30.12.2 139b (ואיזהו שאינו מזומן) → 141a (וביצים לאפרוחים)

- I Analysis of end of משנה א משנה dispute as to proper read of הרדסיות (named after Herod) or הדרסיות (from Rhodes?)
- II Analysis of 'משנה ב exemption of עוף טמא
 - a עוף טהור (v. 1) implies עוף טהור exclusively
 - i Challenges: vv. 2-5 doesn't צפור refer to both טמא וטהור and כנף to locusts?
 - 1 defense: in each case, צפור refers exclusively to כנף, עוף טהור to עוף טמא and locusts
 - ii challenge: v. 6 refers to צפור as צפור
 - 1 answer: they may be called צפור, but not צפור, but not
 - iii challenge: v. 7 implies that there is a non-צפור bird called צפור
 - 1 cannot be: טריפה (already prohibited), cannot be שחוטת מצורע (already violation of v. 8)
 - 2 answer: it is יטהור עשה that is slaughtered to generate איסור עשה along with ל"ת along with איסור עשה
 - (a) question: why not interpret it as טריפה, and allow for עשה ול"ת?
 - (b) answer: context (דבר הלמד מענינו) reference is to שחוטות
 - iv challenge: v. 9 implies that there are אנפורים טמאות, those that aren't חיות בפיך (which we may not eat)
 - 1 defense: חיות implies that it must have all limbs intact
 - 2 challenge: end of phrase טהורות implies צפורים טמאות
 - (a) defense: it rather implies צפורים טריפות
 - (b) challenge: that is implied by חיות
 - (i) note: that is only valid if we hold יטריפה חיה ; if חיה אינה חיה is extra
 - (ii) *furthermore*: we already know that טריפה is invalid from תדבר"י, who compares:
 - 1. מכשיר ומכפר inside (חטאות and other מטעיר מצורע) ::outside צפור מצורע) and משעיר ומכפר
 - 3 rather (לתקלה excludes שחיטה, not for sending (לתקלה not שלח) but for שחיטה but for שחיטה
 - 4 or (אבא): not to associate another (for another מצורע) for שחיטה
 - 5 or (ש"ז): to exclude birds bought with "י"ז money, per v. 10 that equates proceeds with י"ז itself for שחיטה
 - 6 or (נבינא): to exclude a bird that killed a person before שחיטה, not for שילוח (per v. 11), rather for שחיטה
- III analysis of next clause: whether mother or eggs/chicks are שמא exempt
 - a we understand: if the mother is טמאה, isn't reckoned as צפור
 - b but: if chicks are טמאים, why the exemption?
 - i answer: per ר"כ, who interprets מקח לך as it must be edible (−ר"כ אם טריפות , חייב או הייב או הייב או אם טריפות –exempt)
 - ii challenge: why not compare אם טריפה לאם to שם doesn't get sent
 - 1 answer: then no need for אם טמאה to exclude אם טמאה
 - 2 challenge: אם אפרוחין טריפה must shoo away
 - (a) answer: read –טריפה whose mother is -טריפה must shoo away
 - c הושעיא 's question: if he stuck his hand in to the nest, and cut less than 50% of one סימן (of the one chick there)
 - i lemma1: at this point, if he did nothing more, it would be a שלוח אריפה → no שלוח
 - i lemma2: since he could finish it on his own, liable ... תיקו
 - d '''s question(s): does a fabric between the mother and the eggs, or her wings, or sterile eggs or two rows of eggs or a male atop the eggs and the mother atop the male are these מיקו... ?חציצה

- e עוף טהור ''s question: what if one עוף טהור is sitting atop another type of עוף טהור's eggs?
 - i אביי. from our משנה, which exempts when one of them is אביי. \rightarrow in this case, חייב
 - 1 rejection: perhaps that is only referring to a partridge (which will sit on other's eggs see IV)
- IV Analysis of last clause of משנה dispute ה"א/חכמים about the male partridge
 - a source (for ר' אבהו vv. 13-14
 - b הייב dispute is only about *male* patridge; they agree that female partridge is חייב
 - challenge: this is obvious, as only קורא זכר is mentioned
 - ii defense: סר"א that סד"א exempt even female partridge; male was taught to show קמ"ל extreme position קמ"ל
 - c שאב. dispute is only about male *partridge*, but any other male all agree is exempt
 - i challenge: this is obvious, as only קורא זכר is mentioned
 - ii defense: אייב that ד"א deems חינב even other males, קמ"ל was taught to show חכמים sextreme position קמ"ל
 - 1 note: supporting ברייתא, where all agree that any other male is פטור
- V משנה גו conditions of חיוב שילוח
 - a if: she was fluttering her wings; if the wings touch the nest- פטור , if not פטור
 - i אופצת ברייתא (v. 1) excludes מעופפת (hovering) even if her wings are touching the nest
 - ii explanation: since it doesn't state יושבת → hovering is excluded
 - 1 זייב if she was sitting atop a fork of branches, we see if the branch would be removed and she would fall on the nest פטור : if not פטור
 - (a) challenge: ברייתא if she was sitting among them (chicks/eggs) מטור and if she was hovering over the nest, even if her wings were touching the nest פטור
 - (i) assumption: between ::atop; just as between implies touching, so too, atop is touching **>** perched פטור
 - (ii) rejection: between::atop; just as between is without touching, so too, atop is w/o touching
 - 1. *proposed support*: if perched above is exempt, why mention "hovering" even if touching is פטור mention that perched above is מטור and we would know, via "ד, that hovering is פטור
 - a. rejection: "hovering" needed to be taught even if touching the nest, פטור
 - b. challenge: our משנה rules that hovering is liable
 - i. resolution (די ידמיה): exemption in בריתא is if she is touching from the side (not above)
 - (b) *note*: this entire line is alternatively read as an inversion: read ברייתא as comparing sitting among::atop, meaning not touching, supporting רובדי אילן (perched); invert to read among::atop touching,
 - (i) challenge: from רובדי אילן (could have been mentioned, then מעופפת is obvious via ק"ו (ק"ו
 - (ii) answer: מעופפת needed to be taught even if touching, exempt
 - b if: there is even one egg or chick must send, per "קן" any sort/size nest
 - c but if: the chicks were already flying or the eggs were sterile exempt
 - per: v. 1, comparing אפרוחים::ביצים
 - 1 *just as*: אפרוחים will live, so too the eggs must be viable excluding non-fertilized eggs
 - 2 and just as: the eggs require the mother, so too the chicks must (still) require their mother excluding מפריחין
 - ii challenge (student to "קד" should extend to even sterile eggs or flying chicks and ביצים/אפרוחים should be used to require at least two "residents" of the nest (opposite of our משנה) shermeneutic)
 - 1 answer: then there would be no need to repeat א על הביצים או על האפרוחים או על האפרוחים או על הביצים could have just stated והאם רובצת עליהם