

OVERVIEW of the Daf

1) Limb from a living animal (cont.)

R' Yochanan finishes explaining how both opinions, regarding the question of whether the prohibition against eating a limb from a living animal applies to non-kosher animals, derive their respective positions from the same source.

The Gemara successfully challenges R' Yochanan's assertion that R' Yehudah requires a pasuk to formulate his position.

A related Baraisa presents the views of Rabanan, R' Yehudah and R' Meir about the topic of a limb from a non-kosher living animal.

The rationale behind R' Meir's position is explained.

R' Gidal in the name of Rav asserts that this dispute relates to Jews but for gentiles the prohibition against limbs from living animals certainly applies to non-kosher animals.

A Baraisa is cited that supports this assertion.

Two readings of this Baraisa are recorded.

R' Shizvi cites another Baraisa in support of this assertion.

It is reported that R' Mani noted a contradiction between two parts of the Mishnah and resolved it by distinguishing between a Jew and a gentile.

Rav asserts that one is punished with lashes for violating the prohibition against a limb from a living animal if he consumed an olive's volume of that limb.

This qualification is unsuccessfully challenged.

Rava suggests a circumstance in which Rebbi would agree that one who eats an entire living bird, less than the

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Distinctive INSIGHT

Flesh from a living animal

ובשר בשדה טרפה לא תאכלו—זה בשר מן החי

R' Yochanan learns that the verse (Devarim 12:23) which states “do not eat the soul (הנפש) with the flesh,” teaches us the prohibition not to eat *eiver min hachai*—not to eat from a limb of an animal while the animal is still alive. The verse from Shemos (22:30) which states, “And flesh, in the field, which is torn you shall not eat,” teaches the halacha not to eat tereifah. This includes eating from an animal that had a physical defect, or from a limb of an animal after it has died, but where it did not die due to shechita.

Rashi explains that “*eiver min hachai*” is referred to as “the soul” because after a limb is cut from its source it will not grow back, just as when life is taken it will not be regenerate. The lesson is that the limb should not be eaten while the animal's life is still intact.

Regarding the law of “flesh from the living,” Rashi and Tosafos both explain that the insight in this verse is from the word “in the field,” which indicates that the limb is displaced from where it belongs. This describes a limb which has been cut from its source. Rambam (Hilchos Ma'achalos Asuros 4:10), however, explains that “if a limb is cut from a kosher animal, that limb is a tereifah, and anyone who eats a k'zayis from that limb is liable for eating from a tereifah. This is flesh from an animal which was not shechted and also did not die naturally. What difference is there whether the entire animal is a tereifah or if a limb is cut off with a knife? There is no difference whether the entire animal or just part of it is a tereifah. This condition is included in the verse (Shemos 22:30) which describes flesh ‘found in a field.’”

Unlike Rashi and Tosafos who described this severed limb as separated from its source, Rambam defines it as a tereifah.

In Hilchos Melachim (9:11), Rambam rules that a Noachide is commanded not to eat “flesh from a living animal.” Kesef Mishneh points out that Rambam himself defines “flesh from the living” as a type of tereifah, in accordance with the view of R' Yochanan. Unlike *eiver min hachai*, this is a condition which is only commanded to the Jewish people, so we would not expect a Noachide to be liable for it. Rashba (later, 129b) also raises this point against Rambam.

Lechem Mishnah resolves this ruling of Rambam. For the Jewish people, the verse in Devarim (12:23) which prohibits *eiver min hachai* teaches about eating “the soul” of

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REVIEW and Remember

1. What is the point of dispute between R' Elazar and Chachamim?
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2. What quantity of a limb from a living animal must one consume to be liable for lashes?
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3. What is unique about the קלניתא bird?
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4. What is the point of dispute between R' Yochanan and Reish Lakish?
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HALACHAH Highlight

A "limb" and "flesh" from a living animal

אבר מן החי צריך כוית

A limb from a living animal requires an olive's volume

Rav rules that one is not liable for eating a "limb from a living animal" unless he consumes an olive's volume. His reasoning is that in reference to this prohibition the Torah uses a form of the term **אכילה** – eating – and **אכילה** is always defined as the consumption of an olive's volume. Rashi¹ explains that there are two verses that address two different prohibitions. One verse forbids the consumption of a "limb from a living animal" and a second verse forbids "flesh from a living animal." Regarding the prohibition against eating "flesh from a living animal" it is clear that one must eat an olive's volume to be subject to lashes. However, since any "limb" contains some "flesh" it seems that it was unnecessary for the Torah to forbid the consumption of a "limb" from a living animal. Since it was mentioned it may have been assumed that one is subject to lashes for the consumption of a limb even if it was less than the volume of an olive. For that reason Rav felt that it was necessary to teach that one is not liable for the consumption of a "limb" unless he consumed an olive's volume.

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the law not to eat of the flesh of the living (tereifah) is learned from the verse in Shemos. For a Noachide, *ever min hachai* is learned from Bereshis (9:4). It is interpreted to mean that it is prohibited for him to eat "the flesh" while the animal is still alive. This can therefore also be the source for a Noachide not to eat flesh of the living. ■

Poskim disagree about the exact definitions of "limb" and "flesh." According to Tosafos² one violates the prohibition against consuming a "limb" when he consumes an entire limb or organ. If one eats any part of a limb or organ he has violated the prohibition against consuming "flesh" from a living animal. Rambam³ has a different understanding of these terms. One violates the prohibition against consuming a "limb" from a living animal when the limb was removed from the animal in its entirety, meaning the flesh together with the bones and sinews. If one removed anything less than an entire limb he violates the prohibition of "flesh" from a living animal. If a limb or organ does not possess bones and sinews one violates the prohibition of a "limb" from a living animal even if he does not consume the entire limb. ■

1. רש"י ד"ה אבר מן החי.
2. תוס' לעיל צ"י: ד"ה ור' יהודה.
3. רמב"ם פ"ה מהלי מאכלות אסורות ה"ב-ג.

STORIES Off the Daf

The New Rav

אבר מן החי

Today's amud discusses the prohibition of *ever min hachai*.

When the Hafla'ah, zt"l, was first appointed Rav of Frankfurt, he was confronted with a peculiar question. A woman had been cooking a buttery dish when a chicken jumped in the pot and expired immediately from the heat. Although they removed the carcass, the members of her household did not know what to do with the dish. Although there certainly was not sixty times the volume of the chicken in the pot, the householder did not want to dispense with the contents of the fairly large vessel unless it was really necessary. When they brought this question to their new rav for a ruling he immediately ruled that the food was treif

and could not even be sold to a non-Jew.

When one of the scholars of the community—who was present when the question was asked—heard this he immediately protested. "How can you say that? Isn't the halachah that it is permitted to have financial benefit from a mixture of meat and dairy which is only rabbinic, like in this case of a chicken mixed with a dairy food? They should at least be permitted to sell it to a non-Jew!"

The Hafla'ah immediately rejected this reasoning. "You are incorrect. Since the chicken jumped in while still alive the dish is forbidden even to a non-Jew since this constitutes *ever min hachai*..."

The lamdan immediately admitted that the rav was correct.

When the Chasam Sofer, zt"l—a student of the Hafla'ah—mentioned this story without saying who the rav in question was, he commented, "Actually, this great scholar erred in his reasoning initially. But since he had heavenly assis-

tance he ruled correctly and even provided the correct reasoning when asked."¹ ■

1. שיחות מלוה מלכה, ח"א, ע' פ"ח ■

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volume of an olive, violates the prohibition against eating a limb from a living animal.

Abaye unsuccessfully challenges this assertion.

Rava makes a similar assertion regarding the position of R' Elazar the son of R' Shimon.

Abaye unsuccessfully challenges this assertion as well.

R' Yochanan and Reish Lakish disagree about the sources for flesh from a living animal but agree concerning the sources for consuming the limb of a living creature as well as flesh from a tereifah.

The practical differences between these opinions are identified. ■