

OVERVIEW of the Daf

1) *Turbatz haveshet* (cont.)

The Gemara reconciles a contradiction in the Baraisa and then notes that it contradicts Rava's earlier statement.

R' Tavus reconciles Rava's position.

2) The acceptable range for slaughtering

R' Nachman gives the upper limit for an acceptable slaughter.

R' Nachman in the name of Rabbah bar Avuha gives the lower limit for an acceptable slaughter.

This position is challenged and two responses to the challenge are recorded.

3) *Turbatz haveshet*

R' Nachman in the name of Shmuel rules that an animal is permitted if the turbatz haveshet becomes detached from the lower jaw and cites a Mishnah to support this conclusion.

R' Pappa questioned this ruling.

R' Pappa's position is unsuccessfully challenged.

The Gemara responds to R' Pappa's challenge to Shmuel's ruling.

This response is unsuccessfully challenged.

4) A severed trachea

A Baraisa teaches that a severed trachea is a teriefah wound if a majority of it is severed.

Rav explains that according to some opinions the Baraisa refers to a majority of its thickness and according to others it refers to the majority of its hollow.

A related incident is recounted.

Rabbah bar bar Chana's ruling as recorded in this incident is unsuccessfully challenged from many perspectives.

5) A Torah scholar

R' Chisda defines a Torah scholar and one who despises gifts.

Mar Zutra shared a related teaching in the name of R' Chisda.

Two incidents related to receiving gifts are recorded. ■

REVIEW and Remember

1. Who is the "fool" who goes in darkness?
.....
2. Is an animal a tereifah if the pipes become detached?
.....
3. Why was R' Chiya able to issue a ruling that was not consistent with Rav's opinion?
.....
4. How does R' Chisda define a talmid chacham?
.....

Distinctive INSIGHT

"Shopping around" for a second, more lenient opinion

והיכי עביד הכי והתניא חכם שטימא אין חבירו רשאי לטהר, אסר
אין חבירו רשאי להתיר

An animal whose trachea was partially severed was brought to Rav to inspect. Rav's opinion was known that if the majority of the thickness of the pipe is severed, the animal is a tereifa. Rav Kahana and Rav Asi commented that Rav had clearly taught them that the majority of the trachea meant most of its opening. In any case, the animal was sent to Rabba bar bar Channa, and he not only permitted it, but he also bought a portion of its meat.

The Gemara inquires how Rabba bar bar Channa could have issued a ruling to be lenient, when we have a rule that once a ruling has been determined in any case by one rabbi, no other rabbi is allowed to issue a ruling to challenge it. The Gemara answers that Rav had not issued a clear decision regarding this animal. He was in the midst of inspecting the trachea to see how much of it was severed when the students took it from him and sent the specimen to Rabba bar bar Channa, who they felt would issue a more lenient opinion.

Tosafos asks a question. The Gemara later (49a) cites an incident where a needle was found in a large blood vessel in the liver of an animal. Huna Mar, the son of R' Idi, ruled that the animal was a tereifa. R' Ada bar Minyumi ruled that it was kosher. We see that even after a clear decision had been made by one rabbi, an animal was presented to another rabbi who ruled against the first one. How could the animal have been presented to get a second opinion?

Tosafos explains that the rule which does not allow for "shopping" for a second, more lenient opinion is only true when the original ruling is regarding an issue which is dependent upon logic and personal discretion. If this type of halachic issue has been decided by an authority, it is prohibited to go to another authority and ask for his view. However, if the issue is one which is based upon a ruling which someone has been taught from his teachers, we may consult others to see if they have a lenient tradition from their teachers even after hearing from one rabbi who has a strict tradition.

Tosafos concludes that, accordingly, in our case Rav might have issued a definitive ruling regarding the severed trachea, but Rabba bar bar Channa was able to offer his view

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Mr. and Mrs. Avi Goldfeder
In loving memory of their mother
מרת רחל לאה בת ר' אברהם צבי חיים ע"ה

HALACHAH Highlight

Permitting something another Torah scholar prohibited

אסר אין חבירו רשאי להתייר

If one prohibited an item his colleague is not allowed to permit it

The Gemara relates that Rav was once examining a trachea to determine whether it was severed through a majority of its thickness. When challenged about his position he sent the trachea to Rabbah bar bar Chanah who determined that it was not severed through a majority of its hollow and thus permitted the animal. The Gemara challenged how Rabbah bar bar Chanah could issue a ruling when the Baraisa teaches that once a Torah scholar declared something prohibited another Torah scholar is not permitted to declare that same item permitted. The Gemara answers that since Rav did not issue a formal ruling Rabbah bar bar Chanah was allowed to permit the animal.

Rashi¹ asserts that the rationale behind this halacha is that when the second Torah scholar issues a contradictory ruling it detracts from the honor due to the Torah scholar who issued the initial ruling. Maharik² adds that this restriction is limited to the specific object that the first Torah scholar prohibited. A second Torah scholar is allowed to permit another object even though it involves the same question. A second approach³ is that once the first Torah scholar prohibited the object in question the second Torah scholar does not have the authority to overturn that ruling since the initial ruling established the object as prohibited.

(Insight...continued from page 1)

as well, because it was based upon the tradition which he had been taught from his teachers. The Gemara does say that Rav had not issued a ruling, because that happened to be true as well, but even if Rav had ruled that the animal was a tereifa, Rabba bar bar Channa was able to issue his lenient opinion as well.

Tosafos also suggests the possibility that in no case may a second opinion be sought, and the case of the needle in the liver was where the liver was brought to both authorities together, and they issued their opinions one after the other. ■

A number of practical differences emerge from these two approaches. In the event that the second Torah scholar permitted the object may one rely upon that ruling? According to the first approach once the second Torah scholar issued his ruling and the disrespect has already occurred there is no reason for one to avoid following the second ruling. According to the latter approach the object was already prohibited and thus the second Torah scholar can not permit it⁴. A second difference is whether the first Torah scholar may retract his own ruling. According to the first approach when the first Torah scholar retracts his own ruling it is not an act of disrespect since he is retracting his own ruling. On the other hand, according to the second approach even the first Torah scholar may not retract his own ruling once he has declared it prohibited⁵. ■

1. רש"י נדה כ: ד"ה מעיקרא וד"ה אנמריה.
2. שו"ת מהר"י"ק סי' קע"ב ד"ה ועוד אפילו.
3. ע"י רשב"א לע"ז ז.
4. רשב"א שם.
5. מאירי שם. ■

STORIES Off the Daf

Avoiding the Marketplace

הרחק מן הכיעור

A few students of Rav Elyahu Lopian, ז"ל, were running late to a shiur. Since they knew that punctuality was valued by Rav Elyah, they took a shortcut to ensure that they arrive on time. When they arrived they happily explained that they had cut through the marketplace to be on time.

To their shock, Rav Elyah gave them a dose of very powerful mussar. "How could you? Don't you know that when there is another way, our sages tell us that one who takes the unseemly path is

considered wicked, even if he closes his eyes?"¹

On another occasion, Rav Elyah explained this problem in depth. "The verse tells us that one who closes his eyes to the unseemly will merit to see the beauty of the king.² He will see Melch HaMoshiach and will serve as a dwelling place for the Shechinah. The Gemara in Bava Basra 57 writes that this refers to someone who avoids looking at women while they do laundry. The gemara wonders what case the verse discusses, and states clearly that if there is another way around where the women gather, one who passes them while they do laundry is wicked, even if he doesn't look directly at them.

"Let us consider our natural feelings

about one who goes where women do their laundry but carefully guards his eyes. We would think this person is nothing less than a tzaddik! Even if he just looked away we would never suspect him of being wicked. Yet the Gemara states that this man is wicked. As we find in Chullin 44, הרחק מן הכיעור – one should distance himself from the unseemly.

"In our days most streets are much worse than passing where women do their wash. One who unnecessarily goes where people do not dress properly is no less than a rasha!"³ ■

1. כן שמעתי
2. ישעיהו, ל"ג
3. לב אליהו, שופטים, ע"י רמ"ג