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Beitzah Daf 4

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Daf Notes is currently being dedicated to the neshamah of

**Tzvi Gershon Ben Yoel (Harvey Felsen) o”h**

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

1. The Gemara explains that the Tanna who maintains that eggs cannot be nullified is the Tanna who learned the law regarding a litra (a volume measure equal to a log, or to six egg-volumes) of dried figs and that Tanana maintains that any item that is sometimes sold by itself cannot be nullified even if it is only concerning a rabbinical ruling, and one can certainly not nullify a treifa egg which is a biblical ruling. (3b3-3b4)
2. The Mishnah states that if one pressed a litra of dried figs that are rabbinically rendered terumah into the opening of a mold and the person does not know into which mold he pressed the litra, or if he pressed the litra of terumah figs into the opening of a barrel and he does not know which barrel he pressed the litra into, or if he pressed the litra of figs into the opening of a basket and he does not know which basket he pressed the litra of figs into, there is a dispute between Rabbi Meir and Rabbi Yehudah regarding the dispute in this case. Rabbi Meir maintains that Rabbi

Eliezer maintains that the lower litras can nullify the upper litras, which is the litra of terumah at the opening of one of the molds. Rabbi Yehoshua maintains that if there are another one hundred openings that do not have terumah figs, then those openings will nullify the litra of terumah, whereas if there are not another one hundred openings, then the figs near the openings of all the molds are prohibited and the figs underneath will be permitted. Rabbi Yehudah maintains that the dispute is that Rabbi Eliezer maintains that if there are another one hundred openings then they will nullify the litra of terumah but if there are not another one hundred openings, then the figs near the openings are prohibited and all the figs underneath are prohibited. Rabbi Yehoshua, however, maintains that even if there are three hundred more openings they will not nullify the litra of terumah. (3b4-4a1)

3. It was said in the name of Rabbi Eliezer that an egg that was laid on Yom Tov

can be eaten along with its mother. Abaye qualifies this ruling to mean that one purchased the hen before Yom Tov without intention as to what he would use the hen for. If the hen was slaughtered on Yom Tov, it is retroactively deemed to have been purchased for consumption, and the egg will be permitted. If the hen was not slaughtered on Yom Tov, then it is retroactively deemed to have been purchased to lay eggs and the hen and the egg will be muktzeh. Rav Mari explains that when the Baraisa stated that an egg that was laid on Yom Tov, both the egg and its mother can be eaten, this wording is an exaggeration, as the Tanna sought to strengthen the idea that the Halacha follows Bais Shammai regarding the egg. The fact that the hen is permitted is obvious. (4a2)

4. Rav Adda bar Ahavah was once a guest by someone when Yom Tov occurred on Friday, and his host inquired regarding eggs that had been laid on Yom Tov, if he could roast the eggs on Yom Tov and eat them on the following day which was Shabbos. The host knew that the Halacha followed Bais Hillel and he could not eat the eggs that day. He wished to know, however, if the eggs were muktzeh to

the extent that he could not handle the eggs. Rav Adda bar Ahavah answered that even Rabbi Yochanan, who maintains that an egg laid on Yom Tov can be eaten on the next day which is Shabbos, will agree that one cannot handle the egg on the day it was laid, so his host was forbidden to cook the egg that day. (4a3)

5. Rabbi Yochanan maintains that branches that fell from a palm tree on Shabbos cannot be used for firewood on Yom Tov which is the following day. Although Rabbi Yochanan himself ruled that an egg that was laid on Shabbos can be eaten on Yom Tov which is the following day, the reason for the ruling regarding the egg was because one could swallow a raw egg on Shabbos when it was laid because of the prohibition against cooking, but we do not permit the egg until Yom Tov which is the next day because people will be aware that that it was prohibited on Shabbos because an egg that was laid on that day is prohibited. Regarding the branches that fell on Shabbos, however, even without the prohibition of muktzeh they are of no use as one cannot light a fire on Shabbos, and if we permit them tomorrow which is Yom Tov, people will say that branches that fall on

Sunday are permitted and the branches that fell yesterday on Shabbos could not be used because it was Shabbos and they could not be used for firewood. For this reason Rabbi Yochanan ruled that when branches fall on Shabbos, one cannot use the branches on the next day which is Yom Tov, as this ruling demonstrates that the branches are muktzeh on the day that they fell. (4b1)

6. If branches fell from a palm tree into an oven on Yom Tov, one can add more firewood and burn them. Although he will have to move the branches that fell from the tree and they are muktzeh, since the majority of the wood in the oven is permitted wood, we deem the entire mixture to be permitted wood. (4b1)
7. One cannot intentionally nullify something that is biblically prohibited, but one can nullify an item that is rabbinically prohibited. Therefore, one can move the wood that is muktzeh because the wood is only deemed to be rabbinically prohibited muktzeh. (4b1)
8. Rav Ashi maintains that any item that will become permitted cannot be nullified, even if at present it is rabbinically prohibited. Nonetheless,

this principle only applies when the prohibited item is before us, but in our case, the prohibited wood is burned by the fire so the prohibited wood can be nullified. (4b1-4b2)

9. Rav Assi was uncertain whether the two days of Yom Tov in the Diaspora are deemed to be one continuous day of holiness or not, so he recited havdalah in case the two days of Yom Tov were not deemed to be one continuous day of holiness, and Rav Assi also ruled that an egg that is laid on the first day of Yom Tov is prohibited on the second day of Yom Tov. (4b2)
10. Although we now know when Rosh Chodesh is established, the reason we still observe two days of Yom Tov is because a message was sent from Eretz Yisroel to Babylonia, "be careful to follow the custom of your fathers who observed two days of Yom Tov, because the gentile government may issue a decree that it is prohibited to study Torah," and this will cause the Torah scholars to err in calculating the lunar cycle and this can lead to people eating chametz on Pesach. (4b3)

## INSIGHTS TO THE DAF

### ***Fundamental Explanation in the Decrees of the Chachamim***

The Gemora drew a comparison between the halacha of an object that will eventually become permitted to a case where there is a uncertainty regarding the status of the egg. When an egg was laid on Yom Tov and became mixed with permissible eggs, we would not nullify the egg in question as the egg will be permitted after Yom Tov. Similarly, in our case where there is a doubt if the egg is rabbinically forbidden, we will not rule leniently as after Yom Tov the egg will nonetheless be permitted.

The Ran in Nedarim (52) offers what seems to be a different reason why an item that will eventually be permitted cannot be nullified. Normally if a forbidden food becomes intermingled with food that is permitted, the entire mixture will be permitted to eat, as long as the permitted food will comprise a majority of the mixture. There are certain exceptions to this rule. One exception is that if the two foods are similar to the point that they are indistinguishable from each other, the permitted foods cannot nullify the forbidden food. The Ran explains that a prohibited item which will eventually be permitted is not discernable from the permitted items and therefore it cannot be nullified.

Rav Elchonon Wasserman in Kovetz Shiurim questions the words of the Ran from our Gemora. Here we equated the halacha of a case where there is an uncertainty if the egg is rabbinically forbidden to the case where the item will eventually be permitted and we ruled that the forbidden item is not nullified because it will nonetheless be permitted after Yom Tov. According to the Ran, however, there is no comparison. In the cases where the item will eventually be permitted, there is no nullification as the two items are indistinguishable from each other and that is why we cannot be lenient. In our case there is an egg which we have an uncertainty regarding to when the egg was laid, thus creating a Rabbinic doubt, so why should we not be lenient?

Rav Elchonon asks further on the essence of the Ran's explanation. Why is an item which will eventually be permitted deemed to be indistinguishable from the other permitted items, if at present the item is forbidden? It is evident that they are distinguished from each other because the item is biblically permitted due to the nullification of the majority of items. What, then, compelled the Chachamim to rule stringently and state that an item that will eventually be permitted cannot be nullified?

The most obvious answer to the latter question is that logic dictates that one should not eat

something until it is completely permitted, rather than nullifying it in its present state. The Ran, however, maintains that this reason alone would be insufficient for such a stringency. Rav Elchonon writes that there are two fundamental ideas that are required for every rabbinic injunction. First, there must be a legitimate reason for the decree and furthermore, there must be a biblical source that justifies the decree, as the Chachamim need to have a source in the Torah that will reinforce their decree.

The Chachamim saw fit to decree that a forbidden item that will eventually be permitted cannot be eaten now. The reason for this is because one can wait until the item will become permitted and then he can eat it. The justification for the Chachamim issuing this decree was based on the biblical law that a forbidden item which is indistinguishable from the permitted items cannot be nullified.

## DAILY MASHAL

### *Wine; Settling and Unsettling*

The Gemara states that Rav would not place an *amora*, an expounder, by his side from the onset of Yom Tov until the next day because he was concerned about intoxication. Rav would not lecture after eating his Yom Tov meal, because had he drunk wine, he would have been forbidden to issue halachic rulings, and one who is intoxicated is prohibited from deciding on

halachic matters. It is noteworthy that the Gemara in Megillah states that when Achashveirosh requested that the Jewish sages render a judgment regarding Vashti's infraction of not appearing before the king, the Jewish sages responded that they were not fit to judge because they were in exile. The Chachamim recommended to Achashveirosh that he consult with the wise men of Moav who were like wine that had settled, as Moav had not been exiled. Thus, we see that wine can unsettle a person to the point that he is prohibited from issuing halachic rulings, yet one can be in a state that is akin to wine that has settled and this state is conducive to render judgment.