

OVERVIEW of the Daf

1) Clawed by a wolf (cont.)

R' Kahana asked Rav three questions regarding the capacity of a cat or weasel to render an animal "one that was clawed" and his responses seemed contradictory.

The Gemara reconciles the contradictory rulings.

2) Clawed by a bird

R' Ashi asks whether other birds than the ones mentioned in the Mishnah have the capacity to render a bird "one that was clawed."

R' Hillel reports that in R' Kahana's yeshiva he ruled that other birds could render birds "one that was clawed."

This ruling is unsuccessfully challenged.

3) Clawing

R' Kahana in the name of R' Shimi bar Ashi rules that a fox cannot render an animal "one that was clawed."

This ruling is unsuccessfully challenged.

An opposite version of this discussion is recorded.

R' Yosef rules that a dog cannot render an animal "one that was clawed."

Abaye teaches additional prerequisites for an animal to "claw."

The circumstance of one of the prerequisites is further explained.

Rabbah bar R' Huna in the name of Rav issues a ruling related to a lion that entered among oxen.

Abaye qualifies Rav's ruling.

Rav and Shmuel dispute whether we are concerned for an uncertainty of "one that is clawed."

The point of dispute is identified.

Ameimar rules in accordance with Shmuel's position and two explanations are given why he is not concerned with Rav's position.

An unsuccessful attempt is made to prove the assertion that Rav retracted his opinion.

Shmuel's behavior in this episode is analyzed.

Another related incident is cited.

The children of R' Chiya state that an animal that was clawed must be examined around the intestines.

R' Yosef notes that Shmuel already stated the same ruling.

Ilfa inquires whether an animal clawed by its pipes could be categorized as "one that is clawed."

R' Zeira responds that it could be categorized as "one that is clawed."

Two additional inquiries posed by Ilfa and answered by R' Zeira are recorded.

The term "decayed" is explained followed by a relevant incident.

R' Nachman and R' Zevud discuss whether an animal is a tereifah if it is pierced with a thorn or with claws by the intestines or pipes. ■

Distinctive INSIGHT

Various cases of doubt regarding tereifah

ספק כלבא ספק שונרא, אימא כלבא

Rabba bar Rav Huna, in the name of Rav, presented a rule regarding animals that might be tereifos due to being trampled. If a lion prowled among a herd, and we find a claw of a lion in the back of one of the sheep, we do not suspect that the lion trampled that animal. Not all lions trample sheep, and those that do, do not shed their claws. Therefore, we may say that this lion scratched his claw against a wall, where it came off, and the sheep later bumped against the wall and the claw stuck to him. This does not make the sheep into a tereifah.

The Gemara then cites a general disagreement regarding an animal about which we have a doubt whether it was trampled or not. Rav holds that we do not assume that a doubtful case of trampling ruins the status of the possible victim, and therefore we do not have to treat it as a tereifah. Shmuel holds that if there is a doubt, we must be strict and assume that the animal which might have been attacked is a tereifah. Both Rav and Shmuel agree, however, that if we are not even sure if the attacking animal ever entered into the herd at all, we do not have to assume that anything happened. Also, in a case where an intruding animal did enter the herd, but we are not sure whether it was a dog, whose presence does not result in tereifah, or whether it was a cat, which does cause tereifah, we may assume the intruding animal was a dog, and everyone agrees that the animals are not tereifos. Finally, the Gemara clarifies that the disagreement is in a case where a lion entered into a herd of oxen, and we now see that the lion is quiet but the oxen are making loud noises. Shmuel says that the oxen are reacting to an attack, and this is why they are mooing. Rav says that they may be mooing due to fear, and we do not assume that an attack has occurred.

When we do not know whether a lion ever entered the herd, Rashba notes that we are allowed to assume that all the animals are kosher due to multiple doubts. First of all, we do not know whether the lion entered or not. Secondly, even if he did enter, we do not know that he trampled any of the oxen. Finally, most birds and animals have a status of not being trampled.

Tosafos (28a) points out that earlier the Gemara ruled that any time an animal is bleeding due to being stabbed, even if we know that the wound was caused by a stick, that animal must be checked for other signs of tereifah. Therefore, in the case where an attacking animal entered the herd, but we are not sure if it was a dog or a cat, what does our Gemara mean when it rules that we may be lenient and assume that it was a dog? In any case the animals of the herd will now all have to be inspected for signs of tereifah. Tosafos answers that the inspection mentioned on 28a is a localized one, but if we have to check for signs of being trampled, the inspection would be much more exhaustive. ■

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ר' נפתלי בן ר' מרדכי ע"ה

HALACHA Highlight

Prohibiting something that is permitted

אלא אתריה דשמואל הוה

Rather it was Shmuel's city

The Gemara recounts an incident in which a *netz* entered a basket filled with birds and it was uncertain whether the *netz* had clawed the birds. The basket of birds was brought to Rav for a ruling and he sent them to Shmuel. Shmuel choked the birds and threw them into the river. The Gemara questions why Rav sent the birds to Shmuel for a ruling. If he maintained that the birds were permitted he should have permitted them and if he maintained that the birds were prohibited he should have prohibited them. The Gemara answers that the incident took place in Shmuel's town and thus he should issue the ruling. Rashi¹, in his first explanation, explains that Rav agreed with Shmuel that the birds were prohibited and he just did not want to issue a halachic ruling in Shmuel's domain. If, however, Rav had maintained that the birds were permitted he would have ruled accordingly and would not have had them sent to Shmuel who would prohibit them since anytime there is a possible transgression e.g., destroying property, one does not accord honor to a rav.

Rashi's explanation implies that prohibiting something that is permitted is a transgression. This principle could be traced to the Yerushalmi² that states that just as it is prohibited to declare something that is *tamei* as *tahor*, so too, it is prohib-

REVIEW and Remember

1. Can a fox render an animal "one that was clawed" ?

2. What is the point of dispute between Rav and Shmuel concerning the uncertainty of "one that is clawed" ?

3. Why did Shmuel choke and throw into the river a bunch of birds ?

4. What is the point of dispute between R' Nachman and R' Zevid ?

ited to declare something that is *tahor* as *tamei*. Shach³ codifies this halacha and emphasizes that it is prohibited to declare something that is permitted as prohibited even if it does not cause a loss of money. The reason is that most prohibitions lead to a leniency in a different context. Even if one does not see how a leniency could be manufactured out of the stringent ruling it is prohibited to declare prohibited something that is permitted. Therefore, if it is necessary for one to declare something as prohibited due to an uncertainty or as a stringency it is necessary to inform the questioner that the item is not clearly prohibited and the ruling is based on an uncertainty or a stringency. ■

¹ רש"י ד"ה אתריה.
² ירושלמי חגיגה פ"א ה"ח.

³ ש"ך הנהגת איסור והיתר ביו"ד סוף סי' רמ"ב אות ט. ■

STORIES off the Daf

Science and the Sages

"יש דרוסה לחתול..."

A certain person wondered about the halachah when it comes to statements that *chazal* made based on what appears to be their scientific knowledge. He gave Rav Lamprunti, *zt"l*, an example of the kind of question that perplexed him:

"We find that the Gemara in Shabbos 107 claims that one may kill lice on Shabbos since they do not reproduce. But science has determined that this is untrue. Another such statement is found on Chullin 53. There we find that cats emit venom from their claws at times. Yet scientifically we find that they do not. Should

we then follow these halachos regardless of scientific findings or change to reflect the findings of science?"

Rav Lamprunti, *zt"l*, ruled that we follow the science of our times. "If science sees that reality is not as understood by *chazal*, we go with what science determines. For example, although the Gemara permits one to kill lice, claiming they do not reproduce, since science tells us that lice of our times reproduce, we must certainly refrain from killing lice on Shabbos."¹

But Rav Dessler, *zt"l*, disagreed. "When *chazal* tell us a halachah, the halachah remains as they determined. The reason that they stated openly may not have been the only reason. Even if it does not appear sound according to current science, the *din* still stands. Every halachah explained by *chazal* was received from ear-

lier generations. In addition, these halachos were facts borne out from experience. In Chullin we find that smallish animals attacked by a cat are considered *tereifah*. This was based on the empirical evidence that that sages had based on their own experience: animals attacked by cats were generally rendered *treif*. But dogs which attacked such animals did not render them *treif*. Yet the reasoning given by *chazal* is not always the only reason. It is a possible explanation and we may well find others. Indeed, the halachah must have a proper reason even if we do not know what it is at this time. It is incumbent upon us to search for reasons that validate the halachos according to the science of our time."² ■

¹ פחד יצחק, ערך צידה אסורה
² מכתב מאליהו, ח"ד, ע' 356-355 ■