

OVERVIEW of the Daf

1) **MISHNAH:** The Mishnah discusses a fetus that thrust out a limb as its mother was slaughtered and the status of a limb of an animal that was severed while in its mother's womb and then the mother was slaughtered.

2) A limb thrust out of its mother

R' Yehudah in the name of Rav rules that the limb that was outside of its mother as she was slaughtered is prohibited.

Numerous unsuccessful challenges to Rav's ruling are recorded.

Ulla in the name of R' Yochanan rules that the limb is permitted.

On the second attempt, Ulla's ruling is successfully challenged.

An earlier Beraisa taught that ma'aser sheni and bikkurim that were taken out of their place and returned are permitted. The Gemara identifies the source for this ruling.

A second version of the dispute between Rav and R' Yochanan is presented and the Gemara notes the practical difference between the two versions.

The Gemara asks a two-pronged question related to an animal that thrusts its limb outside of its mother according to the opinion which maintains that there is no birth for limbs. ■

REVIEW and Remember

1. What is the status of a limb of a fetus that was thrust outside of its mother before the mother was slaughtered?
2. Is a child born after a previous non-viable fetus considered the first-born?
3. What is R' Yochanan's position regarding the limb of a fetus that was thrust outside of its mother before the mother was slaughtered?
4. What is the difference between the two versions of the dispute between Rav and R' Yochanan?

Today's Daf Digest is dedicated in loving memory of

מרת איטא בת חיים וחנה ע"ה

Mrs. Edith Levee

Distinctive INSIGHT

A limb of a fetus which reached beyond the womb

ובשר בשדה טרפה לא תאכלו—כיון שיצא בשר חוץ למחיצתו טריפה

The Mishnah at the beginning of the perek teaches that if a fetus sticks its leg out of its mother, and returns it back into the womb, and the mother is then shechted, the fetus is permitted to be eaten due to its being part of its mother as she was shechted.

The Gemara begins with a statement of R' Yehuda, in the name of Rav, who says that the leg itself which was temporarily outside of its mother is not permitted. The reason is that the Torah teaches that once a limb has been taken out of its permitted domain, it becomes prohibited. The source for this rule is Shemos (22:30), "And flesh in the field that is torn shall not be eaten." The verse did not have to say that the meat is prohibited because it is in the field, because that fact that it died by being torn is what causes its prohibition. Rather, the lesson is that any situation where meat needs to be in a particular domain, and it is removed from that area, this causes it to be prohibited. This is also the source that consecrated meat that is taken out of the Mikdash becomes prohibited, and it is also the source from where R' Yehuda learns that a limb of a fetus becomes prohibited if it comes out of the womb before birth before its mother is shechted.

Some Achronim explain that the reason the Torah prohibits such a limb is based upon the concept of *eiver min hachai*, and the verse only refers to it as a tereifah because it does not become permitted with shechita. Others explain that this limb which reached out of the womb is treated as actual tereifah. A difference between these approaches is whether this limb would be permitted for a non-Jew (Noachide), who may not eat *eiver min hachai*, but he is permitted to eat tereifah.

Technically, if a pregnant cow is shechted, and we find a live fetus in its womb, the fetus is permitted due to the shechita of its mother (69a). This is learned from the verse in Devarim (14:6): "Any animal...among animals, it may be eaten." Rashi (ד"ה לעולם) holds that a limb of a fetus that reached out of its mother and was not returned inside would be prohibited even without the verse of "meat in the field," because that limb was outside its mother, and it was not included within the realm of its mother's shechita. It would be prohibited as *eiver min hachai*. The additional verse of "meat in the field" teaches that even if the limb is returned within the womb when the mother is shechted, it is still prohibited, even though *eiver min hachai* does not apply. This is also the view of Rashba.

Rambam (Hilchos Ma'achalos Asuros 5:11) and Ra'aved hold that even when the limb remains outside, the shechita of the mother removes it from the realm of *eiver min hachai*, and it is included within the verse of "an animal...among an animal." It still is prohibited due to its being a tereifah. ■

HALACHA Highlight

Can a tereifah be restored to its kosher status?

מה טרפה כיון שנטרפה שוב אין לה היתר

Just like a tereifah. We know that when an animal becomes a tereifah it can no longer be permitted.

The Gemara teaches that once an animal becomes a tereifah it cannot recover. Poskim challenge this assertion from the Gemara above (48a) that rules that an animal whose lungs become punctured is a tereifah. However, if the puncture closes from the flesh between the ribs it returns to its kosher status. Rashba¹ differentiates between a tereifah wound that heals on its own and a tereifah wound that is treated by a person. When the wound heals on its own, e.g. the puncture in the lung that is closed by the flesh between the ribs, the animal returns to its kosher status. If the tereifah wound requires human intervention for it to heal it does not return to its kosher status even though the wound healed. Rosh² also writes that it is difficult to believe that an animal that has a tereifah wound that is treated by a human

should restore its kosher status. It is only when it heals on its own that an animal could be restored to its kosher status.

Ran³ answers that when an animal becomes a tereifah it cannot be restored to its kosher status as taught by our Gemara. However, not all punctures in the lungs are the same. Some punctures render the animal a tereifah and other punctures do not render the animal a tereifah. The way to differentiate between them is to observe what happens over time. If after a period of time the puncture is filled in it becomes evident that the puncture was not the kind that renders the animal a tereifah, and had we been better experts we would have realized immediately that this puncture was not the type that renders an animal tereifah. It is only due to our ignorance that when we see a puncture we treat the animal as a tereifah since we do not know whether it is the type of puncture that could heal. Teshuvos Na'os Desha⁴ differentiates between a wound that happens on its own which could heal and a wound that is caused by some outside source that cannot be fully healed. ■

¹ רשב"א לקמן ע"ו. ד"ה ולענין.

² רא"ש פ"ד ס"י ז'.

³ ר"ן לעיל י"א. ד"ה הני.

⁴ שו"ת נאות דשא ס"י קכ"ז ד"ה שוב. ■

STORIES off the Daf

A Prevalent Problem

"כיון שנטרפה שוב אין לה היתר..."

A certain person wondered about the halachos of those cows on milking farms that become ill and undergo surgeries. Their stomachs are operated on and then sewn up in a manner which would seem to render them tereifos. And this is not something which happens to very few animals—fully ten to fifteen percent of cattle contract this disease and undergo such operations. Could it be that so many animals are unfit?

When this question was brought to Rav Menashe Klein, shlit"א, he acknowledged that this is a very serious problem. "Although a certain posek permitted the use of such animals since the incision is therapeutic and enables

the animal to survive a long time after surgery, this is incorrect. According to this logic, one may puncture an animal anywhere and not render it treif. This is the view of maskilim who always start by limiting when Torah laws apply. The truth is that treifos are halachah l'Moshe m'Sinai and are immutable.

"This is clear from Chullin 68. The Gemara there states that once something becomes treif it never again becomes permitted. Clearly the moment an animal becomes treif it can never revert back to its former kosher status. We see that later suturing of a puncture that rendered something treif is worthless."

Rav Klein pens an interesting post-script. "I am filled with thanksgiving to Hashem that the generation has improved. All mashgichim have since agreed that animals which undergo this operation will be removed from the kosher animals and their milk won't be

considered chalav Yisrael. This remains a serious problem, however, for those who drink chalav stam. Any heter is irrelevant due to the problem of animals operated on in a manner which rendered them treif. Heaven forbid that one should drink chalav stam today since we now know that the milk must be considered treif because of the prevalence of surgeries. Those who listen will be showered with blessing and will merit children who delve into Torah and fulfill its mitzvos." ■

¹ שו"ת משנה הלכה, ח' י"ג, ס' קי"ג ■

*Today's Daf Digest is dedicated
as a zechus
for a refuah sheleimah for*

**אברהם גרשון בן ציפי
שלמה ברוך בן שיינדל ברכה
דינה חיה שרה בת שיינע מירה**