

פרק ארבעה-עשר – שגינה שרצים Introduction to

This פרק continues the topic of צידה – focusing on trapping of rodents – and includes a discussion of חבלה (as a subset of שוחט); then includes a major tangent (occupying the bulk of the פרק) about רפואה חז"ל; רפואה banned on שבת (if not for נפש פקוח) out of concern that someone will grind powders to prepare them.

2.14.1

107a (משנה א) → 108a (קאלוס)

1. וְזֶה לְכֶם הַטְּמֵא בְּשֶׁרֶץ הַשָּׂרֵץ עַל הָאָרֶץ הַחֹלֵד וְהַעֲכָבֵר וְהַצֵּב לְמִינֵהוּ: וְהָאֲנָקָה וְהַחֹכֵן וְהַלְטָאָה וְהַחֲמִט וְהַתְּנַשְׁמֵת: וְיִקְרָא יֵאֵבֶטֶל.
2. אֱלֹהֵי הַטְּמֵאִים לְכֶם בְּכָל הַשָּׂרֵץ כֹּל הַנִּנְגַע בָּהֶם בְּמַתָּם: טְמֵא עַד הָעֶרֶב: וְיִקְרָא יֵאֵבֶטֶל לֹא.
3. הַיְהִיפֵךְ כּוֹשֵׁי עוֹרוֹ וְנִמְרַח הַבְּרִיּוֹתָיו גַּם אִתָּם תּוֹכְלוּ לְהִיטִיב לְמִדֵּי הָרֶעַ: יְדַמְיֵהוּ יוֹ, כֵּג.
4. וְשִׁפְעָה אִתּוֹ בְּכַנְפָיו לֹא יִבְדִּיל וְהַקְטִיר אִתּוֹ הַכֹּהֵן הַמְזַבְּחָה עַל הָעֵצִים אֲשֶׁר עַל הָאֵשׁ עֵלָה הוּא אִשָּׁה רֵיחַ נִיחַח לֹה': וְיִקְרָא א, יוֹ.
5. וְהִינֵה לָךְ לֹאֹת עַל יָדְךָ וְלִזְכְּרוֹן בֵּין עֵינֶיךָ לְמַעַן תִּהְיֶה תּוֹרַת ה' בְּפִיךָ כִּי בְּיַד חֹזְקָה הוֹצֵאָךְ ה' מִמִּצְרַיִם: שְׁמוֹת יוֹ, ט.
6. וְיִשְׁכִּימוּ בְּבִקְרָה וְהַשְׁמֵשׁ זָרְחָה עַל הַיָּמִים וְיִרְאוּ מוֹאֵב מִנְגִּיד אֵת הַיָּמִים אֲדָמִים כָּדָם: מִל"ב, ג, כֵּב.
7. וְכִי תִבְאוּ אֶל הָאָרֶץ וְנִטְעַתֶם כָּל עֵץ מֵאֲכָל וְעֵרְלֵתֶם עֵרְלָתוֹ אֵת פְּרִיֹו שֶׁלֹּשׁ שָׁנִים יִהְיֶה לְכֶם עֵרְלִים לֹא יֵאָכֵל: וְיִקְרָא יט, כֵּג.
8. וּמִלֵּתֶם אֵת עֵרְלֵת לְבַבְכֶם וְעֵרְפְכֶם לֹא תִקְשׁוּ עוֹד: דְּבָרִים י, טו.
9. עַל מִי אֲדוּבְרָה וְאֵעִידָה וְיִשְׁמְעוּ הִנֵּה עֵרְלָה אֲזַנָּם וְלֹא יוֹכְלוּ לְהַקְשִׁיב הִנֵּה דָבָר ה' הִיָּה לָהֶם לְחֹרֶפָה לֹא יִחַפְצוּ בוֹ: יְדַמְיֵהוּ ו, י.
10. וְעֵרְלָה זָכָר אֲשֶׁר לֹא יְמוֹל אֵת בְּשָׂרָה עֵרְלָתוֹ וְנִכְרְתָה הַנֶּפֶשׁ הַהוּא מֵעַמִּיהָ אֵת בְּרִיתִי הַפֶּר: בְּרֵאשִׁית יז, יד.
11. לֹא תֵאָכְלוּ כָל נְבֵלָה לְגֵר אֲשֶׁר בְּשַׁעְרֵיךָ תִּתְנַנֵּה וְאֵכְלָה אוֹ מִכֹּר לְנִכְרִי כִּי עִם קְדוּשָׁה אֲתָה לֹה' אֱלֹהֶיךָ לֹא תִבְשֹׁל גְּדִי בְחֵלֶב אִמּוֹ: דְּבָרִים יד, כֵּא.

I. משנה א: trapping and wounding/killing rodents

- a. *The 8 rodents (in v1):* if someone traps or wounds them – is liable
 - i. *Implication:* their skin must be considered distinct from flesh (→liable for חבלה)
 1. *עור שמונה שרצים* have עור שמונה שרצים (חולין ט:ב) – ר' יוחנן בן נורי שמואל
 2. *דב:* could even be רבנן; they only disagree re טומאה, per v. 2 (which extends טומאה to עור::flesh)
 - a. *But:* regarding חבלה בשבת, they agree
 - b. *Challenge* (ברייתא) of חבלה of one of שמונה שרצים is liable per ריב"נ
 - i. *חכמים* (after correction by *אביי*): עור is only distinct from בשר for those *not* listed by חכמים (חולין ט:ב)
 - ii. *Challenge* (רבא): statement in ברייתא is "למה שמו חכמים"
 - iii. *Rather* (רבא): עור is only מטמא like flesh for those animals listed by חכמים (ibid)
 1. *Implication:* ריב"נ holds that all skin – even those not listed – is מטמא
 2. *Clarification* (ר' אדא בר מתנא): regarding טומאה, there is only עור for those listed by חכמים
 - c. *Challenge* (ברייתא): wounding one of the שמונה שרצים is liable – for all rodents that have skin
 - i. *Definition of permanent חבורה:* if the blood gathers (under the skin) even if didn't leave body
 - ii. *דיב"נ:* the 8 שרצים have skin
 - iii. *Answer:* that ר' יהודה is ת"ק, ר' יוחנן, who distinguishes rodents based on feel, not verse-categories
 1. *But:* רבנן who disagree with ריב"נ about טומאה agree about שבת (as above)
 2. *Note:* ברייתא should (and does) read "according to ריב"נ and his opposing חכמים"
 - iv. *Observation* (לוי לרבי): source for חבורה being permanent - v. 3
- b. *Other rodents:* wounding carries liability
 - i. *Trapping:* if he needs them – liable; if not – exempt
 1. *Follows* (רב) per פטור – צד נחש – מפסי מורסא is on ר"ש (רב) ש' ר"ש – ר"ש מלאכה שא"צ לגופה – ר"ש (רב) ש' ר"ש
 - ii. *Implication:* killing them is liable
 1. *Authority:* must be ר' אליעזר, ר' יוחנן, who rules that even killing a louse on שבת is like killing a camel (→חייב)
 2. *Counter* (רב יוסף) רבנן only disagree with ר"א about louse, which spontaneously regenerates (sic)
 - a. *But:* regarding other rodents, they would agree that killing it on שבת carries liability
 - b. *And:* both inferred it from rams that were slaughtered to use their skins for משכן
 - i. *ד"א:* just as rams have loss of life – so anything which has loss of life
 - ii. *חכמים:* just as rams reproduce, so all types which reproduce (not lice)
 1. *Challenge* (אביי): lice also reproduce, per אגדה that God "feeds...to eggs of lice"
 2. *Answer* (רב יוסף): the type is called "ביצי כנים", but they don't really have eggs
 3. *Challenge:* fleas reproduce yet אליעזר ר' יהושע and ר' יוחנן disagree about liability for trapping them (ר"א מחייב)
 - a. *Block:* can't counter צידה to killing ר' יהודה; ר' יהודה only disagrees about צידה since it isn't the type that is צודר
- c. *Wild animals and birds in his domain:* if he traps them – exempt; if he wounds them - liable

II. Related discussions

- a. **שמואל**: if someone pulls fish out of the water – liable when the fish is dry as a rock
- ד' יוסי בר אבין**: that is only if it is dried up between the fins
 - ד' אשי**: need not be completely dry; even if it still exudes liquid
- b. **שמואל**: if he sticks his hand into the womb of an animal and dislodges a foetus – liable
- דבא**: just as **ר' ששת** explained – pulling hops off of bushes is liable for **עוקר דבר מגידולו** – liable (עוקר דבר מגידולו)
 - אבוי**: if someone pulls a mushroom off of the handle of a pitcher (on which it grew) – liable (עוקר דבר מגידולו)
 - Challenge (ר' אושעיא)**: only liable for **תולש** from an “unsealed” planter – if sealed, exempt
 - Defense**: in that case, it isn't growing from that earth (when sealed); here, it is growing on the rim
- c. **הונא** (re **חיה ועוף**): permissible to write **תפילין** on skin of **עוף** and **חיה** that are **טהורים** (permitted to be eaten)
- דב יוסף**: this teaches that birds are considered to have **עור** – but we know this from our **משנה** (חובל בהן חייב)
 - אבוי**: it teaches more than that; from **משנה**, we would think that since it has many holes, can't be used
 - Therefore**: teaches as per **א"י** – if the ink can write over the hole, it is valid (for **סת"ם**)
 - Challenge (ר' זירא)**: v. 4 is used to extend **עור העוף** to be considered **עור** → it isn't generally considered **עור**
 - Answer (אבוי)**: it is considered **עור**; but the **תורה** extended to allow it as a part of an offering
 - Alternate version**: **ר' זירא** saw v. 4 as support for **אבוי** – if it weren't **עור**, no need for **פסוק** to allow it as **קרבן** קמ"ל – **מזבח**, but since it has holes, it is nonetheless rejected from **מזבח**
- d. **Question posed to דבנבי**: may fish skin be used for **תפילין**?
- Answer**: if **אליהו** could come and testify that the smell is finally gone (i.e. may not be used due to stench)
- e. **Questions**: posed to **רב** upon his “announced” arrival in **בבל** (by **קרנא**, at behest of **שמואל**)
- Question**: what is the source that **תפילין** may only be written on **טהורה**
 - Answer**: v. 5 – **מן המותר בפיק**
 - Question**: how do we know that blood is red?
 - Answer**: v. 6
 - Question**: how do we know that **מילה** is done at “that place”?
 - Answer**: v. 7 – just as that **ערלה** (of fruit) is at place which reproduces...
 - Challenge**: perhaps it is his heart, per v. 8? or his ears, per v. 9?
 - Answer**: in those case, **ערלה** is modified (**לבבכם**, **לאזנם**); v. 7 uses unmodified **ערלה**
 - Note**: this was debated by **תנאים** – **יאשיה** – **ר' יאשיה** used v. 7 (מקום שעושה פרי); **ר' נתן** inferred from v. 10 – **זכר**
- III. **ברייתא**: **תפילין** may be written on the skin of **חיה** and **בהמה** that are **טהורים** – even **נבילות** and **טריפות** of those types
- a. **And**: the **פרשיות** are bound with their hairs and the **תפילין** are stitched with their sinews
- Note**: this is **למשה מסיני** that they be bound with their hair and stitched with their sinews
- b. **But**: they may not be written on the skin of **חיה** and **בהמה** which are **טמאים** – and certainly not on their **טרפות** and **נבלות**
- Nor**: may they be bound with their hair or stitched with their sinews
 - Note**: this was answer given by **יהושע הגרסי** – we write on **טהורה** only per v. 5
 - Challenge**: then we should not be permitted to write it on **נבלה** and **טריפה**
 - Answer**: used parable of 2 executed men; 1 executed by king directly is more “praiseworthy”
 - However**: we may still not eat it – per v. 11