

OVERVIEW of the Daf

1) Meat that was out of sight (cont.)

Rava notes that he used to think that identifying marks are better than visual recognition but he changed his opinion and now maintains that visual recognition is better.

Numerous proofs are presented that visual recognition is better than identifying marks.

2) **MISHNAH:** The Mishnah begins with a discussion of how much of the gid hanasheh must be removed. The second part of the Mishnah discusses the circumstances necessary for one to be liable to punishment for eating gid hanasheh.

3) Removing the gid hanasheh

An incident related to removing the gid hanasheh is recounted.

R' Sheishes notes that the part of the gid hanasheh removed in the previous incident is Biblically prohibited according to R' Yehudah.

This statement is challenged and the Gemara revises R' Sheishes' comment.

4) The length of the gid hanasheh

Shmuel asserts that the Torah only prohibited the gid hanasheh that rests upon the "spoon" of the thigh.

R' Pappa notes that Shmuel's statement is subject to a dispute between Tannaim.

The related exchange between Rabanan and R' Yehudah is recorded which supports R' Pappa's assertion.

The availability of the phrase of the verse that is the basis of these expositions is unsuccessfully challenged.

5) **MISHNAH:** The Mishnah begins with a discussion of the halachos related to cooking the gid hanasheh with other food and then expands some of these principles to non-kosher food in general.

6) Cooking a thigh that contains the gid hanasheh

Shmuel asserts that if the thigh was roasted rather than cooked one may eat the meat until he reaches that gid hanasheh.

The Gemara challenges this ruling. ■

Today's Daf Digest is dedicated as a zechus for a

רפואה שלימה for

מרים אורית בת דבורה

Distinctive INSIGHT

Visual recognition versus providing physical signs

אמינה טביעות עינה עדיפה

The Gemara on 95b and onto 96a brought several stories where an item was lost, and although the person who lost it was not able to provide specific physical descriptions of the object, in each case the item was able to be returned based upon visual recognition. At the conclusion of this presentation, Rava summarizes that he originally used to think that identifying physical aspects of an item was better than mere visual recognition. After all, we return a lost object to its owner who able to provide physical description of his item, no matter his status. Yet, we permit returning an object based upon visual recognition even without a physical description of the item only if the person is a talmid chacham. An average person is not trusted if he merely says that he recognizes the item as being his. Rav declared that now, however, after hearing that visual recognition of an item is valid, he now realizes that visual recognition is better than giving physical signs of an object.

According to Rava's conclusion, if someone were to find an object, and one talmid chacham would come and provide specific physical signs to identify it, and another talmid chacham would come and simply assure us that he recognizes it by visual sighting, we would return the object to the one who recognizes it visually.

Tosafos, among many Rishonim, wonder how Rava concludes that visual recognition is better than providing a description of physical signs of an object. Even though a talmid chacham can retrieve an object by recognizing it as being his, this only demonstrates that visual recognition is just as good as actual physical markings of an item, but not that it is better.

Ritva explains that the Gemara knew that visual recognition has validity, and relying upon it for identification is even superior to physical markings. The stories of permitting eating of meat which was left unseen and trusting its kashrus reinforced this rule. Rosh Yosef explains that Ritva understands that Rava's statement teaches us that although the Gemara in Bava Metzia says that insisting that one has visual recognition of an object is only believed for a talmid chacham but not for a commoner, this is not due to visual recognition not being valid, but because there is a risk that the commoner is lying. In regard to meat that was left unseen this same risk is not present, because we know that the Torah trusts individuals regarding laws of kashrus.

Toras Chaim explains that in order to return a lost object to one who identifies it, we proceed even if the sign given is not beyond question (אינו מובהק). This is permitted due to the rule of "hefker beis din hefker." Yet, in regard to meat we trust visual recognition even though it is not a financial issue, and the rule of "hefker beis din" does not apply. We therefore see that visual recognition alone is valid in this case. ■

HALACHA Highlight

Identifying a person from his voice

אמינה טביעות עינה עדיפה

I maintain that visual recognition is better

The Gemara proves that identifying something by visual recognition is better than identifying something via distinguishing marks. This was proven by the fact that a blind person is permitted to be together with his wife even though all he could use to confirm her identity is the sound of her voice.

There was once a woman whose husband disappeared during a rebellion against the government. After a long period of time two honest and upright men showed up and recounted the following story. They testified that saw two rebels beating a Jew who was pleading with them to spare his life. They did not heed his plea for mercy and they beat him to death. The witnesses report that since the incident took place far away from where they were standing they could not see the Jew who was being beaten but from the sound of his cries and pleading they recognized him as this woman's missing husband. These facts were presented to the author of Teshuvos Shvus Yaakov¹ to rule whether this woman remains an agunah or whether she could be released from that status based on the testimony of these two witnesses. He wrote that although it is novel to draw such a conclusion it would seem from our Gemara that recognition of a person from their voice is a stronger means of identifying someone than doing so visually.

REVIEW and Remember

1. How much of the gid hanasheh must be removed ?

2. According to Shmuel how much of the gid hanasheh is prohibited ?

3. What is the point of dispute between R' Yehudah and Raba-nan ?

4. When does a prohibited food prohibit a mixture ?

He then noted that Teshuvos Avodas Hagershuni² was even willing to take away money from someone based on the sound of their voice. The case was that Reuven came from out of the country and claimed to be Shimon's brother and therefore deserving of a share of the inheritance Shimon received from his father. No one could visually confirm that Reuven was indeed Shimon's brother since when he left he did not have beard and when he now returned he had a beard. However, there were witnesses who claimed that based on the sound of his voice they recognized him as Reuven, Shimon's brother. This clearly demonstrates that identifying someone by the sound of his voice is a halachically acceptable means of identifying someone. ■

¹ שו"ת שבות יעקב ח"א סי' ק'.
² שו"ת עבודה הגרשוני סי' קי"ג. ■

STORIES off the Daf

In-Depth Analysis

"ירך שנתבשל בה גיד הנשה..."

Some people are naturally drawn to learn through Shas while others tend to focus primarily on learning in depth. When Rav Isser Zalman Meltzer, zt"l, was asked which path was best he offered an interesting reply. "In Volozhin there were three groups of people: One group learned vast amounts, but more superficially. From this group not one truly great person emerged. A second group learned only in depth. There were a few great people who emerged from this pathway but not too many. Most of the

greatest people spent time working on learning in depth but also made time to acquire breadth in learning."

The Chasam Sofer, zt"l, warned against the tendency to learn quickly without depth. "Some learn in depth, fulfilling the dictum of the Tanna: 'הפוך בה הפוך בה' — Delve again and again into the Torah that you learn.' These people learn with such meticulous attention that they learn a daf a week—and sometimes they cover no more than an amud in a week. They review and analyze the meaning of the words of the Gemara and Rishonim. One who understands knows that learning a daf with Rishonim can sometimes be equal to learning ten daf or more quickly. In addition, he gathers the opinions of the Rishonim which are the sources for many sections in Shul-

chan Aruch.

"For example, one who learns the subject of cooking the leg of an animal with the gid hanashe in it in Chullin 96—a fairly short daf—has learned many important halachos. But one whose entire focus is to 'learn up' as many daf as possible becomes a mere 'donkey carrying seforim.' He will have nothing to say in the beis medrash since he has no way to determine which reasoning is correct and which should be rejected. When the Rashba wrote a letter of praise for the Rosh, he only said that the Rosh, 'possesses straightforward reasoning.' We see that this is the most important thing."¹ ■

¹ שירי משכיל, ב', א' ■

