



Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h
Tzvi Gershon ben Yoel (Harvey Felsen) o”h

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

Disfigured Fetus

It was stated: If a woman miscarried a fetus whose face was smashed, Rabbi Yochanan ruled: She is *tamei*, and Rish Lakish ruled that she is *tahor*.

Rabbi Yochanan asked on Rish Lakish from a *braisa*: If a woman miscarried a shaped hand or a shaped foot, she is subject to the *tumah* of birth (and since it is unknown whether the fetus was that of a male or a female, the restrictions of both are imposed upon her), and there is no need to consider the possibility that it might have come from an undeveloped body (which would exempt her from the definite *tumah* of childbirth, and therefore she would not be allowed to have any days of *taharah*). Now, if it were so, should it not have been stated that the possibility exists that it might have come from a undeveloped body or from a fetus whose face was smashed?

Rav Pappi said (explaining the dispute differently): Where its face was smashed (but its features were discernible), everyone agrees to the ruling that the woman is *tamei*. They only differ where its face was entirely smooth (so that none of its features were discernible), and the statement was made in the reverse order: Rabbi Yochanan ruled: Its mother is *tahor*, and Rish Lakish ruled that its mother is *tamei*.

The *Gemora* asks: Shouldn't then Rish Lakish challenge Rabbi Yochanan from the *braisa* (mentioned above)?

The *Gemora* answers: It is because Rabbi Yochanan could have answered him that an undeveloped body and a fetus whose face was entirely smooth are identical terms (for

regarding both of them, their features are not distinguishable).

The *Gemora* relates that once the sons of Rabbi Chiya once went to the villages. When they (returned and) appeared before their father he asked them, “Has any case been submitted to you (to render a halachic ruling)?” They replied, “The case of a fetus whose face was entirely smooth has been submitted to us, and we ruled that the woman was *tamei*.” He said to them, “Go back and declare as *tahor* that which you have declared *tamei*, for what were you thinking - that it is preferable to act stringently?! This is a stringency that results in a leniency, for thereby you also allow her the days of *taharah* (for any discharge of blood within the period of thirty-three days after childbirth (for a male) and sixty-six days (for a female) would consequently be regarded as *tahor*, whereas if the aborted fetus had not been declared to be a valid birth, the discharge would have imposed upon the woman the *tumah* of a *niddah*).

It was stated: If one miscarried a creature that had two backs and two spinal columns, Rav ruled that in the case of a woman it is not a valid birth (and she does not have *tumah* on account of childbirth), and in that of an animal it is forbidden to be eaten (even if it was found in the womb after the *shechitah* of its mother, and much more so if it was aborted, for then it is regarded as *neveilah*), but Shmuel ruled that in the case of a woman it is a valid birth, and in that of an animal it is permitted to be eaten (if it was found in the womb after the *shechitah* of its mother, for as long as it has hooves, it is permitted).

The Gemora explains that they argue regarding the meaning of that which Rav Chanin bar Abba said, for Rav Chanin bar Abba stated: The 'shesuah' – the cloven – (*forbidden by the Torah*) is a creature that has two backs and two spinal columns. Rav maintains that such a creature exists nowhere in the world, and that when the Torah taught Moshe about it, it must have taught him about one that was still in its mother's womb (*and that would be forbidden*), while Shmuel holds that such a creature does exist in the world, so that when the Torah taught Moshe about it, it taught him about the species in general, but one that was still in its mother's womb is permitted to be eaten.

[Evidently, they both agree that if such a creature would be born, it would be forbidden. The Gemora asks on this.] Rav Shimi bar Chiya asked to Rav from a braisa: Rabbi Chanina ben Antignos stated: Any animal that has two backs and two spinal columns is unfit for the Temple service (*it is regarded as a blemish, and if it is a firstborn, it cannot be offered as a sacrifice*). It is evident from here, is it not, that it is viable (*and if it would not be consecrated, it would even be permitted for consumption*)!?

Rav answered: You are Shimi (*who asks good questions*): Rabbi Chanina refers to a case where its spinal column was crooked (*which looked like it had two backs, and that is why it can survive; one with two actual backs, however, would not be viable*).

The Gemora asks on Shmuel from a braisa: Among fetuses, there are some that are forbidden (*for consumption*): a four-month fetus among small cattle (*its mother carried it for four months, when the usual gestation period is five months*), and an eight-month fetus among large cattle (*when the usual gestation period is nine months; these are regarded as neveilah even while alive, for they will not live at all, and even a shechitah will not render it permissible*), and those that are less than that are equally forbidden. From this is excluded one that had two backs and two spinal columns. Now what is meant by 'is excluded'? Obviously that it (*the animal with the*

two backs and the two spinal columns) is excluded from the category of fetuses in that it is forbidden to be eaten even while still in its mother's womb? [*This ruling is in direct conflict with Shmuel!?*]

Rav explains in accordance with his own view, and Shmuel explains it in accordance with his view.

Rav explains in accordance with his own view, as follows (*for although the ruling of the braisa does not contradict Rav, the wording of the braisa seem to indicate that an animal with two backs and two spines would be permitted for consumption when born prematurely*): A four-month fetus among small cattle and an eight-month one among large cattle, and one that is less than that is equally forbidden. This applies only where it came into this world, but while it is still in its mother's womb, it is permitted. Excluded from this is one that has two backs and two spinal columns, which, even while still in its mother's womb, is also forbidden.

Shmuel also explains it in accordance with his view, as follows: A four-month fetus among small cattle and an eight-month one among large cattle, and one that is less than that is equally forbidden. This, however, applies only to one whose period of pregnancy was not completed (*but rather, it was born prematurely*), but if the period was completed, it is permitted. Excluded from this is one that has two backs and two spinal columns, which, even though its period of pregnancy was completed, it is forbidden if it came into this world, but it would be permitted when it still in its mother's womb.

A braisa was recited before Rav: As it might have been thought that if a woman miscarried a creature with a shapeless body or with a shapeless head, its mother is tamei on account of its birth, it was explicitly stated in the Torah: *If a woman conceives and bears a male etc. and on the eighth day he shall be circumcised etc.* This implies that only a child that is fit for the covenant of the eighth day causes tumah to his mother, but these are excluded, since they are not fit for

the covenant of the eighth day (*for it will not live that long*). Rav said to him: Conclude the *braisa* as follows: And one who had two backs and two spinal columns (*for it will not live, and therefore, its mother will not be rendered tamei*). (24a – 24b)

INSIGHTS TO THE DAF

Four Eyes, Four Hands and Two Heads

By: Meoros HaDaf HaYomi

The Ritva cites a fascinating testimony in the name of a certain Rav Oshayah who saw a woman with four eyes, four hands and two heads. She ate with each head separately and lived over 20 years. The Rishonim discussed such cases at length in light of the difference of opinions between Rav and Shmuel in our *sugya*, as follows.

The Torah rules that a *shesu'ah* - "cleft" animal is forbidden to be eaten. According to Shmuel, this concerns an animal whose back and spine are divided in two while according to Rav, there's no such animal and if there is, there's no chance it would live and therefore, in his opinion, the Torah intends to forbid eating this rare animal while it's still a fetus though a *ben peku'ah*, the fetus of a slaughtered animal, is permitted, if its back and spine are divided, it is forbidden.

Ruling a halachah in light of a discovery: As such, the Raavad writes that although in differences of opinion between Rav and Shmuel we decide the halachah according to Rav in issues of *issur* – prohibitions, and according to Shmuel in property and financial matters, in this case we should make an exception and rule according to Shmuel as we see that such an animal can live for a long time.

One shouldn't compare human nature to that of animals: The Ritva rejects this proof for two reasons. Firstly, one shouldn't draw proof from human nature to that of animals. Moreover, the cleft animal mentioned in our Gemara has two bodies and one head while Rav Oshayah's testimony, like other cases found in that era, concerned beings with two heads. The halachah was ruled according to Rav (*Shulchan*

'Aruch, Y.D. 13:6).

HaGaon Rabbi Yeshuah Shimon Chayim Ovadyah zt"l recounts with amazement in his *Yismach Leivav* (Y.D. 6) that "I came across an incredible case of an animal's fetus with two entire bodies completely separated from each other but from its neck upwards the two necks became one, with one head like any other head. I was astounded at the sight and thought perhaps this is the cleft animal which the Torah forbade, as we are told in Nidah, that it is an animal with two backs and two spines."

A pig-like animal with a cleft in its back: It is interesting to mention the Malbim (*Shemini*, 73), who describes in the name of nature experts that in South America there's an animal that resembles a hog. It chews its cud and has cleft hoofs – signs of purity – and has a finger-wide cleft along the whole length of its back. According to Rav, who holds that there's no such animal, we must say that this pig-like animal is not regarded as having two backs and two spines as the cleft is not deep and merely external.

DAILY MASHAL

Why Leather Clothing?

"And Hashem made leather clothing for Adam and his wife and dressed them" (Bereishis 3:21). Why leather clothing? The Rogatchover Gaon explained: If he had dressed them with other clothing, they would have to first pronounce the *berachah* of *shehechyanu* and they were naked! (after the sin). He therefore dressed them with leather clothing because we don't pronounce *shehechyanu* on leather clothes (*Tzafnas Pa'neiach*).