

OVERVIEW of the Daf

1) Majority (cont.)

The Gemara concludes its rejection of R' Ashi's source for the principle of majority.

2) Reliability of a slaughterer

R' Nachman in the name of Rav rules that if one observed someone slaughter from the beginning to the end of the procedure one may eat meat from that animal but if not then not.

The Gemara searches for the circumstance in which this ruling would apply.

The circumstances of the case are identified and the novelty of this ruling is explained.

R' Dimi bar Yosef asks R' Nachman about a case in which one sent an agent to slaughter and then he finds the animal slaughtered, may he assume that it was the agent who slaughtered the animal.

R' Nachman answers that it may be assumed that it was properly slaughtered.

R' Dimi asks a similar question regarding sending an agent to separate terumah.

R' Nachman answered that one may not assume that terumah was properly separated.

R' Dimi wonders why there is a difference between the two cases and R' Nachman explains his position.

3) Most people who slaughter are proficient

It is suggested that there is a dispute between Tannaim whether we assume that most people who slaughter are proficient.

R' Nachman bar Yitzchok rejects this interpretation of the Baraisa and offers an alternative explanation.

Rebbi's opinion in the Baraisa is further explained.

A contradiction between this explanation of Rebbi's position and another ruling of his is noted and then resolved.

4) Clarifying the Mishnah

The Mishnah's wording concerning the deaf-mute, insane or minor is explained.

Rava asserts that the Mishnah's implication that intent is not necessary for a valid slaughter follows R' Nosson.

R' Oshaya issues a halachic ruling related to the Baraisa that he cited that includes R' Nosson's relevant opinion.

5) Minors

R' Chiya bar Abba inquires whether a minor has significant thought or not.

R' Ami questions why R' Chiya bar Abba did not inquire about whether the action of a minor is significant. ■

Distinctive INSIGHT

Intent necessary when slaughtering non-sacred animals

מאן תנא דלא בעינן כוונה בשחיטה

The Mishnah taught that a deaf mute, imbecile or minor may perform shechita when supervised by someone else. Yet, this category of people cannot be relied upon to have intent for shechita as they do this act. They only are aware that they are cutting the neck of the animal, but they have no specific significant intent for shechita. The Gemara later (31b) learns that when an animal is slaughtered for an offering, the one doing the act must have specific intent for the mitzvah of shechita, as we find (Vayikra 19:5), "you shall slaughter it in order for it to be acceptable." The intent necessary when slaughtering non-sacred animals is the subject of a disagreement. R' Nosson says that because we find that the Torah says that the slaughter of sacred animals must be with specific intent, we see that there is no need for intent for non-sacred slaughter of animals. Rabbanan say that there is some degree of intent necessary even for non-sacred animals, and the people in this category are not capable of doing it.

The Rishonim discuss the precise degree of the intent necessary when slaughtering non-sacred animals according to Rabbanan. Rashi explains that Rabbanan say that although the slaughter of non-sacred animals does not have to be done with the intent "for shechting," nevertheless the intent must be to cut the "two signs" (esophagus and trachea) properly, and not just for the sake of cutting, which is all that these incompetent people are capable of intending. This is why Rava says that the Mishnah allowing their shechita with others supervising must be according to the view of R' Nosson, but not Rabbanan. This is also the approach given by Tosafos and Rashba.

Ramban says that a deaf mute, imbecile and minor are not legally reliable to have any intent, not even intent for cutting. He implies that had they been able to furnish at least this degree of intent, this would have been adequate for non-sacred purposes even according to Rabbanan. Ramban understands that Rabbanan require intent for animals slaughtered for offerings only, as we find in the verses.

Shitta Mikubetzes notes that the Gemara says that our Mishnah "does not require intent for shechita." This infers that R' Nosson does not require intent "for shechita," but he does require intent "for cutting" for non-sacred animals. Yet, we see that only Rabbanan require intent for cutting, but R' Nosson has no requirement at all. Shitta explains that had these people been capable of intent for shechita, their intent would be kosher just like any other person who intends for cutting, which is kosher. ■

Today's Daf Digest is dedicated
By the Okner family
In memory of their grandmother
מרת שרה בת ר' בערל, ע"ה
Mrs. Sarah Matthew

HALACHAH Highlight

Relying upon the presumption that an agent carried out his responsibility for mishloach manos

חזקה שליח עושה שליחתו

There is a presumption that an agent carries out his agency

Rambam¹ discusses a case of someone who instructed an agent to separate terumah on his behalf and the agent went to separate terumah but the owner does not know for certain that the agent fulfilled his assignment. If the owner later finds that terumah was separated from his produce he may not assume that it was the agent who separated the terumah. The reason is that when it comes to matters that involve prohibitions we do not follow the presumption (חזקה) that an agent carries out his agency. Therefore, we have to be concerned that someone else heard the agent being instructed to separate terumah and he went ahead and separated the terumah without authorization.

Teshuvos Ugas Eliyahu² expressed uncertainty about the application of this principle to mishloach manos. If, for example, someone asked an agent to deliver mishloach manos to a particular person and then the principal goes off to work. Upon his return he cannot find the agent or the mishloach manos. Do we invoke the principle that an agent carries out his agency and the mishloach manos were properly delivered and the principal fulfilled the mitzvah or perhaps the principal may not assume that the mishloach manos were properly delivered and he should send different mishloach manos? He answered that it seems that one may not assume that the agent

REVIEW and Remember

1. Explain רוב מצויין אצל שחיטה מומחין הן.
2. How does R' Nachman explain the difference between his ruling regarding slaughtering and his ruling related to terumah?
3. How does the Gemara resolve the contradiction between the two rulings of Rabbi?
4. Is it necessary for one to hold the slaughtering knife for the slaughter to be valid?

carried out his agency and the principal should send another set of mishloach manos. He first cited Rambam's position that this principle is applied only as a stringency but not as a leniency. He then references Tur who cites the opinion of Rash who maintains that the principle is invoked only when we know the action was performed but it is not certain whether that action was performed by the agent but if it is not known whether the action was performed altogether the principle may not be invoked. Accordingly, all opinions agree that the principal must send another set of mishloach manos since relying upon the principle would involve a leniency and we do not even know if the mishloach manos given to the agent were ever delivered. ■

1. רמב"ם פ"ד מהל' תרומות ה"ו.
2. שו"ת עוגת אליהו סי' ל"א.

STORIES Off the Daf

A Kur of Salt

"תיכל עלה כורא דמלחא..."

Rav Shlomo Zalman Ehrenreich, hy"d, explained an unusual statement found on today's daf with a parable. "On Chulin 12 Rav Nachman strangely jokes that when he will be given a kur of salt he will provide the answer. What can this mean?

"This can be understood in light of the midrash regarding the verse 'וירא — אלוקים את כל אשר עשה והנה טוב מאד' And God saw everything that He had made, and behold it was very good.' The midrash explains that 'טוב' alludes to the

yetzer tov and 'מאד' to the yetzer hara. The reason for this is obvious. It is only the difficulty in avodah caused by the yetzer hara that confers value on our avodah. The Zohar adds that if not for the yetzer hara, it would be impossible to muster joy while learning. Since the Eglei Tal writes in his introduction that Torah lishmah is measured by the joy one feels while learning, the need for the yetzer hara which produces this feeling is obvious."

He added, "But there is a limit to how helpful the yetzer hara is going to be! This can be compared to a doctor who visits a sick person. The doctor mixes a potent compound and then writes a prescription delineating exactly how much medicine the sick person should con-

sume. If one overdoses he will likely die, and the same is true in spiritual terms regarding the yetzer hara. It is like salt which is used to preserve and improve a good; it must be used in proportion. This is what Rav Nachman meant. In our times, people overindulge the yetzer and take a kur—the largest measurement in the Torah. Rav Nachman's exhortation, 'bring me, לכי תיכל', can also be read as, 'when it will be destroyed or cease.' In this context Rav Nachman meant to allude to the ultimate future. He meant a time when the tendency to take a kur of salt, an overdose of the yetzer hara, will cease, since everyone will only take what they need to enable them to feel joy in their learning."¹ ■

1. דרשות לחם שלמה, ע' מ"ט