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Mishna

The following defects render an animal a *tereifah* (animals with physical defects that will cause their deaths; they are forbidden to be eaten even if they were slaughtered properly): [1] if the esophagus was punctured; [2] or the trachea severed; [3] if the membrane of the brain was punctured; [4] if the heart was punctured as far as its chamber; [5] if the spine was broken and the cord severed; [6] if the liver was removed and nothing remained; [7] if the lung was punctured, [8] or it was deficient. Rabbi Shimon says: It is only a *tereifah* if it was punctured as far as the bronchi; [9] if the abomasums was punctured; [10] if the gallbladder was punctured; [11] if the intestines were punctured; [12] if the inner paunch was punctured; [13] if the greater part of the outer paunch was torn. Rabbi Yehudah says: In a large animal, it is a *tereifah* if it was torn to the extent of a handbreadth, and in a small animal, it is a *tereifah* if the greater part of it was torn. [14] if the omasum [15] or the reticulum was punctured to the outside; [16] if the animal fell from a roof; [17] if most of its ribs were broken; [18] or if it was clawed by a wolf. Rabbi Yehudah says: Small animals are a *tereifah* if they were clawed by a wolf; large animals are regarded as a *tereifah* if they were clawed by a lion; small fowl can be rendered a *tereifah* if they were clawed by a sparrow hawk, large fowl can be rendered a *tereifah* if they were clawed by a large hawk. This is the general rule: if an animal with a similar defect could not continue to live, it is a *tereifah*. [These *tereifos* will be discussed at length in this chapter; we will provide illustrations for them at that time.] (42a)

Rabbi Shimon ben Lakish said: Where do we find in the Torah an allusion to *tereifah*?

The *Gemora* interjects: “Where,” you ask!? Is it not written: *And meat that was torn [tereifah] in the field you shall not eat?*

The *Gemora* explains the question: Where do we find in the Torah the view that a *tereifah* animal cannot continue to live? For from the last clause of the *Mishna*, which states: This is the general rule: if an animal with a similar defect could not continue to live, it is a *tereifah*; it follows that a *tereifah* animal cannot continue to live. Where then do we find it in the Torah?

The *Gemora* answers: It is written: *This is the animal [chayah - living things] which you may eat*. This means that an animal which can continue to live you may eat, but that which cannot continue to live you may not eat. This teaches us that a *tereifah* animal cannot continue to live.

The *Gemora* asks: And as to the one who holds the view that a *tereifah* animal can continue to live (*for more than a year*), where do we find this view expressed in the Torah?

The *Gemora* answers: It is indicated in the verse: *This is the animal [chayah - living things] which you may eat*. “This” living thing you may eat, but other living things (*such as a tereifah*), you may not eat. This teaches us that a *tereifah* animal can continue to live.

Scriptural Sources for Tereifah



The *Gemora* asks: And what does the first *Tanna* do with the word 'this'?

The *Gemora* answers: He requires it for the following teaching that was taught at the school of Rabbi Yishmael: *This is the animal [chayah - living things] which you may eat.* This indicates that the Holy One, Blessed be He, took hold of one of each species of animal, and showed it to Moshe and said to him: This you may eat and this you may not eat.

The *Gemora* asks: But doesn't the other *Tanna* also require this word for the teaching that was taught at the school of Rabbi Yishmael?

The *Gemora* concedes that he does.

And, the *Gemora* asks: From where then where do we find the view that a *tereifah* animal can continue to live expressed in the Torah?

The *Gemora* answers: He derives it from a different teaching that was taught at the school of Rabbi Yishmael, for a *Tanna* at the school of Rabbi Yishmael expounded: It is written: *Between the chayah [living thing] that may be eaten and the chayah [living thing] that may not be eaten.* These are the eighteen *tereifos* which were communicated to Moshe on Mount Sinai. (42a)

Eighteen; but no More?

The *Gemora* asks: But are there no more? But what about BaSGar (*a mnemonic formed by the characteristic letters of the four cases of tereifah which the Gemora will proceed to explain*) and the seven teachings (*reported by the Amoraim*)?

The *Gemora* notes: As to the *Tanna* of our *Mishna*, there is no difficulty, for he (*who did not mention a specific number*) merely stated some of the *tereifos*, while those which he omitted, he intended to include under the general rule (*stated at the end of the Mishna*): this is the general rule. But according to the *Tanna* of the school of Rabbi Yishmael, who

explicitly mentioned the number eighteen, it will be asked: Are there no more? Is there not the case of an animal whose hindlegs were cut off above the (*knee*) joint that it is a *tereifah*? [*This is the first of the BaSGar cases.*]

The *Gemora* answers: The *Tanna* of the school of Rabbi Yishmael concurs with the view expressed by Rabbi Shimon ben Elozar that the wound could be cauterized and the animal could live.

The *Gemora* objects: Granted, however, that it could be cauterized and the animal could live, but are we not going according to the view of the *Tanna* of the school of Rabbi Yishmael, and he is of the opinion that a *tereifah* can continue to live (*but it is still regarded as a tereifah*)!?

Rather, the *Gemora* answers: He concurs with Rabbi Shimon ben Elozar who holds that in such a case, the animal is permitted.

The *Gemora* asks: But is there not the case of a deficiency of the spinal column? For we have learned in a *Mishna*: What is considered a deficiency of the spinal column (*in regards to tumah*)? Beis Shammai say: If two vertebrae were missing. Beis Hillel say: If only one was missing. And Rav Yehudah said in the name of Shmuel that their views are the same with regard to *tereifah*. [*This is the second of the BaSGar cases.*]

The *Gemora* answers: The puncturing of the omasum and the reticulum which you count as two cases, you ought to count as one (*for they are connected to each other*), so that you may remove one (*from your total*) and add this one in its place.

The *Gemora* asks: But is there not the case of an animal which was stripped of its hide? [*This is the third of the BaSGar cases.*]

The *Gemora* answers: He concurs with the view of Rabbi Meir that it is permitted.



The *Gemora* asks: But is there not the case of an animal whose lungs were shriveled up (*caused by fright from a human sound*)? [*This is the fourth of the BaSGaR cases.*]

The *Gemora* answers: Who is it that includes the puncturing of the gallbladder in the list of *tereifos*? It is Rabbi Yosi the son of Rabbi Yehudah. You should therefore remove the case of the gallbladder and insert the case of the shriveled lungs in its place.

The *Gemora* asks: But are there not the following seven teachings which should be included? (1) Rav Masnah said: If the ball of the thighbone slipped out of its socket, the animal is *tereifah*. (2) Rachish bar Pappa said in the name of Rav: If one kidney was diseased it is *tereifah*. (3) We have learned in a *Mishna*: If the spleen was removed, the animal is permitted. But Rav Avira said in the name of Rava: This was taught only in the case where the spleen was removed, but if the spleen was punctured, it is a *tereifah*. (4) Rabbah bar bar Chanah said in the name of Shmuel: If the greater part of the pipes were torn away, it is a *tereifah*. And Rabbah the son of Rav Shila said in the name of Rav Masnah who said it in the name of Shmuel: (5) If a rib was dislodged from its base, or (6) if the greater part of the skull was crushed, or (7) if the greater part of the flesh which covers most of the paunch was torn, it is a *tereifah*?

The *Gemora* answers: The eight cases of punctures (*enumerated in the Mishna*) should be reckoned as one; so that by removing seven cases you can insert these seven statements in their place.

The *Gemora* asks: If so, you should also reckon as one the two cases of severing; consequently, there is one short of the number. Furthermore, Rav Avira in the name of Rava's case is also a case of puncturing, is it not (*and therefore it should not be counted separately*)?

The *Gemora* answers: You have no other alternative but to say that the two cases which were removed above must not be removed. (42a – 42b)

INSIGHTS TO THE DAF

Incubator Chicks: the Dispute, the Opinions and the Current Situation

“Our friend, HaGaon...Rabbi Shalom Mordechai HaKohen...has permitted the fowl...hatched by the heat of an electric machine in which the eggs are put and because of the heat...chicks hatch quickly that appear to be fully developed...but the trouble is that they cannot live over 12 months and also cannot bear offspring” (Responsa *Yad Chanoch*, 34). Many *poskim* expressed themselves in a similar style when they were asked for their opinion about “fowl hatched from the heat of an electric machine” – meaning, of course, an incubator. The question is if such chicks are considered *tereifah* as *Chazal* gave us the indication that if an animal cannot live over 12 months, it is *tereifah*.

Could an animal that by nature is short-lived be *tereifah*?

HaGaon Rabbi Meir Arik zt”l Responsa *Imrei Yosher*, I, 145) explains that there's no doubt that a naturally short-lived animal is not *tereifah* and even offers interesting proof. The Midrash says (cited in *Eretz HaChayim*, Tehillim 39:4) that a certain bird – *tzipor dror* – lives 52 days but, nonetheless, it serves to purify a *metzora'* though a *tereifah* animal is disqualified for such (Chulin 140a). The issue of the chicks arises because chicks that develop naturally live longer and therefore incubator chicks must be discussed. Rabbi Arik tends to be strict and consider them *tereifah* (see *ibid*, that he explains a suspicion that whatever causes the chicks not to live long, is a reason to render them *tereifah*; he bases his reasoning on Tosfos in Nidah 23a).

However, the Maharsham disagrees (Responsa, III, 378) and maintains that *tereifah* pertains to an animal whose life is



short due to a defect in its body. But in our case there's no suspicion of a defect in the chick's body: It is born weak because the incubation wasn't performed properly and it is like a weak animal which is only like a *mesukenes* - "endangered" animal (about to die) which, as our *Gemora* explains, is not *tereifah*.

Incubator eggs are no innovation: However, the author of *Responsa Yad Chanoch* contends (ibid) that such chicks are *neveilah*. At first he asserts that raising chicks in an incubator is no innovation: "That which you thought, that it is something new recently invented, it is not so...for even in the time of Ramban z"l, who lived almost a thousand years ago, people knew how to hatch chicks by heating the stove to a certain temperature... You thus see that people knew about such in former times and in the land of Sini (China?) they would put the eggs in hot ashes at a certain temperature and produced chicks. And the voyager to the Orient, Rabbi Meshulam bar Rav Menachem of Valtira z"l, who travelled in 5241, recounted: "I saw the Arabs...growing fowl in stoves for they heat the stove and put therein the excrement of cattle and horses and put there a thousand or 2,000 eggs and chicks come out and they make fowl without end therefore fowl is very cheap there."

In former times people were very expert at hatching eggs: The obvious question, then, is why the Rishonim didn't discuss such chicks and rule that they are *neveilah*, according to his opinion, *tereifah* according to Rabbi Meir Arik or kosher according to the Maharsham. He explains that in former times "people were more expert at this work to do it properly...and therefore it was simple to them to permit it and no one thought of any suspicion. (He adds fascinating details in his reply: "And you shouldn't wonder that they were better at this in former times...and knew how to do what is unknown in our time. Don't wonder, for Egyptian mummies prove that recent generations, as much as they try, don't know how it is done...and the same applies to the cup of herbal roots given to a woman that she shouldn't become pregnant, which is unknown in our time.")

Anesthetics used hundreds of years ago: "And witness a wonder that an ill person on whom an operation had to be performed, Jewish doctors knew 2,000 years ago to give him a sleeping potion so that he wouldn't feel pain, as explained in Bava Metzia 83b about Rabbi Elazar bar Rabbi Shimon, who was operated on and given a sleeping potion. And the same applies to someone who was punished with death: they would give him a sleeping potion to avoid the pain of death, as stated in Sanhedrin 43a. The gentile doctors knew nothing of such till about 200 years ago and Roman doctors would hit the patient's head with a hammer before performing an operation to prevent the pain but Jewish doctors knew 2,000 years to use a sleeping potion.") At any rate, in his opinion such chicks are *neveilah* as they are like a *nefel* (stillborn) that never developed properly, considered *neveilah* and forbidden by the Torah (and see *Imrei Yosher*, ibid, that Rabbi Arik rejects this opinion).

Fowl today: Virtually all the fowl that we eat are incubator hatched. We have clarified with *kashrus* experts who explained that in our era the methods have improved for warming eggs in an incubator and there's no difference between such fowl and those raised naturally.

What the Cat of Hamburg Ate

A fat cat, which found its livelihood in the Jewish district of Hamburg, aroused a fascinating dispute among the leading *poskim*. It happened when a Jewish girl was cleaning a properly slaughtered chicken. She removed the inner organs and threw them to a lucky cat. While the cat was busy licking the remains of the food, the girl called her mother to come to the kitchen urgently. She told her shocked mother that the chicken had no heart! She was sure that she didn't throw the heart to the cat. The *poskim* who discussed the case ruled without a doubt that a chicken without a heart is *tereifah* for even if the heart is present but has a hole, the animal is *tereifah*, as stated in our *Mishna*.

The *Chacham Tzvi* zt"l was also asked to express his opinion about the cat and the chicken and asked the chicken's owner as to its condition before slaughtering. When she replied that it was utterly healthy, he ruled that the chicken was kosher! He reasoned that there could be no healthy creature without a heart. It is obvious, he determined, that the girl forgot that she removed the heart and there's no doubt that the cat ate it (*Responsa Chacham Tzvi*, 74). To strengthen his statement he added (*ibid*, 77) that even if two witnesses would testify that the chicken had no heart, they would be false witnesses! (See *ibid*, that we need not have a suspicion of miracles).

Can a small organ substitute a heart? The *Chacham Tzvi* wrote four responsa about his ruling, to defend it after the many objections voiced upon its publication and initiated a ramified discussion with *talmidei chachamim* from different regions. Some agreed with him but HaGaon Rabbi Yehonasan Eibeschutz zt"l sharply disagreed (*Kreisi Ufleisi*, Y.D. 40, S.K. 4), asserting that it could well be that the heart was missing and that another smaller organ replaced it and, as a result, the chicken is *tereifah* as it lacked an organ. He even requested that the topic be brought to the attention of experts at a famous hospital and he cites their full reply, in which they agree with his opinion.

How does a heart look? The Chazon Ish zt"l (*Y.D. 4, S.K. 14*) adopted the *Chacham Tzvi's* opinion – an animal can't live without a heart – while Rabbi Eibeschutz's idea, that another organ substituted the heart, does not suffice to render the chicken *tereifah* as that small organ must be the heart. After all, do *Chazal* mention what a heart should look like? Therefore there's no reason to declare this chicken *tereifah* as even if another organ served as the heart, so it had a heart.

DAILY MASHAL

A Glutton and the Trachea

Why do *Chazal* call a glutton a *gargeran*? The explanation of *Musaf He'Aruch* is interesting in the entry for *gargeres*: The

gargeres is the trachea. The glutton, in his haste, allows food to enter his trachea.

A Whole Membrane

Someone came to Rabbi Meshulam Igra and offered his *chidushim*. Rabbi Igra sat the whole while and said repeatedly, "Kosher, kosher."

"What do you mean?" the person wondered.

"Very simple", he replied. "The *Mishna* says that if the *krum* (membrane) of the brain has a hole, the animal is *tereifah* and if the *krum* is whole, the animal is not *tereifah*. What I have heard is an entire *krum* (*krum* – "crooked" in Yiddish) (*HaOtzar Hayehudi*, 16).

Proof from a Piyut

When a question arose about instituting a fast in remembrance of troubles affecting the community, HaGaon Rav Yitzchak Zeev of Brisk zt"l claimed that the *Kinos* for Tisha B'Av state that it is forbidden to decree additional fasts than those instituted by the prophets. When he heard that someone said that proof cannot be brought from the *Kinos*, he insistently replied that Tosfos bring proof from the *piyutim* (liturgical poems).