

30.4.6

72a (משנה ד) → 73a (מטמאה במוקדשין)

- I ד משנה ד: if the animal is having difficulty and the עובר put out its hand and he cut it off
- a If: he cut it before slaughtering the mother, the meat is טהור (i.e. not נבילה)
- b But if: he slaughtered the mother first and then cut it
- i ר"מ: the עובר is טמא due to contact with נבילה (part which was out and then cut)
- ii חכמים: the עובר is טהור, as one that had contact with a טריפה which was slaughtered
- (a) Note: the notion of מגע טריפה שחוטה is applicable only to מוקדשים, where a טריפה that was properly slaughtered is מטמא if הקדש, per אבוה דשמואל
- 2 Argument (חכמים): just as שחיטה "purifies" a טריפה, so too here
- 3 Response (ר"מ): slaughtering "cleanses" itself, not the limb of an עובר which is not of its own body
- 4 Additionally: the notion that שחיטה "cleanses" a טריפה could be challenged:
- (a) Challenge: just as a טמאה cannot be "cleansed" via שחיטה, same should apply to טריפה
- (b) Block: a טמאה was never "slaughterable", unlike a טריפה
- (i) Challenge: then a טריפה from birth should remain "unredeemable"
- (ii) Defense: a טמאה has nothing of its sub-genus which can be slaughtered, unlike a טריפה מן הבטן
- c Note: an 8-month old (i.e. premature) which becomes a טריפה cannot be fixed, as it has no "kin" which is בר שחיטה
- II Question: how is there any טומאה-contact between the limb and the rest of the עובר – that is מגע בית הסתרים
- a Answer1 (עולא): ר"מ's position is that מגע בית הסתרים is considered מגע, per his ruling about a 3x3 garment that was torn, which still has מגע מדרס; ר' יוסי dissented and maintained that there can only be מגע זב if he touches it (no longer מדרס, as it is too small)
- i Suggestion: חכמים (of our משנה) follow ר' יוסי
- ii Challenge: ר' יוסי only disagreed about 3 אצבעות which is torn (no longer fit for anything), but if it is 3x3 טפחים that was torn away from a larger בגד (which has טומאה) he agrees that as it separates, that is contact that transfers טומאה – i.e. ר' יוסי would agree in our case
- b Answer2 (רבינא): an עובר is going to be cut off and, per ר"מ's ruling about handles that will be shortened (no need to be מטביל the whole handle), it is already considered separate
- i Note: even חכמים (who require full טבילה) could agree, since food particles are all considered distinct, and the limb of the עובר is already considered a separate piece → there is מגע