Bechoros – Simanim
פרק ו – על אלו מומין

Daf 42 – דף מב

1. Rav Chisda: all agree that a טומטום is a ספק and not a בריה

Rav Chisda said our Mishnah's *machlokes* concerned only אנדרוגינוס, but regarding a טומטום, דברי הכל ספיקא הוא וקדוש מספיקא – *all agree it is of questionable* gender, *and* a firstborn *is sanctified out of doubt*. Meaning, when the Chochomim said "it" is not a *bechor* and is *chullin*, they only meant an אנדרוגינוס, which they consider a בריה – *an independent creature* (neither male nor female), but agree a טומטום is either male or female, and a possible *bechor*. Rav Chisda is challenged from many Baraisos which exclude טומטום from various laws as neither a male nor a female: they exclude a טומטום from having any ערכין value, disqualify it as a *korban*, exclude a bird טומטום which was killed without *shechitah* from being *metamei* through being swallowed, and exclude a טומטום from attaining קדושת הגוף, either to become a *temurah,* or to make another animal a *temurah*. To all these challenges, the Gemara gives the same answer: סמי מכאן טומטום – *delete from here* the word *"tumtum,"* and each Baraisa discusses only אנדרוגינוס. [Below, Rebbe Yochanan disagrees with Rav Chisda, and holds there is a Tanna who holds a טומטום is a בריה.]

2. *Machlokes* if מטיל מים במקום נקבות must be a נקבה

The Gemara suggests that Tannaim in a Baraisa debate a טומטום's status: Rebbe Yishmael says an אנדרוגינוס is a *bechor* with a מום, but the Chochomim say no *kedushah* takes effect on it (i.e., it is a בריה). Rebbe Shimon ben Yehudah says the word "זכר" excludes טומטום and אנדרוגינוס from being sanctified as a *bechor*. Apparently, although the Chochomim hold an אנדרוגינוס is a בריה, they consider a טומטום a ספק and possibly sanctified, and Rebbe Shimon ben Yehudah holds a טומטום is also a בריה and not sanctified. The Gemara answers that all Tannaim may agree that טומטום is either male or female, as Rav Chisda said. Thus, מטיל מים במקום זכרות – if [the animal] *releases* its *urine from the area of the male organs*, all agree it is a definite male. Their *machlokes* is במטיל מים במקום נקבות – *where it releases* its *urine from the area of the female organs*. The Chochomim hold it may still be a male, because חיישינן שמא נהפכה זכרותו לנקבותו – *we are concerned that its male organs were bent over to* the area of *the female organs*. Rebbe Shimon ben Yehudah disagrees and considers such a טומטום a definite female.

3. *Machlokes* about being מייבם the wife of a טומטום (and the concern he is a סריס)

Baraisos discuss the marriage status of a טומטום. One Baraisa states: טומטום שקידש – if *a טומטום married* [a woman], the marriage takes effect out of doubt, since he might be a male, and the woman requires a גט. If a man marries a טומטום, the marriage is effective (since he might be a female), and the man becomes forbidden to the טומטום's relatives. A טומטום performs חליצה to his brother's wife (if there is no other brother), and חליצה or יבום is performed with a טומטום's wife. But another Baraisa teaches that a טומטום's wife performs חליצה, but <u>not</u> יבום. The Gemara first explains that both Baraisos hold like Rebbe Akiva, that סריס חמה – *a man sterile from birth* is excluded from יבום and חליצה. The first Tanna is not concerned the טומטום might be a סריס, so his wife is permitted for יבום. The second Tanna holds הואיל ואישתני אישתני – *since he is changed* from the norm in being a טומטום, perhaps *he is changed* and is also a סריס, and his wife is prohibited to his brothers as a relative. The Gemara concludes that all Tannaim agree he may be a סריס and argue whether the wife of a סריס חמה is excluded from יבום.

Siman – Mobster

Even though the **mobsters** argued about many things they all agreed that **a טומטום *bechor* is a ספק and not a בריה and can't be used to ride on**, and **when one of them tried to prove that it's a נקבה , they dismissed him because he himself is a טומטום** and if he were to get knocked off by a rival mob **his wife would get *chalitzah,* not *yibum*.**

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Mobster



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3 things to remember

1. **Rav Chisda: all agree that a טומטום is a ספק and not a בריה**
2. ***Machlokes* if מטיל מים במקום נקבות must be a נקבה**
3. ***Machlokes* about being מייבם the wife of a טומטום (and the concern he is a סריס)**

