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Beitzah Daf 7

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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

The Gemara compares the explanation of Rav’s ruling with an actual case: As a person who asked the egg sellers, “Who has (fertilized) eggs from a cackling hen for sale,” and they sold him eggs from a slaughtered hen. When the purchaser complained to Rabbi Ami, Rabbi Ami told him that the purchase was a mistake and he could retract from the transaction. – Is this not obvious (that the transaction was a mistake)? - One might have thought that the purchaser wanted eggs only for eating and the reason he asked to be sold fertilized eggs is because they are richer than unfertilized eggs. What difference would that make? The difference would thus have been that if the purchaser had merely wanted fertilized eggs for eating, then the seller would have merely been required to give the purchaser the difference in value between the cost of fertilized and unfertilized eggs. Rabbi Ami therefore ruled that since the purchaser specified that he wanted fertilized eggs, he did not want unfertilized eggs and the seller needs to refund him all the money.

There was once one who said to [the salesmen], ‘Who has fertilized eggs [for sale]? Who has fertilized eggs?’ [When] they gave him unfertilized eggs, he came to Rabbi Ami who said to them: It is an erroneous sale and he can withdraw [from the transaction]. [But] this is obvious! — You might have thought that he needed [the eggs] only for eating, and the reason he asked for fertilized eggs is that they are richer; and that the practical bearing of this is that they must refund him the

difference, so he informs us [that the whole transaction is fraudulent]. (6b2 - 7a1)

The Gemara offers an alternative explanation to Rav’s statement that an egg when it exits the mother hen becomes fully formed. Rav meant that when the majority of the hen exits the mother hen, the egg is fully developed. This is in accordance with Rabbi Yochanan who ruled that if the majority of the egg exits from the mother hen before Yom Tov, and then goes back inside the hen and is laid on Yom Tov, one can eat the egg on Yom Tov.

An alternative explanation is that Rav meant that when the egg exits entirely from the hen, it is fully developed. Only when the egg exits entirely is the egg fully developed, but if only the majority of the egg exits, then it is not fully developed. According to this explanation, Rav is coming to reject the opinion of Rabbi Yochanan who maintains that an egg is deemed to be fully developed when the majority of the egg exits the hen. (7a1)

The text above had stated: If one slaughters a chicken and there are fully developed eggs inside, the Tanna Kamma rules that they can be eaten with milk and Rabbi Yaakov rules that if the eggs are still attached to the connective tissue, then they cannot be eaten with milk.

Who is the Tanna of this Baraisa taught by the Rabbis? If one ate from the neveilah of a kosher bird, of its cluster of eggs, or of its bones, or of its sinews, or of its flesh torn off while alive, he is tahor;<sup>1</sup> [but he who eats] of its ovary or of its crop or of its intestines, or if he melted its fat and gulped it down, he is tamei. — Who is the author [of the teaching], '[He who eats] of its cluster of eggs is tahor'? — Said Rav Yosef: It does not follow the opinion of Rabbi Yaakov, because Rabbi Yaakov deemed eggs that are attached to the connective tissue to be part of the bird's flesh and thus they may not be eaten with milk (yet the Baraisa rules that such eggs do not generate tumah because they are not part of the bird's flesh). Abaye said to him: On what do you base such an assumption? Perhaps Rabbi Yaakov rules that the attached eggs are part of the bird's flesh only regarding the rabbinic injunction against eating the eggs with milk, but regarding tumah where there was no rabbinic decree, the eggs are not considered to be a part of the bird's flesh. And should you say that the decree that fully developed eggs are deemed to be flesh should be extended regarding tumah as well – that would be an increase of tumah, and we do not unnecessarily increase Rabbinically ordained tumah.

There are some [scholars] who say [thus]: Who is the author [of the teaching that if one eats] 'of its ovary he is tamei'? Said Rav Yosef: It is Rabbi Yaakov: For he says: 'If [the eggs] were attached to the connective tissue, they are regarded as part of the bird's flesh and they are forbidden [to be eaten with milk]'. Said Abaye to him: From where [do you understand] that by the term ovary is meant [the eggs] that are attached to the ovary? Perhaps it means the ovary itself! And if you object: What need is there to say this with respect to the ovary?

<sup>1</sup> Because the cluster of eggs, the bones and the sinews are not considered as flesh.

[I would reply]: It is analogous to the gizzard and the intestines; for although these are [really] flesh, [yet] since there are people who do not eat them, it is therefore necessary to state these; so also here [with respect to the ovary] since there are people who do not eat it, it is necessary to teach it. (7a1 – 7a2)

The Gemara cites a Baraisa: Any creature that cohabitates by day will bear offspring by day. Any creature that cohabitates at night will bear offspring by night. Any creature that cohabitates by day or by night will bear offspring either by day or by night. An example of a creature that cohabitates by day and bears offspring by day is the chicken. A creature that cohabitates by night and bears offspring by night is the bat. A creature that cohabitates by day and by night and bears offspring by day or by night is man and any creature similar to man.

The master said: An example of a creature that cohabitates by day and bears offspring by day is the chicken. What is the practical *halachic* difference (*that can be derived from this statement*)?

The Gemara answers: It is necessary for the ruling of Rav Mari the son of Rav Kahana, for he said: If one checked a nest of chickens on the eve of a Festival and did not find an egg inside of it, and on the morrow, he rose early (*before dawn*) and found an egg there, it is permitted to be eaten on the festival. [*For since the braisa taught us that a chicken does not lay eggs at night, it must have been laid on the previous day. An egg, newly laid on a festival is forbidden on that day.*]

The Gemara asks: But did he not check beforehand?

The *Gemora* answers: He did not check thoroughly. And even if he did check thoroughly, you may well say that we refer to a case where the greater part of the egg emerged from the intestines of the chicken (*before the festival*) but returned, and this is in accordance with the ruling of Rabbi Yochanan (for Rabbi Yochanan said: An egg, the greater part of which emerged (*from the intestines of a chicken*) on the eve of a festival and returned, may be eaten on the festival).

But that is not so; for Rabbi Yosi ben Shaul said in the name of Rav: If one examined a hen's nest on the eve of Yom Tov and did not find in it an egg and on the next day he rose early and found an egg in it, it is prohibited? — This [latter passage] refers to unfertilized eggs.<sup>2</sup> If so, with respect to the teaching of Rav Mari, might I not also say [the egg] was unfertilized? — When there is a rooster near her. Even when there is a rooster [near her] might I not [still] say that it is an unfertilized egg [that was laid during the night of Yom Tov]? — Said Ravina: There is a tradition that wherever there is a rooster near her she will not lay unfertilized eggs. And how near [should the rooster be]? — Rav Gamda replied in the name of Rav: Sufficiently near that [the hen] can hear his crowing in the daytime. Rav Mari gave a decision [in a case where the rooster was] at a distance of sixty houses. But if there is a river [between them] she [the hen] does not cross over, but if there is a bridge, she crosses over; if there is a plank she does not cross over. It happened once that [a hen] crossed over even a plank. (7a3 – 7b1)

How have you explained it; with respect to unfertilized eggs? Then why particularly teach when he examined [the hen's nest]; even if he had not examined, it should

<sup>2</sup> Which eggs might be laid even at night.

also [be prohibited]! — If he did not examine it, I might say [the egg] was from yesterday. If so, even if he had examined it, I might still say that the greater part [of the egg] came out [yesterday] and went back and [should therefore be permitted] in accordance with Rabbi Yochanan! — The contingency stated by Rabbi Yochanan is rare.

Rabbi Yosi ben Shaul further said in the name of Rav: This ground garlic is a danger to be left exposed. (7a1)

We learned in the Mishnah (2a) that Beis Shammai maintains that the biblical prohibition of owning leaven on Pesach pertains to a quantity that is equivalent to the volume of an olive, whereas the biblical prohibition of owning chametz applies to a minimum size that is the volume of a date. [Beis Hillel, however, maintains that both prohibitions apply to a minimum that is the volume of an olive.] What is the reason of Beis Shammai? the disparity in measurements is because if they were both the same amounts, the Torah should have stated only chametz and not leaven, and I would say that if chametz, which does not have strong leavening properties, is prohibited with the minimum of the volume of an olive, then leaven, whose leavening properties are strong, certainly should be prohibited with the minimum of the volume of an olive? The Torah therefore mentions leaven to teach us that the minimum prohibited amount for leaven and the minimum prohibited amount for chametz are different. Beis Hillel, however, maintains that we require the mentioning of leaven and chametz because if the Torah had mentioned leaven and not chametz, I would have said that leaven is prohibited because of its strong leavening properties, whereas chametz does not have strong leavening properties, so it should not be

prohibited. Therefore, the Torah had to say that chametz is prohibited. Had the Torah mentioned chametz and not leaven, I would have said that chametz is prohibited because one can eat it, whereas leaven cannot be eaten so it should not be prohibited. The Torah therefore had to write that leaven is prohibited. [Thus, the Torah had to write both leaven and chametz and we cannot infer like Beis Shammai that the prohibitions of leaven and chametz are disparate.] (7b1 – 7b2)

Shall we say that Beis Shammai does not agree with what Rabbi Zeira had said? For Rabbi Zeira said: The verse begins with the term 'leaven' and concluded with the term 'chametz' in order to teach that 'leaven' and 'chametz' are alike? — With respect to eating, no one differs [about the size] They only differ with respect to the removal [of the chametz from the house]; Beis Shammai is of the opinion that we do not learn [the law of] 'removal' from [that of] 'eating', while Beis Hillel maintains that we do learn 'removal' from 'eating'.

Likewise it was stated: Rabbi Yosi ben Chanina said: The dispute is only with respect to the 'removal', but with respect to 'eating' all agree that both [chametz and leaven] are [forbidden] of the size of all olive. Likewise, it was also taught: 'And neither chametz shall be seen nor leaven shall be seen [in your possession]'; herein lies the dispute between Beis Shammai and Beis Hillel, where Beis Shammai say that leaven is the size of an olive and chametz is of the size of a date, but Beis Hillel maintain that both are of the size of an olive. (7b2 – 7b3)

We learned in the Mishnah that Beis Shammai maintain that one who slaughters a wild animal or a bird on Yom Tov can dig with a spade and cover the blood with earth, whereas Bais Hillel maintains that one cannot

slaughter unless he had prepared the earth prior to Yom Tov. Bais Hillel agrees, however, that if he had already slaughtered the wild animal or bird without preparing earth beforehand, that he should dig with a spade and cover the blood with earth, because ashes from a stove are deemed to be prepared. "He who slaughters" [implies] only if he has done so, but not [that it may be done] at the very outset. Then consider the subsequent clause: But Beis Hillel maintain: he must not slaughter [etc.], from where it follows that the first Tanna holds that he may slaughter [at the outset]! — This is no difficulty. He means, 'He must not slaughter and cover [etc.]'. But consider the final clause: But they agree that if he slaughtered he may dig with a shovel and cover; from where it follows the first clause does not mean '[only] if he has done it'! — Answered Rabbah: This is what [the Mishnah] says: One who slaughters and comes to seek advice (regarding the slaughtering of a wild animal or a bird despite the fact that he has not prepared earth in advance), what should one tell him? Beis Shammai maintain that we tell him to first slaughter the animal and then dig up the earth and cover the blood with the earth. Bais Hillel, however, maintain that he cannot slaughter the animal unless he had prepared the earth prior to Yom Tov. Rav Yosef maintains that this is what [the Mishnah] says: One who slaughters and comes to seek advice (regarding the slaughtering of a wild animal or a bird despite the fact that he has not prepared earth in advance), what should one tell him? Beis Shammai maintain that we tell him to first dig up the earth and then he should slaughter the animal or bird and cover up the blood with earth. Bais Hillel, however, maintain that he cannot slaughter the animal or bird unless he had prepared earth prior to Yom Tov. Said Abaye to Rav Yosef: Shall it be said that you, master, and Rabbah disagree with respect to the teaching of Rabbi Zeira in Rav's name? For Rabbi Zeira said in the name Rav: The slaughterer must put earth

beneath [to receive the blood] and earth above, for it is said: He shall spill its blood and cover it in the earth. It does not say 'with earth' but 'in the earth', teaching that the slaughterer must put earth beneath and earth above. You, master, [therefore] accept the teaching of Rabbi Zeira and Rabbah rejects the teaching of Rabbi Zeira. He answered him: Both I and Rabbah accept the teaching of Rabbi Zeira and our dispute here is as follows: Rabbah is of the opinion that he may [only slaughter] if there is [already] earth beneath [to receive the blood]; but if not, he may not slaughter, for we apprehend that he might change his mind and not slaughter. But according to my view, it is better, for if you will not permit him [to dig] he will come to be deprived of the joy of the Yom Tov. (7b3 – 7b4)

#### INSIGHTS TO THE DAF

##### ***Drinking is Included in Eating***

Rashi cites the Gemara in Chullin that states that if one melts forbidden fats into a liquid and drinks it, he will be liable. This is derived from an extra word in a verse. Tosfos wonders why an extra word is necessary, if we can use the principle that drinking is included in eating. Tosfos answers that this principle is only said regarding something that is normal to drink. Regarding something that is actually a food item and has now been transformed into a liquid, however, we do not apply the principle that drinking is included in eating and for this reason we need to use the extra word. The Gemara in Yoma states that one is required to afflict himself in five different manners on Yom Kippur. The Gemara asks that there are actually six afflictions, to which the Gemara answers that drinking is included in eating.

Rabbi Akiva Eiger questions this principle from a Gemara in Shavuot and we can pose a similar question on the Gemara. Why does the Gemara state that there

are only five afflictions, when there are actually six afflictions? Drinking a liquid on Yom Kippur that was initially a solid is not included in eating and thus would be deemed a sixth affliction?

Perhaps we can answer that the distinction posited by Tosfos only applies to something that is an *issur cheftza*, a prohibition in the item itself. *Cheilev*, forbidden fats, is intrinsically forbidden, so we can say that when the fats are transformed into a liquid, it is not included in the conventional prohibition of eating. Regarding Yom Kippur, however, which is an *issur gavra*, a prohibition on the person not to consume food, the food is not intrinsically forbidden. Rather, the person is prohibited from eating, so there is no distinction between a conventional liquid and a food that was transformed into a liquid. All liquids are included in the prohibition of eating on Yom Kippur.

#### DAILY MASHAL

##### ***Desire on a Rope***

The Gemara states that a rooster once crossed a river on a rope bridge to reach a hen and fertilize its eggs. It is said regarding the Torah *it is not hidden from you and it is not far away. It is not in heaven that you must say, "Who can go up to heaven and take it for us, so that we can listen to it and perform it."* Rashi quotes the Gemara that states that if the Torah were in heaven, one would have to ascend to heaven to study it. Although it seems like the Torah is asking the impossible from us, the truth is that if we understood the greatness and beauty that is found in the Torah, we would be like the rooster that would make every possible endeavor to cross the rope bridge, i.e. to sacrifice one's life for the sake of Torah study.