

OVERVIEW of the Daf

1) Minors (cont.)

R' Ami completes his challenge to R' Yochanan's inquiry and thus R' Chiya revises and explains R' Yochanan's inquiry.

This interpretation is also challenged and the inquiry is revised one more time.

A second version of the above discussion is recorded.

2) Unwitting slaughter

Shmuel asks for the source that unwitting slaughter of a korban is invalid.

R' Huna provides that source.

Shmuel later revises his inquiry and another source is provided.

3) **MISHNAH:** The Mishnah discusses the slaughtering of an idolater.

4) Inferences from the Mishnah

The Gemara notes that the Mishnah that implies that an animal slaughtered by an idolater is permitted for benefit is inconsistent with R' Eliezer.

R' Ami infers from the Mishnah that an animal slaughtered by a min is prohibited for benefit.

This echoes a ruling in a Baraisa.

The reason Tanna Kamma disagrees with the latter ruling

5) Idolaters

R' Nachman in the name of Rabba bar Avuha declares that there are no minim amongst idolaters.

This declaration is unsuccessfully challenged.

R' Yosef bar Minyomi in the name of R' Nachman also declares that there are no minim amongst idolaters.

The consequence of this statement is identified and a Baraisa is quoted to prove this halacha true.

This interpretation of the Baraisa is unsuccessfully challenged.

6) Tumah of neveilah

Rava explains why it was necessary for the Mishnah to state the neveilah transmits tum'ah to the one that carries it.

A second version of Rava's explanation is presented.

The Baraisa that contains the relevant opinions is cited.

7) **MISHNAH:** The Mishnah rules that an animal slaughtered at night or by someone who is blind is valid.

8) Slaughtering at night

A contradiction between our Mishnah and a Baraisa whether it is permitted to slaughter at night is noted.

R' Pappa resolves the contradiction.

R' Ashi suggests support for this resolution. ■

Distinctive INSIGHT

A blind person and his eligibility to perform the shechita

הסומא ששחט שחיטתו כשרה

The Mishnah teaches that if shechita is performed at night, or if the shechita is done by a blind person, the shechita is valid.

The Gemara in Bava Kamma (87a) cites the view of R' Yehuda who holds that a blind person is exempt from mitzvos. According to this view, R' Akiva Eiger questions how the shechita of a blind person can be valid. Performing shechita in order to permit the meat of an animal is a mitzvah, and someone who is exempt from mitzvos is not eligible from fulfilling those mitzvos, which includes the mitzvah of shechita.

Based upon this question, R' Akiva Eiger determines that even according to R' Yehuda who says that a blind person is exempt from mitzvos, this only refers to positive mitzvos. However, shechita is a negative commandment (do not eat unslaughtered meat) which is derived from a positive command (only eat meat that is slaughtered properly). This means that the Torah commands (Devarim 12:21), "and you shall slaughter...and you shall eat." Although there is no mitzvah for anyone to slaughter an animal if he does not wish to eat, nevertheless, it is prohibited to eat unless one first slaughters the animal. Now that we have determined that shechita has about it an aspect which is a negative command, we have discovered that a blind person is not completely exempt from performing shechita. His eligibility to this extent provides us with the rationale why his shechita may be valid.

The difficulty which R' Akiva Eiger notes in this approach is that the general rule is that a negative commandment which is inferred from a positive commandment (one must not eat non-shechted meat because we know that one must shecht in order to eat), is categorized as a positive commandment. Therefore, a blind person should not be eligible to perform shechita.

R' Akiva Eiger explains that in regard to the obligation of a blind person the Torah does not distinguish between categories of mitzvos, whether positive or negative. The Torah exempts him from mitzvos that require active efforts (קום ועשה), but it also expects that he not violate any mitzvos whose infraction involves active participation.

Therefore, a blind person is expected not to eat meat that was not shechted, even though this may technically be categorized as a positive commandment. Because he is included in the mitzvah to this extent, he is considered eligible in this mitzvah, and his performing shechita is valid. ■

HALACHAH Highlight

Tzitzis made a child

מחשבתו ניכרת מתוך מעשיו

His thought is evident from his actions

Shulchan Aruch¹ rules that a woman may make tzitzis. Rema² cites authorities who disagree and require tzitzis to be made by a man and comments that it is appropriate to be stringent about this matter. Magen Avrohom³ explains that the stringent position follows Rabbeinu Tam who maintains that a woman may not make a mitzvah object for any mitzvah that she is not commanded to fulfill. Following this line of reasoning to the next step Magen Avrohom rules that since a child is not obligated to fulfill the mitzvah of tzitzis he may also not make tzitzis. Many other Poskim disagree with Magen Avrohom's application and assert that even according to Rabbeinu Tam it is acceptable for a child to make tzitzis. The reason is that a woman will never be obligated to fulfill the mitzvah of tzitzis as opposed to a child who will become an adult and at that time will be obligated in the mitzvah of tzitzis. Since he will grow into the mitzvah he may even make tzitzis while still a child⁴.

Biur Halacha⁵ rules that לכתחילה one should not use tzitzis that were made by a child since Magen Avrohom maintains that anyone who is not obligated to fulfill a mitzvah may not make that mitzvah object. This ruling, however, is limited to the case of an adult wearing tzitzis made by a child but a child who has reached the age of chinuch may certainly make his

REVIEW and Remember

1. What is the meaning of the term כי יתן.
2. What is the status of an animal slaughtered by an idolater?
3. Explain אין מינין באומות עובדי כוכבים.
4. Is one permitted l'chatchila to slaughter at night?

own tzitzis. Furthermore, when that child becomes bar-mitzvah he may continue to wear the tzitzis that he made while he was a minor if he knows that he made them for the sake of the mitzvah. The reason he may be lenient is that using the tzitzis that are already on his garment qualifies as בדיעבד. Teshuvos Even Yisroel⁶ further elaborates on this ruling based on our Gemara. Our Gemara teaches that an action performed by a child that cannot be interpreted in a manner other than for the sake of a mitzvah is valid; therefore since tzitzis are not made other than to fulfill the mitzvah they may be made even by a child. ■

1. שו"ע או"ח סי' י"ד סעי' א'.
2. רמ"א שם.
3. מג"א שם סק"א.
4. עי' מ"ב סק"ד בשם ארצות החיים.
5. ביאור הלכה שם ד"ה להצריך.
6. שו"ת אבן ישראל ח"ט סי' ס"ג. ■

STORIES Off the Daf

The Visiting Scholar

"בעא מיניה שמואל מרב הונא..."

Really great Torah scholars are so consumed with love for Hashem that every word of the gemara—including the names of the Tanaim and Amoraim—was indelibly etched on his heart and soul.

A certain scholar once traveled from Lithuania to Pressburg. This was during the tenure of Rav Nosson Adler, zt"l, the rebbe of the Chasam Sofer, zt"l, who was immensely erudite in every corner of Shas. Rav Adler's own students were also very accomplished scholars. This scholar from Lithuania came with a letter affirm-

ing his scholarship from some of the greatest scholars in Lithuania. Although Rav Adler's students were impressed by the letter, they were unwilling to trust it implicitly. After all, there is no end of posers. They immediately began testing this man in many of the hardest and most obscure areas of Shas. After a lengthy time fielding questions they began to see that this man was apparently a prodigious scholar.

But when they presented him to Rav Nosson Adler he decided to ask one more question to determine if this scholar was the genuine article. "How many times does it say 'Rav Huna' in Shas?," he posed.

"Seventy-two," the scholar immediately replied.

Rav Adler looked disappointed. "You missed one," he chided.

The scholar's face turned white. After a moment to compose himself he said, "Surely you mean the question posed on Chulin 13 by Rav Shmuel in the name of Rav Huna? But I purposely did not count that one since Tosafos there says it is a different Rav Huna!"

Rav Adler was taken aback and immediately made a gesture to appease the man. "You are correct and I have embarrassed a true talmid chacham. Please accept as this measure of gold, the amount prescribed by our sages for this sin."

After taking the sum, the visitor was appeased and left in good spirits.¹ ■

1. מובא בספר אש דת. ■