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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

### **Eggs of a Tereifah**

Ameimar said: Regarding the eggs of a hen that became a *tereifah*, those of the first clutch are forbidden (*for he holds that a fetus is like the mother's thigh – meaning, that everything inside of the mother is considered part of her body; therefore, the eggs, which already began to form when the mother was rendered tereifah, are tereifah as well*), but all subsequent eggs (*that are laid afterwards*) are the product of a forbidden factor (*the hen*) and a permitted factor (*the male that fertilized them*), and therefore they are permitted.

Rav Ashi raised an objection from the following *braisa* to Ameimar: [*The Tannaim disagree, as will be cited below, regarding the permissibility of the offspring of a tereifah.*] But they agree regarding the egg of a bird that was *tereifah* that it is forbidden, because it developed in what was forbidden.

The *Gemora* answers: In that case the hen was heated through friction in the dust. [*The egg was not caused at all by the fertilization from a male; since its sole cause was the forbidden hen, it is forbidden.*]

The *Gemora* asks: But why did he not reply that the egg was from the first clutch (*which, even Ameimar agrees, is forbidden*)?

The *Gemora* answers: For if so, it should have said ‘it was finished’ and not ‘for it developed’.

The *Gemora* asks: But then, let us consider the following *braisa*: 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. Now,

what are the circumstances of the case in which they argue? It must be (*for, according to Ameimar, if the product is produced from one forbidden cause, they all agree that it is forbidden*) that 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. This being so, why do they differ regarding its validity to the Most High (*for a sacrifice*); let them rather differ as to its validity for ordinary purposes (*for human consumption*)?

The *Gemora* answers: It is in order to bring out the opinion of Rabbi Yehoshua, that it is valid even for the Most High.

The *Gemora* asks: But why do they not differ regarding its validity for ordinary purposes, so as to bring out the opinion of Rabbi Eliezer, that it is invalid even for ordinary purposes?

The *Gemora* answers: It is preferable to render a permissible ruling. [*Rashi in Beitza (2b) explains that this means that something that is permitted indicates that the Tanna is relying on his knowledge of the subject matter and is not afraid to rule leniently. One can be strict even if he is in doubt and it does not necessarily indicate the conclusiveness of the ruling.*]

And Ameimar explains that when the *braisa* states that they agree that the egg of a bird which was *tereifah* is forbidden, it is in reference to a hen was heated through friction in the dust, which only has one cause. [*The egg was not caused at all by the fertilization from a male; since its sole cause was the forbidden hen, it is forbidden.*]

Rav Acha accepts the opinion of Rav Acha bar Yaakov and accordingly reports the statement of Ameimar as we have stated it above (*that a tereifah can continue to bear young*).

Ravina, however, does not accept the opinion of Rav Acha bar Yaakov, and therefore reports Ameimar's statement in the following manner: Ameimar said: Regarding the eggs of a hen which there arose a doubt whether it was rendered *tereifah* or not, those of the first clutch must be held over (*for although a tereifah bird cannot produce new eggs, she can lay the eggs that were previously formed*); if she continues to lay eggs, then these are permitted (*for that is a proof that she is not tereifah*), but if she does not, these are forbidden.

Rav Ashi raised an objection from the following *braisa* to Ameimar: But they agree regarding the egg of a bird that was *tereifah* that it is forbidden, because it developed in what was forbidden. [*Evidently, a tereifah bird can produce eggs.*]

He replied: That *braisa* refers to the eggs of the first clutch (*which were formed before the hen became tereifah*).

The *Gemora* asks: If so, it should have said 'it was finished' and not 'for it developed'?

The *Gemora* answers: The *braisa* should be emended to read that 'it was finished.'

The *Gemora* asks: But then, let us consider the following *braisa*: 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. Now, what are the circumstances of the case in which they argue? It must be (*for, according to Ameimar, a tereifah cannot bear young*) that the animal conceived and then was rendered *tereifah*. Rabbi Eliezer holds that the fetus is like the thigh of the mother (*and therefore the young are regarded as tereifah as well*), and Rabbi Yehoshua maintains that the fetus is not like the mother. This being so, why do they differ regarding its validity to the Most High (*for a sacrifice*); let them rather differ

as to its validity for ordinary purposes (*for human consumption*)?

The *Gemora* answers: It is in order to bring out the opinion of Rabbi Yehoshua, that it is valid even for the Most High.

The *Gemora* asks: But why do they not differ regarding its validity for ordinary purposes, so as to bring out the opinion of Rabbi Eliezer, that it is invalid even for ordinary purposes?

The *Gemora* answers: It is preferable to render a permissible ruling.

And Ameimar explains that when the *braisa* states that they agree that the egg of a bird which was *tereifah* is forbidden, it is in reference to the first clutch, because it is an actual part of the mother's body. [*The first clutch of eggs were connected to the mother hen with tissue at the time that the hen was rendered tereifah; this is in contrast to a fetus which is only connected to the mother through the umbilical cord.*]

The *Gemora* issues a ruling: In a male (*that is a possible tereifah*), twelve months is the measure (*and if it lives for twelve months, it is permitted*), and in a female, if it cannot bear young (*but if she does bear young, she is obviously not rendered tereifah*). (57b – 58a)

### ***Life Span of Certain Creatures***

Rav Huna said: All creatures that have no bones (*invertebrates, such as an insect or a worm*) cannot live for twelve months.

Rav Pappa said: We can infer from Rav Huna's statement something in regard to that which Shmuel said: A cucumber, which became wormy in its growth, is forbidden. [*The law is that worms and creeping things that have crawled upon the ground are forbidden for consumption. Shmuel maintains that those that are generated in fruit and vegetables while they are attached to the ground are forbidden (after they begin to move), for they are deemed to be crawling upon the ground. Those that develop inside detached fruit and vegetables are only forbidden*]

once they emerge.] Now (according to Rav Huna), dates which were kept in a container (and were found to be wormy) are permitted after twelve months (for any worm that is found must have been generated after the dates were picked from the ground, and those worms (that have not emerged) are permitted).

Rav said: A day-old gnat cannot be found, and a year-old fly cannot be found (for they do not live that long).

Rav Pappa asked Abaye: But how would Rav explain the following popular saying: For seven years the female gnat stayed above the male gnat (refusing to mate with him), for she said to him, "You saw a resident of Mechoza (who were known for being fat – with lots of blood) swimming in the sea, and when he came out and wrapped himself in sheets, you came and settled down on him and sucked his blood without telling me of it." [Evidently, a gnat can live for seven years!?!]

He replied: And according to your reasoning, behold that other popular saying: A weight of sixty *manehs* of iron is carried on the gnat's proboscis (referring to the sharpness of his sting). Is this possible? How much does the entire gnat weigh? Obviously, it is in reference to their *manehs*, so too in the previous saying, it is in reference to their years. (58a – 58b)

### Extra Organ

The *Gemora* cites a *Mishna* taught elsewhere: An animal that has five legs or only three is considered as being blemished (and therefore, it is invalid for a sacrifice).

Rav Huna said: This (that an animal with an extra or missing leg is invalid for a sacrifice, but it is not regarded as a *tereifah*, and is therefore permitted for consumption) was stated only regarding an extra or missing foreleg, but if it would have an extra or missing hind leg, it is a *tereifah* as well. Why would this be? It is because every addition is deemed as if it was removed (and therefore, an extra hind leg is viewed as if it was missing a hind leg).

The *Gemora* relates that an animal was found having two ceca (which ordinarily, an animal has one cecum), and was brought before Ravina, and he declared it *tereifah* because of Rav Huna's principle (for now, it is as if the cecum was removed). If, however, they pour into each other (functioning as one), it would be permitted (for it would be viewed as one large cecum).

The *Gemora* relates that a tube running from the reticulum to the omasum was once found in an animal. Rav Ashi thought to declare it *tereifah* when Rav Huna Mar bar Chiya said to him that all rural beasts have this tube (and it is therefore not something out of the ordinary)!

The *Gemora* relates that a tube running from the reticulum to the paunch was once found in an animal. Rav Ashi thought to declare it permitted when Rabbi Oshaya said to him: Did you weave them all in one web? Where it has been expressly stated (that an extra tube is considered normal), it has been stated, but where it has not been expressly stated, it has not been stated.

Nassan bar Shila, chief slaughterer in Tzipori, testified before Rebbe: If two sets of intestines come out concurrently from the abomasum of the animal, it is *tereifah*; in a bird, however, it would be permitted (for it is not completely unusual to find two sets of intestines in a bird). This (that by an animal it is *tereifah*), however, was only said if they emerge from two separate parts of the abomasum, but if they emerge from the same place and finish within a fingerbreadth, it is permitted.

Rav Ami and Rav Assi disagree: One says that they must be fused into one (in order to be valid). The other says that they need not be fused into one.

The *Gemora* asks: It is well according to the one who says that they must be fused into one, for that would be the meaning of the phrase 'within a fingerbreadth'; but according to the one who says that they do not need to be fused into one, what does 'within a fingerbreadth' mean?

The *Gemora* answers: It means that they are in fact fused into one in the fingerbreadth at the end (at the entrance of the



rectum, so that the feces leave the body from one place). [The first opinion holds that they must unite as one within a fingerbreadth of leaving the intestines.] (58b)

## INSIGHTS TO THE DAF

### *Permissible ruling*

The Gemora cited the classic principle that it is preferable to render a permissible ruling. Rashi in Beitzah (2b) explains that this means that something that is permitted indicates that the Tanna is relying on his knowledge of the subject matter and is not afraid to rule leniently. One can be strict even if he is in doubt and it does not necessarily indicate the conclusiveness of the ruling.

Rashbam in Pesachim (102a) writes that if there is no compelling logic to rule stringently, then ruling leniently is not regarded as a more preferred option. Rather, it is the only option.

The Rema in his responsa (54) rules that one is not allowed to be stringent regarding an issue where there is no uncertainty.

Pischei Teshuvah (Yoreh Deah 116:10) cites a dispute amongst the Acharonim if one is permitted to be stringent for himself regarding a matter that has been permitted by the Torah, such as prohibited matter that was nullified.

Bnei Yissachar writes that it is a *mitzvah* not to be stringent in such a situation.

The Tzlach writes that it is preferable to record the permitted ruling regarding a situation that may be subject to a biblical prohibition, because if there would be uncertainty, we would be compelled to rule stringently. The Tanna would not be introducing a novel ruling if the ruling was that the matter is prohibited. Regarding a matter that may be subject to a rabbinic prohibition, however, the reverse would be true. It is preferable to record the stringent ruling because if there would be uncertainty, we would rule leniently.

## DAILY MASHAL

### Status Change

The Gemora states that if an animal conceived and then became a tereifah, it (the mother) and the offspring is deemed a tereifah, but if it became a tereifah and then conceived, the offspring is not deemed a tereifah.

Behold, a change that occurs in the mother while the fetus is inside of her, manifests itself in the offspring as well, but when the change happens prior to conception, although that status is still there, it is not evident in the offspring.

The Shem Mi'Shmuel uses this to explain why the stones under Yaakov's head became one although we do not find this phenomena every time Yaakov laid his head to rest on several pillows. This is because Yaakov's status was elevated during that sleep when Hashem appeared to him; therefore it created a stirring in the stones, but anything that came into contact with him afterwards did not experience that change.

### Yearly Pilgrimage

Rav Huna said: All creatures that have no bones (*invertebrates, such as an insect or a worm*) cannot live for twelve months.

An explanation: Any human being that does not have a "life" by himself, but rather, he lives from that which he receives from his righteous teacher, cannot be sustained for more than twelve months. This is why one needs to visit his teacher at least once a year.