

39.3.2

22b (פרסה מיהא איכא) → 23b (המפלת כמין בהמה וכו') וכו'

1. וַיִּבְרָא אֱלֹהִים אֶת הַתַּנִּינִים הַגְּדֹלִים וְאֵת כָּל נֶפֶשׁ הַחַיָּה הַרְמֵשֶׁת אֲשֶׁר שָׂרְצוּ הַמַּיִם לְמִינֵהֶם וְאֵת כָּל עוֹף כְּנָף לְמִינֵהוּ וַיִּבְרָא אֱלֹהִים כִּי טוֹב: בְּרֵאשִׁית א, כא
 2. וַיִּשָּׂב הַפֶּתַח בַּיּוֹם הַשְּׁבִיעִי וַרְאָה וְהִנֵּה פֶשֶׁה הַנֶּגַע בְּקִירַת הַבַּיִת: וַיִּקְרָא יְד, לט
 3. וַיִּבְרָא הַפֶּתַח וַרְאָה וְהִנֵּה פֶשֶׁה הַנֶּגַע בְּבַיִת צָרַעַת מִמְאֲרַת הוּא בְּבַיִת טָמֵא הוּא: וַיִּקְרָא יד, מד
 4. וַיִּבְרָא אֱלֹהִים אֶת הָאָדָם בְּצַלְמוֹ בְּצֶלֶם אֱלֹהִים בָּרָא אֹתוֹ זָכָר וּנְקֵבָה בָּרָא אֹתָם: בְּרֵאשִׁית א, כז
 5. וַיַּעַשׂ אֱלֹהִים אֶת חַיַּת הָאָרֶץ לְמִינֵהוּ וְאֵת הַבְּהֵמָה לְמִינֵהוּ וַיִּבְרָא אֱלֹהִים כִּי טוֹב: בְּרֵאשִׁית א, כח
 6. וַיִּצְרֵה' אֱלֹהִים מִן הָאָדָמָה כָּל חַיַּת הַשָּׂדֶה וְאֵת כָּל עוֹף הַשָּׁמַיִם וַיִּבְרָא אֵל הָאָדָם לְרֵאוֹת מֶה יִקְרָא לוֹ וְכָל אֲשֶׁר יִקְרָא לוֹ הָאָדָם נֶפֶשׁ חַיָּה הוּא שְׁמוֹ: בְּרֵאשִׁית ב, יט
 7. כִּי הִנֵּה יוֹצֵר הַרִים וּבָרָא רוּחַ וּמְגִיד לְאָדָם מֶה שָׁחוּ עֵשָׂה שָׁחַר עֵיפָה וּדְרָךְ עַל בְּמַתֵּי אָרֶץ יִקְנֹק אֱלֹהֵי צְבָאוֹת שְׁמוֹ: עֵמוֹס ד, יג
 8. כִּי אֵת הַבְּכֹר בֶּן הַשְּׁנוּאָה יִפִּיר לְתֵת לוֹ פִּי שְׁנָיִם בְּכָל אֲשֶׁר יִמְצָא לוֹ כִּי הוּא רֵאשִׁית אָנוּ לוֹ מִשְׁפֵּט הַבְּכֹרָה: דְּבָרִים כא, יז

I Analysis of end of ב משנה – dispute ר"מ/חכמים about animal-form being considered לידה

a אדם (v. 6) as is (יצר) (ר' שמואל – since animals are described as “formed”)

i Challenge: then sea-monster form should also be a וולד, per v. 1

1 Answer: the verb used there is ברא, not יצר

2 Challenge: why does it matter; we use ביאה::שיבה (vv. 2-3) as analogy

(a) And: we could infer via בריאה::בריאה (man is also described as “created” – v. 4)

(b) Answer: בריאה is needed to teach about creation of man; יצירה is superfluous, hence מופנה for שווה גזרה

(i) Counter: perhaps בריאה is the “extra” phrase and יצירה is needed for itself

(c) Rather: בריאה is מופנה in both instances – man and animal; יצירה only (possibly) מופנה for אדם, not for תנינים

(i) challenge: יצירה is מופנה for animals per vv. 5-6; but תנינים are also “doubled” – vv. 1, 5 (רמש האדמה)

(ii) answer: v. 5 refers to land-based vermin, not sea-creatures

ii question: why is מופנה in both instances preferable?

1 Answer: per שמואל, quoting ר' ישמעאל

(a) If: a גז"ש isn't מופנה at all (in either instance) – cannot be used

(b) If: a גז"ש is מופנה in one instance –

(i) ד' ישמעאל may be used to infer and invulnerable to challenge

(ii) דבנן may be used to infer and may be challenged

(c) But if: a גז"ש is מופנה in both instances, may be used to infer and is invulnerable to challenge

(d) Question: according to ר' ישמעאל, what is the practical difference between מופנה מצד אחד and מופנה משני צדדין

(i) Answer: if we have a choice between them, we'll prefer מופנה משני צדדין

1. And: that is why מופנה מב' צדדין is בהמה::אדם (superfluous in both instances)

2 Alternate: per ר"א, regarding impact of גז"ש depending on the level of superfluity of its instances

(a) If: a גז"ש isn't מופנה at all, may infer and may be challenged

(b) If: a גז"ש is מופנה in only one of its instances

(i) ד' ישמעאל may be used to infer and invulnerable to challenge

(ii) דבנן may be used to infer and may be challenged

(c) But if: a גז"ש is מופנה in both instances, may be used to infer and is invulnerable to challenge

(d) Question: according to רבנן, what is the practical difference between מופנה מצד אחד and מופנה at all?

(i) Answer: if we have one of each, neither with a challenge, we prefer the one that is מופנה מצד אחד

(ii) Note: challenge in our case – בהמה is unlike אדם – he can become טמא while alive

b יצירה::יצירה via בהמה::אדם – שמואל explains ר' יוחנן (ר' חייא בר אבא per ר' יוחנן)

i Challenge (ר' אמי): then mountain-form should be לידה, per v. 7

1 Response: women don't miscarry in that form; rather, it is a “rock” (גוש)

ii Challenge (ר' אמי): then if she “births wind” (unformed piece) should be לידה (ibid)

1 And: it is מופנה, as verse could have omitted ובורא and it would have had same intent (רוח הרים ורוח)

2 Response: we cannot infer via גז"ש from נביאים (דברי תורה) (“דברי קבלה”) to דברי תורה

c יוחנן (per רבב"ח): since animal's eyes are like human eyes

i Challenge: if she “births” a snake-shape, should be לידה, since they have eyes shaped like human eyes

1 Proposal: indeed, but it couldn't be mentioned in משנה, as we would assume that that is the only point of disagreement between ר"מ/חכמים, since it doesn't state יצירה in context of snake; but רבנן agree in re: עוף וחייה

ii Challenge: in re: בהמה מומי בהמה (תוס' בכורות ד:יא) – if an animal has a human-like eye, it is מום (→ typically, they are distinct)

1 Answer: that is refering to the socket (typically different); ר"מ (per יוחנן) referring to “black” (pupil)

- d **ינאי** ר"מ's reason is that animals have their eyes looking ahead of them (stereoscopic vision) like people
- i **Challenge**: birds do not have eyes looking ahead, yet ר"מ includes them in his list
- ii **Answer** (אב"י): ר"מ is only מטמא if it looks like an owl, which has human-type vision
- 1 **Challenge**: ר"מ favors רחב"א in re: בהמה וחיה and רבנן in re: עופות
- (a) **Clarification**: cannot refer to owls, as they should be judged like וחיה בהמה
- (i) **Rather**: must refer to other birds – and ר"מ evidently holds his position regarding **all** birds
- (b) **Answer**: רחב"א favored ר"מ in re: חיה, בהמה, חיה and owls and חכמים regarding other birds, as ר"מ didn't dissent there
- 2 **אב"י**: ר"מ – if it looks like וחיה בהמה – according to ר"מ, it is a וולד, according to חכמים – it isn't
- (a) **But**: if it is avian-like, should be checked
- (i) **Doesn't this mean**: checked according to ר"מ, who only holds טמא if shaped like an owl?
- (ii) **Rejection** (ר' אחא בריה דר"א): checked according to רבנן, who hold that owl-shaped הפלה is טמאה
1. **Reason**: owl have cheeks/jaws like human
- e **Tangential question** (ר' ירמיה מר"ז – intended as a joke): according to ר"מ, who holds that "בהמה" (shape) is a וולד
- i **What if**: the father accepted קידושין on behalf of that וולד?
- ii **Impact**: to make the sister forbidden to the מקדש
- 1 **Challenge**: shall we consider this חתיכה alive? (no איסור of אשתו unless that "wife" is alive)
- 2 **Clarification**: רב indicated that ר"מ's approach only applied to something which would live – if its own kind
- (a) **Explanation**: must be well-formed enough that if it really were a בהמה, it would live (→ this isn't alive)
- (b) **Note**: ר' ירמיה was trying to make a joke, but ר' זירא didn't laugh
- f **Revisiting רב's comment**: ר"מ's ruling was only in case of one that would live
- i **ירמיה מדפתי** support from בורות ח:א – (in re: בכור לנחלה, בכור לכהן, בכור לכהן) – if she is מפיל something looking like וחיה בהמה
- 1 **ר"מ**: that is a valid וולד (and exempts later births from לכהן בכורה)
- 2 **חכמים**: must have human form
- 3 **But if**: she is מפיל a formed substance, sac or formed pieces come out – it is בכור לכהן and the next one is בכור לנחלה
- (a) **And if**: we think that this is considered "alive", how can the next one be בכור לנחלה?
- (b) **Defense** (רבא): may be considered alive; rule of בכור לנחלה is unique, per v. 8 - ראשית אונו
- (i) **Meaning**: a child for whom he would mourn (אנינות) or be worried – as opposed to this one
- g **Tangential question** (ר' אדא בר אבהו מאב"י): according to ר"מ (בהמה-shape in woman's womb is וולד)
- i **What if**: there is a human shape in an animal's womb? What is its status
- 1 **Practical application**: whether it may be eaten
- ii **Response**: why not answer from יוחנן ר' ruling – if someone slaughters an animal and finds a dove-shape creature inside, it may not be eaten
- 1 **Block**: they're not the same – the dove has no פרסות (split hooves) nor a פרסה (any hoof)
- (a) **But**: in the case of a human, even though there are no פרסות, there certainly is a פרסה