

OVERVIEW of the Daf

1) Dangling limbs (cont.)

Conflicting reports of Rav's position concerning dangling limbs are noted.

R' Yosef resolves the contradiction in a manner that is consistent with R' Yochanan's position recorded above.

Rava presents the sources that death effects detachment of a dangling limb but shechitah does not effect detachment.

R' Ada bar Ahava unsuccessfully challenges these expositions.

2) The dispute between R' Meir and Chachamim (cont.)

R' Chisda and Rabbah disagree whether the dispute between R' Meir and Chachamim applies even regarding the protruding limb of a dead fetus.

3) An eight-month fetus

A contradiction between our Mishnah and a Beraisa is noted as to whether an eight-month fetus is considered a kind that is fit for slaughtering.

R' Kahana resolves the contradiction.

The position of the Beraisa is further explained.

4) The slaughter of a nine-month living fetus

R' Oshaya inquires about the status of the slaughter of a nine-month living fetus and explains how the question is relevant for R' Meir as well as Rabanan.

R' Chanaya suggests a resolution but it is rejected.

5) **MISHNAH:** The Mishnah discusses the status of a fetus that is found in its mother after she was slaughtered as well as its status if the mother was not slaughtered.

6) Clarifying the position of Chachamim

R' Elazar in the name of R' Oshaya asserts that we are lenient with the living nine-month fetus only as far as slaughtering is concerned but as far as other matters it is considered an independent animal.

The Gemara searched for the case that R' Oshaya was excluding.

After the Gemara fails to identify the case R' Oshaya's original statement is revised.

7) Blood of a full-term fetus

Reish Lakish and R' Yochanan disagree whether the opinion that permits the cheilev of the nine-month fetus permits the blood as well.

Reish Lakish's position is unsuccessfully challenged.

8) Ben pekuah

The Gemara inquires whether a ben pekuah could be used to redeem a firstborn donkey. The Gemara clarifies that this question is relevant only according to Rabanan.

Mar Zutra and R' Ashi dispute whether the ben pekuah could be used.

An exchange between these Amoraim is recorded.

The Gemara inquires whether a ben pekuah is considered a second degree tum'ah if its mother becomes a first degree tum'ah.

R' Yochanan and Reish Lakish dispute this matter.

Reish Lakish unsuccessfully challenges R' Yochanan's position. R' Yochanan begins a challenge to Reish Lakish's opinion. ■

Distinctive INSIGHT

Redeeming a firstborn donkey with a ben pekuah sheep

איבעיא להו מהו לפדות בבן פקועה? אליבא דר' מאיר לא תיבעי לך

The firstborn male of a donkey must be redeemed from a kohen by presenting the kohen with a sheep. The sheep given to the kohen for this purpose may even be a female sheep, and it may even be a sheep which has a blemish. One may not, however, use a sheep that is dead, or anything else, unless its value is at least equal to the value of the donkey being redeemed.

The Gemara presents an inquiry whether a sheep known as a ben pekuah may be used for this purpose. This is a sheep which was nine months in development within its mother, and it was born alive after its mother was shechted. R' Meir is of the opinion that such a sheep must be shechted on its own in order to be permitted and it is not permitted due to its mother's shechita. Accordingly, according to R' Meir a ben pekuah is a regular sheep and may be used to redeem a firstborn donkey. However, Rabanan hold that a ben pekuah does not have to be shechted, as it is permitted due to its mother's shechita. This animal is a walking basket of already-shechted meat, and the halacha is that meat cannot be used to redeem a donkey if the meat is not worth the value of the donkey. Or do we say that since this animal is running around and is alive, it is still a sheep and it may be used for redemption, regardless of its value?

In response to this question, Mar Zutra said that a ben pekuah may not be used for redemption, while Rav Ashi ruled that it may be used. Rav Ashi challenged Mar Zutra, by first identifying that the reason Mar Zutra ruled that this sheep may not be used is that there is a gezeirah shavah using the word "שה" which appears in the context of redeeming a donkey and in the context of a Pesach offering. A ben pekuah clearly may not be used for a Pesach offering because it is not naturally born. Being born after its mother's shechita by definition means that it had a caesarean birth. So, too, it may not be used for redemption.

Tosafos notes that if the ben pekuah is disqualified because of its non-natural birth and not due to its being considered already shechted, then the Gemara should have noted that this question is valid according to R' Meir as well as the Rabbanan. In fact, according to the exchange in the Gemara between Rav Ashi and Mar Zutra, Ramban explains that a ben pekuah sheep may not be used for redemption even according to R' Meir. He points out that the Gemara only said that according to R' Meir this sheep may certainly be used only because the Gemara did not realize that the non-natural birth was a disqualifying issue. Tosafos, however, holds that the comparison to the Pesach offering only reveals that this animal is already shechted, and is not eligible to be brought as an offering, and according to R' Meri it could be used for redemption. ■

HALACHA Highlight

Reciting the beracha when slaughtering a ben pekuah

וחכמים אומרים שחיטת אמו מטהרתו
 Chachamim say that the slaughter of the mother purifies it

The Mishnah presents the opinion of Chachamim that if one slaughters an animal and finds a full-term living fetus inside of her, a ben pekuah, it may be eaten without slaughter. The Gemara below (75b) teaches that if the fetus stands on the ground, rabbinically it must be slaughtered before one may eat its meat so that one should not mistakenly conclude that an animal may be consumed without being properly slaughtered.

Rishonim disagree whether a ben pekuah that is slaughtered with a nicked knife may be consumed. Rosh¹ maintains that once Chazal instituted that this ben pekuah must be slaughtered all the laws of slaughtering apply even that the blade of the knife may not have any nicks. Rashba² disagrees and contends that even if the standard laws of slaughtering were not fulfilled one may eat the ben pekuah. His reasoning is that the requirement to slaughter the ben pekuah is that people should not mistakenly think that one may eat a ben pekuah without slaughter and if the knife is nicked no one will see that it was not slaughtered according to halacha.

Pri Chadash³ suggests that there is another difference between these two positions. Does one recite a beracha when slaughtering a ben pekuah? He suggests that according to

REVIEW and Remember

1. What is the punishment for eating a dangling limb ?

2. Is the slaughter of a fetus that is still in the womb effective ?

3. What is the status of cheilev of a fetus found alive in the wound ?

4. What is the point of dispute between Mar Zutra and R' Ashi ?

Rosh who requires the standard laws of slaughtering to be followed one should also be required to recite a beracha on the slaughter since it is a Rabbinic mitzvah. On the other hand, according to Rashba it would seem that one should not recite the beracha when slaughtering a ben pekuah since the standard laws of slaughtering do not apply. He then notes that in his Teshuvos Rashba⁴ writes explicitly that one recites the beracha for slaughtering when slaughtering a ben pekuah. Therefore, concludes Pri Chadash, the halacha is that one must recite the beracha when slaughtering a ben pekuah since we follow the opinion that maintains that it is mandated halacha that the ben pekuah is slaughtered before consumed. ■

¹ רא"ש חולין פ"ד סי' ו'.
² רשב"א ע"ה: ד"ה וההוא.
³ פרי חדש יו"ד סי' י"ג סק"ה.
⁴ שו"ת הרשב"א ח"א סי' תקכ"ה. ■

STORIES off the Daf

Mother and Young

”שחיטת אמו מטהרתו...”

A certain man had a flock of sheep, which was growing by leaps and bounds. As his flock grew he became wealthy and felt comfortable slaughtering any sheep he desired. He found an especially well-fattened sheep with a five-month-old fetus and shechted it. As happens often enough, the fetus jumped out of its mother and tread on the ground.

The owner knew that a fetus has differing halachos depending how far

the animal is in its gestation. As we find on today's daf, if one slaughters an animal that has a fetus which is up to eight months along, whether alive or dead, or a fetus nine months along which is dead, the shechitah which permits the mother permits the child. But if the fetus is nine months along and is found to be alive it is only permitted if it does not tread on the ground. If it treads on the ground it requires its own shechitah. But he wondered whether this applied to beheimos dakos as well as cattle. Although cattle are pregnant for nine months, dakos are pregnant for only five. So perhaps there was a difference.

When the farmer asked his knowl-

edgeable rabbi his question, the man had to admit that he had no idea. “Strangely I have never seen this halachah applied to dakos in any halachic work. I will ask a great halachic authority and get back to you.”

When he asked Rav Yaakov Emden, zt”l, he admitted that this halachah is not covered in any halachic source. “It is rather strange that no halachic source—early or late—makes any mention of this. But it is obvious that the same halachos apply to dakos from the Gemara and Tosefos in Temurah 11 in an unusual context...”¹ ■

¹ שו"ת שאילת יעביץ, חלק א', ס' כ"ה. ■

