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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

### ***Left Uncovered***

The *Gemora* cites a *Mishna* taught elsewhere: Three liquids are prohibited if left uncovered: water, wine and milk. How long must they remain uncovered to become forbidden? The time that it would take for a reptile to come from a nearby place and drink.

And what is regarded as ‘a nearby place’? Rav Yitzchak the son of Rav Yehudah explained: The time that it would take for a reptile to come from under the handle of the vessel and drink from it. This means – the time that it would take for a reptile to come from under the handle of the vessel and drink from it, and return to its hole (*for otherwise, it was seen, and the danger is obvious*). (10a)

### ***A Nicked Knife***

It was stated: If a man (*examined the knife prior to the shechitah*) slaughtered with a knife which was found (*some time*) afterwards to have a nick in it (*and it was not known if it developed during the shechitah*), Rav Huna says that even if he broke bones with it the rest of the day (*after the slaughtering*), the *shechitah* is invalid, because we are concerned that it became nicked while cutting the hide (*before the shechitah*). Rav Chisda, however, says that the *shechitah* is valid, because perhaps it became nicked by a bone.

The *Gemora* explains their reasoning: Rav Huna is in accordance with the principle he laid down above (*that an animal is assumed to be prohibited until one is certain that it was slaughtered properly*). Rav Chisda reasons as follows: A bone certainly nicks the knife, whereas the hide may or may not nick the knife. It emerges that there is a doubt against a certainty, and a doubt cannot detract from a certainty.

Rava asked on Rav Chisda from a *braisa*, thereby supporting the opinion of Rav Huna: If a man immersed himself and came up, and then something was found adhering to his body, even though (*after his immersion*) he was handling that particular substance all day long, it is not regarded as a proper immersion unless he can declare, “I am certain that it was not upon me before my immersion.” Now, in this case, he certainly immersed himself, and there is a doubt whether the substance was on him or was not upon him (*before his immersion*), yet the doubt detracts from the certainty!?

The *Gemora* answers: This case is different, for one can possibly say: Let the *tamei* person remain in his status (*of being tamei*), and assume that he did not immerse himself.

The *Gemora* asks: Well, then, here as well, one can possibly say: let the animal remain in its status (*of being forbidden to eat*), and assume that it was not slaughtered!?



The *Gemora* answers: Behold, the animal is slaughtered before you (*and therefore it should be permitted*).

The *Gemora* counters: But, here too, behold this man has immersed himself before you!?

The *Gemora* responds: Something (*the intervening substance*) has happened to impair his immersion.

The *Gemora* asks: But here as well, something (*the nick on the knife*) has happened to impair the slaughtering!?

The *Gemora* answers: Granted that the defect is in the knife, but it is not in the animal. [*We can therefore assume that the animal was slaughtered properly; however, regarding the immersion, the defect exists on the person himself, and therefore we assume that he did not have a valid immersion.*]

The *Gemora* asks on Rav Chisda from a *braisa*: If one (*when slaughtering a bird – where it is only necessary to cut the majority of one of the pipes*) cut through the *veshet* (*esophagus*), and then the *gargeres* (*kanah – trachea*) was torn away from the jaw, the slaughtering is valid. If, however, the *gargeres* was first detached and then one cut through the *veshet*, the slaughtering is invalid (*for the bird became a tereifah first*). If one cut through the *veshet* and then the *gargeres* was found detached, and it is not known whether it became detached before or after the slaughtering — this was an actual case, and the Rabbis decided: Any doubt regarding the validity of the slaughtering is ruled to be invalid. Now when the *braisa* stated, ‘any doubt regarding etc.,’ it is coming to include, is it not, this case (*where a nick was found after the shechitah; and it is teaching us that even in this case, where the doubt was not concerning the animal itself, the shechitah is invalid!*)?!

The *Gemora* answers: No. It includes those cases where there is a doubt as to whether or not one paused or pressed during the act of slaughtering (*but with respect to Rav Chisda’s case, the shechitah would be valid*). And the difference between the two cases can be explained as follows: In the cases where there is a doubt regarding pausing or pressing, the defect has arisen in the animal itself, whereas in Rav Chisda’s case, the defect has arisen in the knife, but not in the animal.

The *Gemora* rules like Rav Huna (*that the shechitah is invalid*) where he did not use the knife to break bones afterwards, and we rule like Rav Chisda where he did break bones with it.

The *Gemora* infers from here that Rav Chisda maintains his position (*that the shechitah is valid*) even where the knife was not used to break bones with. Accordingly, the *Gemora* asks: How then did the knife become nicked? [*Isn’t it obvious that it occurred during the shechitah?*]

The *Gemora* answers: Perhaps It became nicked through striking the neckbone (*after the shechitah; the neckbone is situated right after the two simanim*).

The *Gemora* notes that there happened such a case (*that the knife was inspected before the first animal, but was found to be nicked after the shechitah of thirteen animals*), and Rav Yosef declared as many as thirteen animals to be *tereifah*.

Now, he either followed Rav Huna’s view and they all were ruled to be *tereifah* - including the first animal. Or, he may have followed Rav Chisda’s view, and declared them all to be a *tereifah* - except the first one.

The *Gemora* favors the first explanation, for if he followed Rav Chisda’s view, let us consider the following: Since Rav

Chisda adopts a lenient view, why is it suggested that the knife became nicked through striking the neckbone of the first animal (*and therefore all subsequent animals were ruled to be tereifah*); should we not say (*by taking the lenient approach*) that it became nicked through striking the neckbone of the last animal (*and all the animals should be permitted*)?

Rav Acha the son of Rava told Rav Ashi that Rav Kahana required the knife to be examined after each and every animal that was slaughtered.

Now, the *Gemora* analyzes, this could be in accordance with Rav Huna's position, and he was ruling that if the knife was not examined between each animal that was slaughtered, even the first animal would be a *tereifah*, and it could be in accordance with Rav Chisda's view, and he ruled that the knife must be examined after each animal, so that even those slaughtered after the first one should be permitted.

The *Gemora* notes that if it is following Rav Chisda's position, it nevertheless, is not necessary to be examined by a Sage; even one witness (*such as the slaughterer*) is believed in matters concerning a prohibition.

The *Gemora* notes further that indeed, it would never be Necessary to show the knife to the local scholar – even initially; it is required because Rabbi Yochanan said that it is out of respect to the local scholar that we present him the knife to examine it. (10a – 10b)

### Source for Chazakah

The *Gemora* asks: Where is the principle which the Rabbis have adopted that 'something is maintained according to its original status' (*chazakah*) derived from?

Rabbi Shmuel bar Nachmeini said in the name of Rabbi Yonasan. It is derived from the following verse (*where a Kohen inspects a discoloration on a house to determine if the house has been afflicted with tzara'as*): *Then the Kohen shall go out of the house to the entrance of the house, and he shall close off the house for seven days.* The *Gemora* asks: But how can this be done? Perhaps as he leaves the house, the affliction will shrink to less than the minimum size? It must be that we maintain the house in its original status; we rely on *chazakah*.

Rav Acha bar Yaakov challenges this, for perhaps the case is where he went out of the house walking backwards, so that he sees the affliction as he goes out.

Abaye replied: There are two answers to your objection. Firstly, going out backwards is not considered a 'going out.' And secondly, what will you say when the affliction is behind the door (*for he cannot see it in any event*)? And if you say that he cuts opens up a window in the door; have we not learned in a *Mishna* that in a dark house, one may not cut open up a window in order to inspect the affliction!

Rava said to him: With regard to your statement that going out backwards is not a 'going out,' the case of the *Kohen Gadol* on *Yom Kippur* proves otherwise, for in that case, although it is written 'going out,' we have learned in a *Mishna* that the *Kohen Gadol* goes out and leaves (*backwards*) in the same manner as he entered. And with regard to the *Mishna* that you cited (*proving that a window cannot be cut open to inspect the affliction*) that 'in a dark house, one may not cut open up a window in order to inspect the affliction,' this rule only applies when the affliction has not yet been established; but once the affliction has been established (*such as in our case*), the matter has been established (*and the window may be cut open to observe that the affliction has not diminished*).

The *Gemora* cites a *braisa* against Rav Acha bar Yaakov, for the *braisa* teaches us that the *Kohen* may declare the house to be *tamei* even when he is not actually viewing the affliction.

The *Gemora* answers that Rav Acha bar Yaakov will interpret the *braisa* to be discussing a case where there was a line of people standing from the afflicted house until the *Kohen's* house, and they pass on the information to him that the affliction remained as it was (*it did not diminish in size*). [Accordingly, he understands that these verses and *halachos* do not prove the principle of *chazakah*.] (10b – 11a)

## INSIGHTS TO THE DAF

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Rav Acha bar Yaakov challenges this, for perhaps the case is where he went out of the house walking backwards, so that he sees the affliction as he goes out.

Tosfos and the Rashba both say that although Rav Acha bar Yaakov questions the Scriptural source for *chazakah*, he does concede the validity of such a principle; he maintains that it is an Oral Tradition from Sinai. Accordingly, we may say that if the source for *chazakah* is an Oral Tradition from Sinai, we may derive all *chazakos* - including a *chazakah* that we were not aware of at that time. An example of that would be if an animal survived for more than a year. We can retroactively determine that this animal had a *chazakah* that it was not a *tereifah*.

There are those who maintain that the Rambam holds that the *Azazel* goat (*which is sent off the cliff on Yom Kippur*) can technically be in its first year or in its second. Now, if the *Azazel* goat was brought in its second year, we would have no need to be concerned that it will be found a *tereifah*, for we have a *chazakah* that this animal was not born a *tereifah* by the fact that it lived for longer than a year - a logic that Tosfos uses by the red heifer; accordingly, we do not have to rely on *rov* - the principle of majority, for this animal has a *chazakah*.