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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

It was taught in a Baraisa: Others said in the name of Rabbi Eliezer that an egg that was laid on Yom Tov can be eaten along with its mother. About what are we discussing? If about a hen kept for food, it is self-evident that the egg and its mother are permitted;¹ and if about a hen kept for laying eggs, then the egg and its mother are forbidden! — Rabbi Zeira said: [It means,] it [the egg] may be eaten on account of its mother.² What are the circumstances? — 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,³ as it was taught in a Baraisa: Others say in the name of Rabbi Eliezer: The egg may be eaten, it and its mother, and a chick and its shell. What is meant by ‘its shell’? Shall I say [it means] literally ‘shell’, is then the shell [fit for] food? Again, if it should [mean] a chick in its shell, surely the Rabbis dispute with Rabbi Eliezer ben Yaakov only when the chick is actually hatched, but when it has not yet been hatched they do not dispute! Therefore ‘the

chick and its shell’ is an exaggeration, so also here ‘it and its mother may be eaten’ is an exaggeration. (4a2)

It was stated: If the *Shabbos* and a festival day (*follow one another in close succession*), Rav ruled that an egg that was laid on the first of these days is forbidden on the other, but Rabbi Yochanan maintains: [The egg] laid on the one is permitted on the other. Shall we say that Rav holds that they [a Shabbos and a Festival immediately following] are regarded as one [continuous day of] holiness? But Rav said: The halachah is according to the four elders who decided according to the opinion of Rabbi Eliezer who maintained that the two days are regarded as two entities of holiness. — Rather they differ here in Rabbah's [law of] hachanah;⁴ Rav accepts Rabbah's law of hachanah and Rabbi Yochanan rejects Rabbah's law of hachanah. (4a2 – 4a3)

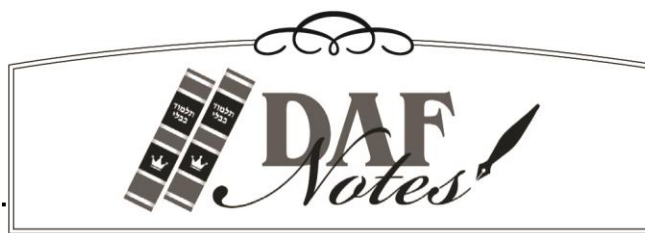
The same is disputed by Tannaim: If it [an egg] is laid on a Shabbos, it may be eaten on a Festival; [if it is laid] on a Festival it may be eaten on a Shabbos. Rabbi Yehudah says in the name of Rabbi Eliezer: The dispute still continues; for Beis Shammai say: It may be eaten; whereas Beis Hillel maintain: It may not be eaten. (4a3)

¹ That is, in the view of Beis Shammai; and if Rabbi Eliezer intends to rule like Beis Shammai, why mention the hen-mother at all?

² If the hen is eaten on the Festival so may also the egg be eaten.

³ As the Tanna sought to strengthen the idea that the halachah follows Beis Shammai regarding the egg. The fact that the hen is permitted is obvious.

⁴ The law of “preparation,” as discussed on Daf 2, where Rabba ruled 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 – and even if this preparation is done naturally; i.e., sans human involvement, it is still prohibited.



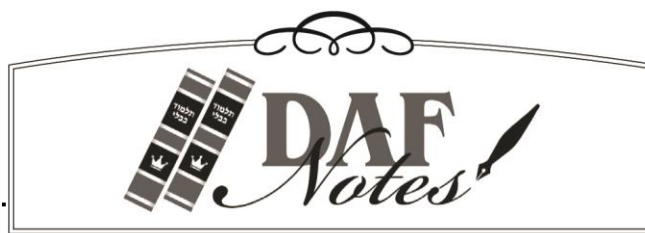
Rav Adda bar Ahavah was once a guest by someone when Yom Tov occurred on Friday, and his host inquired regarding eggs that had been laid on Yom Tov, if he could roast the eggs on Yom Tov and eat them on the following day which was Shabbos. [The host knew that the halachah followed Bais Hillel and he 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 replied: What is your thinking (that it should be permitted)? [Is it because] when Rav and Rabbi Yochanan argue, the law follows Rabbi Yochanan? Even Rabbi Yochanan, who maintains that an egg laid on Yom Tov can be eaten on the next day which is Shabbos, agrees that one cannot handle the egg on the day it was laid, so his host was forbidden to cook the egg that day. And it was taught in a Baraisa like this: An egg laid on *Shabbos* or an egg laid on a Festival may not be moved, neither for covering the mouth of a vessel with it, nor for supporting the legs of a bed with it. (4a3)

The host of Rav Pappa — some say it was another man who came before Rav Pappa — had some eggs from a Shabbos [which he wished to prepare] on the [immediately following] Festival. He came, asking him: Is it permitted to eat them tomorrow? He answered him: Go away now and come tomorrow: for Rav would not appoint an expounder by his side from [the first day of] the Festival until [the termination of] the next day on account of intoxication. When he came the next day, he said to him: If [I had given my decision] immediately, I would have erred, and told you that [in a dispute between] Rav and Rabbi Yochanan the halachah is as Rabbi Yochanan; whereas Rava has said: In these three [cases] the law is as Rav, both when he is lenient and when he is stringent. (4a3 – 4b1)

Rabbi Yochanan said: Branches that fell from a palm tree on Shabbos cannot be used for firewood on Yom Tov which is the following day. And do not answer me from my ruling regarding the egg; what is the reason for this?

Although 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)

Rav Masnah said: If branches fell from a palm tree into an oven on Yom Tov, one can add more firewood and burn them. – But he will inevitably 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. – But one cannot intentionally nullify something that is prohibited, as it was taught in a Mishnah: One may not deliberately nullify something which is prohibited. - One may not deliberately nullify something which is Biblically prohibited, but one may 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. – But according to Rav Ashi who maintains that any item that will become permitted cannot be nullified, even if at present it is Rabbinically prohibited, what is there then to say? - Nonetheless, this principle applies only 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)



It was stated: It was stated: [With reference to] the two days of Yom Tov of the Diaspora,⁵ Rav says: [The egg] laid on the one is permitted on the other, and Rav Assi maintains: [The egg] laid on the one is forbidden on the other. - Shall it be said that Rav Assi holds the opinion that [both days] have one continuous holiness? But Rav Assi recited the havdalah [blessing] between the first and second days of Yom Tov? — 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 acted stringently in both cases.⁶ (4b2)

Rabbi Zeira said: It is reasonable to say that we follow Rav Assi's ruling (regarding the egg), for although we now know when Rosh Chodesh is established, we still observe two days of Yom Tov.⁷

Abaye said: Logic supports Rav; for we have learned in a Mishnah: In early times they used to light bonfires,⁸ but on account of the mischief of the Cutheans⁹ the Rabbis ordained that messengers should go forth. Now, if the [mischief of the] Cutheans ceased we would [all] observe only one day; and [even during the Cuthean mischief]

⁵ Outside Eretz Yisroel every Festival which Biblically is to be observed for day is kept for two days because of doubt. Since the Festival is fixed for a certain day of the month (for example Pesach on the 15th Nisan) it is important to know the exact day the New Moon appears. For the consecration of the New Moon was determined not only by mathematical calculation but by the confirmation of witnesses who had seen it. This applied only to the 30th, but on the 31st, the day would be consecrated even without witnesses, because it would be known that after the 30th the moon should become new even if it were not seen, for the moon renewed itself about every 292 days. Therefore, those in Eretz Yisroel could easily be informed whether the new moon was consecrated by the Sanhedrin in Jerusalem on the 30th day or on the 31st, thus making the month just passed either full or defective. But those in the Diaspora, not being able to be informed in time whether the new moon was consecrated on the 30th or on the 31st, kept the appointed Festival-day for two days in order to be sure of observing it (for example, in the case of

wherever the messengers arrived¹⁰ they observed [only] one day.¹¹ But now that we are well acquainted with the fixing of the new moon, why do we observe two days? — Because is because a message was sent from there (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 errors.¹² (4b2 - 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.

Pesach, they kept both the 15th and 16th of Nissan as the 1st day of Pesach). Hence the two Festival-days of the Diaspora.

⁶ 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.

⁷ Presumably because the Rabbis have so enacted for us to keep the two days as one continuous day of holiness and it is their ordinances that we observe.

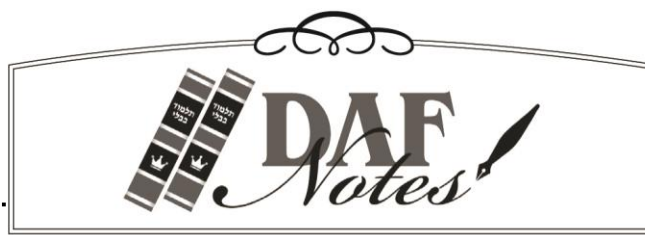
⁸ They indicated the new moon outside Jerusalem by means of fire signals whether the day just elapsed was the 30th of the past month or the 1st of the coming month.

⁹ In lighting beacons at other times to confuse the Jews.

¹⁰ The distance covered by the traveling messengers was relative, dependent on what day in the month a festival fell, so that sometimes they would cover more territory than at others.

¹¹ Evidently the observance of two days was not an enactment for all time.

¹² Such as people eating chametz on Pesach.



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 Gemara. 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.