

39.3.4

24b (משנה ג) → 26a (עד דנפיק רוביה)

.1 ויעש ה' אלהים לאדם ולאשתו כַּתְנוֹת עוֹר וְיִלְבָּשֶׁם: בראשית ג, כא
 .2 הלא כחלב תתיכני וכגבנה תקפיאני: עור ובשר תלבישני ובעצמות וגידים תסככני: חיים וחסד עשית עמדי ופקדתך שמרה רוחי: איוב, י"ב

I משנה ג: status of woman who "births" unformed material

- a If: she "births" a sac filled with water, blood or pieces of flesh – no לידה
- i Question: why aren't גוונים considered וולד?
- Answer1 (אביי): how could the וולד have become "melted"?
 - Answer2 (רבא) reads "filled" – if it were a וולד that got "mashed", there would be some space
 - Answer3 (ר' אדא בר אהבה): reads גוונים – different types; if it were a וולד, would be of one type
- ii Question (posed to רב): if it is a sac filled with flesh – what is ruling?
- Answer (ר' יוסי בר יוסי): father (ר' יוסי) if it is filled with דם – נדה; if with flesh – טמאה לידה
 - Rejection (רב): since 1st clause (מלא דם) follows marginal opinion (סומכוס בשם ר"מ); so does 2nd (ר' יהושע); (א) dispute (ר' יהושע/חכמים) is only if sac is עכור, but if waters are clear – ר' יהושע agrees that she is טהורה (b) dispute if waters are clear
 - Question: is dispute only if clear, but if muddied all agree טמאה or dispute in both cases? תיקו
 - Analysis: ר"ח's exegesis of v.1 – skin formed after body → depends on skin, regardless of עכור or צלול
 - Therefore: if the dispute is about clear waters, we understand the need for the פסוק (+דרשה)
 - But: if the dispute is about עכור – no פסוק needed, it is reasonable (סברא) that it is a וולד; point for ר"ל
 - Support: from discussion between ר"נ and רב
 - dispute is only if עכור; if clear, all agree that it is not a וולד
 - רבא in re: בכורה - סימן of a viable דקה – uterine blood; גסה – sac; human – sac and placenta
 - But: a placenta alone doesn't exempt a בהמה
 - Therefore: in re: אשה, which has extra פסוק (v. 1), placenta exempts, not for an animal
 - But if: the dispute is בעכור, why distinguish between them – it's סברא that it's a וולד
- (d) Solution: ר' יהושע wasn't clear about status – was איסור בכורה for animal, איסור אדם for human, מקיל (ממון) בכור אדם
- And: in our case, which is טמאה – also מחמיר
 - Challenge: he adduced a verse – why is he מסופק?
 - Answer: the verse (v. 1) is an אסמכתא
- 3 Final ruling: רב – in either case (clear or muddied), no חשש לידה
- (a) שמואל: in both cases, there is room to consider חשש לידה
- Support: שמואל always ruled such cases as לידה except for one where וולד was translucent
- b But if: it already had the form of a וולד, (since gender can't be determined) – must observe ימי לידה for both זכר and נקבה
- i Definition of מריקם (formed): starts from head, 2 eyes like eyes of fly (separated); 2 nostrils like those of fly (adjacent); mouth stretched like a hair, male member size of lentil, if female, like cracked barleycorn; doesn't yet have distinct limbs (hands/feet) – all per v. 2
- Note: cannot be checked in water, as that melts him – rather, use oil, which "shines" him up; checked by sunlight
 - Note: checking for gender – use flat stick and shake there; if it meets resistance – male; if not – female
 - this only works if shaking down to up; but from side-to-side, uterine walls may be resistance
 - Note: identification as female – cannot be ביצים, as the testes themselves aren't yet recognizable
 - Addition to definition: thighs are like silk threads of wool; arms are like silk threads of warp
 - שמואל instructed יהודה רב not to rule (as וולד) unless it already had some hair on its head
 - Challenge: שמואל ruled that in both cases (צלול ועכור) we are חושש לוולד
 - Answer: we are חושש and act לחומרא; but we do not give her ימי טהרה unless it has hair
 - Challenge: שמואל had no doubts (story of how he identified exact day of conception)
 - Answer: שמואל himself is a master and could tell; but for פסק הלכה, had to be חושש

- II נקבה and זכר: if she "births" a סנדל or placenta, she must observe ימי לידה for both זכר and נקבה
- a *תוספתא נדה ד: ז:* a סנדל looks like a fish; it was originally a וולד but got mashed
- i *דשב"ג*: it looks like an ox-tongue
- ii *דבותינו*: it requires a facial form to be a וולד
- 1 צורת פנים *שמואל* requires
- (a) *ד' יצחק*: even if they are reversed (on back) – per משל of someone who is slapped
- (b) *Story*: in ינאי 'ר's day they considered being מטהר a סנדל with no facial features
- (i) *ד' ינאי*: they were מטהר a legitimate וולד
- (ii) *Challenge*: the testimony of רבותינו
- (iii) *Answer*: that was the opinion of ר' נחוניה 'ר, but not consensus (and rejected)
- b *Question*: why did they mention סנדל, when there is never a סנדל without an accompanying וולד?
- i *Answer*: if there was a נקבה born with it, indeed – it would be judged as another נקבה (14+66)
- ii *But*: in this case, it was birthed with a זכר;
- 1 *We might have thought*: since, per יצחק 'ר's homily on יב:ב ויקרא, mixed twins are unlikely, this is also זכר (7+33)
- 2 *Therefore*: it teaches that it may be mixed twins and we have to be חושש for נקבה
- 3 *Also*: if she birthed a נקבה just before sunset and the סנדל afterwards,
- (a) *Then*: she begins counting from each event (i.e. her 80 days for נקבה are extended by one day)
- c *And*: סנדל mentioned in re: בכורות (א:א) בכורות ח:א) taught to establish status of child born afterwards - בכור לנחלה - לכהן not
- d *And*: סנדל mentioned in כריתות א:ג) כריתות א:ג) - taught for case where she delivers baby via C-section and סנדל vaginally
- i *That*: she must bring קרבן לידה for סנדל
- ii *And*: for ר"ש, who rules that even C-section brings קרבן לידה
- 1 *Taught*: for case where she births baby as גויה, converts and then has סנדל – brings קרבן לידה (for סנדל)
- e *Challenge* (ר"פ): all of these answers presume a סנדל next to וולד, but we hold that it is enfolded in וולד, with וולד's head at סנדל's middle - and וולד pushes סנדל out with its head
- i *Therefore*: in בכורות, they came out head-first, סנדל before וולד
- 1 *And*: in כריתות, they came out breech – וולד first then סנדל
- ii *דבא*: even if they are still enfolded, we could explain בכורות and כריתות by inverting circumstance
- 1 *בכורות*: they came out breech – וולד takes more time to come out, so סנדל exits first
- 2 *כריתות*: they came out head-first – a וולד, which is alive, is considered born when head comes out
- (a) *But*: a סנדל, which is dead, only considered "birthed" when a majority comes out (afterwards)
- III Aggadic tangent - אבא שאול, the undertaker, and some of his experiences and observations