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Beitzah Daf 6

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Daf Notes is currently being dedicated to the neshamah of

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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

1. Tending to a corpse on Yom Tov

Rava says that a corpse may on the first day of Yom Tov by non-Jews, and on the second day by Jews. This is true even on the second day of Rosh Hashana, even though it is different than other second days, in that one may not eat on it an egg laid on the first day. Nehardai say that it is the same even for the purposes of eating an egg from the first day. The only reason we treated it more strictly is due to the concern that Elul was a 30 day month, making the both days Yom Tov, but that didn't happen since the days of Ezra, and we therefore treat it like any other second day. Mar Zutra says that Jews can only tend to the corpse on the second day if it has been waiting, and will therefore begin to rot and smell if it isn't buried. Rav Ashi says that in any case Jews tend to it, since the Sages treated the second day like a regular day for all needs of a corpse, including cutting shrouds or detaching myrtle branches for it. Ravina says that nowadays that there are *chavri* – a nation which oppressed Jews, we are careful not to do any work on any Yom Tov, lest they use that as a pretext to force Jews to work on Shabbos and Yom Tov, and we therefore do not tend to a corpse at all.

2. Second day of Rosh Hashana

Ravina was sitting in front of Rav Ashi on the days of Rosh Hashana, and he noticed that Rav Ashi was sad. When he asked him why, Rav Ashi told him that he forgot to make an eruv tavshilin, and he therefore couldn't prepare for Shabbos. Ravina suggested that he make a conditional eruv tavshilin on the first day of Yom Tov, on the possibility that the second day is really Yom Tov, as Rava rules one can do, but Rav Ashi responded that Rava didn't say so about Rosh Hashana. Ravina asked why Rosh Hashana is different, as Nehardai say that we treat its second day like any other second day, even for the purposes of eating the egg of the first day, but Rav Mordechai said that he explicitly heard from Rav Ashi that he didn't accept their opinion.

3. Chicks hatched on Yom Tov

The Gemora cites a dispute about a chick that hatched on Yom Tov. Rav says it is prohibited, while Shmuel (or Rabbi Yochanan) say it is permitted. Rav says it is prohibited due to muktzeh. Shmuel (or Rabbi Yochanan) say just as its hatching permits it to be slaughtered, so does it permit muktzeh. Rav Kahana and Rav Asi asked Rav how this chick differs from a calf that was born on Yom Tov, and he answered that the calf was not muktzeh at the onset of Yom Tov, since

one could have eaten it by slaughtering its mother. When they asked how it was different than a calf born from a terefa, whose slaughtering would not permit the calf, he was silent. Rabba (or Rav Yosef) asked why Rav didn't answer that the calf was at least prepared for the dogs, along with its mother, at the onset of Yom Tov. Abaye challenged this answer, as we see that something designated for a person isn't considered prepared for dogs, as Rabbi Yehuda says that an animal which died on Shabbos cannot be fed to the dogs. Why should we similarly say that something prepared for a dog is still muktzeh for a person. Rabba answered that something designated for a person is not prepared for animals, since a person doesn't feed an animal something he can eat. However, something prepared for animals is still considered prepared for a person, since a person always has in mind anything that may become fit for him (i.e., the calf).

The Gemora cites a braisa supporting Rav and one supporting Shmuel (or Rabbi Yochanan). The braisa supporting Rav says that a calf born on Yom Tov is permitted, while a chick hatched on Yom Tov is prohibited, with the difference being that the calf was prepared via its mother before Yom Tov. The braisa supporting Shmuel (or Rabbi Yochanan) says that both a calf born on Yom Tov and a chick hatched on Yom Tov are permitted. The calf is permitted because it was prepared via its mother, while the chick is permitted since its hatching permitted it for slaughtering.

4. When can one slaughter a chick?

The Gemora cites a braisa which says that a chick which hatched on Yom Tov is prohibited, and Rabbi Eliezer ben Yaakov says that even on a regular day it is prohibited, until it opens its eyes. The Gemora cites another braisa which explains that the verse which prohibits "all creatures that crawl on the land" includes chicks that have not yet opened their eyes, and says that this follows Rabbi Eliezer ben Yaakov.

5. When is an egg finished?

Rav Huna quotes Rav saying that an egg is finished when it comes out of the hen. The Gemora asks what Rav means. If he means that before then (i.e., if found inside a slaughtered chicken) one may not eat it with milk, this is inconsistent with the braisa which says that if one found finished eggs inside a chicken one may eat them with milk. If he means that on Yom Tov one may only eat them if they were laid before, but not if one found them inside the chicken, that is inconsistent with the braisa which says that if one slaughters a chicken on Yom Tov, one may eat eggs found inside. The Gemora suggests that the braisa may be incorrect, since its ruling doesn't appear in a Mishna, but rejects this since the implication of the Mishna containing the dispute of Bais Shamai and Bais Hillel about an egg laid on Yom Tov implies that they all agree that an egg found inside is permitted. The Gemora suggests that the dispute extends to eggs found inside, but rejects this, as the braisa permitting eggs found inside would not be Bais Shamai (since they even

allow an egg laid), and not Bais Hillel (since they would say that it is prohibited). Rather, Rav was teaching that only once it leaves the hen is it viable for a chick to grow inside it, which is relevant for commerce in eggs. The Gemora illustrates with the case of a man who asked for eggs from a live hen, and someone sold him eggs found inside a slaughtered one. When he came to Rabbi Ami, he said the sale was void. The Gemora explains that we may have thought that he wanted the eggs to eat, and he asked for one from a live hen to ensure that they were fully mature. In that case, he would only be entitled to the difference in value between the types of eggs. Rabbi Ami therefore taught that we assume he wanted them to grow chicks, and therefore the sale is void.

INSIGHTS TO THE DAF

Burying on Yom Tov

The Gemora discusses what may be done to tend to and bury a corpse on Yom Tov. Rava says that on the first day, it may be buried by non-Jews, and on the second day by Jews. The Rishonim differ on the details of these statements, and their application nowadays.

Mar Zutra says that the allowance made for a corpse is only if it has waited, and is in danger of rotting. Rav Ashi says that it can be buried by Jews in any case, since the second day is considered a regular day for the purposes of a

corpse. The Behag understands Mar Zutra to refer to all of Rava's statement, and in fact rules that a non-Jew may only bury the corpse on the first day if there is a danger of it rotting. The Rosh, Rambam, and Rif do not make this qualification, and allow a non-Jew to bury the corpse on the first day in all cases. The Rishonim differ on what a Jew may do on the first day. The Rosh says that a Jew may carry the corpse, since carrying is permitted on Yom Tov even for non-food needs. The Ramban disagrees, saying that moving a corpse serves no Yom Tov purpose, and therefore may not be done.

Ravina says that nowadays we don't bury a corpse on the second day, out of concern that the chavri will use this as a pretext to force Jews to work for them on Shabbos and Yom Tov. Tosfos (6a v'ha'idna) states that this doesn't apply to our times, since the chavri do not exist anymore. Although Rav Yosef taught (5a) that anything that was prohibited by an act of the court remains prohibited even if the original motivation is absent, Ravina's statement is simply a ruling that applies only when the concern exists. This is similar to uncovered water, which is prohibited due to a concern of venom from a snake. In our society, where snakes aren't common, such water is permitted. Rabbenu Tam, however, strongly ruled that it is prohibited for Jews to bury a corpse on the second day of Yom Tov, citing two reasons:

1. The Gemora in Shabbos (139b) cites the city of Bishchar, who were prohibited from

burying a corpse on the second day of Yom Tov, since they were not well versed in Halacha. Rabbenu Tam argues that we are even less versed in Halacha. Tosfos challenges this, as we find other areas where we are not as strict as the Gemora was with this city.

2. There are still Jews who must work for non-Jews, so the concern of the chavri is still relevant.

The Rambam. Rosh, Rif, and Rabbenu Chananel all rule that Jews can bury the corpse on the second day.

The Shulchan Aruch (526:1) rules that non-Jews may bury a corpse on the first day, even if it is not in danger of rotting, but Jews can tend to the corpse by clothing, moving, and placing it in the grave, as well as heating up water to clean it. The Shulchan Aruch (2) rules that Jews may bury a corpse on the second day, but the Rama cites the custom in his regions to try to find non-Jews to bury it, but to allow Jews if no non-Jews can be found.

There is further debate in contemporary poskim about the second day of Yom Tov. Rav Moshe Feinstein (OH 3:76) explains that the principle allowing Jews to bury the corpse is to preserve the honor of the corpse, which would otherwise begin to rot. However, nowadays that corpses can be preserved longer using refrigeration, there is no reason to allow Jews to bury. The Or Letzion (3:23:13) disagrees, explaining that burial of the corpse benefits the deceased spiritually, and therefore may be done by Jews

on the second day of Yom Tov. Rav Moshe further writes that Jews should not bury on Yom Tov, since this leads people to be lax in prohibited areas, including calling people to inform them, and driving to the funeral. Rav Shlomo Zalman Auerbach similarly says that it should not be done if it will lead to further desecration of Yom Tov, and Rav Vosner states that nowadays it is not done, due to these concerns.

DAILY MASHAL

Closed Eyes

Rabbi Eliezer ben Yaakov maintains that one cannot eat a chick even during the week because its eyes have not yet opened. Perhaps this ruling can be interpreted allegorically to mean that one should not assume that he understands how HaShem conducts the world, because essentially we are blind in this world. It is said *HaShem did not give you a heart to know, eyes to see, and ears to hear until this day*. The Gemara interprets this verse to mean that one cannot fathom the wisdom of his teacher until forty years have elapsed. If this can be said regarding the teachings of a human being, how much more so does it apply to the Creator of the world? One should contemplate this idea and feel truly humbled in the Presence of HaShem.