

30.4.2

69a (דבי יוסי טעמא דנפשיה קאמר) → 69b (בעי ר' חנניא)

1. וְכָל בְּהֵמָה מִפְּרֻסָּת פְּרֻסָּה וְשִׁסְעַת שְׁסַע שְׁתֵּי פְּרֻסוֹת מַעֲלַת גֶּרֶה בְּבִהְמָה אֹתָהּ תֹאכְלוּ: דְּבָרִים יד,
2. וְאִם בְּהֵמָה אֲשֶׁר יִקְרִיבוּ מִמֶּנָּה קֶרֶבֶן לֵה' פֶּלֶא אֲשֶׁר יִתֵּן מִמֶּנּוּ לֵה' יִהְיֶה קֹדֶשׁ: וַיִּקְרָא כו, ט

- I Series of questions regarding status of עובר that partially exited womb
- a if the עובר (of קדשים) put out its leg in the עזרה, is this called “exiting”?
- lemma1: the עזרה constitutes an “inner space” → not יציאה חוץ למחיצה
 - lemma2: the עובר’s “zone” is the womb, not the עזרה → constitutes יציאה חוץ למחיצה
 - challenge (אבני): then why not ask about קדשים in ירושלים?
- 1 rather: he didn’t ask that because it is clear that the מחיצה for an עובר is the womb (only) → considered יוצא
- b if the עובר put out its leg during שחיטה, between סימנים, is it מביילה or not?
- dilemma: does the שחיטה of the 2nd סימן “join” the 1st to remove the stigma of נבילה or not?
 - answer (רמב): ק”ו – if 2nd סימן “joins” 1st to complete proper שחיטה, it certainly can help remove stigma of נבילה
- c are we concerned about offspring of עובר (with the “tainted leg”) such that the offspring’s leg is also אסור?
- circumstance: can’t be when it mated with a proper animal, for then you could ask the same about a proper בן פקועה
 - per: משרשיא ר’ dictum – according to מ”ד that we consider the father’s seed, if a בן פקועה mates with a proper animal, no way to slaughter the young
 - (a) reason: can’t eat without שחיטה; but סימנים are “not there” as they are “unnecessary” from father’s side
 - rather: must be that it mated with a similar animal (same leg was out when its mother was slaughtered)
 - lemma1: traits are transferrable in parallel (→ cut off that leg and eat the rest) OR
 - lemma2: the traits (“seed”) are mixed (→ no solution)
 - (a) clearly: traits are mixed; else amputee would birth amputee; blind would birth blind offspring
 - rather: since the animal comes from חלב ודם (and its birth “permits” these), perhaps it extends to the אבר too
 - (a) or: perhaps the תורה only permits 2 איסורים (חלב ודם) via birth, not the third
 - (b) challenge: according to which of יהודה ר”מ/ר’ is this asked? (חולין ז:א)
 - (i) דין יוצא no (→ אסור חלב is applies to placenta and its גיד הנשה ד”מ)
 - (ii) מותר no (→ “permission” of חלב ודם doesn’t apply to placenta and its גיד הנשה ד”מ)
 - (iii) clearly: anything that comes on account of another (מכה) isn’t considered (מותר)
 - rather: the question is whether its milk may be drunk
 - (a) lemma1: all milk is permitted in spite of אבר מן החי → here too
 - (b) lemma2: other milk comes from animal that could be בשריטה, unlike this one → אסור – תיקון
- II Analysis of end of משנה – that cutting a piece of the עובר away is not considered אבר מן החי (שחיטת האם מותר after אבר מן החי)
- a Source: v. 1 – בבהמה...בהמה refers to וולד
- Challenge: if so, it should be usable for תמורה
 - However: אג: תמורה doesn’t allow for בעוברים or באברים
- b Rather: v. 1 – וכל בהמה extends to וולד
- Challenge: if so, cutting at the spleen or liver should also not be considered אבר מן החי (contra our משנה)
 - Answer: אותה (v. 1) demands that animal be “complete” (i.e. parts cut off aren’t included in שחיטה)
 - Challenge: if he slaughters an animal and finds a pigeon-form inside, should be מותר (is אסור, per ר’ יוחנן)
 - Answer: we require that the form inside have פרסות (per v. 1) and it doesn’t have them
 - (a) Challenge: if so, a solid-hoof in utero should be אסור – even ר”ש only declared אסור if it comes out like that
- c Rather: back to original inference (בהמה...בהמה); as to challenge from תמורה, that משנה is authored by ר”ש
- ר”ש infers תמורה from מע”ב – just as מעשר doesn’t apply to עוברים or limbs, so too תמורה doesn’t apply to them
 - Source: ibid. – ר’ יוסי argues that since פישוט is effective for הקדש, it should be effective for תמורה
 - (a) And: he must be responding to ר”ש, as both ר”מ and ר’ יהודה do not accept פישוט (his premise) for מוקדשים
 - (b) ד”מ ור”י v. 2 teaches that the whole animal must be מוקדש; יהיה → that part is sanctified and is redeemed
 - (c) ר”ש read יהיה as allowing for פישוט
 - (i) Rejection: ר’ יוסי isn’t responding to ר”ש, he is just presenting his own argument – on his own terms