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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

### **Early Stages of Fruit**

Rami bar Chama inquired: Do the *shteí halechem* (two loaves offered on *Shavuos*) permit the fruits for *bikkurim* by *hanatzah* or by *chanatah*? [These are early stages in the development of the fruits; *hanatzah* is before *chanatah*.]

The *Gemora* explains that he cannot be referring to the early development of the fruit, for if they permit that which has only taken root, they will certainly permit fruits which begin developing! Rather, he is referring to the emergence of the leaves, and the question is if the stage of *chanatah* corresponds to the grain taking root or not?

The *Gemora* concludes: This question remains unresolved. (69a)

### **Replanted**

Rava bar Rav Chanan inquired: If the kernels of wheat were harvested before the *omer*, and then planted, may they be eaten once the *omer* is brought? If they are regarded as if they were placed into a container, bringing the *omer* permits them to be eaten, but if the wheat is considered part of the land, they may not be eaten.

He inquired if the laws of *ona’ah* (price fraud) would apply to it. Now, the inquiry cannot be regarding a case where the seller said that he had placed six *kors* of grain into the field and witnesses testified that there were only five, for Rava had stated that anything which is sold according to measure,

weight or number (and the amount specified was not the amount delivered), it must be returned even if it (the discrepancy) was less than the usual amount for “price fraud.” Rather, the case is where one committed to plant land with the appropriate amount of wheat kernels, but then planted less, is the sale subject to *ona’ah*? If they are regarded as if they were placed into a container, the laws of *ona’ah* apply (for it is movable property), but if the wheat is considered part of the land, it is not subject to the laws of *ona’ah* (for the laws of price fraud do not apply to land).

He inquired further: If one partially admitted a claim to such kernels of wheat being owed, must he swear? If they are regarded as if they were placed into a container, he would be required to swear (for it is movable property), but if the wheat is considered part of the land, he would not swear (for one does not take an oath when the dispute involves land).

The *Gemora* concludes: These questions remain unresolved. (69a)

### **Kernels found in Animal Dung**

Rami bar Chama inquired: What is the law with regard to the wheat kernels found in cattle dung or the barley kernels found in animal dung?

The *Gemora* explains: In what connection does this inquiry arise? If you say in connection with their becoming *tamei* with food *tumah*, but we have learned the following in a *braisa*: Wheat kernels found in cattle dung or barley kernels found in animal dung, even though one intended them to be

used as food, they do not become *tamei* with food *tumah*. However, if one gathered them to be used as food for a child, they do become *tamei* with food *tumah*. And if you say that his inquiry was in connection with *minchah* offerings, but it is obvious that they may not be used, for it is written: *Present it, if you please, to your governor; will he be pleased with you or show you favor? [Now, something that is not respectable – like these kernels, can obviously not be used for a minchah!]* The inquiry must be regarding a case where one gathered these kernels and planted them, and one now wishes to bring (from the new growth) a *minchah* offering. Is it on account of repulsiveness (that they cannot be used for *minchah* offerings), but when they have been planted their repulsiveness is gone (and they may be used for a *minchah*); or is it on account of their low quality (once they were digested by an animal) and now too, they are still of a low quality?

The *Gemora* concludes: This question remains unresolved. (69a)

### **Swallowed by an Elephant**

Rami bar Chama inquired further: What is the law if an elephant swallowed a palm basket, digested, and excreted it?

The *Gemora* explains: In what connection does this inquiry arise? If you say in connection with the annulment of its *tumah* (similar to when a utensil breaks); but we have learned in a *Mishna*: All vessels can become impure once one thinks (they are in a finished state and he will not work on them further), and can only be taken out of this status if an action is done. [And since the basket did not undergo any physical change, it still remains *tamei*.] The case must be that it swallowed palm-fiber, and after it was excreted, he made it into a basket. Do we say that the fiber is regarded as 'digested,' so that now the basket is considered as a vessel made from cattle dung or from clay, which does not become *tamei*, for the master has stated: Vessels made from stone,

from cattle dung or from clay do not become *tamei*, neither by Biblical or by Rabbinical law; or perhaps it is not regarded as 'digested' (and therefore, it can still become *tamei*)?

The *Gemora* tries to resolve this from that which Ulla reported in the name of Rabbi Shimon ben Yehotzadak: There once was an incident beyond the Jordan where wolves swallowed two babies and excreted them through the excretory canal. The *Chachamim* heard about this and stated that the flesh of the babies is considered *tahor* (since it is viewed as excrement and not flesh).

The *Gemora* rejects the proof, for flesh is different since it is soft.

The *Gemora* asks: Then let it be resolved from the latter portion of that ruling where they declared that the excreted bones are *tamei*!

The *Gemora* answers that bones are different, for they are very hard. (69a – 69b)

### **Wheat from the Clouds**

Rabbi Zeira inquired: What is the law with regard to wheat that fell from the clouds (together with the rain)? [Rashi explains that he is referring to a case where the clouds swept up a boat full of wheat, and when the cloud passed over land, the wheat fell to the ground.]

The *Gemora* explains: In what connection does this inquiry arise? If you say in connection with their validity for *minchah* offerings; but why should it not be used?

Rather, it is raised in connection with the *shtei halechem*: shall we say that the Torah stated, 'from your dwelling places,' and that would exclude wheat that comes from outside the Land of Israel, but that which comes from the clouds would be permitted; or perhaps the Torah restricted it literally to that which comes 'from your dwelling places,' so



even that which comes from the clouds would also not be permitted?

The *Gemora* questions if such a thing can ever happen, and the *Gemora* answers that indeed, yes, for once, it came down from the clouds to Bar Adi the Arab, a layer of wheat a *kizba* (*handbreadth*) high over an area which was three *parsaos* long. (69b)

### **Replanted**

Rabbi Shimon ben Pazi inquired: What is the law if an ear of grain, which had reached a third of its size before the *omer* was offered, was plucked out before the *omer* and was replanted after the *omer*, and then it increased its growth? Do we consider the root of the grain, and that was rendered permitted by the *omer*, or do we consider the increase (*which grew after the omer was offered*), and it would therefore be permitted only after next year's *omer* is offered?

The *Gemora* tries to resolve this from that which Rabbi Avahu said in the name of Rabbi Yochanan: If a young tree (*whose fruits were still forbidden due to orlah, the Torah prohibition against eating the fruits of tree that has not yet reached three years old*) is grafted with an old tree, even if its (*the young tree's*) fruits (*that existed before it was cut down*) grew one two hundredth more (*after the grafting*) the fruits are forbidden.

(Additionally) Rabbi Shmuel bar Rabbi Nachmeini said in the name of Rabbi Yonasan: If an onion was planted in a vineyard and the vineyard was later uprooted, the onion (*and its growths*) is prohibited (*as kilayim – foreign species planted in a vineyard*). [We see from both of these rulings that we go after the root!]

The *Gemora* deflects the proof, by saying that these rulings were the subject of his inquiry. Was it so simple to the Rabbis that we go after the root, and they would apply it to all cases

- whether it would lead to a leniency or a stringency; or perhaps they were in doubt about it, so that they applied it only to those cases which lead to a stringency, but not to those cases (*like here, where the grain would be permitted to eat before the next omer was offered*) which lead to leniency?

The *Gemora* concludes: This question remains unresolved. (68b – 69a)

### **INSIGHTS TO THE DAF**

#### ***Miracles in Halachah***

Rabbi Zeira inquired: What is the law with regard to wheat that fell from the clouds (*together with the rain*)?

Rashi explains that he is referring to a case where the clouds swept up a boat full of wheat, and when the cloud passed over land, the wheat fell to the ground.

Tosfos, however, disagrees with this explanation, and understands the *Gemora* to be referring to a miracle.

It would emerge, according to Tosfos, that something which came about through a miracle is nevertheless halachically regarded as that item. This was discussed in Bava Kamma (116).

Rav Kahana asked Rav: If one person saved the other person's donkey (*on condition that he would be paid for his donkey*), and the first person's donkey ended up being saved anyway, what is the *halachah*?

Rav answered: Heaven had mercy on him (*and the owner of the donkey he saved must still pay him the value of his donkey*).

This is comparable to the case of Rav Safra. When Rav Safra was traveling with a caravan, a lion joined them and started

traveling with them (*protecting them from bandits and other wild beasts*). Every night one person from the caravan would feed the lion his donkey (*in order that he should not attack them*). When it was Rav Safra's turn, he offered the lion his donkey (*rendering it hefker*), but the donkey did not eat it. Rav Safra quickly went and reacquired his donkey. [*Rav Safra had fulfilled his obligation by offering his donkey. He was not obligated to contribute any more to the cause, for the return of his donkey was regarded as a miracle – Heaven sent, and that would not undo the fulfillment of his obligation. This is comparable to Rav's ruling: Since the rescuer's donkey was miraculously saved, it does not undo the obligation from the owner of the donkey that he saved.*]

Rav Acha from Difti asked Ravina: Why did he have to reacquire the donkey? When he made the donkey ownerless, he only did so because he had to feed it to the lion, not in order that anyone who wants can acquire it (*i.e. he did not really make it hefker in the first place*)?

Ravina answered: Rav Safra did this as an added precaution (*just in case someone would claim that it did not belong to him any longer*).

Tosfos asks: The *Gemora* in Bava Metzia rules that someone who rescues an animal from a lion attack is permitted to keep the animal for himself, for the owner abandoned hope of ever recovering his animal; it is therefore regarded as *hefker*. If so, shouldn't Rav Safra's donkey be legally regarded as *hefker*?

Tosfos answers that there is a basic distinction between the two cases. Here, the lion is not an attacker, but rather, it is a protector. The lion never attacked Rav Safra's donkey; the donkey was given to it. It was not inevitable that the lion would kill the donkey. There could have been times that the lion was satiated and would have no interest in eating on that particular night. Accordingly, Rav Safra did not give up hope on his donkey, and is therefore not considered *halachically hefker*.

The Chazon Ish explains as follows: If Rav Safra's donkey would have been saved in a completely natural manner (*e.g. if there would have been other nights where the lion was satiated and did not kill the donkey*), he would have been obligated to repay the others, for he would not have contributed to the caravan's protection. The *Gemora* stresses that this was viewed as a miraculous event, for every other night, the lion did consume the donkeys. Rav Safra, being a holy person, was accustomed of having miracles performed on his behalf, and therefore he knew that there was a possibility that a miracle might happen and his donkey will be spared. It was therefore regarded as if he paid his portion towards the caravan's protection.

However, with respect to reacquiring his donkey, it is not sufficient to say that Rav Safra relied on the fact that a miracle might occur and therefore he would not abandon hope on retrieving his donkey. It would depend on the type of miracle. If a public miracle, revealed to all, one that would involve a change in the laws of nature would occur and his donkey would be spared, even if Rav Safra was confident that such a miracle will happen, it would be regarded as if he had despaired on his donkey and he would be required to reacquire the donkey. It would be as if a different donkey was sent down from Heaven. This is because the Torah was given according to the laws of nature, and the *halachah* will not change due to an open miracle. But, if the miracle would be a hidden one, one that would be concealed by nature, although it only happened because of Rav Safra, it would be regarded as a natural occurrence, and if Rav Safra would be confident that this would occur, the *halachah* would consider it as if he did not abandon hope about it. This is because all of nature is in truth governed by Heaven, and a miracle such as this would be considered a natural occurrence for one who is accustomed to such miracles. Therefore, since there are times when a lion, due to some abnormality in its stomach, be satiated and it will have no desire to eat, this is viewed as a natural even that Rav Safra was waiting for, and it is as if



Heaven sent satisfaction to the lion in order for it not to consume Rav Safra's donkey.

It emerges from the Chazon Ish that something that changed through an open miracle is not halachically regarded as being the same item that it was before. This would be similar to Reb Chaim Brisker's challenge to some of the answers given to the *Beis Yosef's* famous question.

The *Beis Yosef* asks: Why do we celebrate Chanukah for eight days if we are celebrating the miracle that the oil that should have lasted for only one day instead lasted for eight days? We should celebrate Chanukah for seven days, since only seven days of the burning of the oil were miraculous!?

He offers two solutions to this problem. He first suggests that on each night, when the oil was poured from the container into the Menorah, the jug remained completely full (similar to the miracle performed by Elisha). Another suggestion is that after every night, all the oil remained in the Menorah.

Rav Chaim Brisker challenges these two answers, arguing that miraculously generated oil is not acceptable for the lighting of the Menorah. He notes that the oil used for the Menorah is described not merely as "Shemen" (*oil*) but as "Shemen Zayis," oil produced by an olive tree. This implies that it must be produced by an olive tree, and not by a miracle.

This parallels that which the Chazon Ish stated: The fact that it was a public miracle would change the nature of the oil. Beforehand, it was olive oil, but now, it is "Heaven-sent oil."

### ***The definition of foods created by miracle***

In our *Gemora* we become familiar with wheat that was never sown, didn't grow in the ground and, of course, was not reaped but "came down with the clouds" – i.e., a rain of wheat from the sky. Our *sugya* discusses the nature of this

wheat concerning its being offered as *menachos* and the *shte'i halechem*.

How did such a wonder occur? According to Rashi (s.v. *Sheyardu be'avim*), clouds over the ocean absorbed a boat full of wheat and showered it on Eretz Israel. Rabeinu Tam (Tosfos, s.v. *Chitim*) wonders at his statement for if so, why does the *Gemora* ask if this wheat is like that which grew in Eretz Israel for has the place of its growth changed because of its strange appearance in the sky? Therefore he explains "...but it seems to me that it fell from the clouds by a miracle."

The author of *Noda' BiYehudah* (Responsa, 2nd edition, O.C. 67) was asked, surely the wheat that fell from the clouds became *chametz* and is unfit for *menachos*, which may not be *chametz*. He replied that the *Gemora* concerns a rain of wheat without water and even according to Rashi, that the clouds absorbed the wheat and it fell with the rain, we can say that it was in sealed leather sacks or containers resistant to water.

**The miracle of Chanukah:** We know the *Beis Yosef's* question (670) as to why eight days were instituted to light the Chanukah lights while the miracle occurred for only seven days as the pitcher of oil contained enough for the first day. In one of his answers, the *Beis Yosef* replies that on the first day, after they poured oil from the pitcher into the *menorah*, the pitcher remained full. Thus, the miracle already occurred on the first day.

**Is oil created by a miracle fit to light the *menorah*?** The yeshivah world is familiar with the question of HaGaon Rav Chayim of Brisk zt"l on the above solution: The *menorah* must be lit with olive oil but oil created by a miracle is unfit to be used. If the miracle of the oil occurred by its increasing, it couldn't be used for the *menorah*. However, if the miracle occurred by a small amount of oil burning for a long time, then there's nothing wrong with it.

Support for this idea, that miraculously created oil is not olive oil, is found in a very old source. The Radak (Melachim II, 4:7) cites the Tosefta that Elisha told Ovadyah's wife that the miraculous oil, which she poured from one utensil and filled many, need not be tithed "for it came from a miracle" (*Mikraei Kodesh*, Chanukah, 3). Of course, our *Gemora*, according to Rabeinu Tam, indicates the opposite since just as wheat that fell by a miracle is wheat and fit for *menachos*, we can also say that oil created by a miracle is olive-oil fit for the *menorah*. Apparently, there's no reason to distinguish between miracle-wheat and miracle-oil.

This question brought HaGaon Rav Y.D. Soloveitchik zt"l of Yerushalayim, Rav Chayim's grandson, to conclude that the rumor reported in his grandfather's name was incorrect (*Yemei HaChanukah* by Rav Y.A. Shechter, p. 1) but the product of a miracle is considered to be what it appears to be. As for Elisha, he told Ovadyah's wife not to tithe the oil created by miracle not because miracle-oil is not oil, but because only food grown from the ground of Eretz Israel must have *terumah* and *ma'aseros* separated from it whereas that oil did not grow from the ground (*ibid*, p. 3, and see *Derech Emunah, Hilchos Terumos*, 2:1, in *Beur Halachah*, s.v. *Ochel*).

**Olive oil – only from olives:** However, some claimed that although one may use miracle-wheat for *menachos*, we still cannot prove from there that one may use miracle-oil to light the *menorah* in the Temple. After all, *menachos* and the *shtei halechem* need wheat and wheat from a miracle is wheat. However, the matter is unclear about the Torah's command to use olive oil for the mitzvah of lighting the *menorah*. On the one hand, it could be that the Torah meant the type of material to be burnt. On the other hand, it could be that the *menorah* should be lit only with olive oil: oil **produced** from olives. Oil created by a miracle would therefore not kosher for the mitzvah as it was not produced from olives (*Yemei HaChanukah*, *ibid*, in the name of *Kli Chemdah, Vayakhel*, and see his remarks, *ibid*; and see further in *Mikraei Kodesh*

concerning miracle-oil and the difference if the oil **increased** by a miracle or was **created** by a miracle).

### ***A chicken that ate forbidden food***

Over 100 years ago a Jewish goose fatterer referred to the Maharsham with a question. The farmer knew that horsemeat was good to fatten geese and made an agreement with horse merchants to give him the weak horses no longer working as food for his geese. One day he suspected that he was not acting properly and that the goose meat was forbidden as it mainly resulted from their eating horsemeat. The Maharsham (*Da'as Torah*, Y.D. 60, S.K. 4-5) did not reject the question immediately and even ruled that the person was right! To support his statement, he added a story about HaGaon Rav Shlomo Kluger zt"l who, when serving as Rabbi in Brodi, was brought a goose with a question. When he noticed that it was extremely fat, he questioned its owner and when he found out that he had fattened it with pig meat, ruled that the goose was forbidden to eat. We shall now discuss the ideas that serve as a basis for this ruling and the disagreeing opinions.

**Wheat swallowed by an animal and secreted whole:** Our *Gemora* discusses the definition of objects such as wheat, utensils or creatures eaten by animals and then secreted. One of the cases concerns wheat eaten by an animal, if it is kosher for *minchas ha'omer* or whether, once swallowed, is no longer considered wheat. The *Gemora* concludes that as long as the swallowed object remains whole, it retains its original name and nature. However, food that began to be digested loses its name and is considered an inseparable part of the animal that swallowed it.

### **Does food that began to be digested retain its name?**

According to the Remo (Y.D. 60:1, see Responsa *Igros Moshe*, O.C., I, 147), the Rishonim disagreed greatly about this *Gemora*. Tosfos in Temurah (31a, s.v. *Sheyankah*) understood our *Gemora*'s statement, that food which began to be digested loses its independent identity and becomes

part of the animal, as only relating to halachos of impurity. In other words, a living animal does not become impure. Therefore, says the *Gemora*, an object swallowed that began to be digested does not become impure. However, the object still retains its characteristic make-up, which forbids its being eaten.

Still, Tosfos on our *sugya* (s.v. *Debala'*) and other Rishonim (the Rash and the Rosh on Ohalos 11:7 and the Ram of Pontoise in the Rosh on Bechoros 7 and Rabeinu Tam in Tosfos, Bechoros, *ibid*, s.v. *Dag*) maintain that food which began to be digested is considered part of the animal in every sense and loses its independent nature. Though a food produced manually from forbidden food is forbidden to eat, if the process is by natural digestion, it is an essential change that detaches the food from its original identity and gives it a new name (Responsa *Minchas Yitzchak*, V, 5).

**Forbidden food that became part of an animal:** The Remo (*ibid*) concluded a halachah from Tosfos in Temurah that an animal which was always fattened with forbidden food may not be eaten just as any food originating from forbidden food is forbidden (the Torah forbids all that derives from the forbidden; Bechoros 6b; *Igros Moshe*, *ibid*). Even if the form and taste of the food were changed chemically, it is still forbidden (see at length our article about gelatine in Vol. 208). According to Tosfos in Temurah, the identity of food that began to be digested does not change. An animal is sustained by the food it digests and derives vital materials from the ingredients and secretes the rest. Thus an animal that always ate forbidden food is forbidden food whose form and taste have changed, but remains forbidden (see *Igros Moshe*, *ibid*) However, if the animal also ate permitted food, it is allowed as we cannot unequivocally determine that its meat originates from forbidden food.

**As for the halachah, the prohibition recedes from food absorbed by an animal:** However, the *Shach* (*ibid*, S.K. 5) and other Acharonim disagree with the Remo and permit to eat an animal that was always fattened with forbidden food. In

their opinion, the Rishonim didn't intend to forbid the animal's meat but only the food being digested in its innards. But after it becomes part of its body, the prohibition dissipates, and the halachah was so ruled (however, an animal that ate *issurei hanaah* - food from which it is forbidden to derive any benefit - is forbidden; see *Igros Moshe*, who disagrees).

**The difference between eating forbidden food and eating forbidden meat:** We now return to the fattened geese and shall see an idea innovated by the Maharsham. In practice we do not forbid eating an animal fattened with forbidden food. Nonetheless, Rabbi Shlomo Kluger and the Maharsham forbade eating geese that were mainly fattened with horse or pig meat. Their reason is that the *poskim* only referred to forbidden food that is not meat. If an animal eats forbidden fruit – such as *terumah*, *tevel* or the like – it is easy to understand that the nature and identity of the food have changed. It was fruit and it now became meat. However, when a goose eats horsemeat, no essential change occurs: it was meat and remains meat! Therefore, its prohibition does not dissipate.

However, HaGaon Rav Moshe Feinstein zt"l (*ibid*), who expands on this subject at length, strongly opposes this *chidush* as, in his opinion, the process of digestion dispels the nature of all foods enough to negate its prohibition.