

גוזרני טומאה אף על המסיקה –

I will decree *Toom'oh* even on the olive harvest

Overview

decreed that one must harvest (בצירה) grapes בטהרה, for the liquid oozing onto the grapes makes them מוכשר לקבל טומאה. He was asked by הלל why by harvesting olives (מסיקה) there is no such requirement, שמאי retorted (somewhat sarcastically), 'if you will anger me I will decree טומאה also on מסיקה'. Our תוספות explains why indeed was שמאי not גוזר on מסיקה.

פירש הרב רבינו פורת דלהכי לא גזרו על המסיקה -

מסיקה on טומאה did not indeed decree שמאי explained the reason why הר"ר פורת דגזירה שמא יבצרנו בקופות מזופפות¹ לא שייך בזיתים דמוהל היוצא מהם לא חשיב משקה² -
For the reason of the decree by grapes, which is that perhaps he will harvest them בקופות מזופפות, that reason is not applicable to olives, for the sap they exude is not considered juice –

anticipates a difficulty:

והא דתנן במסכת מכשירין (פרק ו' משנה ה') מוהל השמן כשמן³ -

And regarding this which we learnt in מכשירין; 'the מוהל of oil is like oil', it too can be מכשיר –

replies:

יש לומר דהיינו במוהל היוצא לאחר אציצה⁴ לאחר שעמדו בכומר ב' ימים או ג' -

One can say, that the משנה there is discussing מוהל which comes out after אציצה, which is after they were in the כומר two or three days -

ואתיא כר' יעקב דריש חבית (לקמן קמד, ב) -

¹ means baskets which are tarred, so the liquid collects in them. When one is harvesting grapes without קופות מזופפות, he is not happy when some juice is squeezed out of the grapes, because they get lost and he is losing some of his produce. However when he is harvesting the grapes בקופות מזופפות he is pleased with the juice for they will remain in the basket and be part of his wine harvest. In order for משקין (which are not directly placed by a person on the food) to be מכשיר, the person must be pleased with the משקין on his food.

² The juice exuded by the grapes are kept and processed for wine, however the מוהל coming from the harvested olives are discarded and cannot be used for the olive oil processing. They are not considered משקה and therefore not מכשיר.

³ This contradicts what תוספות just said that the מוהל היוצא מהן is not considered משקה.

⁴ See דאתי בתר איצצתא. לאחר שהתחילו להתחמם ודחקו זה את זה ונשתהה of גמרא who writes on the רש"י לקמן קמד, ב בד"ה דאתי ימים. הכומר ימים. It seems the olives are put in this container called כומר and there they get warm and put pressure on each other. This causes some מוהל to be discharged. This מוהל according to ר' יעקב is considered משקה and is מכשיר לקבל. [Note in the משנה as well as in the גמרא later it is referred to as מוהל not as מוהל.]

- פרק חבית ר' יעקב is in accordance with כלים in משנה And that אבל מוהל היוצא על ידי מסיקה אפילו רבי יעקב מודה דטהור -

However the מוהל which is excreted through harvesting, even ר' יעקב admits that it is טהור. This explains why one reason of the גזירות on בצירה does not apply to מסיקה -

וכן גזירה דנושכות ופעמים שאדם יוצא לכרמו לידע אם הגיעו ענביו לבצור נמי לא שייך בהן -

And also the גזירה of נושכות and the גזירה of 'sometimes a person goes out to his vineyard to see if it is time to harvest his grapes';⁶ these two reasons (for בצירה) also do not apply by olives⁷ -

והשתא⁸ אתי שפיר דתניא לקמן בריש חבית (דף קמא,א ושם) -

And now it will be properly understood this which the ברייתא states later in the beginning of פרק חבית -

המפצע בזיתים לידע אם הגיעו זיתיו למסוק אם לא הוכשר:

One who crushes olives to discern if his olives are ready to harvest or not, they are not מוכשר to be מקבל טומאה for at this stage they are not משקה.

Summary

The מוהל that is exuded from olives at harvest time is not considered a משקה.

Thinking it over

did not discuss the חשש of שמא יבצרנו בקופות טמאות חשש; how is that חשש also averted by זיתם?⁹ מסיקת זיתם?

⁵ נושכות means biting. One reason why בוצרין בטהרה is because of נושכות. See רש"י ד"ה הנושכות that sometimes it is necessary to separate clusters of grapes which are 'biting' (entangled with) each other, and by separating them he cause some juice to flow over the grapes; and since he is doing it בידים and he must squeeze out some juice it is מוכשר.

⁶ This is yet another reason why בוצרין בטהרה because when the person checks to see whether his grapes are ready for harvest, he squeezes a cluster of grapes (to see if they are ripe) and sprays the juice on the other grapes, and they remain wet even at harvest time, so then they become טומאה לקבל.

⁷ Olives do not grow in clusters that can be entangled, and even if one squeezes an olive to see if it is ripe, at that stage it is not considered משקה.

⁸ Now that we say that the מוהל which comes out of the olive before it is placed in the כומר is not משקה.

⁹ See לשון הזהב.