Introduction to פרק חצישי - יוצא דופן

This chapter begins with an analysis of the special status of a יוצא דופן (baby delivered via Caesarean section) and continues (and concludes) with a presentation of stage-development, specifically with regards to viability and validity of acts committed by, and upon, a child of varying ages. Although the major focus is sexual (earliest age for עונת נדרים taken by the youth is "in limbo" and we inquire as to the fitness of the child to make a 271.

39.5.1

40a (משנה א $\rightarrow 41b$ (אימא מעלמא אתיא)

- I ששנה ב status of יוצא דופן: (distinction between M/F for טומאה היוצאת הגופו will be picked up on p. 34; משנה ב 34; משנה ב
 - a מימי חכמים. no ימי טהרה חרה חרה ימי טהרה חכמים, no חכמים, no קרבן יולדת
 - i Reason: v. 2 מזריע only applies if she gives birth from place where she was מזריע
 - יטמאה לידה (שליא) still יד"ש interprets v. 2 as meaning that even if she only "births" something like a טמאה לידה (שליא) still ימאה
 - b לידה considered full לידה for all consequences
 - i Reason: v. 3 extra תלד extends to Caesarean section
 - 1 אבנן v. 3 extends to טומטום and hermaphrodite (also ימי לידה)
 - (a) Anticipating: v. 2 (זכר) and v. 3 (נקבה)
 - 2 ריב"ל per ריב"ל gets that from לבת and לבת (v. 4)
 - (a) נימי טוהר for each son and daughter (even if "born" during ימי טוהר (ימי טוהר for each son and daughter). יגבען
 - (b) מלאת infers from v. 5 זאת תורת היולדת for multiple births; not for 1 born before מלאת and one after מלאת
 - (i) איובים need both vv. 4 and 5 חיובים multiple חיובים for separate pregnancies, but not twins (like בני ר' חייא) who are separated by more than 40/80 days קרבנות that even there there are multiple
 - 3 איי יישוען would not apply his ruling (equating וולד קדשים) (וולד ס יוצא דופן born יוצא דופן aren't יוצא דופן הקדש ''יש '' ייחנן
 - (a) Per: לידה::לידה from בכור (vv. 5-6; just as בכור בהמה is only that which is פוטר רחם, so too with
 - (b) Challenge: why not infer לידה::לידה from people and consider it הקדש
 - (i) Answer: בכור is a closer model, per vv. 6-7
 - 1. Challenge: מאדם is a closer model, as both are פשוט (not limited to firstborn)
 - (ii) Rather: אב" is a closer model in 5 ways "אם" mentioned, both are פנ"ט applies
 - (iii) Challenge: אדם is a closer model, as it applies to all (פשוט), M & F (זכר), not inherently holy (קדוש) and not automatically given to (מתנה)
 - 1. Answer: בכור has 5 points of commonality (over 4 points for אדם)
 - (c) Support for עולים: from עולים; dispute ר' יהודה/ר"ש re: expansion of עולים from v. 9
 - (i) Critical point: includes יוצא דופן among those excluded by ר' שמעון
 - (ii) Assumption: this refers to יוצא דופן (i.e. born of בהמת קדשים) (יוצא דופן as בהמת קדשים)
 - 1. Counter: perhaps it is יוצא דופן of a בכור
 - 2. Rejection: that is excepted via "פטר רחם"
 - a. Counter: אמו" is also excepted via "אמר" (as above)
 - b. Analysis: must be יוצא דופן דקדשים; 1 for "born to קדשים" other for "מקדיש יוצא דופן דחולין"
 - i. Support: rest of בריתא excludes נלאים etc. which are all excluded via v. 10; כלאים from v. 11

- ii Related קישוי if a woman has קישוי then gives birth תופסתא נדה ה:יב ברייתא
 - 1 שמא she is considered יולדת בזוב that comes "from there" is טמא
 - 2 א היש she isn't considered יולדת בזוב that comes "from there" isn't טמא
 - (a) First half: they follow their own approaches
 - (b) *Second half (D7)*: what is disagreement?
 - (i) Answer1 (יחם came from דם אוועא דופן but דם tame from רחם; each following his own position
 - 1. Counter (משם" implies דופן comes from משם" implies משם" comes from משם"
 - (ii) Answer2 (רב יוסף): both דרך and וולד came out
 - 1. מקור .*חכמים* is itself דם טמא → דם טמא
 - 2. מקור .דם טהור שמא isn't inherently דם טהור כי"ש
 - 3 Dispute רמים. whether חכמים would declare woman to be טמא
 - (a) ממא if דם is אט, woman is חכמים affirm; ר"ש would reject both)
 - (b) יוחנן: even according to טהור is טהור is טהור
 - (i) Per: טמא when it exudes from מקום ערווה when it exudes from מקום ערווה מאיר' יוחנן
 - 4 Related טמאה of דשב"ל. if a uterus came out, she is טמאה, per v. 12
 - (a) Cannot mean: תורה הורה stipulates ד, not a piece of flesh
 - (b) Rather: must mean מגע נדה as מגע נדה
 - 5 Related מימרא of מקור if a מקור "sweats" two clear drops, she is טמאה
 - (a) Cannot mean: 'סומאת the הלכה stipulates 5 shades of blood and no more
 - (b) Rather: must mean מגע נדה as, מומאת ערב