

## 7.1.2

3b (מיתבי אחד ביצה שנולדה) → 4b (זמנין דגזרו שמדא ואתי לאקלקולי)

Note #1: we do not employ the rules of nullification (ביטול) to an item which has a permissible format in which it can be eaten; for instance, חמץ בפסח, טבל (which can be repaired); this rule is דבר שיש לו מתירין אפילו באלף לא בטל

Note #2: we do not allow nullification as a mechanism (לכתחילה) – rather, once there is a mixture, we apply the rules of ביטול. Most ראשונים (except for ראב"ד) maintain that the prohibition of using something which was manipulated into ביטול is דרבנן. The rule does not apply to rabbinic prohibitions, although the specific parameters are subject to dispute.

- I. Further analysis of the 4 Amoraic approaches to explaining שניולדה ביר"ט איסור אכילת ביצה
  - a. **ברייתא**: indicates that ספק ביצה שנולדה ביר"ט is prohibited
    - i. *Challenge*: ר' יוסף ור' יצחק to explain the prohibition as being דרבנן (ספק דרבנן לקולא)
    - ii. *Answer1* (סתמא): last clause (ספק אסור) refers to ספק טרפה (not ספק נולדה ביר"ט)
      1. *Challenge*: it should be בטל since it is not a מתירין (unlike ביר"ט) (ביצה שנולדה ביר"ט)
      2. *Suggestion*: eggs are significant and not liable for nullification
        - a. *Note*: only works according to ר"ל's explanation of ר"מ (ערלה):
          - i. *דרכו לימנות*: items sold by count (not eyeballing) not subject to ביטול
            1. *את שדרכו ל"י* - items which are always counted (not eggs)
            2. *כל שדרכו ל"ל* - items which are sometimes counted (incl. eggs)
      3. *Answer*: our תנא follows ר' יהודה in the name of ר' יהושע ("תנא דליטרא קציעות"):
        - a. *Items*: which are ever counted, even if only אסורים מדרבנן are never בטל
    - iii. *Answer2* (ר' אשי): last clause refers to טוב ביום שנולדה ביר"ט – (אחרים בשם ר"א) ברייתא
- II. **ברייתא**: the chicken and the egg are permitted
  - a. **ד' זירא**: undesignated chicken;
    - i. *If*: he slaughters it, clarifies that it was מותר and egg is also permitted
    - ii. *If*: he doesn't slaughter it, clarifies that it was מוקצה and egg is likewise מוקצה
  - b. **ד' מרי**: "גוזמא" (mention of the chicken is excessive, meant to strengthen the point) – it's a roaster
- III. **שבת ויר"ט** following each other – status of egg laid on first day (ר'ז) and permission to eat it on 2nd day (א'ז)
  - a. **דב**: prohibited; (even though he regards them as independent קדושות); ר' יוחנן – permitted
    - i. *Dispute*: revolves around acceptance of "הכנה דרבה"; predates אמוראים
      1. *ד"ק*: ב"ה agree that it is permitted on 2<sup>nd</sup> day (א'ז)
      2. *ד"א*: positions hold (ב"ה prohibited on 2<sup>nd</sup> day)
    - ii. *Case law*: regarding the ruling in this dispute:
      1. *ד' אדא בר אהבה*: ר' יוחנן agrees that the egg is אסור בטלטול on the 1<sup>st</sup> day
      2. *ד' פפא*: (who wouldn't teach י"ט after the meal due to drinking): הלכה כרב (prohibited):
        - a. **דבא** follows רב in these 3 disputes:
          - i. *שבת ויר"ט* ← *שבת ויר"ט* (prohibited)
          - ii. *יום טוב שני של גלויות* 2 days of י"ט (permitted)
          - iii. *שני ימים טובים של ר"ה* 2 days of ר"ה (prohibited)
  - IV. **שבת/יר"ט**
    - a. **ד' יוחנן**: if they fall on שבת, prohibited for burning the next day (if י"ט)
      - i. *Unlike egg*: the prohibition on שבת demonstrates the problem of נולד
        1. *But*: but people will think that the איסור of the wood on שבת is due to inherent הבערה
    - b. **ד' מתנה**: if they fall directly into the oven, add permissible wood to nullify them
      - i. *No problem*: of איסור טלטול, following רוב
      - ii. *And no problem*: of מבטלין איסור לכתחילה – only applies to דאורייתא
        1. *Note*: לר' אשי (who extends מבטלין to אין מבטלין דרבנן) – here the איסור is gone (burned up)
  - V. **יר"ט laid on 1st day re: eating on 2nd day**
    - a. **דב**: forbidden – ר' אסי
      - i. *He was unsure*: if the 2 days should be kept after we know the calendar (made ה בדלה after 1<sup>st</sup>)
        1. **ד' זירא**: רב אסי, since we know the calendar and yet keep 2 days
        2. **ד' אבוי**: רב, since w/o the interference of the כותים, we'd keep 1 day
          - a. *Note*: per הוראה from ר' א"י: We keep 2 days to insure against further מלכות