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Blemished Animals

The *Gemara* now returns to the *Baraisa*, discussing its statements in more detail. The *Baraisa* said that all animals and birds were valid as sacrifices. Rav Huna says the source is the verse which states that after the flood Noach built an altar and offered on it from “all pure *beheimah* - animals and birds.” The word *beheimah* includes both domesticated and wild animals, so this verse includes domesticated and wild animals and birds, male or female, blemished or whole, but not any missing a limb.

Rabbi Elazar says: How do we know that an animal that is missing a limb cannot be brought as a *korban* (to Hashem) by a gentile? The verse says: *From all of the living (animals), from all flesh, two from each etc.* The Torah indicated that one must bring a *korban* from an animal whose limbs are alive (*i.e. intact*).

The *Gemara* asks: But this verse is needed to teach us that an animal which is a *tereifah* (*an animal with a physical defect that will cause its death; it is forbidden to be eaten even if it was slaughtered properly*) should not be brought into the Ark!?

The *Gemara* answers: This is derived from the verse: *to keep seed alive (for a tereifah cannot beget offspring)*.

The *Gemara* asks: This is true only according to the opinion that a *tereifah* cannot give birth, but according to the opinion who holds that a *tereifah* can give birth, what is there to say?

The *Gemara* answers: It may be derived from the verse: (*Noach was commanded to take animals into the Ark*) to be alive with you – this means that they should be similar to you (*and since Noach wasn't a tereifah, he should not bring in an animal that*

is a tereifah; for although they give birth, they are not healthy, and not so fit for the continuance of the world).

The *Gemara* asks: But perhaps Noach himself was a *tereifah*?

The *Gemara* answers: That cannot be, for it is written regarding Noach that he was *complete*.

The *Gemara* asks: But perhaps the Torah means that he was “*complete*” in his conduct with people?

The *Gemara* answers: That is known from the fact that it is written about him that he was *righteous*.

The *Gemara* asks: But perhaps the Torah means that he was “*complete*” in his conduct, and “*righteous*” in his deeds?

The *Gemara* answers: Noach could not have been a *tereifah*, for if Noach was indeed a *tereifah*, would the Torah have instructed him take in animals similarly affected, and keep out the whole ones (*what would be the logic in that?*)?

The *Gemara* asks: Now that we derive this from the verse *with you*, why do we need the phrase *to keep seed alive*?

The *Gemara* answers: *With you* might have meant that he should bring in animals that would just keep him company, even if they are old or sterile (*and cannot give birth*), therefore the Torah stated *to keep seed alive* (*to indicate to us that the purpose of bringing in these animals was to repopulate the world, and therefore, old and sterile animals would also be excluded*). (115b4 – 116a2)

Animals in the Ark

The *Baraisa* had stated: Prior to the erection of the Mishkan, the sacrifices offered needed to be kosher animals.

The *Gemara* asks: But were there kosher and non-kosher animals at that time? [*The Torah had not been given yet!?*]

Rabbi Shmuel bar Nachmeini answers in the name of Rabbi Yonasan: This means he should take animals that did not have a sin (*beastiality*) committed with them. How would he know? This is as Rav Chisda, for Rav Chisda said: He would pass them before the ark. Any animal that the ark accepted did not have a sin done to it. An animal that it did not accept had been used in sin. Rabbi Avahu says: He took those that came on their own (*and they only did so if they did not have a sin committed with them*). (116a2)

Sacrifices of the Noahites

The *Baraisa* had stated: Prior to the erection of the Mishkan, the sacrifices offered were all *olos*.

Only *olos*, but not *shelamim*!? But it is written: And they slaughtered bulls to Hashem as *shelamim* offerings! - The *Gemara* explains this to mean that *olos* were offered for all (*including the Noahites*); however, *shelamim* were only offered up for the Israelites.

This, the *Gemara* notes, is in accordance with the one who maintains that *shelamim* were not offered up for Noahites, for this is a matter disputed by Rabbi Elazar and Rabbi Yosi bar Chanina.

The *Gemara* cites the Scriptural sources for each opinion, and further notes what each *Tanna* uses the other verses for:

| verse | <i>Shelamim</i> were offered up for Noahites | <i>Shelamim</i> were not offered up for Noahites |
|--|--|--|
| <i>And as for Hevel, he also brought</i> | Only fats were offered, but not | From their fattest animals (<i>but they</i> |

| | | |
|--|--|--|
| <i>from the firstborn of his flock and from their fats</i> | the entire animal – proves that it was a <i>shelamim</i> | were <i>olos</i> , not <i>shelamim</i>) |
| <i>Be agitated, O north, and come, O south</i> | Referring to the gathering of the exiles | Be agitated, the nation whose sacrifices were slaughtered only on north (<i>olos</i>), and come, O nation, whose sacrifices are slaughtered by north and south (<i>shelamim</i>) |
| <i>And Moshe said, "Even you will place in our hands zevachim and olos and we shall offer them</i> | Proof that <i>shelamim</i> were offered | <i>Zevachim</i> means for eating, and <i>olos</i> were for sacrificing |
| <i>And Yisro, the father-in-law of Moshe took an olah and zevachim</i> | Proof that <i>shelamim</i> were offered | Referring to time after Torah was given |

The *Gemara* asks that this would be only according to the opinion who holds that Yisro came after the Torah was given; however, according to the opinion who maintains that Yisro came before the Torah was given, what is there to say? For it was stated: The sons of Rabbi Chiya and Rabbi Yehoshua ben Levi have a disagreement: One said that he came before the Torah was given and the other said that he came afterwards.

The *Gemara* answers: According to those who maintain that Yisro came before the Torah was given, we must say that they hold that the Noahites offered *shelamim*.

The *Gemara* notes that this dispute (*regarding Yisro's arrival*) is in fact argued by the *Tannaim*, for it was taught in a *Baraisa*: *And Yisro, the priest of Midian, heard*. What news did he hear

that he came and converted? Rabbi Yehoshua said: He heard of the battle with Amalek, for this is immediately preceded by: *And Yehoshua weakened Amalek and his people with the blade of the sword*. Rabbi Elazar of Modai said: He heard of the Giving of the Torah and came, for when the Torah was given to Israel the sound of Hashem's voice travelled from one end of the earth to the other, and all the kings of idol worshippers were seized with trembling in their palaces, and they sang a song, as it is written: *And in his palace all say, "Glory!"* They all gathered by the wicked Bilaam and asked him: What is this tumultuous noise that we have heard? Perhaps a flood is coming upon the world? He replied: The Holy One, Blessed be He, has already sworn that He will not bring another flood upon the world. Perhaps, they asked, He will not bring a flood of water, yet He will bring a flood of fire? He responded to them: He has already sworn that He will not destroy all flesh. Then, they asked him, what is the tumultuous sound that we have heard? He answered them: He has a precious treasure in His storehouse, which was hidden by Him for nine hundred and seventy-four generations before the world was created, and He has desired to give it to His children, as it is written: *Hashem will give strength to His nation*. Immediately they all commenced and exclaimed: *May Hashem bless His nation with peace*. Rabbi Elazar said: He heard about the splitting of the Sea of Reeds and came, for it is said: And it came to pass, when all the kings of the Emorites heard [...] how God had dried up the waters of the Jordan before the children of Israel]; and Rachav the harlot too said to Joshua's messengers [spies]: For we have heard how Hashem dried up the water of the Red Sea.

Why is, 'neither was there spirit in them any more' written in the first text, whereas in the second it says, 'neither did there remain [stand] any more spirit in any man'? — [She meant that] they even lost their virility. And how did she know this? — Because, as a master said: There was no ruler or leader who had not cohabited with Rachav the harlot. It was said: She was ten years old when the Israelites departed from Egypt, and she played the harlot the whole of the forty years spent by the Israelites in the wilderness. At the age of fifty she converted. She said: May I be forgiven as a reward for the cord, window, and flax. (116a2 – 116b1)

Idolater Offering on a Bamah Nowadays

The *Baraisa* had stated: And an idolater nowadays is allowed to offer a sacrifice on a *bamah*.

From where are these words known? The *Gemara* cites a *Baraisa* that teaches this: It is written: *Speak to the children of Israel (regarding the prohibition of slaughtering sacrifices outside of the Temple)*. The children of Israel are commanded not to slaughter outside the Temple, but idolaters are not commanded regarding this. Therefore each one may build himself a *bamah* and offer on it whatever he desires.

Rabbi Yaakov bar Acha said in the name of Rav Assi: It is forbidden to assist them at all or act as their agents. Rabbah said: You are allowed to instruct them.

This happened with Ifra Hormiz, the mother of Shevor the Persian king, who sent an offering to Rava, with the following request: Offer it up for the sake of Heaven. Rava said to Rav Safra and Rav Acha bar Huna: Go and fetch two young gentile lads of the same age, and seek a spot where the sea has thrown up sediment (*to use for an altar, since it must be made from material that wasn't used for any other purpose*). Take new twigs and produce a fire from a new piece of steel, and offer it up for the sake of Heaven.

Abaye said to him: In accordance with whom are you giving these instructions (*to use new wood*)? It is in accordance with Rabbi Elazar ben Shammua, for it was taught in a *Baraisa*: Rabbi Elazar ben Shammua said: Just as the altar must not have been used by a commoner (*for mundane purposes*), so too the wood must not have been used by a commoner. But, Abaye asks, surely Rabbi Elazar ben Shammua admits in the case of a *bamah* (*that new wood is not required*), for it was taught in a *Baraisa*: One verse says: So David gave to Ornan for the place (*where they would offer sacrifices – in order to stop the plague upon the nation; a plague which came about through David's counting of the Jewish people in an improper manner*) gold *shekels*, six hundred by weight; whereas in a different verse it is written: So

David bought the threshing floor and the oxen for silver, fifty *shekels*! How can these be reconciled? He collected fifty *shekels* from each tribe, which totaled six hundred in all. Rebbe said in the name of Abba Yosi ben Dostai: He bought the oxen, wood, and place of the altar for fifty, and the site of the future Temple for six hundred. Rabbi Elazar ben Shammua said: He bought the oxen and the wood for fifty, and the site of the future Temple for six hundred, as it is written: *And Aravnah said to David: Let my master the king take it and offer up what seems best in his eyes; see, the oxen for the olah offerings, and the morigim and the gear of the oxen for the wood.* [Evidently, new wood was not required for the *bamah*!?]

Rava can answer you that these tools were actually new. (116b1 – 116b2)

The *Gemara* asks: What are *morigim*? Ulla said: It is a bed of *turbeil*, which Abaye explains to mean a tool shaped like a goat with hooks that the threshers thresh. Abaye said: Which text [proves this meaning]? — Behold, I make you a new threshing-sledge [morag] having sharp teeth; [you shall thresh the mountains etc.]. (116b2)

The *Gemara* returns to the contradiction mentioned above: Rava posed the contradictory verses to his son. He answered that he collected fifty *shekels* from each tribe, which totaled six hundred in all. Yet the verses are still contradictory, for there it was silver and here it was gold?

The *Gemara* answers: He collected silver to the weight of six hundred *shekels* of gold. (116b2)

Camp of the Israelites

The *Mishnah* had stated: *Kodashim kalim* were eaten throughout the Israelite Camp.

Rav Huna said: This means that wherever the Israelites were (*even if he left the boundaries of the Israelite Camp*), *kodashim kalim* can be eaten, and even where there was no camp (*like in the Wilderness*).

Rav Nachman challenged Rav Huna from the following *Baraisa*: Just as there were camps in the Wilderness, so there was a camp in Jerusalem. From the walls of Jerusalem to the Temple Mount was the camp of the Israelites; from the Temple Mount to the Gate of Nikanor was the Levite camp; beyond that was the camp of the Shechinah, and those gates corresponded to the place within the curtains in the Wilderness!?

The *Gemara* answers: Say rather that Rav Huna meant that *kodashim kalim* may be eaten wherever the Camp of the Israelites was (*even if later the Camp moved*).

The *Gemara* asks: Is that not obvious!?

The *Gemara* answers: You might say that it becomes disqualified through having gone out (*when they were travelling*). Therefore, he informs us that this is not the case. — But perhaps this is so? — The *Gemara* answers: This is based upon the verse: *Then the Tent of Meeting shall travel*. Even when it travels, it is still the Tent of Meeting. (116b2 – 116b3)

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 (*bnei Noach*), who may bring a sacrifice with a defect (*moam*), 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 *Gemara* interprets from the verses that *tereifah* animals did not enter it. The *Gemara* 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

Food Doesn't Come By Itself

HaGaon Rav Yitzchak Zeev of Brisk wrote: This *Gemara*, which says that animals came by themselves to the ark, explained to me a word in the Torah. After Noach was told to bring the animals to the ark, the Torah says "...and **you**, take for yourself every food that can be eaten" (*Bereishis* 6:21). Why does the Torah emphasize "and **you**"? As the animals came by themselves miraculously, Hashem emphasized to Noach that he must bring the food by himself... (*Chidushei Maran HaRiz HaLevi 'al HaTorah*, *Noach*).