

## OVERVIEW of the Daf

### 1) The prohibition against patronizing decorated shops (cont.)

R' Yochanan disagrees with Reish Lakish and offers alternative parameters for the prohibition against patronizing decorated shops.

The Gemara unsuccessfully challenges Reish Lakish's position.

R' Yochanan's position is clarified in light of this explanation.

R' Yochanan's position is unsuccessfully challenged from a Baraisa.

### 2) Items purchased at a pagan fair

The Baraisa's ruling that one should "uproot" an animal purchased at a pagan fair is explained.

A contradiction between two Baraisos concerning the meaning of the term עיקור is noted.

Abaye resolves the contradiction.

Rava offers an alternative resolution to Abaye.

This resolution is unsuccessfully challenged.

R' Yonah asked about the law concerning a slave that was purchased at a pagan fair.

R' Ilai answered that nothing is done to harm the slave.

R' Yirmiyah asks whether the Baraisa's allowance to purchase slaves at a pagan fair includes gentile slaves.

R' Zeira answered that it does not.

Ravin in the name of Reish Lakish asserted that it does include gentile slaves.

The explanation offered by Reish Lakish is successfully challenged and then revised.

(Continued on page 2)

## REVIEW and Remember

1. What is the consequence for doing business in the marketplace of pagan worshippers?  
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2. Under what conditions may a kohen leave Eretz Yisroel to study Torah?  
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3. What type of slave may be purchased from a fair of idolaters?  
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4. What objects may be sold to idolaters without concern that they will be used for idolatry?  
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## Distinctive INSIGHT

### The definition of "uprooting the animal" - עיקור

ואיזהו עיקור? נועל דלת בפניה והיא מתה מאילה

In the Baraisa, R' Nosson ruled that if someone did business in the heathen market, and he paid the tax which is collected by the officers of idolatry, the Jewish buyer should be penalized. If he bought an animal, it must be "uprooted - תעקר." If he purchased fruit, garments or utensils, they should be left to rot. Metal coins or utensils should be ground up and the powder cast into the Dead Sea. The Baraisa concluded by defining that "uprooting" an animal means that its legs are cut from the hooves up to near the knee. Rashi explains that this does not cause the animal to become a teraifa.

The Gemara then cites a different Baraisa which also defines the procedure of "uprooting." The Baraisa teaches that a person should not designate an animal to be consecrated in our days, when it cannot be given to the Beis HaMikdash. If someone did declare an animal to be holy, it should be "uprooted," which means that the animal should be locked in a room and be allowed to starve to death. What, then, is the correct definition of the term "עיקור," does it involve physically maiming the animal, or just locking it up?

Abaye answers that "uprooting" generally requires that the animal be maimed, but this procedure is more of a disgrace for the animal, and it is therefore not allowed to be done for an animal which is consecrated. Rashi explains that the animal does not die quickly, and its condition is noticeable for a longer period of time. It is better that the animal be locked up and die quicker.

The Rishonim discuss the procedure for a first-born male of an animal (בכור) which is born in our days. Should this animal be locked up, as our Gemara rules regarding consecrated animals? Tosafos (ד"ה נועל) explains that the rule to lock up an animal is a penalty, which is applied only when a person actively consecrates an animal in our days in violation of the rule in the Baraisa not to do so. A first-born male of an animal does not come about due to any violation, so there would be no need to penalize its owner. Furthermore, when a first-born male is born, it is not necessary to confine it until it dies, because we have the option of waiting until it develops a blemish, at which point it will be permitted. However, when an animal is consecrated it is appropriate to confine it without food, rather than waiting until it develops a blemish, because even after it develops a

(Continued on page 2)

# HALACHAH Highlight

## Inflicting pain to animals

ובזמן שהוא בפני עצמו קוטע את אצבעו ומוכרו לו

And when it is sold by itself he should cut off its toe and then sell it to him

**R'** Yehudah states in the Mishnah that if one is interested in selling a white rooster, often used as a sacrifice by idolaters, it is necessary to first cut off its toe since they would not use a rooster that is missing a limb for a sacrifice. Tosafos Chadashim<sup>1</sup> questions why it is permitted to cut off the toe of the rooster when there is a Biblical prohibition against inflicting pain on animals - צער בעלי חיים. Teshuvos Shvus Yaakov<sup>2</sup> proves from this discussion that it is permitted to inflict pain on an animal in order to generate even a nominal profit. Teshuvos Yad Halevi<sup>3</sup> disputes this position and maintains that it is prohibited to inflict pain on an animal in order to make a profit. The fact that R' Yehudah in our Mishnah permitted this practice does not prove Shvus Yaakov correct since it could be that R' Yehudah follows the position of R' Yosi HaGalili (Bava Metzia 33a) that the prohibition against inflicting pain on animals is only a Rabbinic injunction. Since we hold that inflicting pain on animals is a Biblical prohibition it is not suspended so that a person should be able to make a profit.

Terumas Hadeshen<sup>4</sup> was asked about the permissibility of

(Insight...continued from page 1)

blemish there would still be a need to redeem it from its holy status, which cannot be done in our days.

Bach (on the daf, note 'ב'), and Noda b'Yehuda (Y.D. 81) point out that Tosafos holds that one may confine a first born male until it dies, but that the sages did not require that one do so. ■

plucking feathers from live geese and he permitted the practice. The rationale for his lenient approach is that feathers plucked from live geese make better quills than feathers plucked from dead geese, and the prohibition against inflicting pain on animals does not apply when it is done for a person's needs since animals were created to serve the needs of mankind. Shvus Yaakov<sup>5</sup> asserts that one may inflict pain on an animal even in a case when the therapeutic benefits of the practice have not been definitively established. As long as there is a possibility that the therapy would benefit a person it is permitted. Teshuvos Imrei Shefer<sup>6</sup>, on the other hand, disagrees and maintains that one is permitted to inflict pain on an animal only when it is necessary but when the treatment is only experimental, it is prohibited. ■

<sup>1</sup> תוס' חדשים פ"א מ"ה.

<sup>2</sup> שו"ת שבות יעקב ח"ג סי' ע"א.

<sup>3</sup> שו"ת יד הלוי יו"ד סי' קצ"ו.

<sup>4</sup> שו"ת תרומת הדשן פסקים סי' ק"ה.

<sup>5</sup> שו"ת שבות יעקב הנ"ל.

<sup>6</sup> שו"ת אמרי שפר סי' ל"ד. ■

# STORIES Off the Daf

## "Orphan, Did Your Rebbe Act This Way?"

"אמר ליה חד לחבריה יתמא..."

**O**nce, Rav Shalom Eliezer of Ropshitz, zt"l, visited Pupa for Shabbas Parshas Korach. The Vayaged Yaakov, zt"l, the Rebbe of Pupa, was a very accomplished scholar and rebbe in his own right. Despite having taught hundreds of students, he himself went to where Rav Shalom Eliezer was staying that erev Shabbos and meekly asked the visitor to his town, "When will the rebbe begin davening tomorrow?"

"The holy Lubliner would say that on Shabbos the davening should begin

at nine." Rav Shalom Eliezer replied. The Vayaged Yaakov prepared a splendid kiddush for Rav Shalom Eliezer, which he supervised himself, to ensure that everything was just right.

After recounting this story, Rav Yaakov Yitzchak Neiman, zt"l, commented, "In this manner, the Rebbe of Pupa showed us how to treat tzaddikim. He would explain the following verse homiletically: כַּעֲרֹךְ הַכֹּהֵן כֵּן יִהְיֶה: The way you treat tzaddikim determines how much you are able to influence your own students."

"I believe that we can find a source that a rebbe teaches by example in Avodah Zarah 13. There we find that when a pair of Amoraim each saw their friend seemingly acting improperly, they said to one another, 'Orphan, did your

rebbe act this way?' It does not say, 'teach this way,' to show that we must learn from how our rebbe acts as well."

Rav Neiman concluded, "But why call one who veers away from his rebbe's path an orphan? We can explain that one who departs from the lessons which his rebbe demonstrated to him can be compared to an orphan."<sup>1</sup> ■

1. שיחות קודש, ע"י ע"ד ■

(Overview...continued from page 1)

A related incident is cited and the halachic aspects of the incident are explained.

3) **MISHNAH:** The Mishnah enumerates items that may never be sold to idolaters. Other objects, however, may be sold as long as it is not specified that it is for idolatry. ■