

דהא כל חד וחד דרשינן כלל ופרט באפי נפשיה –

For we expound each one as a *Klal uPratt* by itself

OVERVIEW

The גמרא asked that birds should be excluded from כפל since (some of) the פרטים include animals whose carcasses are מטמא במגע ובמשא and עופות are not מטמא במגע (מטמא במגע ובמשא), (which is not שמלה is פרטים), nevertheless since we expound each פרט individually, therefore regarding live animals those פרטים exclude birds. תוספות reconciles our גמרא which claims that each פרט is expounded individually with other גמרות who expound all the פרטים together as one unit.

תוספות asks:

ואם תאמר והא לקמן¹ גבי ונתת הכסף דרשינן כולהו פרטי באחת² -

And if you will say; but later regarding the כפל ופרט in the פסוק of הכסף, ונתת הכסף, we expound all the פרטים as one, and we do not expound them individually -

ובפרק קמא דקדושין (דף יז,א ושם) גבי הענקה³ -

And in the first פרק of קדושין מסכת הענקה regarding we also interpret the כופ"כ there as one unit not as individual פרטים, so why here by כפל do we expound each פרט individually?

תוספות answers:

ויש לומר כיון דכתיב על אכל פרטא כדכתיב על שור על חמור על שה על שלמה -

And one can say; that here by כפל it is different, since by each פרט the תורה writes the word על, as it is written על שלמה; על שור על חמור על שה על שלמה; this extra word על -

שמעת מינה למידרש כל חד וחד פרטא באפי נפשיה -

teaches us to expound each and every פרט individually.

תוספות offers an alternate answer why each פרט is expounded individually:

אי נמי על כרחך אית לן למידרש כל חד פרטא באפי נפשיה ולמעט עופות -

Or you may also say; perforce we need to expound each פרט individually in order to exclude birds from כפל -

דאי לאו הכי לשתוק מכולהו פרטי ולכתוב שלמה לחודיה ותו לא -

For if it is not so (but rather all the פרטים are expounded as one unit, then), the

¹ Later on this עמוד.

² If we would expound them individually, we would also exclude עופות from כפל as we are doing here by כפל.

³ הענקה is the bonus which the master pays his עבד עברי (or אמה העבריה) when they go out free. The תורה writes (דברים) that (ראה) טו,יד (כלל) מצינן ומגרנן ומיקבן (פרט) אשר ברכך (כלל) וגו' (ראה) טו,יד.

should be silent from all the פרטים and only write the פרט of שלמה and no other⁴ -

דמשלמה אתי כל מילי בין בעלי חיים בין אינם בעלי חיים מכלל ופרט וכלל -

For we can derive from שלמה, through a כופו"כ, the חיוב כפל by all objects whether they are living creatures or whether they are not living creatures -

⁵responds to an anticipated difficulty: תוספות

דמשום דהוו בעלי חיים לא גריעי⁶ -

For just because they are living, that does not make them worse than inanimate objects, so they should be excluded from כפל. Therefore since the תורה saw fit to mention so many פרטים it stands to reason that each פרט is to be expounded individually and subsequently exclude עופות.

anticipates a difficulty: תוספות

והשתא בתחילה כשהקשה ואימא מה הפרט מפורש דבר שנבלתו מטמאה כולי -

And now that we are saying that the reason we expound each פרט individually, is because otherwise there is no need for all the פרטים, so **initially when the גמרא asked; 'and let us say just as the פרט specifies something whose carcass causes טומאה, etc.'**, so we should exclude עופות; instead of asking this question -

הוי מצי למפרך קושיא אחריתי⁷ -

The גמרא could have asked a different question -

לפי מה שסובר⁸ דאמרינן מה הפרט מפורש דבר המטלטל וגופו ממון -

According to what the גמרא assumes (before the question on עופות) that **just as the specifies something movable and has intrinsic value** (which would include עופות), for we expound all the פרטים as one; if this is what we assume; the גמרא could have asked - **לא לכתוב אלא שלמה לחודיה ולשתוק מכל שאר פרטי -**

⁴ We cannot ask the same question regarding מעשר שני (where the פרטים are ובשכר and בבקר ובצאן ובין ובשכר) or regarding העניקה (where the פרטים are מצאנך ומגרנך ומיקבך) because (as the גמרא states in יז,א) קדושין יז,א (where the פרטים are מצאנך ומגרנך ומיקבך) if it would only state צאן (or צאן by בקר וצאן) (מע"ש) we would think it is only בעלי חיים, and if it would state גרנך (or גרנך by יין ושכר) (מע"ש) we would think it is only גידולי קרקע but not בעלי חיים. [Regarding the duplicity of בקר (מע"ש) and צאן (מע"ש) see מהר"ם.] However here we are asking that it should only state one פרט, namely שלמה. See (however) משה נחלת.

⁵ One may ask if the תורה would have just listed שלמה, we would just include inanimate objects similar to a שלמה, but not live animals. תוספות rejects this notion.

⁶ The presumption is that animals are a limited category in the universe of 'things'. Therefore if the פרט is an animal, that would exclude inanimate objects. However if the פרט is an inanimate object, that is considered a 'thing' and animals are included in 'things'. Animals are a subset of things (שלמה); however things are not a subset of animals.

⁷ See 'Thinking it over'.

⁸ The actual question (to exclude עופות) assumes that each פרט is expounded individually (otherwise עופות would be included on account of שלמה).

The **שלמה** of פרט should not write all the other פרטים, but rather **only** the פרט of תורה **alone**.⁹ The גמרא could have asked this question.

תוספות responds; the reason the גמרא asked the actual question regarding עופות, for -

אלא הא עדיפא ליה למיפרך¹⁰ שמקשה דאפילו מה שאמר אין אמת:

Rather it was preferable for the גמרא to ask this question regarding עופות, which asks that even what you stated that birds are included is not true!

SUMMARY

We expound each פרט individually when either there is an extra word (like על) accompanying each פרט, or where all the פרטים save one are superfluous.

THINKING IT OVER

Is there any advantage in asking תוספות proposed question¹¹ (לא לכתוב אלא שלמה) ¹²? (אבל עופות לא) over the actual question the גמרא asks (לחודיה)?

⁹ Since the מקשן who is asking is aware that we expound each פרט individually (otherwise there is no question that we should exclude עופות), and the reason we expound each פרט individually is because the other פרטים (besides שלמה) are superfluous; so the גמרא could have asked directly why are all the פרטים necessary!

¹⁰ The ברייתא stated that we include all that are מטלטל וגופן ממון (which includes עופות); had the גמרא asked (as תוספות proposed) why are all the פרטים needed, it would be a valid question but it would not directly conflict with what the ברייתא stated; however now the גמרא is asking directly on the ברייתא; how can the ברייתא say that the כופו"כ includes עופות when we understand that each פרט is expounded individually and עופות are excluded!

¹¹ See footnote # 7.

¹² See footnote # 9.