

Chullin – Simanim

פרק ד – בהמה המקשה

דף עה – 75 Daf

1. *Machlokes* if a live *פקועה* בן and fish are *tumah* as “food”

A Baraisa taught that a *פקועה* בן which walked through a stream is thereby *הוכשר* – *prepared* to contract *tumah*, and becomes *tamei* from walking through a cemetery. Rebbe Yochanan says this Baraisa follows Rebbe Yose HaGlili, who says: *מטמא טומאת אוכלים* [בן פקועה א] – *contracts tumah of foods* (i.e., from touching something *tamei*, like any food), *– and requires preparation for tumah* (i.e., to be moistened with liquid). The Chochomim disagree, and say it cannot contract *tumah*, *– because it is alive*, מפני שהוא חי, *– and anything which is alive cannot contract tumah*. Rebbe Yochanan says that Beis Shammai agrees with Rebbe Yose HaGlili, as a Mishnah states: *– from when can fish contract tumah?* Beis Shammai says: *משיצודו* – *from when they are caught*. Although they are still alive, since they can be eaten without *shechitah*, they are considered “food” once they are caught, as if they are dead. Beis Hillel says: *משימותו* – *from when they actually die*. Rebbe Akiva says from when they can no longer survive, i.e., a fish thrashing out of water which will inevitably die.

2. If *shechitah* of a *טריפה* mother precludes the fetus from being permitted with its own *shechitah*

Rebbe Ami says that if one *shechts* a *tereifah*, and finds a nine-month live fetus inside, *– according to* [Rebbe Meir], *who prohibits* בן פקועה found inside a healthy *shechted* animal, and holds its requires its own *shechitah*, *he permits* this fetus which was found in a *shechted tereifah* when the offspring itself is *shechted*. לדברי *– According to* [the Rabbonon], *who permit* בן פקועה on the basis of its healthy mother’s *shechitah*, *they prohibit* this fetus found inside a *shechted tereifah*, even after it is itself *shechted*. Since it is considered already “*shechted*” through its mother’s *shechitah* (which did not permit it in consumption, since she was a *tereifah*), it can no longer be *shechted* itself. Rava says even this opinion would permit this fetus, because *רחמנא ביה* *– ד' סימנין* *Hashem validated four סימנים for this* [fetus], i.e., either its mother’s *shechitah* or its own. Rav Chisda also said that it requires *shechitah* (and its *shechitah* would permit its consumption), and added that if it died on its own, it is not *metamei* through *משא* – *being carried*, i.e., it is a *טריפה* (through the mother’s *shechitah*), not a *בבילה*.

3. *Machlokes* about a *פקועה* בן after it stands on the ground, and its own offspring

Rebbe Shimon Shezuri said in the Mishnah that even a *פקועה* בן which is several years old may be eaten without *shechitah*. This seems identical to the Tanna Kamma, who permits the fetus through the mother’s *shechitah*, and Rav Kahana explains that they argue where *הפריס על גבי קרקע* – [the animal] *placed its hooves on the ground*. The Tanna Kamma holds that it is prohibited Rabbinically to eat it without *shechitah*, lest someone come to eat an ordinary animal without *shechitah*. Abaye says that all would permit בן פקועה which was born *קלוט* – *with joined hooves*, because *כל מלתא דתמיאה מידכר דכירי לה אינשי* – *anything astounding is remembered by people*. [In another version, he only permitted where the mother’s hooves were also joined, because this double phenomenon will be remembered.] Rebbe Chanina said the *halachah* follows Rebbe Shimon Shezuri, and that he would also permit בבנו *– [the] offspring, and its offspring’s offspring, until the end of generations*. Rebbe Yochanan says he would only permit בן פקועה itself, not its offspring. Rav Ashi says the *halachah* does not follow Rebbe Shimon Shezuri.

Siman – *Am Ha’aretz* (Not wearing tzitzis)

Try as he might the *am ha’aretz* could not understand how a live animal, even בן פקועה, could be *mekabel tumah*, and why one would not be able to *shecht* a baby found in a *treifah* that was *shechted*, especially since he was distracted dreaming of raising generation after generation of בן פקועה to make money saving on *shechitah* costs, which is not allowed.



Try as he might the **am ha'aretz** could not understand how a live animal, even a **בן פקועה**, could be **mekabel tumah**, and why one would not be able to **shecht** a baby found in a **treifah** that was **shechted**, especially since he was distracted dreaming of raising generation after generation of **בן פקועה** to make money saving on **shechitah** costs, which is not even allowed.

3 things to remember

1. **Machlokes** if a live **בן פקועה** and fish are **מקבל תומא** as "food"
2. If **shechitah** of a **טריפה** mother precludes the fetus from being permitted with its own **shechitah**
3. **Machlokes** about a **בן פקועה** after it stands on the ground, and its own offspring

