

Not to an animal and not to cattle

לא לחיה ולא לבהמה –

OVERVIEW

In מסכת חולין there is a dispute concerning a כוי. Amongst the various opinions, one is that a כוי is a species unto itself (but it is uncertain whether it is a חיה or בהמה). Another is that a כוי is an offspring from a תיש (a male goat, which is a בהמה) and a צבייה (a female צבי, which is a חיה) or vice versa. There is an additional dispute concerning an offspring of mixed parentage whether we take into consideration the father as well as the mother, or [perhaps¹] we do not take the father into consideration at all. תוספות explains what is meant by that a כוי is not like a חיה or a בהמה

פירוש² לענין הרבעה משום דמספקא לן אי מין חיה אי מין בהמה הוא –

The explanation of this ruling is concerning breeding; one is not permitted to mate a כוי with either a חיה or a בהמה, because we are uncertain whether it is a species of חיה or a species of בהמה.

תוספות asks:

הקשה הרב אליעזר למאן דאמר (חולין דף פ,א) כוי בריה בפני עצמו הוא³ –

asked according to the one who maintains that a כוי is separate creature; it is not an cross breed of two other species but rather it is a species on its own -

מאי איריא משום דמספקא לן⁴ כולי –

Why is it necessary to mention that the prohibition of הרבעה is because we are in doubt, etc.; whether it is a חיה or a בהמה -

אפילו ידעינן דחיה היא לא מרביעין עליה חיה אחרת דאין מרביעין איל על צבי⁵ –

¹ See footnote # 6.

² The בד"ה יש interpretation רש"י is citing תוספות is indicating that 'בקונטרס' the הגהות הב"ח inserts here the word 'בקונטרס'. See מהרש"א (הארוך) דכיון דמספקא לן ניזיל ביה לחומרא רש"י states where (רש"י, ש, עצמ"י) Others, however are not גורס 'בקונטרס' תוספות. It is their view that (according to תוספות) we can deduce from the פירוש of פירוש where it states concerning הרבעה that the reason is because there is ספק whether the כוי is a חיה or a בהמה. For if there is no ספק as to its status then what is meant by לבהמה; any species is not permitted to interbreed with any other species regardless if it is a חיה or a בהמה.

³ ר"א assumes that this משנה follows the opinion that כוי בריה בפ"ע היא and we are not sure whether it is a חיה or a בהמה. This would explain the מספקא לן, for according to the other opinions (including that a כוי is born כוי) there is no special ספק concerning (מן התיש והצביה).

⁴ According to the מהרש"א (see previous footnote # 2) the question is on רש"י; according to the רש"י the question is on the משנה, why state לבהמה ולא לחיה (if anything, it should have said ואין מרביעין עליה משאינה מינה וכיו"ב).

⁵ איל (היו"ד קמוצה) וצבי are translated as a hart (mature deer) and a gazelle (type of antelope) respectively.

Even if we know that the כוי is a חיה we could not interbreed it with another חיה for it is prohibited to breed an איל with a צבי (even though they are both חיות).

replies: תוספות

ויש לומר דאתיא כמאן דאמר (שם) כוי זה הבא מן התייש ומן הצבייה –

And one can say; that this משנה is according to the one who maintains that a כוי is one who is born from a male goat and a female gazelle -

ומספקא לן⁶ אי חוששין לזרע האב או לא –

And our doubt is whether we are concerned for the seed of the father, or not -

דאי הוה אמר דאין חוששין היינו מרביעין עליה צבי⁷:

For if it would be assumed that we are not concerned for זרע האב, we could breed her with a צבי.

SUMMARY

We are forbidden to interbreed any species with another species. According to the opinion that כוי is born from a תיש וצביה, if we would maintain אין חוששין לזרע האב it would be permitted to breed a כוי with a צבי.

THINKING IT OVER

Why is it necessary to state that a כוי is אסור לחיה ולבהמה because of the ספק if or not, we could have said that it is אסור לחיה ולבהמה since we are חושש לזרע האב and therefore it is אסור לתיש (because of the אם) and to the צבי (because of the אב).⁸

⁶ The opinion of ר' יהודה in עט,א חולין is that אין חוששין לזרע האב. The גמרא there presents an איבעיא does ר"י mean unequivocally אין חוששין לזרע האב or perhaps he is doubtful whether אין חוששין לזרע האב or not. Our משנה assumes the side of the איבעיא that ר"י is whether מספקא ליה is חוששין לזרע האב or not. Hence the reason a כוי is אסור for a חיה and a בהמה is because of this ספק. If we assume that חוששין לזרע האב, then the כוי is part תיש and part צבי; and cannot mate with either a תיש or a צבי. However, if אין חוששין לזרע האב then a כוי is considered a צביה like his mother and can mate with a צבי. This is the ספק that the משנה (or רש"י) alludes to (not the ספק whether a כוי is a חיה or a בהמה; but rather whether חוששין לזרע האב or not).

⁷ This explains why we cannot breed it with a חיה (referring to the צבי); the משנה also mentions that it cannot be bred with a בהמה in a case where it was a תיישה על הבא (where the צבי is the אב and חוששין לזרע האב).

⁸ See footnote # 71. אמ"ה