

OVERVIEW of the Daf

1) Elal

R' Yochanan and Reish Lakish disagree about the meaning of the term "elal."

Reish Lakish's position is unsuccessfully challenged.

The Gemara seeks support for Reish Lakish's position.

The scope of the dispute is further limited.

Two explanations are offered to identify what is the flesh that was removed by a knife.

A Mishnah in Taharos is cited that teaches that the beak and claws of the neveilah of a kosher bird have the status of a handle.

The Gemara identifies which part of the beak and claws are categorized as handles.

2) Horns

R' Pappa identifies which part of the horn was referenced in the Mishnah.

3) Intent

R' Assi teaches regarding a Jew slaughtering a kosher animal and a gentile slaughtering even a non-kosher animal, if he has intent to feed the meat to a gentile and the meat comes in contact with water from another source it is susceptible to tum'ah of foods even though the animal continues to convulse.

The necessity for water to make the meat susceptible is challenged.

Chizkiyah explains why water is necessary to make the meat susceptible to tum'ah of foods.

R' Yirmiyah and R' Zeira discuss Chizkiyah's explanation.

4) Convulsing non-kosher animal

R' Yochanan and Reish Lakish disagree whether a non-kosher animal that is properly slaughtered but is still convulsing is subject to the prohibition against eating a limb from a living ani-

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REVIEW and Remember

1. What is אלל?
2. When is a limb from a slaughtered but convulsing animal not subject to the prohibition of a limb from a living creature?
3. What is the point of dispute between Chizkiyah and R' Yochanan?
4. What should one do to be healthy?

Distinctive INSIGHT

Is the juice of a fruit considered as the fruit itself?

וחדר מיייתי לה לערלה פרי פרי מביכורים

The Mishnah taught that lashes are not administered for one who drinks the liquid of orlah fruits except in the case of ingesting the juice of orlah olives (oil) or grapes (grape juice). The Gemara identifies that the author of this statement may be R' Yehoshua, who is of the opinion that juices of terumah fruits do not have the consecrated status of terumah, except olive oil and grape juice. This rule regarding terumah is applied to the halacha of bikkurim, as bikkurim are referred to as terumah (Devarim 12:6,17). We then take this extended rule regarding bikkurim, and we apply it to orlah, as the word "פרי" is found in the context of bikkurim (Devarim 26:2) as well as in the context of orlah (Vayikra 19:23). As a result we conclude that one who drinks any juice of an orlah fruit does not receive lashes, except in the case of ingesting olive oil or grape juice.

Tosafos notes that our sugya seems to contradict the lessons derived in the Gemara in Pesachim (24b). Our Gemara informs us that R' Yehoshua learns his lesson regarding orlah from a גזירה שוה of the word פרי in the contexts of bikkurim and orlah. In the Gemara in Pesachim, R' Zeira and Abaye disagree regarding the reason for the rule of R' Yehoshua, with R' Zeira saying that drinking juice of a fruit is not the normal way of consuming a prohibited item, and Abaye saying that juice of a fruit is just a liquid which comes from the fruit, and consuming it is not included in the prohibition of the Torah against eating a prohibited item. Either way, though, the source for R' Yehoshua is not based upon a גזירה שוה to bikkurim.

Rashba also notes, in the name of Ra'aved, that the Gemara in Berachos (38a) discusses the beracha which is said before drinking juice from a fruit. R' Yehoshua holds that the beracha is "שהכל" for all juices except olive oil and grape juice, because the juice of a fruit is just a liquid (זיעה בעלמא), and not the fruit itself. R' Eliezer holds that the beracha for juice is the same as the fruit itself. We see that R' Yehoshua clearly says that juices are not the fruit, and he does not base his evaluation upon the scriptural comparison between orlah and bikkurim as we find in our Gemara.

Tosafos in Pesachim explains that the opinion of R' Yehoshua is based upon his evaluation that juice is not as the fruit itself. The גזירה שוה in our Gemara teaches us that olive oil and grape juice are different, and they are considered as the fruit itself, just as we find regard bikkurim.

Rashba explains exactly the reverse. The verses teach us that one is not liable for drinking juice from orlah fruit, except for olive oil and grape juice. Once we know this, we now can say that juices are just liquids, and not like the fruit itself. ■

Today's Daf Digest is dedicated

לזכר נשמת

הרב הקדוש רבי אלימלך בן הרב הקדוש רבי אליעזר ליפמאן זצלה"ה
מליזענסק

HALACHAH Highlight

Causing pain to a convulsing animal

חותך כזית בשר מבית שחיטה וכו' וממתין לה עד שתצא נפשה

Cut an olive's volume of meat from the place of slaughter ... and wait until the animal dies

Da'as Kedoshim¹ questioned whether the prohibition against causing an animal to suffer (צער בעלי חיים) applies to an animal that was slaughtered but continues to convulse. One reason for uncertainty is that it is not clear whether an animal experiences pain at that point since some animals die quickly and others hold onto life for extended periods of time. Another point is that once an animal was properly slaughtered and is permitted for consumption it is no longer subject to the prohibition of eating a limb from a living animal (אבר מן החי). As such it would seem logical that if the animal is no longer subject to the prohibition against eating a limb from a living animal it should not be subject to the prohibition against causing a living animal to suffer. In the end, however, he is not certain about these arguments and concludes that it seems logical that the prohibition against causing an animal to suffer still applies.

Teshuvos Imrei Yosher² also maintains that the prohibition against causing an animal to suffer should apply and offers the following explanation. Since the point of the prohibition is causing an animal to suffer, what difference does it make whether the animal is alive or has the status of a slaughtered animal? As long as the animal experienced pain the prohibition is violated. He then challenges his position from our Gemara. The Gemara relates that one who wishes to be healthy should cut an olive's volume of meat from the neck of an animal after it was slaughtered but while it is still convulsing. He should salt it well

mal.

R' Elazar cites a Baraisa in support of R' Yochanan's position that the animal remains subject to the prohibition against eating a limb from a living animal.

It is noted that the final ruling of the Baraisa supports R' Idi bar Avin's statement regarding which piece of meat could make one healthy.

R' Elazar inquires about the status of an animal if one paused or pressed while slaughtering.

An elder cited R' Yochanan who ruled that the animal must be slaughtered according to halacha.

R' Yochanan's wording is clarified.

R' Zeira inquires whether a convulsing animal saves a tahor object from acquiring tum'ah.

R' Sheishes makes an unsuccessful attempt to resolve this inquiry.

Abaye issues a definitive ruling about this matter and a related matter that concerns the status of a convulsing animal

5) Elal

The Gemara cites two teachings of R' Huna that relate to R' Yehudah's ruling in the Mishnah concerning "elal." ■

1. דעת קדושים סי' כ"ה סק"א.

2. שו"ת אמרי יושר ח"א סי' ח'.

and then wait for the animal to die to eat it. This clearly demonstrates that one could cut flesh from an animal that it still convulsing without violating the prohibition against causing an animal to suffer. This does not refute his position, he explains, because it is done for the benefit and health of a person and actions that are for the benefit or health of a person do not violate the prohibition against causing an animal to suffer. ■

STORIES Off the Daf

Poor Scholarship

ועובד כוכבים ששחט בהמה טהורה לישראל

Acertain "Rebbi Dan" told his friend that if a non-Jew who knows the halachos of shechitah slaughters, it is halachically acceptable. After all, most thoughts of a non-Jew are not focused on idolatry. Of course, this is a very novel opinion, and when the friend mentioned this to the Rashba, ז"ל, he rejected it out of hand.

The Rashba said, "The halachah that you quoted from Rebbi Dan is nothing more than idle chatter. Such words are so foolish that any child can easily reject them. They are not even fit to be heard, let alone written down. If I wanted to spend the time,

I could write a thousand points proving its falseness. I will jot down a little which demonstrate its ignorance. Firstly, what difference does knowing the halachos make when it comes to the halachic status of something slaughtered? If a Jew slaughtered in front of others who saw that he did not make any halachic errors, his shechitah is kosher regardless of whether he knew the halachos and the same would obviously be true regarding a non-Jew if he was permitted to shecht. Knowledge of the halachos is clearly irrelevant to this, since this is only to avoid doing what is prohibited—it is not what determines if the shechitah was performed by a person who may do so."

He added, "Second point: How can he say that ואחרים רואים אותו כולן ששחטו in the Mishnah applies even to those prohibit-

ed to shecht? If this were true, wouldn't it first mention that what a non-Jew slaughtered is a neveilah? Then when it says כולן ששחטו it may refer even to a non-Jew's shechitah. But it says that a non-Jew's shechitah is invalid after this statement. It is obvious to anyone slightly proficient in learning that this expression does not include non-Jews."

He concluded, "And the statement from Chullin 121 is also no proof. There we find that if a non-Jew shechts a kosher animal for a Jew's use, the animal does not receive defilement of a neveilah while it is still jerking around. But the moment the death throes finish, it is clearly a neveilah. I will not waste any more ink and parchment on this!"¹ ■

1. שו"ת הרשב"א, ח"א, סי' תקכ"ט ■

