

מה ספר דבר שאין בו רוח חיים - Just as a book has no life spirit within it

Overview¹

derived from the word ספר (כלל ופרט וכלל) that we include anything which is similar to ספר, meaning something which does not possess a רוח and it does not eat. Our תוס' discusses whether we can redefine the פרט of ספר in a different manner.

responds to an anticipated difficulty:

לא בעי למימר מה ספר דבר הבא מבעל חי² כולי לאפוקי עלה וטבלא ופינקס -
did not want to say, 'just as a ספר comes from an animal, etc. so too we may include only writing material which comes from an animal, excluding a leaf, and a tablet, and a notebook' which do not come from animals –

strenghens the question explaining why we should have defined a ספר as מבע"ח:

אף על גב דבפרק קמא דקידושין (דף יז, א) גבי הענקה³ אמרינן -
Even though that in the first פרק of קידושין regarding הענקה, the גמרא states -
דאי כתיב צאן הוה אמינא דוקא בעל חי אין אבל גדולי קרקע לא -
That if only צאן would be written, I may have thought that one is required to give specifically only animals, but not things which grow from the ground (therefore it adds וכו'). In any even we see that we define צאן as an animal (excluding גדולי קרקע), so here too we should define ספר as coming from an animal and exclude writing materials that are גדולי קרקע such as וכו' (עלה וכו').

responds that these two definitions are different:

שמא לא חשיב כל כך צד חשוב דבר הבא מבעל חי כמו צד של בעלי חיים עצמו⁴ -
Perhaps the defining of a ספר as something which comes from an animal, is not as significant as defining צאן as being an actual animal.

offers an alternate response:

¹ See ('Overview' to) previous תלמוד ד"ה תוס'.

² A ספר (parchment) is made from the hide of an animal. תוספות is asking instead of defining a ספר as something which has no life (and therefore it would not exclude a detached leaf or a טבלא, etc.), let us be more precise and say that a ספר is defined as something which comes from an animal (and therefore it should exclude an וכו').

³ הענקה is the severance payment given to an עבד עברי when he leaves his master. The פסוק (in טו, יד) writes (דברים [ראה] טו, יד) ואתה תעניק לו מציאנה ומגןך ומיקחך וגו' (you shall surely laden him from your flock, your silo and your wine).

⁴ When the תורה writes צאן, the dominant characteristic is that it is an animal (therefore we would exclude גדולי קרקע which are not animals); however by ספר its dominant character is not that it comes from an animal (at least not as dominant as צאן is an animal), but rather when we look at a parchment, we see something which is רוח חיים אין בו רוח חיים.

ועוד דהכל כפי מה שדומה לחכמים נקיט בכל א' ענין הראוי לו -

And additionally, all the expoundings of a כלל ופרט, are according to what seems appropriate for the חכמים to mention in each case what is appropriate for it -

דבפרק בכל מערבין⁵ (עירובין דף כז,ב) נקט פירי מפרי⁶ וגידולי קרקע -

For in מֵעֵרְבִין he mentions (as a definition of the פֶּרֶט), fruit from fruit and growing from the ground -

ובסוכה⁷ (דף יא,ב) מה חגיגה דבר שאינו מקבל טומאה [וגידולו מן הארץ] (ואינו אוכל):

And in מסכת סוכה (he defines the פרט, saying) **just as the קרבן הגיגה is something which is not מקבל טומאה [and it grows from the ground]** (so too the סכך of the סוכה must be שאינו מקבל טומאה וגידולו מן הארץ).

Summary

חכמים. בא מבע"ה is identified as ספר than בע"ה is more readily identified as צאן. The דורש are the פסוקים as they feel is appropriate.

Thinking it over

Why is תוספות citing the גמרא in פרק בכל מערבין?⁸ It cannot be to show that there he includes גידולי קרקע, but not by הענקה or by סוכה, because in עירובין the פרט includes גידולי קרקע by saying 'ביין ובשכר'. It also cannot be that by סוכה it states אינו מקבל טומאה, but not by עירובין, for in עירובין they are all מקבל טומאה (the יין ושכר) as well as the בקר after they are slaughtered! So why⁹ does תוספות cite that גמרא?

⁵ The **דברים** [ראה] [יד, כד] in **פסוק**. The **מזכר** שני there is discussing what may be purchased with **מזכר** money. The **פסוק** states, **וְנִתְּנָה הַפֶּסֶף כָּל־אֲשֶׁר תִּצְוֶה נִפְשֶׁךָ בְּבָקָר וּבִצְאָן וּבִיַּיִן וּבִשְׂכָר וּבְכָל־אֲשֶׁר תִּשְׁאַלְךָ נִפְשֶׁךָ וּגְו'**. This **פסוק** is expounded as a **כלל** (בכל) **פסוק**. **פרי מפרי וגידלי קרקע** indicates **פרט** just as the **פרט** indicates **כלל** (ובכל וגו') these types of items. See 'Thinking it over'.

⁶ See נולד מאמו וכן שה, וענבים מחרצנים שזורעין החרצנים, ד"ה פרי there רש"י.

⁷ The תורה (in ט"ז, ראה) writes, (דברים) **הַהִנֵּה לְךָ שְׂבָעָה יָמִים וְגו'**. The גמרא derives that since the word הַהֵ (which indicates the חגיגה) is written next to סוכות, this teaches us that the סכך of a סוכה must be from something similar to a חגיגה. However the גמרא there includes in the description of a חגיגה (besides that it is not טומאה) that it is גידולי מן הארץ. However regarding הענקה we defined צאן as בע"ח, but not as גידולי מן הארץ. This shows that the חכמים had their reasons which דרשה is appropriate for each case.

⁸ See footnote # 5.

⁹ The ש"ת does not cite it.