

OVERVIEW of the Daf

1) Using animals trapped on Yom Tov

Rabbah bar R' Huna rules that if one plugged a canal before Yom Tov it is permitted to take the fish from it on Yom Tov.

R' Chisda, or according to a second version Rabbah bar R' Huna, applies this ruling to the case of a newborn animal born before Yom Tov on one's property.

R' Nachman successfully challenges this application.

A second Baraisa is cited that seemingly contradicts the earlier cited Baraisa and rules that an animal born in an orchard does not require designation.

R' Nachman offers one resolution but it is refuted.

R' Nachman bar Yitzchok offers an acceptable resolution to the contradiction.

2) **MISHNAH:** The Mishnah discusses issues related to slaughtering and transporting the slaughtered animal on Yom Tov.

3) Skinning and dismembering an animal

Rami bar Abba notes that a Korban Olah requires skinning and dismembering and butchers should also follow this procedure because proper manners indicate that one should not eat meat unless it is skinned and dismembered.

4) Proper manners

The necessity of this teaching, the Gemara concludes, is to teach proper manners to avoid appearing gluttonous.

A Baraisa teaches the proper way to drink wine.

The Gemara digresses and cites another teaching from Rami bar Abba.

An aspect of the nature of Jews is highlighted.

5) Detracting from the spirit of Yom Tov

(Continued on page 2)

REVIEW and Remember

1. Why was R' Chisda's application of Rav's halacha invalid?

2. What is the issue with carrying a slaughtered animal on a pole?

3. How should one drink a cup of wine?

4. What makes the Jewish People deserving of the Torah?

Distinctive INSIGHT

Eating meat before the animal is inspected for tereifa

אמר רמי בר אבא הפשט וניתוח בעולה והוא הדין לקצבים. מכאן למדה תורה דרך ארץ...אורח ארעא קמ"ל

Rami bar Abba teaches that before one eats meat, the animal should have the skin removed and the limbs should be cut up. The Gemara first suggests that the reason for this is that we require that the animal be inspected for any indications of tereifa before one can assume it is kosher. Before this is determined, eating from it would be irresponsible and prohibited. Nevertheless, the Gemara quickly rejects this explanation for Rami bar Abba's words, based upon our Mishnah where we find that it is permitted to eat from an animal before it is dismembered. The reason for Rami bar Abba is therefore explained to be **דרך ארץ**.

Rashi explains that it is proper to wait until the animal is cut open to ensure that it is not a tereifa, although it is not against the halacha to eat it beforehand. Tosafos questions the explanation of Rashi, as the Gemara continues and states that the halachos of **ערלה** demonstrates that just as one must wait three years before eating fruit of a tree, so too must a butcher not eat meat before determining that the animal is not a tereifa. Tosafos understands that waiting is required, and not simply recommended. Therefore, Tosafos explains that although once slaughtered, an animal is not considered a tereifa, if someone eats from it too early, and the animal is later found to be a tereifa, the person's actions are **שווג** and not **אונס**.

Rosh (**סימן ד'**) rules that meat from an animal may be eaten even before the animal is skinned and dismembered, which is before it has been inspected for signs of tereifa. Similarly, it is permitted to eat from an animal if the lung has been removed and subsequently misplaced, even though the required inspection of the organ will now be impossible. In both these cases, we can rely on the assumption that most animals are not tereifa. Tur concludes from this ruling that the halacha follows Rabbi Akiva in this case of Yom Tov. **קרבן נתנאל** insists that the halacha is according to **תנא קמא**, and the halacha of relying upon the assumption that an animal is not a tereifa is a point about which even **תנא קמא** agrees. ■

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HALACHAH Highlight

Accepting stringencies beyond what halacha requires

בהמה מסוכנת לא ישחוט אלא אם כן יש שהות ביום לאכול ממנה כזית צלי

An animal that is dangerously ill should not be slaughtered [on Yom Tov] unless there is enough time to roast and eat a kzayis.

Shulchan Aruch¹ writes that even when a dangerously ill animal was properly slaughtered, nonetheless, those who are fastidious are strict and do not eat the meat. One reason for this stringency, writes the Levush², is that people find eating a dangerously ill animal to be repulsive and, as such, eating it resembles a violation of the prohibition of **בל תשקצו**—making oneself or behaving in a revolting fashion. Others³ write that the basis for the stringency is the concern that perhaps the slaughter did not meet the necessary conditions to permit consumption of the dangerously ill animal.

The Pischei Teshuvah⁴ cites opinions who, following the same train of thought of adopting additional stringencies with regards to food, write that it would be a mitzvah for those who are fastidious to avoid eating a food that has a prohibited substance mixed into it even though the prohibited substance was nullified at a ratio of 60:1. Pischei Teshuvah⁵ then records others who maintain that to adopt stringencies beyond what is found in the Gemara is akin to here-

(Overview...Continued from page 1)

A Baraisa gives examples of activities that should not be practiced because they detract from the spirit of Yom Tov.

The last ruling prohibiting the use of a seat to carry people is unsuccessfully challenged.

A related incident is cited in which R' Ami ruled that one may not carry the seat on one's shoulders.

The challenge is resolved and the circumstances in which a seat may be carried on others' shoulders is identified. ■

sy and the loss created by this stringency outweighs the benefit gained by adopting the stringency.

The Darchei Teshuva⁶ quotes the opinion of Rav Tzvi Elimelech of Dinov, the Bnei Yisaschor, on this matter. Bnei Yisaschor writes critically of those who adorn themselves with stringencies regarding matters that are explicitly permitted. He then proceeds to write that not only is it permitted but in fact it is also a mitzvah to eat food that Hashem transformed from something prohibited to something permitted. ■

1. שו"ע יו"ד סי' קט"ז סע' ז
2. לבוש שם סע' ז
3. תבואת שור ע"פ שו"ע יו"ד סי' י"ז ע"ש
4. פת"ש שם סק"י בשם איסור והיתר סוף סי' (שער) נ"ז
5. פת"ש שם סולם למנחה כלל ע"ו דין ח'
6. דרכי תשובה שם אות ק"ט ■

STORIES Off the Daf

The Chid"ra and the Parnass

ת"ר אין הסומא יוצא במקלו

During the first great journey of Rav Chaim Yosef David Azulai, the Chid"ra, ז"ל, the illustrious scholar spent the yomim noraim of 5538 (1777) in the Jewish communities surrounding Bayonne, in southeastern France. While there, he spent much time as an advisor for the parnassim, the wealthy leaders, of the town. The visiting "celebrity" would often be assailed by the more mundane affairs of locals as well.

One of the older parnassim, a wealthy man of eighty years who mis-

takenly considered himself an accomplished scholar, enjoyed visiting with the Chid"ra to present his "novel" Torah ideas.

"I'm quite learned, you know. Not like others who just pitter patter," he would say. The Chid"ra would patiently hear out his many pointless and uninteresting observations.

Once, this man came to complain to Rav Azulai about the fact that the local rabbi had rebuked him for carrying his walking stick on yom tov.

The man made light of his rabbi's words. "I pay no attention to him anyway, since he clearly doesn't know that once carrying has been permitted for **נפש**, it is permitted for things unrelated to **נפש**!"

The Chid"ra felt he had to speak up

in defense of the local rav. "The prohibition is not because of carrying, but because it is a 'workday manner,' as Rashi explains on Beitzah 25b. And although both Rambam and Shulchan Aruch rely on the principle you mentioned, they also both rule according to the statement in the Gemara: the blind man may not go out with his staff!"

With those words, the man was silenced.

Later, in the diary where the Chid"ra recorded the incident, he concluded: "Although there is a more lenient ruling, I chose to ignore it. In the case of **הארץ עמי** like this man, the prohibition stands. Otherwise such people will come to carry even on Shabbos!" ■

