



Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

### **Prohibitions in Cases of Doubt**

The *braisa* had stated: They said to him: But the sounding of the *shofar* in the boundaries (*outside of the Temple area, where it is not blown when Rosh Hashanah falls out on Shabbos*) could prove otherwise, for even though in a case of certainty (*when one is obligated in the mitzvah*) it does not override the *Shabbos*, yet it does override the festival in a case of doubt. [*So perhaps one would be obligated to cover the blood of a koy slaughtered on the festival.*]

The *Gemora* wishes to clarify the meaning of the case of doubt. It cannot mean the uncertainty if the day is a weekday or a festival (*as there are two days of Rosh Hashanah, and perhaps the actual day of Rosh Hashanah is the other day*), for if the obligation to blow the *shofar* overrides a definite festival, it certainly overrides a questionable festival!

Rather, it was referring to a person who might possibly be a man and might possibly be a woman (*and although a woman is not obligated in the mitzvah of shofar, this person’s obligation overrides the definite festival*).

The *Gemora* notes that Rabbi Yosi follows his own reasoning that a woman also blows the *shofar* on *Rosh Hashanah*, for it was taught in a *braisa* (*regarding the issue of semichah - part of the sacrifice ceremony when the person bringing a korban in the Beis Hamikdosh would lean on the animal’s head before it was slaughtered*). Rabbi Yosi and Rabbi Shimon rule that women can perform *semichah* if they so desire (*even though they are not obligated in it; from which we conclude that they generally permit women to perform mitzvos on a*

*voluntary basis, even when they are not obligated in them*). (84b – 85a)

### **Mishna**

If a person slaughtered a *chayah* or a bird and it was found to be *tereifah*, or if he slaughtered it for the sake of idolatry, or if he slaughtered that which was unconsecrated inside the Sanctuary, or he slaughtered that which was consecrated outside the Temple Courtyard, or if he slaughtered a *chayah* or a bird that was sentenced to be stoned, Rabbi Meir says that he is obligated to cover up the blood, but the Sages say that he is exempt. If he slaughtered a *chayah* or a bird and it became a *neveilah* through his hand, or if he stabbed it, or he tore away its pipes, he is not required to cover its blood. (85a)

### **Shechitah she’ainah Re’uyah**

Rabbi Chiya bar Abba said in the name of Rabbi Yochanan: Rebbe approved of Rabbi Meir’s opinion in connection with the law of ‘*oso v’es b’no*’ (*that a slaughtering which does not render the animal fit for consumption is still regarded as a shechitah, and one would be liable for slaughtering it and its offspring*) and stated it in the *Mishna* as the view of the Sages, and he approved of Rabbi Shimon’s opinion in connection with the law of covering up the blood (*that a slaughtering which does not render the animal fit for consumption is not regarded as a shechitah, and one would not be required to cover its blood*) and stated it in our *Mishna* as the view of the Sages.

The *Gemora* asks: What is Rabbi Meir's reason with regard to the law of 'oso v'es b'no'?

Rabbi Yehoshua ben Levi answered: He derives it through a *gezeirah shavah* (one of the thirteen principles of Biblical hermeneutics; it links two similar words from dissimilar verses in the Torah) made from the term 'shechitah' used both here (*oso v'es b'no*) and in connection with the slaughtering of consecrated animals outside the Courtyard. Just as there a slaughtering which does not render the animal fit for consumption is regarded as a *shechitah*, so too here (in connection with *oso v'es b'no*), a slaughtering which does not render the animal fit for consumption is regarded as a *shechitah*.

Rabbi Mani bar Patish explains Rabbi Shimon's reasoning: He derives it from the following verse: *Slaughter a slaughtering and prepare the meat*. Just as there the slaughtering rendered the animal fit for consumption, so too here, the slaughtering must render the animal fit for consumption.

The *Gemora* explains that Rabbi Meir does not derive that way, for one may infer 'shechitah' from 'shechitah,' but one may not infer 'shechitah' from 'tevichah.'

The *Gemora* asks: But why should that make a difference? Wasn't it taught by the Academy of Rabbi Yishmael that one can derive a *gezeirah shavah* from "v'shav ha'Kohen" and "u'va ha'Kohen" as they are both terms meaning "and he will come/return?"

The *Gemora* answers: This variation makes no difference only where there is no alternative analogy based on identical expressions, but where there is an alternative analogy based on identical expressions, we must then make the analogy from the identical expressions.

The *Gemora* asks: And why doesn't Rabbi Shimon derive it by analogy from the law of consecrated animals slaughtered outside the Courtyard?

The *Gemora* answers: One may derive by analogy unconsecrated animals from unconsecrated animals, but not unconsecrated from consecrated.

The *Gemora* explains that Rabbi Meir does not consider this argument for the law of 'oso v'es b'no' applies as well to consecrated animals.

The *Gemora* notes that this is why Rabbi Chiya bar Abba said in the name of Rabbi Yochanan that Rebbe approved of Rabbi Meir's opinion in connection with the law of 'oso v'es b'no' and stated it in the *Mishna* as the view of the Sages.

The *Gemora* asks: What is Rabbi Meir's reason with regard to the law of covering up the blood?

Rabbi Shimon ben Lakish answered: He derives it through a *gezeirah shavah* made from the term 'spilling' used both here and in connection with consecrated animals slaughtered outside the Courtyard. Just as there a slaughtering which does not render the animal fit for consumption is regarded as a *shechitah*, so too here (in connection with covering up its blood), a slaughtering which does not render the animal fit for consumption is regarded as a *shechitah*.

The *Gemora* explains that Rabbi Shimon maintains that since it is written 'that may be eaten' (with regards to covering up its blood, it must be a slaughtering that renders the animal fit for consumption).

Rabbi Meir disagrees, for he holds that this expression serves to exclude nonkosher birds (from the law of covering up the blood).

The *Gemora* explains that Rabbi Shimon does not consider this argument for a nonkosher bird is excluded because it may not be eaten; then a *tereifah* too may not be eaten.

The *Gemora* notes that this is why Rabbi Chiya bar Abba said in the name of Rabbi Yochanan that Rebbe approved of Rabbi Shimon's opinion in connection with the law of covering up the blood and stated it in the *Mishna* as the view of the Sages.

Rabbi Abba said: Not for all things did Rabbi Meir say that a slaughtering which does not render the animal fit for consumption is regarded as a *shechitah*. Indeed, Rabbi Meir would agree that such a *shechitah* does not render the animal permitted to be eaten. Similarly, not for all things did Rabbi Shimon say that a slaughtering which does not render the animal fit for consumption is not a *shechitah*. Indeed, Rabbi Shimon would agree that such a *shechitah* renders the animal pure from the *tumah* of *neveilah*.

The master has stated: Not for all things did Rabbi Meir say that a slaughtering which does not render the animal fit for consumption is regarded as a *shechitah*. Indeed, Rabbi Meir would agree that such a *shechitah* does not render the animal permitted to be eaten. Is this not obvious? Would a *tereifah* be permitted for consumption by its *shechitah*?

The *Gemora* answers: It was only necessary to be stated concerning the case where one slaughtered a *tereifah* and found in its womb a living nine-month fetus. Now I might have thought that since Rabbi Meir maintains that a slaughtering which does not render the animal fit for consumption is regarded as a *shechitah*, perhaps the *shechitah* of its mother should be effective for it as well, and it should not require *shechitah*; he therefore teaches us that this is not so.

The *Gemora* asks: How could you have thought so? Doesn't Rabbi Meir hold that a *ben pekuah* (*living fetus*) extracted from its slaughtered mother's womb requires *shechitah*?

The *Gemora* answers: This was necessary to be stated since Rebbe agrees with Rabbi Meir in one respect and with the Rabbis in another. He agrees with Rabbi Meir that a slaughtering which does not render the animal fit for

consumption is regarded as a *shechitah*. And he agrees with the Rabbis that the *shechitah* of its mother renders it permitted. Now, since the Rabbis maintain that the *shechitah* of its mother renders it permitted, then in this case as well, where the mother was a *tereifah*, I would say that the *shechitah* of the mother should be effective for it as well and it should not require *shechitah*; he therefore teaches us that this is not so.

Rabbi Abba had stated: Not for all things did Rabbi Shimon say that a slaughtering which does not render the animal fit for consumption is not a *shechitah*. Indeed, Rabbi Shimon would agree that such a *shechitah* renders the animal pure from the *tumah* of *neveilah*. Is this not obvious? Rav Yehudah said in the name of Rav, and others say that it was taught in a *braisa*: *And if there shall die from the animals*. The word "from" indicates that some animals (*which are neveilos*) contaminate, and some animals do not. And which is it (*that does not contaminate*)? A *tereifah* which was slaughtered! [Evidently, it is not a matter of dispute that a *tereifah* which is slaughtered does not contaminate at all!]

The *Gemora* answers: It was only necessary to be stated concerning the case where one slaughtered an unconsecrated animal which was a *tereifah* in the Courtyard, for it was taught in a *braisa*: If one slaughters an animal which is a *tereifah*, or he slaughters it and it was found to be a *tereifah*, and they both were unconsecrated animals slaughtered in the Temple Courtyard, Rabbi Shimon permits the animal for benefit (*for he holds that a shechitah which does not render the animal fit to be eaten is not considered a shechitah*), whereas the Sages prohibit it. Now, I might have argued that since Rabbi Shimon holds that one is permitted to derive benefit from it, evidently there was no *shechitah* at all, consequently, it does not even render the animal pure from the *tumah* of *neveilah*; he therefore teaches us that this is not so.

Rav Pappa said to Abaye: Is Rabbi Shimon of the opinion that unconsecrated animals slaughtered in the Courtyard are



Biblically forbidden? [This appears to be Rabbi Shimon's view based upon the following: If he were to hold that it would be Biblically permitted to derive benefit from an unconsecrated animal slaughtered in the Courtyard, but it was forbidden by Rabbinic enactment because of the concern that people, seeing one eat the meat of such an animal outside the Courtyard, might be misled in believing that one may eat consecrated meat outside the Courtyard — then there is no valid reason to differentiate between an ordinary chullin animal and a shechitah of a tereifah animal, since even with respect of a tereifah, there is the apprehension that people will believe that one may derive benefit from a disqualified consecrated animal. If it is a Biblical prohibition, the distinction can be based on what is regarded as a shechitah, and what is not.]

He replied: Yes, he is. For we have learned in a *Mishna*: An unconsecrated animal, which was slaughtered in the Temple Courtyard, should be burned. And so too, if a wild species was slaughtered there, it must be burned. [Now, if it would only be Rabbinically forbidden, they would not have extended this decree to a wild species, which cannot be used as a *korban*!] Now, if you say that they are Biblically forbidden, we therefore forbid *chayos* on account of *beheimos*. But if you say that they are Rabbinically forbidden, it is indeed difficult. For the reason that the Rabbis decreed that it is forbidden to eat the meat of these animals was in order that one should not come (*mistakenly*) to eat consecrated food outside the Courtyard. This in itself is a precautionary measure; shall we come and issue another precautionary decree (*by chayah*) just to protect the initial precautionary decree (*of beheimah*)? (85a – 85b)

#### INSIGHTS ON THE DAF

#### THE "SHECHITAH" OF A "TEREIFAH" DOES NOT PERMIT THE FETUS

Rebbi Ami says that when Shechitah is done to a Tereifah, and a nine-month-old fetus is found inside of it, the fetus

requires its own Shechitah in order to permit its consumption.

Why does the Shechitah of the mother not permit the fetus? Even though the Shechitah does not permit the mother to be eaten, this is not because of any deficiency in the act of Shechitah (indeed, the Shechitah works for the mother in preventing it from becoming a Neveilah). Rather, it is because the mother has a blemish that renders it a Tereifah. Since the Shechitah was done properly, it should permit the fetus.

The **KEHILOS YAKOV** (#20) cites **CHIDUSHEI REBBI AKIVA EIGER** who explains that the concept of "Arba'ah Simanim Achsher Bei Rachmana" (the fetus becomes permitted either by cutting its mother's two Simanim, or by cutting its own two Simanim) means that there are two ways to permit the fetus. According to the first way, the fetus is considered merely a part of its mother's body, and thus the Shechitah of its mother suffices. According to this logic, if the mother is a Tereifah, then the fetus is considered a Tereifah as well, since it is part of the mother's body.

According to the second way to permit the fetus, the fetus is considered an independent entity. Since it is an independent entity, it requires Shechitah itself. The Kehilos Yakov writes that this is the intention of **RASHI** (75b, DH Ta'un, and 75a, DH Oser) who writes that the fetus of a Tereifah animal does not become permitted by the Shechitah of its mother, "because it would then be considered like one of her limbs." That is, if we would rely on the Shechitah of its mother to permit the fetus, then we would be forced to say that it is part of the body of a Tereifah animal.

The Kehilos Yakov writes another approach in the name of **RAV CHAIM SOLOVEITCHIK**. Rav Chaim explains that the Shechitah of a Tereifah is indeed an improper act of Shechitah. A number of conditions must be met in order for the Shechitah to be a proper act of Shechitah (for example, the knife must be fit for Shechitah, the Shochet must be a





Jew, the act must be done in the proper way and not with Shehiyah, Derasah, etc.). One of those conditions is that the animal must fit to be eaten. Since a Tereifah is not fit to be eaten, the Shechitah is lacking one of its necessary conditions.

Rav Chaim cites the **RAMBAM** (Hilchos She'ar Avos ha'Tum'os 2:10) who states that an animal slaughtered by a Nochri is a Neveilah and is Metamei b'Masa. The Rambam writes that it seems to him that this Tum'ah is only mid'Rabanan. "Even though it is forbidden to eat it mid'Oraisa, not everything that is forbidden to eat is Tamei, as we find that a Tereifah is forbidden to eat but nevertheless is Tahor." Why does the Rambam compare the Shechitah performed by a Nochri to the Shechitah of a Tereifah. The Shechitah performed by a Nochri renders the animal a Neveilah, because the act of Shechitah itself is lacking (it was not performed by a Jew), while the Shechitah of a Tereifah is a valid Shechitah, and the problem is not in the Shechitah but in the animal!

It must be that the Rambam understands that there is a problem in the actual act of Shechitah of a Tereifah. Even though the Shechitah serves to prevent the animal from becoming a Neveilah (and being Metamei), the Shechitah is not effective in permitting the animal to be eaten. With regard to eating the animal, the Shechitah is invalid (but, nevertheless, the animal is not Tamei). Similarly, the Shechitah performed by a Nochri does not permit the animal to be eaten, but the animal is also not Metamei (mid'Oraisa).

The **BRISKER RAV**, the son of Rav Chaim, cites another proof for this view from the words of the Rambam elsewhere. The Rambam (Hilchos Ma'achalos Asuros 4:17) states that one who ate half of a k'Zayis of one Isur and half of a k'Zayis of a different Isur is not punished with Malkus, because he did not eat a full k'Zayis of one Isur. The only exception to this rule is one who ate half of a k'Zayis of Neveilah and half of a k'Zayis of Tereifah. The Rambam rules that he receives Malkus because "a Tereifah is the beginning of the process

that leads to Neveilah." We learn from here that the Isur of Tereifah is similar to that of Neveilah inasmuch as both are Isurim that render the Shechitah invalid.

## DAILY MASHAL

### *A Father Has No Excuses*

The Gemara says "He should honor his wife and children with more than what he has because they depend on him and he depends on Him who spoke and the world was created." HaGaon Rav Chayim Shmuelevitz zt"l said that this means that a person upon whom others rely gets special Heavenly assistance. Moshe said to Hashem, "Did I give birth to all these people?... Whence do I have meat to give to all these people, that they cry to me, saying "Give us meat and we shall eat" (Bemidbar 11:12-13). And if you gave birth to them, you do have meat? But if you begot them, you necessarily have the ability to give to all the people. A father has no excuses! (*Sichos Musar*, 26, 5732).