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Needle in the Reticulum

The *Mishna* had stated: If the omasum or reticulum was punctured, the animal is rendered a *tereifah*.

The *Gemora* cites a *braisa*: If a needle was found in the thick edge of the reticulum, the animal is kosher if it is only protruding from the inner membrane (*for the outer one will protect it*); if, however, it pierced both membranes, the animal is rendered a *tereifah*. If a spot of blood was found on it, it is certain that the puncture occurred before the *shechitah* (*and it is therefore a tereifah; an animal would not bleed from a puncture which occurred afterwards*); if, however, no spot of blood was found on it, it is certain that the puncture occurred after the *shechitah* (*and therefore it is permitted*). If the top of the wound was covered with a scab, it is certain that the wound occurred at least three days before the *shechitah* (*so if he purchased this animal within the last three days, the transaction is null and void and the purchaser is entitled to a refund of his money*); if it was not covered with a scab, then the burden of proof rests upon the one who is trying to exact money from his fellow.

The *Gemora* asks: Why is this case different from all other cases where an organ is punctured where the master rules it to be a *tereifah* even though there was no spot of blood around the puncture?

The *Gemora* answers: In those cases there was no object to which the blood could cling (*and even if the puncture occurred before the shechitah, the blood would wash away on account of the moisture of the flesh*); here, however, since

a needle was found, had it punctured it before the *shechitah*, some blood would surely have stuck to it.

Rav Safra said to Abaye: Has the master seen that scholar who came from the West and said that his name is Rav Avira? He related that once there came before Rebbe the case of a needle found in the thick edge of the reticulum and which protruded only on one side, and he ruled it to be a *tereifah*! Abaye sent for this scholar, but he would not come; so Abaye went to him. He found him on the roof and he asked him: Would the master come down? He did not come down to Abaye, so Abaye went up to him and said: Tell me the actual facts of that case. He replied: I am in charge (*the one who admits and releases the scholars at the academy*) of the congregation attending Rebbe the Great, and once when Rav Huna of Sepphoris and Rabbi Yosi of Media were sitting before Rebbe, there came before Rebbe a case of a needle found in the thick edge of the reticulum which protruded only on one side. Rebbe turned it over and found on, a spot of blood (*on the outside opposite the needle*), so he declared it to be *tereifah*, saying: If there was no wound there, where did the spot of blood come from? Abaye said to him: You caused me a great deal of trouble (*for nothing, for this is not a novel teaching*)! It is explicitly stated in our *Mishna*: If the omasum or reticulum was punctured to the outside (*it is a tereifah*). (51a)

Concussion of the Limbs

The *Mishna* said: if the animal fell from the roof, it is a *tereifah*.

Rav Huna said: If a person left an animal on the roof and when he returned he found it down on the ground, we are not concerned that it suffered a concussion of its limbs (*for we assume it came down in a normal manner, and it didn't fall*).

A goat belonging to Ravina was on the roof and through a skylight saw some peeled barley below. It jumped and fell down from the roof to the ground. [*It now could not walk or stand.*] Ravina came before Rav Ashi and said to him: Was the reason that Rav Huna ruled regarding a person who left an animal on the roof and returned and found it down on the ground that we are not concerned that it suffered a concussion of its limbs, is it because there was something for the animal to hold on to (*such as a wall descending from the roof to the ground below it*), but in this case it had nothing to hold on to (*for it jumped through the skylight in middle of a room where there was no wall*); or was it that it measured itself (*that it can jump safely in such a distance*), so that here too it measured itself? He replied. The reason Rav Huna permitted it is because it measured itself; so here too, it measured itself (*and it is therefore permitted*).

There was a ewe belonging to Rav Chaviva that was seen dragging along its hind legs. Rav Yeimar said: It is merely a cramp (*and not a tereifah*). Ravina asked: Perhaps its spinal cord has been severed? It was examined and was found to be as Ravina had thought. Nevertheless, the *halachah* (*in general*) is in accordance with the opinion of Rav Yeimar, for a cramp is a common disorder, whereas the severance of the spinal cord is not common.

Rav Huna said: In the case of rams that butt each other, we are not concerned for a concussion of the limbs, for although they moan with pain the whole time, we assume that it is merely a fever that has taken hold of them. But if they were thrown to the ground, we certainly are concerned then for a concussion of the limbs.

Rav Menashei said: In the case of rams stolen by thieves (*where they are thrown over the wall*), we are not concerned for a concussion of the limbs. What is the reason for this? It is because when the thieves throw them over, they throw them in such a manner that they fall on their loins (*and not on their backs*), in order that they should run ahead of them. But if they returned them (*and threw them back over the wall*), we are concerned then for a concussion of the limbs. This is so, however, only if they returned them on account of fear, but if they returned them out of repentance, they would make a proper repentance (*and throw them over in a manner that will not render them tereifos*).

Rav Yehudah said in the name of Rav: If a man hit an animal with a stick upon its head and the blow reached as far as the tail (*without hitting the spine*), or if he hit it upon its tail and the blow reached as far as the head, or if the stick came down upon the entire length of the spine, we are not concerned for a concussion of the limbs. If, however, the stick came to an end in the middle of the back, we are concerned then for a concussion of the limbs. And if the stick had knobs in it, we are concerned then for a concussion of the limbs. And if he hit the animal across the back (*its width and not its length*), we are concerned then for a concussion of the limbs.

Rav Nachman said: The birth canal does not suffer a concussion of the limbs (*and therefore a newborn animal may be slaughtered without a twenty-four hour waiting period*).

Rava said to Rav Nachman: The following *braisa* supports you: A boy, even one day old, can convey *tumah* through *zivah* (*a man who has an emission similar but not identical to a seminal discharge*). Now if there was any ground to be concerned that the birth canal can cause a concussion of the limbs, then surely he should not transmit *tumah*, for the rule based on the following verse should apply here: *from his flesh*, but not by reason of an unavoidable occurrence.

The *Gemora* deflects the proof by saying that it may be dealing there with the case of an infant that was born through a Caesarean section.

The *Gemora* attempts to provide support to Rav Nachman from the following *braisa*: A calf that was born on *Yom Tov* may be slaughtered on *Yom Tov* (and the issue of *'muktzah'* – *'not being prepared from before the festival'* does not apply; this is because it is regarded as food, for if the calf's mother would have been slaughtered, the calf would be permitted as well). [Now, the fact that it is permitted on that day proves that a twenty-four hour waiting period is not necessary.]

The *Gemora* deflects the proof by saying here as well that it may be dealing there with the case of an infant that was born through a Caesarean section.

The *Gemora* attempts to provide support to Rav Nachman from the following *braisa*: They both (Rabbi Yehudah and Rabbi Shimon) agree, however, that if a *bechor* (firstborn) was born with a permanent blemish on *Yom Tov* that it is deemed to be prepared and one can slaughter it on *Yom Tov*. [The reason for this ruling is because the animal that was born with a permanent blemish was never prohibited, and the expert who examines it and renders it fit for slaughtering has not effected a repair on *Yom Tov*.] Now you cannot say that this too was born through a Caesarean section, for a *bechor* extracted through a Caesarean section has no sanctity! For Rabbi Yochanan has stated: Rabbi Shimon admits that with regard to consecrated animals, an animal extracted through a Caesarean section has no sanctity whatsoever (and will not acquire the sanctity of a *bechor* as well)!

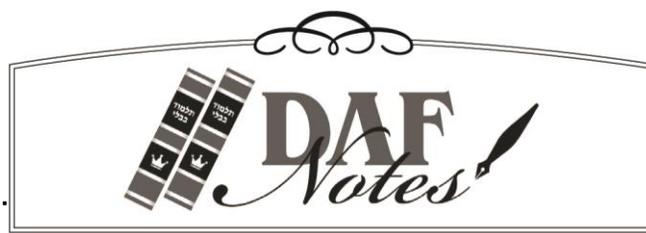
The *Gemora* deflects the proof by saying that it may be dealing there with the case where it planted its hooves on the ground (attempting to stand; this is enough of a movement to indicate that it did not suffer a concussion of the limbs).

Rav Nachman further said: In the slaughterhouse (when the animal is thrown to the ground before the *shechitah*), we are not concerned for a concussion of the limbs.

An ox once fell and the noise of its groaning was heard. After it was slaughtered, Rabbi Yitzchak bar Shmuel bar Marta came and ate from the choicest portions of its meat. The Rabbis asked him: From where do you know this (not to be concerned in such a case)? He replied: Rav stated the following: The animal (as it senses that it is falling) plants its hooves firmly on the ground until it actually reaches the ground (so it emerges that it is not falling from such a great height).

- Rav Yehudah said in the name of Rav: If the animal stood up (after it fell), it is not necessary to be kept alive for twenty-four hours (before slaughtering it), but it certainly must be examined (afterwards against any other internal injury). If it actually walked, there is no need for any examination.
- Rav Chiya bar Ashi said: In either case it must be examined.
- Rabbi Yirmiyah bar Abba said in the name of Rav: If it stretched out its foreleg attempting to stand, even though it did not actually stand (it is regarded as if it had stood, and an examination is not necessary), or if it raised its hind leg attempting to walk, even though it did not walk (it is regarded as if it had walked, and an examination is not necessary).
- Rav Chisda said: If it made an effort to stand, even though it did not stand (it is regarded as if it had stood, and an examination is not necessary).

Ameimar said in the name of Rav Dimi of Nehardea: The examination of which the Rabbis have spoken in the case of a fallen animal must be carried out along the viscera (to ensure that the greater part of the outer paunch has not been severed and that the intestines were not punctured). Mar Zutra said to him: We say in the name of Rav Pappa that an examination must be carried out on its entire trunk (including the ribs and the spinal cord).



Huna Mar the grandson of Rav Nechemiah enquired of Rav Ashi: What about the pipes?

He replied: The pipes are tough and therefore unaffected by a fall. (51a – 51b)

INSIGHTS TO THE DAF

Falling off the Roof

When an animal falls off a roof we are concerned that it became a *tereifah*. If it stood within twenty-four hours, an examination is sufficient. This is only if it stood by itself; if, however, someone stood the animal up, that is meaningless and it is not a proof that it's not a *tereifah*.

Some say that if the animal stood and walked - even if there are changes in its limbs, there is nothing to be concerned about - as long as the change is not severe enough by itself to render it a *tereifah*.

If it walks, it is kosher and does not require an inspection - even if twenty-four hour time did not pass. This, however, is only if it walks properly, but if it walks with a limp, it requires an inspection.

Some say that nowadays we are not experts in this type of internal inspections, and it's only permitted if it walks. This is indeed our custom.

It is only regarded as walking if it walks four amos, and only if it walks normally - in the manner that it walked before it fell, or in the manner that other animals walk. If it initially walked, but afterwards it could not, it has the status like other animals that are endangered.

Pischei Teshuvah cites Reb Akiva Eiger who rules regarding an ox that before its fall was extremely powerful and had the ability to walk with greater strength than an ordinary ox, but afterwards it was only able to walk in a regular manner. Although the Rem" a seems to indicate that it is not a *tereifah* only if it walks in the manner that it did before its

fall; nevertheless, from the Poskim it would seem that as long as it is not limping, it is not ruled to be a *tereifah*. He concludes that if there is a substantial loss, we can rely on an internal examination.

You are forbidden to harm your property!

Financial laws are discussed at length in Seder Nezikin. However, our *sugya* includes an important financial *halachah* that deserves our attention.

Our *Gemora* explains that a person who acquired an animal for *shechitah* (see *Nesivos HaMishpat*, 232, S.K. 3), slaughtered it, found it to be *tereifah* and discovered that it was *tereifah* when bought, may return it to the vendor and get all his money back, as it is an erroneous purchase. The *chidush* of this *halachah* is that though the customer acquired an animal fit for riding, plowing, etc. (as long as the *tereifah* would live) and returned a carcass fit only to feed dogs, he doesn't have to compensate the seller for the loss he caused by slaughtering the animal.

A customer who used an article unusually must compensate the vendor: Rambam rules (*Hilchos Mechirah* 16:6-7) in conformity to our *Gemora* and emphasizes that "from here you learn" about a defect revealed in any purchase, that the buyer is exempt from compensating the seller for devaluating the article because of use. For example, someone who bought cloth and cut it into small pieces for sewing and then discovered a defect in it, returns the cloth, is refunded the entire sum, and does not have to compensate the vendor, who previously had a big piece of cloth fit for certain uses and now has small pieces worth much less. However, Rambam qualifies his statement: the buyer is exempt only "if he did something usual...but if he did something unusual and caused another defect before he knew about the first one, he returns the purchase and pays for the defect he caused. In other words, if the buyer of the cloth decided to use it to light the Lag B'Omer bonfire at Rabbi Shimon bar Yochai's grave and when he dipped the cloth in kerosene, discovered a defect in it, he may cancel the

purchase and return the oil-soaked cloth to the vendor. But he must compensate him for the difference between the price of a piece of defective cloth and the price of that cloth soaked in oil, as he did something unusual.

To understand Rambam's ruling well, we must be helped by the leaders of the generations as when we examine this *halachah*, we come across a great question. Concerning an animal sold for *shechitah*, both the vendor and buyer know at the time of the purchase that the question of *tereifah*, not uncommon in animals, impends over the deal and, as such, it is obvious that before the buyer causes a defect in the animal, he should ascertain that it isn't *tereifah* and that the deal is valid. If he caused other defects to it before examining it, he is not allowed to feign innocence and return it to the vendor with the defects he caused, claiming that he later discovered that it was *tereifah* anyway.

However, when we try to understand this *halachah* regarding the defective cloth, we have somewhat of a difficulty. After all, the vendor and the buyer do not imagine at the time of the purchase that the cloth is defective. The buyer took the cloth with the clear understanding that it was his, and he used it as people use their own belongings. What, then, is the basis for this ruling that if the buyer cut the cloth to sew a garment and a defect was discovered, he is exempt from compensation but if he used it to light a bonfire, he has to compensate the vendor for devaluating its worth?

The author of *Nesivos HaMishpat* (ibid, S.K. 5) explains that though the vendor and the buyer don't imagine that the cloth is defective, it is obvious to them both that if a defect is found, the buyer may cancel the purchase and return the article. When the buyer dipped the cloth in kerosene, he knew that there was no renege on his action. At that moment he harms the **vendor's** cloth if it turns out that there was an erroneous purchase, and he must compensate him for this harm when he returns the defective cloth (like the *halachah* of one who causes harm even unintentionally; see Bava Kama 26b and Tosfos, ibid, 27b). Only if he uses the article

for the purpose for which it was bought is he allowed to approach the vendor with the small pieces of cloth and claim "I bought cloth for sewing, used it for the purpose I declared to you at the time of purchase but look at the defect I found" (see *ibid*, that he concludes that the issue needs research and see *Ner Lemaor*, 64, by HaGaon Rabbi Mordechai Eliyahu Rabinovitz, 5649, who explains according to *Shulchan Aruch*, *ibid*, *se'if* 22, that since the purchase is void, the customer is like a *shomer sachar* – a paid guard and is therefore also obligated in what resembles theft).

DAILY MASHAL

The beis hakosos with a hole and the miracle that occurred to the Chasam Sofer zt"l

It is the wont of many animals, including cattle, sheep and goats, to eat anything. Once, parts of an umbrella were found in a bull's intestines and various metal parts can be found in the innards of many animals. Therefore, in our era powerful magnets have been installed in cowsheds to draw out metal. Another modern method is to implant a magnet in the steer's body to attract the metal and prevent it from reaching the animal's organs and causing it to be *tereifah*.

A foreign body that succeeds in penetrating the innards of an animal does so by separating from the food and entering the *beis hakosos*, a small stomach next to the diaphragm. If a needle, nail or any other foreign body perforates the *beis hakosos*, the animal is *tereifah*, as explained in our *sugya*. The *Gemora* adds that even if a hole is found that doesn't penetrate throughout the wall of the *beis hakosos*, but on the other side there's a drop of blood, the animal is *tereifah* because the blood drop proves that the wall of the *beis hakosos* is indeed pierced from side to side.

When the wall of the *beis hakosos* has a hole, the place swells, produces a *sircha* (mucus) and becomes stuck to the diaphragm. Therefore there is an obligation to ascertain that the *beis hakosos* is not stuck to the diaphragm (*Zevach Shmuel* at the end of *Dinei Bedikos*) by putting one's hand between the *beis hakosos* and the diaphragm. If a *sircha* is

found and, opposite it, a needle stuck in the wall of the *beis hakosos*, the animal is *tereifah* although the hole does not penetrate throughout (Remo, *Y.D.* 41:8), as our *sugya* explains about a blood drop found opposite a hole which is not open throughout.¹

However, the *poskim* disagreed about the Remo's opinion if, in addition to a *sircha*, a needle is found loose inside the *beis hakosos*. Some say that the animal is kosher (Responsa *tzemach Tzedek Hakadmon*, 49; Responsa *Noda' BiYehudah*, *Y.D.* 15; and see *Darchei Teshuvah*, 41, *S.K.* 71). They base their ruling on two opinions of the Rishonim (see *Hagahos Ashri*, Ch. 3): (1) The skin of the *beis hakosos* is very thick and we shouldn't suspect that it was perforated without proof (see Rashi and the Meiri on 49a). (2) The *beis hakosos* always contains food and drink and we should assume that if the needle had been stuck in its wall, it wouldn't have moved from that place because of the constant pressure put on it.

Some *poskim* disagree and maintain that even if a needle is found loose inside the *beis hakosos*, the animal should be declared *tereifah* (Responsa *Panim Meiros*, II, 129; Responsa *Chut HaShani*, 69; and see Responsa *Chasam Sofer*, *Y.D.* 33 and 45, who also tends to forbid it, and see *Darchei Teshuvah*, *ibid*). In their opinion the aforesaid opinions of the Rishonim suffice as long as a suspicion hasn't arisen that the wall of the *beis hakosos* has been perforated. However, if the *beis hakosos* produced a *sircha*, we must assume that it results from a hole and if a needle is found in the *beis hakosos*, the animal should be declared *tereifah* because of the combination of the facts: a needle and a *sircha*. The Chasam Sofer *zt"l* testifies (Responsa, *Y.D.* 33): "...that we saw from the Remo's era onwards that we have examined

tens of thousands of animals and any one which had a *sircha* had also a needle...within" (and see *Panim Meiros*, *ibid*, who was strict even if no needle or the like was found).

The Chasam Sofer excitedly wrote to his pupil Akiva Asher (*ibid*, 33) about the Heavenly help that he earned in guiding his community. He would be strict, that if *sirchos* were found extending from the *beis hakosos* and adhering to the diaphragm, the animal should be declared *tereifah* if a needle was found loose within the *beis hakosos*. One Pesach eve the *shochetim* came to him: 24 heads of cattle had been slaughtered and all declared *tereifah* because a needle was found in their *beis hakosos*. The holiday was approaching and people wouldn't have meat. After examining the facts, he ruled that this time they should be lenient and when they find a *sircha*, they should empty the *beis hakosos* before its examination and then see if a needle is stuck in its wall. He warned them severely not to do so in other cases and only on this Pesach eve he allowed them to do so because of the urgency (see *ibid* for his reasons to be lenient). He joyfully recounts: "And then they slaughtered 19 animals, one after another, and there was no *sircha* nor any doubt at all and I said, "Baruch Hashem that I didn't have to use this leniency which troubles me very much." The author of *Pischei Teshuvah* (*Y.D.*, *S.K.* 13-14) cites this event after he sums up the topic which we have addressed and concludes: "I have copied all of this to demonstrate the greatness of the *tzadikim*."

We should mention that some fastidious *hechsherim* feature "glatt" meat from animals without a *sircha* between the *beis hakosos* and the diaphragm.

¹ (Some are lenient and say that even if a needle is found stuck in the wall of the *beis hakosos* and in the outer wall there's a *sircha*, the animal is kosher. Only if a blood drop is found opposite the hole, there is a suspicion that the needle made an open hole but a *sircha* can also be caused by a partial hole [*Kreisi Ufleisi*, end of 41, and he left the matter as needing research; Responsa *Toledos Yitzchak*, 3; and see *Da'as Torah*, *S.K.* 34, and *Darchei Teshuvah*, *S.K.* 79]. Responsa *Melamed Leho'il* [*Y.D.* 8, and see

what he wrote against this custom] testifies that this was the custom in Poland, that they would stick a straw into the place where the needle was stuck [lest the hole was crooked and if the straw didn't pass to the other side, they declared the animal kosher, and see '*Aroch HaShulchan*, *ibid*, *se'if* 36).