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 טהור-looking animal אסור
 - i Rule: that which comes out of a טמא is טמא; that which comes out of a טמא is טמא
 - II Analysis of our בכור בהמה שרוב ממור) as against basis for בכור בהמה טהורה בכור בהמה שהורה בכור בהמה ממור) as against basis for בכור בהמה בכור בהמה שהורה בינו המורץ.
 - 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 מד
 - i שוד. couldn't inform the others, as it has the largest נסכים
 - ii בבש. couldn't inform the others, as it has the fatted tail
 - iii \mathcal{W} . 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 שוב couldn't be inferred from שור, as they have great gifts to גסכי שור), fatted tail of כבש, fatted tail of
 - iv בכור if so, could just say בכור the addition of בכור before each teaches that אם must look like בכור
 - d פייון uses vv. 1-2 to teach, in spite of v. 4, that only פטרי חמורים and no other בהמה שמאה require פייון בהמה שמאה
 - i And: second mention blocks possibility that other בדיון have בדיון but don't require שה
 - ii Challenge (י' אחאי): 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 בלל ופרט maintains that פטר breaks up semantic flow \rightarrow no כלל ופרט
 - 2 ושה) reconnects them (ושה) reconnects them
 - (a) *דיה"ג* let it omit פטר and the וי"ו
 - (b) דינו had to separate קדושת המוף) בכור בהמה טמאה from בכור בהמה טמאה) 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 עז and יחור are טהורה and have פטור ; here, 1 is קדושת הגוף, the other , דמים-, the other
 - 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 פטור → 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
 - - 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 מרמנים birthing a donkey-like calf (w/סימנים)
 - a. *Challenge*: why introduce the 2^{nd} case at all? To exempt? This should be obvious:
 - . 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
 - נמא born of מעלה גרה ומפריס פרסה that you may not eat טמא born of מעלה גרה ומפריס שוא that you may not eat טמא
 - i Challenge: perhaps it is the opposite אמאט 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: פרה source is vv. 6-7; repeated mention of גמלה whether it is born of a מגלה or of a מגלה whether it is born of a מגלה
 - 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/גנג, and דבנן and ר"ע v. 8)
 - d Question: without גמל (or את הגמל את), we would have permitted חלב טמאה Why not invoke הטמאים (v. 9)?
 - i Answer: סד"א that any milk is a קמ"ל מותר as it is transformed דם → even סד"א ⇒ a a a 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 שהורה
 - 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
 - i Rejection: perhaps that is only for doing business, not for drinking
 - - *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!