

30.2.9

37a (משנה ו) → 38b (דלא תנן)

1. דברו אל בני ישראל לאמר זאת הנה אשר תאכלו מכל בהמה אשר על הארץ: ויקרא י"א, ב
 2. לא תאכלו כל נבלה לגר אשר בשעריך תתננה ואכלה או מנר לנכרי כי עם קדוש אתה לה' אלהיך לא תבשל גדי בחלב אמו: דברים י"ד, כא
 3. וכי ימות מן הבהמה אשר לכם לאכלה הנגע בנבלתה יטמא עד הערב: ויקרא י"א, ט
 4. ואנשי קדש תהיו לי ובשר בשדה טרפה לא תאכלו לכלב תשליכו אתו: שמות כ"ב, ל
 5. וחלב נבלה וחלב 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 שבועת ימים תחת אמו ומיום השמיני והלאה ירצה לקרבן אשה לה': ויקרא כ"ב, כז

- I 1 slaughter: slaughtering a mortally wounded animal (מסוכנת) – how much evidence of its being alive is needed
- 1 שחיטה must have both foreleg and hindleg spasms after דשב"ג
 - 2 שחיטה: it is sufficient if it spurts blood of ד"א
 - 3 application: if one slaughters at night (=dark)
 - 1 שחיטה: if he finds blood on walls the next morning – כשרה, per ד"א's ruling
 - 2 שחיטה: w/o affirmative evidence of "hand/leg spasms" or tail shaking – פסול; this applies to דקה as well as ססה
 - 4 דקה: that put out its foreleg but didn't bring it back (in spasm) – פסולה – that is just dying, not a sign of life
 - 5 note: all these requirements only apply to an animal that was already assumed to be מסוכנת; healthy animal needs none
- II source for permission to eat מסוכנת
- 1 challenge: why would we think it was אסור (that we need to prove permission)?
 - 1 defense: v. 1 - "חיה" may be eaten, that which is dying may not
 - 2 source: v. 2 – the תורה's prohibition of נבלה implies that as long as it is alive, מותר
 - 1 counter: perhaps that's the definition of a נבלה – one which is dying
 - 2 block: v. 3 indicates that only if it dies is it called נבלה
 - 1 defense: perhaps מסוכנת::נבלה and v. 3 adds a ל"ת (after death) to the עשה of v. 1 (while alive)
 - 3 rather: source is v. 4 – if the תורה prohibits eating a טריפה → מסוכנת must be permitted
 - 1 argument: if מסוכנת were also prohibited, let the תורה identify that and we'll know via ק"ו, that טריפה is also אסורה
 - 1 explanation: מסוכנת is missing nothing (no puncture, no missing limb); less obvious that it's אסור
 - 2 challenge: perhaps מסוכנת::טריפה and v. 4 adds a ל"ת (after death to the עשה of v. 1 (while alive)
 - 1 block: why explicitly prohibit נבלה; if there is a עשה+ל"ת while alive, certainly after death
 - 2 response: perhaps מסוכנת::טריפה:נבלה - there are 2 לאוין and 1 עשה for eating "it"
 - 4 rather: source is v. 5 – teaching that איסור נבילה and איסור חלב is added to איסור טריפה
 - 1 explanation: if מסוכנת::טריפה, text could have written נבילה חלב may be used, חלב טריפה may not be eaten
 - 1 and: we would understand, via ק"ו, that טריפה that has already died has איסור טריפה on top of חלב
 - 2 therefore: from extra phrase of נבילה, we see that מסוכנת::טריפה
 - 2 challenge (ר' אשי): perhaps מסוכנת::טריפה and נבלה mentioned in v. 5 refers to a נבלה which isn't a "more advanced מסוכנת" – e.g. if it was cut widthwise (גיטרא) per חזקיה's ruling
 - 1 defense: even a גיטרא had to have been מוסכנת before it was 51% cut (and became נבילה)
 - 5 alternative use of v5: double mention of חלב is extra – teaches that only these (נבלה וטריפה) have one rule – חלב ובשר (both prohibited) as opposed to מסוכנת where the rule is split (חלב – prohibited, but meat is permitted)
 - 6 alternative proposal: v. 6, where יחזקאל declares his purity, interpreted as follows:
 - 1 גמשי לא מטמאה has avoided lascivious thoughts during the day which would lead to טומאה at night
 - 2 גבלה וטרפה לא אכלתי: didn't eat meat which had to be hurriedly cut, as it was מסוכנת
 - 1 implication: מסוכנת must be permitted, else why is יחזקאל "boasting" about avoiding it?
 - 2 גשר פגול ... any animal which required הוראה, 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 רבן
- (ii) **challenge (רבינא)**: רבן's position must be stronger than ר"א, as they insist שתפרס עד
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
- (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
- 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