

OVERVIEW of the Daf

1) **MISHNAH:** The Mishnah discusses different defects in the hind leg and whether the animal is rendered a tereifah.

2) **"Below" and "above" the "joint"**

R' Yehudah in the name of others and Ulla in the name of R' Oshaya disagree about the intent of the Mishnah's reference to "above" and "below" the joint.

Ulla unsuccessfully challenges R' Yehudah's explanation.

R' Pappa presents an alternative version of R' Yehudah's position.

The Gemara questions the proposition that if an animal's leg is severed higher up it is not a tereifah but if it is severed lower down it is a tereifah.

R' Ashi confirms that tereifah conditions do not necessarily follow what seems logical.

3) **Junction of sinews**

Three opinions are cited regarding the correct location of the junction of sinews.

A related discussion is presented.

The Gemara seeks to define how far upwards the junction of sinews extends in large as well as small animals.

In what manner the junction of sinew must be damaged for the animal to be rendered a tereifah is discussed.

The damage to the junction of sinews of a bird that renders it a tereifah is defined.

A disagreement is presented regarding the extent of damage to the junction of sinew in animals that render the animal a tereifah.

4) **Broken bones**

Rav and Shmuel disagree about where on the leg the guidelines of the Mishnah apply.

R' Nachman challenges Shmuel's explanation and explains why his challenge is only directed at Shmuel.

The Gemara in the name of scholars from Eretz Yisroel rules in accordance with Rav's position and adds that the limb transmits tum'ah as if it were neveilah.

R' Chisda challenges the latter ruling from the scholars in Eretz Yisroel.

Rabbah unsuccessfully tries to defend the ruling.

A related incident is presented that relates that Shmuel retracted his opinion in favor of Rav's position.

A Beraisa elaborates on the Mishnah's ruling related to a animal with a broken leg.

Two definitions of the reference to the majority are presented and R' Pappa rules that one should be stringent in accordance with both opinions.

Ulla in the name of R' Yochanan rules that the skin has the same status as the flesh concerning this halacha.

R' Nachman unsuccessfully challenges this ruling.

A second version of this discussion is recorded.

Rava defines what qualifies as flesh regarding this halacha. ■

Distinctive INSIGHT

Comparing one injury to another

אין אומרים בטרפות זו דומה לזו, שהרי חותכה מכאן ומתה חותכה מכאן וחייה

Rambam (Hilchos Shechita 8:15) writes that if a leg of an animal was severed at the spot where the sinews are joined (צומת) or below it, the animal is a tereifah. We should not be surprised, though, that if the leg is severed even much higher than this point the animal is permitted. The rule is that we cannot compare one defined situation of tereifah to other conditions which seem similar. As Rav Ashi notes in our Gemara, cutting the animal in one spot will kill it, while cutting it in a different, although comparable spot will not kill it. In our particular case, it is not the spot on the leg that makes the difference, but it is the sinews being cut which causes the tereifah condition.

Kesef Mishnah points out that Rambam actually highlights two reasons not to compare cutting the animal's leg at a lower point which is a tereifah and cutting it higher which is not a tereifah. One reason is that we simply cannot compare injuries to each other. The other point is that cutting the sinews is more serious than cutting the bone.

Toafos Yom Tov understands that Rambam is making only one point, and that is because cutting the sinews is unlike cutting the bone, therefore one would be mistaken if he would compare these injuries one to the other.

It would seem from Rambam that if just the bone of the knee of an animal would be cut, but the sinews would remain intact, the animal would not be a tereifah. However, Kol Bo writes in the name of Ra'aved that the animal would be a tereifah if the knee bone of the animal was broken, and it would only be kosher if the break was above where the sinews are joined. Beis Yosef (Y.D. 55) also rules that based upon the words of the Tur the animal is still kosher only where the break is above where the sinews join.

However, Tur in Yoreh De'ah 56 writes that if the knee joint breaks near where the sinews join, and it heals well, there are those who would prohibit this animal as a tereifah if the animal is not inspected. If it is brought to us before it heals, it would have to be inspected. This suggests that where the bones are broken, if we inspect the injury and find that the sinews are not torn, the animal is not a tereifah, even though the knee joint itself is broken.

It must be, therefore, that Tur's earlier statement that to be kosher "the break must be above the joining of the sinews" meant that above the knee is generally not a problem of tereifah, but a break where the sinews are joined *might* be an issue of tereifah, and it must be inspected before we can tell if it is kosher. ■

*Today's Daf Digest is dedicated by Mr. and Mrs. Daveed Rine
in loving memory of their grandfather*

הרב אהרן משה בן הרב דוד ז"ל

Rabbi Aaron M. Rine

HALACHA Highlight

Restoring a tereifah to kosher status

דאילו מדלי פסיק ליה וחיה מתני פסיק ליה ומתה

Is there such a thing that if one cuts higher the animal will live but if it cuts lower it will die?

The Gemara teaches that if an animal's hind leg is severed in the junction of sinew the animal is a tereifah. On the other hand if the animal's hind leg is severed above the junction of sinew the animal is kosher. The Gemara wonders how it could be that if the leg is severed lower down the animal is a tereifah and if it is severed higher up the animal is kosher and the Gemara answers that we do not compare tereifah conditions to one another because in some parts of the body a wound could kill the animal but in other parts of the body the same wound would not kill the animal.

Ramban¹ poses the following question. If an animal's leg is severed at the junction of sinew one should proceed to sever the leg above the junction of sinew in order that it should be kosher. He answers that indeed if while the animal was still alive one were to sever the leg above the junction of sinew the animal would be kosher. However, if one slaughters the animal before severing it above the junction of sinew the animal would be a tereifah since it had a wound that would not allow it to live.

Rashba² cites Ramban's ruling that is based on the assumption that an animal that suffered a tereifah wound could be healed and subsequently live more than twelve months. The

REVIEW and Remember

1. What is the point of dispute between R' Yehudah and Ulla ?

2. How far up does the junction of sinews extend ?

3. How much of the junction of sinews must be severed for the animal to be rendered a tereifah ?

4. At what point does a broken bone render an animal a tereifah ?

difficulty with this assumption is the Gemara above (68b) that indicates that once an animal has a tereifah condition it cannot become permitted again. Therefore, once an animal's leg is severed at the junction of sinew it is a tereifah and that condition cannot be healed. As such, Rashba disagrees with Ramban's ruling and contends that severing the leg of an animal above the junction of sinew that was already severed at the junction of sinew does not restore an animal to kosher status. Rosh³ suggests that the question of whether an animal could be healed from a tereifah condition depends upon how it was healed. When God heals the tereifah wound, e.g. the flesh plugging up a hole in the lungs, the animal could revert back to kosher status but if the tereifah condition is "healed" by a person its kosher status is not restored. ■

¹ רמב"ן ד"ה ומשמע.
² רשב"א ד"ה ולענין פסק.
³ רא"ש פ"ד סי' ז.

STORIES off the Daf

A Natural Change

"גידין שסופן להקשות..."

Sukkos is a special time, but preparing for Sukkos can be trying. Although today the four species and especially esrogim are readily available and cheap, it wasn't always so. Not too long ago, it was very difficult to ensure that esrogim remained fresh. Esrogim were always costly, some-time exorbitantly so. Even in a good year, finding an esrog that was kosher and mehudar was a difficult task.

One year, a young man found a kosher esrog that was mehudar and was thrilled. When he heard the price, how-

ever, he was shocked. It was much too cheap. After a bit of consideration he realized that the esrog was very small. The minimum measurement of an esrog is the size of an egg. Although this esrog was exactly the right size, it was obvious that it would shrink below the minimum measure during the holiday. This person wondered if he could use it for the first day, which is a Torah obligation.

When this man asked his question of the Ben Ish Chai, zt"l, the great posek ruled that the esrog was invalid. "This is clear from the Gemara in Chullin beginning on daf 76. There we find that Rav Yochanan holds that sinews which harden in a mature animal are considered like meat regarding korban Pesach. The halachah is that one may only be

included in a korban Pesach if there is at least an olive's bulk of meat designated for him. Rav Yochanan is saying that one may 'subscribe' to a korban Pesach even if he will only eat sinews which will eventually harden. But on the very next daf we find that Rav Yochanan changed his mind.

"Just as sinews which will eventually harden are not considered edible since they will become inedible, an esrog that is exactly the right size which will surely shrink below the minimum is not acceptable even when it is still an egg's bulk."¹ ■

¹ שו"ת תורה לשמה, סי' קפ"ג