

Now that you said a nursing woman may ride, is it necessary to discuss a pregnant woman

OVERVIEW

The גמרא asked, once the ברייתא concluded that even a מניקה may ride on the donkey, so why was it necessary for the ברייתא to write (previously) that a מעוברת may ride on the donkey; it is obvious.¹ גירסא offers a different תוספות, but explains our גירסא as well.

כן גרסת הספרים ואין נראה לרבינו תם דאין זה פירכא דזו ואף זו קתני² -

This is the reading of our text (as mentioned in the heading); **however according to the ר"ת it does not appear** to be correct, **for,** השתא מניקה אמרת דרכבה מעוברת, **is not a valid question, since the ברייתא teaches** in a manner of **this** is permitted **and even this** is also permitted. The rule of מניקה (the greater חידוש) was stated after מעוברת (the lesser חידוש).

גירסא has an additional difficulty with this תוספות:

ועוד דאין מתיישב שפיר לפי גרסא זו³ הא דקאמר שמע מינה ביניתא אגב כרסה תקלה -
And furthermore, according to this גירסא, this which אביי stated, 'we derive from here that the weight of a fish is according to its stomach', is not properly understood.

גירסא offers an alternate and interpretation:

ועל כן נראה לו כגירסא שמצא השתא מעוברת אמרת אין מניקה מבעיא -
Therefore the ר"ת prefers the גירסא which he found, stating; **'now that the ברייתא stated (first) that a מעוברת may ride, is it necessary to conclude that a מניקה may ride -**

דאשה מעוברת כבידה יותר ממניקה עם בנה⁴ לפי שהחי נושא את עצמו⁵ ומיקל -

¹ The questioner assumed that a nursing mother together with her baby weighs more than a pregnant woman.

² Many times when two rules are taught, the first is a smaller חידוש and the second is a larger חידוש. This is usually referred to a לא זו אף זו (mentioned here as זו ואף זו); not only is the rule applicable here (the lesser חידוש), but it applies even here (the greater חידוש). We (generally) accept this mode. Why is the גמרא challenging the ברייתא? It first stated the lesser חידוש by מעוברת (who is lighter) and then the greater חידוש by מניקה ובנה (who are heavier).

³ The assumption of this גמרא is that a מעוברת is lighter than a מניקה (see footnote # 1), however אביי seems to be saying that the weight is in the stomach (like a מעוברת), not like a מניקה; indicating that a מעוברת is heavier.

⁴ גירסא takes the opposite view of the other גירסא (mentioned in footnote # 1) and maintains that a מעוברת is heavier than a מניקה ובנה. See "Thinking it over".

⁵ This concept is mentioned in שבת regarding carrying a live person on שבת. One may not be חייב, since החי נושא את עצמו. See תוספות ד"ה שהחי there. Simply put a live person (בנה) is not deadweight!

For a מעוברת is heavier than a מניקה with her child, since a living person (the live baby) carries himself and makes himself lighter

אבל כשהוא במעי אמו מכביד ואבריה כבידים עליה וגם מליאה דם⁶ -

But when the fetus is in the mother's womb he weighs down on her so that her limbs are weighty, and she is also full of additional blood -

והשתא אתי שפיר הא דקאמר שמע מינה ביניתא אגב כריסה תקלה -

And now that we say that a מעוברת weighs more than a מניקה ובנה; it will be properly understood this which אבי stated, 'we can derive from this ruling that the weight of a fish is according to its stomach' -

שאם היה חוצה לה לא יכבד כל כך בין הכל⁷ -

For if it was outside it would not weight it down so much, taking everything into consideration. This concludes גירסא פי' התוס' according to his.

גירסא returns to our תוספות

ויש ליישב גירסת הספרים⁸ ומכל מקום פריך שפיר דלא שייך כהאי גוונא למתני זו ואף זו⁹ -

And one can justify the reading of our text, and nevertheless the question is proper, for in this situation it is not applicable to answer that the ברייתא is teaching in a manner of זו ואף זו -

כיון דאיתיה בכלל מאי דקאמר בסוף¹⁰ -

Since the prior ruling of מעוברת is included in the latter ruling of מניקה -

כמו גבי מפנין ארבע וחמש קופות (שבת דף קנ"ב) דפריך חמש מפנין ארבע מיבעיא -

As we find regarding the ruling of the משנה which states, 'one may remove four or five boxes'; where the גמרא asks, 'if you are permitted to remove five boxes, is it necessary to teach us that you may remove four boxes'?!¹¹

ומשני ארבע וחמש כדאמרי אינשי¹¹ -

⁶ We presume today that the weight which a woman gains during pregnancy is much more than the weight of the child. A birthing mother loses more weight than the actual weight of the baby. She expels also the placenta, etc. The גמרא's question therefore is understood; once the ברייתא mentioned first that a מעוברת (who is heavier) may ride, is it necessary to add that a מניקה (who is lighter) may ride! It is not customary to write a greater חידוש before a lesser חידוש.

⁷ חידוש may be saying that if one removed the intestines (and the roe) of the fish; it would not weigh as much in total; just as we find by a מעוברת that once the child is born, the woman together with the baby weigh less than the מעוברת. וצ"ע.

⁸ Our text reads; השתא מניקה אמרת דרכבה מעוברת מבעיא; indicating that we can derive the היתר of מעוברת from מניקה.

⁹ The initial question on our גירסא was that we cannot ask, השתא מניקה אמרת דרכבה מעוברת מבעיא, for one can answer that this is the common mode of לא זו אף זו (see footnote # 2). תוספות is now saying that this answer is not applicable here.

¹⁰ We can say לא זו אף זו, when the first ruling can (merely) be derived logically from the second ruling; however it does not apply when the first ruling (by definition) is included practically in the second ruling as is the case here.

¹¹ See רש"י there (קכ"ז, א) who writes; בד"ה כדאמרי (קכ"ז, א) רש"י; חשבון קטן תחילה ואם יצטרך ליותר יפנה יותר משום הכי נקט ד' ברישא והדר. חמשה וה"ה אפילו טובא.

And שמואל answered, 'four and five, that is how people speak'-

אבל אי לאו הכי אמרי אינשי לא שיך לשנויי דזו ואף זו קתני -

But if it weren't for the הכי אמרי אינשי, it would not be applicable to answer that this is a case of קתני זו ואף זו -

כיון דארבע בכלל חמש אלא שמוסיף -

Since four is included in five, except that five adds something -

והכא נמי מעוברת שהוא גוף אחד בכלל מניקה שהם שני גופים¹² -

So here too a מעוברת, who is one body, is included in a מניקה, which are two bodies.

¹³גירסא resolves the second question on our תוספות

וקאמר שמע מינה ביניתא אגב כריסה תקלה -

And אביי stated, 'we can derive from this that the weight of a fish is according to its stomach' -

פירוש¹⁴ מדקתני ברישא בין גדולה ובין קטנה ובכלל זה נמי יש במשמע בין גסה ובין דקה -

The explanation of this ש"מ is that since it teaches in the רישא when he hired it for a woman then she may ride whether she is an adult or a minor; so included (in גדולה וקטנה) is the understanding that whether she is thick or thin she may ride -

ולמאי איצטריך למתני ואפילו מעוברת דהיינו נמי גסה -

So why as it necessary to teach, even a מעוברת, since that is the same as גסה -

דגוף אחד הוא אפילו למאן דאמר עובר לאו ירך אמו הוא¹⁵ -

For a מעוברת is one body, even according to the one who maintains, 'a fetus is not part of the mother's thigh', nevertheless -

לענין לשון בני אדם במשא ובמתן חשובים הם גוף אחד -

Regarding the language of people in business dealings, a pregnant woman and her fetus are considered as one body, so why mention מעוברת if it already stated גדולה (or גסה) -

אלא ודאי שמע מינה דגסה מחמת עיבור כבידה יותר מגסה מחמת עצמה כי העובר מכביד:

¹² Just as four is included in five (so we cannot say לא זו אף זו), similarly a מעוברת, one body (including a fetus), is included in a מניקה, two bodies, and we cannot answer לא זו אף זו (seemingly) not necessarily saying (even according to our גירסא), who is heavier a מניקה or a מעוברת; perhaps a מניקה is heavier (see "Thinking it over"). Certainly a מניקה at some later stage in nursing is heavier than when she was a מעוברת at an earlier stage in her pregnancy. The reason why it is פשיטא is because by מניקה it is two bodies and מעוברת is only body. If the donkey can carry two it can certainly carry one! [It may be more difficult to balance on a donkey two bodies of unequal weight, than one body.]

¹³ See footnote # 3.

¹⁴ The word פירוש is often used to indicate that the interpretation is not what we expected. According to גירסת התוס', the ש"מ of אביי was from the שאלת גמרא מבעי מניקה וכו' (indicating that a מעוברת is heavier than a מניקה). However according to our גירסא the ש"מ is from elsewhere as תוס' continues to explain.

¹⁵ This is a dispute mentioned various times in ש"ס, whether the fetus is considered part of the mother or is considered a separate entity. See קרבן, עיי"ש if he can be brought as a נדה, נהא, regarding חולין נהא, נהא.

Rather this certainly proves that obesity as a result of pregnancy is heavier than obesity on its own (without pregnancy)¹⁶ for the fetus weighs down the mother. The same is by the fish!¹⁷

SUMMARY

According to 'תוס' a מעוברת weighs more than a מניקה ובנה, and the ש"מ is from mentioning both מעוברת ומניקה. According to our גירסא, the ש"מ is from mentioning both גסה and מעוברת.

THINKING IT OVER

It would seem that the question as to who is heavier, a מעוברת or a מניקה ובנה, depends how old the baby is and how far the woman is in her pregnancy. A woman nurses a child for two years. At the end of that period the child weighs considerably more than when he was an infant (and certainly the מניקה ובנה at that stage weigh more than a מעוברת in her initial stage)!¹⁸

¹⁶ This explanation of the ש"מ can perhaps be 'squeezed into' ש"מ ד"ה פרש"י, who writes, מדקתני אפילו מעוברת דמשמע, מהמעוברת כבידה מן הריקנית. The גסה can perhaps refer to the ריקנית. When רש"י writes מעוברת אפילו, he means that he mentions מעוברת after גסה (not that he mentions מעוברת and מניקה).

¹⁷ It would seem then that the ש"מ of אביי is regarding a pregnant fish (that its eggs [roe] are מכביד)! [Perhaps תוספות means that added weight in the inner organs (stomach, etc.) weighs down more, than fat in the external organs, רוצה"ג.]

¹⁸ Current statistics indicate that an average two year old weighs about 27 pounds. An average woman gains about 30 pounds during her pregnancy. Perhaps it is not a question of weight on a scale, but rather the difficulty in transporting them. See footnote 12 [in the brackets].