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Limb of the Fetus and a Dangling Limb

Rav Yosef was sitting before Rav Huna and said as follows: Rav Yehudah said in the name of Rav: He who eats this (*a dangling limb*) incurs lashes. Thereupon one of the Rabbis said to him: Pay no attention to him, for Rav Yitzchak bar Shmuel bar Marta in the name of Rav: He who eats it does not incur lashes. Rav Huna then said: Upon whom should we rely? Thereupon Rav Yosef turned his face away (*in anger*) and remarked: What is the difficulty? I was speaking of the death (of the animal) when the limb is accounted as detached, but he was speaking of the slaughtering when the limb is not accounted as detached.

Rava said: From where is it derived the rule of the Rabbis that at death a loose limb is accounted as detached and at the slaughtering it is not accounted as detached? From the verse. And upon whatever any of them, when they are dead, does fall, it shall be tamei. Now what does this verse exclude? Should you say it excludes (creeping things) while they are alive, but these are expressly excluded by the words ‘of their carcass’! It clearly teaches that at death the limb is accounted as detached but not at the slaughtering.

Rav Adda bar Ahavah said to the Rava: But the verse deals with creeping things?

He replied: Since it serves no purpose in the case of creeping things to which slaughtering does not apply, you may refer it to cattle.

He countered: But it is indeed necessary (with regard to creeping things to teach) that they must be ‘as at death’, that is, they convey tumah only when moist but not when dry.

The Gemora answers: The expression, ‘when they are dead’, occurs twice.

Rav Chisda said: They differ only with regard to the limb of a live fetus, but with regard to the limb of a dead fetus all agree that at the slaughtering the limb is accounted as detached.

Rabbah however said: As they differ in the one case so they differ in the other also.

The Mishnah had stated: the slaughtering of a live eight months’ birth . . . (for to its kind slaughtering does not apply).

The Gemora asks: But has it not been taught: The slaughtering of a live eight months’ birth could prove (otherwise), for even though slaughtering applies to its kind, the slaughtering does not render it tahor?

Rav Kahana answered: (It means that) through its mother slaughtering applies to its kind.

And our Tanna? — He does not consider as a refutation (the fact that slaughtering applies to it) through its mother.

The Gemora asks: But that Tanna who does consider this a refutation, from where does he derive the rule that the slaughtering of a tereifah (animal) renders it tahor? — He derives it from the exposition of Rav Yehudah in the name of

Rav, for Rav Yehudah said in the name of Rav, (others say: It was so taught in a Baraisa), It is written: And if there dies of the cattle, (he that touches its carcass shall be tamei,) that is to say, some of the animals convey tumah and some do not, and which are they? They are tereifah (animals) which have been slaughtered.

Rav Hoshaya raised this question: What is the law if a person put his hand into an animal's womb and slaughtered inside of it a living nine months' fetus? This can be asked according to Rabbi Meir's view and also according to the Sages' view. According to Rabbi Meir the question is this: perhaps when Rabbi Meir contended that an animal which was extracted (alive from the womb) must itself be slaughtered he referred only to an animal which came forth (alive) into the world, but while within the womb of its mother, the slaughtering of it would not render it permitted. And on the other hand, perhaps (it is permitted) even according to the view of Rabbis, for the Torah permits (the fetus) by (the slaughtering of any two out of) four organs!

Rabbi Chananyah said: Come and hear. (We have learned:) From where would we know this of an animal that was born tereifah from the womb? Now if it can be said (that the slaughtering of the fetus in its mother's womb renders it valid), then this also had a time when it was fit (for slaughtering), for a man might put his hand into the womb and slaughter it there (before it was rendered tereifah)!

Rava said to him: Render: 'an animal that was formed tereifah from the womb', and this would be the case when, e.g., it has five legs.¹

MISHNAH. If a man slaughtered an animal and found in it an eight months' fetus, either living or dead, or a dead nine months' fetus, he need only tear it open² and let the blood flow out.³ If he found in it a living nine months' fetus it must be slaughtered⁴, and he would thereby incur the penalty for (infringing the law of) 'it and its young'; these are the words of Rabbi Meir. But the sages say: the slaughtering of its mother renders it permitted. Rabbi Shimon Shezuri says: Even if it is five years old and is plowing the field, the slaughtering of its mother renders it permitted. If he ripped open the mother and found in it a living nine months' fetus, it must be slaughtered, since its mother has not been slaughtered.

GEMARA. Rabbi Elozar said in the name of Rabbi Oshaya: They argued about it (the fetus) only with regard to slaughtering. What does this exclude? — It excludes the (forbidden) fat and the (sciatic) nerve.⁵

The Gemora asks: What fat is meant? Is it the fat of the fetus? But is there not a dispute with regard to it? For it was taught: The law of the sciatic nerve applies also to a fetus, and the fat (of the fetus) is forbidden; these are the words of Rabbi Meir. Rabbi Yehudah says: It does not apply to a fetus, and the fat (of the fetus) is permitted. And Rabbi Elozar had said in the name of Rabbi Oshaya that their dispute referred to a

¹ The additional leg being a hind leg in which case the animal is tereifah. Such a defect existed in the animal from the time that it was formed in the womb.

² It does not require to be slaughtered, for it has already been rendered permitted by the slaughtering of its mother.

³ The blood is forbidden like the blood of its mother, but, unlike its mother, all its fat is permitted.

⁴ R' Meir who is the author of this view contends that with the completion of nine months of pregnancy the fetus, if it is living, is deemed a separate being and is not rendered permitted by the

slaughtering of the mother. The Sages, however, who dispute with him maintain that the nine months' living fetus is deemed a separate animal only on birth, but as long as it is within the womb it is part of the mother and is rendered permitted by the slaughtering of the mother.

⁵ I.e., the fat and the sciatic nerve of the fetus are forbidden as in an ordinary animal, and there is no dispute about these (Rashi). According to Rabbeinu Gershom, all agree that the fat and the nerve of the fetus are permitted.

living nine months' fetus, Rabbi Meir ruling according to his principle and Rabbi Yehudah according to his! And if it means the fat of the (sciatic) nerve, but is there not also a dispute about it? For it was taught: One must trace the sciatic nerve as far as it goes and must cut away its fat at its roots; these are the words of Rabbi Meir. Rabbi Yehudah says: One need only peel off the (fat at the) top (of the hip-bone)!

The Gemora answers: If indeed it was reported, it must have been reported as follows: Rabbi Elozar said in the name of Rabbi Oshaya: They argued about it only with regard to the matters that affect its eating, thus excluding the prohibitions of interbreeding and plowing with it.⁶

Rabbi Shimon ben Lakish said: He who permits the fat (of the fetus) permits its blood, and he who forbids its fat forbids its blood. Rabbi Yochanan says: Even he who permits its fat forbids its blood.

Rabbi Yochanan raised this objection against Rabbi Shimon ben Lakish: We have learned: He need only tear it open and let the blood flow out!

Rabbi Zeira said: He (Rabbi Shimon ben Lakish) only meant to say that one would not be liable to the penalty of kares.⁷

Whose view are we considering? Rabbi Yehudah's, are we not? But let it be accounted no more than the blood that oozes out; has it not been taught: With regard to the blood that oozes (out of the animal after the slaughtering)

there is only a formal prohibition; Rabbi Yehudah says: There is the penalty of kares? — Rav Yosef, the son of Rabbi Salla the pious, explained it in the presence of Rav Pappa: Rabbi Yehudah interprets the expressions, 'blood' and no manner of blood;⁸ hence, whenever one would be liable (to the penalty of kares) for the life blood one would also be liable for the blood that oozes out, and whenever one would not be liable for the life blood⁹ one would not be liable for the blood that oozes out.

The question was raised: May one redeem (the firstling of a donkey) with a lamb extracted (out of the ewe's womb)?¹⁰ According to Rabbi Meir's view there is no question at all; for since he declares that it must be slaughtered, it is obviously an ordinary lamb. The question only arises according to the view of the Rabbis who maintain that the slaughtering of its mother renders it tahor. Now what is the law? Since they maintain that the slaughtering of its mother renders it tahor, it is to be regarded as meat in a basket,¹¹ is it not? Or (shall we say) since it runs to and fro, we apply to it the term lamb?

Mar Zutra says: We may not redeem with it; Rav Ashi says: We may.

Rav Ashi said to Mar Zutra: How do you arrive at your view? You no doubt deduce it from the word 'lamb' used here and also in the verse dealing with the Pesach lamb; then it should follow, just as there the lamb must be a male, without blemish, of the first year, so here too it must be a male, without blemish, of the first year'.

⁶ Yoked together with an animal of a different species. These prohibitions, it is agreed by all, apply (so Rashi; according to R. Gershom: do not apply) to an animal that was extracted out of the womb.

⁷ For eating its blood. Only in this sense did Rish Lakish use the term 'permit'.

⁸ The term 'blood' alone would mean the life blood, but the expression no manner of blood' includes even the blood that oozes out of the animal after the slaughtering.

⁹ As none of the blood of a fetus is regarded as life blood, hence none of its blood comes under the prohibition.

¹⁰ It must be assumed that this extracted lamb was worth less than the firstling donkey, for otherwise the question does not arise, since one may always redeem it with anything that is its worth.

¹¹ And we may not redeem the firstling of a donkey with meat of a slaughtered animal (if less than its worth).

(Mar Zutra replied:) The repetition of: You shall redeem, extends the scope of the law.

(Rav Ashi countered:) If, as you say, namely, that the repetition of, 'You shall redeem', extends the scope of the law, then everything (should be allowed)'.¹²

(Mar Zutra replied:) If that were so, of what use to you is the inference made by the term lamb'?

The question was raised: Do we reckon here the first and second degree of tumah or not?¹²

Rabbi Yochanan said: We do reckon here the first and second degree of tumah;¹³ Rabbi Shimon ben Lakish said: We do not reckon here the first and second degree of tumah, for it is regarded as a nut that rattles in its shell.¹⁴

Rabbi Shimon ben Lakish raised this objection against Rabbi Yochanan. We have learned: The flesh is tamei like that which had touched neveilah; these are the words of Rabbi Meir. But the Sages say: It is tamei like that which had touched a slaughtered tereifah (animal). Now according to my view that they (the fetus and the mother) are one body, it is clear, for it (the fetus) was rendered susceptible (to contract tumah) by the blood of its mother;¹⁵ but according to you (it will be asked), how was it rendered susceptible to tumah? — He replied: By the slaughtering, and it is in accordance with Rabbi Shimon's view.¹⁶

Rabbi Yochanan raised this objection against Rabbi Shimon ben Lakish: If it waded through a river it has thereby become

susceptible to tumah, and if it next passed through a cemetery it has thereby become tamei. Now according to my view that they are two separate beings, it is clear that only if it had thus become susceptible to tumah (by passing through a river) it becomes (tamei), but if it had not thus become susceptible to tumah it is not (tamei). But according to your view that they are one body (it is difficult, for surely) it had long ago become susceptible to tumah by the blood of its mother!

The Gemora answers: It was a dry slaughtering, and this ruling is not in accordance with Rabbi Shimon's view.

DAILY MASHAL

The Soldier's Body Remained Intact

"And meat **in the field**, *tereifah*, you shall not eat" (Shemos 22:30). *Kol Yehudah* states that one must avoid forbidden food not only at home but also "in the field", on a journey and in extraordinary conditions. He mentions the well-known story about the town that moved its cemetery because of the authorities' demands. To everyone's surprise, two of the deceased were found intact: a holy *tzadik* and a Russian soldier. Who was the soldier? It turned out that he was a Jew conscripted into the Russian army who perished because he refused to eat forbidden food. When his commander found out about his refusal, he ordered that he be fed pork. When the Jew refused, two soldiers grabbed him and tried to feed him by force but he choked and died on the spot (*Yalkut Chamishii*, Shemos).

¹² I.e., where the mother was slaughtered, carrying in its womb a living nine months' fetus, and the mother was rendered tamei, the question arises: Does the fetus assume the same degree of tumah as the mother, or one degree less?

¹³ The fetus and mother are two separate entities; the former would therefore be tamei in one degree less than the latter.

¹⁴ The fetus and the mother are one entity so that the fetus assumes the same degree of tumah as its mother.

¹⁵ For when part of a foodstuff has been moistened by one of the prescribed liquids the whole is rendered susceptible to contract tumah; here therefore the fetus, as part of its mother, is rendered susceptible to tumah by virtue of the moistening of the flesh about the throat of the mother by the blood of the slaughtering.

¹⁶ As the slaughtering is also effective for the fetus the latter is thereby rendered susceptible to tumah.