

33.1.8

(וולד מיהא קדיש לגופיה) 11a → (משנה ג) 10a

I ג תמורה: limitations on range of

a cannot: be עוברין ממיר

b nor: שלמים <-> עוברין/אברין

i dissent: יוסי – may be complete animals with אברים

ii argument: in re: מוקדשין, if he says “רגלה של זו עולה” – it spreads and entire animal is עולה

1 similarly: if he says “this leg is in lieu of that animal” – the entire animal becomes תמורה for the index animal

II עוברין vs. בר פדא regarding קדושה being effective on

a יוחנן ד' valid – (בר פדא) – invalid; discussed below

i consistency: rules that if someone was מקדיש a חטאת and it became pregnant, he may use either for his קרבן

ii justification: if we only had his general ruling, we would reason that it was קדוש because he was מקדיש it directly

1 but: in case of חטאת, קדושה wouldn't “spread” from mother to וולד

2 and: if we only had חטאת-ruling, we wouldn't know to extend it to a case where he was מקדיש only the וולד

(a) reasoning: the וולד isn't yet “out” and available to הקדש, unlike the חטאת case where it was האם

iii (alternate version: ר' יוחנן's ruling teaches that עובר is not אמו and if he is independent of עובר, that works

1 justification: in case of חטאת, קדושה comes on עובר via the mother

(a) and: in case of independent עובר, because he singled it out

iv challenge (ר' ירמיה לר' זירא): there is a “loophole” to avoid בכורה

1 if: he has a מבכרת, he can be מקדיש the עובר as an עולה (before birth) – and if it is a male, it is an עולה

2 conclusion: מקדיש עובר works (challenge to בר פדא)

3 defense: refers to דמים

(a) challenge: is קדושת דמים strong enough to trump בכורה?

(b) answer: indeed, per ב: בכורות – before the הקדש and were redeemed ומתנות בבכורה

(i) inference: only after redemption → beforehand – exempt (→ קדושת דמים trumps בכורה)

v challenge (ר' ירמיה): if an owner of תוספתא תמורה ג: – that is pregnant that which is in her womb is עולה

1 then: the host mother may be sheared, but not worked (weakens עובר) → it is הקדש (challenge to בר פדא)

2 defense: refers to דמים

(a) challenge: is קדושת דמים strong enough to prohibit עבודה?

(b) Answer: indeed, per ב: בכורות – where מום came first (=קדושת דמים) – only may be worked after פדיון

vi Challenge (ר' ירמיה): from our משנה → עוברין have קדושה

1 Answer: our משנה is referring to וולדות קדשים

2 Challenge: implied from משנה that once born they can generate תמורה – but we hold תמורה אין הוולד עושה תמורה

(a) Defense: follows יהודה ר', who holds that תמורה וולד עושה תמורה

(i) Implication: author of our משנה holds that אברין can be מוקדש

(ii) But: יהודה ר' holds that if one is מקדיש a limb, it doesn't spread (see below)

1. Defense: could be a vital organ (where יהודה ר' agrees that it “spreads”)

(b) Challenge: rules that we may be מקדיש limbs and עוברין – but cannot make תמורה

(i) Answer: context is וולדות קדשים

(ii) Challenge: shouldn't state מקדישין – they're already sanctified

1. Answer: means – we can be מקדיש 1 limb and then be ממיר from it (as full animal) – but not from limb

2. And: we can not make תמורה from וולדות קדשים until they are born, per יהודה ר' (וולד עושה תמורה)

a. Challenge: יהודה ר' doesn't allow for קידוש אברים

b. Answer: context is a limb that (removal of which) would render it a טריפה

b Suggestion: dispute בר פדא :: contradictory ברייתות re status of viable foetus found inside חטאת (if like חטאת or חולין)

i Proposal: dispute is whether קדושה applies to עוברין

ii Rejection: dispute is whether וולדות become holy immediately or at birth (if at birth – no קדושה here)

1 Or: no disagreement; 1 ברייתא is case of pregnant before הקדש; other is where it became pregnant afterwards

III (תמורה – generate) nor מקדישין (תמורה – become) (שמואל) קדשים aren't טומטום, אנדרוגינוס, כלאים, טריפה ויוצא דופן: (ר'א) ברייתא

a only possible if it was הקדש then became טריפה and then gave birth via C-section (יוצא דופן) (ר'א) מ

b Defense: ר' יוחנן considers them separate → במקעי בע"מ – if dispute – קדוש – תם במקעי תמימה ב"פ

c (alternate version: ר"מ noted that these can only be found בולדות קדשים, per יהודה ר' → other עוברין קדשים → (וולד עושה תמורה) ר' יהודה

i Explanation: per above, dispute only about במקעי בע"מ