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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

**Swallowed-up Tumah**

The *Gemora* had answered that Rabbah had in mind the case where a person swallowed two rings, one *tamei* and the other *tahor*, and he teaches us that the *tamei* ring will not render the *tahor* ring *tamei* (*for anything which is swallowed-up cannot transmit or acquire tumah*).

The *Gemora* asks: But is not the (*Mishna's*) case of the fetus and the midwife similar to two rings (*where the midwife's hand and the fetus are 'swallowed-up' within the mother's womb*), and nevertheless, the fetus renders the midwife *tamei*?

Rabbah replied: The fetus is different, because it will eventually come out (*and therefore it is not regarded as 'swallowed-up'*).

Rava objected: The fetus must eventually come out; and must not the ring also eventually come out (*intact*)?

Rava therefore replied: The Pumbedisans, meaning Rav Yosef, know the reason for it, for Rav Yosef said in the name of Rav Yehudah who said it in the name of Shmuel: This *tumah* (*of the midwife on account of the fetus*) was not imposed by Biblical law, but by decree of the Scribes. [*It is regarded as swallowed-up, and therefore, she is not tamei under Biblical law.*]

The *Gemora* asks: Why did it have to be said that it was not imposed by Biblical law, but by decree of the Scribes (*would*

*it not have sufficed to simply say that it was a Rabbinic decree*)?

The *Gemora* answers: It was written that way so that you should not say that our *Mishna* follows the opinion of Rabbi Akiva, who holds that a dead fetus - while still in the womb of its mother is *tamei* (*and can transmit tumah on a Biblical level, for he does not hold that a swallowed-up tumah cannot convey tumah*), for indeed it may even follow the opinion of Rabbi Yishmael, who holds that the dead fetus - while still in the womb of its mother is *tahor*, yet here, the *tumah* (*to the midwife*) was imposed by Rabbinic decree.

Rav Hoshaya explains that the reason for this decree was as a precaution lest the fetus protrude its head beyond the antechamber (*the birth canal - in which case, according to everyone, the midwife would become tamei by Biblical law, for the fetus is regarded as born due to the protrusion of its head*).

The *Gemora* asks: Then this should apply to the mother as well!?

The *Gemora* answers: The mother would feel it (*if the fetus was already in the birth canal*).

The *Gemora* asks: Then let the mother tell the midwife of it?

The *Gemora* answers: She is too preoccupied (*with the birthing pains to inform the midwife*).

The *Gemora* cites the *braisa* where we find the respective views of Rabbi Yishmael and Rabbi Akiva. (71b – 72a)

### **Mishna**

If an animal was in difficult labor and the fetus extended its foreleg (*out of the womb*) and a person immediately cut it off and then slaughtered the mother, the flesh (*of the fetus*) is *tahor* (*although the limb is tamei, it cannot render the fetus tamei, for a live animal is not susceptible to tumah*). If he slaughtered the mother first and then cut it off, the flesh (*of the fetus*) is *tamei* like that which had touched *neveilah* (*for after the shechitah, the fetus has the status of 'food,' and by coming into contact with the foreleg, the fetus acquires tumah*); these are the words of Rabbi Meir. But the Sages say: It is *tamei*, like that which had touched a slaughtered *tereifah*. [*They maintain that the limb does not have the tumah of neveilah, for the shechitah of the mother accomplishes that much – although it does not render it permitted for consumption. It does, however, acquire the tumah of a slaughtered tereifah. This, the Gemora will explain is a Rabbinical tumah in the case of kodashim; accordingly, if the mother was a korban, the meat will acquire tumah due to the fact that it touched the tamei limb. If, however, the mother was chullin, the meat is completely tahor.*]

They explain: For just as we find that the slaughtering of a *tereifah* animal renders it *tahor* (*and it does not acquire the tumah of neveilah*), so too, the slaughtering of the animal (*the mother*) should render the (*protruding*) limb *tahor*.

Rabbi Meir said to them: No! For when you say that the slaughtering of a *tereifah* renders it *tahor*, you are dealing with the animal's own body, but can you say that it will render *tahor* the limb which is not part of the animal itself?

The *Mishna* asks: From where do we learn that the slaughtering of a *tereifah* animal renders it *tahor*? Perhaps we should argue as follows: A *tamei* (*nonkosher*) animal may

not be eaten, and *tereifah* also may not be eaten; then just as slaughtering does not render a *tamei* animal *tahor* (*kosher*), so too slaughtering should not render a *tereifah* animal *tahor*?

The *Mishna* explains why that is not a reasonable logic: No! You may state this regarding a *tamei* animal, for at no time was it fit for slaughtering; can you also state this of a *tereifah* animal which had a time when it was fit (*and that is why its shechitah can render it tahor from neveilah*).

The *Tanna* objects: Remove this argument that you have advanced, for what about an animal that was born *tereifah* from the womb? Where would you know that its *shechitah* will render it *tahor* from *neveilah*?

The *Mishna* explains the initial argument: No! You may state this regarding a *tamei* animal, for it belongs to a kind to which slaughtering does not apply at all; can you also state this of a *tereifah* animal which belongs to a kind to which slaughtering does apply? [*And since it belongs to the kosher species, its shechitah will accomplish to purify it from neveilah – even though it will not render it permitted for consumption.*]

However, the slaughtering of a live eight-month fetus does not render it *tahor* (*from neveilah*), since to its kind, slaughtering does not apply (*for they are nonviable*). (72a – 72b)

### **Tumah Contact in a Concealed Area**

The *Gemora* asks: Why is the fetus rendered *tamei* (*according to all – for both opinions hold that the fetus acquires some degree of tumah from its contact with the protruding limb*)? It has made contact with *tumah* in a concealed place, and contact with *tumah* in a concealed place does not contaminate that which was *tahor*!

Ulla answers that the fetus is rendered *tamei* by virtue of contact with the limb at the moment that it is severed from the limb.

Ravina said: The (*limb of the*) fetus stands to be severed, and whatever is intended to be severed, it is as if it was severed already (*and therefore we view the contact between the limb and the fetus as if it occurred in a revealed place*).

### INSIGHTS TO THE DAF

#### ***Slaughtering sheep to learn the halachos of shechitah***

Thousands participated in gatherings all over the world where sheep were slaughtered to demonstrate the halachos of *shechitah* and *bedikah* (examination after *shechitah*) to Daf HaYomi learners. At each gathering the *shochet* fully pronounced the *berachah* on slaughtering. The *shochet* does not intend that the meat be eaten because of government regulations forbidding meat slaughtered outside a slaughterhouse. Therefore, many attendants asked why a *berachah* was said on slaughtering the sheep if the meat is not meant for eating, even if found kosher.

We start with our *sugya*. Our *Mishna* states that slaughtering a *tereifah* purifies the animal from being a *neveilah*. In other words, an animal that died is a *neveilah* and anyone who touches it becomes impure. But an animal that was properly slaughtered is not a *neveilah*, though it may be *tereifah* and forbidden to eat.

**Slaughtering a doubtfully *tereifah* pigeon:** Once there was a live pigeon that was a doubtful *tereifah* and Rashi ruled to say a *berachah* on its slaughtering as it suffices that *shechitah* excludes it from being *neveilah* for the *shochet* to pronounce a *berachah* (*Or Zarua'*, I, *Hilchos Kisuy HaDam*, 387). HaGaon Rabbi Baruch Shmuel Deutsch writes (*Birkas Chulin, shi'ur 1*) that we can explain Rashi's opinion according to the *Taz* (cited in Vol. 244 end of article "Is *shechitah* a mitzvah?"), that the *berachah* on slaughtering is not a *berachah* on a

mitzvah but one of praise. Therefore, one can say a *berachah* on any *shechitah* that has halachic meaning. As Rashi's opinion is not unanimous, the halachah was ruled (Remo, Y.D. 19:1) that one must not say a *berachah* on such *shechitah* (as we are lenient not to recite a doubtful *berachah*, see end of this article). Only *shechitah* meant for eating requires a *berachah* as the verse says "and you shall slaughter...and you will eat" (Devarim 12:21), from which Chazal learnt that one mustn't eat an animal which has not been slaughtered.

**Does slaughtering for non-Jewish soldiers require a *berachah*?** This halachah aroused many practical questions. For example, a Jew in charge of providing meat to a gentile army asked the author of *Sha'ar Efrayim* (57) if he should pronounce a *berachah* when he slaughters for them, emphasizing that he was merely a *shochet* but didn't know how to examine animals for *treifos* after slaughtering. He replied that he shouldn't say a *berachah* as Chazal forbade eating meat from an unexamined animal. Hence such slaughtering is not considered "you shall slaughter and eat" (see the Maharsham's *Da'as Torah*, beginning of 19, that some maintain that such slaughtering is considered "you shall slaughter and eat" because if the lung is lost and a *chacham* rules that not eating the meat involves a great loss, it may be eaten even without examination). However, if he examines the lungs "and it could be that a Jew will eat a little therefrom, he must say a *berachah*" (*'Aroch HaShulchan*, *ibid, se'if 2*).

**Slaughtering in the week of Tishah B'Av:** A similar question was presented to the author of *Shevus Ya'akov* (Responsa, II, 36) by a person in charge of providing meat to an important minister in his country, including, of course, the week of Tishah B'Av. As the custom is not to eat meat in that week, he asked if he should pronounce a *berachah* on the slaughtering and the *poskim* also disagreed about this halachah.



The author of *Sha'ar Efrayim* ruled (66) that he should say a *berachah* as the prohibition on eating meat in the Nine Days is only a custom and the meat thus does become permitted to eat (*Responsa Peri Tevuah*, 66). The author of *Shevus Ya'akov* ruled (ibid) that if the meat would not go bad till next Shabbos or if an ill person in the vicinity might have to eat it, he should say a *berachah* as the meat could be eaten in a permitted fashion. We thus learn that any *shechitah* where it could be that a Jew might eat therefrom requires a *berachah* though the slaughtering is not meant for eating.

**A *berachah* after slaughtering:** It is surprising to discover that according to *Or Zarua'* (ibid), and thus ruled the Remo (ibid), sometimes one should pronounce a *berachah* only after slaughtering! This concerns a person who slaughters an animal that, when still alive, bears a doubt of being *tereifah*. If, after slaughtering, it is found to be kosher, he should then say a *berachah* on the *shechitah* (see ibid in *Beiur HaGera*, that the source is in the Yerushalmi, and see *Shach*, S.K. 3, and *Pischei Teshuvah*, ibid).

#### DAILY MASHAL

There are two types of vessels that have two different sets of Tumah laws: There are metal utensils (*kli matches*) which become Tamei from outside contact with sources of Tumah. There are also earthenware vessels (*kli cheres*), which only become Tamei from the inside. In the case of the earthenware vessels (*kli cheres*), actual contact between the vessel and the Tumah is not needed. Even if a *sheretz* is suspended inside the *kli cheres*, the utensil becomes tamei.

The Kotzker Rebbe, zt"l, explains the difference: Metal itself is a precious commodity. Therefore as soon as contact is made -- even on the outside -- it becomes tamei. An earthenware, *kli cheres*, however, is made from material that is almost valueless. The whole value and importance of the vessel is determined by its functionality -- what it can contain. Therefore the vessel can only be made impure by

attacking its functionality -- from within the walls of the vessel.

The Kotzker declares that people can also be compared to earthenware vessels. Man's value is not based on his component elements and minerals. The value of these elements is negligible. The value of a human being is based on what is inside.

Rabbi Yissocher Frand notes: Sometimes we make the mistake of getting so caught up in the *chitzonius* of human beings -- how they dress or what kind of car they drive -- that we forget this lesson. The value of a human being is like that of a *kli cheres* -- it is based on the internals. Just as that which is put inside the earthenware vessel can be *metamei* it, so too, the thoughts and desires that are put into a human being can sometimes be *metamei* the person. The value of a person is not based on what's *bachutz* but on what's *bifnim*. We must be very thoughtful and careful about what we put into both our *kalim* and our children's *kalim*.