



Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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Tzvi Gershon ben Yoel (Harvey Felsen) o”h

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Paunch

Shmuel had said: If the greater part of the flesh which covers most of the paunch was torn, it is a *tereifah*.

Rav Ashi asked: Does it mean that the greater part was torn or that it was removed?

The *Gemora* attempts to resolve this from our *Mishna*: If the inner paunch was punctured, or if the greater part of the outer paunch was torn, the animal is rendered a *tereifah*. And in the West they said in the name of Rabbi Yosi bar Chanina that the entire paunch is the inner paunch. And what is the outer paunch (*that the Mishna mentions*)? It is the flesh which covers the greater part of the paunch! [*This proves that even a tear renders the animal a tereifah.*]

The *Gemora* rejects this proof by saying that this inquiry was in accordance with Shmuel, and Rabbi Yaakov bar Nachmeini said in the name of Shmuel that when the *Mishna* mentions the inner paunch, it is in reference to that part of the paunch which has no downy lining. [*The Mishna, according to Shmuel does not refer to the flesh that covers the outer paunch at all, and therefore it cannot shed any light on the inquiry based upon Shmuel’s teaching here.*] (52b)

Clawed by a Wolf or Cat

The *Mishna* had said that if an animal is clawed by a wolf, it is rendered a *tereifah*.

Rav Yehudah said in the name of Rav: In the case of animals, they are rendered a *tereifah* if clawed by a wolf and larger,

and in the case of birds, from the *netz* (*sparrow hawk*) and larger.

The *Gemora* asks: What does this exclude? It cannot be coming to exclude the cat, for the *Mishna* said that it is a *tereifah* if clawed by a wolf (*and obviously, not a cat*). And perhaps you will say that the *Mishna* merely wishes to teach us that a wolf can claw even large animals; surely this cannot be the correct interpretation, for our *Mishna* states further: 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. [*R’ Yehudah is explaining the Tanna Kamma’s opinion, and accordingly, when the Tanna Kamma says ‘an animal clawed by a wolf,’ he is referring to an animal of a small species, for only a lion or larger can render an animal of a large species to be a tereifah; so when R’ Yehudah said ‘wolf,’ he must be excluding a cat!*] And you cannot say that Rabbi Yehudah is disputing the view of the *Tanna Kamma*, for Rabbi Binyamin bar Yeffes has said in the name of Rabbi Illa’a that Rabbi Yehudah’s purpose in our *Mishna* was merely to explain the opinion of the *Tanna Kamma* (*and not to disagree with it!*)?

The *Gemora* answers: Are you pointing out a contradiction between one person and another? [*Rav may disagree with R’ Binyamin, and hold that R’ Yehudah is disputing the Tanna Kamma’s position, and therefore the Mishna said ‘wolf’ to teach us that even a wolf can fatally claw an animal of a large species, and Rav came along to teach that any predator, smaller than a wolf cannot render - even an animal of a small species - to be a tereifah.*]

Alternatively, I can answer that the *Mishna* indeed excludes the cat, and yet Rav's statement was necessary, for you might have thought that the *Mishna* mentioned the wolf was because it is a usual occurrence (*but a cat is not excluded*); Rav therefore teaches us that it is not so.

Rav Amram said in the name of Rav Chisda: Goats and lambs are rendered a *tereifah* if clawed either by a cat or a *nemiyah* (*marten*). Birds are rendered a *tereifah* if clawed by a weasel.

The *Gemora* questions this from the following *braisa*: The clawing by a cat or a *netz* or a *nemiyah* does not render *tereifah* unless the claw actually punctured the abdominal cavity. Now it follows from this that the clawing itself does not have the ability to render *tereifah*!?

The *Gemora* counters: But how do you explain that the clawing by a *netz* is of no consequence? Surely we have learned in our *Mishna*: An animal is rendered *tereifah* if clawed by a *netz*!?

The *Gemora* answers: This is not difficult at all, for the *Mishna* is referring to birds being clawed, whereas the *braisa* refers to goats and lambs; but the challenge remains against Rav Chisda!

The *Gemora* answers: Rav Chisda agrees with the opinion of the following *Tanna*, for it was taught in a *braisa*: Beribi said: Only in that case when no rescuers were present to save the attacked animal did the Rabbis say that the clawing by a cat was of no consequence (*for when it is not enraged, it does not inject its poison*); however, when rescuers are present to save the attacked animal, the clawing by a cat is significant (*and can be fatal*).

The *Gemora* asks: Does he then hold that when no rescuers are present to save the animal, the clawing by a cat is of no consequence? But it once happened that a hen belonging to Rav Kahana was being chased by a cat and it ran into a room. The door closed shut in the face of the cat, so that (*in its*

anger) it swiped at the door with its paw. There were then found on it five red spots! [*Evidently, it can deposit poison, even when there are no rescuers present!?*]

The *Gemora* answers: When the attacked animal tries to rescue itself, it is the same as when others are present to rescue it (*for the cat still becomes enraged*).

The *Gemora* explains that the Rabbis maintain that a cat does possess poison, but the poison does not burn (*enough to be considered fatal to its victim*).

There were others who had a different version of the *Gemora's* answer: The author of that *braisa* (*which stated that the clawing by a cat or a netz or a nemiyah does not render tereifah unless the claw actually punctured the abdominal cavity*) is Beribi, for it was taught in a *braisa*: Only in that case when no rescuers were present to save the attacked animal did the Rabbis say that the clawing by a cat was of no consequence (*for when it is not enraged, it does not inject its poison*); however, when rescuers are present to save the attacked animal, the clawing by a cat is significant (*and can be fatal*). [*The first braisa is referring to a case where there were no rescuers, and it can be rendered tereifah if the puncher reaches the abdominal cavity. The Rabbis, however, disagree with Beribi, and they maintain that clawing by a cat will always render a goat or lamb to be a tereifah, and Rav Chisda is following their opinion.*]

The *Gemora* asks: Does he then hold that when no rescuers are present to save the animal, the clawing by a cat is of no consequence? But it once happened that a hen belonging to Rav Kahana was being chased by a cat and it ran into a room. The door closed shut in the face of the cat, so that (*in its anger*) it swiped at the door with its paw. There were then found on it five red spots! [*Evidently, it can deposit poison, even when there are no rescuers present!?*]



The *Gemora* answers: When the attacked animal tries to rescue itself, it is the same as when others are present to rescue it (*for the cat still becomes enraged*).

Rav Kahana inquired of Rav: Is the clawing by a cat of consequence or not? [*Can it render an animal a tereifah through clawing?*] He replied: Even the clawing by a weasel is of consequence.

[*A different time, he inquired as follows:*] Is the clawing by a weasel of consequence or not? He replied: Even the clawing by a cat is of no consequence.

[*A different time, he inquired as follows:*] Is the clawing by a cat or by a weasel of consequence or not? He replied: The clawing by a cat is of consequence, but the clawing by a weasel is not.

The *Gemora* explains why there is really no contradiction between these replies, for when he said that even the clawing by a weasel is of consequence, he was referring to birds; and when he said that even the clawing by a cat is of no consequence, he was referring to large sheep (*where only a wolf or larger can render it a tereifah*); and when he said that the clawing by a cat is of consequence, but the clawing by a weasel is not, he was referring to goats and lambs. (52b – 53a)

Clawed by Nonkosher Birds

Rav Ashi inquired: Is the clawing by the other nonkosher birds (*besides the netz or gass mentioned in the Mishna*) of consequence or not?

Rav Hillel said to Rav Ashi: When we were at the academy of Rav Kahana, he taught us that the clawing by the other nonkosher birds was of consequence.

The *Gemora* asks: But have we not learned in our *Mishna*: Small birds can be rendered *tereifah* if clawed by a *netz* (or

gass)? [*Seemingly, any bird smaller than that, cannot fatally claw!?*]

The *Gemora* answers: It means that the clawing by a *netz* is of consequence upon other birds - even those as large as itself, while the clawing by other birds is of consequence only upon birds smaller than themselves.

Others say that it means that the clawing by a *netz* is of consequence upon birds - even those larger than itself, while the clawing by other birds is of consequence only upon other birds as large as themselves. (53a)

Clawed by a Fox

Rav Kahana said in the name of Rav Shimi bar Ashi: The clawing by a fox is of no consequence (*and it cannot render other animals – even goats and lambs – to become a tereifah*).

The *Gemora* asks: But can this be so? For, when Rav Dimi came to Bavel, he related that there once happened an incident where a ewe was clawed by a fox at the baths of Beis Hini, and when the case was brought to the Sages they ruled that the clawing was of consequence!?

Rav Safra answered: In that case, it was a cat (*that did the clawing and not a fox*).

Others report the above discussion as follows: Rav Kahana said in the name of Rav Shimi bar Ashi: The clawing by a fox is of consequence.

The *Gemora* asks: But can this be so? For, when Rav Dimi came to Bavel, he related that there once happened an incident where a ewe was clawed by a fox at the baths of Beis Hini, and when the case was brought to the Sages they ruled that the clawing was of no consequence!?

Rav Safra answered: In that case, it was a dog (*that did the clawing and not a fox*).



Rav Yosef said: We have it on tradition that the clawing by a dog is of no consequence.

Clawing Rules

Abaye said: We have it on tradition that clawing is only with the foreleg, thus excluding the hind leg; that clawing is only with the claws, thus excluding the teeth; that the clawing must be with intent, thus excluding an act of clawing without intent (*for then, it does not inject its poison*); and that the clawing must be by a living animal, thus excluding the clawing by a dead animal.

The *Gemora* asks: But since you have already said that if it was done without intent, the animal is not rendered *tereifah*, is it then at all necessary to state the law that it is not rendered *tereifah* when clawed by a dead animal?

The *Gemora* answers: It is indeed necessary for the case where the animal clawed and its paw was immediately chopped off. Now you might have thought that it injects its poison at once when it inserts its claw into the victim (and therefore, in this case, the animal would be rendered *tereifah*), we therefore learn that it injects its poison only when it withdraws the claw. [*So when the braisa says 'dead animal,' it actually means a 'dead claw.'*] (53a)

Matters of Doubt

Rabbah the son of Rav Huna said in the name of Rav: If a lion had entered amongst oxen and later a lion's claw was found lodged in the back of one of them, we are not concerned that the lion had clawed it. Why? Because although the majority of lions attack with their claws and there is only a minority that do not, nevertheless, when they claw, their claws do not usually fall out. Therefore, the fact that this ox has a claw lodged in its back suggests that it had rubbed itself against a wall (*where a lion's detached claw happened to become stuck*). [*The ox should therefore be permitted.*] However, I may counter as follows: On the contrary! Although the majority of oxen rub themselves against a wall and there is

only a minority that do not, nevertheless, when they rub themselves against a wall, they do not usually find a claw lodged in their backs. Therefore, the fact that this ox has a claw lodged in its back suggests that it was clawed by a lion! [*The ox should therefore be forbidden.*] One can argue this way and one can argue that way; therefore, as there is a doubt (*whether the ox was clawed or not*), we leave it in its previous state (*that it had not been clawed*). This is a case of where there is a doubt if it had been clawed, and Rav is consistent with his reasoning stated elsewhere that we are not concerned regarding an animal which there is a doubt whether it has been clawed or not.

Abaye said: The animal is permitted only when the claw itself was actually in the back of the ox, but if the mark of the claw was found on its back, we are concerned that it was clawed (*and the animal is rendered tereifah*). And the animal is permitted only when the claw was moist (*with blood*), but if it was dry it is quite usual for it to fall off (*and the animal is rendered tereifah*). And the animal is permitted when the claw was moist applies only to a single claw, but if there were two or three claws lodged in the back of the animal, we are concerned (*for it is more reasonable that it came from an actual clawing, and not from rubbing itself on a wall*), provided that they (*the two or three claws*) were in the shape of a paw.

It was stated: Rav says: We are not concerned regarding an animal which there is a doubt whether it has been clawed or not. Shmuel says: We are concerned about it.

The *Gemora* explains where their dispute applies: If there was a doubt whether the lion entered among the animals or not, all agree that we may assume that it did not enter (*for it is a case of a 'double doubt'; perhaps it did not enter, and even if it did enter, perhaps it was not clawed*). If there was a doubt whether the animal had been clawed by a dog or by a cat, we may assume that it was a dog (*and therefore it is permitted*). If the lion entered, and was sitting quietly among the animals, we may assume that it made peace with them.

If it tore the head of one, we may assume that its fury has thereby been assuaged (*and it did not claw any of the others*). If the lion was roaring and the animals were bellowing, we may assume that they are both frightened of the other. Their dispute arises only where the lion was silent and they were bellowing. Shmuel is of the opinion that this is an indication that the lion has already done something to them, whereas Rav is of the opinion that they are bellowing only out of fear.

Ameimar said: The law is that we must be concerned regarding an animal which there is a doubt whether it has been clawed or not. Rav Ashi said to Ameimar: But what about Rav's opinion? He replied: I have not heard of it, by which I mean to say that I don't agree with it.

Alternatively, I can say that Rav retracted his opinion in favor of Shmuel's, for it once happened that a basket of birds, about which there was a doubt whether they had been clawed or not, was brought before Rav. He sent it to Shmuel, who at once strangled the birds and threw them into the river. Now, if you were to say that Rav had not retracted his opinion, then why did he not permit them?

The *Gemora* counters: But according to you that Rav had retracted his opinion, why then did he not forbid them himself? Rather, it must be that the incident occurred in the town where Shmuel lived (*and therefore, out of respect for Shmuel, Rav did not wish to permit them – Rashi's second and preferred explanation*).

The *Gemora* asks: Why did he need to strangle them? He could have thrown them alive into the river?

The *Gemora* answers: He was concerned that they would then fly away (*and a Jew would slaughter them and eat them*).

The *Gemora* asks: And why did he not keep them alive for twelve months (*to determine if they are indeed a tereifah or not*)?

The *Gemora* answers: One might come into a sin on account of them (*for there were too many birds for them to safeguard for so long*).

The *Gemora* asks: And why did he not sell them to gentiles?

The *Gemora* answers: They might subsequently sell them to Jews.

The *Gemora* asks: And why did he not strangle them and throw them on to the garbage heap?

The *Gemora* counters: Then you might just as well ask: Why did he not throw them to the dogs? Rather, the answer is that he wanted to make this prohibition public to all. (53a – 53b)

Examination of a Clawed Animal

The *Gemora* relates that a duck belonging to Rav Ashi went among the reeds and emerged with its neck stained with blood. Rav Ashi said: Just as we have said that wherever there is a doubt whether the animal was clawed by a dog or by a cat, it may be assumed that it was clawed by a dog, here as well, there exists a doubt whether it was injured by a reed (*and an internal examination would be necessary to determine if it had been punctured or not*) or whether it was clawed by a cat (*and an internal examination would be necessary to determine if it had been poisoned or not*); it may be assumed that it was injured by a reed.

The sons of Rabbi Chiya said: The examination of which the Rabbis have spoken in the case of clawing must be carried out in the region of the viscera. [*The areas by its back, belly and sides must be examined for any signs of redness, which would indicate that it had been poisoned.*]

Rav Yosef said: This statement of the sons of Rabbi Chiya was said beforehand by Shmuel, for Shmuel said in the name of Rabbi Chanina ben Antignos: The examination of which the



Rabbis have spoken in the case of clawing, must be carried out in the region of the viscera.

Ilfa inquired: Are the pipes affected by clawing or not?

Rabbi Zeira said: The question raised by Ilfa was answered beforehand by Rav Chanan bar Rava, for Rav Chanan bar Rava said in the name of Rav: The examination of which the Rabbis have spoken in the case of clawing, must be carried out over the entire body cavity, including even the pipes. (53b)

INSIGHTS TO THE DAF

The difference between a snake bite and a predator's claws

The *derusah* is among the eighteen *tereifos* handed down as *halachah* from Moshe from Mount Sinai. Rashi comments (42a, s.v. *Derusas*) that a *derusah* is an animal attacked by a predator with its claws such that its venom would eventually cause it to die. While we wonder about what venom could be contained in a predator's claws, we also learn that an animal bitten by a snake is not *tereifah*, as Abayei says (53a): "A *derusah* is only caused by a foot...to exclude a tooth." In other words, an animal **bitten** by a predator is not *tereifah* and Rashi comments (s.v. *Aval shen lo*) that "the animal's venom is not in its teeth"! We must therefore understand what venom is contained in an animal's claws and how it could be that a snake's deadly venom doesn't cause *tereifah* (see Responsa *Chasam Sofer*, Y.D. 55; 'Aroch *HaShulchan*, 57:3).

DAILY MASHAL

Hidden animals: Indeed, the definition of *derisah* greatly engaged the halachic authorities of the generations. The author of *Zivchei Kohen*, who lived about 150 years ago, recounts that he examined different medical books and didn't find venom in the claws causing harm. He cites a certain scholar that in certain places there are certain animals with venom in their claws and therefore *Chazal* forbade all *derusos*. The Rivash lists this *halachah* (Responsa,

447) as one of those that cause the gentile scholars "to make fun of us" but he sharply warns: "We don't live according to medical finds but rely on *Chazal*, even if they say that right is left. They received the truth and the explanations of the mitzvos from generation to generation from Moshe. We won't believe the Greek and Arab wise men, who only spoke by their reasoning." HaGaon Rabbi Eliyahu Eliezer Dessler zt"l explained (*Michtav MeEliyahu*, IV, letter 31, remark 4) that many halachos were handed down to *Chazal* and they gave various reasons for them which were known in their era while they hid other explanations from us.

The venom results from the remains of rotten food: *Sichas Chulin* mentions a very interesting explanation for venom in the claws (p. 345). The author recounts that an expert veterinarian testified before him that a wound from a predator causes serious infection that could cause death. The reason is that the claws of many predators fold into their toes and remnants of food from previous prey gather there and rot. When the animal attacks its prey, it infects it with the rotten food and it could be that this is the venom that causes the *derusah* to be included among the *tereifos* (and see *Michtav MeEliyahu*, *ibid*).

The infection causes mortal disease: We can therefore understand why *derusah* by a snake is not *tereifah*. There's an essential difference between an animal attacked by a predator and one bitten by a snake. An animal attacked by a predator and which became infected has its health undermined. The functioning of its organs degenerates till it dies. That is, it becomes ill due to the infection and dies because of its disease. The process of death is different in an animal bitten by a snake: The venom enters the veins but doesn't harm the organs. It should be regarded as an external cause of death, like an arrow that struck it and not like a sick animal that died because of disease. *Chazal* said that a *tereifah* is a sick animal whose cause of death is contained in the organs of its body (*Sichas Chulin*, *ibid*; we thank Rabbi Dr Moshe Sharm of Bnei Berak for his help in preparing this article).