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Mishna

And these do not render birds *tereifah*: If the trachea was punctured or slit lengthwise; if a weasel struck it (*bit it*) on the head in such a place as would not render it *tereifah* (*not near the brain*); if the crop was punctured. Rebbe says: Even if it was removed. If the intestines protruded (*from the body*), but were not punctured; if its wings were broken; if its legs were broken; if its feathers were plucked out. Rabbi Yehudah says: If its down was removed, it is invalid. (56b)

Removal of the Crop

The *Gemora* cites a *braisa*: There was an incident with Rabbi Simai and Rabbi Tzadok who were on their way to Lod in order to intercalate the year. They spent the *Shabbos* at Ono, and they ruled concerning the uterus (*in reference to the Tannaic dispute on 54a if the removal of the uterus renders the animal tereifah or not*) as Rebbe concerning the crop (*in reference to the Tannaic dispute in our Mishna if the removal of the crop renders the bird tereifah or not*).

They inquired: Does it mean that they ruled that if the uterus was removed, the animal is *tereifah*, and they also ruled like Rebbe, that if the crop was removed, it is permitted? Or, does it mean that they ruled that if the uterus was removed, it is permitted, just as Rebbe ruled concerning the crop, but in the case of the crop, they do not agree with Rebbe’s ruling? The *Gemora* leaves this question unresolved. (56b)

Esophagus and Crop

[*The previous Mishnayos issued two ruling: 1. A punctured esophagus renders a bird tereifah. 2. A punctured crop does not render a bird tereifah. The esophagus leads into the crop. The Gemora seeks to determine the point at which the esophagus ends and the crop begins.*]

Rabbah, and others say Rabbi Yehoshua ben Levi, said: The roof of the crop is regarded as the esophagus (*and the bird will be rendered tereifah even with the slightest puncture*).

Where is this? Rav Bibi bar Abaye said: It is that part of the crop at which point it begins to be drawn towards the esophagus. [*It refers to the point at which the crop begins to taper and to form into the tube of the esophagus.*] (56b)

Intestines Protruding

The *Mishna* had stated: If the intestines protruded (*from the body, but were not punctured, it is kosher*).

Rabbi Shmuel bar Rav Yitzchak said: The *Mishna* refers only to the case where they were not inverted when they were put back (*either by inserting the intestines upside down, or placing one tube above another when it should have been below it*), but if they were inverted, it would be *tereifah*, for it is written: *He has made you and established you*. This implies that the Holy One, Blessed be He, created in man every organ on its foundation, so that if any one organ is inverted, man (*and similarly, animals and birds*) cannot live.

It was taught in a *braisa*: Rabbi Meir used to expound this verse as follows: *He has made you and established you*. Israel

is like a community where everything can be found in it: From them come their priests, their prophets, their princes, and their kings, as it is written: *Out of them shall come forth the cornerstone, out of them the peg, etc.*

An Aramean once saw a man fall from the roof to the ground so that his belly burst open and his intestines protruded. He brought the son of the victim and, by an optical illusion, slaughtered him before the father. [*The purpose of this trick was to horrify him so terribly as to cause him to groan and draw his intestines back into his abdomen. He did not wish to put them back with his hands, for he was concerned that he would invert them.*] The father became faint, groaned and drew in his intestines; whereupon, his belly was immediately stitched up (*by the Aramean*). (56b – 57a)

Legs of a Bird

The *Mishna* had stated: If its legs were broken (*it is kosher*).

The *Gemora* relates the following incident: A basket full of birds, each bird having its legs broken (*at, or above the ankle*) was brought before Rava. He examined each at the juncture of the sinews and declared them to be permitted. [*If any of the sixteen sinews which converge at the lower end of the tibia would have been severed in its greater part, the bird would be rendered tereifah.*]

Rav Yehudah said in the name of Rav: If the foreleg of an animal was dislodged (*from the shoulder blade*), the animal is kosher. If the thighbone of an animal was dislodged (*from the hip socket*), it is *tereifah*. If the thighbone of a bird was dislodged, it is *tereifah*. If the (*innermost*) wing of a bird (*which connects the wing to the body*) was dislodged, it is *tereifah*, for we are concerned that the lung has been punctured.

Shmuel said: It (*a bird, whose wing was dislodged*) should be examined (*and if the lung is found to have no puncture, it is*

kosher). And Rabbi Yochanan also said: It should be examined.

Chizkiyah stated: A bird has no lungs. Rabbi Yochanan said: It has lungs, and they (*its walls*) are like rose petals (*for they are thin and red*) situated immediately beneath the wings.

The *Gemora* explains that which Chizkiyah said that a bird has no lungs. It cannot mean that it has no lungs at all. For we see that it has! And it cannot mean that any defect in the lung would not render it *tereifah*, for Levi has taught a *braisa* that the *tereifos* enumerated by the Sages in the case of animals equally apply to birds; and there is, however, one addition in the case of birds, namely: If the skull was broken even though the membrane of the brain has not been punctured (*it is tereifah*). We must therefore say that it means that they are not affected, whether the bird falls down (*from a high place*) or is scorched in a fire. Why is this so? Rav Chanah explained: It is because they are protected by the greater part of the ribs (*for the ribs of a bird, unlike that of an animal, are positioned with their edges facing the body cavity; this results in large gaps between the ribs – thus, when a bird suffers any type of blow, the lung is able to expand into the gaps between the ribs, and remain intact*).

The *Gemora* asks: But surely, since Rabbi Yochanan has said that it has lungs, and they are like rose petals situated immediately beneath the wings, it follows that Chizkiyah was of the opinion that it has no lungs at all?

The *Gemora* answers: Rather, it has been said in the West in the name of Rabbi Yosi, the son of Rabbi Chanina: It is evident from the statement of Beribi (*Chizkiyah*) that he knew nothing of the meat of chickens. [*He was not accustomed to eating chicken meat. Rashi says that this is a witticism demonstrating that he made a mistake.*]

Rav Huna said in the name of Rav: If the thighbone of a bird was dislodged, it is permitted (*for it is able to somewhat support itself with its wings*).

Rabbah, the son of Rav Huna, said to Rav Huna: But the Rabbis who came from Pumbedisa reported the teaching of Rav Yehudah in the name of Rav as follows: If the thighbone of a bird was dislodged, it is *tereifah*!?

He replied: My son, every river has its own course. [Some rivers rush, and some stay still; so too every region has its own customs. Rav indeed was of the opinion that if the thighbone of the bird was dislodged it was permitted, but in Pumbedisa, the practice was to regard it as *tereifah*. Rav, when he was there, kept silent, and did not overrule the prevailing custom. This caused Rav Yehudah to think that Rav also held it to be *tereifah*.]

Rabbi Abba once went and found Rabbi Yirmiyah bar Abba examining a bird at the juncture of the sinews (to see if they were all intact). Rabbi Abba said: Why does the master go through all this trouble? Has not Rav Huna said in the name of Rav that if the thighbone of a bird was dislodged it is permitted? [Now, if the thigh is amputated, it is kosher; then, if the sinews (by the ankle) have been severed, it should certainly be kosher!?] He replied: I only know of the following *Mishna*: If the hindlegs of an animal were cut off below the joint (by the ankle), it is permitted; above the joint, it is *tereifah*. And similarly, if the juncture of the sinews was removed, it is *tereifah*. And Rav has said: The same is the law in the case of a bird.

The *Gemora* asks: Then is there not here a contradiction between the two statements of Rav? [Rav rules that if the juncture of the sinews (by the ankle) in a bird was removed, it would be *tereifah*, and yet, he also rules that if the thighbone was dislodged, it is not *tereifah*!?] Rabbi Yirmiyah remained silent.

Rabbi Abba suggested: Perhaps Rav makes a distinction between a limb dislodged and a limb severed. [Where the limb was dislodged at the joint, although the juncture of the sinews is removed entirely, the animal is permitted, but

where the limb or sinews were cut in the middle of a bone, it would be *tereifah*, for this injury would be fatal.]

Rabbi Yirmiyah then said: Are you yourself suggesting this distinction in Rav? Rav has expressly stated so: If the thighbone was dislodged, it is permitted, but if it was cut off (even the juncture of the sinews), it is *tereifah*. And do not wonder (how this can be – that a defect by the thigh can be less serious than the one by the ankle), for if it is cut in one place it will die, and if it is cut in another place it will live!

When Rabbi Abba went up to *Eretz Yisroel*, he found Rabbi Zeira sitting and saying as follows: Rav Huna said in the name of Rav: If the thighbone of a bird was dislodged, it is *tereifah*. Rabbi Abba said to him: By the master's life! Since the day you left to go up here, we had an opportunity of asking Rav Huna about this, and he told us: If the thighbone of a bird was dislodged, it was permitted. And I once found Rabbi Yirmiyah bar Abba examining a bird at the juncture of the sinews (to see if they were all intact), and I said: Does the master not hold of that which Rav Huna said in the name of Rav that if the thighbone of a bird was dislodged it is permitted? [Now, if the thigh is amputated, it is kosher; then, if the sinews (by the ankle) have been severed, it should certainly be kosher!?] He replied: I only know of the following *Mishna*: If the hindlegs of an animal were cut off below the joint (by the ankle), it is permitted; above the joint, it is *tereifah*. And similarly, if the juncture of the sinews was removed, it is *tereifah*. And Rav has said: The same is the law in the case of a bird. And I asked him: Then is there not here a contradiction between the two statements of Rav? [Rav rules that if the juncture of the sinews (by the ankle) in a bird was removed, it would be *tereifah*, and yet, he also rules that if the thighbone was dislodged, it is not *tereifah*!?] Rabbi Yirmiyah remained silent. So I suggested: Perhaps Rav makes a distinction between a limb dislodged and a limb severed. [Where the limb was dislodged at the joint, although the juncture of the sinews is removed entirely, the animal is permitted, but where the limb or sinews were cut in the middle of a bone, it would be *tereifah*, for this injury would be

fatal.] Rabbi Yirmiyah then said to me: Are you yourself suggesting this distinction in Rav? Rav has expressly stated so: If the thighbone was dislodged, it is permitted, but if it was cut off (*even the juncture of the sinews*), it is *tereifah*. And do not wonder (*how this can be – that a defect by the thigh can be less serious than the one by the ankle*), for if it is cut in one place it will die, and if it is cut in another place it will live! Now (*R' Abba asked R' Zeira*), what further traditions do you have regarding it?

Rabbi Zeira replied: Rabbi Chiya bar Ashi said in the name of Rav: If the thighbone of a bird was dislodged, it is *tereifah*.

And Rabbi Yaakov bar Idi also said in the name of Rabbi Yochanan: If the thighbone of a bird was dislodged, it is *tereifah*. And Rabbi Yaakov bar Idi further said: Had Rabbi Yochanan been present there when his colleagues ruled that it was permitted, he would not have made a move against it, for Rabbi Chanina reported in the name of Rebbe: If the thighbone of a bird was dislodged, it is permitted. Indeed, Rabbi Chanina himself once had a hen whose thighbone had become dislodged and he brought it to Rebbe, and Rebbe declared it to be permitted. Rabbi Chanina preserved it in salt and used it to demonstrate the law to his students, saying, "This did Rebbe permit to me, this did Rebbe permit to me."

The *Gemora* issues a ruling: The law, however, does not follow any of the above opinions (*that rule it to be permitted*), but rather, it is as stated in the following incident: Rabbi Yosi ben Nehorai asked Rabbi Yehoshua ben *Levi*: How large must a hole in the trachea be (*in order to render the animal tereifah*)? He replied: We have learned it as a clear *Mishna*: Up to an Italian *issar*. Rabbi Yosi ben Nehorai retorted: But there was a ewe in our neighborhood in whose trachea there was a large hole, and they inserted in it a sheath of a reed and it recovered! He replied: And can you rely upon this? Is not the accepted widespread law in Israel that if the thighbone of a bird is dislodged it is *tereifah*? And nevertheless, it is related that Rabbi Shimon ben Chalafta had a hen whose thighbone was dislodged, and they

prepared for it a tube of reed (*as a splint*), and it recovered! You can only say (*in explanation that it healed*) that it was within twelve months (*of the injury, but afterwards, it died*); so in the case of the ewe as well, you must say that it recovered within twelve months (*of the injury, but afterwards, it died*). [*Evidently, the halachah is that if the thighbone of a bird is dislodged it is tereifah!*] (57a – 57b)

Signs of a Tereifah

It was said of Rabbi Shimon ben Chalafta that he was an experimenter in all things. Indeed he once made an experiment to disprove Rabbi Yehudah's opinion, for we have learned: Rabbi Yehudah says: If its down was removed, it is invalid. Now, Rabbi Shimon ben Chalafta once had a hen whose down was removed. He put it into the oven, wrapped it in the warm leather apron used by coppersmiths, and it grew down even thicker than the original ones.

The *Gemora* asks: But perhaps Rabbi Yehudah maintains that a *tereifah* can improve (*temporarily, before eventually dying from its defect*)?

The *Gemora* answers: Surely not in that very physical blemish which rendered it *tereifah*! For here, it grew down even thicker than the original ones.

The *Gemora* asks: Why was he called an experimenter?

Rav Mesharsheya said: [*It was based upon the following:*] It is written: *Go to the ant, you sluggard; consider her ways and be wise; which having no chief, overseer, or ruler, she prepares her bread in the summer.* Rabbi Shimon ben Chalafta said: I shall go and find out whether it is true that they have no king. He went at the summer season and spread his coat over an ant hill (*to provide shade, which the ants crave*). When one ant came out, he marked it, and it immediately entered and informed the others that shade had fallen, whereupon they all came out. He then removed his coat and the sun beat down upon them. Immediately,

they set upon this ant and killed it (*for misleading them*). He then said: It is clear that they have no king, for otherwise, they would surely have needed to obtain royal permission (*to execute that ant*)!

Rav Acha, the son of Rava, said to Rav Ashi: But perhaps the king was with them, or they had royal permission (*from beforehand*), or it was during a time that was in between kings, as it is written: *In those days there was no king in Israel: every man did that which was right in his own eyes!* Rather, you must take the word of Solomon for it.

Rav Huna said: The test for a (*possible*) *tereifah* is twelve months. [*If it survives for that long, it is an indicator that it is not tereifah.*]

The *Gemora* asks from the following *braisa*: The test for a *tereifah* is that it cannot bear young. Rabban Shimon ben Gamliel says: If it improves in health, it is certainly fit; if it deteriorates, it is certainly *tereifah*. Rebbe says: The test for a *tereifah* is (*survival for*) thirty days. But they said to him: Is it not known that many *treifos* continue to live for two or three years?

The *Gemora* answers: *Tannaim* differ in this, for it was taught in a *braisa*: If there was one long hole in the skull, or even if there were many small holes in it, they combine to make up the measure of a hole bored by a drill (*and if it is larger than that, the skull will no longer convey tumah to people or vessels that are in the same room or under the same roof; this law applies to tereifah as well*). Rabbi Yosi ben haMeshullam said: It happened at Einbul that a person had a hole in his skull (*the size of a drill hole*) and they put over it a plaster of a gourd shell and he lived! Rabbi Shimon said to him: Is there a proof from that? It happened in the summer season, but when winter set in, he died.

Rav Acha bar Yaakov said: The *halachah* is that a *tereifah* animal can bear young, and can also improve. (57b)

INSIGHTS TO THE DAF

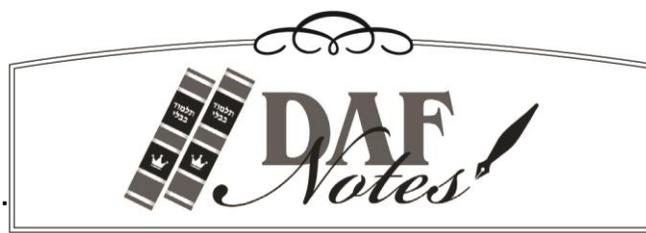
A tereifah does not give birth: Why, and how should we regard a tereifah that gave birth?

An animal that was harmed in one of its organs and which therefore cannot live over 12 months is a *tereifah* forbidden to be eaten (that is the halachah; see Chulin 42a in the *sugya* concerning if a *tereifah* can live). A *tereifah* can also not be a sacrifice and our *sugya* explains that even non-Jews (*bnai Noach*), who may bring a sacrifice with a defect (*moom*), must not offer a *tereifah*. This we learn from Noach who, when he left the ark, offered sacrifices from the animals that survived in the ark and the *Gemora* interprets from the verses that *tereifah* animals did not enter it. The *Gemora* explains apropos that there is a difference of opinions as to whether a *tereifah* can give birth.

The halachah was ruled (Rambam, *Hilchos Shechitah*, 11:1; *Shulchan 'Aruch*, Y.D. 57:18) that a *tereifah* does not give birth. Therefore, if there is a **doubt** as to if a certain animal is *tereifah*, if it gives birth we may rely on the fact as proof that it is not *tereifah*.

Logic dictates that, similarly, if an animal was **assumed** (***muchzak***) to be *tereifah*, and it gave birth, the event removes that assumption. Still, the *poskim* ruled (*Remo*, *ibid*, according to the *Rishonim*) that a *tereifah* that gave birth does not escape the definition of *tereifah*; only a doubtful *tereifah* that gave birth escapes the definition of a *tereifah*. There are two approaches to understand the issue.

Some believe that the assertion that a *tereifah* does not give birth is uncertain. Therefore, if a *tereifah* gives birth, we must assume that it belongs to the minority of *treifos* that can give birth. Only if a doubtful *tereifah* gives birth, we may say that as most *treifos* don't give birth, it makes sense that this animal is not *tereifah* (*Meiri*, Chulin 42a; *Pri Megadim* in *Sifsei*



Da'as, 30, S.K. 5, concerning the 12 months; and *Pleisi* and *Ksav Sofer*, concerning birth).

The Rashba: “Maybe you forgot or erred.” On the other hand, when the Rashba was asked (Responsa, I, 98) how we should regard a *tereifah* that gave birth, he responded sharply that this couldn't be so “and it is as if you testify about something impossible that you saw it...maybe you forgot or erred or maybe you erred about the time or maybe this animal was exchanged for another.” He wasn't satisfied till he wrote that if anyone saw a *tereifah* give birth, “the witness should be negated and a thousand like him, but we could never negate a point agreed upon by the holy *chachamim*, the prophets and the sons of the prophets and things that were said to Moshe at Mount Sinai”. In his opinion, the assertion that a *tereifah* does not give birth applies to all animals without exception.

Close surveillance of a *tereifah*: Still, how should we regard a case where a *tereifah* was carefully watched and everyone sees that it gave birth or that it lived over 12 months? The Rashba says that such an event would force us to admit that a miracle occurred, for a *tereifah* does not naturally give birth (and see *Shach*, Y.D. 57, S.K. 48; *Pri Chadash*, *ibid*, S.K. 50; and see at length in the following article).

We now know that according to all opinions, if an animal was doubtfully *tereifah* and gave birth, it escapes the definition of *tereifah*. We must still clarify if the birth alone proves that it wasn't *tereifah* or if its conception **and** begetting prove thus. The difference would be if a doubt of *tereifah* arose regarding an animal already pregnant. Is its giving birth proof that it is not *tereifah*?

Why can't a *tereifah* give birth? In order to answer this question we must clarify the reason why a *tereifah* cannot give birth. Is it because it cannot conceive or because giving birth is too hard for it or because of both reasons together? If a *tereifah* can't give birth because it can't **become** pregnant, an animal that was pregnant before the doubt

arose did not prove by its giving birth that it is not *tereifah*. However, if a *tereifah* cannot give birth because the birth itself is too hard for it, the animal escaped the definition of *tereifah*. (see Meiri, Chulin 57b; *Pri Megadim*, preface to *Hilchos Treifos*; *Behag*, *Hilchos Treifos*; *Machazik Berachah*, Y.D. 57, S.K. 14, concerning the opinion of Rambam, *Sefer HaTrumos* and *Smag*; *Shulchan 'Aruch*, Y.D. 57:18, that only pregnancy **and** birth are signs in a doubtful *tereifah*; *Yam shel Shlomo*, Chulin, Ch. 3, §80; *'Atzei Beroshim*, 31; *Chikrei Lev*, Y.D. 27).

DAILY MASHAL

It was taught in a *braisa*: Rabbi Meir used to expound this verse as follows: *He has made you and established you*. Israel is like a community where everything can be found in it: From them come their priests, their prophets, their princes, and their kings, as it is written: *Out of them shall come forth the cornerstone, out of them the peg*, etc.

Rav Tzadok HaKohen mi'Lublin writes: The intention here is that the advantages of a Kohen, prophet or King is not inherently possessed, but rather it emanates from the Nation of Israel, and from that group, these individuals were chosen. That is why when the Jewish people were in a banned state, Hashem did not appear to Moshe, for although Moshe did not sin and he was as worthy as before, the Jewish people had sinned, and he was a product of them. During the times of the Temple Destruction, prophecy ceased even though the Prophets themselves had not sinned. A king is appointed from amongst his brothers; the Nation of Israel lifts him up and takes him as their king. It is from the depths of their hearts that he is able to rule and to lead. This applies even to the sanctity bestowed upon the Kohanim and Levim, for although it is based upon their lineage, it is only on account of the holiness amongst Israel that they were able to become elevated to an even stronger degree.