

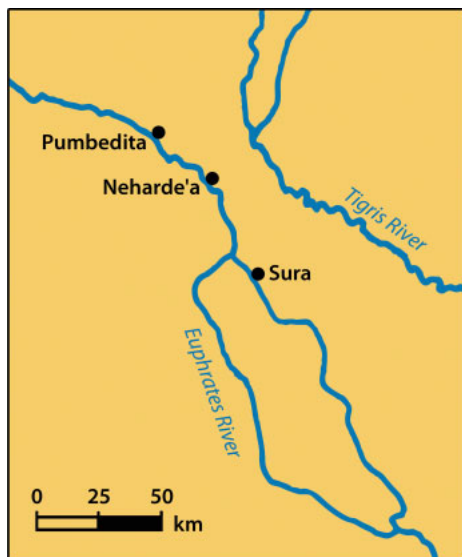
וְאָמַר רַבָּא: הַלְכְתָּא כּוֹתִיבָהּ דְּרַב בְּהַיָּי תְּלַת, בֵּין לְקוּלָא בֵּין לְחוּמְרָא.

As far as the sanctity of the Festival is concerned, however, the second day was also treated as sacred, which proves that when two days were observed in Eretz Yisrael, they were considered a single sanctity rather than two. **And Rava said in summary: The halakha is in accordance with the opinion of Rav in these three cases, whether the ruling is lenient, or whether the ruling is stringent.**

Perek I
Daf 6 Amud a

PERSONALITIES

The Sages of Neharde'a – נְהַרְדְּעִי: The Gemara in tractate *Sanhedrin* explains that this is a reference to Rav Hama, a fourth-generation Babylonian *amora*. He apparently lived a long life, as his discussions with Sages of the previous generation are recorded in the Talmud. Since he served for over twenty years as head of the yeshiva in Neharde'a, his *halakhot* are attributed to the Sages of Neharde'a.



Neharde'a and the surrounding area

אָמַר רַבָּא: מֵת בְּיוֹם טוֹב רֵאשׁוֹן – יִתְעַסְקוּ בּו עַמּוּמִים, מֵת בְּיוֹם טוֹב שֵׁנִי – יִתְעַסְקוּ בּו יִשְׂרָאֵל, וְאִפְּלוּ בְּשֵׁנֵי יָמִים טוֹבִים שֶׁל רֵאשׁ הַשָּׁנָה, מִה שְׂאִין בֶּן בְּבִיצָה.

§ Rava said: If one died on the first day of a Festival,^H gentiles should attend to his burial. If he died on the second day of a Festival,^N Jews should attend to his burial.^N And even with regard to the two Festival days of Rosh HaShana, the *halakha* is that the legal status of the two days is like that of the two days of the Festivals; however, **that is not so with regard to an egg** that was laid on the first day of Rosh HaShana, as it remains prohibited on the second day.

נְהַרְדְּעִי אָמְרִי: אִף בְּבִיצָה, דְּמַה דְּעֵתִיךְ – דְּלִמָּא מַעֲבְרֵי לִיהּ לְאִלּוּל, הָא אָמַר רַב חִינָנָא בְּר כְּהֵנָּא אָמַר רַב: מִימּוֹת עוּרָא וְאִילָךְ לֹא מְצִינּוּ אִלּוּל מְעוּבָר.

The Sages of Neharde'a^P say: **Even with regard to an egg**, Rosh HaShana is no different from other Festivals, as an egg laid on the first day is permitted on the second. **As what do you think** i.e., what is your concern; **perhaps** witnesses will fail to arrive, and the court **will proclaim** the month of Elul full, i.e., thirty days long, and begin counting the year only from the following day? In that case, both days are kept as sacred *ab initio*. **Didn't Rav Hinnana bar Kahana say that Rav already said** in this regard: **From the days of Ezra and onward we have not found** that the month of Elul was full,^N as the Sages employed various methods to ensure that there would be no need to add a thirtieth day. Consequently, Rosh HaShana would always occur on the thirtieth day after the beginning of Elul.

אָמַר מַר זוּטְרָא: לֹא אָמְרִן אֶלְא דְּאִשְׁתְּהִי, אֲבָל לֹא אִשְׁתְּהִי – מְשַׁהֲיֵנּוּ לִיהּ.

Mar Zutra said: We said that Jews should attend to the dead on the second day of Rosh HaShana **only when** the burial of the corpse **has already been delayed^N** and for some reason the burial was not on the day that he died. In that case, the body might begin to decay, and the dignity of the dead is at stake. **However**, if the burial **has not been delayed**, and there is no concern for the dignity of the corpse, its burial may not be attended to on the Festival; rather, **we delay it until the Festival has ended.**

NOTES

The first and second Festival days – יוֹם טוֹב רֵאשׁוֹן וְשֵׁנִי: Several sources indicate that the practice of sending out messengers to announce the New Moon ended during Rava's lifetime, when the Sages began to determine the Festivals solely by means of the calendar. From that point on, it was clear that only the first day was by Torah law, while the second was observed as a custom. Therefore, Rava sought to differentiate between the two days with regard to burying the dead (see *Tziyyun LeNefesh Hayya*).

Died on the second day of a Festival, Jews should attend to his burial – מֵת בְּיוֹם טוֹב שֵׁנִי יִתְעַסְקוּ בּו יִשְׂרָאֵל: The reason for these leniencies is that the burial of the dead is considered a matter of human dignity for both the dead and the living. The Sages say that human dignity is so important that it overrides the command: "You shall not deviate" (Deuteronomy 17:11) from the instructions of the Sages (*Berakhot* 19b). In other words, the Sages overrode several rabbinic decrees due to human dignity. With regard to the first Festival day, the decree against

instructing a gentile to perform prohibited labor on behalf of a Jew was overruled for this reason. The sanctity of the second day, which is rabbinic, is overruled entirely for the sake of human dignity, as Jews express this value by burying their dead (*Yam Shel Shlomo*). Some commentaries ask why the Sages didn't allow Jews to ask gentiles to bury the dead on Shabbat and Yom Kippur as well. It is suggested that due to the special sanctity of those days, the Sages elevated their decrees to the status of Torah prohibitions (*Meiri*).

We have not found Elul full – לֹא מְצִינּוּ אִלּוּל מְעוּבָר: The Ra'avan explains at length that when the people observed two days of Rosh HaShana in the times of Ezra, (see Nehemiah 8:13), they did not do so in the manner of the later decree. Rather, on that occasion they observed two days because witnesses actually testified that the second day was the New Year, while the first day was observed as a Festival only due to uncertainty.

Throughout the Second Temple period, although the months were determined by eyewitness testimony, the Sages

would calculate the precise moment of the appearance of each month's new moon ahead of time and do everything possible to ensure that Elul was never full. This is clearly stated in tractate *Rosh HaShana* and explained at length by the Rambam in *Hilkhot Kiddush HaHodesh*. The Sages likewise ordained that Yom Kippur must not be allowed to occur on a Friday or Sunday. Some commentaries ask: Didn't the Gemara mention a situation in which Elul was once a full month, when the witnesses were late in arriving? It is suggested that even in that case they did not make the month full; rather, the incident had the appearance of a mistake and the Sages still considered the first day as the New Year for the calculation of the other Festivals (*Meiri*).

Delayed – אִשְׁתְּהִי: There would be a delay in a case where a Festival occurred on a Sunday and someone died the day before, on Shabbat, so they could not tend to his burial until the Festival (*Rashba*).

HALAKHA

Died on... a Festival – מֵת בְּיוֹם טוֹב: A corpse that is to be buried on the first Festival day should be attended to by gentiles rather than Jews, even if this could be left until the next day without demeaning the dead. This *halakha* applies to digging the grave and preparing a coffin and shrouds. However, the ritual washing and cleansing, including the heating of water for this purpose, and the removal and actual burial of the corpse, may be performed by Jews as well.

If one dies on the second day of the Festival, including the second day of Rosh HaShana, Jews should attend to the corpse and tend to all of its needs. If it is necessary to remove the body outside the city for burial, that is permitted, as with regard to the dead the second Festival day is considered a weekday. Even if it can be arranged for gentiles to care for the dead, it is preferable for Jews to do so. However, the Ashkenazic custom is to have all labors prohibited by Torah law performed by gentiles whenever

possible, with Jews doing the rest. A Torah prohibition may be performed by Jews only if it cannot be done by gentiles (*Rema*).

All this applies only to cases where the decision is made to bury him that day. If, however, for some reason the decision is not to bury him on that day, nothing prohibited may be performed on his behalf, even by gentiles (*Shulhan Arukh, Oraḥ Hayyim* 526:1, 4).

אָפּילוּ לְמִיגוּ – אַפּוּלוּ אַפּוּלוּ – One explanation is that the Gemara mentions these specific types of prohibited labor because most activities performed on behalf of the dead are prohibited by rabbinic law, whereas sewing a garment and cutting a plant attached to the ground are prohibited by Torah law (Rashba). Others claim that these tasks are mentioned because they are not absolutely necessary: The use of myrtles is merely a custom, to ensure that the smell of the dead is not noticeable. Likewise, the cutting of a garment does not refer to the preparation of shrouds, which is certainly one of the central requirements of the dead; rather, it refers to a special garment in addition to the shrouds (Rabbeinu Peretz). With regard to the *halakha* itself, the later authorities discuss the extent of this license to perform prohibited labors for the sake of the dead on the second Festival day.

BACKGROUND

Ḥabarei – **חַבְרֵי**: *Ḥabarei* is a talmudic term for the priests of the Persian religion, Zoroastrianism. These priests are also known as Magi, or *amgushei*. Apparently the members of a Median tribe were granted priestly functions, and they also engaged extensively in witchcraft. The use of the term *ḥabarei* as a reference to magicians in general can be attributed to this explanation.

When the Sassanid dynasty gained control of the Persian Empire at the beginning of the amoraic period in Babylonia, the *ḥabarei* attained powerful social status, and at various times they would harass and persecute members of other religions. Throughout this period, their relationship with Jews was characterized by flashpoints of tension, one of which was the burial of the dead, which was prohibited by the ancient Persian religion. As a result, the Sages made every effort not to provide the *ḥabarei* with any pretext for their accusations and harassment.

רב אשי אָמַר: אַף עַל גַּב דְּלָא אֲשַׁתְּהִי נִמְי לָא מְשַׁהֲיֵינָן לֵיהּ. מַאי טַעְמָא? יוֹם טוֹב שְׁנֵי לְגַבֵּי מַת – בְּחֹל שְׁוִיזָה רַבָּנָן, אָפּוּלוּ לְמִיגוּ לֵיהּ גְּלִימָא וּלְמִיגוּ לֵיהּ אָסָא.

Rav Ashi said: Even though the burial was not delayed, but it is the day that he died, we still do not delay the burial. What is the reason for this? With regard to the dead, the Sages equated the legal status of the second Festival day with that of a weekday. This is true to such an extent that on a Festival it is permitted even to cut material to fashion a cloak for the deceased.^N And similarly, it is permitted to cut myrtles for the deceased, to be placed on the bier in their honor.

אָמַר רַבִּינָא: וְהָאֵידְנָא דְאִיכָא חֲבָרֵי – חֲזִישִׁינָן.

Ravina said: And nowadays, when there are *ḥabarei*,^B this practice must be adjusted. The *ḥabarei* were Persian priests who made false accusations against Jews in Babylonia. They cited the fact that Jews were burying their dead on the second Festival day as proof that the day was not holy, and they forced them to work on that day. Since we are concerned about this possibility, we do not bury the dead on the second day.

רַבִּינָא הוּוּ יְתִיב קָמֵיהּ דְּרַב (אָסִי) בְּשְׁנֵי יָמִים טוֹבִים שֶׁל רֹאשׁ הַשָּׁנָה, חֲזִינָא דְהָהוּ עֲצִיב, אָמַר לֵיהּ: אָמַאי עֲצִיב מָר? אָמַר לֵיהּ: דְּלָא אוֹתֵיבֵי עִירוּבֵי תַבְשִׁילִין.

The Gemara relates: Ravina^P sat before Rav Ashi on the two Festival days of Rosh HaShana, which occurred that year on Thursday and Friday. Ravina observed that Rav Ashi was sad. He said to him: Why is the Master sad? He said to him: Because I did not prepare a joining of cooked foods, and therefore I cannot prepare food or light a candle on Rosh HaShana for the upcoming Shabbat. When a Festival immediately precedes Shabbat, a joining of cooked foods is prepared before the Festival with ready-to-eat food. It is kept until Shabbat, symbolically indicating that any food prepared on the Festival for Shabbat is merely a continuation of that initial preparation.

אָמַר לֵיהּ: וְלוֹתִיב מָר הָאֵידְנָא, מִי לָא אָמַר רַבָּא: מִנְיָן אָדָם עִירוּבֵי תַבְשִׁילִין מִיּוֹם טוֹב לְחֲבִירוֹ וּמִתְנָה!

Ravina said to him: And let the Master prepare a joining of cooked foods now, on the first day of Rosh HaShana, a Thursday. Didn't Rava say: A person may prepare a joining of cooked foods from one Festival day of the Diaspora to another, by stipulating⁴ the following condition: If today is a weekday and tomorrow is holy, this shall be my joining of cooked foods, by means of which I may prepare food tomorrow for Shabbat; if today is holy and tomorrow a weekday, it is permitted to prepare food tomorrow as it is on any regular weekday, and a joining of cooked foods is not needed.

אָמַר לֵיהּ: אִימַר דְאָמַר רַבָּא בְּשְׁנֵי יָמִים טוֹבִים שֶׁל גְּלוּזוֹת, בְּשְׁנֵי יָמִים טוֹבִים שֶׁל רֹאשׁ הַשָּׁנָה מִי אָמַר?

Rav Ashi said to him: You can say that Rava stated this *halakha* with regard to the regular two Festival days of the Diaspora; but did he actually say so with regard to the two Festival days of Rosh HaShana? The two days of Rosh HaShana are considered one long day, and they are both equally holy.

וְהָא אָמְרֵי נְהַרְדֵּי: אַף בִּיעָז מוֹתְרָת. אָמַר לֵיהּ רַב מְרֻדְכֵי: בְּפִירוּשׁ אָמַר לִי מָר דְּלָא סָבַר לְהָא דְנְהַרְדֵּי.

Ravina replied: Didn't the Sages of Neharde'a say that even an egg is permitted on the two days of Rosh HaShana, which are treated exactly the same as other Festival days in the Diaspora? The same ruling should apply to a joining of cooked foods. Rav Mordekhai said to Ravina: This does not resolve Rav Ashi's difficulty, as the Master, Rav Ashi, explicitly said to me that he does not hold in accordance with this opinion of the Sages of Neharde'a. Rather, he maintains that Rosh HaShana differs from other Festivals, and in this case there is no way to make up for failure to prepare a joining of cooked foods.

PERSONALITIES

Ravina – **רַבִּינָא**: Ravina was a sixth-generation Babylonian Sage whose major undertaking was assisting Rav Ashi in editing the Babylonian Talmud. In his youth, he studied under the direction of Rava. Ravina passed away c. 422 CE. Ravina and Rav Ashi discuss matters of *halakha* in many places throughout the Talmud.

The expression: Rav Ashi and Ravina mark the end of halakhic rulings (*Bava Metzia* 86a), credits them both with the editing of

the Talmud. Ravina and Rav Ashi were not the first to edit the oral traditions, as there are many discussions in the Talmud whose language and style indicate that they were prepared long beforehand. Rather, these two Sages arranged the materials they had received from previous generations, which had emanated from different academies and were written in different styles, to produce an organized and uniform Talmud.

HALAKHA

A joining of cooked foods by stipulation – **עִירוּב תַבְשִׁילִין בְּתַנָּי**: If one forgets to prepare a joining of cooked foods before a Festival that immediately precedes Shabbat, he may do so on the first Festival day by means of a stipulation. He takes a loaf of bread and a cooked food suitable for this purpose, and says: If today is holy, I do not need to make a joining of cooked foods; if tomorrow is holy, this is the joining of cooked foods by means of which I can bake and cook for Shabbat. Some say that no blessing is recited

over this joining of cooked foods (Vilna Gaon; Rabbi Akiva Eiger; *Mishna Berura*). Some authorities say it is preferable to rely on the joining of cooked foods placed by the most prominent Torah scholar in the city on behalf of everyone, rather than on one's own stipulation, but others hold the opposite (see *Biur Halakha*). All this applies only to regular Festivals, but on Rosh HaShana this condition is of no effect, as stated by Ravina (*Shulhan Arukh, Orah Hayyim* 527:22).

NOTES

It itself is rendered permitted through slaughter – מתיר עצמו בשחיטה: The logic of this idea is as follows: The chick was previously forbidden by Torah law as a creeping animal. Since its emergence from the shell serves to permit this prohibition, it similarly releases all prohibitions that apply to it, especially those that apply by rabbinic law (see Rabbi Zerahya HaLevi; Meiri; Shitta Mekubbetzet).

The question arises: If Rabbi Yohanan and Shmuel do not accept the prohibition of *muktze*, why do they require this reason at all? One answer is that even those who permit *muktze* on Shabbat prohibit it on a Festival, in accordance with the opinion of Rav Nahman, as stated at the beginning of the tractate (see *Tosafot* and Ramban).

What is the reason that Rav was silent – מאי טעמא שתיק רב: Although a silent response is sometimes an indication that the question is unworthy of an answer, this cannot be the case here, as Rav already answered the first question, and the second one was certainly more problematic than the first (*Petaḥ Einayim*).

Since it is prepared... to be fed to dogs – הואיל ומוכן... לכלבים: Although it is prohibited to slaughter animals to feed to dogs on a Festival, it is possible that Rabba holds in accordance with the opinion of Rabbi Akiva, who permits the performance of a prohibited labor on a Festival even for one's animal. Furthermore, one can give the live *tereifa* to his dogs, and after the dogs kill the animal, be can cut the carcass for them (Rabbi Aharon HaLevi). Rav did not suggest the response provided by Rabba because his is not an irrefutable answer, as it entails several difficulties (see *Tosafot*).

PERSONALITIES

Rav Kahana and Rav Asi – רב כהנא ורב אסי: Rav Kahana and Rav Asi were two of Rav's greatest students. Despite their youth, they were considered great Sages. It was said about them that although they had to avail themselves of the traditions of *halakha* possessed by Rav, they had no need of his acumen. Consequently, Rav treated them with great respect. Although they were on intimate terms with him, and one tradition of the *ge'onim* even identifies Rav Kahana as Rav's stepson, they attended him as loyal and devoted disciples. Nevertheless, they did not refrain from challenging their rabbi's opinion, and on more than one occasion Rav's response was to remain silent rather than to attempt to resolve their difficult questions.

אָתָּמָר: אֶפְרוּחַ שְׁנוּלָד בְּיוֹם טוֹב, רַב אָמַר: אֶסוּר, וּשְׂמוּאֵל וְאִיתִימָא רַבִּי יוֹחָנָן אָמַר: מוּתָר. רַב אָמַר: אֶסוּר, מוּקְצָה הוּא. וּשְׂמוּאֵל וְאִיתִימָא רַבִּי יוֹחָנָן אָמַר: מוּתָר, הוּאִיל וּמִתִּיר עֲצָמוֹ בְּשִׁחִיטָה.

אָמְרִי לִיה רַב כְּהֵנָא וְרַב אִסִּי לְרַב: וְכִי מַה בֵּין זֶה לְעֵגֶל שְׁנוּלָד בְּיוֹם טוֹב? אָמַר לְהוּ: הוּאִיל וּמוּכָן אֲגַב אִמּוֹ בְּשִׁחִיטָה.

וּמַה בֵּין זֶה לְעֵגֶל שְׁנוּלָד מִן הַטְּרֵפָה? שְׂתִיק רַב.

אָמַר רַבָּה וְאִיתִימָא רַב יוֹסֵף: מֵאִי טַעְמָא שְׂתִיק רַב? לִימָא לְהוּ: הוּאִיל וּמוּכָן אֲגַב אִמּוֹ לְכָלְבִּים.

אָמַר לִיה אַבְי:

It was stated that *amora'im* disputed the following case: With regard to a chick that hatched on a Festival, Rav said: It is prohibited. And Shmuel, and some say Rabbi Yohanan, said: It is permitted. The Gemara explains the reasoning for their respective opinions. Rav said: It is prohibited because it is *muktze*. And Shmuel, and some say Rabbi Yohanan said: It is permitted, since it itself is rendered permitted through slaughter.ⁿ The slaughter of the chicken, which renders it fit to be eaten, is made possible by its hatching. Consequently, hatching likewise removes the prohibition of *muktze*.

Rav Kahana and Rav Asi^p said to Rav: And what is the difference between this case and that of a calf born on a Festival, since you agree that a calf may be slaughtered on that day? He said to them: There is a difference. Since a calf inside its mother is considered prepared on account of its mother, by slaughter, the *halakha* is as follows: If a cow is slaughtered, the calf inside its womb is also permitted. Therefore, that calf never had the status of *muktze*, whereas the chick was considered *muktze* before it hatched.

Rav Kahana and Rav Ashi further challenged Rav: And what is the difference between this case and that of a *tereifa*? If the mother has a condition that will cause it to die within twelve months, neither it nor the calf inside it may be eaten. Nevertheless, after it is born the calf may be slaughtered on a Festival and it is permitted. Rav was silent and did not offer an answer, as though he did not know how to respond to the question.

Rabba said, and some say it was Rav Yosef: What is the reason that Rav was silent?ⁿ Let him say to them: Even a calf born to a *tereifa* mother is not considered fully *muktze*, since it is prepared on account of its mother to be fed to dogs.ⁿ On a Festival, it is permitted to slaughter a *tereifa* and give it to dogs as food, and therefore the calf is not fully *muktze* even before it is born. By contrast, a chick in its shell is not intended as food for dogs, and therefore a chick that hatched on a Festival was unfit for use when the Festival began. Consequently, it was considered *muktze* and it is now *nolad*, an object that came into being on Shabbat or a Festival, and it is therefore prohibited.

Abaye said to him:

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NOTES

Food prepared for human consumption is not prepared for dogs – מוכן לאדם לא הוי מוכן לכלבים: Some commentaries note there is an opinion in the Gemara that it is prohibited to throw to dogs any food that fit for human consumption (*Ta'anit* 20b). Rabba here is saying that if an item is edible, one does not consider using it for any other purpose. If the object is removed from one's mind, e.g., if the animal died, the carcass is rendered entirely *muktze*, as he did not have any other use in mind. However, with regard to an item intended for any other regular use, one certainly does not remove his mind from deriving benefit from it or its contents (*Meiri*).

הַשְּׂתָא מוּכָן לְאָדָם לֹא הוּי מוּכָן לְכָלְבִּים, דְּתַנּוּ: מַחֲתִיבִין אֶת הַדְּלוּעִין לְפָנֵי הַבְּהֵמָה, וְאֶת הַנְּבִלָה לְפָנֵי הַכְּלָבִים, רַבִּי יְהוּדָה אוֹמֵר: אִם לֹא הִיתָה נְבִלָה מֵעֶרֶב שַׁבָּת – אֶסוּרָה, לְפִי שְׂאִינָהּ מִן הַמוּכָן. מוּכָן לְכָלְבִּים הוּי מוּכָן לְאָדָם?

Now, we know that food prepared, i.e., fit, for human consumption that became spoiled is not automatically considered prepared for dogs,ⁿ as we learned in a mishna (see 2a): One may cut pumpkins before an animal to facilitate their consumption, and likewise one may cut up an animal carcass, even of an animal that died on Shabbat, before dogs. Rabbi Yehuda says: If the animal was not already a carcass, i.e., it was not dead and fit for dogs, prior to Shabbat, it is prohibited, because it is not in the category of items considered prepared for use on Shabbat. This shows that although this animal was fit for human consumption while alive, it does not automatically become prepared for dogs once it dies. If so, can food prepared for dogs be considered prepared for humans?

אמר ליה: אין, מוכן לאדם – לא
הוי מוכן לכלבים, דמאי דחוי ליה
לאיניש לא שדי ליה לכלבים. מוכן
לכלבים – הוי מוכן לאדם, דדעתיה
דאיניש אכל מדי דחוי ליה.

He said to him: Yes. It is not surprising that something prepared and fit for humans is not considered fit and prepared for dogs, as that which is fit for a person, one does not throw it to dogs, and he has therefore removed that animal from his mind. However, something that is prepared for dogs is also considered fit and prepared for humans, as a person's mind is on anything fit to be eaten by him. One does not completely remove from his mind even food meant for dogs, if it is kosher and edible. Consequently, one has in mind the possibility that he might eat the calf of a cow that is a tereifa once it is born, since at that point it will be kosher and edible.

תנא כותיה דרב, תנא כותיה
דשמואל ואיתימא רבי יוחנן.

With regard to the dispute itself, the Gemara comments: It is taught in a *baraita* in accordance with the opinion of Rav; and it is taught in another *baraita* in accordance with the opinion of Shmuel, and some say in accordance with the opinion of Rabbi Yoḥanan.

תנא כותיה דרב, עגל שנולד ביום
טוב – מותר, אפרוח שנולד ביום
טוב – אסור. וימה הפרש בין זה לזה?
זה – מוכן אגב אמו בשחיטה, וזה –
אינו מוכן אגב אמו.

The Gemara elaborates: It is taught in a *baraita* in accordance with the opinion of Rav: A calf born on a Festival is permitted; a chick born on a Festival is prohibited. And what is the difference between this case and that one? This one, the calf, is prepared on account of its mother by slaughter; and that one, the chick, is not prepared on account of its mother.

תנא כותיה דשמואל ואיתימא רבי
יוחנן: עגל שנולד ביום טוב – מותר,
ואפרוח שנולד ביום טוב – מותר.
מאי טעמא – זה מוכן אגב אמו וזה
מתיר עצמו בשחיטה.

The Gemara further explains: It is taught in a *baraita* in accordance with the opinion of Shmuel, and some say it is the opinion of Rabbi Yoḥanan: A calf born on a Festival^l is permitted, and a chick born on a Festival is likewise permitted. What is the reason? This one, the calf, is prepared on account of its mother; and that one, the chick, is itself rendered permitted through slaughter.

תנו רבנן: אפרוח שנולד ביום טוב –
אסור. רבי אליעזר בן יעקב אומר:
אף בחול אסור, לפי שלא נתפתחו
עיניו.

The Sages taught in a *baraita*: A chick born on a Festival^h is prohibited. Rabbi Eliezer ben Ya'akov says: Even on a weekday, the chick is prohibited on the day it hatched because its eyes have not yet opened.ⁿ A small chick of this kind is not yet considered a bird fit for consumption; rather, it is similar to a creeping animal.^h

כמאן אזלא הא דתנא: "לכל השרץ
השרץ על הארץ" – לרבות אפרוחים
שלא נתפתחו עיניהם. כמאן – כרבי
אליעזר בן יעקב.

The Gemara comments: In accordance with whose opinion is that which is taught: The verse that states: "Even all creeping animals that creep upon the earth, you shall not eat them, for they are a detestable thing" (Leviticus 11:42) comes to include in the list of prohibited creeping animals even chicks that have not yet opened their eyes. In accordance with whose opinion is this *baraita*? It is in accordance with the opinion of Rabbi Eliezer ben Ya'akov.

NOTES

אפרוח... שלא נתפתחו – A chick... its eyes have not opened – עיניו: It is written in the Jerusalem Talmud that the key factor is the size of the feathers and wings: A chick is classified as a bird only after its feathers have grown. Some authorities are stringent in accordance with this opinion. The question whether the *halakha* is in accordance with the opinion of Rabbi Eliezer ben Ya'akov depends on the relationship between his statement and the previous discussion. The principle is that the *halakha* is always in accordance with the opinion of Rabbi Eliezer ben Ya'akov. However, some commentaries hold that this principle applies even when his opinion is opposed by many Sages, while others maintain that it applies only when he disagrees

with a single Sage. The key issue is the relationship between Rabbi Eliezer ben Ya'akov's statement and the dispute between Rav and Shmuel. Some authorities rule in accordance with the opinion of Rav because Rabbi Eliezer ben Ya'akov provides support for him, which is in turn a reason for ruling in accordance with the opinion of Rabbi Eliezer ben Ya'akov himself (Rosh; see Ra'avan). Conversely, others infer from the dispute between Rav and Shmuel that Shmuel certainly does not agree with the opinion of Rabbi Eliezer ben Ya'akov, and that even Rav probably does not agree with him, as otherwise he himself could have cited this as a reason for prohibiting the chick (Rid). Most authorities accept this claim.

HALAKHA

A calf born on a Festival – עגל שנולד ביום טוב: With regard to a calf born on a Festival, if its mother was designated for food it is permitted to slaughter it on the Festival itself, provided that it was carried to term. Some commentaries maintain that it must also spread its legs on the ground (Rema), although others hold that this is not necessary (*Taz*). Some permit one to slaughter the calf even if the mother was not designated for food (*Magen Avraham*). Nowadays, we lack the expertise to determine whether or not the fetus was carried to term (*Magen Avraham*). The *halakha* is in accordance with the opinion of Rav (*Shulḥan Arukh, Oraḥ Ḥayyim* 498:5).

the Festival concludes. Furthermore, it may not be moved, as it is *muktze* (*Shulḥan Arukh HaRav, Mishna Berura*). If it was born on a Shabbat immediately preceding a Festival, it is similarly prohibited. Conversely, if it was born on a Festival that occurs on Friday, it is prohibited on that Shabbat, in accordance with the opinion of Rav (*Shulḥan Arukh, Oraḥ Ḥayyim* 513:8).

A chick born on a Festival – אפרוח שנולד ביום טוב: If a chick is born on a Festival, it is prohibited to eat it until nightfall, when

Eating a newly born chick – אכילת אפרוח שנולד: It is prohibited to eat a chick that has yet to hatch from its shell. Once it has hatched, it is immediately permitted, even if it has not yet opened its eyes. However, the custom is not to eat a chick until the large feathers that cover its body have grown (*Magen Avraham*), although some authorities permit its consumption even before this stage (*Taz, Shulḥan Arukh, Yoreh De'a* 15:1).

BACKGROUND

An egg is fully formed upon its emergence – ביצה... The formation of an egg takes roughly twenty-four hours, during which the egg passes through various developmental stages. In the first stages, there is a yolk and no albumen; later there is albumen but no shell or a very thin shell. Eggs discovered inside a slaughtered chicken during these phases will not hatch chicks, even if they are fertilized. Even when the eggs appear to be fully formed, if they have not developed the thin covering of the outer shell membrane, they will fail to develop into viable chicks, as their liquids will evaporate due to the heat of the incubation.

HALAKHA

Eating fully formed eggs with milk – אכילת ביצים... In the case of an egg discovered inside a slaughtered chicken, if it is fully formed, i.e., it has a yolk and albumen, it is considered an egg for all purposes, and it is permitted to eat it with milk. This is the halakha even if the egg is still attached by sinews to the chicken.

If the egg consists only of yolk, one may not eat it with milk. Some say that milk products may be eaten immediately after it is eaten (Shakh), although others prohibit this (Be'er Heitev). In fact, Jewish women adopted the custom to be stringent and not eat any egg discovered inside the mother, even if it has a hard outer shell, with milk. Instead, they salt them separately. This stringency need be followed only ab initio (Taz), and only in a place where that is the custom (Shakh). Some say that if an egg is attached to the mother by sinews, even if the albumen has formed, it may not be eaten with milk. If it will result in significant loss, one may be lenient even if only the yolk has formed (Shakh), although others disagree (Be'er Heitev; Peri Hadash; Shulhan Arukh, Yoreh De'ea 87:5).

אמר רב הונא אמר רב: ביצה עם יציאתה נגמרה. מאי עם יציאתה נגמרה? אילימא עם יציאתה נגמרה ומותרת לאכלה בחלב, הא במעי אמה אסורה לאכלה בחלב? והתניא: השוחט את התרנגולת ומצא בה ביצים גמורות – מותרות לאכלן בחלב.

אלא: עם יציאתה נגמרה ומותרת לאכלה ביום טוב. הא במעי אמה אסורה לאכלה ביום טוב? והא תניא: השוחט את התרנגולת ומצא בה ביצים גמורות – מותרות לאכלן ביום טוב.

וכי תימא: קא משמע לן בבבוייתא מאי דלא אשמעינן במתניתין – הא נמי תנינא: ביצה שנולדה ביום טוב, בית שמאי אומרים: תאכל, ובית הלל אומרים: לא תאכל. ועד כאן לא פליגי בית שמאי ובית הלל אלא בנולדה, אבל במעי אמן – דברי הכל שריין.

וכי תימא: בית הלל אפילו במעי אמן נמי אסרי, והאי דקתני נולדה – להודיעך כהן דבית שמאי דאפילו נולדה נמי שרו, אלא הא דתניא: השוחט את התרנגולת ומצא בה ביצים גמורות – מותרות לאכלן ביום טוב, מני? לא בית שמאי ולא בית הלל.

אלא: עם יציאתה נגמרה – ומגדלת אפרוחים, במעי אמה – אינה מגדלת אפרוחים. למאי נפקא מינה – למקח ומכר. כי ההוא דאמר להו: ביעי

Rav Huna said that Rav said: An egg is fully formed upon its emergence,^b i.e., it is not considered an egg until it is laid. The Gemara inquires: What is the meaning of the statement: An egg is fully formed upon its emergence? To which issue is Rava referring? If we say he meant an egg is fully formed and called an egg only upon its emergence, and at this stage it is permitted to eat it with milk,ⁿ this indicates that while an egg is still inside its mother, even if it is fully formed, it is considered meat and it is prohibited to eat it with milk. But isn't it taught in a baraita: With regard to one who slaughters a chicken and finds fully formed eggs inside it, it is permitted to eat them with milk?^h

Rather, Rav's statement should be explained as follows: An egg is fully formed upon its emergence in that it is permitted to eat it on a Festival only if the entire egg emerged on a weekday. The Gemara expresses surprise at this claim: This indicates that if an egg is found inside its mother, it is prohibited to eat it on a Festival. But isn't it taught: With regard to one who slaughters a chicken and finds fully formed eggs inside it, it is permitted to eat them on a Festival?

And if you say: The baraita teaches usⁿ that which the mishna did not explicitly teach us, and Rav stated the halakha accordingly; however, this we already learned in the mishna here, as it says in the mishna: With regard to an egg laid on a Festival, Beit Shammai say it may be eaten, and Beit Hillel say it may not be eaten. And Beit Shammai and Beit Hillel disagree only with regard to an egg that was already laid, but concerning eggs inside their mothers, all agree that they are permitted.

And if you say that the mishna should be explained in the opposite manner, as Beit Hillel also prohibit eggs inside their mothers, and the fact that the mishna teaches: Laid, is to convey the far-reaching nature of the opinion of Beit Shammai, that they permit even an egg that was laid. However, consider that which is taught in the aforementioned baraita: With regard to one who slaughters a chicken and finds inside it fully formed eggs, it is permitted to eat them on a Festival. In accordance with whose opinion is this baraita? It is the opinion neither of Beit Shammai nor of Beit Hillel.

Rather, Rav certainly did not prohibit an egg that has not yet been laid. Instead, his statement should be explained as follows: An egg is fully formed upon its emergence, and it produces chicks, i.e., an egg laid in the regular manner can be incubated and a chick will hatch from it. By contrast, an egg that remained inside its mother cannot produce chicks. The Gemara asks: What is the practical halakhic difference of this observation? The Gemara answers: It is relevant for buying and selling. In other words, the difference between the types of eggs has ramifications for terms of commerce. This is like that incident involving a certain individual who would say to the general public: Eggs

NOTES

נגמרה...and it is permitted to eat it with milk – נגמרה: Tosafot ask: Why isn't the egg in this case considered part of the chicken's flesh, whereas an egg found inside a bird carcass assumes the legal status of the carcass and is prohibited? They answer, and the ge'onim likewise write, that the halakha is stringent with regard to a bird carcass because it is prohibited by Torah law. However, according to most tanna'im and the accepted halakha, mixing the meat of a bird with milk is prohibited by rabbinic law. Indeed, it can be inferred from the Sifra that the legal status of the egg of a bird carcass is not like that of the carcass either.

Some commentaries distinguish between the two cases differently: Since it is permitted to mix an egg with meat or milk, then even after it has been cooked with milk, there is room for leniency. The egg of a bird carcass, though, is from a prohibited source. Others explain that the egg of an animal carcass is imbued with a forbidden flavor. Conversely, in the case of the prohibition against mixing meat and milk, the egg contains the taste of meat, while the milk

absorbs the taste of the egg. It is a case of flavor that was absorbed by one substance being transferred to another substance, and it is permitted (Rabbeinu Peretz).

וכי תימא קא משמע לן – בבבוייתא וכי: Rashi and many other commentaries understand this question as an attempt to prove that this baraita is not authoritative, as there is no hint of this halakha in the mishna, and therefore they apply the following principle to this case: If Rabbi Yehuda HaNasi did not teach it in a mishna, from where would his student, Rabbi Hiyya, who together with Rabbi Oshaya compiled the authoritative baraitot, learn it in a baraita? Some explain that Rashi is saying: It is well known that a baraita will often add to and explain the statements of a mishna. However, in the mishnayot of tractate Beitza the halakhot of an egg are discussed in great detail, so the omission of this particular halakha indicates that he rejected that opinion (Ritva; Shitta Mekubbetzet).