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Daf Notes is currently being dedicated to the neshamot of

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Which Partition?

Rav Chanania asked about a fetus of a sacrifice which stuck out its hand during slaughtering, inside the walls of the courtyard of the Bais Hamikdash. Although its hand has left its partition (i.e., its mother’s womb), it still is inside the sacrifice’s partition (i.e., the courtyard). Do we say that just as the courtyard is a partition enclosing the sacrifice, it is effective as a partition for the limb, permitting it?

Abaye responded that he could have asked the same question about the fetus of the less severe *kodashim kalim*, which stuck out its hand anywhere inside the walls of Yerushalayim, which is the partition for such sacrifices.

Rav Chanania did not ask about that case, since he assumed that that partition is not effective for the fetus. Just as he assumed that the walls of Yerushalayim do not supersede the partition of the womb, so should the walls of the courtyard do not supersede the womb. (69a)

In between the Pipes

Ilfa asked about a fetus which stuck out its limb in the middle of slaughtering (i.e., after severing one of the two pipes). Do we combine the severing of the first pipe to the subsequent severing of the second, and therefore consider the limb to not be impure as a carcass, or do we look at each severing independently, and therefore consider the limb to be out before slaughtering, and therefore a carcass?

Rava answered that whenever we slaughter, we combine the severing of the first to the severing of the second inasmuch as the animal may be eaten, so we certainly can combine them to remove the status of carcass from the limb. (69a)

Product of Fetus

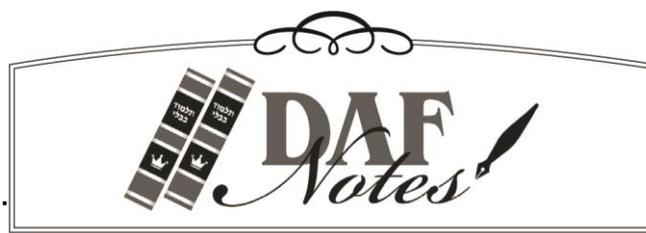
Rabbi Yirmiyah asked whether the child of a fetus which stuck out its limb retains its status.

The *Gemora* explains that if any fetus found inside a slaughtered animal mated with another animal which was born normally, their child may not be eaten, since slaughtering it only addresses its status inherited from its normal parent. The same would apply to a fetus which stuck out a limb.

Rather, Rabbi Yirmiyah’s question was when this fetus mated with a similar fetus. Do we assume that each limb of the child corresponds to the same limbs of the parents, and therefore we only prohibit that limb, or do we assume that the parents components all combine and mix up to create the child, making the whole child prohibited.

The *Gemora* rejects this explanation of the question, as we know that there is a mixture, since otherwise any blind or crippled parents should have only blind or crippled offspring.

Rather, the question was based on the premise that every offspring is permitted even though it is produced from parents which include the prohibited elements of *cheilev* –



prohibited fats, and blood. Do we say that therefore an offspring whose parents have any prohibitions is permitted, or do we limit this to parents who have two prohibitions, but not ones that have the third prohibition of a limb that left the womb prematurely?

The *Gemora* rejects this, as no one would consider this fetus to have all three prohibitions. Rabbi Meir, who says that a fetus's *cheilev* is prohibited, requires one to slaughter it, and therefore does not consider its limb prohibited, while Rabbi Yehudah, who says that one need not slaughter a fetus, and its premature limb is therefore prohibited, says that its *cheilev* is permitted.

Rather, the *Gemora* explains that the question is whether one may drink the milk from such a fetus. Milk is permitted, even though it always comes from a live animal, which is prohibited. Do we say that the same logic should apply this fetus, or do we limit the permitted status of milk to that of an animal which can eventually become permitted, when slaughtered, as opposed to this fetus, which will never become permitted? The *Gemora* leaves this unresolved. (69a)

Slaughtering the Mother

The *Mishna* said that if one cut part of the fetus inside, it is permitted when its mother is slaughtered.

The *Gemora* asks what the source for this is.

The *Gemora* first suggests it is from the verse which states that one may eat any *beheimah* – animal with split hooves and which chews its cud *babeheimah* – among the animals. This can also be read as permitting one to eat *beheimah... babeheimah* – an animal...inside an animal, i.e., a fetus inside a slaughtered animal.

The *Gemora* challenges this, as classifying a fetus as an animal should mean that one should be able to do *temurah* – exchange with it for a sanctified animal, while the *Mishna* says that one cannot do an exchange with a fetus or a limb.

The *Gemora* therefore suggests that the inclusive word *kol* – all in the verse which says that one may eat *kol beheimah* – all animals includes anything found inside.

The *Gemora* challenges this, since this verse would imply that anything inside should be permitted, including internal organs that were cut, but the *Mishna* says that if one cut the spleen or kidneys inside, they are prohibited.

The *Gemora* answers that the verse continues to say that *osah* – it you may eat, limiting it to a full animal, but not segments of it, excluding the organs.

The *Gemora* further challenges this source, since it should permit any creature found inside, but Rabbi Yochanan says that if one found a creature in the form of a pigeon inside a slaughtered animal, it is prohibited.

The *Gemora* answers that the verse refers to the permitted animals as *perasos* – hooves, limiting it to creatures with split hooves, and not birds.

The *Gemora* further challenges this, as this should exclude a fetus with closed hooves, as it has only one hoof per foot.

The *Gemora* answers that Rabbi Yishmael taught that the verse also refers to *mafris parsah* – [an animal which] splits a hoof, including an animal with one hoof per foot, but still excluding a bird, which has no hoofs.

Rav Shimi bar Ashi says that we can use the original source suggested, and answer the challenge by saying that the *Mishna* which precludes exchanging a sacrifice for a fetus is not due to its not being an animal, but is following the

opinion of Rabbi Shimon. Rabbi Shimon equates exchanging a sacrifice with *ma'aser* – tithes of animals. Therefore, just as *ma'aser* does not apply to a fetus, so exchange does not apply to a fetus.

Rav Shimi attempts to prove that the *Mishna* is following Rabbi Shimon's opinion from the continuation of the *Mishna*. Rabbi Yossi disputes the start of the *Mishna*, and says that one may exchange for a limb. Rabbi Yossi attempts to prove his position from the case of one who consecrates the limb of an animal as an *olah*. Just as consecrated a limb of the animal as an *olah* makes the whole animal an *olah*, so should doing an exchange on a limb of the animal make the whole animal exchanged.

The *Gemora* explains that Rabbi Meir and Rabbi Yehudah say that even if one consecrated a limb as an *olah*, it does not make the whole animal an *olah*, while Rabbi Yossi and Rabbi Shimon say it does. Therefore, Rabbi Yossi's argument could not have been directed at anybody but Rabbi Shimon, indicating that Rabbi Shimon is the author of the start of the *Mishna*.

The *Gemora* deflects this, saying that Rabbi Yossi may have simply been explaining his own reasoning, not as an argument to anyone else. (69a – 69b)

Firstborn

The *Mishna* says that if an animal had difficulty giving birth to its first offspring, one may slice off limbs of the fetus as they come out, and throw these to the dogs. If most of the fetus came out, it is considered a first born bechor, and must be buried, and any further offspring are not considered first born.

The *Gemora* cites a dispute between Rav Huna and Rabbah about a first born which exited one third, which one sold to a non-Jew, followed by the next third. Rav Huna says that

once the second third exited, most of it has exited, and the first third is retroactively sanctified as a bechor, rendering the sale invalid. Rabbah says that the sale is valid, since it was done before most of the bechor exited, and therefore the animal is not sanctified, since it is partially owned by a non-Jew.

The *Gemora* says that this is consistent with their dispute about a first born that was born one third by C-section, followed by the remainder naturally. Rav Huna says that it is not sanctified, since at the point of most of it exiting, we retroactively look at the birth until then, which was mostly born via C-section, while Rabbah says that it is sanctified, since most of it was born naturally, and we don't retroactively view the initial part of the birth.

The *Gemora* explains that they had to discuss both cases, to illustrate that each one maintains their position, whether it is strict (sanctifying the first born) or lenient (not sanctifying). (69b)

DAILY MASHAL

The End of a Proud Creature

The letter *vav* in the word *gachon* is enlarged in the Torah to teach us that if a person becomes proud and walks upright like the letter *vav*, we show him the snake, whose end was that he became the lowest creature, going on its belly (*Pardes Yosef, Shemini*).