

**Daf Hashvuah Gemara and Tosfos Beitza Daf 7**  
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Rather, what Rav meant by saying “an egg is finished when it comes out of the hen,” that a chick can now grow in it. If it was found in a Shechted hen, then it won’t be able to hatch a chick. The difference it makes in Halacha is regarding selling.

**Daf 7a**

Like in the following case: someone asked for an egg that can give rise to a chick. A vendor sold him an egg found in a Shechted hen. (When the buyer found out the status of the egg), he brought the seller to R’ Ami to judge. R’ Ami ordered him to return the egg for a full refund since it’s a “mistaken sale” (i.e., sold under false pretenses). The Gemara asks: this is so simple, (since it’s not the object he wanted, that Rav didn’t need to teach us this). The Gemara answers: I might have thought it’s not a complete mistaken sale, since he may really want it to eat. The reason he stipulated “an egg fit for a chick to develop” is because (it’s of better quality, i.e.), it’s more ‘ripe’ (i.e., better developed). (So, since he can use the egg for what he intended to, the sale is not retroactively canceled), but he only needs to refund the buyer the difference in worth between the two types of eggs. So, we’re taught otherwise (that he wants it to raise a chick, and it’s a totally mistaken sale).

A similar case; someone asked for an egg that was fertilized by a male, and a vendor gave him an egg that wasn’t fertilized (lit. through the hen being warmed by the ground, [instead of being warmed by a male]). They went before R’ Ami to judge. He canceled the sale and made the buyer give a full refund, since it’s a mistaken sale (since it won’t produce a chick). The Gemara again asks that the case is too simple. The Gemara answers, that perhaps (it wasn’t a complete mistaken sale), since he might have wanted to eat it. The reason he wanted it fertilized (since it’s better quality) because it’s fattier. Therefore, he doesn’t get a full refund, but only the difference in price between the two eggs. So, we’re taught otherwise.

Alternatively, what Rav meant by “it finishes when it comes out;” that when most of the egg comes out of the hen, it’s considered finished regarding an egg laid on Yom Tov. Like R’ Yochanan says: if an egg mostly came out of the hen Erev Yom Tov, and, subsequently, returned back into the hen, (it’s considered already finished being laid Erev Yom Tov, and when it comes out on Yom Tov), it’s permitted to eat (like all eggs laid on Erev Yom Tov).

Others say the opposite. Rav means that it’s only finished being laid when it completely comes out of the hen, and not if only most of it came out. Therefore, he disagrees with R’ Yochanan (and would forbid the egg).

**New Sugya**

If someone Shechted a chicken and found a complete egg in it; the Tanna Kama permits eating it with milk. R’ Yaakov forbids it if it’s still attached with sinew.

**Tosfos asks: once the egg is complete, how can it still be attached by sinew?**

**Tosfos answers according to Rashi's explanation: "complete eggs" refers to completed yolks. However, their shells hadn't hardened, but only has a membrane around the egg. Therefore, R' Yaakov can say on such an egg, "if it's still attached with sinew."**

**However, it fits well to a different text found in some copies of the Gemara that doesn't have the word 'complete.' Rather, it's read, "if you found an egg, you may eat it. R' Yaakov says etc."**

The Gemara asks: who is the author of the following Braisa? If someone ate different parts of a Neva'ila of a Kosher bird, (which, if someone eats its meat will become Tamai), if he ate from the eggs lodged in the ovaries, from its bones, its sinew or from meat that was ripped from it while it was still alive, he's Tahor. However, if he ate from the "egg ovaries," stomach, intestines or if you melted its fats and drank it, he's Tamai. Anyhow, who's the one who holds eating the eggs lodged in the ovaries are Tahor, (which we'll assume still has sinew attached)? R' Yosef says it's not like R' Yaakov, since he holds eggs attached by sinew (is meat and) you can't eat it with milk.

Abaya countered: perhaps R' Yaakov only considers (it meat rabbinically, but the Torah never considers it meat. Therefore the rabbis only decreed it to have the status of meat) regarding prohibitions and not regarding Tumah. The Gemara asks: why didn't the Rabanan also decree it to be like meat regarding Tumah? The Gemara answers: since it will spread a lot of Tumah (and will ruin a lot of Taharos), so the Rabanan didn't want to spread more Tumah (i.e., for the worry that people will mistake it for meat, they didn't think it warrants spreading more Tumah.)

Others had a version of the Gemara: they asked; who was the one who taught the latter part of the Braisa, i.e., eating the "egg ovaries" are Tamai? (We assume now that it refers to eggs attached to the ovaries). R' Yosef says that it's R' Yaakov that forbids eating eggs attached with sinew with milk (since it has the status of meat. Rashi-Although the first part of the Braisa says he's Tahor for eating eggs lodged into to ovaries, we must say according to this version, that it wasn't lodged too well and it's ready to be completed and it's no longer attached with sinew.)

Abaya countered: why must you assume it refers to eggs attached to the ovaries? Perhaps it refers to the ovaries themselves. If you would say, if so, (since ovaries are true meat), what's the Chidush? It would have the same Chidush as the other parts listed there, the stomach and intestines. Although they're meat, since some people refrain from eating them (I might say they don't have the status of food), so it lists them to teach us otherwise. Here too by the ovaries, although some people refrain from eating them, the Braisa teaches that it's still meat.

## **New Sugya**

The Braisa says: all creatures that only have relations by day give birth only by day. Those that only have relations by night only give birth at night. If they have relations day or night, then they also give birth day or night. Chicken are creatures that have relations exclusively during the day. Bats are creatures that have relations only by night. Humans (and those species similar to them) have relations day and night.

The Gemara explains what Halachic difference it makes that chickens only has relations by day. This teaches us the reason for R' Kahana's Halacha. He says, if you check a hen's nest on Erev Yom Tov and you didn't see any eggs. If you get up the next morning before dawn and find an egg, you may eat it. Although you checked before Yom Tov, we must say you didn't check the nest well. Even if you checked

it well, we must say that it happened like R' Yochanan, that it came out mostly Erev Yom Tov and returned back into the hen. (Since it couldn't have been laid during the night, we must say that it came out during the day before.)

The Gemara asks: Doesn't R' Yossi b Shaol quotes Rav to say the opposite, that the egg is forbidden?

The Gemara answers: he refers to non-fertile eggs, (that the hen received her warming from the ground).

The Gemara ask: if so, by R' Yochanan's case, (why assume that the chicken had relations with the rooster?) Perhaps she produced the egg by warming herself from the ground. The Gemara answers: he refers to a case where there is a rooster around. The Gemara asks: perhaps, even when there was a rooster, the hen decided to warm herself from the ground? The Gemara answers: we learned that, whenever a rooster is around, a hen won't warm herself from the ground.

The Gemara asks: how far can the rooster be that we still consider it in the hen's vicinity?

### **Daf 7b**

Rav says: as long as the hen can hear the rooster by day.

**Tosfos explains: that sound travels further during the night than by day. The reason Rav didn't say "as long as she can hear the rooster at night," (since it's in order that the hen to choose to have relations with him) and they only have relations during the day.**

Rav Mari allowed the egg even when the rooster was sixty houses away. However, if there's a river separating them, since the rooster cannot physically come over, we don't permit it. However, if there is a bridge, we allow it. However, if it's only a (make-shift bridge consisting of a plank) that has a rope tied on both sides (so that the person crossing could hold onto the rope), the rooster won't cross, so the egg is forbidden. Even so, there was even a case where they saw a rooster crossed by the rope.

The Gemara asks: (in the case of Rav, that the egg was not fertilize), why did he need to compose a case where he checked from Erev Yom Tov if there is an egg. (Since this egg could have been laid anytime), it should be forbidden even without checking Erev Yom Tov?

The Gemara answers: we would permit it, since there is a possibility that it was laid from before Yom Tov.

**Tosfos asks: (even though it's a Safeik on a rabbinical prohibition, which we are usually lenient), but this prohibition will be eventually become permitted, (i.e., after Yom Tov), which we are stringent.**

**Tosfos answers: we're more lenient here, since it's more common for an unfertilized egg to be laid during the day than during the night.**

The Gemara asks: if so, then, even when you checked it Erev Yom Tov you should permit it, since it might have happened like R' Yochanana's case (that most of the egg emerged, and then it went back

in).

The Gemara answers: (we can't assume the possibility that it happened like R' Yochanan), since his case is not common to happen. (Only when it's a fertilized egg, where it's impossible to be laid at night, do we say that it must have happened like R' Yochanan's case.)

The Gemara concludes by bringing another, (but unrelated), statement of R' Yossi b Shaol that quotes Rav: crushed garlic (has the same Halachos as water regarding being uncovered), that we say it's dangerous to leave it uncovered (and unwatched, for perhaps a snake ate from it and drooled some of its poison into it.)

### **New Sugya**

The Gemara now explains the other argument between Bais Shammai and Bais Hillel in our Mishna, about the size to be Chayiv for Chametz and sourdough on Pesach. Bais Shammai holds that sourdough is Chayiv with an olive's worth, and regular Chametz with a dried date's worth. His reasoning is, the Torah wrote both the prohibition of sourdough and Chametz. However, the Torah could have only wrote about Chametz and wouldn't have needed to write explicitly about sourdough. After all, I would have said that if the Torah forbids Chametz, which is not as strongly leavened, of course it would forbid sourdough that is strongly leavened. So, why did the Torah explicitly wrote the prohibition of sourdough? To teach us that it has a different size to be Chayiv.

**Tosfos quotes Rashi: if the Torah didn't write sourdough explicitly, but only learned it out from regular Chametz, I would have said that its size is also a dried date, since anything learned from a Kal V'chomer we say it's enough to have the same Halachos as the Halacha you learned it from. (We don't say that it should have the next level of stringency, since it's a more stringent prohibition.)**

**Tosfos asks: How do we know in the first place that the size of Chametz is a dried date? Perhaps it's the size of an egg or some other size?**

**Tosfos quotes Rashi: since all sizes are Halacha L'moshe Misinai.**

**Tosfos says that he doesn't agree to this explanation, since, (if all sizes are taught from a Halacha L'moshe Misinai), why do you need the Pasuk to teach us the sizes?**

**Rather, Tosfos explains: (we start out that the size is like an olive's worth, like most prohibitions.) Once the Torah reveals to us that the sizes are different, we then push up Chametz to the next size that we see the Torah uses someplace else, which is a dried date, since we see the Torah uses it to be Chayiv for eating on Yom Kippur.**

However, Beis Hillel holds that the Torah needed to write both. After all, if the Torah only wrote sourdough, I might have said that the Torah only forbade sourdough that has a strong leavening, but regular Chametz would not be prohibited, therefore the Torah needed to write Chametz explicitly. If the Torah only wrote the prohibition of regular Chametz, I might have said that it's prohibited since they're edible, but sourdough that is inedible, perhaps it should be permitted. So, the Torah writes explicitly sourdough.

The Gemara asks: must we say that Beis Shammai disagrees with R' Zeira's following statement? As we see, R' Zeira said that the Pasuk starts off talking about sourdough ("don't find sourdough in your houses"), and ends up talking about Chametz ("all who eat Chametz etc.") to teach us they have the same Halachos. (So, how can Beis Shammai say their sizes are different if the Torah compares them?)

The Gemara answers: all agree that, by eating, both of them have the same size. They only argue by the obligation to destroy them. Beis Shammai says we don't extrapolate from eating to destroying, while Beis Hillel says we do extrapolate from eating to destroying. We have the statement of R' Yossi b. Chanina to support this. He said that they only argue regarding destroying, but by eating, the size for both of them is an olive's worth. We also have a Braisa supporting this. It says, they argue about the P'sukim, "you shall not find sourdough" and "you shall not find Chametz." On them, Beis Shammai says that sourdough is a dried date's worth and Beis Hillel says that they're both an olive's worth. (However, they don't argue about the P'sukim forbidding eating.)

**Tosfos asks: why did Beis Hillel need to say that we need both prohibitions, one for Chametz and one for sourdough, (to say that they have the same size)? We anyhow learn it from extrapolating destroying from eating, like we just said.**

**Tosfos answers: so we shouldn't make the mistake that, since the Torah gave two separate Lavim, (which was unnecessary), to teach us (not to extrapolate from eating, but), to teach us that one has a size of a dried date and one has the size of an olive.**

**Tosfos asks: once Beis Hillel has the reason why we need both P'sukim, (and they're not telling us to give them different sizes), why do they need R' Zeira's Drasha?**

**Tosfos answers: I would say there is only Kareis for eating Chametz, since it says so explicitly. (However, I would not say that there is Kareis for eating sourdough, so R' Zeira's Drasha teaches us to compare sourdough to Chametz regarding Kareis.)**

### **New Sugya**

The Mishna says "Hashochet," which connotes, if it was already Shechted, then Beis Shammai permits digging with a spade to cover the blood. This implies; but someone shouldn't L'chatchila Shecht in order to dig to cover the blood. However, let's look at the Mishna's next line, that Beis Hillel says not to Shecht. This would connote that the first Tanna (Beis Shammai) permits Shechting L'chatchila. The Gemara answers: Beis Hillel means "don't Shecht and, (even if you do Shecht), don't cover." (So, Beis Shammai's opinion would be don't Shecht, but if you did, then you do cover.) The Gemara asks: doesn't the Mishna's next line says that Beis Hillel agrees that, if he did Shecht, he digs with a spade to cover the blood?"

Rather, Rabbah answers: (Hashochet doesn't mean "if you Shechted," but rather "the Shochet.") It refers to the Shochet who goes to a rabbi to inquire if he should Shecht. Beis Shammai says that the rabbi tells him to L'chatchila Shecht and then dig and cover. Beis Hillel says that the rabbi tells him not to Shecht unless he has prepared dirt from Erev Yom Tov.

R' Yosef says the same, but with a small change in Beis Shammai's words. Beis Shammai says that the rabbi says "you can dig, Shecht and cover." (Rabbah only said the digging after the Shechting.) Abaya asked R' Yosef, perhaps Rabbah and you argue in the Halacha said by R' Zeira in the name of Rav.

As R' Zeira quotes Rav: the Shochet needs to cover the blood by putting dirt below, (before the Shchita), and above the blood. After all, the Pasuk says, "you pour its blood (by Shechting it), and cover it 'in blood.'" It doesn't say "with dirt" but "in dirt." This teaches us that he needs to put dirt below and above. So, we'll say that you (R' Yosef) agree with Rav's Halacha (and therefore, you say digging before Shechting to make sure there is dirt below the blood), and Rabbah disagrees with Rav (and only requires digging after the Shchita, since you only need dirt above the blood.)

R' Yosef answers: really, both of us hold of Rav's Halacha. However, Rabbah only allows Shechting if you already had dirt for the bottom, (and you'll only need to dig dirt for the top). He holds that if we allow you to dig before the Shchita, he might change his mind about Shechting, and it will come out that he dug on Yom Tov for no reason. However, I hold that it's better for him to dig before the Shchita (and not to worry that he'll change his mind). If we don't allow him, they'll refrain from having Simchas Yom Tov.