

30.3.2; 43a (ואמר רבה קרום שעלה) → 44a (דאפרוק אפרוקי) → 44a

7. ההכם עיניו בראשו ותפסיל בחשך חולף וידעתי גם אני שמקרה אחד יקרה את כלם: קהלת ב, יד

I Continuation of analysis of various wounds

- a **דב**: a healing membrane on a puncture in the esophagus is not considered – still **טריפה**
- i *And*: esophagus cannot be checked from the outside
 - ii *Application*: for a **ספק דרוסה** (suspicion that it was clawed)
 - iii *Case*: a **ספק דרוסה** was brought to רבה – he tested **אבוי** by appearing to check it from outside
 - 1 *He then*: turned it inside and found two drops of blood on the inside and declared it **טריפה**
- b **עולא**: if a thorn got stuck in the esophagus, we do not assume that it was a hole that healed over (**כשרה**)
- i *Challenge*: why is this different from **ספק דרוסה**?
 - 1 *Answer*: **עולא** holds that we do not raise suspicion of **ספק דרוסה**
 - ii *Challenge*: why is this different from **ספק חלב/ספק שומן** – where he must bring **תלוי**?
 - 1 *Answer*: in that case, we affirmatively know that there was an **איסור** here
 - iii *Challenge*: why is this different from a knife, used for **שחיטה** and afterwards found to be **פגום** (**שחיטה נפסלה**)?
 - 1 *Answer*: in that case, we have an affirmative problem with the **סכין**
 - iv *Challenge*: why is this different from **ספק טומאה ברה"י** (no **איתחוק איסורא**, yet we are stringent)
 - 1 *Answer*: all **ספקות טומאה** are by divine fiat, inferred from **סוטה** (→ **ספק טומאה ברה"י** is **טהור**)
 - v *Comment*: a student reported that **עולא**'s ruling was **נמצאת**, but if it were lodged in – **טריפה**
 - 1 *Rejection* (**רב כהנא**): the proper version is **ישב**, but **נמצאת** is obviously **כשרה** and doesn't need to be taught
 - (a) *Reason*: all animals eat thorns etc.

II Discussion of status of **תורבץ הוושט** (pharynx – opening to the esophagus)

- a **דב**: any cut renders it a **טריפה** – as it is a **מקום שחיטה**
- b **שמואל**: a majority must be cut to render it a **טריפה** – as it is outside of the range of **שחיטה**
- i *definition*: **שמואל**: **בשם עוקבא** – if you cut it and it expands – that is the pharynx; else it is the esophagus
 - ii *counter*: **אבוי**: **ר' ביבי בר אבוי** – if you cut it and it stands still – pharynx; if it contracts – esophagus
 - iii *זירא*: **יונה בשם ר' זירא**: the gullet – within a length smaller than barley but longer than wheat (kernel)
- c *Story*: **ר'ב**'s sons had an ox which was slaughtered beginning at the pharynx and ending at the esophagus
- i **דבא**: applied the **חומרות** of both **רב** and **שמואל** and declared it **טריפה**
 - 1 **דב**: considered the **שיעור** to be any amount
 - 2 **שמואל**: considered the pharynx to be out of the **שחיטה** range
 - ii **ד' אבוי**: heard of this, declared that both **רב** and **שמואל** would have been **מכשיר**, demanded that **רבה** pay restitution
 - 1 *Support*: we follow **ב"ה**, but consistent allegiance to either **ב"ה** or **ב"ש** is legitimate
 - (a) *However*: someone who adopts both schools' leniencies is a **רשע**
 - (b) *And*: someone who adopts both schools' stringencies is a fool, per v. 1
 - (i) *Parenthetic question*: if **הלכה** follows **ב"ה**, how is allegiance to **ב"ש** legitimate?
 - (ii) *Answer1*: that may refer to before the decision rendered by the **בתקול** (see **עירובין יג**)
 - (iii) *Answer2*: even after **קול**, may follow **הושע ר'** (see **ב"מ נט**) – no decision power given to **קול**
 - iii *Defense* (**ר' טבות**): he was following **רב** in both rulings, per **רמי בר יחזקאל**'s critique of his brother (**רב יהודה**)'s reports of **ר'ב**'s rulings
 - 1 **דב**: ruled that the **וושט** has a **שיעור** → **תורבץ הוושט** has no **שיעור** (**משהו**) and is also **not** **מקום שחיטה**
- d *Range of esophagus*: top 2 finger's-breadth (but see version in **רש"י**)
- i *Below*: until area near top of stomach where there are fibrillations (villous)
 - ii *Challenge*: **רב** ruled that the top **טפח** of the stomach is the inner stomach – can't perform **שחיטה** there!
 - 1 *Answer1*: the top **טפח** of the stomach is the inner stomach
 - 2 *Answer2*: **רב** was referring to oxen, where the villous portion is higher up
- e **שמואל**: if the pharynx was totally dislodged from the jaw – still **כשרה**
- i *Support*: if the lower jaw is removed, still **כשרה**
 - ii *Challenge* (**ר"פ**): this is **עיקור סימנים**!
 - 1 *Note*: **ר"פ** would have to answer for the **משהו** – that is in a case where it was carved away
 - (a) *But*: **עיקור סימנים** would only be considered if it were forcibly ripped away
 - 2 *Defense of שמואל*: don't read "totally" dislodged, rather "majority"
 - (a) *Challenge*: **שמואל** ruled (**שמעתתא** #4 above) that if a majority of **סימנים** are dangling – **טריפה**
 - (i) *Defense*: **טריפה** if it was torn away forcibly; **שמואל**'s ruling above is if carefully carved – still connected