

דְּפָחִיא לְמָאן! יְהָבוּ לֵיהּ בֵּיעֵי דְּשָׁחוּטָה. אֲתָא לְקַמְיָה דְּרַבִּי אַמִּי, אָמַר לְהוּ: מְקַח טְעוּת הוּא, וְהָדָר.

פְּשִׁיטָא. מַהוּ דְּתִימָא: הָאֵי לְאִכְלִיָּה קָא בְּעֵי לְהוּ, וְהָאֵי דְּקָאֲמַר דְּפָחִיא – מְשׁוּם דְּצְרִיבְנָן. לְמַאי נִפְקָא מִינָה – לְמִיתְבָּה לֵיהּ בֵּינֵי בֵּינֵי, קָא מְשַׁמְעָ לָן.

וְהוּא דְּאָמַר לְהוּ: בֵּיעֵי דְּדַכְרָא לְמָאן, בֵּיעֵי דְּדַכְרָא לְמָאן! יְהָבוּ לֵיהּ בֵּיעֵי דְּסַפְנָא מֵאַרְעָא. אֲתָא לְקַמְיָה דְּרַבִּי אַמִּי, אָמַר לְהוּ: מְקַח טְעוּת הוּא, וְהָדָר.

פְּשִׁיטָא. מַהוּ דְּתִימָא: הָאֵי לְאִכְלִיָּה קָא בְּעֵי לְהוּ, וְהָאֵי דְּקָאֲמַר דְּדַכְרָא – מְשׁוּם דְּשְׂמִינָן טְפִי. לְמַאי נִפְקָא מִינָה – לְמִיתְבָּא לֵיהּ בֵּינֵי בֵּינֵי, קָא מְשַׁמְעָ לָן.

וְאֵי בְּעֵית אֵימָא: מַאי "עִם יִצְאָתָהּ נִגְמְרָה" – עִם יִצְאָתָהּ רֹבְבָה נִגְמְרָה, וְכִדְרַבִּי יוֹחָנָן. דְּאָמַר רַבִּי יוֹחָנָן: בִּיצָה שְׂנִיצָאָה רֹבְבָה מֵעֶרֶב יוֹם טוֹב וְחֹזְרָה – מוֹתְרָתָא לְאִכְלִיָּה בְּיוֹם טוֹב.

וְאֵיכָא דְּאָמַר: מַאי "עִם יִצְאָתָהּ נִגְמְרָה" עִם יִצְאָתָהּ כּוּלָּהּ נִגְמְרָה, עִם יִצְאָתָהּ כּוּלָּהּ – אֵין, אֲבָל רֹבְבָה – לָא, וְלְאַפּוּקֵי מִדְּרַבִּי יוֹחָנָן.

גּוּפָא, הַשּׁוֹחֵט אֶת הַתְּרִנְגוּלָתָא וּמִצָּא בָּהּ בֵּיצִים גְּמוּרוֹת – מוֹתְרָתָא לְאִכְלִין בְּחֻלְבָּא. רַבִּי יַעֲקֹב אָמַר: אִם הָיוּ מְעוּרוֹת בְּגִידִין – אִסּוּרוֹת.

of a live chicken, who has? He sought to purchase eggs of this kind. They gave him eggs of a slaughtered chicken. He came before Rabbi Ami, claiming he had been cheated. Rabbi Ami said to the sellers: This is a mistaken transaction,⁸ and it is rescinded; the sale is void.

The Gemara asks: It is obviousⁿ that the transaction is void, as he specified exactly what he wanted. The Gemara answers: The ruling is necessary, lest you say that this individual wants them for food rather than for chicks, and that which he said, that he is looking for eggs of a live chicken, he said only because they are hard-shelled, mature eggs. What is the practical difference, i.e., what is this man claiming from the seller according to this rejected interpretation? He is merely demanding to refund him the difference in value between the twoⁿ types of eggs. Rabbi Ami therefore teaches us that the sale involved a fundamental error, as the eggs of a slaughtered chicken are unfit for incubation. The transaction is therefore void.

The Gemara relates a similar incident: A certain person said to vendors: Does anyone have eggs of a chicken that has had relations with a rooster? Does anyone have eggs of a rooster? They gave him eggs that a hen had absorbed from the ground, i.e., which had not been fertilized by a rooster. He came before Rabbi Ami claiming that he had been cheated. Rabbi Ami said to them: This is a mistaken transaction, and it is rescinded.

The Gemara again asks: It is obvious that this is the case. The Gemara explains: The ruling is necessary, lest you say that this person wants the eggs for food, and that which he said, that he wants eggs of a rooster, he said only because they are fatter. What is the practical difference; i.e., what is this man claiming from the seller according to this rejected interpretation? He is merely demanding that they should refund him the difference in value between the two types. Rav Ami therefore teaches us that this is not the case; rather, the sale is void.

The Gemara suggests another explanation of Rav's statement. And if you wish, say instead: What is the meaning of the claim: An egg is fully formed upon its emergence? It means that it is fully formed with the emergence of most of it, in accordance with the statement of Rabbi Yohanan. As Rabbi Yohanan said: It is taught in a baraita that in the case of an egg, most of which emerged from the chicken on a Festival eve, and the egg returned^b inside the mother and was finally laid on the Festival itself, it is permitted to eat this egg on the Festival. Since most of the egg had emerged before the Festival began, it is considered to have been laid the day before.

And some say the following explanation: What is the meaning of the expression: Fully formed upon its emergence? It means that it is fully formed upon the emergence of all of it. The Gemara infers: Upon the emergence of all of it, yes, it is fully formed at this stage; however, if only most of it came out the day before, no, it is not considered fully formed. And this reading serves to exclude the statement of Rabbi Yohanan. In any case, Rav's statement can correspond to this statement of Rabbi Yohanan.

Ⓢ Apropos the halakhic status of eggs found inside a slaughtered chicken, the Gemara discusses the matter itself: In the case of one who slaughters a chicken and finds inside it fully formed eggs, it is permitted to eat these eggs with milk. Rabbi Ya'akov says: If the eggs were still attached by sinews, it is prohibited to eat them with milk, as they are considered meat.

BACKGROUND

A mistaken transaction – מְקַח טְעוּת: A mistaken transaction is one in which one of the participants was under a false impression with regard to its terms. This transaction is considered a mistake, and it can be invalidated by the injured party. For example, if someone buys an animal and discovers it is diseased, he can invalidate the sale. A related concept is the nullification of a transaction. If an object is overpriced or underpriced by more than one-sixth, the sale is invalid and either party can retract.

An egg, most of which emerged on a Festival eve, and it returned – בִּיצָה שְׂנִיצָאָה רֹבְבָה מֵעֶרֶב יוֹם טוֹב וְחֹזְרָה: Occasionally, an egg about to be laid can return to the oviduct due to muscle spasms. The practical question of whether or not this egg is fully formed depends on many factors, as sometimes an additional shell is formed creating a phenomenon of an egg within an egg.

NOTES

It is obvious – פְּשִׁיטָא: The early authorities are puzzled by this question: How can an incident that actually occurred be criticized as obvious? Some explain that the question is referring to the vendor's agreement to go to court, as he was clearly going to lose his case (see Rashba). Others explain that the question is why Rabbi Ami provided a reason for his apparently self-evident ruling (*Shitta Mekubbetzet*). Yet another suggestion is that the question is directed at the Gemara itself: Why cite this incident, when its ruling appears obvious (Rashba; Rav Yitzhak Abuhav)?

To refund him the difference between the two – לְמִיתְבָּה לֵיהּ בֵּינֵי בֵּינֵי: There are several opinions with regard to the voiding a sale of this kind, based on the *halakhot* of fraud and the return of purchased items in general. Some explain that Rabbi Ami ruled that the buyer must return the eggs of the slaughtered chicken to the seller, while the seller must refund him his money, in accordance with the *halakha* of a voided sale (*Meiri*). However, most authorities contend that it is the buyer's attempts to incubate the eggs that causes them to become inedible, and that the buyer is claiming his money back while offering to return him the same eggs, which are now useless (*Rosh*). The logic of the buyer's claim is that since the seller sold him something he did not ask for and which served no purpose, the seller bears responsibility for the loss (*Shitta Mekubbetzet*; see *Ran*).

NOTES

The unslaughtered carcass of a kosher bird – נבלת עוף – טהור: Several unique halakhot that differ from those of all other types of ritual impurity apply to the impurity conferred by the unslaughtered carcass of a kosher bird. The carcass of a kosher bird confers ritual impurity by being eaten but not by touch or being carried. This type of impurity is known as the impurity of the throat.

And we do not proliferate impurity that is by rabbinic law – אפושי טומאה מדרבנן לא מפשינן: Rashi questions this statement: Since a great number of ritual impurities are entirely rabbinic, how can it be said that halakha does not increase impurity that applies by rabbinic law? Some explain that the ritual impurity of a carcass of a kosher bird is considered a novel issue because of its unique halakhot, and the Sages did not apply their decrees to cases of this kind (Rabbeinu Peretz). Others suggest that this ritual impurity is rare because it can be contracted only by eating, and therefore the principle that the Sages do not decree with regard to an uncommon occurrence applies to this case (Ritva; Rav Yitzhak Abuhav). The later authorities note that this principle that one seeks to prevent proliferation of ritual impurity applies to other cases as well. Each instance must be considered on an individual basis to determine why the Sages were reluctant to add to ritual impurity in that particular circumstance.

BACKGROUND

Ovary of its eggs – אשכול של ביצים:



Cluster of eggs connected to chicken ovary

מאן תנא להא, דתנו רבנן: האוכל מנבלת עוף טהור, מן השלל של ביצים, מן העצמות, ומן הגידין, ומן הבשר שנתלש מן החי – טהור.

מן האשכול של ביצים, מן הקורקבן ובני מעיין, או שהמחה את החלב וגמעו – טמא.

מאן תנא מן השלל של ביצים טהור? אמר רב יוסף: דלא כרבי יעקב. דאי כרבי יעקב – האמר: אם היו מעורות בגידין אסורות.

אמר ליה אבוי: ממאי? דלמא עד כאן לא קאמר רבי יעקב התם אלא לענין אסורא, אבל לענין טומאה – לא.

וכי תימא: לענין טומאה נמי נגזור – אפושי טומאה הוא, ואפושי טומאה מדרבנן לא מפשינן.

ואיכא דאמרי: מאן תנא מן האשכול של ביצים טמא? אמר רב יוסף: רבי יעקב היא, דאמר אם היו מעורות בגידין – אסורות. אמר ליה אבוי: ממאי דאשכול מהנד דתליא באשכול? דלמא אשכול גופיה.

וכי תימא: אשכול גופיה מאי למימרא? מידי דהוה אקורקבן ובני מעיין, דאף על גב דבשר ניהוה, כיון דאיכא אינשי דלא אכלי – איצטריך לאשמועינן. הכא נמי, כיון דאיכא אינשי דלא אכלי – איצטריך לאשמועינן.

The Gemara asks: Who is the tanna who taught this halakha that the Sages taught in a baraita: One who eats from the unslaughtered carcass of a kosher bird,^{NH} or from a cluster of eggs that are still attached to it by sinews, or from its bones, or from the sinews, or from meat that has been detached from a live animal, he is ritually pure because none of these are considered part of the meat of the bird, and therefore they do not impart the ritual impurity of an animal carcass.

However, if one ate from the ovary of its eggs,^B which contains very small eggs that do not possess any of the regular characteristics of eggs, or if he took a piece of the craw or the intestines, or if he melted the fat of a dead bird and swallowed it, he is ritually impure from the impurity imparted by the unslaughtered carcass of a bird.

Who is the tanna who taught that if one ate from a cluster of eggs he is pure, which indicates that eggs still attached by sinews to the chicken are not considered part of the meat of the bird? Rav Yosef said: This ruling is not in accordance with the opinion of Rabbi Ya'akov. For if you say it is in accordance with the opinion of Rabbi Ya'akov, didn't he say: If the eggs were attached by sinews it is prohibited to eat them with milk, indicating that he considers these eggs meat of the chicken.

Abaye said to Rav Yosef: From where do you draw this conclusion? Perhaps Rabbi Ya'akov stated that these eggs are part of the chicken only there, with regard to the prohibition against eating the eggs with milk; however, perhaps with regard to ritual impurity he did not say that these eggs are considered part of the chicken.

And if you say that with regard to ritual impurity let us also issue a decree and be stringent in a case of uncertainty and therefore rule that these attached eggs should be considered part of the chicken, this would serve to proliferate impurity, and we do not proliferate impurity that is by rabbinic law.^N One does not declare an item ritually impure by rabbinic law merely because uncertainty has arisen with regard to its status.

And some say a different version of this discussion, according to which the question is: Who is the tanna who taught that if one eats from the ovary of its eggs he is ritually impure? Rav Yosef said: It is Rabbi Ya'akov, who said: If the eggs were attached by sinews, they are prohibited. Abaye said to him: From where do you know that the term ovary means: From these eggs that are hanging from the ovary; perhaps it is referring to the ovary itself, the part of the flesh of the bird where the eggs develop?

And if you say: If it is referring to the ovary itself, what is the purpose of stating this? It is obvious that the ovary itself is meat. One can answer as follows: Just as it is in the case of the craw and the intestines, that even though they are meat according to all opinions, since there are people who do not eat them, it was necessary to teach us that they have the status of meat; here, too, with regard to an ovary, since there are people who do not eat it, it was necessary to teach us that it may not be eaten with milk. Therefore, this argument does not prove that this version of the discussion is incorrect.

HALAKHA

One who eats from the unslaughtered carcass of a kosher bird – האוכל מנבלת עוף טהור: If one partakes of the unslaughtered carcass of a kosher bird by eating a part of it that is not proper meat or that is not usually eaten, he remains ritually pure. This is the case if one eats the bones, sinews, eggs from the cluster, the blood, or a limb from a living creature. However, if one eats the craw, intestines, or ovaries, he is impure. If one consumed non-kosher fat that was melted by fire, he is ritually impure, as drinking is considered like eating. If one consumed non-kosher fat melted in the sun, he is ritually pure, as the fat must certainly have turned putrid, and this is not the regular manner of eating (Rambam Sefer Tahara, Hilkhot She'ar Avot HaTumot 3:10).

נולד ביום, זו תרנגולת – Born by day, this is a chicken – Under natural conditions, a chicken lays eggs only during the day. The laying of an egg at night is a highly rare occurrence. The same applies to other domestic birds; they have intercourse and lay eggs during the day.

HALAKHA

Most of the egg emerged – ביצה שיצאה רובה: If most of an egg emerged on the eve of a Festival and then returned inside the chicken, it may be eaten on the Festival. Even if one examined the chicken coop on the eve of the Festival just before nightfall, failed to find an egg, and subsequently found one the following morning before daybreak, it nevertheless may be eaten, as we assume that most of it emerged the day before. This applies only if there is a male rooster nearby, i.e., within sixty houses, and there is no river lacking a bridge situated between the two creatures. If one did not examine carefully at night, arose early in the morning, and found an egg there, it may be eaten even if no male was present, as most eggs are laid by day, in accordance with the opinion of Rabbi Yohanan and Rav Mari (*Shulhan Arukh, Orah Hayyim* 513:6).

תנו רבנן: כל שתשמישו ביום – נולד ביום, כל שתשמישו בלילה – נולד בלילה, כל שתשמישו בין ביום ובין בלילה – נולד בין ביום ובין בלילה. כל שתשמישו ביום – נולד ביום, זו תרנגולת, כל שתשמישו בלילה נולד בלילה – זו עטלף כל שתשמישו בין ביום ובין בלילה – אדם וכל דדמי ליה.

§ The Sages taught in a *baraita*: Any species whose intercourse occurs only in the hours of the day is born only by day; any species whose intercourse occurs only at night is born only by night; any species whose intercourse occurs either by day or by night is born either by day or by night. The Gemara elaborates: Any species whose intercourse occurs by day is born by day, this is referring to a chicken.⁸ Any species whose intercourse occurs by night is born by night, this is a bat. Any species whose intercourse occurs either by day or by night, this means a human being and all that are similar to him.⁹

אמר מר: כל שתשמישו ביום נולד ביום – זו תרנגולת. למאי נפקא מינה? לכדרב מרי בריה דרב כהנא. דאמר רב מרי בריה דרב כהנא: בדיק בקנה של תרנגולין מערב יום טוב ולא מצא בה ביצה, ולמחר השכים ומצא בה ביצה – מותרת.

The Master said: Any species whose intercourse occurs by day is born by day, this is a chicken. The Gemara asks: What is the practical halakhic difference of this statement? The Gemara answers: The halakhic difference is with regard to that which Rav Mari,⁸ son of Rav Kahana said, as Rav Mari, son of Rav Kahana said: If one examined a chicken's nest on a Festival eve and did not find an egg in it, and the following day, on the Festival, he rose early and found an egg in it, the egg is permitted, as it can be assumed it was not laid that night.

והלא בדיק. אימר: לא בדיק יפה יפה. ואפילו בדיק יפה – אימר: יצתה רובה ותורה הואי, וכדרכי יוחנן.

The Gemara asks: But didn't he examine the nest before the Festival and fail to find an egg there? If so, the egg must have been laid on the Festival. The Gemara answers: Say that he did not examine very carefully. And even if he did examine carefully, you can say that most of the egg emerged¹⁰ on the eve of the Festival and returned inside its mother, and this ruling is in accordance with the opinion of Rabbi Yohanan. This *baraita* shows that the *halakha* does not take into account the possibility that a chicken could lay an egg at night.

אימי? והא אמר רבי יוסי בן שאול אמר רב: בדיק בקנה של תרנגולת מערב יום טוב ולא מצא בה ביצה, ולמחר השכים ומצא בה ביצה – אסורה! היתם בדיקסנא מארעא.

The Gemara asks: Is that so? But didn't Rabbi Yosei ben Shaul say that Rav said: If one examined a chicken's nest on a Festival eve and did not find an egg in it, and the following day he rose early and found an egg in it, it is prohibited? This indicates that a chicken might indeed lay an egg at night. The Gemara answers: There it is referring to an egg that the chicken absorbed from the earth, i.e., one that was not formed by male fertilization. An egg that is not produced by intercourse can be laid at night as well.

אי הכי, דרב מרי נמי אימא מארעא ספנא. בדאיכא זכר בהדה. בדאיכא זכר נמי, אימא מארעא ספנא. אמר רבינא: גמירי, כל היכא דאיכא זכר – לא ספנא מארעא.

The Gemara challenges this: If so, in Rav Mari's case too, you can say that the chicken absorbed from the earth and laid the egg during the night of the Festival. How, then, could Rav Mari permit the egg? The Gemara answers: There it is referring to a case where there is a male with it. The Gemara asks: Even where there is a male with it, one can also say that it absorbed from the earth rather than from the male. The Gemara answers that Ravina said: It is learned as a tradition that anywhere that a male is present, a chicken does not absorb from the earth.

ועד כמה? אמר רב גמדה משמיה דרב: כל היכא

The Gemara asks: Until where exactly is it considered to have a male with it; How near must a rooster be for this principle to come into effect? Rav Gamda said in the name of Rav: The male must be any place

NOTES

And all that are similar to him – וכל דדמי ליה: This *baraita* indeed explains the significance of a creature born during the day, but for what reason were bats and humans mentioned? One can suggest that it is relevant for the case of a child born at twilight: Although the uncertainty of whether the child was born during the day or at night entails several halakhic complications, one should consider it equally likely that the baby was born during the day or at night.

What is the practical halakhic difference, it is with regard to that which Rav Mari – לכדרב מרי – למאי נפקא מינה: Why doesn't

the Gemara suggest the far simpler case of an egg discovered on the night of a Festival? If an egg can be laid only by day, it must have been laid before the Festival commenced, and therefore it should be permitted. The answer is that it is obvious that in that case that the egg was laid during the day and there is no need to mention it. Instead, the Gemara teaches that even if the egg was not discovered that night but only early the next morning, the principle that an egg is not laid at night is so reliable that it can be assumed this egg was laid during the day.

NOTES

Where he did not examine, say it was yesterday – **כִּי לֹא** – *Tosafot* ask: This object is temporarily prohibited. Why, then, isn't the ruling stringent in a case of uncertainty? Some authorities answer that the *halakha* is stringent in the case of an object whose prohibition is temporary only if the existence of the prohibition was definitely established at some point (Rashba). If not, the ruling is lenient with regard to an uncertainty involving a rabbinic prohibition, even if the prohibition is temporary (*Ĥatam Sofer; Kerem Shlomo*).

Leaven...all the more so – **שָׂאוֹר...כָּל שֶׁבֶן** – Many commentaries ask the following question: Since it is a principle that neither warnings nor punishments can be derived by means of an *a fortiori* inference, how can this measure that determines liability be learned in this manner here? They answer that because leaven is clearly a subcategory of leavened bread, it is not actually a derivation of a novel case (*Pe'at Yam*). Others add: The issue at hand is the measure that determines liability, not the essential nature of the object in question. Therefore, this inference can be seen as merely revealing the matter and not an actual derivation (*Shitta Mekubbetzet*). Alternatively, the later authorities suggest that the prohibition “And no leavened bread shall be seen with you” (Exodus 13:7) does not entail lashes; therefore, this is not a case of a punishment derived from an *a fortiori* argument at all (see *Ziyyun LeNefesh Hayya* and *Ĥatam Sofer*).

Is not equal to the measure of that – **לֹא כְּשִׁיעוּרוֹ שֶׁל זֶה** – How did the Sages arrive at the particular measure of a large date-bulk, of all possible sizes larger than an olive-bulk? Some commentaries further emphasize this question by noting that the measure of a dried fig, which is larger than an olive but smaller than a date, is employed with regard to the measures that determine liability with regard to the labors prohibited on Shabbat. Some suggest that as the basic prohibition of leavened bread involves eating, it is proper to compare it to the prohibitions of Yom Kippur, where the measure is a large date-bulk. The prohibitions of Shabbat, by contrast, concern the *halakhot* of carrying, which is a different issue (Rabbi Aharon HaLevi; *Shitta Mekubbetzet*).

HALAKHA

Exposure with regard to crushed garlic – **גִּילוי בָּשׂוּם** – *שְׁחִוּוּק*: The Sages prohibited the consumption of liquids and certain foods that have been left uncovered, in case a poisonous snake tasted them and injected its venom. One of these items is mashed garlic, as stated by Rabbi Yosei ben Shaul (Rambam *Sefer Nezikim, Hilkhot Rotze'ah UShmirat HaNefesh* 11:8). Nowadays, most communities are not particular about the *halakhot* of uncovered items, as snakes are rare. Some, however, are stringent (*Shenei Luhot HaBerit; Vilna Gaon; see Pithei Teshuva*). In any case, it is better not to leave things uncovered, due to mystical concerns (*Shulhan Arukh, Yoreh De'a* 116:1).

The measure for leaven is an olive-bulk – **שָׂאוֹר בְּכֹזַיִת** – The obligation to remove leavened bread applies to leavened bread and leaven by the measure of an olive-bulk, in accordance with the opinion of Beit Hillel (Rambam *Sefer Zemanim, Hilkhot Ĥametz UMatza* 1:2).

דְּשִׁמְעָה קְלִיָּה בַּיּוֹמָא.

where the hen can hear its voice by day, when sounds cannot be heard as easily as at night. If the chicken is close enough to hear the rooster's call by day, the rooster is considered close enough to the chicken that the latter will produce eggs only through fertilization by the male.

עֲבַד רַב מַרִּי עוֹבְדָא עַד שְׁתֵּין בֵּיתֵי.

The Gemara relates: **Rav Mari took action** in accordance with this opinion, when he found an egg on a Festival morning after he had looked in the nest the day before and failed to find an egg there. He examined **up to a distance of sixty houses** from the chicken, and although he did not find a rooster within this area, he assumed there was one further away and permitted the egg.

וְאִי אִיכָא נַהֲרָא – לֹא עֲבָרָא, וְאִי אִיכָא מִבְּרָא – עֲבָרָא. וְאִי אִיכָא מִיַּצְרָא – לֹא עֲבָרָא. הִוָּה עוֹבְדָא וְעֲבָרָא אֲמִיצְרָא.

The Gemara comments: **And if there is a river** between the rooster and the chicken, the chicken **does not cross** the river; **but if there is a bridge**, it crosses the river. **And if there is only a rope bridge** suspended across the river, the chicken will **not cross** on the rope. The Gemara comments: Nevertheless, **an incident** occurred in which a chicken **crossed over on a rope bridge**. However, one may not rely on this possibility.

בְּמַאי אִוְקִימַתָּא – בְּדַסְפְּנָא מֵאַרְעָא. מַאי אִירִיָּא בְּדַק? כִּי לֹא בְּדַק נָמִי.

The Gemara further asks: **In what manner did you establish this halakha** of Rabbi Yosei ben Shaul, who prohibits eating an egg discovered in a nest on a Festival morning after the previous day's examination revealed nothing? You said that it is referring to a case in which the chicken **absorbed from the earth**. If so, **why discuss specifically** a situation in which **one examined** the nest the evening before? The same *halakha* should apply **even when one did not examine** the nest beforehand.

כִּי לֹא בְּדַק – אִימָא מֵאֲתַמּוּל הָוֵא. אִי הָבִי, כִּי בְּדַק נָמִי, אִימָא יַצְתָּה וְיִבְדַּח וְחִזְרָה הִיא, וְכִדְרַבֵּי יוֹחֲנָן. דְּרַבֵּי יוֹחֲנָן לֹא שְׁבִיתֵי.

The Gemara answers: In a case **where he did not examine** the nest, one could say that the egg was laid **yesterday**,ⁿ and there is no reason to prohibit its use. Rabbi Yosei ben Shaul therefore specified that he checked the day before and is certain that the egg was not laid prior to the Festival. The Gemara challenges this: **If so, when he examined** the nest as well, say: Perhaps this is a case in which **most of the egg emerged and returned**, and the *halakha* is in accordance with the opinion of **Rabbi Yoḥanan**? The Gemara answers: The case discussed by **Rabbi Yoḥanan**, where most of the egg emerged from the chicken and returned, **is uncommon**, and therefore it is assumed not to have occurred.

וְאָמַר רַבִּי יוֹסֵי בֶן שָׂאוֹל אָמַר רַב: הָאִי תוּמָא שְׁחִיכָא סַבְּתָא לְגִלּוּיָא.

Apropos one statement of Rabbi Yosei ben Shaul in the name of Rav, the Gemara cites another ruling that **Rabbi Yosei ben Shaul said that Rav said: This crushed garlic poses the danger of exposure.**^h If mashed garlic is not properly covered, there is concern that a snake might have tasted from it and thereby injected its venom into the food. This garlic is consequently prohibited as a health risk.

”בֵּית שַׁמַּי אֹמְרִים שָׂאוֹר בְּכֹזַיִת.”

§ The mishna states that **Beit Shammai say: The measure that determines liability for leaven is an olive-bulk.**^h However, the measure for leavened bread is greater, a large date-bulk. According to Beit Hillel, the measure in both cases is an olive-bulk.

מַאי טַעֲמִייהוּ דְּבֵית שַׁמַּי? אִם בֶּן לְכַתוּב רַחֲמֵנָא חֲמִי, וְלֹא בְּעֵי שָׂאוֹר, וְאִנָּא אֲמִינָא: וּמָה חֲמִי שְׂאִין חֲמוּצוֹ קֶשֶׂה – בְּכֹזַיִת, שָׂאוֹר שְׁחֲמוּצוֹ קֶשֶׂה לֹא כָּל שֶׁבֶן? שָׂאוֹר דְּכַתוּב רַחֲמֵנָא לְמָה לִּי? לֹאמַר לָךְ: שְׁעִירוֹ שֶׁל זֶה לֹא כְּשִׁיעוּרוֹ שֶׁל זֶה.

The Gemara asks: **What is the reason** for the opinion of **Beit Shammai**? The Gemara explains: If it is **so** that the measures are equal, **let the Merciful One write only the prohibition of leavened bread, and it would not be necessary to write leaven, and I would say an a fortiori inference: If the measure that determines liability for leavened bread, whose leavening is not as extensive, is an olive-bulk, then leaven, whose leavening is extensive, all the more soⁿ should the measure that determines liability be an olive-bulk.** If so, **why do I need the explicit reference to leaven that the Merciful One wrote in the verse:** “Seven days there shall be no leaven found in your houses” (Exodus 12:19)? It must be **to tell you that the measure of this, leavened bread, is not equal to the measure of that,ⁿ leaven.** Rather, the measure that determines liability for leaven is smaller.

השוחט – השוחט – One who slaughters an animal, after the fact – דיעבד: Although the phrase: One who slaughters an animal, can mean that one slaughters an animal *ab initio*, since this case involves a transgression, it can be assumed that had the *tanna* of the mishna intended that one may do so *ab initio*, he would have said so in clearer terms (Rabbeinu Peretz).

ובית הלל: צריכי דאי כתב רחמנא שאור, הוה אמינא: משום דחמוצו קשה, אבל חמץ דאין חמוצו קשה – אימא לא, צריכא.

The Gemara asks: **And Beit Hillel maintain that both the mention of both leaven and leavened bread are necessary. As if the Merciful One had written only leaven, I would have said its measure that determines liability is an olive-bulk because its leavening is extensive. However, with regard to leavened bread, whose leavening is not extensive, say no, that is not the measure. Therefore, it is necessary to mention leavened bread as well.**

ואי כתב רחמנא חמץ – משום דראוי לאכילה, אבל שאור שאין ראוי לאכילה אימא לא, צריכא.

And conversely, if the Merciful One had written only leavened bread, I would have said that the measure that determines liability for leavened bread is an olive-bulk, because it is fit for consumption on its own; however, leaven, which is not fit for consumption on its own but only when used as a leavening agent for dough, say no, its measure is not like that of leavened bread. Therefore, it is necessary to mention both cases.

ובית שמאי לית להו דרבי זירא? דאמר רבי זירא: פתח הכתוב בשאור וסיים בחמץ, לומר לך: זהו שאור זהו חמץ.

The Gemara asks: **And Beit Shammai, don't they hold in accordance with Rabbi Zeira's opinion? As Rabbi Zeira said, the verse states: "Seven days there shall be no leaven found in your houses, for whoever eats that which is leavened, that soul shall be cut off from the assembly of Israel" (Exodus 12:19). The verse begins with leaven and ends with leavened bread to say to you that leaven is equivalent to leavened bread. How, then, can Beit Shammai maintain that the two are prohibited by different measures?**

לענן אכילה כולי עלמא לא פליגי, בי פליגי – לענן ביעור. בית שמאי סברי: לא ילפינן ביעור מאכילה, ובית הלל סברי: ילפינן ביעור מאכילה.

The Gemara answers: Indeed, **with regard to the measure that determines liability for eating, everyone agrees that the same measure applies to leavened bread and leaven. When they disagree it is with regard to the removal of leavened bread from one's house. Beit Shammai hold that we do not derive the halakha of removal from that of eating. Rather, with regard to the obligation of removal, different measures apply to leavened bread and leaven. And Beit Hillel hold that we derive the halakha of removal from the measure that determines liability for eating.**

אתמר נמי, אמר רבי יוסי בר חנינא: מחלוקת לענן ביעור, אבל לענן אכילה – דברי הכל זה וזה בכזית.

The Gemara comments: This idea was also stated explicitly by *amora'im*. **Rabbi Yosei bar Hanina said: The dispute between Beit Shammai and Beit Hillel was stated with regard to the removal of leavened bread; however, with regard to the measure that determines liability for eating, everyone agrees that the measure for both this and that is an olive-bulk.**

תנא נמי הכי: "ולא יראה לך שאור" ולא יראה לך (חמץ), זהו מחלוקת שבין בית שמאי ובית הלל, שבית שמאי אומרים: שאור בכזית וחמץ בככותבת, ובית הלל אומרים: זה וזה בכזית.

That opinion is also taught in a *baraita*. The verse states: **"And no leavened bread shall be seen with you, and no leaven shall be found in all your borders" (Exodus 13:7). This obligation to remove leavened bread is subject to a dispute between Beit Shammai and Beit Hillel, as Beit Shammai say: The measure that determines liability for removal of leaven is an olive-bulk, and the measure for leavened bread is a large date-bulk, and Beit Hillel say: The measure for both this and that is an olive-bulk. This baraita indicates that the dispute between Beit Shammai and Beit Hillel is with regard to the obligation to remove leavened bread, not liability for eating it.**

"השוחט תיה ועוף ביו"ט וכו'.

§ The mishna states that Beit Shammai and Beit Hillel also dispute whether or not **one who slaughters an undomesticated animal or a bird on a Festival**, without having prepared earth the day before with which to cover the blood after the slaughter, may dig out earth on the Festival itself to cover the blood.

"השוחט" דיעבד – אין, לכתחלה – לא, אימא סיפא: ובית הלל אומרים: לא ישחוט, מקלל דתנא קמא סבר ישחוט!

The Gemara analyzes the wording of the mishna: **One who slaughters an animal; this indicates that after the fact,ⁿ yes, one may dig out dirt, but *ab initio*, no, even Beit Shammai agree that one may not slaughter an undomesticated animal or a bird if there is no prepared dirt. Otherwise, the mishna would have said: One may slaughter an undomesticated animal or a bird on a Festival. Say the latter clause of the mishna: And Beit Hillel say that one may not slaughter it. This proves by inference that the first *tanna*, Beit Shammai, holds that one may slaughter it even *ab initio*.**

BACKGROUND

Shovel [deker] – דֵקֶר: The meaning of the term *deker* is disputed by the early authorities. Some hold that it refers to a type of shovel. Others explain that it is a sharpened metal stake, from the Hebrew term *dakar*, meaning stab or pierce.



Roman shovel

HALAKHA

Slaughter and covering the blood on a Festival – שְחִיטָה וְכִסּוּי הַדָּם בְּיוֹם טוֹב: One may slaughter an undomesticated animal or a bird on a Festival only if he has prepared loose earth the day before for the purpose of covering its blood. If someone transgresses and slaughters an animal, he may dig with a shovel and cover the blood if he had embedded the shovel in loose earth before the onset of the Festival. If not, he must cover the blood after the Festival (Shulhan Arukh, Orah Hayyim 498:14).

The manner of covering the blood – דְרֹךְ כִּסּוּי הַדָּם: The mitzva of covering the blood is performed by placing earth beneath the blood and covering the blood with another layer of dirt. One should prepare earth for this purpose ahead of time *ab initio* (Shakh; Be'er Heitev, Shulhan Arukh, Yoreh De'a 28:5).

הָא לֹא קִשְׂיָא; לֹא יִשְׁחוּט וְיִכְסֶה קֶאָמֵר.

The Gemara answers: This is not difficult, as Beit Hillel said and meant the following: One may not slaughter an animal and cover the blood. They are emphasizing that one may not cover the blood even if he slaughtered an animal, whereas Beit Shammai maintain that if one slaughtered he may cover the blood *ab initio*.

אִמָּא סִיפָא: וּמוֹדִים שָׂאֵם שְׁחַט שְׁחִיפּוֹר בְּדֶקֶר וְיִכְסֶה, מִכְּלָל, דְרִישָׂא לֹא דִיעֵבֵד הוּא.

The Gemara challenges this explanation: Say the latter clause of the mishna: And Beit Hillel concede that if he already slaughtered, then he may dig with a shovel⁸ and cover the blood, which indicates that Beit Hillel were not emphasizing the covering of the blood. This proves by inference that the first clause of the mishna is not referring to one's action after the fact,⁹ but to the *halakha ab initio*.

אָמַר רַבָּה: הֲכִי קֶאָמֵר: הַשּׁוֹחֵט שְׂבָא לְיַמְלֹךְ, בִּיצַד אֹמֵר לוֹ? בֵּית שַׁמַּי אֹמְרִים, אֹמֵר לוֹ: שְׁחוּט, חֲפוּר, וְכִסֶּה. וּבֵית הִלֵּל אֹמְרִים: לֹא יִשְׁחוּט אֶלָּא אִם כֵּן הָיָה לוֹ עֶפֶר מוּכָן מִבְּעוֹד יוֹם.

Rabba said that this is what the mishna is saying. The phrase: One who slaughters an animal, is not a broad directive on how to act, but rather it means: If there is one who slaughters animals who comes to consult a Sage on how to proceed, what should the Sage say to him? Beit Shammai say that the Sage says to him: Slaughter it *ab initio*, dig, and cover the blood. And Beit Hillel say: He may slaughter the animal only if he had earth that was prepared while it was still day.

רַב יוֹסֵף אָמַר, הֲכִי קֶאָמֵר: הַשּׁוֹחֵט שְׂבָא לְהַמְלֹךְ, בִּיצַד אֹמֵר לוֹ? בֵּית שַׁמַּי אֹמְרִים, אֹמֵר לוֹ: לֶךְ חֲפוּר שְׁחוּט וְכִסֶּה, וּבֵית הִלֵּל אֹמְרִים: לֹא יִשְׁחוּט אֶלָּא אִם כֵּן הָיָה לוֹ עֶפֶר מוּכָן מִבְּעוֹד יוֹם.

Rav Yosef provided a slightly different explanation of the mishna and said that this is what the mishna is saying: With regard to one who slaughters animals who comes to consult, what does the Sage say to him? Beit Shammai say that he says to him: Go dig, slaughter the animal, and cover the blood. And Beit Hillel say: He may slaughter the animal, only if he had earth that was prepared while it was still day.¹⁰

אָמַר לִיָּה אַבְיִי לְרַב יוֹסֵף: לִימָא, מִר וְרַבָּה בְּדַרְבֵּי זִירָא אָמַר רַב קָא מַפְלְגִיתוּ? דְאָמַר רַבִּי זִירָא אָמַר רַב: הַשּׁוֹחֵט צָרִיךְ שִׁיתֵּן עֶפֶר לְמַטָּה וְעֶפֶר לְמַעְלָה, שְׁנַאֲמַר "וְשִׁפְךָ אֶת דָּמֹו וְכִסֶּהוּ בְּעֶפֶר", "עֶפֶר" לֹא נֹאמַר, אֶלָּא "בְּעֶפֶר", מִלְּמַד שֶׁהַשּׁוֹחֵט צָרִיךְ שִׁיתֵּן עֶפֶר לְמַטָּה וְעֶפֶר לְמַעְלָה.

Abaye said to Rav Yosef: Let us say that the Master, i.e., Rav Yosef, and Rabba dispute the following statement that Rabbi Zeira said that Rav said, as Rabbi Zeira said that Rav said: One who slaughters an undomesticated animal or bird is obligated to perform the mitzva of covering the blood, and therefore he must place earth beneath the blood and earth above it, as it is stated: "And he shall pour out its blood and cover it in earth" (Leviticus 17:13).¹¹ It is not stated: Cover it with earth, but "in earth," indicating that the blood must be concealed inside the earth. The verse thereby teaches that one who slaughters an animal must place earth beneath and earth above the blood.¹²

דְּמַר אֵית לִיָּה דְרַבִּי זִירָא, וְרַבָּה לִית לִיָּה דְרַבִּי זִירָא?

Abaye is suggesting that the Master is of the opinion that the ruling is in accordance with the opinion of Rabbi Zeira, and therefore he requires one to dig first and only afterward slaughter the animal and have the blood flow onto that earth and then cover it with additional earth, and that Rabba is of the opinion that the ruling is not in accordance with the opinion of Rabbi Zeira.

NOTES

By inference that the first clause is not referring to after the fact – מִכְּלָל, דְרִישָׂא לֹא דִיעֵבֵד הוּא – Why does the Gemara need to infer in this manner? Since it is clearly stated that Beit Hillel were lenient after the fact, the dispute must concern the *ab initio* case. One explanation is that the Gemara is analyzing the language of the mishna, not the disagreement between Beit Shammai and Beit Hillel, as it wishes to clarify the meaning of the phrase: One who slaughters (Rashba).

Most authorities, however, do not reverse the opinions here. Some state that this is not a difficult question, as the opinion of Beit Shammai is also important, and it merits discussion and clarification like any other ruling rejected as *halakha* (Ritva). The Ramban, however, explains that this discussion of Beit Shammai's opinion has ramifications for Beit Hillel's opinion as well: If Rav Yosef's opinion is accepted, it can be claimed that Beit Hillel agree that if one has some earth ready he may slaughter an animal, dig more, and cover the blood. According to Rabba, by contrast, there would be no such option according to the opinion of Beit Hillel (see *Tziyyun LeNefesh Hayya* and *Hatam Sofer*).

The dispute between Rabba and Rav Yosef – מְחֻלְקֵת רַבָּה וְרַב – יוֹסֵף: The early authorities ask: Why is it necessary to delve into the specifics of Beit Shammai's opinion, which is not accepted as *halakha*? Some indeed cite this discussion as proof that when the Gemara later states: The attribution of the opinions is reversed (9b), it is referring to this mishna. Accordingly, the opinion attributed to Beit Shammai is actually that of Beit Hillel, and the dispute between Rabba and Rav Yosef is in fact relevant for *halakha* (Tosafot; Meiri).

And cover it in earth – וְכִסֶּהוּ בְּעֶפֶר – The use of the definite article in the phrase: In the earth, indicates particular earth, designated for that purpose. This teaches that even before the act of slaughter, there must be earth prepared below (Meiri).

Then he digs with a shovel – שִׁחְפוֹר בְּדָקָר – Apparently, the conclusion is that Beit Shammai and Beit Hillel disagree over whether regular earth in a courtyard is *muktze* or whether it is considered prepared and may be carried and used for covering (Rid). It is permitted to use the earth after the fact, as the positive mitzva by Torah law to cover the blood overrides the rabbinic prohibition against moving *muktze* objects (*Shitta Mekubbetzet*).

And that is when one has a shovel embedded – הוּא: שִׁישׁ לוֹ דָקָר נְעוּץ: The mishna alludes to this *halakha*, as it does not simply state: He digs and covers the blood, but rather: He digs with a shovel, which indicates that there is a shovel ready for this purpose (*Hatam Sofer*, 2nd ed.). An embedded shovel is permitted because to a certain extent it can be considered prepared for this purpose (Rabbi Aharon HaLevi).

But doesn't he perform crushing – וְהָאֵלֶּיךָ קָא עֲבִיד כְּתִישָׁה: Some commentaries explain that this does not refer to the crushing performed afterward, but to the crushing of the earth that occurs when one removes the shovel from the ground (Rabbeinu Hananel; see *Meiri*).

HALAKHA

One who digs a hole...but he needs only its earth – הַחֹפֵר גּוּמָא... וְאֵינוֹ צָרִיךְ אֶלְא לְעַפְרָה: One who digs a hole on Shabbat only for its earth is exempt by Torah law, as he is considered to have committed a destructive act (Rambam *Sefer Zemanim, Hilkhot Shabbat* 1:17).

The ashes of a stove are prepared – אֶפְרֵי כִירָה מוּכָן הוּא: The ashes from a stove that was ignited on the eve of a Festival are considered prepared for covering the blood, and it is permitted to rely on them and slaughter animals on the Festival. If the stove was ignited on the Festival itself, its ashes are prohibited, unless they are warm enough to be used for minimal cooking, e.g., to roast an egg with them, or even to take the chill off a cold drink (*Peri Megadim*). If one transgresses and slaughters an animal, it is permitted to cover its blood with these ashes even if they have cooled off completely. Some authorities, such as the Rema and the *Taz*, maintain that in that case it is preferable to use an embedded shovel, if one is available. Others, such as the *Magen Avraham* and the Vilna Gaon, disagree (*Shulhan Arukh, Orah Hayyim* 498:15).

אָמַר לֵיהּ: בֵּין לְדִידֵי בֵּין לְרֵבָה אֵית לָן דְּרַבֵּי זִירָא, וְהָכָא בְּהָא קָא מְפַלְגִינן: רֵבָה סָבַר, אִי אֵיכָא עֶפְרָ לְמִטָּה – אִין, אִי לָא – לָא, חֲזִישִׁינן דְּלָמָא מְמַלִּיךְ וְלָא שְׁחִיט. וְלִדִּידֵי (אֲדַרְבָּה), הָא עֲדִיפָא, דְּאִי לָא שְׁרִית לֵיה אֲתִי לְאֲמַנְוֵי מְשַׁמַּחַת יוֹם טוֹב.

Rav Yosef said to Abaye: This is not so; rather, **both according to me and according to Rabba we are of the opinion that the ruling is in accordance with the opinion of Rabbi Zeira, and here we disagree with regard to this matter: Rabba holds that if there is prepared earth beneath, yes, in that case one may slaughter an animal, but if there is no earth prepared beneath, no, he may not slaughter it at all.** Why not? Rabba says: **We are concerned that perhaps one will reconsider and not slaughter it at all, and he will have dug a hole on a Festival unnecessarily. And according to my opinion, on the contrary: This situation, in which he is permitted to dig first, is preferable, since if you do not permit him to dig in all cases for the purpose of slaughter, he will be unable to eat meat and will refrain from rejoicing on the Festival.**

”וּמוֹדִים שְׂאֵם שְׁחַט שִׁחְפוֹר בְּדָקָר וּיְכַסָּה”. אָמַר רַבִּי זְרִיקָא אָמַר רַב יְהוּדָה: הוּא שִׁישׁ לוֹ דָקָר נְעוּץ מְבַעוֹד יוֹם. וְהָאֵלֶּיךָ קָא עֲבִיד כְּתִישָׁה: אָמַר רַב חֲזִיָא בַר אֲשִׁי אָמַר רַב:

That mishna states: **And Beit Hillel concede that if one transgressed and slaughtered an animal, then he digs with a shovel^N and covers the blood. Rabbi Zerika said that Rav Yehuda said: And that is the *halakha* specifically when one has a shovel already embedded^N in the ground while it was still day, before the onset of the Festival.** The Gemara asks: **But what purpose does an embedded shovel serve; doesn't he still perform the act of crushing,^N as one must crush the lumps of earth to make the soil fit for covering? Rav Hiyya bar Ashi said that Rav said:**

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בְּעֶפְרָ תִּיחוּחַ.

Here it is referring to loose earth that does not require further crushing.

וְהָאֵלֶּיךָ קָא עֲבִיד גּוּמָא! כְּדַרְבֵּי אַבָּא, דְּאָמַר רַבִּי אַבָּא: הַחֹפֵר גּוּמָא – בְּשַׁבָּת וְאֵינוֹ צָרִיךְ אֶלְא לְעַפְרָה – פְּטוֹר עָלֶיהָ.

The Gemara challenges this: **But even in the case of loose earth, one makes a hole^N by the very act of removing the earth or the shovel from that place. The Gemara answers: This ruling is in accordance with the opinion of Rabbi Abba, as Rabbi Abba said: One who digs a hole on Shabbat, but he needs only its earth^{HN} and has no interest in forming a pit, is exempt for that act. Since he has no interest in the hole, he is considered to have performed a destructive act, and the *halakha* is that one who commits a destructive act is not liable for the performance of prohibited labor on Shabbat and Festivals.**

”שְׂאֶפְרֵי כִירָה מוּכָן הוּא”. אֶפְרֵי כִירָה מָאן דְּכֵר שְׂמִיָּה? אָמַר רַבָּה: הֵכִי קָאָמַר: וְאֶפְרֵי כִירָה מוּכָן הוּא.

The mishna states: **That the ashes of a stove are prepared. The Gemara express puzzlement at this statement: The ashes of a stove, who mentioned anything about it?^N Why does the mishna suddenly speak about the ashes of a stove when it had not previously discussed or even mentioned them? Rabba said: This is what the *tanna* said: And the ashes^N of a stove are prepared.^{HN} In other words, everyone agrees that in addition to prepared earth, the ashes of a stove are also considered prepared, and one may cover the blood with them. It is not necessary to prepare these ashes especially for this purpose the day before.**

NOTES

But one makes a hole – וְהָאֵלֶּיךָ קָא עֲבִיד גּוּמָא – Digging a hole inside a house constitutes the prohibited labor of building; doing so in a field constitutes the prohibited labor of plowing (*Meiri*).

Needs only its earth – אֵינוֹ צָרִיךְ אֶלְא לְעַפְרָה: This *halakha* concerning digging a hole is an example of the broader topic of prohibited labor performed not for its own sake, which is a case where one performs a prohibited labor for a purpose other than its primary objective. In that case, Rabbi Shimon rules that one is exempt, and Rabbi Yehuda deems him liable. However, in this case Rabbi Yehuda would agree that he is exempt because he performed a destructive act.

Although the principle with regard to the prohibitions of Shabbat is that exempt means exempt by Torah law but the act is prohibited by rabbinic law, according to Rabbi Shimon this would be permitted because it is a prohibition based on two rabbinic decrees, as it is a labor performed not for its own

sake and it is also a destructive act, which is permitted when it is for the purpose of fulfilling a mitzva (*Tziyyun LeNefesh Hayya*). *Tosafot* claim that even according to Rabbi Yehuda, it is permitted in this case, due to the mitzva of rejoicing on the Festival. Others explain that the ruling here is exempt and permitted because there is a shovel already embedded in the ground (Rid). Some commentaries combine these arguments.

Who mentioned anything about it – מָאן דְּכֵר שְׂמִיָּה: Some commentaries explain that this cannot refer back to the mishna's earlier statement, as it was already stated that everyone agrees that one who slaughtered an animal should cover its blood. Since no previous dispute was recorded with regard to the ashes of a stove, the Gemara asks how it can be said that Beit Shammai and Beit Hillel agree in that case as well (Rav Yitzhak Abuhav).

This is what he said, and the ashes – הֵכִי קָאָמַר, וְאֶפְרֵי: This

explanation should not be understood as a proposed change to the text of the mishna. Rather, Rabba is saying that sometimes the term: That, i.e., the prefix letter *shin*, does not signify an explanation, but adds to the previous statement, like a *vav*, which means: And (see *Etz Yosef*).

And the ashes of a stove are prepared – וְאֶפְרֵי כִירָה מוּכָן הוּא: *Tosafot* ask: But according to the opinion of Beit Shammai, one may not cover blood with ashes even on a weekday. Consequently, they explain that the statement that the ashes of a stove are considered prepared for all of one's needs means that the ashes do not have the status of *muktze*; it does not refer to the mitzva of the covering of the blood at all. The *Piskei HaRid* states likewise. Others, however, explain this statement as follows: Beit Hillel agree that the ashes of a stove are considered prepared for covering blood, and therefore if one has ashes of a stove available he may slaughter an animal even *ab initio* (Rashba).