



Volume 11. Issue 17

The Extended Limb of a Ben Pakua

Much of the fourth *perek* deals with the law of a *ben pakua*. Broadly speaking the *shechita* of a pregnant kosher animal exempts the *ubar* (fetus) from the requirement of *shechita*. The *Gemara* (69a) learns this from the *pasuk* (*Devarim* 14:6) “And every animal that has a split hoof... in an animal you shall eat” The *Gemara* understands that this reference to “*be'hema b'beheima*” – an animal inside an animal – refers to this case of a *ben pakua*.

The *Mishnayot* dealt with the application of this principle in a number of different cases. The first case is where the *ubar* extends a limb outside the mother and it returns inside. The *Mishnah* rules that the *shechita* of the mother still permits the *ubar*. It is only once a majority of the *ubar* exists that it is considered a separate entity. But what is the law regarding the limb that briefly exited?

The *Gemara* (68a) cites two opinions. *Rav* maintains that the limb itself is forbidden. This is based on the *pasuk*, “Meat torn in the field you may not eat” (*Shmot* 22) – “*basar be'sadeh treifa*”. *Rashi* explains that once it leaves the womb, it has left the boundary and the mother’s *shechita* will no longer permit it, even if it returns inside. The *Gemara* explains that when the *Mishnah* states that “and it returned and is permitted” it refers to the place where it was severed. If however the limb remained extended outside at the time of *shechita* one would need to cut a little more, to include the part that was on the border. Even though that section was not outside to be considered a *treifa* and irreversible, at the time of *shechita* it does not qualify as “*beheima b'beheima*”. The opinion of *Rav* is brought down as *halacha*.

The *Gemara* however also cites the opinion of *R' Yochanan* who maintains that if the limb had returned when the mother was *shechted* then the limb is permitted.

In trying to understand the position of *R' Yochanan*, *Rav Soleveitchik* comments that one might think that *R' Yochanan* maintains that issue with the limbs is only because of *beheima b'beheima*. Consequently where the limb is at the time of *shechita* is all that is important. Nevertheless the *Gemara* explains that *R' Yochanan* agrees that the issue with the limbs is due to *basar be'sadeh treifa*. Why then does he maintain it is permitted if it returned at the time of *shechita*?

The *Rav* therefore explains that according to *Rav* the limb that exits is *assur* due to *beheima b'beheima*. *Basar be'sadeh treifa* comes to add on top of that, that it is forbidden even if it returns. *R' Yochanan* however does not apply *beheima b'beheima* since the majority of the animal is still inside. Accordingly he understands that *basar be'sadeh treifa* cannot be applied.

The *Rav* however looks at the debate between the *R' Meir* and the *Chachamim* regarding the level of *tumah* for a limb that exited prior to *shechita*. *R' Meir* understands it is treated as a *neviyah*. The *Chachamim* however understand that the mother’s *shechita* is effective to “purify” it, rendering it a *tereifa*. It would appear that much like the previous paragraph, they argue whether the limb is excluded due to *beheima b'beheima*. Nevertheless we rule like *Rav* and the *Chachamim* which would present conflicting logics.

The *Rav* therefore explains that the *Rabannan* would agree that limb is excluded due to *beheima b'beheima*. They argue however about the nature of this exclusion. *R' Meir* understands that it is treated independently for all laws and therefore a *neviyah*. The *Rabanna* however would understand that since a majority of the animal is inside the exclusion is only effective to prohibit its consumption. For the laws of *tumah* however it is treated as a *treifah*.

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Revision Questions

מ沉ות ג' ה' ח' ד'

- If an animal ate poison and was slaughtered is it considered *treif*? Can one eat it? (ג' ח' ד')
- What signs did the *Chachamim* provide to determine whether a bird is a kosher type? (ג' ז' ז')
- What are the signs indicating that a *chagav* is kosher? (ג' ז' ז')
- What are the signs indicating that a fish is kosher? (ג' ז' ז')
- If a baby calf extends which limb outside its mother is it considered born and for what law is this important? (ג' נ' ז')
- How is an animal fetus different from the animal's other limbs? (ג' נ' ז')
- What is one advised to do if a *beheimah* is having severe difficulty in delivering its first offspring? (ד' ב' ז')
- What are the two opinions regarding when a miscarried animal fetus is a *neveilah* and regarding which animals do they argue? (ג' ג' ז')
- What is the law regarding an animal foetus that extended its limb outside the mother and was severed prior to the mother being slaughtered? (ד' ז' ז')
- Explain the debate regarding the previous question when the limb was severed after the mother was slaughtered. (ד' ז' ז')
- What is the law regarding a foetus found inside a slaughtered animal? (ד' ח' ז')
- Regarding the previous question, which specific case is debated? (ד' ח' ז')
- When does a severed leg render an animal a *treifah*? (ד' ז' ז')
- What is an *ever meduldal* and when is it *kosher* (after *shechita*)? (ז' ז' ז')
- When is a placenta found in slaughtered animal able to become *tameh*? (ז' ז' ז')
- What is the law regarding a placenta expelled from an animal that had not yet give birth? (ז' ז' ז')
- What is the law regarding the animals and the people who slaughter a cow and its offspring on the same day:
 - When they are regular animals?
 - When they are *kodshim* and slaughtered outside the *Beit Ha'Mikdash*?
 - When they are *kodshim* and slaughtered inside the *Beit Ha'Mikdash*? (ז' א' ז')
 - When the first is *chulin* and the second is *kodshim*, slaughtered inside? Outside?
 - When the first is *kodshim* and the second is *chulin*, slaughtered inside? Outside?
 - When they are both:
 - *Chulin* and the first is slaughtered inside and the second outside?
 - *Kodshim* and the first is slaughtered inside and the second outside?
 - *Chulin* and the first is slaughtered outside and the second inside?
 - *Kodshim* and the first is slaughtered outside and the second inside? (ז' ב' ז')
- Does the law of *oto v'et b'no* apply today? (ח' ח' ז')
- What is the law regarding the prohibition of *oto v'et b'no* when:
 - One of the animals was a *treifah*?
 - One of the *shechitas* was invalid?
- How many sets of lashes does one receive if they:
 - Slaughtered the mother animal and then its two children?
 - Slaughtered its children first?
- At what times in the year is a seller required to inform the buyer that he also sold the mother animal? (ח' ג' ז')
- What other law applies to these times in the year? (ח' ז' ז')

Local Shiurim

Melbourne, Australia

Sunday -Thursday

10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*
Beit Ha'Roeḥ
Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday

Rabbi Mordechai Scharf
9:00am
Kollel Magen Avraham
Reemon Neighbourhood

ONLINE SHIURIM

Rabbi Chaim Brown
www.shemayisrael.com/mishnah/

Rav Meir Pogrow
613.org/mishnah.html

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

SHIUR ON KOL HALOSHON

Rabbi Moshe Meir Weiss
In US dial: 718 906 6400
Then select: 1 – 2 – 4

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
18 th May כ"ח אדר	19 th May כ"ט אדר	20 th May כ' אדר	21 st May כ"א אדר	22 nd May כ"ב אדר	23 rd May כ"ג אדר	24 th May כ"ד אדר
Chullin 5:5-6:1	Chullin 6:2-3	Chullin 6:4-5	Chullin 6:6-7	Chullin 7:1-2	Chullin 7:3-4	Chullin 7:5-6

