

39.3.7; 28a (משנה ה) → 29a (משיראו קרני ראשו)

1. **מזכר עד נקבה** תשלחו אל מחוץ למחנה תשלחום ולא יטמאו את מחניהם אשר אני שכן בתוכם: במדבר ה, ג
 2. או נפש אשר תגע בכל דבר טמא או בנבלת חיה טמאה או בנבלת בהמה טמאה או בנבלת שרץ טמא ונקלם ממנו והוא טמא ואשם: ויקרא ה, ב
 3. והדוה בנדותה והזב את זובו לזכר ולנקבה ולאיש אשר ישכב עם טמאה: ויקרא טו, לג
 4. והיה ערקה הזכר מן גשרים שנה ועד בן ששים שנה והיה ערקה חמשים שקל כסף בשקל הקדש: ויקרא כז, ג

I ה משנה: further definitions of נפל that occasion יולדת

a Gender: if she has a טומטום or אנדרוגיוס

i Alone or with male: sits for both male (7/33) and female (14/66)

1 Question: if alone, needs to "sit for both", certainly if there is a male with it, must "sit for both"

2 Answer: the מדרש הלכה (@ב:ב) teaches that gender is determined during coitus, we would think that since one is male, the other must also be male (and only observe זכר לידת זכר קמ"ל – ימי לידת זכר חושש for co-זרעה)

ii With female: only sits for female (14/66)

b Point of "birth": if it comes out cut up or backwards (breech) – once a majority is out

i But if: it comes out head-first, when most of the head (i.e. the forehead) is out, considered born

II Discussion re: status of ט"א

a דב if a ט"א saw either "red" (דם) or "white" (זיבה) – no liability for ביאת מקדש בטומאה, nor do we burn תרומה s/he touched

b However: if a ט"א saw both – no liability for ביאת מקדש, but we do burn תרומה s/he touched

i Explanation (for exemption): v. 1 (שילוח טמאים) stipulates זכר and נקבה – only certain male or female

ii Proposal: support for ברייתא with same ruling

1 Rejection(עולא): that ברייתא is authored by ר"א, who, contra ר"ע, rules (re: v. 2) that there must be prior awareness of זבה or זב (ביאת מקדש) and awareness of the type of טומאה; טומאה doesn't know if זב or זבה

(a) Note: following ר"ע, עולא would find liability for ט"א who saw either blood or ליבן

iii Question: why does רב distinguish and rule that תרומה is burnt (if a ט"א sees both)? Should be same, per v. 3

1 Answer: v. 3 is needed for יצחק ר' s' exegesis – לזכר extends to all "liquid sources" מצורע; לנקבה – for מעיינות מצורעת

2 Challenge: v. 1 was needed (per ר' יוסי) to limit rule to those that have במקווה (not חרס כלי)

(a) Defense: then v. 1 could have just stated אדם

(i) Block: perhaps if it only said אדם, we would think that all כלים are excluded

(ii) Counter: כלי טמא לנפש כלי מתכות are included via טמא לנפש

3 Rather: זכר ונקבה (v. 1) teach, per רב, of exemption for ט"א from שילוח טמאים (→ exempt for ביאת מקדש)

(a) Note: perhaps v.1 is only teaching רב's lesson

(b) Block: then it would state עד נקבה; זכר ונקבה also serves to extend to anything which has במקווה

iv Challenge: then a ט"א who became טמא from any source (even שרץ) should be exempt

1 Answer: זכר and נקבה serves to exclude them only from טומאה which comes from זכרות and from נקבות

v Challenge: in v. 4, we would extend ערכים to ט"א were it not for extra ה"ה (הזכר) and נקבה ואם

1 Answer: in re: ערכים, זכר and נקבה needed for themselves, as each has ערך → wouldn't exclude ט"א

III Discussion re: point of birth – if delivered "in pieces" or breech – at רוב

a ד"א (בן פדת) even if the head comes out with them

b ד"א יוחנן only if head is not included; if it comes out with them, once it is out, considered born (בכורה – vis-à-vis – פוטר)

i Proposal: their disagreement is whether or not to accept שמואל's dictum – בנפלים אין ראש פוטר

ii Rejection: they agree that ראש פוטר בנפלים and if it were whole, ראש would be considered

1 Dispute: if cut up; whether head has any greater significance when מחותך

iii Alternate version: only if cut up or breech; if delivered head-first, ראש exempts (→ neither accepts שמואל's ruling)

c Note: some learned their dispute independently of the משנה – ר"א positing that ראש is not like אברים – ר"י; רוב אברים

i Challenge: our משנה implies that if cut up, even if delivered head-first, requires רוב (supports ר"א)

1 Defense (ר' יוחנן): read "יצא מחותך ומסורס" – both cut-up and breech

2 Challenge: ר' יוחנן reads "או" (a disjunct)

3 Rather: read "if it came out breech (cut up or whole) – requires רוב to be considered "born"

ii ד"פ follows dispute of תנאים – if cut up or breech requires רוב; ר' יוסי – ר' יוסי – must come out "כתקנו"

1 Meaning: ר' יוסי – ר' יוסי – requires רובו כתקנו

(a) Implication: if breech, even רוב is insufficient?

(b) Rather (ר' זבד): ר' יוסי – ר' יוסי – if alive, ראש exempts; if dead, whether cut up or whole, require רוב

(c) Note: supporting ברייתא, with range of opinions as to רוב ראשו (which exempts); temples, forehead or top of skull)