

**Daf Hashvuah Gemara and Tosfos Beitza Daf 6**  
**By Rabbi Chaim Smulowitz**  
**Tosfos.ecwid.com**  
**Subscribe free or Contact: [tosfosproject@gmail.com](mailto:tosfosproject@gmail.com)**

**Daf 6a**

Rava said: if someone dies on the first day of Yom Tov, non-Jews may do Melacha for his burial needs. If he died on the second day of Yom Tov, even Jews may do Melacha for his burial needs. This is true even on the two days of Rosh Hashana, (although regularly, it doesn't have the same Halacha as other two day Yomim Tovim and) we don't allow an egg laid on the first day to be eaten on the second day. (The rabbis of) Nahardai allowed the egg to be eaten on the second day of Rosh Hashana. After all, what's our worry to forbid it? For perhaps, (in Eretz Yisrael), they made the second day the real Rosh Hashana, (and therefore, the two days have the status of one long day). However, (that was not too common of an event to worry about), since, from the times of Ezra, they didn't have a year that they made Elul into a thirty day month. (Rather, Rosh Hashana was always the first day.)

**Tosfos asks: R' Yossi says in Eiruvim that an egg laid on the first day of Rosh Hashana is forbidden on the second day. So, how can Nahardai (Amoraim) argue with the Tanna R' Yossi?**

**Tosfos answers: R' Yossi is only saying that the egg would be theoretically forbidden if it happens (that Elul had thirty days and the real Rosh Hashana is the second day). However, Nahardai is saying that it will never happen that way.**

Mar Zutra says that we only (allow Jews to bury him on the second day) if he expired a while ago, (and we're afraid he'll start decomposing if we'll wait to bury him until after Yom Tov.) However, if he wasn't dead for awhile, then we'll wait until after Yom Tov to bury him. R' Ashi allows to bury him even if he wasn't dead for awhile. He holds that the rabbis enacted the second day Yom Tov to be a regular weekday regarding the dead, that you may even (do unessential Melachos, like) to cut material for shrouds and to harvest myrtles.

**Tosfos asks: in Mesechtas Moed Katan, they forbade digging (mountainside) graves on Chol Hamoed, and here, (where we allow it on the second day Yom Tov, which, even if you make it into a weekday, it's still Chol Hamoed), we don't consider it to be a forbidden Melacha?**

**Tosfos answers like R' Chananel explains there: that they used to dig many graves so that they'll be ready if someone dies. Therefore, we forbid to dig graves on Chol Hamoed to bury people after the Mo'ed.**

Ravina says: nowadays, where we have Chavri (a wicked Persian ethnic group that forced Jews to do their work, however, they granted us not to work on Shabbos and Yom Tov), we're worried ([Tosfos quotes Rashi:] that if we bury the dead on the second day, the Chavri will decide that this is not a true holiday, and they'll force us to do their work. So, they decreed not to bury the dead on the second day.)

**Tosfos says: nowadays, where we don't have the Chavri around anymore, we may again bury the dead. Don't say that, (since it was an enactment), it needs another convening of the rabbis to permit it. After all, they only enacted it (explicitly) for a certain problem, and once**

there is no more problem, there is no reason to keep it. This is similar to uncovered water that we forbade drinking for, perhaps, a snake drank from it first. However, since it's not common for poisonous snakes to be amongst us, we drink it L'chatchila, even though it was originally enacted by convening rabbis.

However, R' Tam forbade it. It once happened that someone died in Milan on the second day of Yom Tov, and the townspeople wanted to bury him. R' Tam strongly reprimanded them. After all, the Gemara in Shabbos said that they didn't permit the people of Baskar to bury their dead on the second day of Yom Tov since they weren't learned people, and they might take the second day Yom Tov too lightly. He told them, "do you think you're any more learned than the people of Baskar?"

However, the Ri says that the Gemara is not a proof. After all, we find many places where they were stringent to a certain city that wasn't learned, like by the Gemara in Yevamos. They saw a place that ate Turmos beans cooked by a non-Jew, and they forbade it to them because of Bishul Akum. The Gemara asks: but Turmos beans are edible raw, which has no problem of Bishul Akum. The Gemara answers: they were stringent on them since they were not learned. Even so, nowadays, we don't worry about (relying on this Heter) and we hold that, for foods that are eaten raw, there is no problem of Bishul Akum.

However, R' Yechiel says that we can't compare the two cases. Regarding Bishul Akum (we can be lenient) since we eat it in our houses in private. Therefore, it doesn't get much attention (that people will take it to make light of its prohibition). However, burying the dead is done in public. This will get much attention (and will teach the unlearned of the city to take Yom Tov Sheini lightly).

Also, R' Tam said: nowadays, there are many Jews who work for the government, like tax collectors or other jobs. Therefore, if they notice us doing Melacha to bury the dead, they'll also force us to do Melacha for them.

### New Sugya

Ravina sat before Rav Ashi (on the first day of Rosh Hashana that fell out on Thursday and Friday), and he noticed that he was worried. He asked him about it, and he answered that he forgot to make an Eruv Tavshilin. Ravina suggested that he can rectify it by placing one now. After all, Rava said, in a case where the two days of Yom Tov fall out on Thursday and Friday, you can place an Eruv Tavshilin on the first day for the second day, and make a condition (that if tomorrow is the real Yom Tov, then today is a weekday and I'm making an Eruv Tavshilin on this Eruv Yom Tov. If today is the real Yom Tov, then tomorrow is weekday, and I'm allowed to cook then for Shabbos anyways.)

R' Ashi answered back: Rava only said it regarding the two days of other Yomim Tovim in the Diaspora. However, he never said it for Rosh Hashana (since we consider it as one long day).

Ravina countered: doesn't Nahardai hold that an egg laid one day Rosh Hashana is permitted on the second day? (So, we see that we don't consider them as one long day.)

R' Mordichai (who was also sitting there) told Ravina: (don't ask him from Nahardai) since R'

Ashi explicitly told me that he disagrees with Nahardai.

### **New Sugya**

A chick hatched on Yom Tov (**Tosfos: and also opened its eyes then, for if it didn't, we Paskin that you can't even eat it on a weekday [since it's not Kosher yet].**) Rav forbids to Shecht it on Yom Tov and R' Yochanan (and some say it was Shmuel) permitted it. Rav forbade it, since it was Muktzah (on the outset of Yom Tov). R' Yochanan (or Shmuel) permitted it. (Although it did start out Muktzah), but once it makes itself permitted to be Shechted (by being hatched and opening its eyes, which makes it Kosher, so once that action makes one Heter, it will make other Heterim on its coattails). So, it will also make the chick not Muktzah.

**Tosfos quotes Rashi that the Heter is based on, by being hatched, it becomes permitted to Shecht, but before the hatching, it is forbidden to eat. So, once it becomes fixed to Shecht, it's also becomes fixed of the Muktzah.**

**Tosfos asks: why do we need this reason? After all, both R' Yochanan and Shmuel doesn't hold of the general prohibition of Muktzah. As we see at the end of Mesechta Shabbos, that Rav, R' Yochanan and Zeiri Paskin like R' Shimon (who holds there is no Muktzah).**

**Tosfos answers: (although they don't personally need our reason to permit it), but they wanted to give a reason for those who hold like R' Yehudah (who holds there is Muktzah) why it should be permitted.**

**Alternatively, we need our reason even according to R' Shimon who generally doesn't hold of the prohibition of Muktzah. However, here it may be a much stronger Muktzah (since you so much set it aside from use until it hatches), so it's similar to dried figs and raisins (that are unfit to eat during the drying process. If they become dried out on Shabbos and becomes fit to eat, R' Shimon admits that, since it was unfit in the beginning of Shabbos, it remains Muktzah even after it gets fit.) This we see from the Gemara in Shabbos.**

R' Kahana and R' Assi asked Rav: why is this hatched chick any worse than an animal that was born on Yom Tov, which we permit?

Rav answered: since it wasn't Muktzah as a fetus, (since you could have Shechted the mother and eat the fetus too). Therefore, it's not Muktzah on account of its mother.

They responded: what about an animal born from a Treifa?

**Tosfos explains: there you can't permit the child on her account, since its mother is a Treifa (and therefore Muktzah), and yet, the calf is permitted.**

**Tosfos asks: in Chulin it says that a Ben Pekuah (a fetus) can become Kosher by (Shechting two out of) four 'Simanim.' (Schita is Kosher by cutting the two 'Simanim', i.e., the esophagus and windpipe.) A fetus in its mother's womb can be permitted by either Shechting its mother Simanim. (This is permitted, as the Torah permits us to eat a fetus found in a Shechted animal). It can also be permitted (by sticking your hands in the womb) and Shechting the fetus'**

**Simanim. So, since you can stick your hands in the womb and Shecht the fetus, why would it be Muktzta?**

**Tosfos answers: our Gemara is like R' Oshia that holds it's an unsolved inquiry if a fetus is permitted with four Simanim (i.e., by Shechting the fetus' Simanim).**

**Alternatively, you can't L'chatchila Shecht this way, since you can't see how your Shechting. After all, it's similar to the Halacha that you can't L'chatchila Shecht at night. (Therefore, since, coming into Yom Tov, we don't allow you to Shecht it), it's Muktzta.**

**Another answer: over there we only permit (Shechting the fetus) if we know that it finished its gestation period and it's a viable animal. However, here it was not finish the gestation period until the middle of Yom Tov's day, so it remains Muktzta the whole day since it was Muktzta Bein Hashmashes (since it wasn't viable then).**

Rav kept quiet (and didn't have what to answer). Rabbah (or R' Yosef) asked: why did Rav kept quiet? After all, he could have answered; since its prepared (i.e., designated), as being a part of his mother (Bein Hashmashes), to be fed to dogs (like all Treifos).

#### **Daf 6b**

Abaya asks: we see that even items prepared for human consumption, (if they become no longer fit for humans, we don't say that they're not Muktzta) because they're fit for dogs. As we see a Mishna that the Tanna Kama says that one may cut gourds for animals, and cut Nevaila carcasses for dogs (even if they were alive coming into Shabbos, since he doesn't hold of the concept of Muktzta). R' Yehuda says that he can't cut the meat unless it dies on Friday.

**Tosfos asks: why was this animal considered prepared for humans coming into Shabbos (and not Muktzta)? After all, it's Muktzta Bein Hashmashes, since you can't Shecht it then for humans, since it may be already Shabbos (when Shchita is prohibited).**

**Therefore the Ri held that the right text should be, "from before Yom Tov." (I.e., the whole Mishna refers to an animal that died on Yom Tov, which you were allowed to Shecht it Bein Hashmashes.)**

**However, Tosfos rejects this text. After all, in the beginning of our Mesechta, the Gemara explicitly says that this Mishna refers to Shabbos. As they brought this Mishna to show that Rabbi made the unnamed opinion by Hilchos Shabbos like R' Shimon (that doesn't hold of Muktzta).**

**Rather, Tosfos answers: really the main topic of the Mishna refers to Shabbos. Our Gemara's implication is gleaned from extra words. After all, if the Mishna only refers to Shabbos, R' Yehuda only needed to say that you can't cut the Nevaila if it wasn't dead from Friday, and I would know that the it's forbidden because it's Muktzta. Why did he need to add "because it isn't prepared?" So, if it's not needed to teach us anything about Shabbos, (it's hinting to us that there is something to be learned in a different topic), so it teaches us the same is true for Yom Tov. So, even though it was prepared for human consumption Bein Hashmashes**

(since you may Shecht it then, it's forbidden when it dies), since we say that something prepared for human consumption doesn't remain prepared (i.e., not Muktzah) when it's only fit now for dogs.

Tosfos asks on this idea that the words "because it isn't prepared" comes to teach us something extra: this, which we learn in Mesechtas Shabbos, someone cannot put a utensil under a leaky lamp on Shabbos to catch oil, (since the oil is Muktzah, and now you're making the utensil a base to the Muktzah oil, which makes the utensil Muktzah, and you'll transgress the prohibition of "taking a utensil out of its status of not being Muktzah"). However, it's permitted to place the utensil there while it's still Friday, but you may not partake of the oil on Shabbos, "because it's not prepared." Over there, what does the Mishna teach from the extra words "because it's not prepared?"

Tosfos answers: this teaches us that the oil is forbidden even after the lamp becomes extinguished, because it wasn't prepared (Bein Hashmashos).

Ri of Kurbil answers Tosfos original question: really, the Mishna refers to Shabbos, and we can still deduce from there that something that's prepared for humans are not considered prepared for dogs. After all, if it would be considered fit for dogs, then, it had a dual preparatory state on Friday, that it's considered prepared for both humans and dogs. So, when Shabbos comes in and it's no longer fit for humans (since it can't be Shechted), its status of being prepared for dogs, which was on it from Friday, doesn't get removed when Shabbos comes in, (since it can still die and you can feed it to your dogs).

So, if something that's prepared for humans are not considered prepared for dogs, then how can something prepared for dogs be considered prepared for humans?

Rabbah answered: yes, it's true (that it's considered prepared for humans). Although, something prepared for humans is not considered prepared for dogs, since what is fit for himself he wouldn't throw to the dogs. However, what is prepared for dogs is also considered prepared for humans, since someone always has in mind to partake in anything that may become fit for him.

Tosfos asks: if so, then this chick (that was hatched on Yom Tov) should be considered prepared (and not Muktzah, although he couldn't eat it before it was hatched), since it was fit for dogs to eat, (and what's prepared for dogs is considered prepared for humans if it ever comes fit for them.)

Tosfos answers: (it not only needs to be fit for dogs), but it needs to be both fit and designated for dogs to eat. (However, these chicks are designated to be eventually human food.)

We have one Braisa that supports Rav and another that supports R' Yochanan (and some say Shmuel). Both Braisos start off saying that a calf born on Yom Tov is permitted, since it's not Muktzah because it's part of its mother.

Tosfos asks: (according to those who hold the reason they forbade a laid egg is because it's similar to fruit that fell from a tree or juice that leaked from fruit), why don't we forbid the calf because it was born, similar to what we prohibit a laid egg? (After all, calves coming out of cows

are also similar to fruit coming off trees and juice coming out of fruit.)

**Tosfos answers: we only forbid (ready to eat) food objects that are born (like an egg), since they're similar to the fruit that fell or juice that leaked out, but we don't forbid living beings.**

One Braisa ends: a chick that was hatched is forbidden (like Rav) since we cannot say it's permitted by being part of its mother like we can say by a calf. The other Braisa says that the chick is permitted, since, by hatching, it becomes permitted to Shecht. (So, once this creates a Heter to Shecht, we say it causes other Heteirim too, namely, it permits the Muktzta problem.)

### **New Sugya**

The Gemara quotes a Braisa: a chick hatched on Yom Tov is forbidden. R' Elazar b. Yaakov said that it's forbidden during the week too, since it didn't open its eyes yet. The Gemara then asks: who's the Tanna who authored the following Braisa: the Pasuk that says to forbid "all creeping beings, that creep upon the land," (which is extra), comes to include a chick that didn't open its eyes? It must be R' Elazar b. Yaakov.

### **New Sugya**

R' Huna said in the name of Rav: an egg, as it comes out from a chicken, finishes it. The Gemara asks: what does this mean? If you want to say that, as it comes out, it finishes being meat, (and starts being an egg that's Parve), so that you may eat it with milk. However, if it's found in its mother (after she was Shechted), it's forbidden with milk. This can't be. After all, we have a Braisa that if you Shecht a chicken and you find a complete egg inside (**Rashi: i.e., a complete yolk**), you're allowed to eat it with milk.

**Tosfos asks: we see in Ediyos that an egg found in a Nevila chicken (i.e., that dropped dead), Beis Shammai permits it if it's as complete as those sold at market. Beis Hillel prohibits it. (Supposedly, his reason is because he considers the unlaidd egg as part of the mother and is a piece of meat.) So, why can one eat an unlaidd egg with milk?**

**Tosfos answers: since fowl and milk is only a rabbinic prohibition, even Beis Hillel admits that we can be lenient to eat it with milk.**

**Tosfos asks: the Gemara in Eirubin says that a Talmid shouldn't Paskin in his Rabbi's town, even that an egg is permitted with yogurt-like food. (So, the Chidush of not Paskining on the egg is; even if it's such a simple P'sak, he still can't Paskin.) However, what's the Chidush? (After all, it's not so simple) since R' Yaakov argues on this Halacha (if the egg still has sinew attached to it, as we'll say later). [See Maharsha that explains, we see that R' Yaakov only forbids to eat it with milk. However, if the mother dies, the egg doesn't have Tumas Nevaila on it, since they didn't want to spread extra Tumah. So, we can deduce that, since it doesn't really have the status of meat (and that's why it doesn't receive Tumah), R' Yaakov wouldn't be so stringent not to eat it with milk if he didn't hold that fowl and milk is prohibited from the Torah. So, if the whole reason to permit the egg with milk is because it's a rabbinical prohibition, then it's not a simple P'sak, since there are those who hold that it's a Torah prohibition. Also, R' Yaakov only forbids if it's attached to sinew, so we'll still will have a question why a Nevaila egg is forbidden even if it's no longer**

*attached to sinew.]*

**So, Tosfos answer: everyone agrees that you may eat complete eggs with milk, (at least when it's no longer attached to sinew, even if fowl and milk would be forbidden from the Torah, since a completed egg is not meat). The only reason Beis Hillel forbade the Nevaila egg is because we may confuse it with an egg from a Treifa (i.e., the hen has a wound that will eventually kill her). As we see there in Ediyos that all agree that an egg from a Treifa is forbidden, since it grew (when it was forming) in a forbidden manner (in a Treifa. However, an egg cannot grow in a Nevaila, since, at that point, the hen is dead.)**

Rather, we must say Rav's statement that "an egg is finished when it comes out," to say, that it then becomes permitted to eat on Yom Tov (if it comes out before Yom Tov). This seems to imply that eggs found in a mother (after it was Shechted on Yom Tov) is forbidden.

The Gemara asks: we learned in a Braisa, if you Shecht a hen on Yom Tov and find an egg in it, it is permitted.

The Gemara tries to answer: perhaps the Braisa teaches us something that's not written in the Mishna?

**Tosfos quotes Rashi that explains: since Rebbi didn't bring this Halacha in the Mishna, it shows us that (it's not true), and a Braisa that would espouse such a view must be corrupt. After all, if Rebbi didn't teach it (to his disciples, then), how did his disciple R' Chiya, who composed the Braisos, know of this Halacha?**

**Tosfos rejects this explanation. After all, the Gemara later (will prove that the Mishna holds of this Halacha, since it only prohibits a laid egg, implying it's permitted if it's in the mother. Don't say that Beis Hillel forbids even when it's in the mother, and the Mishna only uses the case of an egg laid to show that Beis Shammai even permits there), since our Braisa permits an unlaidd egg, but prohibits the laid egg, which would be neither like Beis Shammai or Beis Hillel. However, if we consider this as a corrupt Braisa, why must we push our Mishna to fit into it?**

**Therefore, Tosfos explains: perhaps the Braisa teaches us something that we couldn't glean from the Mishna. I.e., what the Mishna left out, the Braisa writes. For, if we only had the Mishna to go by, I would say that Beis Shammai only permits a laid egg, but he would admit to Beis Hillel that an egg still in the mother is prohibited, (so the Braisa teaches us otherwise, that only Beis Hillel prohibits, but Beis Shammai permits). Then the Gemara asks on this premise from our Mishna that implies that laid eggs are more stringent than unlaidd eggs, so we can say the opposite, that even Beis Hillel permits unlaidd eggs.**

However, we learned it in the Mishna that says that Beis Shammai permits an egg laid on Yom Tov and Beis Hillel doesn't. This implies that they only argue if it's laid, but if they weren't laid yet and it's still in the mother, everyone holds it's permitted. If you want to push off this implication by saying; perhaps they argue by both cases, after it's laid and while it's in the mother. They only explicitly argued about a laid egg to show how extreme Beis Shammai's opinion is, that they even permit after it's laid. If that would be true, then we wouldn't have anyone who agrees with our Braisa that permits the unlaidd

egg, (implying that he prohibits the laid egg), since it can't be Beis Shammai or Beis Hillel.

**Tosfos explains: we cannot any longer say that the Braisa explains what the Mishna left out, (which means, as he explained before, that if we only had the Mishna, I might think Beis Shammai only permits laid eggs and not eggs found in the mother, so the Braisa teaches us that they also permit the unlaidd egg, so the Braisa's implications would not be as we said, that it comes to prohibit the laid egg, but rather, just saying the unlaidd eggs are also permitted.)**

**The reason we can't say that: since, at this point of the Gemara, we hold that laid eggs are stricter than eggs in the mother. (Therefore, since we know from the Mishna that Beis Shammai permits laid eggs, of course, he'll permit unlaidd eggs.)**