Bechoros 42 – Good Morning Raboisai

1️⃣ Tumtum and Androgynous

The Daf continues the Mishnah's discussion of Tumtum and Androgynous.

A Tumtum is an animal whose reproductive organs are covered:

👉 We cannot tell whether it is a Zachar or a Nekeivah.

An Androgynous has both male and female characteristics.

The question is whether these are cases of Safek, or whether they have their own independent Halachic status.

2️⃣ Rav Chisda – Tumtum Is Different

Rav Chisda explains that the Mishnah's discussion should not automatically combine Tumtum and Androgynous.

According to the Chachamim:

👉 An Androgynous can be a Briah Bifnei Atzmah – its own category, neither an ordinary male nor female.

But a Tumtum is fundamentally different:

👉 Underneath the covering it is either a genuine male or a genuine female.

We simply do not know which.

Therefore, if it is actually male:

👉 It could have Kedushas Bechor.

3️⃣ The Series of Questions

The Gemara now brings a remarkable series of challenges against Rav Chisda.

Again and again, a source mentions:

👉 Tumtum together with Androgynous.

But if Tumtum is merely a Safek male or female:

👉 Why should the Torah exclude it as a separate category?

The Gemara repeatedly answers:

סמי מכאן טומטום

👉 Remove Tumtum from that particular teaching.

The source is really addressing Androgynous.

Erchin

4️⃣ Can a Tumtum Have an Erech?

The Torah gives fixed Erchin values according to:

👉 Age.

👉 Male or female.

Suppose someone points to a Tumtum and says:

👉 “Its Erech is upon me.”

A Tumtum must ultimately be either male or female.

So why should Erchin not apply?

According to Rav Chisda:

👉 It should.

The uncertainty would affect which amount is due, but the Tumtum itself is not outside the entire Parshah of Erchin.

5️⃣ “Zachar” and “Nekeivah”

A Beraisa appears to exclude Tumtum and Androgynous from Erchin.

But the Gemara asks:

👉 Why would the Torah need a special exclusion for a mere Safek?

The Torah is defining objective Halachic categories, not solving our uncertainty.

Therefore:

👉 Once again, according to Rav Chisda, Tumtum must be removed from that teaching.

The exclusion applies to Androgynous.

Korbanos

6️⃣ What About a Korban That Can Be Male or Female?

The Gemara moves to Korbanos.

Certain Korbanos can be brought:

👉 Male or female.

If a Tumtum is definitely one of the two:

👉 Why should it automatically be excluded?

This creates another challenge to Rav Chisda's view.

And again:

👉 The Gemara answers by removing Tumtum from the particular teaching.

7️⃣ The Torah Does Not Address Our Safek

This becomes a central principle in the Sugya.

If something objectively is either:

👉 Male,

or:

👉 Female,

but we simply do not know which:

👉 A Pasuk would not normally be needed merely to tell us how to deal with our uncertainty.

Therefore, Pesukim specifically excluding categories suggest:

👉 A distinct Halachic status rather than an ordinary Safek.

This is what repeatedly creates the difficulty for Rav Chisda.

Melikah of Birds

8️⃣ The Gemara Moves to Korbanos Ha'Of

The Daf discusses birds that are invalid for the Mizbeach.

Melikah is the special Avodah performed on a Korban Ha'Of in the Beis Hamikdash.

Outside the Mikdash:

👉 Such a procedure would not be ordinary Shechitah.

The Beraisa lists several birds which cannot be brought properly.

9️⃣ Ne’evad, Muktzah, Esnan and Mechir

The list includes:

👉 Ne’evad – a bird used for Avodah Zarah.

👉 Muktzah – designated for prohibited worship.

👉 Esnan – received as payment for an immoral act.

👉 Mechir – received in exchange for a dog.

The Torah specifically disqualifies these from Korbanos.

Tumtum and Androgynous are also mentioned in the discussion.

🔟 Why Exclude a Tumtum Bird?

The problem returns.

Regarding birds:

👉 Male and female birds can be brought.

So if a Tumtum is certainly either male or female:

👉 Why should its uncertain gender prevent it from being brought?

Again, this is difficult according to Rav Chisda.

The Gemara responds with the same approach:

👉 Remove Tumtum from that source.

Temurah

1️⃣1️⃣ Tumtum and Temurah

The Gemara next discusses animals that cannot receive full Kedushas HaGuf.

The list includes:

👉 Treifah.

👉 Kilayim – born from mixed species.

👉 Yotzei Dofen – born by Caesarean section.

👉 Tumtum.

👉 Androgynous.

These animals cannot function normally in the process of Temurah.

1️⃣2️⃣ The Same Problem Again

If Tumtum is really either male or female:

👉 Why should it automatically be excluded from Temurah?

Once again, the Gemara wants to answer:

👉 Remove Tumtum from the list.

But now there is a problem.

The Beraisa gives a specific number of cases.

If Tumtum is removed:

👉 The count is wrong.

We therefore need another case to replace it.

The Yasom

1️⃣3️⃣ A New Case – An Orphaned Animal

The Gemara introduces:

👉 Yasom.

This refers to an animal whose mother dies as it is being born.

If the mother dies well after the birth:

👉 The offspring is not considered a Yasom for this Halachah.

If the mother died beforehand and the offspring was surgically removed:

👉 There is already the separate issue of Yotzei Dofen.

The significant case is:

👉 The mother dies during the birth itself.

Such an animal cannot be brought as a Korban.

This replaces Tumtum in the numbered list.

A Machlokes Tannaim About Tumtum

1️⃣4️⃣ Rebbi Ilai in the Name of Rebbi Yishmael

The Gemara now brings a Beraisa discussing Androgynous.

One opinion holds:

👉 An Androgynous is a Bechor with a Mum.

Meaning:

👉 It is fundamentally considered male, but its female characteristics constitute a blemish.

The Chachamim disagree:

👉 Kedushas Bechor does not take effect upon it.

They consider it a separate category.

1️⃣5️⃣ Why Is Tumtum Missing?

The Beraisa discusses:

👉 Androgynous.

But does not mention:

👉 Tumtum.

This is significant.

If Tumtum had exactly the same status as Androgynous:

👉 We would expect them to be listed together.

Perhaps this supports Rav Chisda:

👉 Androgynous is a separate category, while Tumtum is merely a Safek male or female.

1️⃣6️⃣ Maybe That Is the Machlokes

The Gemara considers whether the Tannaim themselves disagree about Tumtum.

One opinion could hold:

👉 Tumtum is a Safek Zachar/Nekeivah, and therefore Kedushas Bechor applies out of Safek.

Another could hold:

👉 Tumtum itself is a Briah Bifnei Atzmah and has no Kedushas Bechor.

But the Gemara does not accept this explanation so simply.

A New Way to Determine the Gender

1️⃣7️⃣ Where Does the Animal Urinate?

The Daf introduces a practical distinction between male and female animals.

The place from which they urinate is different.

Therefore, with a Tumtum:

👉 Perhaps we can determine whether it is male or female based upon where the urine emerges.

This leads to an entirely new analysis of the Safek.

1️⃣8️⃣ Urinating From the Male Position

If the urine emerges from the normal male location:

👉 That is strong evidence the animal is male.

But there is still a problem.

The animal has an abnormal covering of skin.

Therefore, even if it is definitely male:

👉 It may still be unsuitable for the Mizbeach because of that physical abnormality.

1️⃣9️⃣ Urinating From the Female Position

What if the urine emerges from the normal female area?

One could argue:

👉 This proves it is female.

But perhaps not.

Maybe:

👉 The animal is actually male, but the internal anatomy is unusually folded backward, causing the urine to emerge near the female position.

Should we be concerned for such an unusual possibility?

Ho'il V'Ishtani, Ishtani

2️⃣0️⃣ Once It Is Abnormal...

The Gemara develops an important principle:

הואיל ואשתני אשתני

👉 Since the animal is already abnormal in one respect, perhaps it is abnormal in another respect as well.

Normally, we might ignore an extremely unusual possibility.

But here:

👉 We are already dealing with an unusual animal.

Perhaps its internal anatomy is also unusual.

This could prevent us from confidently determining its gender from the place of urination.

2️⃣1️⃣ Do We Worry About a Minority?

The Gemara compares this to the broader question of whether we are concerned about rare possibilities.

Even those who normally ignore a tiny minority might agree here:

👉 The existing abnormality gives us a specific reason to suspect another abnormality.

The issue is therefore not merely:

👉 "Maybe something extremely rare happened."

Rather:

👉 The animal itself already shows that its development is unusual.

Tumtum in Marriage and Yibum

2️⃣ 2️⃣ Kiddushin of a Tumtum

The Gemara brings another Beraisa to test this principle.

A Tumtum may enter a situation of Kiddushin.

Because we do not know whether the Tumtum is male or female:

👉 We must consider the possible Halachic consequences in both directions.

The Safek can therefore affect whom the Tumtum may marry and what relationships become prohibited.

2️⃣ 3️⃣ Chalitzah and Yibum

The Beraisa also discusses:

👉 Chalitzah.

👉 Yibum.

If the Tumtum is male:

👉 It may potentially be part of the Parshah of Yibum.

If female:

👉 The entire situation is different.

But there is another concern:

👉 Perhaps the Tumtum is a Saris and incapable of having children.

That could itself affect Yibum.

2️⃣ 4️⃣ Maybe the Tumtum Is a Saris

Why suspect that the Tumtum is a Saris?

Again:

👉 Ho’il V’Ishtani, Ishtani.

Since the reproductive system is already physically abnormal:

👉 Perhaps there is an additional abnormality and the person cannot have children.

This becomes another application of the same principle discussed regarding the animal’s anatomy.

2️⃣5️⃣ Rebbi Akiva and Saris Chamah

The Gemara connects this discussion with the Machlokes concerning:

👉 A Saris Chamah – someone naturally incapable of fathering children.

According to Rebbi Akiva:

👉 Such a person is excluded from the regular Din of Yibum.

The status of a Tumtum can therefore depend upon whether we are concerned that the Tumtum is also a Saris.

2️⃣6️⃣ If Surgery Reveals a Male

Suppose the covering is surgically opened and the Tumtum is discovered to be male.

Even then, a question remains:

👉 Do we assume he is an ordinary male?

Or:

👉 Do we remain concerned that the same abnormal development indicates that he is a Saris?

This affects whether Chalitzah or Yibum can be performed.

2️⃣7️⃣ Safek-Sefeika

The Gemara considers multiple uncertainties.

Perhaps:

👉 The Tumtum is female.

And even if male:

👉 Perhaps the Tumtum is a Saris.

These layers of Safek affect the practical Din of Chalitzah and Yibum.

The Gemara discusses whether Chalitzah should nevertheless be performed in certain circumstances, especially where other brothers are available.

📌 **Key Chazarah**

- Tumtum and Androgynous are not necessarily the same Halachic category.
- A Tumtum has covered organs and may simply be a Safek male or female.
- An Androgynous has both male and female characteristics and may be a Briah Bifnei Atzmah.
- Rav Chisda holds that Tumtum is fundamentally a Safek Zachar/Nekeivah.
- The Gemara repeatedly challenges Rav Chisda from sources that list Tumtum together with Androgynous.
- Several times the answer is Sami Mikan Tumtum – remove Tumtum from that particular source.
- Erchin creates a challenge because a Tumtum must ultimately have either the male or female Erech.
- Similar questions arise regarding Korbanos and Korbanos Ha'Of.
- A Pasuk generally defines objective Halachic categories rather than resolving our personal uncertainty.
- The Daf discusses Ne'evad, Muktzah, Esnan and Mechir in connection with invalid Korbanos.
- Temurah creates another challenge to Rav Chisda.
- Because one Beraisa gives a fixed number of cases, Tumtum cannot simply be removed without a replacement.
- The replacement is Yasom – an animal whose mother dies during its birth.
- Rebbi Yishmael can view an Androgynous as a male Bechor that possesses a Mum.
- The Chachamim can view Androgynous as a separate creation upon which Kedushas Bechor does not take effect.

- The absence of Tumtum from this discussion leads to further analysis of its status.
- The Gemara considers determining a Tumtum animal's gender from where it urinates.
- Urinating from the male position strongly indicates a male.
- Urinating from the female position may still leave a concern that the internal male anatomy is abnormally folded backward.
- This introduces Ho'il V'Ishtani, Ishtani – once we already see one abnormality, perhaps there are additional abnormalities.
- The Daf applies this principle to Kiddushin, Chalitzah and Yibum.
- A Tumtum may also be suspected of being a Saris because of the abnormal reproductive development.
- Even if surgery reveals a male, this additional concern can remain relevant.
- The Sugya therefore combines Safek gender, physical abnormality, Saris and the laws of Yibum and Chalitzah.

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