture on the following day, the same is true in cases of uncertainty. See the *Ziyyun LeNefesh Hayya*, which has a lengthy explanation of the opinion of the Ran, who holds that something whose prohibition is temporary is comparable to a mixture of one kind with its own kind.

Rav Yitzhak Abuhav suggests that the differences of opinion here stem from a basic dispute. He claims that the question is derived from the opinion that an object whose prohibition will eventually lapse is never fully prohibited even at the outset. Therefore, it is puzzling why a case involving uncertainty should be prohibited. Rav Ashi, in contrast, maintains that an

object whose prohibition will lapse is nevertheless completely prohibited until that lapse. Therefore, even in a case involving uncertainty is prohibited.

אילימא...לאכילה פשיטא – If we say...for food, it is obvious – Didn't the Gemara earlier raise the opposite objection against Rav Nahman, i.e., that the mishna should have specified both a chicken and its egg? One answer to this question is that earlier, when it was not clear whether the mishna is dealing with a chicken designated as food or a chicken designated for its eggs, it was necessary to state the *halakha* with regard to both the chicken and its egg. However, if the mishna is discussing the case of a chicken designated for food, there is no need to mention both (Rashba).

Rav Mari said the *tanna* is teaching – רב מרי אמר... קתני – Some commentaries state that Rav Mari considered the first explanation to be difficult because it invokes the principle of retroactive designation [*bereira*]; and it is well known that Beit Shammai, whose opinion was followed by Rabbi Eliezer, do not accept retroactive designation at all. For this reason, Rav Mari preferred a different explanation (*Hatam Sofer*, 2nd ed.).

Exaggeration [guzma] – גוזמא: Something overstated or spoken in an exaggerated manner, which should not be understood literally. The word's derivation is not clear. It is possible that it developed from *gazam*, meaning cut, which is used, in turn, by the Sages to mean threat or intimidation. From there, perhaps, it came to refer to anything stated merely to make an impression, and which is not intended to be taken literally.

A chick and its shell, an exaggeration – אפרוח וקליפתו – גוזמא: Essentially, this statement means that if it were possible to eat the chick in its shell, it would be permitted to do so. The same applies to the clause: It and its mother (Rav Yitzhak Abuhav).

Let us say that Rav holds it is one sanctity – נמא קסבר רב – קדושה אחת היא: In the Jerusalem Talmud, a similar dispute is cited with regard to whether or not the remnants of lamps and wicks that were extinguished on Shabbat may be used on a Festival and applies the dispute between Rav and Rabbi Yohanan to that case. According to the halakhic authorities, the Jerusalem Talmud maintains that the *amora'im* disagree with regard to whether the days are considered one sanctity or two, which is why it compared the two cases. According to the Babylonian Talmud, however, the *amora'im* differ with regard to the *halakha* of preparation; and, therefore, everyone agrees that the remnants of lamps are permitted. (*Sefer HaTerumot*).

Rav holds that items by Rabba's preparation are prohibited – רב אית ליה הכנה דרבה: See *Tosafot* for the novel suggestion that the laying of an egg can itself be considered preparation. Both the early and later authorities analyze this opinion at length. Some commentaries, however, hold that even according to Rav, this does not relate to the Torah prohibition of preparation, but to a decree that the Sages applied to every Shabbat and Festival due to those that occur after another holy day (Rashba). Some ask the following question: If Rav holds in accordance with the opinion of Rabba, why didn't the Gemara state this earlier, just as it said that Rabbi Yohanan holds in accordance with the opinion of Rabbi Yitzhak? The answer given is that the proof from Rav's statement, although it is a clever inference, remains inconclusive. Furthermore, it is possible to explain Rav's statement in other ways (*Kehal Yeuda*).

Rabbi Yohanan does not hold that items by Rabba's preparation are prohibited – רבי יוחנן לית ליה הכנה דרבה: As the Gemara stated earlier, Rabbi Yohanan maintains that this egg is prohibited due to the decree concerning liquids that oozed (Rashba).

HALAKHA

Laid on this one is prohibited on that one – נולדה בזה: An egg laid on a Shabbat is prohibited on a Festival that occurs the following Sunday. Likewise, an egg laid on a Festival that occurs on a Friday is prohibited on the subsequent Shabbat, in accordance with the opinion of Rav (*Shulhan Arukh, Orach Hayyim* 322:5; 513:5).

LANGUAGE

Host [*ushpizikhnei*] – אושפזיכניה: From the Middle Persian *host* [*ushpizikhnei*], meaning hotel or hospitality. The ending corresponds to the Persian suffix *ag*, signifying agency, or one who carries out an action. Hence, the term means host.

היכי דמי? אמר אביי: בגון שלקחה סתם, נשחטה – הובררה דלאכילה עומדת, לא נשחטה – הובררה דלגדול ביצים עומדת.

רב מרי אמר: גוזמא קתני. דתניא, אחרים אומרים משום רבי אליעזר: ביצה תאכל היא ואמה, ואפרוח וקליפתו.

מאי קליפתו? אילימא קליפה ממש – קליפה בת אכילה היא? אלא: אפרוח בקליפתו, עד כאן לא פליגי רבנן עליה דרבי אליעזר בן יעקב אלא היכא דיצא לאויר העולם, אבל היכא דלא יצא לאויר העולם – לא פליגי.

אלא: אפרוח וקליפתו – גוזמא, הכא נמי: תאכל היא ואמה – גוזמא.

אתמר, שבת ויום טוב, רב אמר: נולדה בזה אסורה בזה, ורבי יוחנן אמר: נולדה בזה מותרת בזה. נמא קסבר רב קדושה אחת היא?

והאמר רב: הלכה כארבעה זקנים, ואליבא דרבי אליעזר, דאמר: שתי קדושות הן.

אלא הכא בהכנה דרבה קמיפליגי רב אית ליה הכנה דרבה, ורבי יוחנן לית ליה הכנה דרבה.

בתנאי, נולדה בשבת – תאכל ביום טוב, ביום טוב – תאכל בשבת. רבי יהודה אומר משום רבי אליעזר: עדיין היא מחלוקת שבית שמאי אומרים: תאכל, ובית הלל אומרים: לא תאכל.

אושפזיכניה דרב אדא בר אהבה הוה ליה הנה ביצים מיום טוב לשבת, אתא לקמיה, אמר ליה: מאי לאטווינהו האידינא ונמכלינהו למחר?

The Gemara asks: **What are the circumstances?** In which case is it necessary to apply this ruling? **Abaye said:** It is referring to a case where one bought this chicken without specifying whether he intended to eat it or use it for its eggs. In that case, if the chicken was slaughtered on a Festival, it has been retroactively clarified that it was intended for food, and the eggs it lays are, therefore, permitted. If it was not slaughtered, it has been retroactively clarified that it was intended for laying eggs, and the eggs it lays are prohibited.

Rav Mari said that the phrase: It and its mother may be eaten, should not be taken literally. Rather, the *tanna* is teaching^N an exaggeration [*guzma*],^N for extra emphasis, as it is taught in another *baraita*: *Aherim say in the name of Rabbi Eliezer: An egg may be eaten, it and its mother, and a chick and its shell.*

The Gemara clarifies: **What is the meaning of this addition: Its shell?** If we say it is referring to an actual shell, is a shell edible? Rather, the *baraita* must be referring to the consumption of a chick that is still in its shell. This explanation is problematic, as the Rabbis disagree with Rabbi Eliezer ben Ya'akov only in permitting the eating of a chick immediately after it hatches, when it has already entered the world. However, when it has not yet entered the world, i.e., if the chick is still in its shell, they do not disagree. Even the Rabbis accept that this chick has the status of a creeping animal and may not be eaten.

Rather, evidently the expression: **A chick and its shell**, should not be understood literally, as it is an exaggeration.^N Here, too, the phrase: **It and its mother may be eaten**, is an exaggeration. It does not mean literally that the chick and its mother may be eaten, but is merely a statement of emphasis that the egg is undoubtedly permitted.

It was stated that *amora'im* disputed the following issue (*Eiruvin* 38b): If Shabbat and a Festival occur on consecutive days, Rav said: An egg laid on this one is prohibited on that one,^N and Rabbi Yohanan said: An egg laid on this one is permitted on that one. The Gemara asks: Let us say that Rav holds that when Shabbat and a Festival occur on consecutive days, it is considered one continuous sanctity,^N i.e., a single, indivisible day.

But didn't Rav say: The *halakha* is in accordance with the opinion of four elders, who ruled in accordance with the opinion of Rabbi Eliezer, who said: When a Shabbat and a Festival occur consecutively, they are two sanctities rather than one long day; therefore, a joining of Shabbat boundaries need not be placed on a weekday, but may be placed on the first of the holy days to allow going beyond the Shabbat boundary on the second. Evidently, this issue cannot be the basis of their dispute.

Rather, here they disagree with regard to Rabba's preparation, i.e., an item that was prepared on its own from one day to the other, whose use Rabba prohibits. Rav holds that items prepared by means of Rabba's preparation are prohibited,^N whereas Rabbi Yohanan does not hold that items prepared by means of Rabba's preparation are prohibited.^N

The Gemara comments: This dispute is like a dispute between *tanna'im*: An egg laid on Shabbat may be eaten on a Festival; if it was laid on a Festival, it may be eaten on Shabbat. Rabbi Yehuda says in the name of Rabbi Eliezer: This opinion is not unanimous; rather, it is still a matter of dispute, as Beit Shammai say it may be eaten, and Beit Hillel say it may not be eaten, just as they disagreed about whether an egg is permitted on the day on which it was laid.

The Gemara relates: Rav Adda bar Ahava's host [*ushpizikhnei*]¹ had these eggs that were laid on a Festival that occurred on a Friday, and the host was unsure whether eggs laid on the Festival were permitted from the Festival for use on Shabbat. He came before his guest, Rav Adda, and said to him: What is the *halakha* with regard to roasting these eggs now, on the Festival, although eating them today is prohibited due to *nolad*, and let us eat them tomorrow, as they will be no longer be prohibited due to *nolad*?

NOTES

What is your opinion, etc. – מאי דעתך וכו' – Rav Adda replied to his host in this manner because he maintains that the *halakha* is in fact not in accordance with the opinion of Rabbi Yohanan. However, even according to one who holds that the *halakha* is in accordance with the opinion of Rabbi Yohanan, the eggs would be prohibited. The reason for this prohibition, according to Rabbi Yohanan's opinion, is the subject of much debate. Some say that even Rabbi Yohanan prohibits one to move an egg on the day that it was laid; while others explain that, as it is prohibited until nightfall, the egg remains *muktze* even the following day.

BACKGROUND

Disseminator [*amora*] – אַמורא: Originally meaning a person who speaks out loud, *amora* is the common word used for a translator; or more specifically for the individual who stood alongside a Sage during his lecture. The Sage would say a few short words, typically in Hebrew, and the *amora* would repeat them loudly in the vernacular. In their humility, the talmudic Sages chose to call themselves *amora'im*, as if to imply that they are merely the disseminators of the statements of *tanna'im*.

NOTES

Branches that fell from a palm tree – עצים שנשרו מן הדקל – According to the opinion of Rabbi Yohanan, the prohibition is either due to the absence of preparation or it is due to a decree lest one climb up and sever the branches (Rif). That is the reason for the prohibition, despite the fact that Rabbi Yohanan does not accept the principle of preparation with regard to an egg, since it can be claimed that the case of an egg is not true preparation, as it is prepared on its own and the Festival prepares for itself. However, Rabbi Yohanan does accept the decree against preparation in the case of branches (*Kerem Shlomo*). Others maintain that this refers to branches that were detached the day before and were left hanging on the boughs of the tree, or which were only loosely attached (*Meiri*; see *Tosafot*).

HALAKHA

Branches that fell from a palm tree – עצים שנשרו מן הדקל – If branches fall from a palm tree on a Festival, or on a Shabbat that immediately precedes a Festival, it is prohibited to use them to kindle a fire on the Festival, in accordance with the opinion of Rabbi Yohanan. If the branches fell into an oven that already contained other wood, one may add to the permitted wood and thereby nullify the prohibited branches by a majority (*Magen Avraham*, citing *Ran*). This must be performed in a manner that the result would be that the prohibited wood is indistinguishable (*Shulhan Arukh, Orach Hayyim 507:2*).

Rav Adda said to him: What is your opinion^N that led you to pose this question? You evidently assume that in the dispute between Rav and Rabbi Yohanan, the *halakha* is in accordance with the opinion of Rabbi Yohanan, and therefore an egg laid on one day will be permitted on the following day. However, even Rabbi Yohanan permitted one to swallow it only raw, on the next day, when it is no longer prohibited; but on the same day that it was laid, he did not permit one even to move it, and certainly not to roast it.

And it is taught likewise in a *baraita*: With regard to both an egg that was laid on Shabbat and an egg that was laid on a Festival, one may not move it, neither to cover a vessel with it nor to support the legs of a bed with it.

The Gemara relates a similar incident: Rav Pappa's host, and some say it was a certain man who came before Rav Pappa, had these eggs that were laid on a Shabbat that occurred before a Festival. He came before him and said to him: What is the *halakha* with regard to whether it is permitted to eat these eggs tomorrow, on the Festival? Rav Pappa said to him: Go away from me now, and come back tomorrow. He said this because Rav would not place a disseminator^B before him to explain his lectures, from one Festival day until the end of the other, the second Festival day, due to drunkenness. Since it was customary in those times to drink a great deal of wine during Festival meals, Rav was concerned that his mind would not be sufficiently clear to issue a public ruling.

When that man came back on the following day, Rav Pappa said to him:

אמר ליה מאי דעתך – רב ורבי יוחנן – הלכה ברבי יוחנן, אמילו רבי יוחנן לא קא שרי אלא לגומעה למחר, אבל ביומיה – לא.

והתנאי: אחת ביצה שנולדה בשבת ואחת ביצה שנולדה ביום טוב – אין מטלטלין אותה לא לכסות בה את הכלי, ולא לסמוך בה כרעי המטה.

או שפיוזכניה דרב פפא, ואמרי לה ההוא גברא דאתא לקמיה דרב פפא, הווי ליה הנך ביצים משבת ליום טוב. אתא לקמיה, אמר ליה: מהו למכלינהו למחר? אמר ליה: זיל האידינא ותא למחר, דרב לא מוקי אמורא עלויה מיומא טבא לחבריה משום שכרות.

כי אתא למחר אמר ליה:

Perek I
Daf 4 Amud b

איכו השתא אשתלאי, ואמרי לך: רב ורבי יוחנן – הלכה ברבי יוחנן. הא אמר רבא הלכתא כותיה דרב בהני תלת. בין לקולא בין לחומרא.

Had I issued a ruling for you then, I would have forgotten the correct response, and I would have said to you, based on the accepted principle that in the case of a dispute between Rav and Rabbi Yohanan, the *halakha* is in accordance with the opinion of Rabbi Yohanan, that the eggs are permitted. However, Rava said: The *halakha* is in accordance with the opinion of Rav with regard to these three issues, in connection to the sanctity of Festivals and Shabbat, whether his ruling is lenient, or whether it is stringent. This is one of those three cases in which the *halakha* is in accordance with the opinion of Rav.

Rabbi Yohanan said: With regard to branches that fell from a palm tree^{NH} on Shabbat, it is prohibited to kindle them on a Festival that occurs the next day. And do not reply to me by asking why I permit an egg to be eaten on the following day. What is the reason for the distinction between the two cases? In the case of an egg, because on the day of Shabbat itself it is also fit to be swallowed raw and nevertheless it is permitted to be eaten only the following day, one knows that an egg is prohibited on the day it was laid. In contrast, with regard to branches, which are not fit for kindling on the day of Shabbat, as kindling a fire is prohibited, if you permit them to kindle the wood on the Festival that occurs on the following day they will mistakenly come to say that on the day that they fell off the tree they are also permitted. And as for the reason the branches were not kindled yesterday when they fell from the tree, it was due only to Shabbat, as they were not fit for kindling then.

אמר רבי יוחנן: עצים שנשרו מן הדקל בשבת אסור להסיקן ביום טוב, ואל תשיבני ביצה. מאי טעמא? ביצה משום דביומא נמי חזיא לגומעה, ולא קא שרי לה עד למחר – מידע וידע דבת יומא אסרוה. עצים, דלא חזו ליומיהו, אי שרי להו למחר – אתי למימר: ביומיהו נמי שרו, ואתמול משום שבת הוא דלא חזו להסקה.

Nullifying a prohibition *ab initio* – ביטול איסור – מלכתחלה: It is prohibited to nullify a prohibited item *ab initio*. Even if a prohibited item falls into a permitted substance that is not large enough to nullify it, one may not add more permitted material for this purpose. If one inadvertently increases the amount of the permitted substance, the mixture is permitted. However, if he does so intentionally, it is prohibited to him as well as to the one on whose behalf he does so, when the latter finds out and is pleased by his actions, although it is permitted to others (*Bah*). In the case of a rabbinic prohibition, it is prohibited to actively mix a prohibited substance with a permitted substance in order to nullify it, and if one does so intentionally, the mixture is prohibited. However, if it falls on its own into a permitted substance, one may increase the amount of the permitted substance, thereby nullifying the prohibited substance. Some authorities maintain that one may not nullify a substance in any manner, even in the case of a rabbinic prohibition, and this is the accepted custom (*Shulhan Arukh, Yoreh De'a 99:5–6*, and in the comment of Rema).

An egg on the two Festival days of the Diaspora – ביצה בשני ימים טובים של גלויות – An egg laid on the first Festival day of the Diaspora is permitted on the second Festival day. This is in accordance with the opinion of Rav, as the *halakha* follows his ruling, rather than that of his disciple Rav Asi (*Shulhan Arukh, Oraḥ Hayyim 513:5*).

אָמַר רַב מַתַּנָּה: עֵצִים שֶׁנִּשְׂרָפוּ מִן הַדֶּקֶל לְתוֹךְ הַתְּנוּרָה בְּיוֹם טוֹב – מְרַבָּה עֲלֵיהֶם עֵצִים מוּכַנְנִים וּמְסִיקָן. וְהָא קָא מְהַפֵּךְ בְּאִיסוּרָא. בִּיּוֹן דְּרוּבָא דְהֵיתְרָא נִנְהָו, כִּי קָא מְהַפֵּךְ בְּהֵיתְרָא קָא מְהַפֵּךְ.

וְהָא קָא מְבַטֵּל אִיסוּרָא לְכַתְחֵלָה, וְתַנּוּ: אֵין מְבַטְלִין אִיסוּר לְכַתְחֵלָה. הֵינּוּ מִיּוּלֵי בְדַאוּרֵייתָא. אֲבָל בְּדַרְבְּנָן מְבַטְלִין.

וְלָרַב אֲשֵׁי דְאָמַר: כֹּל דְּבַר שְׂיִישׁ לוֹ מִתְּוִרִין, אֲפִילוּ בְּדַרְבְּנָן לָא בְּטִיל, מֵאִי אִיבָא לְמִימַר? הֵינּוּ מִיּוּלֵי הֵיכָא דְאִיתִיהָ לְאִיסוּרָא בְּעֵינֵיהּ, הֵכָא מְקַלָּא קְלֵי אִיסוּרָא.

אָתַמַר, שְׁנֵי יָמִים טוֹבִים שֶׁל גְּלוּיּוֹת, רַב אָמַר: נוֹלָדָה בְּזֶה מוֹתֶרֶת בְּזֶה, וְרַב אָסִי אָמַר: נוֹלָדָה בְּזֶה אִיסוּרָה בְּזֶה.

לִימָא קָא סָבַר רַב אָסִי קְדוּשָׁה אַחַת הִיא? וְהָא רַב אָסִי מְבַדֵּיל מִיּוּמָא טְבָא לְחֻבְרִיהָ.

Rav Mattana said: With regard to branches that fell from a palm tree directly into an oven on a Festival, one may add to those branches wood preparedⁿ from the previous day, which may be used for kindling, and kindle them all together. The Gemara asks: But doesn't he turn over and move the prohibited wood in the course of the cooking process? The Gemara answers: Since most of the wood is permitted, when he turns it over, he turns over permitted wood, as the prohibited part is nullified by the majority.

The Gemara challenges this: But doesn't he thereby nullifyⁿ a prohibited item *ab initio*, by adding permitted wood to the pieces of wood that fell into the oven, which are prohibited? And we learned in a mishna (see *Terumot 4:9*): One may not nullify a prohibited itemⁿ *ab initio*.ⁿ The Gemara answers: That principle applies only to items prohibited by Torah law; however with regard to items prohibited by rabbinic law, as in this case involving the prohibition of *muktze*, one may nullifyⁿ the prohibition *ab initio*.

The Gemara asks: And according to the opinion of Rav Ashi,ⁿ who said: Any object whose prohibition is temporary, even if the prohibition applies by rabbinic law, it cannot be nullified, what is there to say? Doesn't Rav Ashi agree that it is permitted to kindle the wood after the Festival? The Gemara answers: That principle applies only where the prohibited item remains intact; here, however, the prohibited item is burned, as the wood is turned over when it has already become charcoal. Therefore, one does not perform any action with prohibited items.

It was stated that there is a dispute between *amora'im* with regard to the *halakha* for the two Festival days observed in the Diaspora.ⁿ Rav said: An egg that was laid on this day is permitted on that one,ⁿ and Rav Asi said: An egg that was laid on this day is prohibited on that one.

The Gemara asks: Let us say that Rav Asi holds that the two days are one sanctity. But didn't Rav Asi himself recite *havdala*, the prayer of distinction at the end of a holy day, from one Festival day of the Diaspora to the other?ⁿ This shows that, in his opinion, the first day is the true Festival, while the second day is considered a weekday. In earlier generations, they observed the second day of the Diaspora because they were unaware when the court sanctified the New Moon to mark the beginning of the month. Today, that determination is accomplished by means of calculations known to all, and the second day is observed as the custom of our fathers, not due to any uncertainty.

NOTES

One may add to those branches wood prepared – מְרַבָּה עֲלֵיהֶם עֵצִים: Some authorities hold that this refers to a case where the oven already contained wood that was prepared and consequently permitted (*Ran; Magen Avraham*). According to this interpretation, the term: Add, means that the branches are added to the wood already present.

But doesn't he turn over...but doesn't he nullify – וְהָא קָא מְהַפֵּךְ...וְהָא קָא מְבַטֵּל: The commentaries discuss why these questions are not posed in logical order. The issue of nullifying prohibited items is apparently the more straightforward of the two, whereas turning over the wood is an action that can be avoided. Some explain that had the Gemara offered a different resolution to the first question, i.e., that the wood is not, in fact, prohibited, and had the Sages issued a decree only against actually picking it up, the second question would not have arisen at all (*Rav Yitzhak Abuhav; see Maharam Schiff*).

And we learned in a mishna, one may not nullify a prohibited item – וְתַנּוּ אֵין מְבַטְלִין אִיסוּר – Rabbi Shimshon of Saens notes in his commentary on tractate *Terumot* that no such mishna exists. Rather, the relevant mishna there states that if one purposely nullifies a prohibited item, it is prohibited; from this *halakha* it can be inferred that a prohibited item may not be nullified *ab initio*.

With regard to items prohibited by rabbinic law, one may nullify – בְּדַרְבְּנָן מְבַטְלִין – Most early authorities agree that this leniency applies only to a prohibition that is entirely rabbinic, e.g., *muktze*, but that one may not nullify an item whose prohibition is based on Torah law (*Rid the Younger*). Some commentaries state that when the second reason, i.e., that the

prohibited item itself has essentially been burnt, is combined with this one, the result is that nothing substantial has, in fact, been nullified (*Rashba*).

And according to Rav Ashi – וְלָרַב אֲשֵׁי – Some commentaries maintain that this does not refer to Rav Ashi's earlier statement concerning an egg, but to his comments on 39a, where he explicitly rules in accordance with this opinion (*Tziyyun LeNefesh Hayya; see Bigdei Yom Tov*).

The two Festival days in the Diaspora – שְׁנֵי יָמִים טוֹבִים שֶׁל גְּלוּיּוֹת: The early authorities discuss the second Festival day and its legal status at great length. Rav Sa'adia Gaon writes that the fundamental idea of observing two Festival days outside Eretz Yisrael originated in the Torah. Rav Hai Gaon claims that Rav Sa'adia Gaon wrote this only as a reply to apostates, as the second day of the Diaspora is actually an ordinance instituted due to uncertainty. It is, however, a practice that dates back to the prophets, as that uncertainty is the result of the distance of various places from Eretz Yisrael. The determination of the dates of Festivals, based on eyewitness testimony, is a *halakha* transmitted to Moses at Sinai. However, this procedure can be performed only when there is a suitable court active in Eretz Yisrael.

The Rambam states in *Sefer HaMitzvot* that the fixing of the Festivals by calendar was established by the Sages of the Sanhedrin, who determined and sanctified future dates and years at the time of Hillel the second. The Ra'avan writes, in accordance with the opinion of the Sages of Mainz, that the two Festival days are not an ordinance instituted due to uncertainty, but an ordinance instituted by the Sages that the sanctity of the Festival should continue an additional day. This explains

why one repeats all the blessings on the mitzvot of the Festival on the second day.

In this regard, the *Hatam Sofer* writes that when one recites on the second day: Who sanctified us with His mitzvot and commanded us, etc., it is possible that this does not refer to that specific day, but to the basic mitzva of the Festival, as suggested by several earlier authorities. A different opinion is that the original institution was not due only to temporary uncertainties and problems, but was established as a decree for all generations. Even in the era of the redemption, there will be no way of letting everyone know the correct dates in time, as Jews might still be found all over the world. Furthermore, the start and end of the Festivals follow local time throughout the world, even when the Festival has already finished in Eretz Yisrael (see *Hatam Sofer*, 2nd ed.).

Recite *havdala* from one Festival day to the other – מְבַדֵּיל מִיּוּמָא טְבָא לְחֻבְרִיהָ: Rav Hai Gaon explains that Rav Asi would recite *havdala* only on Rosh HaShana, and not on any other Festival. Since the two days of the pilgrim Festivals are considered two separate sanctities, some commentaries ask: Why is *havdala* not in fact recited between the first and second days? One answer is that one who recites *havdala* while at the same time observing the Festival customs is, essentially, contradicting himself (*Tziyyun LeNefesh Hayya; see Rashba*). The early authorities write that it would be inappropriate to recite *havdala* between a day whose sanctity is by Torah law and one whose sanctity is by rabbinic law, as ultimately both days are holy (Rabbi Aharon HaLevi). Alternatively, the performance of *havdala* might lead people to treat the second Festival day with contempt, as *havdala* creates the impression that it is actually a weekday.

The determination of the first day of the new month – **בְּקִבְעָא דִּירְחָא**: During a long period in antiquity, the Hebrew calendar was established by the court based on the testimony of witnesses who had seen the new moon, and the number of days in any given month was determined by their testimony. If the moon was sighted on the night after the twenty-ninth day of the month, the following day was the first day of the next month. If, however, the moon was not seen that night, or if witnesses did not appear in Jerusalem to testify on the following day, an extra day was added to the previous month, making that month thirty days long. It was uncertainty stemming from the inability to inform the Jewish community in the Diaspora of that decision before the start of the Festival that led to the institution of an additional Festival day.

Although the Jewish calendar has operated on the basis of a fixed astronomical system since the fourth century CE, in which months of twenty-nine days generally alternate with those of thirty, the additional Festival days remain in force.

HALAKHA

Observing the Festival days of the Diaspora – **שְׁמִירַת יָמִים טוֹבִים שְׁלֵגִילִית**: Two Festival days are observed outside of Eretz Yisrael, the second of which applies by rabbinic law. Although today the months are calculated ahead of time in accordance with the established calendar, the Sages decreed that Jews living outside of Eretz Yisrael should uphold the custom of their fathers (Rambam *Sefer Zemanim*, *Hilkhot Yom Tov* 1:21 and *Hilkhot Kiddush HaHodesh* 5:5).

An egg laid on Rosh HaShana – **בִּיצָה שְׁנוּלָדָה**: An egg laid on the first day of Rosh HaShana is prohibited on the second day as well, as the two days are considered a single sanctity, in accordance with the opinion of both Rav and Shmuel (*Shulhan Arukh*, *Orah Hayyim* 513:5).

רַב אָסִי סָפּוּקִי מִסְפָּקָא לִיהּ, וְעֵבִיד הָכָא לְחוּמְרָא וְהָכָא לְחוּמְרָא.

The Gemara answers: **Rav Asi was uncertain** whether the Sages' ordinance that the second day is to be observed as a Festival was a fixed ordinance that applies even when the calculations determining the New Moon are known to all; or whether the ordinance was based strictly on the uncertainty stemming from their lack of awareness. Today, when everyone is aware of the beginning of the month, the second day is a weekday. **And therefore he acted stringently here**, and prohibited eating an egg on the second day that had been laid on the first day. **And he also acted stringently here**, and recited *havdala* between the two days.

אָמַר רַבִּי זֵירָא: כּוּתִיָּה דְרַב אָסִי מִסְתַּבְרָא, דְּהָאִידְנָא יָדְעִינָא בְּקִבְעָא דִּירְחָא וְקָא עֲבָדִינָא תְּרֵי יוֹמֵי.

Rabbi Zeira said: It is reasonable to say in accordance with the opinion of Rav Asi that the Sages considered the two days as one and it is not a practice instituted due to uncertainty, **as today we know the determination of the first day of the new month⁸** based on a fixed calendar and the precise dates of the Festivals are known by all, **and nevertheless we observe the two Festival days of the Diaspora.**

אָמַר אַבְיִי: כּוּתִיָּה דְרַב מִסְתַּבְרָא. דְּתַנְּנָא: בְּרֵאשׁוֹנָה הָיוּ מְשִׁיבִין מְשׁוּאוֹת, מְשַׁקְלְלִין הַכּוּתִיָּים הַתְּקִינֵינּוּ שְׂהִדּוּ שְׁלוּחֵין יוֹצְאִין.

Abaye said: On the contrary, It is reasonable to say in accordance with the opinion of Rav that the second day is observed as a Festival due to uncertainty, **as we learned in a mishna (Rosh HaShana 22b): Initially**, after the court sanctified the new month, **they would light torches on the mountain tops, from one peak to another, to signal that the New Moon had been sanctified. After the Samaritans [Kutim] disrupted this method by lighting torches at the wrong times, the Sages instituted that messengers should depart** to inform the people of the start of the month. Since the messengers could not reach all Diaspora communities before the beginning of the Festival, the Sages instituted that an additional Festival day should be observed there, due to the resultant uncertainty with regard to which day was the actual Festival day.

וְאִילוּ בְּטִלוּ כּוּתִיָּים עֲבָדִינָא חַד יוֹמָא, וְהֵיכָא דְמָטוּ שְׁלוּחֵין עֲבָדִינָא חַד יוֹמָא.

Abaye continues his argument: **And this indicates that if the Samaritans had desisted⁹** from their interference, the Sages would have restored the earlier custom and **we would observe only one day. And, similarly, in a place where the messengers arrived from Jerusalem on time, we observe only one Festival day.**

וְהִשְׁתָּא דִּידְעִינָא בְּקִבְעָא דִּירְחָא מֵאִי טַעְמָא עֲבָדִינָא תְּרֵי יוֹמֵי? מְשׁוּם דְּשָׁלְחוּ מַתָּם: הִזְהִירוּ בְּמִנְהַג אַבּוֹתֵיכֶם בִּידְיָכֶם, וּמִנֵּן דְּגִירוּ הַמְּלָכוֹת גּוֹרָה וְאִתֵּי לְאַקְלִילִי.

The Gemara asks: **And now that we know the determination of the first day of the new month, what is the reason that we observe two Festival days in the Diaspora?**¹⁰ **Because they sent a warning from there**, from Eretz Yisrael: Although now there is a fixed calendar and there is no uncertainty, **be careful to observe the custom of your fathers that you received**, because **at times the monarchy will issue decrees of persecution restricting Torah study and the fixed calendar may be forgotten. And the people will come to have their proper observance of the Festivals be disrupted again.** However, the fundamental *halakha* is that the observance of two Festival days is based on uncertainty.

אַתְמַר, שְׁנֵי יָמִים טוֹבִים שְׁלֵ רֵאשׁ הַשָּׁנָה, רַב וּשְׁמוּאֵל דְּאָמְרֵי תְּרוּוּיָהּ: נוֹלָדָה בְּזוֹה אֶסְוֶרָה בְּזוֹה. דְּתַנְּנָא: בְּרֵאשׁוֹנָה הָיוּ מְקַבְּלִין עֲדוּת הַחֹדֶשׁ כֹּל הַיּוֹם (בּוֹלוּ), פְּעַם אַחַת נִשְׁתָּהוּ הָעִידִים לְבֵא.

It was further stated that the amora'im discussed a similar problem, with regard to the two Festival days of Rosh HaShana. Rav and Shmuel both said: An egg laid on this day is prohibited on that one, as the two days of Rosh HaShana have a special status.¹¹ **As we learned in a mishna (Rosh HaShana 30b): Initially**, the court would accept testimony of witnesses who saw the new moon to establish the first day of the new month. This system would also be used for the first of Tishrei, which is Rosh HaShana, and the court would accept this testimony on the entire thirtieth day¹² of the month of Elul. **Once, the witnesses tarried and managed to arrive only when the hour was late,**

NOTES

If the Samaritans had desisted – **אִילוּ בְּטִלוּ כּוּתִיָּים**: The commentaries note that no proof is provided for this assumption. Some suggest that this idea is indicated by the very fact that the mishna mentions the custom of lighting torches, as had the institution of the messengers been a permanent one, there would have been no need to mention the earlier custom. Evidently, the institution of the messengers was merely a temporary replacement for the torches, and it would be annulled if the Samaritans desisted from their interference (Rashash).

מְקַבְּלִין עֲדוּת... the entire day – **כֹּל הַיּוֹם**: Since it was very rare for the month of Elul to contain a full thirty days, the court assumed that witnesses would arrive on time to testify that the new moon had been seen that night, which would render that day Rosh HaShana. However, this method caused problems on one occasion (*Shitta Mekubbetzet*).

The *Meiri* discusses the question of whether the people would merely refrain from engaging in prohibited labor on the second day, or if they would actually recite the Festival prayers.