

## OVERVIEW of the Daf

### 1) A limb thrust out of its mother (cont.)

An unsuccessful attempt is recorded to answer the Gemara's questions related to a fetus that thrusts its arms out of its mother according to the opinion which maintains that there is no birth for limbs.

R' Chananya inquires about the status of a limb that was thrust outside of its mother in the Beis Hamikdash.

Abaye proves that the limb will be prohibited.

Ilfa asks about the status of a limb that was thrust out between the severing of one pipe and the second.

Rava answers that the limb is prohibited.

R' Yirmiyah inquires about the status of the offspring of a fetus that thrust a limb outside of its mother and then the mother was slaughtered with the fetus alive while inside.

The Gemara goes through numerous revisions of this inquiry and then concludes leaving the matter unresolved.

### 2) The detached limb of a fetus found in its mother after she is slaughtered

The Gemara inquire about the source for the Mishnah's ruling that the detached limb of a fetus found in its mother after she is slaughtered is permitted for consumption.

The source for this ruling is presented.

This source is challenged and consequently revised numerous times.

R' Shimi bar Ashi asserts that the Mishnah's ruling reflects the opinion of R' Shimon.

R' Shimi suggests a proof for his assertion that the Mishnah reflects the view of R' Shimon, but the proof is rejected.

3) **MISHNAH:** The Mishnah discusses what may be done if an animal delivering its bechor experiences a difficult labor.

### 4) Bechor

R' Huna and Rabbah disagree about the status of a bechor when after its first third emerged the owner sold that part to a gentile and then a second third emerged. R' Huna rules that the animal is sanctified whereas Rabbah maintains that it is not sanctified.

Each Amora explains the rationale behind his position.

It is noted that there is another similar case that R' Huna and Rabbah debate.

The Gemara explains why it is necessary to present their debate in two contexts. ■

## Distinctive INSIGHT

### *Partial birth of a bechor and subsequent births*

המבכרת המקשה לילד מחתך אבר אבר ומשליך לכלבים

In Parashas Bo (Shemos 13:2), the Torah teaches that the first born male of man or livestock is designated as a bechor and is holy. The Gemara (Bechoros 19a) teaches that this designation only applies to the first offspring of its mother, and to a naturally-born male. It therefore does not apply to a situation where a female was born first, or to a first-born male that is born through a caesarian section. A bechor of a human is redeemed, and a bechor of an animal is given to a kohen. If it has no blemish, it is brought as an offering and the meat is eaten by the kohen, and if the bechor has a blemish, the animal is given to the kohen as his property, but is cannot be brought as an offering.

Our Mishnah deals with a case where an animal is experiencing trouble giving birth to its firstborn. The halacha is that each limb of the fetus may be cut off as it comes out of its mother, and the pieces may even be given to dogs. The reason is that until the majority of the first born male is born the term "born" does not apply to this animal, and the holiness of bechor does not apply to it. However, as soon as the majority of the new born animal comes out of its mother, whether piece by piece or at one time, the holiness of bechor applies, and the pieces which remains of it must be buried. The Mishnah concludes that any subsequent births from this mother will no longer have the status of being a bechor.

Rashi learns that this concluding remark of the Mishnah applies not only to the case where the majority of the fetus was born at one time, but also the earlier case where the limbs were cut as they came out of the mother. Although this mother never "gave birth" to its offspring, the emergence of the pieces one by one is still enough that any subsequent birth will no longer be the first out of this womb (see Shach, Y.D. 319:#4).

Ramban concurs with this approach, as he notes that the limbs which come from the mother are no less significant than if an undeveloped fetus is delivered (Bechoros 21b) which causes subsequent births to lose the status of bechor.

Rambam (Hilchos Bechoros 4:14) writes that where each limb was cut as it was delivered the pieces may be given to dogs, and subsequent birth of a male is a bechor. The concluding ruling of the Mishnah where subsequent birth of a male is not a bechor is referring to the case where the pieces were cut and collected, or where the majority of the animal was born at one time. Shach (ibid. #3) explains that where the pieces were thrown to the dogs there was no birth, so the next birth may be a bechor.

Chazon Ish (Y.D. 214) explains that Rambam and Rashi agree, but Rambam's ruling that a subsequent birth is a bechor is where twins are being born, and the first one exited and was cut in pieces. Here, the twin which is born intact is a bechor. ■

# HALACHAH Highlight

## Identifying a kosher esrog by its identifying characteristics

בהמה בעלמא לאו מכח חלב ודם קאתיא ושריא

An animal in general, does it not come from the cheilev and blood of its father and yet it is permitted

Mishnah Berurah<sup>1</sup> writes that the agreement of the Poskim is that one may not recite a beracha on a grafted esrog since it is not considered an esrog. Furthermore, one should be stringent and should not recite the beracha on such an esrog even on the remaining days of Sukkos. In the event one has no other esrog one should take the grafted esrog without reciting the beracha. Others maintain that a grafted esrog should not be taken altogether since it could lead one to mistakenly believe that a grafted esrog has the same status as a pure esrog.

Rema<sup>2</sup> provides three characteristics of a pure esrog. The peel of a grafted esrog will be smooth whereas the peel of a pure esrog will have small bumps. The second indicator is that the stem of a grafted esrog will protrude beyond the surface of the peel of the esrog but the stem of a pure esrog is indented. The third characteristic is that in a pure esrog the meat of the esrog is relatively small and the white part of the peel that surrounds it is very thick. In a grafted esrog the white part is relatively narrow and the part which contains the meat is very wide.

Teshuvos Tuv Ta'am v'Da'as<sup>3</sup> questions how one could rely upon characteristics for this mitzvah. It is only regarding Rabbinic matters that one may rely upon identifying characteristics, but when it comes to Biblical matters one may not rely upon identifying characteristics. Therefore, since the mitzvah to take an esrog on the first day is Biblical one should not be allowed to rely upon

# REVIEW and Remember

1. Explain R' Yirmiyah's question regarding the offspring of a fetus that thrust its arm outside of its mother before she was slaughtered?
2. What is derived from the phrase *בהמה...בהמה*?
3. What is the unique position of R' Shimon?
4. What is the point of dispute between R' Huna and Rabbah?

identifying characteristics for the mitzvah. He answers based on our Gemara that something that comes from a prohibited source but undergoes a significant transformation is permitted. For example, any animal is the product of its father which includes the blood and cheilev of the father which are prohibited. Nevertheless, it is permitted since it changed dramatically from what it was for the better. So too, even if an esrog was grafted if it shows characteristics of a kosher esrog it proves that the prohibited source has been transformed for the better and as such may be used for the mitzvah. The principle that restricts reliance upon identifying characteristics applies when the characteristics are needed to positively identify an object. In this case even if it was known with certainty that it was grafted it would be usable for the mitzvah since it has been transformed for the better. ■

1. מ"ב סי' תרמ"ח ס"ק ס"ה.
2. שו"ת הרמ"א סי' קכ"ז.
3. שו"ת טוב טעם ודעת סי' קע"א. ■

# STORIES Off the Daf

## The Detached Limb

"מהו לגמוע את חלבו..."

In many parts of Europe most people were very poor. Possession of a milk cow was a huge advantage since it was a source of food in the home. The family could also make various dairy products which could be sold or traded for essential goods or services. A certain man had a cow which was a true blessing. It yielded an abundance of high-quality milk and literally kept his family alive. But then they experienced what appeared to be a tragedy. The cow broke its foot which became a uselessly hanging limb with no vitality. The man knew that that the limb itself was forbid-

den to eat if shected, while the cow is permitted. But he wondered if they could drink the cow's milk. After all, wasn't part of the milk from the life-force of the forbidden limb?

When he asked someone the person gently pointed out that he thought that a clear Gemara prohibited such milk. "In Chullin 69 we find a similar question. If a fetal calf stuck its leg out of its mother prior to slaughter and then retracted it into the womb, the halachah is that the limb alone will not be permitted even though the remainder of the fetus is 'covered' by the shechitah of the mother. What, then, is the law concerning the milk produced by that calf when it matures until it will be slaughtered? On the one hand, all milk is *ever min hachai*, yet the Torah permits it. Perhaps in such a case too, it is permitted.

Or do we say that since the leg that the fetal cow stuck out can never become permitted, the milk is also forbidden since it is an inseparable element of this unit of the entire entity of the cow? The Gemara concludes with one word: *תיקו*. The matter is still unclear to us. I believe that your case is the same and the milk must be assumed to be prohibited."

But when this man asked the Shevus Yaakov, zt"l, he permitted the milk. "This case has nothing to do with the Gemara in Chullin 69. Shechitah doesn't permit an *אבר מדולדל* since the limb is considered to be cut off from the animal. If we say it is halachically detached it obviously does not effect the development of the cow's milk!"<sup>1</sup>

1. שו"ת שבות יעקב, ח"ג, סי' נ"ח. ■