

Daf Notes

Insights into the Daily Daf
23 Mar-Cheshvan 5772 Bechoros Daf 7 November 21, 2011

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Produced by Rabbi Avrohom Adler
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Daily Daf

R' Shimon's View regarding Consumption

The *Gemora* cites a *braisa*: If a ewe gave birth to a species similar to that of a goat or a goat gave birth to a species similar to that of a ewe, it is exempt from the law of *bechor*, but if the offspring possesses some features similar to its mother, it is subject to the law of *bechor*. Rabbi Shimon says: It is not subject to the law of *bechor* until the head and the greater part of its body resemble the mother.

The *Gemora* inquires: Does Rabbi Shimon require, in order that the animal may be permitted for consumption, the head and the greater part of the body, or not? [*In the case of a non-kosher animal born from a kosher animal where Rabbi Shimon forbids the eating, if the offspring has no features similar to the mother, but permits it if there are features similar to the mother, the question arises whether he requires that the offspring must be like the mother to the extent of its head and the greater part of the body, or not?*]

The *Gemora* explains the inquiry: In connection with a firstborn, the Torah writes: *But the firstborn of a cow* - indicating that the law of *bechor* does not apply until the animal is a cow and its firstborn is a bull; but with respect to consumption, the Torah says that only a camel is prohibited, but if it has changed from a camel, it is permitted (*even though it doesn't resemble the kosher animal with its head and greater part of its body*), or is there perhaps no difference (*between the laws of bechor and the laws of eating, and we cannot grant permission to eat unless its head and greater part of its body is similar to its mother*)?

The *Gemora* cites a *braisa* in its attempt to resolve this inquiry: If a kosher animal gives birth to a species of a non-kosher animal, it is forbidden to be eaten, but if the head and the greater part of its body resemble its mother, it is subject to the law of *bechor*. May we not deduce from here that even with respect to consumption, Rabbi Shimon requires the head and the greater part of the body to be similar to its mother?

The *Gemora* rejects the proof by saying that it is only regarding the law of *bechor* that it (*the head and the greater part of the body*) is required.

The *Gemora* proves from the language of the *braisa* that this is the correct explanation, for the *Tanna* leaves (*the first clause*) relating to eating, and establishes (*the provision of the head and the greater part of its body*) in conjunction with the law of *bechor*. We deduce from here that only in connection with the firstborn does Rabbi Shimon require the head and the greater part of the body, but not with respect of permission for eating! The *Gemora* deflects the proof, by saying that even regarding eating, Rabbi Shimon requires the head and the greater part of the body; but it was necessary to state this with particular reference to the law of *bechor*, for I might have thought that since the Torah writes: *But the firstborn of a cow (which teaches us that the law of the firstborn does not apply)* - unless the animal is a cow and its firstborn is a bull, and therefore it is not sufficient for the offspring to resemble its mother to the extent only of its head and the greater part of its body, but the entire animal must resemble its mother; the *braisa* therefore informs us that this is not so.

The *Gemora* cites a *braisa* in its attempt to resolve this inquiry: *But this you shall not eat from those that bring up their cud or*

that have split hooves. We learn that this (a camel born from a cow) you may not eat, but you may eat an animal (a camel) which has one feature (similar to its mother). And what is this which has one feature (similar to its mother)? This is a non-kosher animal which was born from a kosher animal impregnated from a kosher animal. I might think that this is the case (that it's permitted) even if it was impregnated from a non-kosher animal; the Torah therefore states: A seh-lamb of sheep, and a she-kid of goats, intimating that to be permitted for consumption, the father must be a sheep and the mother must be a sheep; these are the words of Rabbi Yehoshua. Rabbi Eliezer says: The point of the verse is not to allow that which is already permitted, but to add to that which is already permitted. And what is this? This is the case of a non-kosher animal born from a kosher animal impregnated from a non-kosher animal (and it is permitted if it has a feature similar to its kosher mother). Or, perhaps shall I say that this is not the case, but its pregnancy must be from a kosher animal? The verse therefore states: an ox, a seh-lamb of sheep, and a she-kid of goats - in any case (it is kosher).

Now, the braisa describes the animal (which is similar to a non-kosher animal) as non-kosher. This is in accordance with Rabbi Shimon; and yet, he proceeds to say that that one may eat an animal which possesses one feature similar to its (kosher) mother! [This proves that it is not necessary, according to R' Shimon, for the animal to be similar in the head and the greater part of its body; one feature is sufficient!]

The Gemora rejects the proof, by saying that this Tanna holds in accordance with Rabbi Shimon in one thing (that a non-kosher animal born from a kosher animal is non-kosher), but he differs from him in the other (for although R' Shimon would require the head and the greater part of the body to resemble its mother before it is permitted to be eaten, this Tanna maintains that one feature is sufficient).

The Gemora cites a different version that there were those who asked a question on the (previously mentioned braisa), and answered it (and from the answer, our inquiry whether R. Shimon requires the head and the greater part of the body to be like the mother in order to be permitted for consumption, can be resolved). They asked: Can impregnation (of a kosher animal) take place from a non-kosher animal? Rabbi Yehoshua ben Levi said: A non-kosher female animal cannot conceive from a kosher animal, nor can a kosher animal conceive from a non-kosher animal, nor large cattle from small cattle, nor small cattle from large cattle, nor a domestic animal from a wild one, nor a wild animal from a domestic one. All agree to this except Rabbi Eliezer and his disputants, for they say that a nondomestic animal can become pregnant from a domestic animal (and that is the way they explain a koy - the offspring of a female deer which conceived

from a goat). And Rabbi Yirmiyah explained (the braisa above) that the (kosher) animal became pregnant from an undoven-hoofed animal which was born from a cow, adopting the view of Rabbi Shimon. [Since the braisa describes the uncloven-hoofed animal which was born from a cow as non-kosher, this indicates that its views are in accordance with R. Shimon who holds that a non-kosher animal born from a kosher animal is non-kosher.]

The Gemora cites the proof: And the braisa proceeded to say that that one may eat an animal which possesses one feature similar to its (kosher) mother! [This proves that it is not necessary, according to R' Shimon, for the animal to be similar in the head and the greater part of its body; one feature is sufficient!]

The Gemora rejects the proof, by saying that this Tanna holds in accordance with Rabbi Shimon in one thing (that a non-kosher animal born from a kosher animal is non-kosher), but he differs from him in the other (for although R' Shimon would require the head and the greater part of the body to resemble its mother before it is permitted to be eaten, this Tanna maintains that one feature is sufficient)

The Gemora asks: Does this mean to say that Rabbi Eliezer holds that a product of a forbidden factor (the father is non-kosher) and a permitted factor (the mother is kosher) is permitted, and that Rabbi Yehoshua holds that a product of two such factors is forbidden? But have we not learned in a braisa exactly the opposite: Rabbi Eliezer says. The offspring of a tereifah may not be offered as a sacrifice upon the altar (just as the law is regarding a tereifah itself). Rabbi Yehoshua says: It may be offered. [The animal was first rendered tereifah and then conceived. Rabbi Eliezer holds that the product of a forbidden factor (the mother which is tereifah) and a permitted factor (the male that impregnated her) is forbidden, and Rabbi Yehoshua maintains that it is permitted.]

The Gemora answers: They each hold their respective opinions, but here, based upon the manner in which they expound the Scriptural verse, hold the way they do.

The Gemora cites a braisa (as conclusive proof regarding R' Shimon's viewpoint concerning consumption): Rabbi Shimon says: 'Camel,' 'camel' is written twice. One refers to a camel born from a camel (that it is prohibited), and the other refers to a camel born from a cow (that it is also prohibited). But if its head and the greater part of its body resemble the mother, it is permitted to be eaten. We can deduce from here that even for eating, Rabbi Shimon requires the head and the greater part of the body (to resemble the mother). This is indeed a proof. (6b - 7a)

Excretions

The *Mishna* had stated: The product of that which is non-kosher is non-kosher.

They inquired of Rav Sheishes: What is the ruling concerning the urine of a donkey?

The *Gemora* questions this: Why didn't they ask concerning the urine of horses or camels?

The *Gemora* answers: The question was not raised concerning the urine of horses or camels, for it is not murky, and, consequently, it is not similar to milk. It is merely water entering the animal, and water coming out. But the question does arise concerning the urine of a donkey, because it is murky, and is similar to milk. What is the ruling? Is the urine excreted from the body of the donkey itself and therefore it is forbidden, or, perhaps, it is merely water entering the animal, and water coming out, and its murkiness is due to the heat of the body?

Rav Sheishes replied to them: We have learned in our *Mishna*: The product of that which is non-kosher is non-kosher, and the product of that which is kosher is kosher. Now, it did not simply say: 'from a non-kosher animal' – *mi'tamei*; rather, it said: 'from that which is non-kosher' – *min ha'tamei*; and this (*the urine of a donkey*) is from that which is non-kosher.

There were those who say as follows (in truth, the uncertainty in halachah was in reference to the urine of horses and camels as well): With reference to the urine of horses or camels, the inquiry was not raised, because it is not normally drunk (not even for medicinal purposes; and therefore, it wasn't relevant). The question, however, arose concerning the urine of a donkey, which people drink and is good for jaundice. What is the ruling?

Rav Sheishes replied to them: We have learned in our *Mishna*: The product of that which is non-kosher is non-kosher, and the product of that which is kosher is kosher; and this (*the urine of a donkey*) is from that which is non-kosher.

The *Gemora* asks from a *braisa*: Why did the Sages say that honey from bees is permitted? It is because the bees bring the nectar into their bodies, but do not excrete it from their bodies. [They do not create it in the body; rather, it is merely transformed inside of them. But according to Rav Sheishes, the honey should still be forbidden, for it is coming from that which is non-kosher!]

The *Gemora* answers that Rav Sheishes (disagrees with this *braisa*) and follows the viewpoint of Rabbi Yaakov who says that the Torah explicitly permitted honey, for it was taught in a *braisa*: Rabbi Yaakov said: Yet these may you eat from all creatures that

fly. [The *braisa* is amended and teaches the following:] A non-kosher creeping creature that flies you may not eat, but you may eat that which a non-kosher flying creature produces from its body. And what is this? This is the honey of bees. You might think that this also includes to the honey of *gizin* (*type of locust*) and wasps; it does not. And the reason why the honey of bees is included and the honey of *gizin* and wasps are excluded is because the honey of bees has no qualifying name, but the honey of *gizin* and wasps they have a qualifying name.

The *Gemora* cites a *braisa* that is not in accord with Rabbi Yaakov: The honey of *gizin* (*type of locust*) and wasps are *tahor* and permitted for consumption.

The *Gemora* notes that this implies that one would be required to think that it should be for food in order to give it a status of food (*to become susceptible to tumah*).

The *Gemora* cites a *braisa* where it has also been taught like that: Honey in its hive is susceptible to contract food *tumah*, even without the intention of using it as a food. [*We can infer from here that gizin or wasp honey would require intention.*]

The *Gemora* rules on a similar issue: With regard to egglike clumps in a fallow-deer, the Rabbis proposed that they were testicles (*from the male*) and were therefore forbidden (*since they are limbs from a live animal*).

Rav Safra said: It is really the seed of a hart which sought to mate with a hind, but since the hind's womb is narrow and it is unable to copulate, the hart, therefore, seeks to couple with a fallow-deer, releasing its semen, which eventually hardens in her womb.

Rav Huna said: The skin (*similar to the placenta*) which is over the face of a donkey is permitted to be eaten. This is because it is a mere secretion (*but not actual skin*).

Rav Chisda said to him. There is a *braisa* taught which supports you: A skin which is over the face of a newborn baby, whether alive or dead, is *tahor* (*he who touches or carries it remains tahor*). Now, does this not mean whether both the offspring and its mother are alive, or whether both the offspring and its mother are dead? [*If the skin is tahor, even when they are both dead, we can infer that the skin is not considered as the after-birth of either the mother or the offspring, but rather a mere excretion!*]

The *Gemora* disagrees: No. It means, whether the offspring and its mother are alive, or whether the offspring is dead and its mother is alive.

The *Gemora* asks: But has it not been taught in a *braisa*: Whether the offspring and its mother are alive, or whether the offspring and its mother are dead?

The *Gemora* agrees that if it has been taught like this, it has been taught. (7a – 7b)

INSIGHTS TO THE DAF

“That which comes from the impure”: criteria and limits

By: Meoros HaDaf HaYomi

In this article we shall focus on a basic Talmudic rule supported by the *sugyas* we are now learning: “That which comes out from the impure is impure; that which comes out from the pure is pure.” In other words, the product of an impure animal is impure and forbidden to eat while the product of a pure animal is pure and may be eaten. Therefore, the egg of an impure bird is forbidden to eat although the egg is not a bird and the Torah only forbade eating the bird. In the same vein, the milk of an impure animal is forbidden though there’s no doubt that the milk is not part of the animal’s body, as that which comes from the impure is impure. Now that we have learnt this important rule, we shall give it its unique character, while examining other instances.

Eating bees’ legs: Many Rishonim (Tosfos, ‘Avodah Zarah 69a, s.v. *Hahu*; etc.) have difficulty in understanding how one may eat bees’ honey as it contains parts of the bees’ legs, which were in contact with the honey during its preparation. In the past we devoted an article (‘Avodah Zarah 69a: “Honey as a preservative and a digesting material”) to understanding the Rishonim’s replies.

Most Rishonim explain that honey has a unique attribute, that anything contained in it becomes honey (provided it isn’t whole)! Therefore, it is permitted to eat honey into which parts of bees’ legs fell, as they became honey.

Why bees’ legs aren’t “that which comes from the impure”: Apparently, we now have two outstandingly contradictory halachos. After all, milk from an impure animal is forbidden because “it comes from the impure”. Why, then, are bees’ legs any better just because they became honey? Aren’t they “that which comes from the impure”? The fact that the honey dissolves the bees’ legs apparently cannot permit them, because the honey

produced therefrom is “that which comes from the impure” and should be forbidden.

The great principle of “that which comes from the impure”: Because of the essential contradiction between the two halachos, the Acharonim explained (see Responsa *Zecher Yitzchak*, II, 46, os 2; Responsa *Chelkas Yoav*, Y.D. 7; *Kehilos Ya’akov*, Bechoros, §5) that we have an important definition that lends a new character to the rule of “that which comes from the impure is impure”. Let’s start with the bees’ legs. The Torah forbade us to drink an animal’s blood. If, for some reason, the blood became water, it may be eaten as the Torah forbade drinking **blood** whereas the material before us is no longer blood. In the same vein, the Torah forbade eating bees but as soon as a bee became honey, it is no longer a bee. The forbidden article disappears and we have a new entity. However, that which comes out from the impure, though it is utterly different from the impure entity from which it came – the milk doesn’t resemble the animal at all – it is nonetheless forbidden as the reason for its prohibition does not stem from its essence: it isn’t forbidden because it is an “impure animal” but because it **came** therefrom. Its origin is the reason for its prohibition. Therefore, that which comes from the impure is always forbidden, as it is impossible to change the past: it came from something forbidden and such it always will be. However, a bee, the reason of whose prohibition is because it is a “bee”, is forbidden as long as it is a bee but as soon as it stops being a bee, its prohibition disappears.

Milk from a pure animal: Is, then, any article whose essence has changed allowed to be eaten? Why does our Gemara explain (6b) that had the Torah not permitted us to drink the milk of a pure animal, it would be forbidden because milk originates from the animal’s forbidden blood, which turns into milk. When the blood became milk its essence changed. Why, then, did we need a special verse to allow us to drink milk?

The Acharonim also paid attention to this question and they explain that any change which is part of the natural process of the discussed article and embedded in the secret of its production is not considered a change which enables the article to escape the prohibition. Therefore, as the Torah forbade eating blood and this blood naturally becomes milk in the animal’s body, the blood which becomes milk is included in the Torah’s original prohibition and there’s no reason to assume that the prohibition doesn’t apply to the milk. However, if the change is not part of an article’s natural process – such as bees’ legs dissolved in honey and becoming honey – they have essentially changed: they have stopped being bees’ legs and became honey (see *Kehilos Ya’akov*, *ibid*).

Propolis, wax, pollen and royal jelly: May they be eaten and why?

A glimpse of our sages' outstanding wisdom is revealed in our Gemara, which treats the permission to eat bees' honey. Though "that which comes from the impure is impure and that which comes from the pure is pure", our sages taught that honey coming from a bee, which is an impure *sheret*, is pure because "they envelop it in their bodies but don't exude it from their bodies". Rambam defines this in the following manner (*Hilchos Maachalos Asuros* 3:3): "The honey of bees and wasps is permitted because it is not an extract of their bodies but they gather it from the flowers in their mouths and disgorge it in the hive to provide themselves with food." Modern scientists have found that honey accumulates in a bee's craw. The craw has a valve which prevents the honey from reaching the stomach and the process of the substance becoming honey comes about by a natural combination of the materials gathered by the bee without any active meaningful participation of materials from its body. Aside from honey, bees produce other important materials, including propolis, wax, pollen and royal jelly.

Wax: The wax is produced in the bee's body by eating honey. To produce 10 grams of wax, it must eat 100 grams of honey. It then exudes the liquid wax through special glands. The bee chews it and makes honeycomb from it. The question to be considered is whether the wax is allowed to be eaten. Indeed, the mishnah says ('Avodah Zarah, 2:7): "These are permitted to be eaten...and honey and *davdaniyos*." Rambam explains (commentary on the Mishnah, *ibid*) that *davdaniyos* are honeycombs. HaGaon Rabbi Shlomo Zalman Auerbach zt"l explained this permission in that the wax itself lacks a taste and is not defined as food and therefore is permitted while sucking it to eat the honey is only like sucking a stone smeared with sugar (*Bedikas HaMazon Kahalachah*, p. 149). HaGaon Rav Moshe Vayadds a few reasons and interesting proofs to permit eating wax, including the Tur's ruling (*O.C.* 433) that one may check for *chametz* with a beeswax candle but not with a candle made from forbidden fat as it may drip on utensils and render them *treifah*. We thus see that beeswax is permitted and doesn't render things *treifah*.

Propolis: *Propolis* is a Latin word meaning "before the city". It is an antibiotic substance gathered by bees from resin and flower-bud sheaths. The bee gathers the substance, mixes it with wax and uses the product to upholster the hive walls. This material also prevents disease and rotting in the hive and served the ancient Egyptians to embalm royal corpses. Today propolis is widespread for medical uses and as far as the halachah is concerned, it may be eaten as it doesn't pass through the bee's body at all.

Pollen: Pollen becomes attached to the bee's legs and serves as food for the larvae in the hive. It is expensive because it is known to aid digestion. It also does not pass through the bee's body and the halachah allows us to eat it.

Royal jelly: The major problem among products from bees is royal jelly. While the larva stays in its cell, it is fed with a thick, white liquid, very bitter to taste, that is exuded from a gland in the bee's head (all the larvae are fed with it but the bees destined to be queens are put in bigger cells with room for much more of the substance; it is therefore called "royal jelly"). Royal jelly is not eaten in its natural form due to its bitterness but is marketed mixed with honey (3%) and is extremely expensive. Experts point out that it is wonderfully beneficial for curing and strengthening people.

The bees produce the royal jelly by eating honey and pollen. This combination differs from honey in that it is produced by the bee's body with different substances exuded from the body to aid its preparation. Apparently, it is forbidden to be eaten as "that which comes from the impure is impure".

Rabbi Auerbach conducted a long correspondence about the issue with HaGaon Rabbi Eliezer Yehudah Waldenberg (see Responsa *Minchas Shlomo*, II, 64; Responsa *Tzitz Eli'ezer*, XI, 59 and XII, 54). Among the reasons to be lenient brought before Rabbi Auerbach, it was claimed that experts discovered that the phases of preparing royal jelly are completely identical to the phases of preparing honey and if Chazal permitted honey, we should permit royal jelly as well. Rabbi Auerbach replied that we wouldn't have permitted honey had Chazal not explicitly ruled so, especially that royal jelly does not have the same characteristics as honey. The only reason to permit it that comes under discussion is the fact that royal jelly is bitter and considered inedible and therefore there is no prohibition to eat it. However, he cites examples of bitter substances regarded as food and therefore asserts: "I do not rule to forbid it or to allow it." Considering an ill person who needs royal jelly for medicinal reasons, he writes that nothing prevents him from eating it, while he supports his decision on a few reasons. *Sefer HaKashrus* (by Rav Y. Fuchs, 21, *se'if* 48; see the sources *ibid*) limits this permission on condition that the royal jelly should be made insignificant in 60 parts of ordinary honey. In other words, he who purchases 100 grams of honey mixed with royal jelly should take care that the amount of royal jelly should not exceed 1.666 grams. It is also recommended to swallow the royal jelly in a capsule without its touching the mouth, the palate, the tongue and the throat (however, see *Minchas Shlomo*, *ibid*, that it seems that he permits it in any fashion, and see what HaGaon Rav Chayim Greineman wrote on *Bechoros*, §2, *os* 7).