

30.2.9

37a (משנה ו) → 38b (דלא תנן)

1. דברו אל בני ישראל לאמר זאת החיה אשר תאכלו מכל הבהמה אשר על הארץ: ויקרא יא, ב
 2. לא תאכלו כל נבלה לגר אשר בשעריה תתננה ואכלה או מנר לנכרי כי עם קדוש אתה לה' אלהיך לא תבשל גדי בהלב אמו: דברים יד, כא
 3. וכי ימות מן הבהמה אשר היא לכם לאכלה הנגע בנבלתה יטמא עד הערב: ויקרא יא, ט
 4. ואנשי קדש תהיו לי ובשר בשדה טרפה לא תאכלו לכלב תשליכו אתו: שמות כב, ל
 5. וכלב נבלה וכלב טרפה יעשה לכל מלאכה ואכל לא תאכלהו: ויקרא ז, כד
 6. ואמר אלה אדני ה' הנה נפשי לא מטמאה ונבלה וטרפה לא אכלתי מנעורי ועד עתה ולא בא בפי בשר פגול: יחזקאל ד, יד
 7. שור או קשב או עז פי יולד והיה שבעת ימים תחת אמו ומיום השמיני והלאה ירצה לקרבן אשה לה': ויקרא כב, כז

- I 1 slaughter: slaughtering a mortally wounded animal (מסוכנת) – how much evidence of its being alive is needed
- a שחיטה must have both foreleg and hindleg spasms after דשב"ג
 - b ט"א: it is sufficient if it spurts blood of שחיטה
 - c application: if one slaughters at night (=dark)
 - i ט"ש: if he finds blood on walls the next morning – כשרה, per ט"א's ruling
 - ii ט"א: w/o affirmative evidence of "hand/leg spasms" or tail shaking – פסול; this applies to ט"א as well as ט"א
 - d ט"א: that put out its foreleg but didn't bring it back (in spasm) – פסולה – that is just dying, not a sign of life
 - e note: all these requirements only apply to an animal that was already assumed to be ט"א; healthy animal needs none
- II source for permission to eat מסוכנת
- a challenge: why would we think it was אסור (that we need to prove permission)?
 - i ט"א: v. 1 – "חיה" may be eaten, that which is dying may not
 - b ט"א: v. 2 – the ט"א's prohibition of נבלה implies that as long as it is alive, מותר
 - i ט"א: perhaps that's the definition of a נבלה – one which is dying
 - ii ט"א: v. 3 indicates that only if it dies is it called נבלה
 - 1 ט"א: perhaps מסוכנת::נבלה and v. 3 adds a ל"ת (after death) to the ט"א of v. 1 (while alive)
 - c ט"א: source is v. 4 – if the ט"א prohibits eating a ט"א → ט"א must be permitted
 - i ט"א: argument: if מסוכנת were also prohibited, let the ט"א identify that and we'll know via ק"ו, that ט"א is also אסור
 - 1 ט"א: explanation: מסוכנת is missing nothing (no puncture, no missing limb); less obvious that it's אסור
 - 2 ט"א: challenge: perhaps מסוכנת::ט"א and v. 4 adds a ל"ת (after death to the ט"א of v. 1 (while alive)
 - (a) ט"א: why explicitly prohibit נבלה; if there is a ט"א+עשה while alive, certainly after death
 - (b) ט"א: response: perhaps ט"א::ט"א - there are 2 לאוין and 1 ט"א for eating "it"
 - d ט"א: source is v. 5 – teaching that איסור ט"א is added to איסור חלב and איסור נבילה is added to איסור חלב
 - i ט"א: explanation: if מסוכנת::ט"א, ט"א text could have written נבילה חלב may be used, חלב ט"א may not be eaten
 - 1 ט"א: and: we would understand, via ק"ו, that ט"א that has already died has איסור ט"א on top of חלב
 - 2 ט"א: therefore: from extra phrase of נבילה, we see that ט"א::ט"א
 - ii ט"א (ט"א): perhaps ט"א::ט"א and נבלה mentioned in v. 5 refers to a נבלה which isn't a "more advanced ט"א" – e.g. if it was cut widthwise (גיטרא) per חזקיה's ruling
 - 1 ט"א: defense: even a גיטרא had to have been מוסכנת before it was 51% cut (and became נבילה)
 - e ט"א: alternative use of ט"א: double mention of חלב is extra – teaches that only these (נבלה וט"א) have one rule – חלב ובשר (both prohibited) as opposed to מסוכנת where the rule is split (חלב – prohibited, but meat is permitted)
 - f ט"א: alternative proposal: v. 6, where יחזקאל declares his purity, interpreted as follows:
 - i ט"א: גמשי לא מטמאה has avoided lascivious thoughts during the day which would lead to ט"א at night
 - ii ט"א: גבלה וטרפה לא אכלתי: didn't eat meat which had to be hurriedly cut, as it was מסוכנת
 - 1 ט"א: implication: מסוכנת must be permitted, else why is יחזקאל "boasting" about avoiding it?
 - iii ט"א: גשור פגול ... any animal which required כהונה, or animal without כהונה given from it

III Definition of מסוכנת

- a *דב (רב יהודה)*: if we try to stand it up and it can't stand
- i *דב (רב חנינא בר שלמיא)*: this is true even if it is eating pieces of wood
- 1 *note*: this is the Suran version; in Pumbedita, this line was included in רב's report
- ii *דמי בר יחזקאל*: even if it is eating boards
- b *שמואל*: asked רב's students how he had defined מסוכנת
- i *answer*: if it moans, defecates or rubs its ear (at moment of שחיטה) – this is פירכוס and proves it was alive
- ii *reaction (שמואל)*: why does רב (רב) require the ear to move (for example); his approach was that anything not directly caused by death is פירכוס and a sign of life
- 1 *clarification (רב ענן - directly from שמואל)*: if its hand was bent and it opened it – due to death (פסולה)
- (a) *but*: if its hand was open and it bent it – not due to שחיטה and comprises a sufficient פירכוס
- (b) *question*: that was already taught in the משנה – if the דקה opened its hand – this is just dying and פסול
- (i) *implication*: if it also re-closed it – would be valid
- (ii) *answer*: משנה implies needing both; שמואל teaches even if it has been open and it closed it – sufficient
- c *challenge (to דב)*: ברייתא יוסי - ר"מ ר' יוסי who says that moaning (גועה) isn't פירכוס
- i *and*: ר' אלעזר בר יוסי quotes ר"מ (ר"מ) as stating that even if it defecates or wags its tail – not פירכוס
- ii *defenses*: if it moans with a strong voice, sign of life; if it is stifled, weak (dying)
- 1 *and*: if it defecates with strength – sign of life; if it just dribbles out – weak (dying)

IV Time-context of פירכוס:

- a *ד' חסדא*: at end (meaning midway through שחיטה) but not at beginning
- i *proof*: our משנה – if בהמה opened its hand and didn't reclose it – פסולה; when did this happen?
- 1 *must be*: during שחיטה; we can't require that it keep moving until שחיטה is done
- ii *challenge (רבא)*: perhaps it is סוף שחיטה and if it can't do so at end, indicates that it wasn't alive during שחיטה
- b *פירכוס דנבי* is at beginning of שחיטה
- i *proof*: our משנה – ר"ש permits animal slaughtered at night if the next day we found blood on the walls
- 1 *reason*: we know that it had proper פירכוס
- 2 *argument*: if we required פירכוס after beginning, why aren't we concerned that it was at beginning?
- (a) *challenge*: perhaps זינוק דם is even better than spasms (ergo, even at beginning its sufficient)
- (b) *answer*: זינוק is minimal as per ר"א's words – אם זינוקה
- (i) *block*: ר"א's position may be minimal relative to ר"ג, but stronger than רבנן
- (ii) *challenge (רבינא)*: רבנן's position must be stronger than ר"א, as they insist שתפרכס עד שתפרכס
1. *note*: they can't be responding to ר"ג, as they would state "once it has spasmed hand OR foot..."
2. *therefore*: they must be responding to ר"א, placing him as most lenient
- c *פירכוס דבא* is at end of שחיטה
- i *proof*: v. 7 and interpretation:
- 1 *שור*: excludes hybrids
- 2 *או כשב*: excludes offspring that look different
- 3 *כי יולד*: excludes C-section
- 4 *שבעת ימים*: excludes מחוסר זמן
- 5 *תחת אמו*: excludes an orphaned animal
- (a) *cannot mean*: that she died after giving birth; we wouldn't expect her to live forever
- (b) *cannot mean*: that she died before giving birth – that is already excluded due to יולד כי
- (i) *must mean*: that she died as she gave birth
- (ii) *argument*: we must require her to be alive at end of birth (סוף שחיטה) → require מיעוט
1. *however*: if we only required her to be alive at beginning, it would be excluded due to יולד כי
- d *final ruling (רבא)*: per ברייתא:
- i *בהמה דקה*: if it opened its hand but didn't bring it back – פסולה
- 1 *limitations*: forepaw only; if it only opened up (or only closed up) back leg, כשרה
- (a) *and*: this is limited to בהמה דקה; but בהמה גסה which moves either leg either way – valid
- (b) *birds*: if they flutter a wing or shake a tail – considered פירכוס (valid)
- 2 *challenge*: all these were (explicitly or implicitly) taught in משנה
- (a) *answer*: the bird wasn't mentioned, but ברייתא mentions all, including bird