

Daf Digest for this month is dedicated in memory of ר' יוסף בן חיים הכהן and רבקה יענטא (Babby Weiss) אשר אנטשיל ע"ה

By the Weiss brothers – London, Staten Island, Yerushalayim

OVERVIEW of the Daf

1) Clarifying the Mishnah

The Gemara explains the necessity of one of the rulings in the Mishnah.

2) Reasons for liability

R' Huna the son of R' Chinana told his son to ask R' Zeraika three questions regarding liability according to the opinion who holds that one is not liable for destructive acts on Shabbos.

Ravina asked R' Avira a similar question.

In all four cases the reason for liability was based upon a minimum benefit that is accrued from the slaughter of an animal.

3) Altering a korban's designation

R' Huna in the name of Rav ruled: An Asham designated for grazing that was slaughtered without specific intention is valid as an olah. This ruling indicates that according to Rav it is not necessary to alter a korban's designation.

This rationale is unsuccessfully challenged.

R' Chisda challenged R' Huna from a Baraisa that comments on our Mishnah.

After numerous attempts to resolve the contradiction R' Yosef the son of R' Sala Chasida explains that the Baraisa follows the opinion of Yosef ban Chonai.

R' Ashi offers an alternative explanation of Rav but it is rejected in favor of the previous explanation. ■

הדרן עלך אלו דברים

REVIEW and Remember

1. What is the benefit of slaughtering a Korbon Pesach for those who cannot eat the korbon?

2. What is done with an animal designated as an Asham whose owner died?

3. Explain: נראה ונדחה.

4. What does the phrase תעובר צורתו mean in the context of korbanos?

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לעילוי נשמת דבורה בת יוסף מאניס
by the Rimel family, Neve Tzuf, Israel*

Distinctive INSIGHT

In what way is this a constructive act?

השוחט חטאת בשבת בחוץ לע"ז חייב עליה ג' חטאות מה תיקון?
אמר רב עזריא שמוציאו מידי אבר מן החי

The Baraisa reports that if an animal designated for a Chattas is slaughtered outside the courtyard, for the sake of idolatry, and on Shabbos, the person is liable for three sins. The general rule is that for a melachah to be culpable, the act of violating Shabbos must be a constructive act – מלאכת מחשבת. This leads the Gemara to ask what the constructive aspect of this act is. Rav Avira answers that this act alleviates the problem of אבר מן החי.

Rashi explains that this means that if a gentile would have eaten from the animal while it was alive, he would have been in violation of אבר מן החי – one of the seven Noachide mitzvos. Now that the animal is dead, the gentile would no longer be liable for this sin. The צ"ח notes that technically, the case could have been explained where there is a benefit of אבר מן החי in terms of a Jewish person, for example where the witnesses seeing him about to eat this meat only warned him not to violate the sin of עבודה זרה or נבילה but they did not mention אבר מן החי. This animal, having had שחיטה done, would not result in lashes for אבר מן החי. Yet the reason Rashi avoided this case is that whether before or after the שחיטה, the issue of אבר מן החי is not a factor. Even before the שחיטה, removal of a limb from a live animal would render it a treifa, and the rule of אין איסור חל על איסור would preclude the sin of אבר מן החי from applying to the pre-existing prohibition of טריפה.

Rabeinu Chananel explains that had the animal not had שחיטה done, the sin of אבר מן החי would apply to a combined volume of כזית of any parts of the animal, including flesh, sinews or even bone. Now that it has been slaughtered, it is a נבילה, and the כזית must be from flesh alone. Yet Rashi avoided explaining the case in terms of a Jew. The פלתי (62:2) explains that the reason Rashi did not refer to this case is that Rashi is of the opinion that our Mishna is the opinion of R' Shimon (see שחטו) who holds that lashes are to be given for consumption of even less than a כזית. Therefore, the slaughter of the animal results in no difference for a Jew, even in consideration of the law of אבר מן החי. ■

HALACHAH Highlight

Drawing blood on Shabbos

לדברי האומר מקלקל בחבורה פטור, וכו'.

According to the one who holds that destructive acts which cause a wound are exempt, etc.

According to R. Shimon¹ one who acts destructively and causes a wound on Shabbos is liable. Rashi and Tosafos argue about the exact parameters of this law. Rashi² holds that according to R. Shimon one is liable for every destructive act (which causes a wound) even if there is no gain whatsoever. Tosafos,³ however, hold that even according to R. Shimon one is not liable unless there is a modicum of benefit from the wound or to help enhance a mitzvah in some way. Otherwise, one would be exempt. The Aruch HaShulchan⁴ rules that the Poskim follow the opinion of Tosafos.

It must be noted that the aforementioned discussion is only whether the removal of blood on Shabbos is forbidden from a Torah or from a rabbinic perspective. All agree⁵, however, that it is at least rabbinically forbidden.

Based on this, the Mishna Berura⁶ writes that one must be very careful not to strike any living creature which could cause a wound. Also, one may not scratch a sore (or mosquito bite, or rough patches of skin or floss teeth) on Shabbos if it will in all likelihood lead to drawing blood⁷. ■

1. רש"י בשבת דף ק"ו ע"א. וע"ש ברש"י דלדעת ר"ש שמשאלצל"ג פטור מקלקל בחבורה חייב, משא"כ לר' יהודה שמשאלצל"ג חייב מקלקל בחבורה פטור. ולכן לרמב"ם שפסק (בהלכות שבת פ"ח ה"ט) שמלאכה שא"צ לגופה חייב כר' יהודה, גם פסק שמקלגל בחבורה פטור כר' יהודה (שם בפ"ז. וכן בפ"א הי"ז). משא"כ לשאר הראשונים שפסקו כר"ש שמשאלצל"ג פטור, כתב הערוך השולחן (בסימן שט"ז סכ"ח, כ"ט), דס"ל גם שמקלקל בחבורה חייב כר"ש. אלא שדעת הפוסקים כתוס' ודלא כרש"י, עכ"ד העה"ש שם. ובשמירת ש"כ ח"ג במבוא אות י"ח סתם שמקלקל בחבורה פטור עפ"י הרמב"ם הנ"ל אע"פ ששם באות י' סתם שמשאלצל"ג פטור, כר"ש, ודבריו צ"ע. וגם עי"ש בהערה כ"ט, אמנם דע שהגר"ז בשט"ז סוף אות ב', כתב דבעל נפש יחמיר כרמב"ם במשאלצל"ג ואכמ"ל
2. רש ע בשבת שם
3. תוס' שם, וכן בסווגיין בד"ה לדברי
4. העה"ש הנ"ל
5. במ"ב שט"ז ס"ק ל'
6. שם
7. ולשון המ"ב שם ז"ל הכאה "שיכול" לבוא לידי חבורה, עכ"ל. ומשמע דר"ל כמהרש"א [בשבת דף ק"ב] שקרוב לפס"ר. וכן דייק בה"ל רע"ז ס"א בד"ה שמא. וכן עי' שאה"צ ש"כ ס"ק מ"ט. ודלא כריטב"א בכתובות ה' ע"ב. ונחלקו בזה פוסקי זמנינו. ואכמ"ל ■

STORIES Off the Daf

The joy of being Jewish

“שחטו שלא לשמו בשבת...”

In order not to be construed as chillul Shabbos, the Korban Pesach must be slaughtered “for its own name,” for its own sake and not as any other kind of sacrifice. It must be, in the words of Rav Tzadok HaKohen, זת"ל, “מיוחס”, or linked by name to its origins. Pesach alludes to our chosen status as a people, expressed in Hashem’s “jumping” over our homes in Goshen, a manifestation of His

“having mercy on us,” as rendered by the Targum. We relive the redemption through the Korban Pesach, how Hashem distinguished us from every other nation and made us into מיוחסים. This clarifies why the korban itself must be מיוחס for the sake of the Pesach to be valid—it is the statement of גוי שלא עשני גוי for the entire Jewish people!

One morning, the Chassidim noticed that the holy Chozeh of Lublin, זי"ע refrained from saying the שלא עשני גוי during the blessing morning prayers. They were dumbfounded by this apparently inconsistent behavior, but they did not have the nerve to ask the Chozeh for an explanation. After Shacharis, the Rebbe turned to his followers

and said, “I’m sure that you are all wondering why I failed to say the berachah שלא עשני גוי this morning, and so I will tell you my secret. I already said it early this morning when I woke up.

“As soon as I awoke, I did my usual cheshbon hanefesh but I was dismayed to find myself without a single merit to my credit! I felt like the lowest of the low, the very worst person in the world. But, just then, I found a way to console myself. I said to myself, ‘I am still a Jew! I may not act the way I should, but I am still so blessed that I am not a goy!’ My heart overflowed with joy, and I immediately made the blessing right then and there!” ■

