



## OVERVIEW of the Daf

### 1) An ox owned by partners (cont.)

R' Nachman explains the difference between a son slaughtering during his father's lifetime and after his father died.

### 2) Shechitah

R' Chavivi of Mechozah inferred from the Mishnah that "slaughtering" occurs at the end of the action rather than during the course of the entire action.

R' Huna the son of Rava rejected this inference.

R' Ashi demonstrates that the rejection of the inference was unfounded.

A second context of this discussion is presented.

3) **MISHNAH:** The Mishnah discusses what happens if it turns out that the witnesses are **עדים זוממים**.

### 4) The disqualification of an **עד זומם**

Abaye and Rava disagree whether an **עד זומם** is disqualified retroactively or only from this point onward.

Each Amora presents the rationale behind his position.

A second version of Rava's rationale is presented. ■

## REVIEW and Remember

1. What led R' Chavivi of Mechoza to infer that shechitah occurs at the end of the act of slaughtering?
2. What led R' Chavivi of Mechoza to infer that R' Yochanan was of the opinion that there is no Biblical prohibition against slaughtering non-consecrated cows in the Beis HaMikdash?
3. If one set of witnesses testifies that Reuven stole an animal and a second set testifies that he slaughtered the animal and they turn out to be **זוממים**, what is their liability?
4. What is the point of dispute between Abaye and Rava?

## Distinctive INSIGHT

*Non-consecrated animals slaughtered in the courtyard of the Beis HaMikdash*

חולין שנשחטו בעזרה לאו דאורייתא

There is a **מחלוקת** regarding slaughtering a non-consecrated animal in the courtyard of the Beis HaMikdash. There is no explicit verse which directly prohibits this act, but it is derived from a verse, as expounded upon in Kiddushin (57b). The verse (Devarim 12:21) states: "When the place where Hashem, your God, will choose to place His Name will be far from you, you may slaughter... and you may eat..." The inference is that slaughter of an animal for non-korban purposes is only permitted when one is distant from the Mikdash, but not when one is in the proximity of the Mikdash. Furthermore, the words "you may eat" teach that it is only permissible to eat a non-consecrated animal slaughtered outside the Mikdash, but it may not be eaten if it is slaughtered in the Mikdash. Therefore, we learn that it is prohibited to slaughter one's privately owned animal in the Mikdash, and that one may not eat from it if it is slaughtered improperly in the Mikdash.

Whether this animal is prohibited from benefit is learned from a different verse cited in the Gemara (Kiddushin 58a). The verse states (Shemos 22:30): "You shall toss it (the meat of a neveila) to the dog." The lesson is that only meat from a neveila is to be tossed to a dog, but not the meat of **בעזרה שנשחטו**.

In Kiddushin (58a), Rashi explains that according to the opinion that **חולין שנשחטו בעזרה** is not a Torah law, the verse **כי ירחק ממך המקום** is not understood to prohibit this action. Even the slaughter of such an animal is not prohibited from the Torah. Rabbi Akiva Eiger and Or Sameach note that in Pesachim (22a), Rashi contradicts himself, as he explains that everyone agrees that the verse from Devarim (**כי ירחק ממך המקום**) is recognized as a source for the halachos not to slaughter or eat from such an animal, and that it is prohibited from the Torah to slaughter or eat from **בעזרה שנשחטו**. The issue of benefit is the only aspect which is disputed, and understanding whether the verse from Shemos (**לכלב תשליכו**)

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# HALACHAH Highlight

## The importance of eating meat in order to learn

דלא אכלי בשרא דתורא

Because he did not eat ox meat

**R**' Nachman explained that he changed his position because he did not eat ox meat. Rashi<sup>1</sup> suggests that R' Nachman's intent was that he had not properly considered the matter when he gave his first response and the reference to ox meat is just an idiom used by Amoraim to discuss Torah research. Tosafos<sup>2</sup> asserts that R' Nachman's statement should be taken literally rather than figuratively. In other words, R' Nachman was explaining that his first explanation was not correct due to the fact that he fasted that day and as a result his mind was not clear, but after eating his mind cleared up and thus offered a more correct response. Sefer Kos Yeshuos<sup>3</sup> suggests a rationale why Tosafos felt compelled to offer an explanation different from Rashi's explanation. According to Rashi, there is no reason for R' Nachman to give an explanation why he changed his mind since obviously if he is offering a second explanation it is because he now feels that his first explanation was incorrect.

Teshuvos Beis Ephraim<sup>4</sup> also explained that R' Nachman was referring to the fact that he had not eaten meat and used this principle to answer a query that was sent to him. There were scholars in a particular town who were hesitant to rely upon the shechitah of the local shochet for a variety of reasons and wanted to refrain from eating meat. Beis Ephraim expressed concern that if they refrain from

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comes to prohibit חולין בעזרה.

Or Sameach (Hilchos Shechita 2:3) notes that our Gemara supports Rashi's commentary in Pesachim. Tanna Kamma (Mishnah 70a) holds that שנסחטו בעזרה pays four and fivefold, as they seem to hold that the Torah sees this slaughtering as valid. The Gemara explains that our Mishnah holds that this prohibition is not from the Torah. Now, if this means that there is no prohibition at all from the Torah, what would be the reason for R' Shimon who exempts this payment? Rather, we see that all opinions hold that at least the prohibition against slaughtering and eating the animal are in place, and the only issue which they argue is whether it is prohibited from benefit. ■

eating meat it will negatively impact their capacity to focus their attention and will handicap their learning. To support this concern he cited a teshuvah of Rashba<sup>5</sup> who wrote that it is permitted to release a Torah scholar from his vow against eating meat. The reason is that eating meat is necessary to have a clear mind for learning and thus it is considered as though he is being released from his vow for the purpose of a mitzvah. We see from this, writes Beis Ephraim, that anyone who causes others to not eat meat has a severe transgression on his hands and certainly this is true for Torah scholars whose capacity to focus will be hampered. ■

1. רש"י ד"ה דלא וע' הגהות היעב"ץ ד"ה בשרא

2. תוס' ד"ה דלא

3. ספר כוס ישועות בתוד"ה דלא

4. שו"ת בית אפרים אה"ע תנינא ח"ב סע' ל"ב אות ג'

5. שו"ת הרשב"א ח"ג סי' שי"ט ■

# STORIES Off the Daf

## One's Torah is as he eats

דלא אכלי בשר

**S**omeone once asked the Pnei Menachem of Gur, zt"l, if there was a source for the well-known saying that one's Torah is as he eats. The rebbe replied, "It seems likely that the source is from Bava Kamma 72. There we find that Rav Nachman was not meticulous in explaining the reasoning behind the halachah because he did not eat meat. We see that the quality of the food one

eats effects his learning."<sup>1</sup>

The Brisker Rav, zt"l, rarely ate meat because of various potential halachic problems. One time he remarked about this practice to Rav Poltzinski. "It is no surprise that my shiurim are not as good as they should be. The gemara says in Bava Kamma 72 that Rav Nachman was not able to be medakdek in the reasoning of the halachah because he did not eat meat."

Rav Poltzinski was uncertain of the Rav's proof from the gemara. "But doesn't Tosafos say there that he was fasting? If so, perhaps the problem was his fasting more than the lack of

meat?"

"You are incorrect," the Brisker Rav replied. "Since Rav Nachman explains that he did not say the true reasoning the day before because he didn't eat meat, undoubtedly the problem here was his failure to eat meat. Tosafos did not understand why he did not simply eat meat the day before. He clearly realized that the lack of meat causes him to have difficulty learning. Tosafos answers that Rav Nachman did not eat meat despite this difficulty since he was fasting."<sup>2</sup> ■

1. שערי תורה ע' י"ז

2. עובדות והנהגות לבית בריסק ח"א ע' רנ"ח