

Daf Hashvuah Gemara and Tosfos Beitza Daf 3

By Rabbi Chaim Smulowitz

Tosfos.ecwid.com

Contact: tosfosproject@gmail.com

Daf 3a

Abaya asks: since the whole reason to prohibit fallen fruits is because of a rabbinical enactment; if we allow fallen fruits, you may come to climb the tree to pluck the fruits. If so, since fallen fruit is only an enactment, why would the rabbis enact to forbid the eggs to protect you from transgressing another enactment? (After all, the rule is that we never enact a decree to make sure they keep another decree.)

The Gemara answers: it's all one decree (that eggs are prohibited since it's technically included in the definition of "fallen fruit," it's all included in the first decree, although the reason of plucking fruits doesn't apply to it.)

Tosfos asks: why do we need the reason to forbid fallen fruit for perhaps you may climb the tree and pluck it off? After all, the Gemara later, regarding prohibiting a gift from a non-Jew on Yom Tov if it's the type of item that grows from the ground, (perhaps he plucked it on Yom Tov). Rashi explains the problem that, since it's Muktzah during the Bein Hashmushes coming into Yom Tov (because it was attached), it remains Muktzah the whole day. This also seems to be the reason from the Gemara, since it brings this in the Sugya referring to items that are questionably prepared before Yom Tov (and are questionably Muktzah). So why do we need these two reasons to prohibit? (Isn't one reason is enough?)

Tosfos originally answers: our Gemara needs a new reason to forbid, since it holds like R' Shimon who doesn't hold of Muktzah. However, the Gemara later holds like R' Yehudah, (and therefore holds of Muktzah).

Tosfos asks on this answer: Rashi later says, by the very fact that you didn't detach the fruit before Yom Tov shows that you're setting it aside from use on Yom Tov, which is similar to the Muktzah of dried figs and raisins (where someone purposely left them to dry, which makes them inedible in the meanwhile, and therefore), are Muktzah even according to R' Shimon. Therefore, we see that even R' Shimon agrees to the reason of Muktzah, (so we don't need to have a new prohibition for him either.)

Tosfos answer: our Gemara refers to a courtyard that the owner designated for his pet ravens to eat the fruit from its trees. Therefore, anything that's designated for ravens to eat are also designated for humans to eat (if it ever comes to him) and are not Muktzah. Therefore we need a new reason to forbid (for perhaps you'll climb up and pluck a fruit.)

Tosfos asks: the Gemara in Shabbos says that you can lead an animal to eat from the attached and not to eat from Muktzah. I.e., you can bring him to eat (from attached grass) but not grass detached on Shabbos that is Muktzah. However, according to what we said, why would the grass be Muktzah? After all, the animal could feed on it himself (similar to the case of ravens, since they're able to eat the fruit, the fruits are not Muktzah.)

Tosfos answers: that Gemara refers to grass that came from the other side of a river, where the animals have no access to. (Therefore, they couldn't eat them on their own, so it's Muktzah.)

Alternatively, we only say attached food is not Muktzah because it's designated for your animal, like your ravens, only in the case of fruit where it's apt to have some fall down and become detached by themselves, where we can say that the owner expects it to happen.

Tosfos asks: once we have this reason (that you may come to detach it by yourself), why do we need the later Gemara's reason (that it's Muktzah)?

Tosfos answers: later on, the Gemara refers to produce that needs shovels and spades to remove, like turnips and radishes, that it doesn't apply the reason to forbid because of "perhaps you'll pluck it yourself." After all, you'll remember (it's Shabbos before you uproot it) since it's not easy to remove.

A proof to this is the Gemara in Shabbos that, if a non-Jew lights a fire, if he does so for the intent to benefit a Jew, it's forbidden to use the light (like all Melachos a non-Jew does for a Jew on Shabbos). However, if his intent is to benefit a non-Jew, then one can use the light. However, why don't we worry, if the Jew uses this light, he'll come to light his own fire? Rather, we must say (since it takes a lot to start a fire) we're not afraid he'll do it himself.

Because of this, R' Eliezer of Mintz ate fish that a non-Jew roasted for himself. After all, what can be the problem? He didn't roast it for the Jews (so it doesn't have the prohibition of a non-Jew doing a Melacha for a Jew.) There is no worry perhaps the Jew will roast it himself, since it takes a lot of effort, he'll remember it's Shabbos before he actually does it. There is no problem of Muktzah (by being raw and inedible coming into Shabbos) since it's possible to eat the raw fish (if necessary).

However, Tosfos rejects this Heter. After all, the Gemara in Shabbos forbids receiving water from a non-Jew (that drew water from a pit in the R'shus Harabim for himself) perhaps he'll intend to draw extra water for the Jew's sake. You shouldn't say drawing water is different, that we're only afraid by drawing water he'll add, but here by roasting fish, since he's finished roasting for now, he won't start roasting extra fish for the Jew. This is not true. After all, the Tosefta says that the problem, when the non-Jew knows the Jew personally, that he'll add extra for the Jew for future Shabbosos.

Alternatively, Tosfos answers why we're not always worried that he'll pluck off the fruit, and needs the reason of Muktzah to forbid the produce: we only enacted by fruits and grapes to worry that he'll pluck them off (or squeeze them) because they're very desirable, and there ready to eat while their in his hands. (This is not like the turnips and radishes, which people are not as fond over them, so they're not so anxious to uproot them.)

Tosfos asks: why should we have to worry perhaps he'll pluck the fruit off the tree (on Yom Tov)? After all, we're permitted to do Melachos on Yom Tov to facilitate eating. The same can be asked later, where we don't allow capturing fish from their tanks, why can't you? After all, it's for eating.

Tosfos rejects the following possible answer: (the Torah only permits doing Melachos for food if it's impossible to do them before Yom Tov), but if they could have been done before Yom Tov, it would be prohibited to do it on Yom Tov, because you didn't do them when you should have, which was from before Yom Tov.

This is not true. After all, we see later that the Tanna Kama learns from the word (what's done for eating) you may do 'it.' Only 'it,' i.e., making food preparation, is permitted, but not doing work to facilitate the preparation, like to fix a spit (to roast on). R' Yehudah Darshin "for you" to include anything that you need, even to facilitate the preparation. To reconcile the Drasha of "it by itself" to exclude facilitating for the food preparation, we say it only excludes those preparations that could have been done from before Yom Tov. So we see, only regarding facilitating the preparation do we differentiate between whether they could have been done before Yom Tov or not. However, regarding the actual making of the food, it's permitted in all cases, even if you could have done it before Yom Tov.

There are those who want to answer the reason you can't capture the fish, for perhaps you may capture unkosher fish, which is of no use for eating. However, Tosfos rejects this. After all, if you don't need what you captured, it's a Malacha Shein Tzricha L'gufo (that you don't need for the purpose of that Melacha), which the Torah permits.

Rather, R' Nesanel from Kinon answers: we see the Yerushalmi has a Drasha; after it says "(you can't do work, except) only what's needed for eating," it says "you should guard the Matzos." From here we see that we only allow work for food from the point where you need to guard the Matzos and on, i.e., from the kneading and on. However, all earlier Melachos in the process are forbidden.

Alternatively, we find another Drasha in the Yerushalmi, that the Pasuk says " 'only' (what is needed for eating.)" The word 'only' excludes harvesting.

R' Yitzchok says the reason laid eggs on Yom Tov is forbidden, since it's similar to liquid that leaked out of a fruit. The Gemara asks that the prohibition for drinking fruit juice that leaked by itself on Yom Tov is because the rabbis made a decree for perhaps you'll come to squeeze it on Yom Tov. So how can they make a decree on eggs to help enforce another decree? The Gemara answers: it's all one decree (that laid eggs falls under the category of leaking fruit juice.)

New Sugya

(Now, since we have four separate reasons given why a laid egg is forbidden, the Gemara wants to know why each opinion disagree with the others.)

Everyone else didn't agree with R' Nachman (that the problem was Muktzah) since we had a question on his opinion. Everyone else disagrees with Rabbah, since they disagree with the Drasha to prohibit preparing (from Shabbos to Yom Tov). All we need to know why doesn't R' Yosef agree to R' Yitzchok's reason (because it's similar to leaking fruit) and why R' Yitzchok didn't hold of R' Yosef's reason (that it's similar to fallen fruits.)

R' Yosef can say that eggs are more similar to fruits, since they are food, which is dissimilar to fruit juice, which is not food (but a drink).

R' Yitzchok can say that eggs are more similar to fruit juice since it is originally inside the chicken (and came out) just as the juice was originally in the fruit (and comes out). This is dissimilar to a fruit on the tree which is always exposed.

New Sugya

Even R' Yochanan agrees to the reason that the egg is similar to leaking fruits, as we see he asks the following contradictions in R' Yehuda's opinion. In one Mishna, the Tanna Kama says that you can't squeeze fruit, and if it leaks out on its own, it's forbidden to drink (that day). R' Yehuda says that this only applies if you brought the fruit in to squeeze. However, if you're planning to eat the fruit, then you may drink the juice that leaked. So we see all that's separated from food also has the status as food (as we see that he doesn't consider the juice leaking from fruits that are designated to eat as nothing but an extension of the fruit, and doesn't have the status of juice, but of the fruit, therefore, it doesn't fall under the prohibition of juice that leaked from a fruit.)

However, we see R' Yehuda holds that (a two-day Yom Tov has their prohibitions only on the Safeik that it's the correct day. However, if something would only be prohibited if both days are Yom Tov, it's permitted, since one of them is truly a weekday.) Therefore if someone has a basket of untithed fruit on the first day (and regularly it's forbidden to take off Trumah and Maasar on Shabbos and Yom Tov), he can take off Trumah and Maasar on condition (if today is truly Yom Tov, I'm not doing anything, but if it's truly weekday, I'm taking off the Trumah and Maasar. The second day he makes a similar condition. If today is Yom Tov, I already took off the Trumah and Maasar yesterday. If today's weekday, I'm taking them off today.) The basket is permitted to eat. The same applies to an egg laid on the first day is permitted on the second day. (If the first day was Yom Tov, today is weekday and the egg is permitted. If today is Yom Tov, then it was born yesterday during a weekday.) However, we see the egg is only permitted on the second day, not the first. (If they never decreed the prohibition on leaking fruit when the juice still retains the status of food, and not drink, there should be no prohibition on the egg either, so why doesn't R' Yehuda allow to eat the egg on the first day?)

R' Yochanan answers: we must say "switch their opinions."

Tosfos quotes Rashi that we switch their opinions in the first Mishna, that R' Yehudah forbids juice flowing from fruit designated to eat. He is correct to explain it that way. For if you would say to switch the Braisa that he permits the egg only the second day, this would just strengthen the question on R' Yehudah. After all, the Rabanan are more strict and forbid the egg even on the second day, since they hold the rabbis enacted both days to have the same Kedusha (as if it's one long day). So, if we switch R' Yehuda's opinion with this, we'll have a bigger question (why is he so strict) to forbid even on the second day.

Tosfos asks: we see R' Yochanan says himself in Mesechta Shabbos that the Halacha is like R' Yehudah (to permit the leaking juice) by other fruits, but not by olives and grapes (that are the main squeezing fruits). (So R' Yochanan holds that R' Yehuda's true opinion is to permit the juice) so he doesn't hold that this opinion was switched with the Rabanan's opinion.

Tosfos answers: R' Yochanan was addressing those Amara'im that held R' Yehuda's opinion was never switched. According to you (that R' Yehudah permits, the Halacha is like him by other types of fruit).

The Shita from Ibra answers: that we really switch the opinion of R' Yehuda of the basket (of untithed fruit, that R' Yehuda claims it's forbidden the second day. Although he's being extra strict), but he's only responding to the Rabanan's opinion. He's saying: I personally hold the egg is permitted since it's only food that separated from a larger food (the chicken). However, to you the Rabanan that forbid the egg, then you should have been strict to forbid this Nolad (creation) even on the second day.

Tosfos asks: once R' Yehuda is only saying according to the Rabanan's opinion (what difference to us does it make which opinion he held) that we needed to switch their opinion. After all, we could have left his opinion as is, (and he's telling the Rabanan not to be too strict and, at least, allow it for the second day) as Raveina will explain.

Tosfos answers: they felt this was too pushed an explanation. After all, if the Mishna is left as written, then the Rabanan didn't state their opinion before R' Yehuda did, so it's not applicable to say that R' Yehuda is responding to their words. However, Raveina (later who explains it this way) is not worried (about the order of their words).

Therefore, since R' Yochanan asked that these two opinions of R' Yehudah contradict each other, we must say that he's of the opinion that they have the same reason to forbid, (i.e., eggs are prohibited since they're similar to leaking fruit juice.)

Daf 3b

Raveina answers (the contradiction) by saying not to switch their opinion. Rather, R' Yehuda in the basket of untithed fruit Mishna is only responding to the Rabanan's opinion. Personally, I hold that you may eat the egg on the first day, since it's only food separated from a larger piece of food (the chicken).

Tosfos (printed second on the page) asks: (how can R' Yehuda hold the egg is permitted? After all, that's Bais Shammai's opinion.) How can R' Yehuda ignore Bais Hillel's opinion and do like Bais Shammai?

Tosfos answers: R' Yehuda (disagrees with the idea that Bais Hillel forbids the egg and) holds that Bais Hillel and Bais Shammia never argued regarding the egg.

However, according to you who hold it's forbidden, you should only forbid it for the first day, since the second day has its own holiness (i.e., we view each day as not connected to the other day, and since, as far as the second day is concerned, the egg laid on the first day was laid before Yom Tov, so it should be permitted.) While the Rabanan argue and say they enacted the two days as if they're one big day (so we consider the egg laid yesterday as if it was laid today.)

Raveina b R' Ulla answers the contradiction: the Mishna that R' Yehuda forbids the egg, refers to a chicken that is raised to lay eggs. Therefore the eggs would be Nolad, since R' Yehuda holds that

Muktza is forbidden. (He would only permit if the chicken was raised to be eaten, that we'll consider the egg as a piece of food detached from a larger piece of food.)

New Sugya

The Gemara asks from a Braisa: an egg that was either laid on Shabbos or Yom Tov, you can not move it to cover a utensil or to support the leg of a table. However, you may cover it with a utensil to make sure it won't break.

Tosfos quotes Rashi: the Gemara in Shabbos asks from this Braisa on R' Yitzchok who holds that you can only move a utensil to facilitate an item that can be moved (i.e., non-Muktza). (However, our Braisa allows moving this utensil to cover this Muktza egg.) The Gemara answers that we refer to a case where he started carrying the utensil to make space, (which is permitted. Once you're moving it anyhow for a permitted use, you can continue moving it to cover the egg.)

From here, Tosfos Paskins: this, that we Paskin that you can't move a utensil that's mainly designated for prohibited use if it's not needed to perform a permitted use or if you needed its place, (but in order to save this utensil from breakage), is only if you don't start moving it in a permitted way. However, if you first moved a utensil to perform a permitted act or to vacate its space, you may then finish carrying (into a safe area, like) to your room. As we see in our Braisa, that by moving this utensil for its space or for itself (since it's designated for use permitted on Shabbos, you may move it to save it), you may then continue to carry it to cover the egg.

If it's a Safeik whether it's laid that day (or from before), it's still forbidden. If it gets mixed amongst a thousand eggs, all of them are forbidden.

(The Gemara now will concentrate on the statement that a Safeik of such an egg is forbidden.) I understand why this is true according to Rabbah, since he holds the prohibition is because of preparation, which he learns from a Pasuk, so it's a Safeik Torah prohibition, which is forbidden. However, according to R' Yosef and R' Yitzchok who hold that the egg is only a rabbinical decree, why aren't we lenient by a Safeik on a rabbinical decree?

The Gemara answers: this last part of the Braisa (doesn't refer to a Safeik if the egg was laid on Shabbos, but rather), if the egg's mother was a Treifa (which would be a Torah prohibition).

The Gemara asks: (how does this fit in to the end of the Braisa?) The Braisa says that an egg mixed into a thousand is prohibited. I would understand this if we refer to an egg that was laid on Yom Tov, since it's a prohibition that will eventually become permitted, in which we have the rule that it will never be Batul (nulled) even if mixed into a thousand others. However, if we refer to an egg from a Treifa, which will never become permitted, why shouldn't it be Batul when mixed into a majority of permitted eggs?

The Gemara attempts to answer: perhaps eggs are considered very Chashuv (prominent) that we say it doesn't get Batul. However, the Gemara dismisses it saying; it will only fit well to those who learn that, to be Chashuv, it needs to be sometimes counted. (Since people are sometimes careful to sell each piece separately, and not just "a basket full," it's too prominent to become Batul. So, since

eggs are sometimes sold by the piece, it shouldn't be Batul.) However, this doesn't fit in well to those who hold that it must be always sold individually to be Chashuv and not to be Batul.

As we see in the following Mishna: if someone has bundles of fenugreek that was planted in a vineyard, you need to burn it. R' Meir holds, even if it gets mixed up in other bundles, and those bundles got mixed in other bundles, they all get burnt.

Tosfos is bothered: why should we prohibit the second mixture? After all, it's a S'feik Sfeika (a double Safeik, perhaps the bundle that fell into it wasn't the forbidden one, and even if it was, perhaps the bundle I'm taking was originally in the second group and is permitted.)

After all, we see the Gemara in Zevachim asks (on a Braisa that assumingly prohibits such a S'feik Sfeika), where do we see anyone who forbids a S'feik Sfeika? Why doesn't the Gemara bring a proof from this Mishna that there are those who prohibit a S'feik Sfeika?

Tosfos explains why he only has a question from this Mishna, although the Braisa we brought earlier should also be a proof to prohibit a S'feik Sfeika, since it says a Safeik prohibited egg can't be eaten, even if it gets mixed in a thousand. (This is a S'feik Sfeika, perhaps the egg was always permitted, and even if it's prohibited, perhaps the egg I'm taking from the mixture was not that prohibited egg.)

Tosfos explains: we can explain that Braisa like R' Tam, (that they're two separate cases). When the egg was mixed in a thousand (it doesn't refer to the Safeik egg, but rather) it refers to an egg that has a definite prohibition.

Alternatively, even if the Braisa does prohibit the S'feik Sfeika egg, however, since it's only a Braisa, it should be no better proof than the Braisa in Zevachim that prohibits S'feik Sfeika. However, it should be a question from a Mishna.

Therefore, R' Tam doesn't have the text "if those bundles get mixed into other bundles."

However, R' Yitzchok b. Baruch says that we can have that line in our text. We refer to a case where (the whole original mixture, which must) include the original prohibited piece, was mixed into to the second mixture. (Although, it's only one Safeik [and it's as if the prohibited fenugreek fell into a big mixture consisting of bundles of both mixtures], yet there is a Chidush to say it's prohibited). I might say it's permitted since it's similar to two majorities (since it fell into two mixtures where the permitted pieces outnumber the forbidden pieces), so we're taught otherwise.

Alternatively, R' Yizchok b. Baruch answers: we Paskin that you need a Chashuv piece to fall into two mixtures that the permitted pieces outnumber the prohibited pieces to permit eating them. So, we only ask in Zevachim where the case is explicitly that there was a majority of permitted pieces in every mixture. However, our Mishna can refer to a case where the first mixture only has the same amount of prohibited pieces as permitted pieces. I explain this more in Yevamos.

However, the Chachumim say that (it's Batul) in a ratio of two hundred to one, where you'll need to remove one (as designated to be in the place of the prohibited fenugreek) and burn it (like you'll do by all cases of Klayim). Since R' Meir holds that all that is counted is Chashuv and is not Batul. The Rabanan hold only the following six items are too Chashuv to be Batul. R' Akiva adds a seventh item. The items are: nuts from Perech, pomegranates from Badan, sealed barrels, beet shoots, cabbage stalks and Greek gourds. R' Akiva adds home-made loaves of bread. Those that are fit for Orlah (those that grow on trees) we refer to them having the prohibition of Orlah. Those that are fit for Klayim (grains and vegetables that you can't plant by the vineyards), we refer to those that have the Klayim prohibition on them.

On R' Meir's opinion: R' Yochanan says the true text is that something that is only sold by the count. Reish Lakish says that the true text should be if it's sometimes sold by the count. So, to return to the Gemara's question: this Braisa that forbids the egg mixture fits well to Reish Lakish, since eggs are sometimes sold, so they're Chashuv and are not Batul. However, it doesn't fit well to R' Yochanan, (since it doesn't always get sold by the count).

R' Pappa answers: it's like the following Tanna quoted in a Brasia about liters of dried figs, which are sometimes sold by count and its Trumah is only a rabbinical prohibition and is not Batul, and of course he'll hold that Torah prohibitions are not Batul. (So, even if R' Meir holds it needs to be always sold by the count, this Braisa disagrees.)

If a liter of Trumah of dried figs was pressed onto a fig cake or on the top of a barrel or basket of figs and he doesn't remember which one he pressed it on. (So, really there is no question on the bottom of the barrel etc., but only on their tops. We have an argument between R' Eliezer and R' Yehoshua, and R' Eliezer is more lenient. We have an argument between R' Meir and R' Yehuda to what was the argument between R' Eliezer and R' Yehoshua.)

Daf 4a

R' Meir says: R' Eliezer says that we may even view as if the bottom was mixed in the tops (as if they're all in the Safeik) and could make the Trumah Batul in one in a hundred. R' Yehoshua needs to have a hundred of the tops to make them Batul. Anything less, the tops are prohibited and the bottoms are permitted. R. Yehuda says: R' Eliezer was the one that needed a hundred from the tops. However, R' Yehoshua forbids the whole mixture even if there are three hundred tops times the prohibited liter. (So, we see R' Yehuda according to R' Yehoshua holds the liter is not Batul even though it's only sometimes sold by the count.)