31.1.5 5b (כל היכא דאיכא למידרש דרשינן) 6b (משנה ב)

- - I משנה בו: status of animals which bear young that look like another species
 - a For purposes of פטור. if a cow bears a donkey-looking animal or a jenny bears a horse-looking animal פטור
 - i Reason: double mention of מטר חמור (vv. 1, 2) → both mother and young must look like חמור
 - b For permission to be eaten: if a בהמה טהורה gives birth to a מותר-looking young מותר
 - i But: a טמאה that births a אסור-looking animal אסור
 - i Rule: that which comes out of a טמאה is טמאה; that which comes out of a טמא is טמא
 - II Analysis of our בכור בהמה טהורה ב:ה as against basis for (פטר חמור) מדרש הלכה must look like mother
 - a However: if it has some similarity to mother it is חייב, based on אך (ibid)
 - b בכור source is v. 3, בכור must look like שור etc.
 - i But: in our פט"ח, משנה was used for פרה
 - ii Answer: ברייתא follows ברי"ג, who maintains that the תורה established principle re: ברייתא and applies to בדה"ב
 - 1 Whereas: our תנא holds that it was taught in re קדושת דמים and we apply it to קדושת מזבח
 - c Our אימורי בכור uses v. 3 to teach that אימורי בכור are burnt and we justify each of עז and עז and מ
 - i שוד. couldn't inform the others, as it has the largest נסכים
 - ii כבש. couldn't inform the others, as it has the fatted tail
 - iii שיי couldn't inform the others, as it is used for חטאת for ל"ז
 - 1 And: we couldn't even infer one from two
 - 2 שוד couldn't be inferred from כבש ועז, as they (alone) are used for פסח
 - 3 שור ועז couldn't be inferred from שור ועז, as they (alone) are used for חטאת צבור
 - 4 ער couldn't be inferred from שור, as they have great gifts to מזבח, fatted tail of נסכי שור), fatted tail of נסכי
 - iv בכור if so, could just say בכור the addition of בכור before each teaches that אם must look like בכור
 - d ייים uses vv. 1-2 to teach, in spite of v. 4, that only פריון and no other בהמה שמאה require פריון בהמה
 - i And: second mention blocks possibility that other בהמות baye בהמות but don't require שה but don't require בהמות טמאות
 - ii *Challenge (פס"ח)*: had it said פט"ח once, we would have reasoned it to be דבר שהיה בכלל ויצא מן הכלל ללמד,
 - 1 Which would then: inform that all בהמות טמאות have פדיון בשה
 - 2 Now: that it says מט"ח twice, the second one takes the שה away from other בהמות טמאות but still need בדיון
 - 3 Answer: if so, let it say חמור (alone) the second time without "פטר"
 - 4 Rather: the double mention of פטר חמור completely excludes other בהמות טמאות
 - iii תנא דידן. learns exclusion of other animals from כלל ופרט (v. 5)
 - 1 איה"ג. maintains that פטר breaks up semantic flow \rightarrow no כלל ופרט
 - 2 ושה) וי"ו the ושה) reconnects them
 - (a) פטר וי"ו. let it omit פטר and the וי"ו
 - (b) דינו had to separate קדושת המוף) בכור בהמה טמאה from בכור בהמה טמורה) then to connect them via the ני"ו

- III Question posed: expanding on "wrong birth"
 - a If: a פרה birthed a donkey-looking calf with some חייב –סימני חמור or not?
 - i background: the משנה rules that if a ewe births a goat-looking animal, exempt, but if there are some חייב סימנים
 - ii lemma1: there, both א and יהורה are יהורה and have קדושת הגוף בבכורה; here, 1 is קדושת הגוף, the other בטור ← דמים-
 - iii lemma2: both מרה and חמור have חייב \rightarrow
 - 1 if: we accept lemma2, what if a חמור birthed a horse-loooking foal (w/some סימנים)?
 - 2 Lemma1: the other (horse) is not סטור → קדוש בבכורה
 - 3 Lemma2: they are both חייב → בהמה טמאה
 - (a) If: we accept lemma2, what if a a פרה birthed a horse-looking calf (w/some פרה)?
 - (b) Lemma1: 1 has קדושת הגוף, the other has nothing →פטור
 - (c) Lemma2: the fact that it looks a bit like a פרה is sufficient
 - (i) Proposed solution: טמאה if a טמאה births a סימנים-looking young w/some חייבת סימנים
 - 1. Assumption: doesn't this mean our case פרה birthing a horse-looking calf?
 - 2. Rejection: it is a פרה birthing a donkey-looking calf
 - (ii) Proposed solution: ברייתא if a cow births a חמור briths a חמור births a חמור births a בייתא
 - 1. And: if it has some סימנים like the mother חייב
 - 2. Assumption: this last clause applies to both
 - 3. Rejection: only applies to the first case מרה birthing a donkey-like calf (w/סימנים)
 - a. *Challenge*: why introduce the 2^{nd} case at all? To exempt? This should be obvious:
 - i. If: a cow birthing a donkey-looking young w/o סימנים is exempt
 - ii. Then certainly: a donkey birthing a horse-looking foal w/o סימנים is exempt
 - b. *Answer*: the exemption was needed; ;unlike 1st case, where the mother has horns and split hooves and the young has no horns and cloven hooves; here they are similar קמ"ל
- IV Analyzing 2nd clause in משנה permissibility of eating these "wrong" animals
 - a Question: why did the rule need to be added (...שהיוצא...)
 - b Answer: it is just a mnemonic to focus on identity of mother, not young
 - טמא born of שמא that you may not eat טמא born of מעלה גרה ומפריס פרסה that you may not eat
 - i Challenge: perhaps it is the opposite אמא whose mother is מהורה and verse alludes to mother
 - ii Response: identifying ממא in verse → only טהורה, not a טמא born of a טהורה born of a טהורה
 - 1 Dissent: מלה source is vv. 6-7; repeated mention of גמלה whether it is born of a מרה or of a מרה
 - 2 גמל use 2nd גמל to prohibit its milk
 - (a) את הגמל" prohibition of milk is from "את הגמל"
 - (i) את do not interpret the word את (per story w/v העמסוני and ר"ע v. 8)
 - d Question: without גמל (or את הגמל, we would have permitted חלב טמאה Why not invoke הטמאים (v. 9)?
 - i Answer: חלב דטמאה that any milk is a חידוש, as it is transformed דם → even מותר si חלב דטמאה קמ"ל מותר
 - ii Challenge: there is an opinion that it doesn't come from transformed דם why the need for אמל/את הגמל
 - 1 Answer: חלב דטהורה is still a חידוש that it's not קמ"ל ← אבר מן החי
 - e Challenge: what is purpose of שפן ארנבת and חזיר being repeated (דברים יד and ויקרא יא)?
 - i Answer: animals area repeated for שסועה; birds for ראה
 - ii Challenge: perhaps that is the reason for גמל גמל as well and not our דרשה
 - 1 Answer: wherever we can identify a more detailed דרשה, we will
- V Investigation: source for permission to drink חלב
 - a Proposal: since the תורה forbade בב"ח →milk must be מותר
 - i Rejection: perhaps איסור is extension to הנאה (and, בישול for בישול)
 - b Proposal: v. 10 prohibits חלב בסוה"מ of חלב החלין is permitted
 - Rejection: perhaps that is just a היתר הנאה (re: מסוה"מ = as well)
 - c Proposal: v. 11 lauds selling חלב
 - *Rejection*: perhaps that is only for doing business, not for drinking
 - d rather: v. 12 describes דוד as bringing cheese to his brothers at the front
 - *Rejection*: perhaps that was also for business
 - ii Block: people don't conduct business at the front
 - e alternatively: v. 13 איסור is lauded as איסור; wouldn't be praised for producing איסור
 - f alternatively: v. 14 directs people to go eat...wine and milk!