

39.3.3

24b → (דכי מדכרו ליה מידכר) (וחכמים אומרים כל שאין בו כל) 23b

1. אך את זה לא תאכלו ממעלי הגרה וממפריסי הפרסה השסועה את הגמל ואת הארנבת ואת השפן כי מעלה גרה המה ופרסה לא הפריסו טמאים הם לכם: דברים יד, ז  
 2. דבר אל בני ישראל לאמר אשה כי תזריע וילדה זכר וטמאה שבעת ימים כימי גדת דותה תטמא: וביום השמיני ימול בשר ערלתו: ויקרא יב, ב-ג

- I Analysis of חכמים' position – must have אדם צורת to generate טומאת לידה
- a טמא; the inverse – טהור: all agree that if the body is a goat and the face is human – דב ירמיה בר אבא בשם רב
    - i Disagreement: if face is human but has only one eye like an animal
      - 1 טמא – this is sufficiently like a human to be "מצורת אדם" ד"מ
      - 2 טמא – must be fully human to be "כל צורת אדם" חכמים
    - ii Challenge: we have דרשות with opposite בריתא said we require אדם צורת – only חכמים
  - b must have all facial characters of human, including forehead, eyes, eyebrows, cheeks and jaws
    - i (in name of חסא – gave same list, but used singular) - per "מצורת אדם" (ר' יוחנן) דבא
    - ii Challenge (תוספתא נדה ד:): "face" could be any organ, except for ears
      - 1 Answer (אבוי): that is לעכב – i.e. if any organ doesn't look like human, not a וולד – per כל צורת
      - (a) Or: אחד means "each" – following חכמים
- II Various שמועות and ברייתות about partial forms etc.
- a דבא if it has a single eye and single thigh
    - i If; they are on the side – טמאה לידה
    - ii If; they are in the middle – טהורה
  - b דבא if the esophagus has an opening – טמאה; if sealed up – טהורה
  - c טומאת לידה – no ברייתא
    - i Definition (רבי): any part that is vital (without which a person cannot live)
      - 1 Parameter: of the leg (how high up must be missing to be considered vital → if shapeless, not טמאה לידה)
        - (a) זכאי ד' until knee
        - (b) ינאי ד' until bowels
        - (c) יוחנן ד' until navel
      - 2 Note: difference between ר' ינאי and ר"ז טריפה (e.g. one who is cut above knees) can live
      - 3 Note: difference between ר' יוחנן and ר' ינאי – whether to accept ר"א's ruling that a missing thigh+socket is a נבילה
    - ii dispute is only from leg up; from head down, all agree that anything renders it non-viable and טהורה as יולדת
      - 1 Support: ר' יוחנן – if she מפיל a shapeless skull – טהורה
      - 2 Note: ר' יוחנן ruled that if she "births" a form looking like spread of palm leaves – טהורה (i.e. bottom was shapeless)
  - d regarding a mashed face ר' יוחנן/ר"ל
    - i טמאה – ר"י, טהורה ר"ל: Version1
      - 1 Challenge (ר' יוחנן לר"ל): if she births an arm or leg – טמאה לידה and we are not concerned that it may come from a shapeless body
        - (a) Explanation: if a mashed face is not considered וולד, why not add "nor concern of מוסמסים"?
    - ii Version2 (ר' פפי): they agree if face is mashed, טמאה לידה; disagree about completely covered face – and reversed:
      - 1 Positions: ר"י, טמאה – ר"ל
        - (a) Question: why didn't ר"ל challenge ר"י from the תוספתא?
        - (b) Answer: "covered face" is same as "shapeless" (אטום)
    - iii Story: ר' sons were מטמא a case of "covered face"; he told them to go back and be מטהר
      - 1 Reason: it is a חומרא that leads to a קולא, since this gives her טהור ימי
  - e דב/שמואל regarding a form birthed with two backs and two spines
    - i דב: not a valid form → not a וולד (vis-v-vis לידה טומאת) and, if an animal, may not be eaten
    - ii שמואל: a valid form → considered וולד and, if an animal, may be eaten
    - iii Point of contention: whether to accept חנין בר אבא ר' read of v. 1 – השסועה is a unique creature
      - 1 דב: that ruling was given to משה re: a form in utero, but no such creature exists
      - 2 שמואל: such a creature does exist; משה once taught about the איסור in utero; מותר
      - (a) Challenge (ר' שמי בר חייא לרב): (בעלי מומין) – someone who has 2 backs/spines → such people live
        - (i) Response (רב): this refers to someone with a crooked spine

- (b) *Challenge (to שמואל)*: some עוברין are אסור; less than 4 months in ovines, less than 8 months in bovine
- (i) *Exclusion*: one who has 2 backs/spines
- (ii) *Implication*: one like that is even אסור *in utero* (unlike others, only אסורים if birthed early)
1. דב: understands it that way
  2. שמואל: reads that those are אסור, unless the period of pregnancy ended
    - a. *But*: one with 2 backs/spines, even if pregnancy ended, is אסור – if birthed
      - i. *However*: if *in utero*, still מותר
- f טומאת לידה (before רב): if she is מפיל a body or head that isn't shaped, no
- i *Source*: v. 2 – only if he is fit for ברית (either ברית שמנה or ברית נשמה) does he generate טומאה
- ii דב: בריתא should conclude by also excluding one with 2 backs/spines
- iii *Ruling*: רב הונא; שמואל: ר' ירמיה בר אבא
- 1 *Reason*: it is a חומרא that leads to a קולא, as she now gets טוהר ימי
  - 2 *And*: when רב and שמואל disagree, הלכה follows רב in איסורים (as opposed to ממונות, where we follow שמואל)
- g *given*: women birth at 9 or 7 months; *question*: do bovines, who typically birth at 9 months, also birth at 7?
- i *Answer* (רנ"י): from בריתא (above) – anything less than 8 months is אסור → no live birth at 7 months
- ii *Deflection*: perhaps “earlier” only refers to ovines (less than 4 months)
- 1 *Challenge*: why would there be a need to teach that 3 months of gestation isn't viable?
    - (a) *Therefore*: must be referring to bovine → doesn't birth at 7 months
  - 2 *Answer*: perhaps need to teach that 3 months isn't viable; סד"א that 2 months early is viable – קמ"ל
- h *שמואל*: if she births a לילית (human face with wings) – טמאה לידה; it is a וולד, but has wings
- i *Supporting*: בריתא יוסי; ר' יוסי reports that such a case came to חכמים and they ruled it a וולד
- 1 *And*: if a וולד looked like a snake, חנינא, יהושע, ר' יוסי's nephew, ruled her to be טמאה
    - (a) *Story*: ר' יוסי told ר"ג about this, and he ordered יהושע to come with his nephew (to יבנה)
    - (b) *As*: they were traveling, חנינא's daughter-in-law came and asked ר' יהושע about such a case
      - (i) *And*: he answered that such a woman is טהורה
      - (ii) *However*: she told him that her mother-in-law (ר' חנינא's wife) told her, in ר' יהושע's name – טמאה
        1. *And*: he had provided a reason – since its eye is oval like a human eye
        2. *Whereupon*: ר' יהושע remembered his own ruling and notified ר"ג that his nephew had been following his ruling when he ruled לידה טמאה
        3. *Lesson* (אב"י): when a ת"ח issues a ruling, he should provide an argument; he can be reminded of it and remember his own ruling (and the rationale)