

31.2.4

16a (משנה ד) → 17a (וזה לא נשתנה ריחו)

note: our first משנה here uses the phrase צאן ברזל (צ"ב); it refers to an arrangement whereby the owner of animals gives them to a herdsman at an agreed-upon value and after, say, 10 years, that value is returned – and the offspring are included

1. אך בכור שור או בכור קשב או בכור עז לא תפדה קדש הם את דמם תזרק על המזבח ואת חלבם תקטיר אשה לריח ניחח לה: במדבר יח, יז
2. אם לא ברכוני חלציו ומנזו כבשי יתחמם: איוב לא, כ
3. ושעיר עזים אחד לחטאת לה' על עלת התמיד יעשה ונסכו: במדבר כח, טו
4. שור או קשב או עז כי יולד והיה שבעת ימים תחת אמו ומיום השמיני והלאה ירצה לקרבן אשה לה: ויקרא כב, כז
5. לא תלבש שעטנז צמר ומשיים יחדו: דברים כב, יא
6. גדלים תעשה לה על ארבע פגפות כסותה אשר תכסה בה: דברים כב, יב
7. והבגד כי יהיה בו נגע צרעת בגד צמר או בגד פשיים: ויקרא יג, מז
8. אלה מועדי ה' אשר תקראו אתם מקראי קדש להקריב אשה לה' עלה ומנחה זבח ונסכים דבר יום ביומו: ויקרא כג, לז

- I ד משנה ד: if a Jew accepts a non-Jew's flock as צ"ב
- a then: the offspring are exempt from בכורה, but not the next generation
- i implication: צ"ב is considered the property of the (original) owner, since he didn't yet get paid
- ii challenge: ברייתא – we may not accept צ"ב from Jew as the payment of young is considered רבית (→in מקבל) –
- 1 answer1 (אביי): our משנה is a case where owner accepted loss and depreciation; ברייתא – where he didn't
 - (a) challenge (רבא): if he accepts depreciation and loss, this isn't considered צאן ברזל
 - (i) furthermore: why interpret two different agreements to same wording?
 - (ii) furthermore: משנה should have specified – this is only true if he accepted...
 - 2 answer2 (רבא): both cases are "normal" צ"ב; but in our case, since non-Jew has rights to collect from young
 - (a) therefore: since יד גוי is in the "middle" – exempt from בכורה
- b if: he put the offspring in lieu of the original animals (for collection), one more generation is exempt
- i dispute לרב יהודה' הונא
- 1 חייב 1 is exempt, 2 is חייב
 - 2 חייב 2 is also exempt, 3 is חייב
 - (a) Challenge: only if he put #1 in lieu of #0 does exemption o to #2→else, #2 is חייב
 - (i) Defense: in any case, #2 is exempt; "in lieu" teaches that even in that case, where the non-Jew may take the offspring, only #2 is exempt, not #3
 - (b) Challenge: רשב"ג (below) using "10"
 - (i) לרב יהודה: it works – he claims that ת"ק uses exact generations - that's why רשב"ג uses a number
 - (ii) לרב הונא: who feels ת"ק is inexact, why would רשב"ג use exact numbers?
 1. Answer: רשב"ג is responding to "in lieu", where ת"ק used exact numbers of generations
 - (c) Challenge: ברייתא - if one receives צ"ב from גוי, offspring are exempt, their offspring are חייב
 - (i) Answer (for יהודה): read "they and offspring" (פטור) and "their offspring's offspring" (חייב)
 - (d) Altnerate version: ולדי וולדותיהן פטורין, וולדי וולדות חייבין, וולדי וולדות פטורין
 - (i) Answer (for הונא): read ולדי וולדות פטורין, but ולדי וולדות חייבין

c dissent; רשב"ג - exempt "until 10 generations" (forever), as the owner may seize any of them

II משנה ה

a however: if it had some similarity to the mother – חייבת בבכורה

- III אשר הוא הביא (which he brought from א"י); if a ewe bore a goat or vice-versa, ר"מ finds חייב; חכמים exempt
- a *Analysis*: רב was told to ask רב הווא what is the חיוב that ר"מ assesses here –
- i *Cannot be*: בכורה, as he surely accepts v. 1, requiring בכור to look like mother
 - ii *Cannot be*: ראשית הגז, as, per v. 2, if the wool is hard (sheep with goat-like wool) – פטור
 - iii *Answer*: must be whether we are concerned with father's identity (and father is a goat) and if איסור א"ב יש איסור א"ב
 - 1 *Challenge*: if so, let them align with חנניה/רבנן (whether א"ב applies to father)
 - iv *Rather*: they are disagreeing about בכורה
 - 1 *Case*: lamb, mother was a ewe but mother's mother was a goat
 - (a) ר"מ: follow mother – בכורה looks like mother → חייב
 - (b) חכמים: follow mother's mother – בכורה doesn't look like "grandmother" → פטור
 - 2 *Or case*: lamb, mother was goat, her mother was ewe
 - (a) ר"מ: "lambness" has been restored → חייב
 - (b) חכמים: "lambness" has not been restored → exempt
 - 3 *אש*: the case is where the בכור has some similarity to mother
 - (a) *And*: "חכמים" here is ר"ש, who requires ראשו ורובו to be similar for חיוב בכורה
- b *Caveats*: areas where ר"מ requires "pure" lamb or goat
- i *יוחנן*: goat of ר"ח must be "pure" – per "אחד" (v. 3)
 - 1 *Challenge*: this is inferred from "עד" in v. 4 – which excludes נדמה
 - (a) *Defense*: v. 4 alone would have applied only when earlier generations didn't look like index
 - (b) *And*: v. 3 alone would have only excluded נדמה from חובה; v. 4 extends to נדבה
 - ii *אחא בר יעקב*: all agree that there are no מכות for wearing a mix of flax and this one's wool
 - 1 *source*: v. 5 – just as פשתים is consistent, so too צמר must be the same as its mother's
 - iii *פפא*: all agree that the נדמה's wool is פסול for תכלת
 - 1 *Source*: v. 5 is juxtaposed to v. 6 – איסור of שטטנו tied to תכלת
 - iv *נחמן בר יצחק*: all agree that the נדמה's wool isn't vulnerable to נגעי בגדים
 - 1 *Source*: v. 7 compares צמר::פשתים; as above
 - v *אשי* (*attempted extension*): if he put a vine over a fig tree, the wine from that vine is פסול לנסכים
 - 1 *Source*: v. 8 compares נסכים to זבח; just as a זבח must be "unchanged" (from mother, as above)
 - (a) *So too*: the נסכים must be unchanged
 - 2 *Challenge* (*רבינא*): if so, why not say that if he moved the flax to grow over a thorny bush – that's a שינוי and it's no longer "פשתים"; and therefore, the premise that פשתים never changes is lost?
 - 3 *Defense* (*אשי*): in the case of the vine, the *smell* of the grapes changed; the thornbush doesn't affect the smell of the flax