



Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h

Tzvi Gershon ben Yoel (Harvey Felsen) o”h

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

Moths in Flax

The flax of Rabbi Chiya was infested with moths, and he came to Rebbe (*for advice*). Rebbe said to him: Take a bird and slaughter it over the trough of water (*where the flax is soaking*), so that the moths will smell the blood and leave.

The *Gemora* asks: How was he permitted to do so (*without covering up the blood*)? Surely it has been taught in a *braisa*: If one slaughters, even if he only needs the blood, he must cover it. If he only wants the blood, he should stab it or dislodge the pipes.

The *Gemora* answers: When Rav Dimi came (*from Eretz Yisroel*) he reported that Rebbe had said to Rabbi Chiya: Go and render it *tereifah* (*and then slaughter it; and since it will be unfit for consumption, there will be no requirement to cover up its blood – according to R’ Shimon*). When Ravin came (*from Eretz Yisroel*) he reported that Rebbe had said to Rabbi Chiya: Go and stab it (*by its pipes*).

The *Gemora* asks: Why doesn’t he who says that he told him to make it *tereifah* accept the other opinion that he told him to go and stab it? Perhaps you will say that it is because Rebbe is of the opinion that by Biblical law, a bird does not require *shechitah*, and therefore stabbing is equivalent to slaughtering that is required (*and therefore its blood would still need to be covered up*), but it has been taught in the following *braisa* otherwise: Rebbe says: *You may slaughter . . . as I have commanded you*. This teaches us that Moshe was commanded regarding the esophagus and the trachea, and regarding the (*cutting of the*) greater part of one of these pipes in the case of a bird, and the greater part of both pipes in the case of animals.

The *Gemora* answers: This is a case of ‘it was not necessary to state.’ It was not necessary to state that the advice to go and stab it would have been fine (*and that would have exempted him from covering the blood*), for then, there would have been no *shechitah* at all; but when given the advice to go and render it *tereifah*, one might argue and say that a slaughtering which does not render fit for consumption is nevertheless regarded as a *shechitah*, and consequently, its blood must be covered up; he therefore teaches us like Rabbi Chiya bar Abba (*reported above; that Rebbe concurs with R’ Shimon that with respect to the obligation of covering the blood, a slaughtering which does not render fit for consumption is not regarded as a shechitah*).

The *Gemora* asks: Why doesn’t he who says that he told him to go and stab it accept the other opinion that he told him to go and make it *tereifah*? Perhaps you will say that it is because Rebbe is of the opinion that a slaughtering which does not render fit for consumption is regarded as a slaughtering, this cannot be, for Rabbi Chiya bar Abba stated in the name of Rabbi Yochanan that Rebbe concurred with Rabbi Shimon’s opinion in connection with the law of covering up the blood and therefore stated it in our *Mishna* as the view of the Sages?

The *Gemora* answers: This is a case of ‘it was not necessary to state.’ It was not necessary to state that the advice to go and render it *tereifah* would have been fine (*and that would have exempted him from covering the blood*), for a slaughtering which does not render the animal fit for consumption is not a *shechitah*; But when given the advice to go and stab it, one might argue and say that by Biblical law a bird does not require to be slaughtered, and stabbing is all the slaughtering that is required, and consequently, its blood must be covered up; he therefore teaches us that this is not so, because of the verse: *As I have commanded you*.

The *Gemora* asks: How could it have happened that his flax was infested with moths? Didn't Ravin bar Abba, and others say that Rabbi Avin bar Sheva, say that from the time that the people of the Exile came up to *Eretz Yisroel*, there ceased to be there shooting stars, earthquakes, storms and thunders, and their wines never soured, and their flax was never afflicted? And the Sages set their eyes upon Rabbi Chiya and his sons (*that it was in their merit that brought this about!*)

The *Gemora* answers: Their merits benefitted others, but not themselves.

This is like Rav Yehudah said in the name of Rav: Every day, a Heavenly voice broadcasts: The entire world eats on account of Chanina, my precious son, yet Chanina, my precious son (*is so poor, yet he*) is satisfied with no more than a small quantity of carobs from one *Shabbos* eve to the next. (85b – 86a)

Mishna

If a deaf-mute, a deranged person or a minor slaughtered while others watched them (*and the shechitah was a valid one*), one must cover up the blood; but if they slaughtered in private, one is exempt from covering up the blood. And similarly regarding the law of '*oso v'es b'no*': if they slaughtered while others watched them, it is forbidden to slaughter (*their offspring*) after them; but if they slaughtered in private, Rabbi Meir permits to slaughter after them, but the Sages forbid it. They agree, however, if a person did slaughter, he will not incur forty lashes. (86a)

Slaughtering of Deaf-mute, Deranged Person or a Minor

The *Gemora* asks: As to the Sages, why is it that in the first clause (*regarding the covering of the blood*), they do not argue, and in the second clause (*regarding oso v'es b'no*) they do?

The *Gemora* answers: It is because in the first clause, if they were to say that the blood must be covered up (*when the deaf-mute, a deranged person or a minor slaughtered in private*), people might think that the slaughtering was a valid one and would even eat from that which they slaughtered.

The *Gemora* asks: Then in the second clause too, since the Sages say that it is forbidden to slaughter (*the offspring*) after them, people might think that the slaughtering (*of the mother*) was a valid one and would even eat from that which they slaughtered!

The *Gemora* answers: In the second clause, people would say that he does not need meat (*at the moment, and that is why he is not slaughtering the offspring*).

The *Gemora* asks: Then in the first clause as well, people might say that he is covering up the blood in order to clean his yard (*and not because of the mitzvah*)?

The *Gemora* answers: Could this be said if he slaughtered by a garbage heap? Or could this be said if he came to ask for a ruling?

The *Gemora* counters: But according to your own reasoning, even in the case of the second clause, what would you say if he came to ask for a ruling? [*If you will tell him that it's forbidden to slaughter the offspring, people will think that the slaughtering of the mother was a valid one, and they will come to eat from its meat?*]

Rather, the *Gemora* answers, we must say that the Sages disagree with the entire teaching of the *Mishna* (*even regarding the covering of the blood*), but they merely waited until Rabbi Meir had concluded his words and then they expressed their dissent.

The *Gemora* asks: Now as to the view of the Sages, it is clear that they apply (*in a case of doubt*) the stricter rule (*and that is why they rule when these people slaughter that one must cover up the blood and that it is forbidden to slaughter the offspring after them*); but what is the reason for Rabbi Meir's ruling?



The *Gemora* answers: Rabbi Yaakov said in the name of Rabbi Yochanan that according to Rabbi Meir, one would be liable for eating *neveilah* if one were to eat of their slaughtering. Rabbi Ami explained that this is because in the majority of cases - what they do is bungled.

Rav Pappa said to Rav Huna the son of Rabbi Yehoshua, and others say that Rav Huna the son of Rabbi Yehoshua said to Rav Pappa: Why does he need to say that the majority of cases are bungled? The same would be the result if it were so only in a minority of cases, for since Rabbi Meir takes the minority into consideration - by adding the minority to the presumption (*the chazakah – the status quo that the meat is forbidden*), the majority is weakened? That Rabbi Meir holds like this can be proven from the following *Mishna*: If a child is found next to a batch of dough and he has some dough in his hand, Rabbi Meir says the dough is *tahor*. The *Chachamim* say it is *tamei*, as a child usually pokes through garbage (*and touches dead sheratzim, causing him and terumah he touches to become impure*). And the *Gemora* asked: What is Rabbi Meir's reasoning? The *Gemora* answered: Most children do poke around in the garbage, while a minority of children do not. The dough's status is that it was *tahor*. If we combine the minority with the *chazakah* of the dough, the majority loses its strength.

The *Gemora* answers: If they said so in a case of doubt concerning *tumah* to rule that it is *tahor*, will they also say in a case of doubt concerning a prohibition that it is permitted? [*No, he will not! The reason he rules that it is tahor is based upon the principle that something which does not have the intellect to be asked is tahor – the child cannot be asked if the dough became tamei, R' Meir rules that it remains tahor; here, the principle is that a doubt concerning a Biblical prohibition is treated stringently.*]

The *Gemora* notes that Rebbe decided a case according to the view of Rabbi Meir, and Rebbe also decided a case according to the view of the Sages.

The *Gemora* seeks to determine which was the later decision (*for it seems that Rebbe retracted from his initial opinion*).

The *Gemora* attempts to resolve this from the following incident. Rabbi Abba the son of Rabbi Chiya bar Abba and Rabbi Zeira were standing in the market of Caesaria at the entrance of the *Beis Medrash*. Rabbi Ami came out and found them standing there and said: Have I not told you that during discussions at the *Beis Medrash* you shall not stand outside? There may be someone within who is in difficulty about a matter and he might become confused (*and if you would have been inside, you could have resolved it for him*). Thereupon Rabbi Zeira went in but Rabbi Abba did not. Now inside they were sitting and considering the question as to which was the later decision. Rabbi Zeira said to them: You did not let me ask that old man (*Rabbi Abba*) about this (*and rather than tell us outside your difficulty, you insisted that I enter*). He might have heard something about this from his father (*Rabbi Chiya bar Abba*) and his father from Rabbi Yochanan, for Rabbi Chiya bar Abba used to review his studies in the presence of Rabbi Yochanan every thirty days.

The *Gemora* resolves this from the message which Rabbi Elozar had sent to the Exile: Rebbe decided in accordance with Rabbi Meir. Now, had he not decided according to the Sages as well? It must be, therefore, that the message sent was the later decision. This proves it. (86a – 86b)

Mishna

If a person slaughtered a hundred *chayos* in one place, one covering (*of the blood*) suffices for all. If he slaughtered a hundred birds in one place, one covering suffices for all. If he slaughtered a *chayah* and a bird in one place, one covering suffices for both. Rabbi Yehudah says: If he slaughtered a *chayah*, he should cover up its blood (*first*) and then slaughter the bird (*and cover its blood*). (86b)

One Covering



The *Gemora* cites a *braisa* which proves from Scripture that if a person slaughtered a hundred *chayos* in one place, one covering (*of the blood*) suffices for all, and if one slaughtered a hundred birds in one place, one covering suffices for all. If he slaughtered a *chayah* and a bird in one place, one covering suffices for both. Rabbi Yehudah says: If he slaughtered a *chayah*, he should cover up its blood (*first*) and then slaughter the bird (*and cover its blood*). (86b)

INSIGHTS ON THE DAF

Is one allowed to eat fowl before its blood has been covered?

Our *Mishna* explains that someone who slaughters a hundred birds in one place may cover their blood once and doesn't have to cover each blood separately. The question arises if it is allowed to eat the slaughtered fowl before the *shochet* covered its blood and the *poskim* disagreed, as follows.

The *Mishna* says (33a) that if an animal was slaughtered and no blood came out, it may be eaten. What is the *chidush*? The Raavan adds (222) to our *Mishna* that though there was no blood and the *shochet* did not observe the mitzvah to cover the blood, this doesn't matter because the mitzvah to cover the blood didn't apply at all, as there was no blood. We see, conclude the authors of *'Aroch HaShulchan* (28, S.K. 3) and *Ma'aseh Avraham* (Y.D. 10), that if the mitzvah to cover the blood applies, it is forbidden to eat the fowl till the mitzvah is observed. Only if the mitzvah didn't apply may it be eaten although the mitzvah wasn't observed.

However, Maharam ben Chaviv disagrees (*Responsa Kol Gadol*, 32) and maintains that fowl may be eaten before its blood is covered and he even brought proof from our *sugya*: In reward for what Avraham said – "...and I am dust and ashes" – his children earned the ashes of the red heifer and the dust for the wayward wife (*sotah*). The *Gemora* explains that the mitzvah to cover the blood, done with dust, is not counted among those mitzvos because by the mitzvos of the red heifer and the dust for the *sotah* we derive benefit, that people become pure and the *sotah* becomes clean of suspicion, but concerning the

mitzvah to cover the blood, there is no material benefit. Maharam ben Chaviv concludes that if it were forbidden to eat the fowl before its blood is covered, there would also be material benefit from the mitzvah to cover its blood, that now one may partake of the bird or wild animal... We thus see that a person may eat the meat of an animal whose blood is not yet covered. The Meiri agrees: "The required covering doesn't prevent eating the meat but as soon as it is slaughtered, it is permitted to eat; the covering doesn't prevent anything but it is a mitzvah in itself that doesn't serve to render meat fit to eat." As for the halachah, *Beis Yosef* ruled (Y.D. 28) according to *Orchos Chayim*, that the meat may be eaten before the blood is covered.

DAILY MASHAL

Covering the Blood Only for a Chayah or a Fowl

Why doesn't the mitzvah to cover the blood also apply to domesticated animals? The author of *Sefer HaChinuch* explains (mitzvah 187) that as the blood of sacrifices from domesticated animals is sprinkled on the altar and cannot be covered, the Torah didn't command to cover the blood of mundane domesticated animals to avoid making a difference between *kodoshim* and ordinary animals (and though also concerning sacrifices of birds, the blood is sprinkled, those sacrifices are few; see *ibid*).