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**Moshe Raphael ben Yehoshua (Morris Stadtmauer) o'h**

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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

Rabbi Yochanan said: The verse: You shall not eat the life with the flesh,<sup>1</sup> refers to a limb [severed] from a living creature; and the verse: You shall not eat any flesh in the field, that is tereifah [torn],<sup>2</sup> refers to flesh [severed] from a living creature and also to flesh of a tereifah animal. Rabbi Shimon ben Lakish said: The verse: You shall not eat the life with the flesh, refers to a limb [severed] from the living creature and also to flesh [severed] from a living creature; and the verse: You shall not eat any flesh in the field, that is tereifah [torn], refers to flesh of a tereifah animal.

The Gemara notes: If a person ate a limb [severed] from a living creature and also flesh [severed] from a living creature,<sup>3</sup> according to Rabbi Yochanan he is liable twice,<sup>4</sup> and according to Rabbi Shimon ben Lakish he is liable but once.<sup>5</sup>

If a person ate flesh [severed] from a living creature and also flesh of a tereifah animal, according to Rabbi Shimon ben Lakish he is liable twice, and according to Rabbi Yochanan he is liable but once.

If a person ate a limb [severed] from a living creature and also flesh of a tereifah animal, according to both he is liable twice.

A contradiction was pointed out from the following: If a person ate a limb [severed] from a living animal that was tereifah, Rabbi Yochanan says: He is liable twice; but Rabbi Shimon ben Lakish says: He is liable but once. I grant that this is right according to Rabbi Yochanan, but according to Rabbi Shimon ben Lakish this is a difficulty, is it not?<sup>6</sup>

Rav Yosef answered: It is no difficulty, for one case deals with one animal and the other case with two animals. In the case of two animals<sup>7</sup> he is liable twice [according to both views], but in the case of one animal<sup>8</sup> they differ.

On what principle do they differ in the case of one animal? — Abaye said: It is a case where the animal was rendered tereifah as soon as the greater part of it had come forth [out of the womb]. One [Rabbi Yochanan] holds that an animal [even] while alive stands to be dismembered into limbs, so that the prohibitions of tereifah and of the limb from a living creature come into force simultaneously. The other [Rabbi Shimon ben Lakish] holds that an animal while alive does not stand to be dismembered into limbs, so that the prohibition of the 'limb' [when it does arise]<sup>9</sup> cannot be superimposed upon the [already existing] prohibition of tereifah.

<sup>1</sup> You shall not eat a limb while there is yet life in the flesh. The word 'nefesh' (soul) in the verse refers to an entire limb, for once a limb is gone it cannot return or be replaced just as when the soul is gone.

<sup>2</sup> The interpretation is, flesh in the field i.e., cut away from its place in the living animal, or flesh of a tereifah animal, you shall not eat.

<sup>3</sup> At one meal and the offender was only given one warning.

<sup>4</sup> For the transgression of two prohibitions, since each prohibition is derived from separate verses. 'Liable' throughout this passage

means liable to the penalty of lashes unless expressly stated otherwise.

<sup>5</sup> For both these prohibitions are derived from the same verse.

<sup>6</sup> For it is agreed by all that where the two prohibitions are derived from separate verses, as here, the offender is liable twice.

<sup>7</sup> He ate a limb severed from a living animal and also flesh taken from another animal which was tereifah.

<sup>8</sup> He ate a limb severed from a living animal that was tereifah.

<sup>9</sup> When it was actually dismembered.

Alternatively, you may say, all agree that an animal while alive does not stand to be dismembered into limbs, but they differ whether or not the prohibition of the limb [severed from a living creature] can be superimposed upon the [existing] prohibition of tereifah. One [Rabbi Yochanan] holds that the prohibition of the limb can be superimposed upon the [existing] prohibition of tereifah;<sup>10</sup> and the other [Rabbi Shimon ben Lakish] holds that the prohibition of the 'limb' cannot be superimposed upon the [existing] prohibition of tereifah.

Alternatively, you may say, all agree that an animal while alive stands to be dismembered into limbs,<sup>11</sup> but in this case the animal was rendered tereifah later on [and not at birth], and they differ whether or not the prohibition of tereifah can be superimposed upon the [existing] prohibition of the limb. One [Rabbi Yochanan] holds that it can be superimposed;<sup>12</sup> and the other [Rabbi Shimon ben Lakish] holds that it cannot.<sup>13</sup>

Rava said: It is a case where the person tore away a limb from the living animal<sup>14</sup> and thereby rendered it tereifah, one [Rabbi Yochanan] holds that an animal while alive does not stand to be dismembered into limbs, so that the prohibitions of tereifah and of the 'limb' come into force simultaneously. The other [Rabbi Shimon ben. Lakish] holds that an animal [even] while alive stands to be dismembered into limbs, so that the prohibition of tereifah cannot be superimposed upon the [existing] prohibition of the 'limb'.

Rabbi Chiya bar Abba said in the name of Rabbi Yochanan: If a person ate forbidden fat [which was torn away] from a living animal, which was tereifah, he is liable twice.<sup>15</sup> Whereupon Rabbi Ammi said to him: And why do you not say that he is liable for three (sets of lashes)? Indeed I say [in the name of Rabbi Yochanan that he is liable for] three. And it has been reported: Rabbi Avbahu said in the name of Rabbi Yochanan: If a person ate forbidden fat [torn away] from a living animal, that was tereifah, he is liable to three.

On what principle do they differ? — The animal in this case was rendered tereifah as soon as the greater part of it had come forth [out of the womb]. Now he who says [he is liable] three times, is of the opinion that an animal [even] while alive stands to be dismembered into limbs, so that the prohibitions of the forbidden fat, of the limb [from a living creature], and of tereifah come into force simultaneously;<sup>16</sup> but he who says [he is liable] twice, is of the opinion that an animal while alive does not stand to be dismembered into limbs, so that there are [present from the time of birth] the prohibitions of the forbidden fat and of tereifah, and the prohibition of the limb [from a living creature] cannot be superimposed upon them.

Alternatively, you may say, all agree that an animal while alive does not stand to be dismembered into limbs, but they differ whether or not the prohibition of the limb [from a living creature] can be superimposed upon the [existing] prohibitions of the forbidden fat and of tereifah. One holds that it can be superimposed upon them, and the other holds that it cannot.

<sup>10</sup> Since the prohibition of the limb severed from a living creature is a grave restriction for it applies to the sons of Noah.

<sup>11</sup> Consequently the prohibition of the 'limb' came into force at the birth of the animal.

<sup>12</sup> For R. Yochanan is of the opinion that a prohibition can always be superimposed upon an existing prohibition.

<sup>13</sup> The prohibition of tereifah can only come into force after the animal has been slaughtered when the prohibition of the limb of a living animal has gone.

<sup>14</sup> He cut off the leg of a living animal above the knee-joint, and he ate it.

<sup>15</sup> Although he has infringed three prohibitions, (i) of forbidden fat, (ii) of fat (i.e., a limb) taken from a living animal, and (iii) of tereifah, he is only liable for two.

<sup>16</sup> At the moment of birth these three prohibitions came into force, for while a fetus within the womb the whole of its fat was permitted.

Alternatively, you may say, all agree that an animal [even] while alive stands to be dismembered into limbs, but in this case the animal was rendered tereifah later on [and not at birth], and they differ whether or not the prohibition of tereifah can be superimposed upon the prohibition of the limb [from a living creature]. One holds it can be superimposed,<sup>17</sup> just as it is the case with the forbidden fat, for a Master has said: The Torah has expressly indicated that the prohibition of neveilah can be superimposed upon the prohibition of forbidden fat, and that the prohibition of tereifah can be superimposed upon the prohibition of forbidden fat. The other, however, maintains that it [the prohibition of tereifah] can indeed be superimposed upon the prohibition of forbidden fat inasmuch as there is an exception to its general [restriction],<sup>18</sup> but it cannot [be superimposed] upon the prohibition of the 'limb' inasmuch as there is no exception to its general [restriction].

When Rav Dimi came [from Eretz Yisroel] he reported that Rabbi Shimon ben Lakish posed the following question to Rabbi Yochanan: What is the law if he divided it outside?<sup>19</sup> And he replied: He is not liable. And what if he divided it inside [his mouth]?<sup>20</sup> And he replied: He is liable.

<sup>17</sup> And liability is incurred for each of these three prohibitions.

<sup>18</sup> For the whole of the fat of a wild animal is permitted.

<sup>19</sup> A person took an olive's bulk from a limb that had been severed from a living animal, divided it into halves outside, i.e., before putting it into his mouth, and then swallowed each half separately. In connection with other prohibited substances this raises no doubt at all, for so long as he consumed the required quantity, namely an olive's bulk, within the time it takes to eat a half-loaf, he is deemed to have eaten the requisite amount and he is liable. With regard to the limb severed from the living animal, however, since it is exceptional in that the required quantity may be made up of bones and sinews to which no prohibition applies elsewhere, it might be said that this whole quantity must be eaten at one time.

<sup>20</sup> And swallowed each half separately.

<sup>21</sup> For one does not usually swallow an olive's bulk in one whole; one cuts it up with the teeth so that it enters the stomach in

When Ravin came [from Eretz Yisroel] he reported as follows: If he divided it outside he is not liable. If he divided it inside [his mouth], Rabbi Yochanan says, he is liable; Rabbi Shimon ben Lakish says, he is not liable. Rabbi Yochanan says he is liable, because his gullet has derived enjoyment from an olive's bulk. Rabbi Shimon ben Lakish says he is not liable, because there must enter in his stomach [at one time] the full amount that constitutes 'eating', and this is not the case here.

The Gemara asks: But, according to Rabbi Shimon ben Lakish, how can it ever happen that one [who eats an olive's bulk of the limb] should be liable?<sup>21</sup>

Rav Kahana suggested: In the case [where he ate] a small bone.<sup>22</sup>

Rabbi Elozar however said: Even if he divided it outside he is also liable, because the fact that it is not consumed in one whole does not render it an incomplete act.<sup>23</sup>

Rabbi Shimon ben Lakish said: The quantity of an olive's bulk of which they [the Rabbis] have spoken does not include that which is between the teeth.<sup>24</sup> Rabbi Yochanan said: It includes even that which remains between the teeth.

separate parts, and this according to Rabbi Shimon ben Lakish does not constitute 'eating'.

<sup>22</sup> A bone that lies on the "spoon of the thigh." It has but a small amount of flesh on it, but together with the bones and sinews attached to it is of the size of an olive. This is usually swallowed whole.

<sup>23</sup> The fact that the olive's bulk was put into the mouth in parts, one following the other, does not exempt the person from liability, for after all he has eaten a complete olive's bulk.

<sup>24</sup> This and the subsequent cases until the end of the chapter apparently refer to all prohibited substances. According to Rabbi Shimon ben Lakish a person is liable only if he swallowed a whole olive's bulk, i.e., this quantity entered his stomach, but not if he put an exact olive's bulk into his mouth, for in the process of mastication some of the substance would certainly adhere between the teeth and this cannot be reckoned together with the amount swallowed.

Rav Pappa said: As to that which remains between the teeth they certainly do not disagree;<sup>25</sup> they disagree only as to that which remains in the palate and tongue. One [Rabbi Yochanan] maintains [that he is liable], since his gullet has derived enjoyment from a whole olive's bulk; the other [Rabbi Shimon ben Lakish] maintains [that he is not liable, because] there must enter his stomach the full amount which constitutes 'eating'.

Rav Assi said in the name of Rabbi Yochanan: If a person ate one half-olive's bulk [of a forbidden substance] and vomited it forth, and then<sup>26</sup> ate another half-olive's bulk, he is liable. Why? Because his gullet has derived enjoyment from an olive's bulk.

Rabbi Elozar enquired of Rav Assi: What is the law if a person ate one half-olive's bulk [of a forbidden substance], vomited it forth and then ate it once again? [Let us see], what was his real question? If the question was whether it [sc. what has been vomited forth] is considered as digested food or not, then he might have put the question with regard to a complete olive's bulk;<sup>27</sup> and if the question was whether we regard [eating from the enjoyment of] the gullet or [from the enjoyment of] the stomach, then he might have solved this himself from Rav Assi's statement above?<sup>28</sup> — Rav Assi had forgotten the tradition [he had received from Rabbi Yochanan], and Rabbi Elozar came and reminded him of it in the following manner:<sup>29</sup> Why speak of another half-olive's bulk?<sup>30</sup> The Master could have dealt with the same [half-olive's bulk], by which two results would have been

<sup>25</sup> All hold that it cannot be reckoned together with that which has been swallowed, for neither the gullet nor the stomach has derived any enjoyment from it.

<sup>26</sup> within the period of time taken to eat a half-loaf of the size of four ordinary eggs.

<sup>27</sup> If a person ate an olive's bulk of a forbidden substance, vomited it forth, and swallowed it again, would he be liable twice or once only?

established, viz., we would have learned from if that it [sc. what is vomited forth] was not considered as digested food, and we would also have learned from it that [one is liable if only] the gullet had derived enjoyment from an olive's bulk'. He remained silent and made no reply at all. Thereupon he [Rabbi Elozar] said to him: Miracle of the generation! Did you not often say this<sup>31</sup> before Rabbi Yochanan and he agreed with you saying: His gullet has in fact derived enjoyment from an olive's bulk?

## DAILY MASHAL

### Avraham Watched His Guests

We have learned that it is forbidden to eat meat if dairy products are on the table. According to halachah, if another person watches him, there's no problem. The *Ben Ish Chai* thus explained that stated about Avraham: "...and he stood over them" when he served the angels dairy products and meat. He stood over them to watch that they shouldn't eat them together. The second aim is to **sanctify** the new month, by which the holidays of the month become sanctified. Therefore, when they didn't sanctify the month, the sanctity of the holidays ceased and the month was without sanctity or holidays (see *ibid* as to what he explains according to the opinion of the Tana'im in *Rosh HaShanah* 24a, and when we apply the rule of "Heaven sanctified it" and see *Kli Chemdah, Parashas Bo*, cited in the remarks on the *Ritva*).

<sup>28</sup> In the preceding passage where Rav Assi expressly states that the main factor of eating is the enjoyment of the gullet.

<sup>29</sup> Rabbi Elozar himself was not in doubt at all about the law, but he put the case before Rav Assi in the form of a question in order to remind him in the most respectful manner of the decision given by Rabbi Yochanan.

<sup>30</sup> Which the person swallowed after he had vomited forth a half-olive's bulk.

<sup>31</sup> That he is liable even in the case of the same half-olive's bulk.