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Court of the Esophagus

[For an understanding of the anatomy of the pharynx, look at the insights to the daf.]

It was stated: Regarding the court of the esophagus (*the pharynx; the top of the esophagus; the place where it is attached to the jaw*), Rav says: The slightest puncture there (*will render the animal a tereifah*). Shmuel says: It is *tereifah* only if the greater part (*of its circumference*) was severed.



[This picture was sent to me by Rabbi Simon Wolf: <http://www.swdaf.com/>. We thank him profusely. The ring-like pipe in the forefront (and lower) is the trachea; the one in back is the esophagus. The arrow is pointing to the area in question – the court of the esophagus.]

The *Gemora* explains: Rav said: The slightest puncture. This is because he considers it as being within the proper area prescribed for *shechitah* (*for the law of hagramah – inclining the knife too high, was, in his opinion, only said regarding the trachea, not the esophagus; and therefore, just as a puncture*

in the esophagus – even a slight one, renders the animal a tereifah, so too, if there is a puncture on the very top – it is deemed a tereifah). Shmuel said: The greater part. This is because he does not consider it as being within the proper area prescribed for *shechitah* (*and therefore, it does not possess the same halachos as the esophagus itself*).

The *Gemora* asks: What is considered to be the court of the esophagus?

Mari bar Mar Ukva said in the name of Shmuel: It is the portion of the esophagus which, when cut, opens wide; but that part which, when cut, remains as it was, is the esophagus itself.

Rav Pappi said to them: But the master, and that is Rav Bibi bar Abaye, did not say like that, but rather: The portion of the esophagus which, when cut, remains as it was, is regarded as the court of the esophagus; but that part which, when cut, contracts is the esophagus itself.

Yonah said in the name of Zeira: The court of the esophagus is that part where swallowing takes place. And what is its extent? Rav Avya said: It is less than the length of a grain of barley, but more than the length of a grain of wheat.

An ox belonging to the sons of Rav Ukva was slaughtered, and the *shechitah* began in the court of the esophagus and was completed in the esophagus itself. Rava said: I will impose the stringencies implied in Rav's opinion as well as the stringencies implied in Shmuel's opinion, and will declare it to be a *tereifah*. He explains: The stringencies implied in Rav's

opinion — for Rav said that the slightest puncture in the court of the esophagus would render the animal a *tereifah*. But if you will ask: Does Rav not hold that it is within the proper area prescribed for *shechitah*? In that respect I rule in accordance with Shmuel's opinion that it is not within the proper area prescribed for *shechitah*. And if you will ask: Does Shmuel not hold that it is a *tereifah* only if the greater part of its circumference was severed? In that respect I rule in accordance with Rav's view that the slightest puncture in it will render the animal a *tereifah*.

Meanwhile the case was circulated until it was laid before Rabbi Abba. He said to them: The ox is permitted — whether according to the opinion of Rav or according to Shmuel. [*It is permitted according to Rav because he says it is within the proper area prescribed for shechitah, and according to Shmuel because only the severance of the greater part of its circumference is considered a tereifah.*] Go and tell the son of Rav Yosef bar Chama (*Rava*) to pay the owner the value of the ox (*for he prohibited it incorrectly*).

Mar the son of Ravina said: I can adduce a teaching which would refute against Rava's foes (*a euphemism referring to Rava himself*): The *halachah* is always in accordance with the ruling of Beis Hillel. Nevertheless, one who wishes to adopt the view of Beis Shammai may do so, and one who wishes to adopt the view of Beis Hillel may do so. One who adopts the lenient views of Beis Shammai, and likewise the lenient views of Beis Hillel is a wicked person. One who adopts the stringent views of Beis Shammai, and likewise the stringent views of Beis Hillel is a fool, and regarding such a person it is written: *The fool walks in darkness*. But one must either adopt the view of Beis Shammai in all cases, whether lenient or strict, or the view of Beis Hillel in all cases, whether lenient or strict. [*Rashi explains that these last two rules apply when the leniencies or the stringencies contradict each other.*] Now, aren't these rulings self-contradictory? At first it says: The *halachah* is always in accordance with the ruling of Beis Hillel, and immediately afterwards it says: Nevertheless, one who wishes to adopt the view of Beis Shammai may do so?

The *Gemora* answers: This is not difficult, for the latter statement (*that one can follow either opinion*) refers to the practice before the Heavenly Voice (*that the halachah follows Beis Hillel*) was heard, while the former statement refers to the law as it is after the Heavenly Voice was heard. Alternatively, you may even say that the latter statement too was made after the Heavenly Voice was heard, and yet it is not difficult, for that statement is the opinion of Rabbi Yehoshua who maintains that we pay no attention to a Heavenly Voice!

Mar concludes: Nevertheless, the question remains? [*How could Rava rule like the stringency of Rav and that of Shmuel?*]

Rav Tavus answered: Rava ruled entirely in accordance with Rav's opinion, for when Rami bar Yechezkel arrived (*in Bavel from Eretz Yisroel*), he stated: Don't pay any attention to the laws transmitted to you by my brother Yehudah in the name of Rav, for this is what Rav said: The Sages prescribed the limits in the esophagus (*for shechitah*). Now, implicit in this statement is that the court of the esophagus is not within the proper area prescribed for *shechitah*, and nevertheless, Rav ruled that the slightest puncture in that area will render the animal a *tereifah*.

The *Gemora* asks: How far on top (*of the esophagus is the 'upper limit' for shechitah*)?

Rav Nachman said: Up until a hand grip (*from the very top*).

The *Gemora* asks: And how far below?

Rav Nachman said in the name of Rabbah bar Avuha: Up until that part where it becomes hairy.

The *Gemora* asks: But this cannot be, for Ravina said in the name of Geniva in the name of Rav that the last handbreadth of the esophagus close to the pause was the inner paunch.

Now, if you say that one can slaughter as far down as that part where it is hairy, one would then actually be cutting the inner paunch!?

The *Gemora* emends Rav's statement as follows: The first handbreadth in the paunch close to the esophagus is the inner paunch.

Alternatively, you may say that Rav (when he said that one can slaughter until the part which becomes hairy) was referring to an ox in which the hairy portion is found higher up.

Rav Nachman said in the name of Shmuel: If the court of the esophagus was entirely detached from the jaw, the animal is kosher. And our *Tanna* (in a *Mishna* below) supports this, for we have learned: If the lower jaw was removed, the animal is kosher.

Rav Pappa asked: But is this not a case of the pipes being torn away (which is one of the five laws transmitted to Moshe at Sinai which disqualify a *shechitah*)?

The *Gemora* asks on Rav Pappa: And doesn't the *Mishna's* statement that if the lower jaw was removed, the animal is kosher present the same difficulty to Rav Pappa?

The *Gemora* answers: No, the *Mishna* does not present any difficulty to Rav Pappa, because in Shmuel's case the pipe was torn away forcibly (from its moorings), while in the *Mishna's* case, the jawbone was merely carved away above the pipe (however, it was still attached to its mooring). Shmuel, however (who permits a case where the pipe was detached from its mooring), the difficulty remains!?

The *Gemora* answers: Shmuel's ruling should not read that it was removed entirely, but rather that the greater part of it was removed.

The *Gemora* asks: But didn't Rabbah bar bar Chanah say in the name of Shmuel that if the greater part of the pipes were detached, the animal is a *tereifah*?

Rav Shisha the son of Rav Idi answered: In that case (Rav Nachman's), the (court of the) esophagus was peeled away from its moorings (in a continuous manner; it is therefore kosher, for the other part remains attached and strong, and it will eventually heal); whereas there (in Rabbah bar bar Chanah's ruling), it was separated in a discontinuous manner (it was yanked out, and it is deemed a *tereifah*, for the remaining part is weak and will not heal).

[Conclusion regarding the court of the esophagus becoming separated from its moorings in the flesh:

1. If it is still mostly attached – kosher and *shechitah* is valid.
2. If it is mostly detached because of 'peeling' - kosher and *shechitah* is valid.
3. If it is mostly detached because of 'yanking' – it is deemed a *tereifah*.] (43b – 44a)

Trachea and Rulings on a Tereifah

The *Mishna* had stated that if the trachea was severed, it is a *tereifah*.

The *Gemora* cites a *braisa*: How much of the trachea must be severed? The greater part of it.

The *Gemora* asks: And what is meant by 'the greater part of it'? Rav says: The greater part of its thickness. Others had a version that Rav said: The greater part of its hollowness.

The *Gemora* relates that there was an animal with its trachea severed that was brought before Rav. He sat and examined it on the basis of the greater part of the thickness. Rav Kahana and Rav Assi asked him: But you have taught us, our master, to examine it on the basis of the greater part of its hollowness? Rav sent it to Rabbah bar bar Chanah, and he



examined it on the basis of the greater part of its thickness. He permitted it and actually bought from the meat of the animal to the value of thirteen simple *istiras* (*sela'im*).

The *Gemora* asks: But how could he have done like that? Was it not taught in a *braisa*: If one received a *halachic* ruling rendering something impure or forbidden, he may not ask another Sage, who may render it pure or permitted!?

The *Gemora* answers: This case is different, for Rav did not declare it forbidden.

The *Gemora* asks: And how did Rabbah bar bar Chanah eat of it seeing that a Sage was required to make a decision with regard to it? Behold it is written (*by Yechezkel's protest as to why he did not want to eat barley cake which was baked using human waste as its fuel*): *Woe, Lord God! Behold my soul has not become unclean, nor have I eaten neveilah or tereifah from my youth until now, nor did piggul meat enter my mouth. [This verse cannot be understood literally, for Yechezkel is attempting to demonstrate his greatness, and these items are all explicitly prohibited.]* And it has been interpreted as follows: *Behold my soul has not become unclean* - I did not allow impure thoughts to enter my mind during the day so as to lead to uncleanliness at night. *Nor have I eaten neveilah or tereifah from my youth* - for I have never eaten of the meat of an animal concerning which it had been exclaimed: 'Slaughter it! Slaughter it' (*before it dies*)! *Nor did piggul meat enter my mouth* - for I did not eat the meat of an animal which a Sage ruled it to be permitted. In the name of Rabbi Nassan it was reported that this means: I did not eat from an animal from which the Priestly gifts had not been removed.

The *Gemora* answers: This applies only to a matter which was declared to be permitted as the result of his reasoning (*for perhaps the Sage was mistaken*); Rabbah bar bar Chanah, however, relied upon his tradition.

The *Gemora* asks: But, it should be forbidden (*for Rabbah bar bar Chanah to eat of it*), for there is a suspicion (*that he was allowed to purchase the meat at a cheaper price in return for declaring the animal permissible, so that he appears to be receiving a reward for ruling upon a case*)? And it was taught in a *braisa*: A judge who decided an issue ruling in favor of one party and against the other, or who pronounced an object to be *tamei* or *tahor*, or forbidden or permissible; and likewise, witnesses who gave testimony in a law suit, these may by law purchase the object that was in dispute, but the Sages have said: Keep a distance from impropriety or from whatever is similar to it!?

The *Gemora* answers: This applies only to objects which are purchased by appraisalment (*for then, a bystander does not know if the true price was paid*); in this case, however, the selling by weight is a proof against any suspicion.

This distinction can be proven from the following incident: Rava once declared an animal, about which there was a doubt of *tereifah*, to be permitted and then purchased some of the meat. The daughter of Rav Chisda (*Rava's wife*) said to him: My father once permitted a firstborn (*to be eaten normally based on a blemish; it, therefore, was not necessary to give it to a Kohen and offer it as a sacrifice*), but would not buy of its meat! He replied: This suspicion applies only in the case of a firstborn since it may be sold only by appraisalment (*the meat of a bechor was not permitted to be sold by weight in a butcher's shop, for it was considered degrading to kodashim*); in my case, however, the selling by weight is a proof against any suspicion. What other suspicion can there be? That I receive a choice piece of meat? But every day I am given the choicest piece!

Rav Chisda said: Who is a Torah scholar? One who would declare his own animal (*where a doubt regarding its validity has arisen*) a *tereifah*.

And Rav Chisda said: To whom does this verse apply: *One who hates gifts shall live*? It is to one who would declare his own animal a *tereifah*.

Mar Zutra expounded in the name of Rav Chisda: He who studies Scripture and *Mishna*, and would declare his own animal a *tereifah*, and attends the Torah scholars, of him it is written: *When you eat the labor of your hands, happy are you and it shall be well with you*. Rav Zevid said: He is worthy of inheriting two worlds: This World and the World to Come. *Happy are you* - in this world; *and it shall be well with you* - in the World to Come.

Whenever Rabbi Elozar was sent a gift from the house of the *Nasi*, he would not accept it, and whenever he was invited to dine there, he would not go, for he used to say: It seems that the master does not want me to live, for it is written: *One who hates gifts shall live*. Whenever Rabbi Zeira was sent a gift, he would not accept it, but whenever he was invited to dine there, he would go, for he used to say: They are honored by having me as their guest. (44a – 45a)

INSIGHTS TO THE DAF

Two Rulings

The *Gemora* cites a *braisa* which states that one who received a ruling from on Sage prohibiting something, he may not ask another Sage who may permit it. Tosfos (A"Z 7a Hanish'al) adds a number of qualifications to this statement:

1. It is only forbidden to ask another Sage if he does not mention the first ruling he received.
2. The second Sage should not permit it, unless he feels he can convince the first Sage that he erred.
3. If the first Sage permitted, the second Sage can forbid.

Court of the Esophagus

By: Chullin Illuminated

The court of the esophagus (pharynx) is a funnel shaped muscular passageway that connects the esophagus to the mouth. Although the pharynx and the esophagus form one long continuous tube, they have different characteristics. The esophagus, having only a thin outer muscular wall, is not a rigid tube, but rather folds flat against itself. The pharynx, on the other hand, has a much thicker muscular wall, and is thus more rigid, and wider, than the esophagus.

The *Gemora* quantifies the area of the pharynx into three sections. The lowermost is where the tube will fold in upon itself when severed. This is a characteristic of the esophagus itself. Higher up, the tube will maintain its rigidity when severed; it will neither fold in upon itself nor will it spread out and become wider. At the highest location of the tube, the passageway will actually widen when cut. The *Gemora* concludes that the latter two areas make up the pharynx, and are subject to the dispute of Rav and Shmuel.

Greater Part of the Trachea

The dispute over the exact point in which a cut will result in having a majority of the windpipe severed is the result of an interesting phenomenon relating to the rings of the trachea. These rings do not completely encircle the trachea, but instead are shaped somewhat like a horseshoe, open on one side. The open side – the back of the trachea – has a sheath of membrane in the place of the cartilage. The esophagus is attached to the trachea on this side.

This arrangement results in the front side of the trachea having a much thicker wall than the back, for the front consists of thick cartilage and the back only thin membrane. In addition, as the cartilage curves towards the back, it itself becomes thinner and thinner, so that even the cartilage of the rear section of each ring is thinner than the cartilage of the frontal section. Because of this, a measurement of half the trachea that includes the thickness of the walls will be slightly more ventral than a similar measurement that is made of only the internal space, without the walls included.