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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

Who is the Tanna that taught: 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?<sup>1</sup> — Rabbi Yochanan said: It is Rabbi Yosi HaGelili, for it was taught: Rabbi Shimon ben Elozar says in the name of Rabbi Yosi HaGelili: It contracts food tumah, and needs to be rendered susceptible [to contract tumah]. The Sages say: It does not contract food tumah, for it is a living being, and whatever lives cannot contract food tumah.

Rabbi Yochanan is indeed consistent in his view, for Rabbi Yochanan had also said that Rabbi Yosi HaGelili and Beis Shammai held the same view.<sup>2</sup> Rabbi Yosi HaGelili expressed it [in the Baraisa we quoted] above. Beis Shammai expressed it [in the following Mishnah]: For we learned: When do fish contract tumah? Beis Shammai say: As soon as they have been caught.<sup>3</sup> Beis Hillel say: Only when they are dead. Rabbi Akiva says: From the moment that they cannot live. What is the difference between them? Rabbi Yochanan replied: A fish that is struggling.<sup>4</sup>

Rav Chisda raised the question: What is the law if such defects as [render an animal] tereifah occurred in fish? This

<sup>1</sup> In other words, that a living animal can contract tumah.

<sup>2</sup> That living animals can contract tumah.

<sup>3</sup> Even though they are still alive.

<sup>4</sup> I.e., in the throes of death and could not live even if put back into the water. According to Beis Hillel it cannot contract tumah; according to Rabbi Akiva, it can.

<sup>5</sup> It might therefore be said that a fish, considering its low state of vitality the moment it sustains a physical injury is regarded as dead and is susceptible to contract tumah.

question can be asked both according to he who holds that a tereifah animal can continue to live [for twelve months or more] and also according to the one who holds that a tereifah cannot continue to live. According to he who holds that a tereifah can continue to live this question can be asked, for perhaps this is so only in the case of animals whose vital force is considerable but not in the case of fishes whose vital force is slender.<sup>5</sup> And according to the one who maintains that a tereifah cannot continue to live this question can also be asked, for perhaps this is so only in the case of animals, since to its kind slaughtering applies,<sup>6</sup> but not to the case of fishes, since slaughtering does not apply to its kind! This remains unresolved.

If an animal cast forth an abortion, its fat, says Rabbi Yochanan, is as the fat of an animal.<sup>7</sup> Rabbi Shimon ben Lakish says: It is as the fat of an undomesticated animal.<sup>8</sup> Rabbi Yochanan said: Its fat is as the fat of an animal, because [the coming into] the world renders it [an animal].<sup>9</sup> Rabbi Shimon ben Lakish said: [Its fat is] as the fat of an undomesticated animal, because [the fulfillment of] the months [of pregnancy] is [also] essential in order to render it [an animal].

<sup>6</sup> Since slaughtering applies to animals and a tereifah cannot be slaughtered it might well be regarded as dead, but this is not so in the case of fishes.

<sup>7</sup> And is forbidden to be eaten under the penalty of kares.

<sup>8</sup> I.e., the fat is as the flesh, and he who eats it is liable for infringing the prohibition of neveilah, which only involves a flogging but not kares. The prohibition of fat does not apply to that of an undomesticated animal.

<sup>9</sup> The abortion is therefore regarded as an animal with all the restrictions attached to it.

Others report it as follows: Where the months of pregnancy had not been fulfilled [there is no doubt at all that] it is of no consequence.<sup>10</sup> They differ only in the case where a person put his hand into the womb of an animal, tore away some fat from the living nine months' fetus within, and ate it. Rabbi Yochanan says: This fat is as the fat of [an animal], because the [fulfillment of the] months [of pregnancy] alone renders it [an animal]. Rabbi Shimon ben Lakish says: It is as the fat of an undomesticated animal, because the [fulfillment of the] months [of pregnancy] coupled with the [coming into the renders it [an animal].

Rabbi Yochanan raised this objection against Rabbi Shimon ben Lakish. [It was taught:] Just as 'the fat and the two kidneys' referred to in the case of the ashram offering precludes that of a fetus,<sup>11</sup> so wherever ['fat' is stated] it precludes that of a fetus. Now according to my view, [says Rabbi Yochanan], it is right that the verse finds it necessary to preclude it;<sup>12</sup> but according to you, why is it necessary to preclude it?<sup>13</sup>

He replied: I derive my view from this very passage.<sup>14</sup>

Others report it as follows: Rabbi Shimon ben Lakish raised this objection against Rabbi Yochanan. [It was taught]: Just

<sup>10</sup> I.e., the fat of such a fetus is certainly not forbidden as fat.

<sup>11</sup> The ashram had to be a male animal, hence the fat mentioned with regard to it which was to be offered upon the altar cannot include that of a fetus found in the womb of the animal offered.

<sup>12</sup> Since for all purposes the fat of a nine months' living fetus is like that of an ordinary animal.

<sup>13</sup> Seeing that its fat is not regarded as the fat of an animal.

<sup>14</sup> From the fact that the law expressly excludes the fat of the fetus from sacrificial rites Rabbi Shimon ben Lakish concludes that such fat is in no wise deemed fat.

<sup>15</sup> For it is not like ordinary fat.

<sup>16</sup> Which in the first seven days of its life, though in every respect an animal, may not be offered as a sacrifice. Likewise with the fat of the fetus, although it is regarded as fat in every respect, it is nevertheless forbidden for sacrificial purposes.

as 'the fat and the two kidneys' referred to in the case of the ashram precludes that of a fetus, so wherever ['fat' is stated] it precludes that of a fetus. Now according to my view, [says Rabbi Shimon ben Lakish,] it is right that the Torah precluded it;<sup>15</sup> but according to you, why should it not be offered [upon the altar]? — He replied: It is like an animal which has not reached the prescribed age.<sup>16</sup>

Rabbi Ammi said: If a person slaughtered a tereifah animal and found in it a nine months' living fetus, according to the one who forbids [the other<sup>17</sup> without slaughtering] it is permitted,<sup>18</sup> and according to he who permits [the other without slaughtering] it is forbidden.<sup>19</sup>

Rava said: Even according to the one who permits [the other without slaughtering] it is permitted, for the Torah permits [the fetus] by [the slaughtering of any two out of] four organs.<sup>20</sup>

Rav Chisda said: If a person slaughtered a tereifah animal and found in it a nine months' living fetus, it needs to be slaughtered and is subject to the [Kohens' dues of the] shoulder, and the two cheeks, and the maw. If it died [without being slaughtered], it is tahor and does not convey tumah by carrying.<sup>21</sup>

<sup>17</sup> The nine months' living fetus found in the womb of a slaughtered animal.

<sup>18</sup> By its own slaughtering; for it is a separate being, unaffected by its mother.

<sup>19</sup> Even if it was itself slaughtered; for slaughtering does not apply to it. And it is not permitted by its mother since the mother was a tereifah.

<sup>20</sup> I.e., either the two organs of its mother or its own two organs, for the fetus is rendered permitted either by its own slaughtering or by the slaughtering of its mother.

<sup>21</sup> Since it has been rendered tahor by the slaughtering of its mother. 'Carrying' even without contact is one of the methods by which a carcass can convey tumah. It must be noted that the other method of conveying tumah, namely, by contact, is not excluded here.

Thereupon Rabbah said to him: The ruling 'it needs to be slaughtered' obviously follows Rabbi Meir's view, whereas the ruling 'it is tahor and does not convey tumah by carrying' obviously follows the Rabbis' view! — But according to your argument, you could raise this same objection against Rabbi Chiya; for Rabbi Chiya taught: If a person slaughtered a tereifah [animal] and found in it a nine months' living fetus, it needs to be slaughtered and is subject to the [Kohens' dues of the] shoulder, and the two cheeks, and the maw. If it died, it is tahor and does not convey tumah by carrying. The ruling 'it needs to be slaughtered', follows Rabbi Meir's view, whereas the ruling 'it is tahor and does not convey tumah by carrying' follows the Rabbis' view! — This is no difficulty at all, for Rabbi Chiya deals with the case where it was found dead [in the mother's womb].<sup>22</sup> This is, however, a difficulty for you.<sup>23</sup> — He replied: It is not difficult for me either, for the Torah permits [the fetus] by [the slaughtering of any two out of] four organs.<sup>24</sup>

When Rabbi Zeira went up [to Eretz Yisroel] he found Rav Assi sitting and reciting the above statement [of Rav Chisda]. 'Well spoken!' said Rabbi Zeira; 'Rabbi Yochanan also said so'. Are we to infer that Rabbi Shimon ben Lakish disagrees with [Rabbi Yochanan]? — Some say: He was waiting and was silent; and others say: He was drinking and was silent.<sup>25</sup>

<sup>22</sup> And in this case it is admitted by R' Meir that the slaughtering of the mother renders the fetus that is within it tahor. Accordingly the teaching of R' Chiya is entirely in agreement with R' Meir.

<sup>23</sup> For Rav Chisda did not explain that he was dealing with a fetus that had died in the womb.

<sup>24</sup> The ruling therefore entirely follows the Rabbis' view since they hold that the fetus is permitted either by its own slaughtering or that of its mother.

<sup>25</sup> It is not known whether Rish Lakish disagreed or not, for Rav Assi had left the room while Rabbi Yochanan was lecturing and Rish Lakish had not as yet commenced to argue with Rabbi Yochanan either because, as some say: Rish Lakish was in the habit of allowing him to finish his remarks without interruption, or because, as others say: Rish Lakish was drinking water at the time and therefore remained silent.

<sup>26</sup> According to the first Tanna, i.e., 'The Sages' in our Mishnah, since this animal goes about the fields like normal animals, it has been

The Mishna had stated: Rabbi Shimon Shezuri says: even if it is five years old . . .

The Gemora asks: Isn't his view identical with that of the first Tanna?

Rav Kahana replied: The difference between them is where it stood upon the ground.<sup>26</sup>

Rav Mesharsheya said: According to the one who maintains that we must take into account the seed of the male, if a ben pekuah (an animal which had been extracted alive out of the womb of its mother) mounted a normal animal, there is no remedy for the offspring.<sup>27</sup>

Abaye, said: All agree that if a ben pekuah had joined hooves it is permitted.<sup>28</sup> Why? Because everything extraordinary people remember very well.<sup>29</sup>

Others report it thus: Abaye said: All agree that if this animal with joined hooves was extracted [alive out of the womb of its mother] which also was with joined hooves and had been extracted [out of the womb of its mother], it is permitted.

decreed by the Rabbis that it must be slaughtered, for not everyone would know of the peculiarity of this animal to distinguish it from normal animals.

<sup>27</sup> As the offspring from the maternal side requires to be slaughtered but not from the paternal side, it is regarded as half slaughtered, and to continue the slaughtering now is of no avail because of the long pause between the beginning of the slaughtering, i.e., at birth, and now. This state in the animal could not arise if we accept the rule that the law permits the fetus either by its own slaughtering or by the slaughtering of its mother.

<sup>28</sup> By the slaughtering of its mother even though it walks about in the field, and even according to the view of the Sages in our Mishnah.

<sup>29</sup> All people would take notice of this animal on account of its abnormality, and would remember all the peculiarities in connection with it.

Why? Because a case with two extraordinary conditions people remember very well.

Ze'iri said in the name of Rabbi Chanina: The halachah is in accordance with Rabbi Shimon Shezuri. Indeed Rabbi Shimon Shezuri permitted [without slaughtering] its young and the offspring of its young and so on unto the end of all time.

Rabbi Yochanan said: It alone is permitted [without slaughtering] but its young is forbidden.

Adda bar Chavu had an animal that had been extracted [alive out of the slaughtered mother's womb]. It was attacked by a wolf,<sup>30</sup> so he came to Rav Ashi who advised him to slaughter it [immediately]. But, argued Adda, didn't Ze'iri say in the name of Rabbi Chanina that the halachah was in accordance with Rabbi Shimon Shezuri? And indeed Rabbi Shimon Shezuri permitted [without slaughtering] its young and the offspring of its young and so on unto the end of all time. Furthermore, even Rabbi Yochanan disagreed only regarding its young but not regarding itself!<sup>31</sup> — He replied: Rabbi Yochanan merely stated [what he thought to be] the view of Rabbi Shimon Shezuri.<sup>32</sup>

The Gemora asks: But didn't Ravin, son of Rabbi Chanina, say in the name of Ulla in the name of Rabbi Chanina that the halachah was in accordance with Rabbi Shimon Shezuri? Furthermore, is it not an established rule that wherever Rabbi Shimon Shezuri stated his view the halachah is in accordance with him? — He replied: I accept the following view. For Rabbi Yonasan said: The halachah accords with Rabbi Shimon Shezuri only in the case of 'The dangerously ill person' and in the case of 'The terumah separated from the tithe of demai produce'. The case about the dangerously ill person is as we have learned: At first it was held: If a man while being led out in chains [to execution] said: 'Write out a

<sup>30</sup> And it was dying. There was no question at all whether or not it was to be considered tereifah, but only whether it was necessary to have it slaughtered or not.

bill of divorce for my wife', it was to be written and also to be delivered to her. Later they laid down that the same rule applied also to one who was leaving on a sea journey or setting out with a caravan. Rabbi Shimon Shezuri says: It also applies to a man who was dangerously ill. And the case about the terumah separated from the tithe of demai produce is as we have learned: If the terumah that had been separated from the tithe of demai produce fell back into its place, Rabbi Shimon Shezuri says, even on a weekday one need only ask him [sc. the seller] about it and eat it by his word.

#### DAILY MASHAL

##### *Each Word of Torah was a Novelty*

Abaye, said: All agree that if a ben pekuah had joined hooves it is permitted. Why? Because everything extraordinary people remember very well.

Reb Meir Simcha said that people would think that he had an unbelievable memory (in all facets of Torah), but in truth it was because all of Torah was a chidush – novel to him, and that was why he was able to remember everything.

<sup>31</sup> So why then was it necessary to have the animal slaughtered?

<sup>32</sup> Though he himself was not in agreement with it.