

25 Elul 5781  
Sept. 2, 2021



Beitzah Daf 2

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May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

MISHNAH: [The Mishnah cites various arguments between Beis Shammai and Beis Hillel.] Regarding an egg that was laid on Yom Tov, Beis Shammai rules that one can eat it on Yom Tov whereas Beis Hillel maintains that it is forbidden to eat it on Yom Tov. Beis Shammai say [that one is in violation of possessing] leaven<sup>1</sup> as much as an olive, or chametz as much as a date, and Beis Hillel say: Both this and this<sup>2</sup> is the size of an olive. One who slaughtered a deer or a bird on Yom Tov, Beis Shammai say: He is allowed to dig with a shovel and cover the blood with dirt. Beis Hillel, however, say: One should not slaughter on Yom Tov unless he has prepared dirt prior to Yom Tov. But they agree that if he has [already] slaughtered, he may dig up [dirt] with a shovel and cover [the blood], because the ashes of a stove are considered as having been prepared. (2a1)

GEMARA: What are we discussing? If one should say about a hen kept for consumption, what is the reason of Beis Hillel, [seeing that] it is food which has been separated;<sup>3</sup> and [if] about a hen kept for laying eggs, what is the reason of Beis Shammai, [seeing that] it is muktzeh?<sup>4</sup> — But what objection is this? Perhaps Beis Shammai do not accept [the prohibition of] muktzeh? - We are of the opinion that even he who permits muktzeh forbids nolad,<sup>5</sup> what then is the reason of Beis Shammai? — Rav Nachman explains that the dispute in the Mishnah refers to a hen which is designated to produce eggs (and is not designated for

consumption), but he who accepts [the prohibition of] muktzeh accepts [the prohibition of] nolad, and he who rejects [the prohibition of] muktzeh rejects [the prohibition of] nolad. Beis Shammai is in accordance with Rabbi Shimon (who maintains that there is normally no prohibition of muktzeh and therefore one would even be permitted to eat an item that was not in existence before Yom Tov). Beis Hillel, however, is in accordance with the opinion of Rabbi Yehudah (and therefore one cannot eat the egg on Yom Tov).

The Gemara asks: And did Rav Nachman actually say this? But we have learned in a Mishnah: Beis Shammai say that one may clear off bones and peels from a table (on the Shabbos),<sup>6</sup> while Beis Hillel say that one must take off the whole table board and shake everything off. And Rav Nachman said regarding this that the correct version of the dispute is reversed, with Beis Shammai ruling (strictly) like Rabbi Yehudah, and Beis Hillel ruling (leniently) like Rabbi Shimon. — Rav Nachman can reply to you: With reference to the Shabbos where the Tanna teaches anonymously according to [the opinion of] Rabbi Shimon as we have learned in a Mishnah: Gourds may be cut up for cattle, and a carcass for dogs, Beis Hillel, therefore, is made to represent the opinion of Rabbi Shimon; but regarding Yom Tov, where the Tanna teaches anonymously according to [the opinion of] Rabbi Yehudah, as we have learned in a Mishnah: One may not

<sup>1</sup> Leaven is dough that is able to be used as a leavening agent for other doughs.

<sup>2</sup> Possessing leaven or chametz on Pesach.

<sup>3</sup> And since the chicken is permitted, the egg should be also; and it should not be regarded as muktzeh at all?

<sup>4</sup> Something not mentally intended or set in readiness before the Festival to be used on the Festival is called muktzeh; since the hen was not 'set in readiness' before the Festival the egg should therefore be forbidden to be eaten or handled on the Festival.

<sup>5</sup> Lit., 'born'; i.e., an object which has only come into existence in its present form on a Festival. Such is forbidden to be used on a Festival.

<sup>6</sup> Although they are not suitable for consumption, they were not concerned for muktzeh.

chop wood on Yom Tov from beams (designated for construction), nor from a beam that broke on Yom Tov, Beis Hillel, therefore, is made to represent the opinion of Rabbi Yehudah.

Now, let us see: Who taught our Mishnah anonymously, [was it not] Rebbe? Why then is it that with reference to the Shabbos he teaches the Mishnah anonymously according to [the opinion of] Rabbi Shimon, whereas with reference to Yom Tov, he teaches the Mishnah anonymously according to Rabbi Yehudah? — I will answer. With respect to the Shabbos, where we are generally strict, people will not belittle the sanctity of Shabbos (if we permit them to handle muktzeh), he taught the Mishnah anonymously according to Rabbi Shimon who is lenient; regarding Yom Tov, however, where we are normally lenient (and if we permit the handling of muktzeh on Yom Tov, then) people will come to belittle the sanctity of Yom Tov, he taught the Mishnah anonymously according to Rabbi Yehudah who is stringent. (2a1 – 2b1)

How have you explained it [the Mishnah]? With respect to a hen kept for producing eggs [the prohibition is] on account of muktzeh! If so, then instead of disputing about an egg, let [the Mishnah state that] they dispute about the hen [itself]!<sup>7</sup> — It is in order to inform you of the extent of the opinion of Beis Shammai that [even] nolad is permitted. - Then let them dispute about the hen [itself] to show you the extent [of the opinion] of Beis Hillel that they forbid [even] muktzeh! And if you reply that information with respect to the extent of the opinion of permitting is to be preferred,<sup>8</sup> then let them dispute about it both,<sup>9</sup> thus: 'A hen and its egg [laid on Yom Tov] may be eaten; but Beis Hillel maintain: They may not be eaten'! —

<sup>7</sup> Whether it may be eaten or slaughtered on Yom Tov, since it was specifically kept for producing eggs.

<sup>8</sup> Because It is an evidence of courage of conviction, while the more rigid opinion may be the outcome of doubt.

<sup>9</sup> The hen and its egg. Granted that information respecting the power of permission is preferable, but where, by a slight addition, more information could be given, this addition should be made.

Therefore, said Rabbah: In reality, it [the Mishnah] refers to a hen kept for food; but we are discussing a Yom Tov which fell on a Sunday, and [the prohibition is] on account of preparation [on a Shabbos].<sup>10</sup> For Rabbah is of the opinion that every egg laid now was completely formed the day before. And Rabbah is consistent with his view;<sup>11</sup> for Rabbah said: What is [the teaching of] that which is written: and it shall come to pass on the sixth day that they shall prepare that which they bring in? [It is that] a weekday may prepare for Shabbos, and a weekday may prepare for Yom Tov; but Yom Tov may not prepare for Shabbos and Shabbos may not prepare for Yom Tov.<sup>11</sup>

Abaye said to him [Rabbah]: But if it is so, let [the egg laid on] Yom Tov in general be permitted!<sup>12</sup> — It is a preventive measure out of consideration for Yom Tov falling on a Sunday.<sup>13</sup> - Let [the egg laid on] a Shabbos in general be permitted! — It is a preventive measure out of consideration for a Shabbos [immediately] following Yom Tov. But do we enact a preventive measure [in such a case]? Surely it was taught: If one slaughters a hen and finds eggs completely developed inside it, they may be eaten on yom Tov. Now if this be so, let them be prohibited on account of those [eggs] laid on the same day! — He answered him: [The case of] there being in a hen eggs completely developed is a rare occurrence, and the Rabbis do not decree a prohibition with regard to a rare occurrence. (2b2 – 2b3)

## INSIGHTS TO THE DAF

### *Chametz on Pesach*

The Mishna cites various disputes between Beis Shammai and Beis Hillel. Regarding an egg that was laid on Yom Tov, Beis Shammai rules that one can eat it on Yom Tov,

<sup>10</sup> Though the egg was here prepared naturally, it is none the less forbidden.

<sup>11</sup> As a day of rest, Yom Tov is included in the term Shabbos and requires also 'preparation'; but such 'preparation' may not take place on the Shabbos and consequently the egg is prohibited.

<sup>12</sup> To be eaten the same day.

<sup>13</sup> If it should be permitted in the one case it will be thought that it is also permitted in the other.

whereas Beis Hillel maintains that it is forbidden to eat it on Yom Tov. Beis Shammai maintains that one is in violation of seeing chametz on Pesach when he sees chametz the size of a large date and Beis Hillel maintains that one will be liable even if he sees chametz that is the size of an olive. Beis Shammai maintains that if one slaughtered a deer or a bird on Yom Tov, he is allowed to dig with a shovel in order to obtain dirt which is necessary to fulfill the mitzvah of covering the blood of a slaughtered bird or wild animal. Beis Hillel, however, maintains that one should only slaughter on Yom Tov if he has prepared dirt prior to Yom Tov. Rashi and Tosfos both point out that these three disputes regarding Yom Tov have a common theme and that is that Beis Shammai rules leniently and Beis Hillel rules stringently. The Shita Mikubetzes writes that this Tanna was referring specifically to Yom Tov of Pesach and for this reason he cites a dispute regarding chametz on Pesach. The Chasam Sofer explains that the discussion in the Gemara regarding the measurement of chametz, besides pertaining to the prohibition of seeing chametz on Pesach, is also relevant to the halachos pertaining to Yom Tov. If one would find chametz on the seventh day of Pesach that is less than the size of a large date, according to Beis Shammai he would not be required to destroy it on Yom Tov because it is less than the required amount of chametz that one would need to see in order to violate the prohibition of seeing chametz on Pesach. According to Beis Hillel, however, he would be obligated to destroy the chametz on Yom Tov.

### **Permitted Rulings**

Rav Nachman explains that the dispute in the Mishnah refers to a hen which is designated to produce eggs and is not designated for consumption. Beis Shammai is in accordance with Rabbi Shimon who maintains that there is normally no prohibition of muktzeh and therefore one would even be permitted to eat an item that was not in existence before Yom Tov. Beis Hillel, however, is in accordance with the opinion of Rabbi Yehudah and therefore one cannot eat the egg on Yom Tov. The Gemara

asks that if the dispute between Beis Shammai and Beis Hillel is regarding a prohibition of muktzeh, then why they not argue regarding the hen itself which will be muktzeh according to Beis Hillel. The Gemara answers that the Mishnah wanted to notify us regarding the extent of Beis Shammai's leniency that even though the egg was not in existence and should thus be considered *nolad*, something which just came into existence on Yom Tov and should be forbidden, and one is still permitted to eat it. The Gemara then asks that if Beis Shammai and Beis Hillel would dispute the hen itself, we could learn a novel ruling prohibiting muktzeh as Beis Hillel would prohibit the hen from being eaten. The Gemara answers with the classic principle that it is preferable to render a permissible ruling. Rashi explains that this means that something that is permitted indicates that the Tanna is relying on his knowledge of the subject matter and is not afraid to rule leniently. One can be strict even if he is in doubt and it does not necessarily indicate the conclusiveness of the ruling. Rashbam in Pesachim (102a) writes that if there is no compelling logic to rule stringently, then ruling leniently is not regarded as a more preferred option. Rather, it is the only option. The Rema in his responsa (54) rules that one is not allowed to be stringent regarding an issue where there is no uncertainty. Pischei Teshuvah (Yoreh Deah 116:10) cites a dispute amongst the Acharonim if one is permitted to be stringent for himself regarding a matter that has been permitted by the Torah, such as prohibited matter that was nullified. Bnei Yissachar writes that it is a mitzvah not to be stringent in such a situation. The Tzlach writes that it is preferable to record the permitted ruling regarding a situation that may be subject to a biblical prohibition, because if there would be uncertainty, we would be compelled to rule stringently. The Tanna would not be introducing a novel ruling if the ruling was that the matter is prohibited. Regarding a matter that may be subject to a rabbinic prohibition, however, the reverse would be true. It is preferable to record the stringent ruling because if there would be uncertainty, we would rule leniently.

### **Two Types of Muktzah**

If an egg was laid on Yom Tov, Beis Shammai rules that one is permitted to eat it on Yom Tov and Beis Hillel disagrees. Tosfos wonders why the Mishna states *tochal*, that one is permitted to eat it, and *lo tochal*, that one is prohibited to eat it. Why did the Mishna not state *matirin*, it is permitted, and *osrin*, prohibited? Tosfos answers that one might have erroneously assumed that it is permitted for one to handle the egg but it is forbidden to eat it. Reb Menachem Kohn zt"l in his Sefer Ateres Avi explains the answer of Tosfos according to the Chasam Sofer who writes that there are two types of muktzeh. One type of muktzeh is derived from the verse regarding the manna where it is said *vehayah bayom hashishi veheichinu eis asher yaviu*, and it shall be that on the sixth day when they prepare what they bring, which means that one should prepare the Shabbos and Yom Tov meals beforehand and if one does not, one is forbidden to eat from that food. A second type of muktzeh is the muktzeh instituted by Nechemiah that one cannot handle certain objects on Shabbos as there is a concern that he might carry them into a public domain. There are differences between the two types of muktzeh. One who did not prepare a food item prior to Shabbos or Yom Tov is prohibited from eating the food, whereas an object that is muktzeh because of the decree of Nechemiah cannot be handled on Shabbos or on Yom Tov. A further distinction between the two categories of muktzeh is that the decree of Nechemiah was only instituted with regard to utensils, whereas food cannot become muktzeh unless it was not prepared prior to Shabbos or Yom Tov. Based on the words of the Chasam Sofer, we can now understand the answer of Tosfos. Given the fact that the decree of Nechemiah was not instituted regarding food items, the egg would only be muktzeh because it was not prepared prior to Yom Tov and one may have assumed that there would be a prohibition from eating the egg. Therefore, Beis Shammai teaches that one is permitted to eat the egg. Beis Hillel, however, who maintains that the egg is muktzeh and cannot be eaten,

maintains that the egg forfeits its status as a food item and subsequently the egg also cannot be handled. The Bircas Avrohom qualifies this novel approach and writes that a food can only forfeit its status as a food item if the food was definitely muktzeh. A food item that is only possibly muktzeh does not forfeit its status as a food and subsequently one would be permitted to handle the food.

### **DAILY MASHAL**

#### ***Shabbos and Yom Tov***

The Gemara mentions a distinction between Shabbos and Yom Tov, in that the laws of Shabbos are more restrictive so people will not belittle the Shabbos, whereas the laws of Yom Tov are more relaxed so people may come to belittle Yom Tov. The Medrash states that one who belittles Yom Tov is akin to one who belittles the Shabbos, and one who observes Yom Tov is akin to one who observes the Shabbos. The Mishnah in Avos (3:15) states that one who belittles Yom Tov does not have a share in the World to Come. Although the Gemara here mentions a distinction between Shabbos and Yom Tov, essentially they are the same. The sefarim write that when HaShem created the primordial light, He saw that the wicked would not be worthy of benefiting from the light, so He concealed the light for the righteous in the world to Come. Nonetheless, this light returns on Yom Tov. Thus, Yom Tov are directly associated with the six days of creation, which was followed by the great light of Shabbos. One who observes Yom Tov is akin to one who observes the Shabbos, as he is benefiting from the great light of creation which was concealed for the future, and the Gemara teaches us that Shabbos is a semblance of the World to Come. For this reason, one who belittles Yom Tov forfeits his share in the world to Come, as he is demonstrating that he is not concerned about observing Shabbos either, which is a semblance of the World to Come.