

OVERVIEW of the Daf

1) An egg becomes fully formed once it exits its mother (cont.)

The Gemara relates two incidents related to people interested in purchasing eggs that could be used for production of chicks.

Two additional explanations are presented for R' Huna's teaching in the name of Rav that an egg is considered formed once it exits its mother.

2) Formed eggs found inside a slaughtered chicken

A Baraisa records a discussion whether formed eggs found in a slaughtered chicken may be eaten with milk. According to Tanna Kamma they may be eaten with milk, whereas according to R' Yaakov if the eggs are still attached to the tissue of the hen they may not be eaten with milk.

A Baraisa is cited which R' Yosef explains as inconsistent with the opinion of R' Yaakov.

Abaye disagrees and demonstrates how the Baraisa could be explained like R' Yaakov.

In a second version of this discussion, R' Yosef identified the Baraisa as consistent with R' Yaakov and Abaye challenged that assertion.

3) Determining when an egg will be laid

A Baraisa teaches that a bird will lay eggs the same time, day or night, that it mates. Examples of each category are presented.

The halachic significance of this fact is explored.

As part of this discussion, the Gemara explains the difference between laying a fertilized and an unfertilized egg.

The Gemara explains, in greater detail, the ruling of R' Yosi ben Shaul in the name of Rav, concerning an egg found on the morning of Yom Tov before daybreak.

A second statement of R' Yosi ben Shaul in the name of Rav is recorded, concerning the danger of exposed garlic.

4) Clarifying the second dispute between Beis Shammai and Beis Hillel

The rationale behind each position is explained.

Beis Shammai is challenged from a teaching that explicitly equates leaven and chometz.

(Continued on page 2)

Today's Daf Digest is dedicated
Mr. and Mrs. Myron Cherry
in loving memory of their sister
Shayne Cherry Adell

Today's Daf Digest is dedicated
as a hakaras hatov to Hashem that
Aviva Esther bas Chaya Nechama
has been given a refuah shelayma

Distinctive INSIGHT

A developed egg found in a slaughtered hen

גופא השוחט את התרנגולת ומצא בה ביצים גמורות מותרות לאכלן בחלב. ר' יעקב אומר אם היו מעורות בגידין אסורות

The Gemara presents a discussion regarding an egg found in the body of a hen after it has been slaughtered. The first opinion is that if the egg has developed completely, the egg is considered as an independent entity even though it had not been laid. This means that the egg may be eaten with milk. R' Yaakov adds that as long as the egg is still connected to the tissue of the hen, it is still considered part of the flesh of the hen, and it cannot be eaten with milk.

According to Rashi, the definition of גמורות—developed completely seems to be that the yoke is developed, even though the albumen has not yet taken form. Rashba explains that even according to Tanna Kamma, the egg is only considered “formed” when both the yoke and albumen has formed. This means that the outer membrane around the albumen has taken shape, even though the shell has not hardened.

In בחלב בשר הלכות (Yoreh De'ah 87:5), the מחבר rules according to Tanna Kamma, according to the understanding of Rashba. An egg found in a slaughtered hen may be eaten with milk as long as the yoke and albumen are fully formed, even without the shell. The ש"ך (#10) adds that in a case where a great monetary loss might result, we may rely upon the opinion of Rashi, and if the yoke alone has formed, the egg found in the hen may be eaten with milk. ש"ך concludes by noting that those who avoid using eggs found in the hen (together with milk) in all cases, no matter how developed they are, are conducting themselves with חומרא. In a place where no minhag exists in this regard, one need not follow this strict approach. ■

REVIEW and Remember

1. When is it prohibited to eat eggs with milk?
2. What determines what time of day an egg will be laid?
3. Does the dispute in the Mishnah regarding leaven and chometz refer to eating or possession?
4. Why, according to R' Zeira, is it necessary to have dirt below and on top of the blood?

HALACHAH Highlight

A mistaken sale

למאי נפקא מינה למיתבה ליה ביני ביני קא משמע לן

What difference does it make? [The difference will be whether the seller] has to refund the difference. [R' Ami therefore] teaches that the sale is invalid and the buyer is refunded all of his money.

A person walked into a butcher shop and asked to purchase meat from a castrated deer, which is a better quality piece of meat. The butcher, however, gave the buyer meat from a deer that had not been castrated. When the buyer realized that the butcher gave him the wrong meat he wanted a refund of all of his money, but the butcher only wanted to refund the difference between the prices of the two different meats. The Terumas HaDeshen¹ ruled in favor of the butcher and the basis of his ruling is our Gemara. Our Gemara refers to a case where the buyer asked for a specific type of egg, and nonetheless the Gemara entertains the possibility that had the buyer been interested in buying the egg for consumption he would not be able to recover any more than the difference between the two prices. This ruling is codified by the Rema².

The Bach³ disputes this ruling on the basis of a number of different points. One is that the difference between the two meats is substantial and as a result it is not sufficient to refund the difference. Furthermore, since the buyer stipulated what he wanted, how could he be forced to accept a different product against his will? The Nesivos HaMishpat⁴ writes that since there is a dispute, the halacha will be *המוציא מחבירו עליו הראיה* the one who is trying to extract money from his friend has the burden of proof.

STORIES Off the Daf

The K'zayis of Chometz

וחמץ בכזית

On today's daf, we find a discussion about the volume of forbidden chometz and leaven on Pesach.

The Chakal Yitzchak of Spinka, zt"l, always did an exhaustive search for chometz through every room in his house, going so far as to move all the furniture so that he could crawl down below and around every square millimeter of his property. Obviously, this was after the house had already been thoroughly cleaned from top to bottom by his Rebbetzin. Even after he would find the custom-

ary ten pieces of hidden chometz, the Chakal Yitzchak would continue his search into the wee hours of the night, often enlisting the aid of one of his chassidim, Reb Tzvi Yosef Hoffman, z"l.

One year, the Rebbe finished his examination and seemed about to call it a night. Suddenly, he was struck with a thought—perhaps someone had placed chometz inside the grandfather clock! Since this clock could only be accessed by standing on a chair or a ladder, Reb Tzvi feared that the attempt would be too much for the Rebbe who was already worn out from a long night.

Reb Tzvi pleaded, "Please don't go out of your way to examine the clock! There is absolutely no halachic obligation to check it because it is not a place where anyone

would normally place chometz."

Reb Tzvi's pleas fell on deaf ears. The Rebbe climbed up, and after a thorough search found a small roll, well over the size of a k'zayis, tucked away inside the mechanism! Apparently, one of the Rebbe's grandchildren had hidden one of the twelve challahs from his Shabbos tisch away in the clock and forgotten it there!

The Rebbe cried out, "You always tell me that I exert myself too much in my bedikas chometz. Now you see it has all been worth it! Whoever put this challah here meant to come back for it since he considered it a *סגולה*. No bitul could help in such a case, and the unfortunate person to whom it belonged would have transgressed a Torah prohibition!" ■

(Overview...Continued from page 1)

The Gemara answers that regarding the prohibition against eating, all opinions agree that the prohibited quantity is a k'zayis. The dispute in the Mishnah relates to the prohibition against possession.

Support for this understanding of the dispute is presented.

5) Clarifying the third dispute between Beis Shammai and Beis Hillel

A discrepancy regarding the implication of the language of the Mishnah is noted.

Rabbah and R' Yosef offer different explanations for the Mishnah and the difference between their explanation is whether the slaughterer is told to slaughter and then dig up some dirt or whether the order is reversed.

Abaye offers a way to explain the dispute between Rabbah and R' Yosef but R' Yosef explains that the dispute revolves around a different point.

6) Beis Hillel's lenient ruling

The Gemara challenges why Beis Hillel allows digging up dirt if the slaughter has already taken place.

The Gemara begins to explain how Beis Hillel's ruling is limited to particular circumstances. ■

1. שו"ת תרומת הדשן סי' שכ"ב
2. רמ"א חר"מ סי' רל"ג סע' א'
3. ב"ח שם ריש סי' רל"ג ד"ה המוכר לחבירו
4. נתיבות המשפט סי' רל"ב ביאורים סק"ג
5. ערוה"ש שם סע' ד' ■