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Beitzah Daf 5

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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. Rav and Shmuel both maintain that an egg that was laid on the first day of Rosh HaShanah is prohibited on the second day of Rosh HaShanah. Proof that the two days of Rosh HaShanah are considered to be one continuous day of holiness is from the Mishnah that states that initially the Sanhedrin, High Court, would accept all day the testimony of witnesses who had sighted the new moon. Once the witnesses were delayed in their arrival and the Leviim sang the wrong psalm to accompany the afternoon tamid sacrifice, because being that it was the thirtieth day of Elul, they sang the regular weekday psalm and afterwards they were informed that the day was declared to be Rosh HaShanah. The Chachamim thus instituted that witnesses would only be accepted until the afternoon tamid sacrifice was offered, and if the witnesses arrived after the afternoon tamid sacrifice was offered, then that day and the following day were deemed to be a Yom Tov. Thus, Rosh HaShanah was

observed for two days as a rabbinical institution and not due to uncertainty. For this reason Rav and Shmuel ruled that an egg that was laid on the first day of Rosh HaShanah would be prohibited on the second day of Rosh HaShanah, as both days are deemed to be one continuous day of holiness. (4b3-5a1)

2. Rabbah maintains that from the time of Rabbi Yochanan Ben Zakkai and on, i.e. once the Bais HaMikdash was destroyed and the Leviim no longer sang the daily hymns, there was no longer a need to maintain the two days of Rosh HaShanah as one continuous day of holiness. Thus, witnesses were accepted the entire thirtieth day of Elul, and since Jews residing far from the Sanhedrin were uncertain whether the thirtieth or thirty-first day had been designated as Rosh HaShanah, they observed two days Rosh HaShanah. Yet, an egg that was laid on the first day was now permitted on the second day because one day was truly holy and one day was truly profane.

Although Rav and Shmuel maintained that an egg that was laid on the first day is prohibited on the second day, that ruling only applied to Jews in the Diaspora, as they resided too far away to ever be able to observe only one day of Rosh HaShanah. The Jews residing in Eretz Yisroel, however, despite there being years when they would also observe Rosh HaShanah for two days, one day was truly holy and one day was truly profane, so an egg that was laid on the first day would be permitted on the second day. (5a1)

3. Once the Chachamim assemble to render a ruling, they are required to gather again to rescind the ruling. This is derived from the verse that states that HaShem told Moshe to inform the Jewish People to return to their tents, and it is also said when the ram's horn sounds long, they may ascend the mountain. Moshe instructed the Jewish People not to come near women for three days prior to receiving the Torah. Although this institution was only effective for those three days, HaShem Himself was required to rescind the directive by commanding Moshe to instruct the Jewish People to return to their tents. (5a1-5a2-5b1)

4. Rabbah maintained that Rabban Yochanan Ben Zakkai rescinded the prohibition against accepting witnesses after the offering of the afternoon tamid sacrifice, and subsequently an egg that was laid on the first day of Rosh HaShanah was permitted to be eaten on the second day. Rav Yosef challenged Rabbah's ruling because if the Chachamim assembled to render a ruling, they would need to reassemble to revoke their ruling. Rav Yosef added that one could not say that Rabban Yochanan Ben Zakkai convened with his colleagues to permit one to eat the egg, because their decision was only to accept the testimony after the offering of the afternoon tamid sacrifice, but they never took a vote on permitting the egg to be eaten. Abaye rejects Rav Yosef's argument, however, because the permissibility of the egg is dependent on accepting the testimony of the witnesses after the offering of the afternoon tamid sacrifice. If the Chachamim decreed that the testimony could not be accepted, then Rosh HaShanah would be deemed as one continuous day of holiness and the egg laid on the first day would be prohibited on the second day. If the testimony was accepted, however, the

egg would be permitted. Thus, when Rabban Yochanan ben Zakkai and his court rescinded the decree regarding acceptance of testimony, the egg automatically became permitted. (5b2)

## INSIGHTS TO THE DAF

### ***Decrees where the Reason does not Apply any Longer***

Rabbah maintained that Rabban Yochanan Ben Zakkai rescinded the prohibition against accepting witnesses after the offering of the afternoon tamid sacrifice, and subsequently an egg that was laid on the first day of Rosh HaShanah was permitted to be eaten on the second day. Rav Yosef challenged Rabbah's ruling because if the Chachamim assembled to render a ruling, they would need to reassemble to revoke their ruling. Rav Yosef added that one could not say that Rabban Yochanan Ben Zakkai convened with his colleagues to permit one to eat the egg, because their decision was only to accept the testimony after the offering of the afternoon tamid sacrifice, but they never took a vote on permitting the egg to be eaten. Tosfos rules that a matter that was only prohibited for a specific amount of time will be permitted once that time period elapses. Tosfos on Daf 6 writes that a matter that was only prohibited because of a specific concern will be permitted when the concern no longer exists. This principle justifies why we do not have to be concerned for water

that was exposed at night and one is allowed to drink from it because in modern times snakes are not frequent in our homes.

Tosfos HaRosh in Avodah Zara (2a) rules that one is permitted to conduct business with gentiles during their holiday season as initially this was prohibited because gentiles in the past worshipped idols and now that gentiles do not worship idols, the decree is irrelevant.

Tosfos in Brachos (53b) writes that people are not scrupulous regarding *mayim acharonim*, washing the hands at the end of a meal, because we no longer have *melach sedomis*, salt from Sodom. Tosfos notes that although the practice of washing *mayim achronmim* was instituted by an assembly of a Bais Din, this institution was not unanimously accepted and thus this institution is not categorized as a ruling that is irrevocable unless a Bais Din reassembles and rescinds the ruling.

Reb Shlomo Kluger in Elef Lecho Shlomo (116) rules that one is permitted to learn by candlelight on Shabbos and we are not concerned that he may come to move the wick which will cause the fire to burn brighter, thus violating a biblical prohibition, because one does not need to move the wick of our present-day candles.

Teshuvos HaRosh (klal 2:8) rules that one is permitted to tie strings of linen on a four-cornered garment that is made from linen to fulfill the mitzvah of tzitzis and we are not concerned that one might tie strings of wool to the garment. The reason for this ruling is because all know that *techeiles*, a blue-dyed wool used for tzitzis, is not prevalent, thus there is no permit to tie strings of wool to a linen garment.

Teshuvos HaRosh writes that if it is common knowledge why a decree was instituted and the rationale no longer applies, then the decree is considered irrelevant. Teshuvos HaRosh draws a contrast of this supposition to the case in our Gemara regarding the egg that was laid on the first day of Rosh HaShanah, because some people are not aware why the egg was initially prohibited, nor do they understand why the reason to prohibit no longer applies.

Shearim Mitzuyanim B'Halacha rules that if necessary, one is permitted to take medicine on Shabbos. Taking medicine on Shabbos was initially forbidden as there was a concern that one would violate the prohibition of grinding. Now that medicine is prepared by the manufacturer and most people are not even aware of the process involved in manufacturing the medicine, there is no longer a concern that one who wishes to take medicine will violate the Shabbos prohibition of grinding herbs or spices.

## DAILY MASHAL

### *Return to your State of Physicality*

The Gemara states that once the Chachamim assemble to render a ruling, they are required to gather again to rescind the ruling. This is derived from the verse that states that HaShem told Moshe to inform the Jewish People to return to their tents, as it is said *go say to them, return to your tents*. The Rambam in Hilchos Yesodei HaTorah writes that this verse means that HaShem told Moshe to instruct the Jewish People to return to their bodies. When HaShem revealed Himself at Sinai and uttered the Ten Commandments, the souls of the Jewish People left their bodies. Hashem was thus instructing Moshe to tell the Jewish People that they should now return to their bodies. Hashem then told Moshe, *but as for you, stand here with Me*, which means that HaShem was telling Moshe to distance himself from physical pursuits and that he would be transformed into an angelic like figure, devoid of physical desire. One must wonder why the Jewish People were required to return to their state of physicality. Would it not have been preferable to retain their exalted status of a soul unconfined to the physical? It is said *people of holiness shall you be to Me*. The Kotzker Rebbe was known to have said, be holy, but retain your human state. Thus, the goal of most Jews must be to strive for great heights in spirituality but to remain a mortal, as this is the will of HaShem.