ליסכת בכורות Introduction to

מסכת בכורות addresses, as its name implies, the various בכורות which have a special status and therefore must be processed in one form or another. There are essentially three types of which have some special status:

- 1) בכור בהמה טהורה the firstborn of any ovine or bovine, which is given to בכור בהמה טהורה as
- 2) בכור אדם the firstborn male of ישראל
- 3) בכור בהמה טמאה the firstborn donkey which is redeemed for a lamb, which is given to בכור בהמה טמאה the firstborn donkey which is redeemed for a lamb, which is given to קדושה

Every one of these has its own parameters, exemptions and procedural systems. The מסכת begins with the one with the fewest complications – בכור and the entire first chapter is dedicated to that topic; the relevant פמסרתים will be cited on p. 2

31.1.1; 2a (משנה או) $\rightarrow 3a$ (ומילתא דלא שכיחא לא גזרו ביה רבנן)

ז. כִּי לִי כָּל בְּכוֹר בְּיוֹם הַכֹּתִי כָל בְּכוֹר בְּאֶרֶץ מִצְרַיִם הְקְדַּשְׁתִּי לִי כָל בְּכוֹר **בִּישְׁרָאֵל** מֵאָדֶם עַד בְּהָמָה לִי יִהְיוּ אֲנִי ה': *במדבר ג, יג* 2. וּבְכֹל אֲשֶׁר אָמֵרְתִּי אָלִיכֶם תִּשְׁמֵרוּ וְשֶׁם אֱלֹהִים אֲחֵרִים לֹא תַזְכִּירוּ **לֹא יִשְׁמֵע עַל פִיּד**ּ:שמו*ת כג, יג*

- משנה או exclusivity of מאמה בכור בהמה שנר") בכור (v. 1) משנה או exclusivity of ישראל בכור מטר" (v. 1)
 - a if: a ישראל buys the firstborn embryo of a non-Jew's donkey, or if he sells it to him (which is forbidden ע"ז א:ו
 - b or if: they become co-owners or he does קבלה or gives the donkey בטור in all cases, מטור
 - the owner gives the animal to another for birthing and the worker shares a percentage of the foals.
- II Analysis of משנה
 - a justification: if we only learned exemption for סד"א לוקח since he is bringing the donkey into (→ה שבת סר) מלאכת שבת סוא (סד"א לוקח)
 - i but: when he sells it "out", we should fine the seller to give כהן to כהן
 - ii and: partnership is taught to oppose ר' יהודה 's opinion (חייב → שותפות בעכו"ם)
 - iii and: מקבל is taught to correspond with נותן לו בקבלה, which is needed, ישראלי the ישראלי should be fined, so that he doesn't mistakenly exempt himself when he fully owns animal קמ"ל
 - b analyzing גהמה גסה to a non-Jew if it is "broken" (אבורה to a non-Jew if it is "broken" (גהמה גסה to a non-Jew if it is "broken" (שבורה
 - i *question*: would he permit selling an עובר, which is also (currently) non-functioning? or, since the עובר ing" as is usual for an embryo, it is forbidden
 - ii proposed answer: in our משנה, selling עובר to non-Jew includes line "אע"e שאינו רשאי" and ר' יהודה doesn't respond 1 rejection: our משנה also lists exemption of שותפות, which ר' יהודה certainly opposes→silence isn't telling
 - iii proposed solution: מקבל rules that if someone is מקבל from a non-Jew and it gives birth, we estimate value and he gives ½ of that value to the יכהן; if he gives it בקבלה to the non-Jew, although prohibited, we estimate value and multiply it by 10 and give the entire amount to כהן
 - מובר assumption: the "although prohibited" is referring to the עובר
 - 2 rejection: that phrase refers to the mother (which all will agree is prohibited)
 - (a) challenge: the גרייתא refers to עשרה בדמיו (masculine i.e. the עובר)
 - (b) correction: should read בדמיה (feminine i.e. the בהמה
 - (i) challenge: ruling is to give all moneys to כהן; but להן has no reason to get fine on giving mother
 - 3 *rather*: case is where he gave the pregnant donkey to non-Jew for fattening; since we fine him for the donkey, we also fine him for the עובר (מהן)
 - iv solution (ר' אשי): ברייתא ברייתא permits selling a שבורה, since it won't heal → if it would get better, אסור
 - and: אובר is certainly "יכול להתרפאות ייהודה \leftarrow "יכול להתרפאות to sell אסור to non-Jew
 - v *note*: some learned this entire give—and-take as commentary on our משנה; to wit would ר"י subscribe to prohibition mentioned in משנה (for selling עובר) etc.
 - vi question: is it permissible to sell a donkey for its foals (only) could be asked to דבנן or to דבנן
 - which he fully gives up; certainly here where he doesn't relinquish ownership יד"י.
 - (a) or: he wouldn't confuse a שבורה for a healthy animal; but here, we have reason to create precaution
 - 2 שבורה same considerations in reverse; perhaps they prohibit שבורה because he fully relinquishes ownership
 - (a) challenge: that isn't רבנן's reason for prohibiting שבורה
 - (i) שבורה they responded to שבורה that they will breed the שבורה (→ keep it around&work it on שבורה) שבורה.
 - (ii) answer: that is רבנן 'r's response to 'r''s argument; their own reason is דילמא אתי לאחלופי בשלמה1. י"י. wouldn't happen, as a שבורה refuses to be mated (lit. "won't accept the male")

- 3 proposed solution: our משנה doesn't mention אע"פ שאינו רשאי in re: נותן לו בקבלה) (נוברים) (נוברים) (נוברים)
 - (a) block: partnership is also mentioned without an explicit note of its prohibition
 - (i) and: per אבוה דשמואל, partnership with עכו"ם is prohibited, per concern of v. 2
 - (ii) *rather*: the silence isn't telling; similarly, silence about נותן בקבלה doesn't indicate permission 1. *note*: explicit prohibition mentioned in re: selling; as that is the fundamental problem
- 1 proposed proof: מקבל (above) ר' יהודה (above) מקבל from a non-Jew and it gives birth, we estimate value and he gives ½ of that value to the כהן; if he gives it בקבלה to the non-Jew, although prohibited, we estimate value and multiply it by 10 and give the entire amount to כהן
 - (a) מורה as long as the ownership ("hand") of the non-Jew is present at any stage פטורה מן הבכורה
 - (i) assumption: reference is to animal (mother)
 - (ii) correction: reference is to עובר
 - 1. support: fine is up to 10 times its value (and goes to כהן) →reference must be עובר
 - (b) *note*: this fine supports בהמה גסה to a non-Jew, we fine him up to 10 times its value (to buy it back)
 - (i) *question*: did ר"ל mean exactly up to 10 times its value?
 - 1. proposed solution: ריב"ל rules that if one sells his ע"כ to a non-Jew, he is fined up to 100 times his value (to buy the עבד back, and then to free him)
 - 2. inference: both numbers are exact; else they could have used 10 (or 100) in both cases
 - 3. *rejection*: in the case of an מצוות, we would require more, as every day he is not fulfilling מצוות that he could have under Jewish owner
 - (c) *alternate version*: ד"ל ruled that if one sells בהמה גסה to a non-Jew, he is forced to buy it back even to 100 times its value
 - (i) *question*: did ר"ל literally mean up to 100 times its value, or is this hyperbole?
 - 1. proposed solution: ריב"ל rules that if one sells his ע"כ to a non-Jew, he is fined up to 10 times his value (to buy the עבד back, and then to free him)
 - 2. inference: both numbers are exact; else they could have used 10 (or 100) in both cases
 - 3. *rejection*: in the case of an animal, we would require more, as he will get it back; in the case of an עבד, we wouldn't fine him as much, as he will subsequently go free
 - a. *challenge*: if the consideration is that the בהמה will be returned, let it be 1 time more than the עבד (11 times the value)
 - b. answer: the case of selling an ע"כ to a non-Jew is so rare, חכמים didn't make a גזרה

31.1.2

3a (... וחכמים אומרים כל זמן שיד → 3b (וחכמים אומרים כל זמן שיד

- 1. קדָשׁ לִי **כַל בָּכוֹר** פָּטֶר כַּל רָחֶם בִּבְנֵי יִשְׂרָאֵל בַּאַדַם וּבַבְּהֶמָה לִי הוּא: שמות יג, ב
 - 2. כַּל פֵּטֵר רֶחֶם לִי וְכַל מִקנְךָ תָּזָכַר פֵּטֵר שׁוֹר וָשֵׂה: שמות לד, יט
- בּ. וְהַעֲבַרְתָּ כָל פֶּטֶר רֶחֶם לַה' וְכָל **פֶּטֶר שָגֶר בְּהַמָּה** אֲשֶׁר יִהְיֶה לְךְּ הַזְּכָרִים לַה': שמות יג, יב
 - ין שור וְשֶׁה שָּׁרוּעַ וְקָלוּט נְדָבָה תַּעֲשֶׁה אֹתוֹ וּלְנֵדֶר לֹא יֵרֶצֶה: *ויקרא כב, כג*
- דע: ייקרא כב, ד אָישׁ אָישׁ אָשֶׁר תַּצֵא מְמֶנוּ שְׁכְבַת זָרע: ייִקרא כב, ד אָשֶׁר יִטְהָר וְהַנּגֵעַ בְּכָל טְמֵא נֶפֶשׁ אוֹ אִישׁ אֲשֶׁר תַּצֵא מְמֶנוּ שְׁכְבַת זָרע: ייִקרא כב, ד
- I Analysis of dispute ברייתא (in ברייתא brought above) if any of non-Jew's ownership exempts from בכורה
 - a יוחנן (ר' יהושע (not יהושע, not יהושע) both positions are anchored in interpretation of v. 1 כל בכור
 - i בכור .*רבנן* implies any ownership, כל בכור "bumps it" to full ownership
 - i בכור :*ד' יהודה* implies full ownership; כל בכור "degrades it" to any ownership
 - b Or: all agree that בכוד implies a majority ownership; dispute if כל raises it to full or lowers it to any stake
- II Discussion how much ownership of a non-Jew exempts his Jewish partner from בכורה?
 - a ד' הונא: even if the ear is owned by the non-Jew
 - i Challenge (מ"ז): why doesn't the כהן tell him to "take the ear off and give the animal to me"?
 - b בילה any limb which, if missing, would render the animal a נבילה
 - c אבא any limb which, if missing, would render the animal a טריפה
 - i Note: their disagreement is whether or not טריפה can live (רבא cannot; ר"ח can live)
 - ii *In other words*: they agree that the ownership must be in a vital organ
 - iii בכור doesn't disagree; he is referring to the בכור, whereas ר"ם are referring to mother
 - 1 Block (פ"ש.): we require full ישראל owned by כל בכור due to כל בעוד sequire same for mother כל מקנך תזכר
 - d Challenge (מר בר"א): why is this ruling different than that of נפלים (per v. 3) even miscarriage which is קדוש is בכור?
 - i Answer: in that case, all the "קודש" (such as it is) is owned by ישראל; here, "חולין" is mixed in with "קודש"
 - e בטור "מום קל" reported as having said that even if נוי owned a limb, the removal of which would constitute מטור "מום קל"
 - i And: he commented on בכורות ב:ו if ewe birthed goat-like kid or vice-versa פטורה
 - 1 However; if it had some similarities to mother קדוש
 - 2 מום קבוע this is a מום קבוע and is therefore slaughtered as כהן by חולין
 - ii אלעזר (who heard report): 1st comment is understood supports ר׳ אלעזר (romports אליזי) וובא
 - 1 However: his comment on בנורות ו:ת is unclear − בכורות already states that if the mouth is like that of a מטור − חזיר
 - (a) Proposed response: there, it has similarities to animal that isn't קדוש בבכורה; here, both (ewe/goat) are קדוש
 - (b) Rejection: בכורות ו:י if it has one big eye or one small eye
 - (i) And: we learned that "big" is bovine; "small" is like goose (understood goose has no קדושת בכורה)
 - (ii) Rather: it is because the animal is "odd" it is a מום
 - 1. Rejection: in the case of the unmatched eyes, it is considered שרוע (v. 4)
 - Support: שרוע כonsiders all מומי בהמה (including שרוע) and adds if both eyes are small or large (but matched) → with animal, it is the fact that they are unmatched which is the מום
 - 3. Explanation: re: אדם, we require נהנים (v. 5) → same as other כהנים
 - a. Block: perhaps the "animal eyes" are due to שנר, but we could explain matched eyes (large or small) as due to its physical condition; but if unmatched, due to שנר שנר
- III Practical ruling (רבא): convert whose (non-Jewish) brothers entrusted her with animals for fattening came to רבא
 - a Asking him: if she had to be concerned about giving בכורה
 - b Answer: no one is חושש for ר' יהודה 's opinion; co-ownership with a non-Jew certainly exempts
- IV Story of בכור: he would grant rights to ear of בכור when *in utero*, nonetheless treat it like בכור (no work or shearing) and give it to בכור and, as a punishment, his animals would die!
 - a Question: once he made קנין לגוי, why treat like בכור
 - b Answer1: he was concerned that בכור might inadvertently shear or work it wanted to formally desanctify בכור
 - c Answer2: he knew how to make a proper קנין; others watching him wouldn't know and would do it improperly
 - i Question: why did his animals die?
 - ii Answer: he removed them from קדושת בכורה;
 - 1 Even though: רבא ruled that one may make a מום on a בכור while in utero
 - 2 However: in that case, he only disqualifies them from מזבח; here, he totally removes

31.1.3 3b (משנה אב) → 4b (פטרי חמורים של ישראל)

- I בשנה אם are exempt (from פט"ח)
 - a reason: ק"ו
 - i if: they exempted ישראל's animals in desert
 - ii then: certainly they exempt their own
 - b challenge: the כהנים ולויים didn't exempt the animals of ישראל; per v. 1 their animals exempted them
 - i answer1 (אביי): read if their animals exempted 'ישראל's animals in desert, ק"ו, their animals are "self-exempted"
 - 1 *challenge (רבא*): the text is "they exempted" (not "their animals")
 - (a) furthermore: if so, בכורות ב:א should be exempt (it is not, per לויים should be exempt (it is not, per בכורות ב:א
 - ii answer2 (בבא): the reference is כדיון אדם are exempt from פדיון הבן, using that same ק"ר, using that same
 - 1 *note*: this explains why בכור אדם is exempt; why is פדיון פט"ח exempt?
 - (a) answer: v. 2 juxtaposes פדיון אדם with פדיון פט"ח anyone who is obligated in חייב בפדיון פט"ח פדיון אדם
 - iii challenge (ד' ספרא): to אביי and אביי ורבא
 - 1 מדבר if a לוי didn't own an animal in the מדבר, his own מדבר shouldn't be exempt
 - 2 אביי ורבא if a לאביי ורבא was younger than 30 days, he shouldn't be exempt himself (he didn't exempt a לשריא).
 - לויה a לאביי ורבא shouldn't be exempt (her son should require ראב"א) (פדיון ruled that she is exempt)
 - (a) Answer (to last question): v. 2 indicates פטר רחם → the mother's identity will exempt
 - 4 אהרן לאביי ורבא (who wasn't counted, per diacritical marks in v. 3) shouldn't be able to exempt
 - (a) Answer (to all): v. 1 indicates הלויים equating them all \rightarrow if some are exempt, all are exempt
 - (e.g. v. 4) מרנים are included per "לריב"ל observation that כהנים are called "לריים (e.g. v. 4)
 - (c) Note: this is not just for that generation; rather for all generations, per v. 5 והיו לי הלויים
- II Question: how do we know that the פט"ח was redeemed with a שה in the desert (per ספרא 'r's challenges)?
 - a Answer1 (ר' חסדא): both שה and כסף are mentioned for דורות
 - i *Just as*: כסף was also used then
 - ii So too: שה was also used then
 - iii Challenge: מע"ש has wider מדיון-abilities; it is used to redeem מע"ש and הקדש
 - b Answer2: v. 2 equates פדיון אדם and פדיון פט"ח;
 - i Just as: we don't distinguish between the one-time בדיון אדם in the desert and the permanent הלכה
 - ii Similarly: we don't distinguish between מדיון פט"ח for generations (בשה) and that one-time (במדבר)
- III Historical footnote (זוי חנינא): one lamb of the לויים wa able to exempt/redeem severral ישראל
 - a Proof(אב"): the text (במדבר ג) reckons the surplus of בהמה, but not בהמה
 - i Challenge: perhaps there was no surplus (either the same or fewer בכורי בהמות לויים than ישראל of שראל of לויים לויים לויים לויים מבליים במות לויים במות לויים מבליים במות לויים מבליים לויים לויים מבליים לויים מבליים לויים מבליים לויים ל
 - 1 Block: v. 6 indicates that non-לויים had great flocks and herds
 - ii Nonetheless: perhaps the בכורי בהמות ישראל were the same amount as פשוטי בהמות לויים
 - 1 Answer: v. 1 uses singular (בהמתם) redeeming plural (בהמתם)
 - (a) *Challenge*: perhaps the singular is meant as collective (as per v. 7)
 - (b) Answer: then it should have been consistent; either בהמה תחת בהמה or בהמות תחת בהמות or
 - b Support (אביון פט"ח a שה may be used several times for בדיון פט"ח
 - i Note: ר' חנינא was simply explaining the reasoning behind that ruling

31.1.4 4b (איתמר במדבו) \Rightarrow 5b (איתמר במדבו) \Rightarrow 5b (שנעשו כולן בעלי קריין)

- 1. קַדָּשׁ לִי כָל בְּכוֹר פֶטֶר כָל רֶחֶם בְּבְנֵי יִשְׂרָאֵל בָּאָדָם וּבַבְּהֵמָה לִי הוּא:שמות יג, זב. ב

 2. וְחָיָה כִּי יִבְאַך ה' אֶל אֶרֶץ הַּבְּנַעֲנִי פֹּאֲשֶׁר נִשְׁבַּע לְּדְּ וְלַאֲבֹתֵיךּ וּנְתָנָה לָדִּ וֹחָעֲבַרְתָּ כָל בְּכוֹר בְּאֶרֶץ מִצְרִים הַפְּתִי כָל בְּכוֹר בְּאֶרֶץ מִצְרִים הַפְּתִי כִל בְּכוֹר בְּאֶרֶץ מִצְרִים הְקַדְּשְׁתִּי אֹתֶם לִי:במדבר ה, יו

 3. נִי אֹי כָל בְּכוֹר בִּבְרֵ יִשְׁרָאֵל בָּאָרָן הַבְּבָּתָה בְּיוֹם הַפֹּתִי כָל בְּכוֹר בְּאֶרֶץ מִצְרִים הְקְדַשְׁתָּ אֹתְ מְסְפָּר שְׁמִעְּה לְשִׁה לְּיָבְיִי יִשְׁרָאֵל בְּאָרָן מִצְרִים הַקְּדַשְׁתָּ וֹלְיְבָל מָמָרָם וֹבְבְּהַמָּה בְּיוֹם הַבְּתָי בְּלְבְיִי מְשְׁרָאֵל מָבְּרָם וּבְבָּהָמָה בְּיוֹם הַפֹּתִי כָל בְּכוֹר בְּאֶרְץ מִצְרִים הְקְדַשְׁתְּה וֹלְיְבְּעְ מֵבְּרִים מְבָּן אַשְׁרִים עָבְּרָא מָמְרִים שְׁמָל בְּמָבְל בְּמָבְיל בְּמָרְ בְּשָׁלָ הְשְׁשֵׁבְ מְבְּבְּבְּעְ וְמִבְּיְה בְּעָבְ הַבְּעְ הְבָּבְיב וְבְּבָּבְת הְאָלָף בְּשָׁבְל בְּמָבְיל הְאָרָף וְשְׁבְע מָאוֹת וַחְמָשֶׁה וְשְּבְעִים שָׁלָּך בְּעָבְים וְחָמָשׁה וְשְׁבְעִים בְּעָבְ הַלְּאָר בְּבְר הַבְּטְף לְצָבֶת אֵתְ הַאֶּלְף וּשְׁבַע מָאוֹת וַחְמָשֶׁה וְשְׁבְעִים שְׁלָּב לְּעָבְים וְחָמְשׁה וְשְבְעִים שְׁלָּה וְשְׁבְעִים שְׁלָה וְשְׁבְעִים בְּבָּה רָאשִיהָם הְּבְּבְי וְאִלְּבְּים וְאָבְּים וְאָבְּיִים שְׁלָּבְי בְּשְׁבְעִים בְּעָבְּה וְשִׁהְבִים בְּשָׁה וְשְׁבְּיִם בְּעָבְיה בְּבִּב מְאוֹת וְחָשָׁה וְשְׁבְּים בְּעִבְּים בְּשְׁבְּים בְּבָּבְים בְּבְּבְים בְּבָּב בְּבִים בְּבָב מָבוּת וְּשְׁבְּיִב בְּבְּבְים בְּבְּבְים בְּבְּבְים בְּבְּבְים בְּבְּבְבְים בְּבְּבְים בְּבְּבְים בְּבְּבְיבִים בְּבְּבִים בְּבְּבְבְּבִים וְשְבְּבִים בְּבְּבְים בְּבְּבְים בְּבְּבְים בְּבְּבְיבִים בְּיִבְּבְים בְּבְּבְבְים בְּבְּבְים בְּבְבְים בְּבְּבְיבִים בְּבְּבְים בְּבְּבְיבְבְים בְּבְבְים בְּבְּבְבְים בְּבְבְים בְּבְבְים בְּבְבְיבְים בְּבְיבְים בְּבְיבְבְיבְבְים בְּבְבְיבִים בְּבְּבְים בְּבְּבְבְים בְּבְבְים בְּבְבְים בְּבְבְים בְּבְבְיבְים בְּבְּבְיבְיִי בְּבְיבְיבְיבְּבְיבְיבְים בְּבְּבְיבְים בְּבְבְּבְים בְּבְבְבְיבִים בְּבְבְּבְבְים בְּבָבְים בְּבְבְיבְבְיבְיבְּבְיבְּבְיבְיבְים בְּבְבְ
- I בכורות dispute if בכורות were sanctified before entering א"י
 - a ד' יוחנן. they were sanctified, per v.1
 - b *דשב"ל* not sanctified- per v. 2
 - i challenge (בכורות was done by משכן was established, עבודה was done by בכורות
 - 1 response: they must have been sanctified earlier 1-year olds are not fit for עבודה
 - 2 *note*: די יוחנן brought this proof, reasoning that if קדושת בכורות was n't interrupted, they'd be בני עבודה
 - (a) retort (ש"ל): those who were א"י introduced until קדושה הס הפורות, no new קדושת בכורות introduced until א"י
 - ii challenge (מדר עולם (from בכורות) on the day the משכן was raised, many קרבנות including בכורות were brought
 - 1 implication: only on that day, but not afterwards in מדבר
 - 2 correction: means "from that day onward"; teaching that חובות were not brought at במה
 - iii challenge (to ברייתא: רב"ל in 3 places מצרים were sanctified; מצרים (v. 1); מדבר (v. 3) and when the entered א"י
 - 1 defense (רנב"י): means that in three locations we were warned concerning שנורות but not sanctified
 - (a) challenge: they were sanctified in מצרים
 - (b) rather: in some of those places (מצרים, א"י) they were sanctified; in others (מדבר) they weren't
 - (i) challenge (פ"ב): in the desert, there was also קידוש בכורות, per v. 4, rather read dispute as follows:
 - c מצרים they were sanctified in מצרים and it continued from then on
 - d א"ז. they were sanctified, but then it was suspended until they arrived in א"י. they were sanctified, but then it was suspended until they arrived in א"י.
 - i Observation: ר' יוחנן s position is clear (v. 2); but how does ר' יוחנן defend his position?
 - 1 Answer (ל"א): v. 5 לי יהיו remains permanent
 - 2 Challenge: how does ד' יוחנן explain v. 2?
 - (a) Answer: he reads it homiletically, per תדבר"י perform קידוש בכורות in order to allow you to enter א"י
 - e Note: there was an inverted version of this read (ר' מרדכי), but it meant the same ר' יוחנן) לא קדשו (פר' יוחנן) means that they didn't need a new sanctification but he read it that way as חייב אדם לומר בלשון רבו
- II Questions posed by Roman officer of ריב"ז
 - a משפחת לוי when counting each משפחת לוי we arrive at 22,300; but when totalled 22,000 even
 - i Answer: the 300 were בכורות, who cannot exempt another בכור as they exempt themselves
 - b בסף הפקודים (vv. 6-11): clarification of different coinages used to resolve accounting
- III ר' חנינא's questions, posed to ר' אליעזר
 - a בהמה שמאה why is this the only בהמה that has פטר חמור?
 - Answer: it is Divine fiat; besides which they helped בנ"י leave Egypt with their goods
 - b ממלק. what is the meaning of that name (location of first skirmish with עמלק)
 - i Answer: they weakened (ריפו ידיהם) from תורה, per v. 12
 - c שטים. what is the meaning of that name (location of sin with בעל פעור)
 - i Answer: they engaged in nonsense and vanities (שטות) –
 - ii Tangent: two interpretations of תקראן לעם (v. 13) as seduction of בנות מואב
 - 1 ר' אליעזר: they came out naked
 - 2 *ר' יהושע*: the men all became בעלי קרי

31.1.5 5b (כל היכא דאיכא למידרש דרשינן) 6b (משנה ב)

- - I משנה בו: status of animals which bear young that look like another species
 - a For purposes of פטור. if a cow bears a donkey-looking animal or a jenny bears a horse-looking animal פטור
 - i Reason: double mention of מטר חמור (vv. 1, 2) → both mother and young must look like חמור
 - b For permission to be eaten: if a בהמה טהורה gives birth to a מותר-looking young מותר
 - i But: a טמאה that births a טהור-looking animal אסור
 - i Rule: that which comes out of a טמור is יטהור; that which comes out of a טמאה is טמא is עמא
 - II Analysis of our בכור בהמה טהורה ב:ה as against basis for בכור בהמה טהורה שכור must look like mother
 - a However: if it has some similarity to mother it is חייב, based on אך (ibid)
 - b בכור source is v. 3, בכור must look like שור etc.
 - i But: in our פט"ח, משנה was used for פרה
 - ii Answer: ברייתא follows ברי"ג, who maintains that the תורה established principle re: ברייתא and applies to בדה"ב
 - 1 Whereas: our תנא holds that it was taught in re קדושת דמים and we apply it to קדושת מזבח
 - c *Our אימ*ור uses v. 3 to teach that אימורי בכור are burnt and we justify each of מדו and עז and עז
 - i שוד couldn't inform the others, as it has the largest נסכים
 - ii כבש. couldn't inform the others, as it has the fatted tail
 - iii שי couldn't inform the others, as it is used for חטאת for ל"ז
 - 1 And: we couldn't even infer one from two
 - 2 שור couldn't be inferred from כבש ועז, as they (alone) are used for מסח
 - 3 בבש couldn't be inferred from שור ועז, as they (alone) are used for חטאת צבור
 - 4 עבי couldn't be inferred from נסכי, as they have great gifts to מבר, מור), fatted tail of עבי, fatted tail of עכ
 - iv בכור if so, could just say בכור שור, כשב ועז before each teaches that בכור שור, נשב ועז before each teaches that מב
 - t uses vv. 1-2 to teach, in spite of v. 4, that only פדיון and no other בהמה שמאה require פדיון בחלה שמאה
 - i And: second mention blocks possibility that other בהמות baye בהמות but don't require שה but don't require בהמות טמאות
 - ii Challenge (י' אחאי): had it said פט"ח once, we would have reasoned it to be דבר שהיה בכלל ויצא מן הכלל ללמד,
 - 1 Which would then: inform that all בהמות טמאות have פדיון בשה;
 - 2 Now: that it says ממ"ח twice, the second one takes the שה away from other בהמות טמאוח but still need בדיון
 - 3 Answer: if so, let it say חמור (alone) the second time without "פטר"
 - 4 Rather: the double mention of פטר חמור completely excludes other בהמות טמאות
 - iii תנא דידן. learns exclusion of other animals from כלל ופרט (v. 5)
 - 1 היה"ג maintains that פטר breaks up semantic flow → no כלל ופרט
 - 2 ושה) reconnects them (ושה) reconnects them
 - (a) *גיה"ג*: let it omit פטר and the וי"ו
 - (b) קדושת דמים) בכור בהמה טהורה it had to separate (קדושת הגוף) בכור בהמה טהורה) then to connect them via the וי"ו

- III Question posed: expanding on "wrong birth"
 - a If: a פרה birthed a donkey-looking calf with some חייב –סימני חמור or not?
 - i background: the משנה rules that if a ewe births a goat-looking animal, exempt, but if there are some חייב סימנים
 - ii lemma1: there, both א and יהורה are יהורה and have פטור הגוף בבכורה; here, 1 is פרושת הגוף, the other במים-
 - iii lemma2: both מרה and חמור have חייב \rightarrow
 - 1 if: we accept lemma2, what if a חמור birthed a horse-loooking foal (w/some סימנים)?
 - 2 Lemma1: the other (horse) is not סטור → קדוש בבכורה
 - 3 Lemma2: they are both חייב → חייב
 - (a) If: we accept lemma2, what if a a פרה birthed a horse-looking calf (w/some פרה)?
 - (b) Lemma1: 1 has קדושת הגוף, the other has nothing →פטור
 - (c) Lemma2: the fact that it looks a bit like a פרה is sufficient
 - (i) Proposed solution: מיבת if a טמאה births a חייבת-looking young w/some חייבת סימנים
 - 1. Assumption: doesn't this mean our case מרה birthing a horse-looking calf?
 - 2. Rejection: it is a פרה birthing a donkey-looking calf
 - (ii) Proposed solution: ברייתא if a cow births a בחמור births a חמור births a מטור births a בטור foat north births a ברייתא
 - 1. And: if it has some סימנים like the mother חייב
 - 2. Assumption: this last clause applies to both
 - 3. Rejection: only applies to the first case סימנים birthing a donkey-like calf (w/סימנים)
 - a. *Challenge*: why introduce the 2nd case at all? To exempt? This should be obvious:
 - i. If: a cow birthing a donkey-looking young w/o סימנים is exempt
 - ii. Then certainly: a donkey birthing a horse-looking foal w/o סימנים is exempt
 - b. *Answer*: the exemption was needed; ;unlike 1st case, where the mother has horns and split hooves and the young has no horns and cloven hooves; here they are similar קמ"ל –
- IV Analyzing 2nd clause in משנה permissibility of eating these "wrong" animals
 - a Question: why did the rule need to be added (שהיוצא...)
 - b Answer: it is just a mnemonic to focus on identity of mother, not young
 - טמא born of מעלה גרה ומפריס פרסה that you may not eat טמא born of מעלה גרה ומפריס נוסף that you may not eat טמא
 - i Challenge: perhaps it is the opposite אמאט whose mother is מהורה and verse alludes to mother
 - ii Response: identifying ממא in verse → only טמא is גמל, not a טמורה born of a טהורה
 - 1 Dissent: פרה source is vv. 6-7; repeated mention of גמלה whether it is born of a מרה or of a מרה or of a מרה
 - 2 גמל use 2nd גמל to prohibit its milk
 - (a) את הגמל" prohibition of milk is from "את הגמל"
 - (i) את do not interpret the word את (per story w/שמטוני and דבנן and v''יע and רבנן v. 8)
 - d Question: without גמל (or הטמאים), we would have permitted חלב טמאה? Why not invoke הטמאים (v. 9)?
 - i Answer: סד"א that any milk is a קמ"ל מותר si ntat any milk is a קמ"ל even סד"א → even קמ"ל
 - ii Challenge: there is an opinion that it doesn't come from transformed דם why the need for אמל/את הגמל
 - 1 Answer: חלב דטהורה is still a חידוש that it's not קמ"ל ← אבר מן החי
 - e Challenge: what is purpose of שפן ארנבת and חזיר being repeated (דברים יד and ויקרא יא)?
 - i Answer: animals area repeated for שסועה; birds for ראה
 - ii Challenge: perhaps that is the reason for גמל גמל as well and not our דרשה
 - 1 Answer: wherever we can identify a more detailed דרשה, we will
- V Investigation: source for permission to drink חלב טהורה
 - a Proposal: since the תורה forbade בב"ח →milk must be מותר
 - i Rejection: perhaps איסור is extension to הנאה (and, בישול for בישול)
 - b Proposal: v. 10 prohibits חלב בסוה"מ of חלב החלין is permitted
 - i Rejection: perhaps that is just a היתר הנאה (re: אסור בהנאה פסוה"מ as well)
 - c Proposal: v. 11 lauds selling חלב
 - *Rejection*: perhaps that is only for doing business, not for drinking
 - d rather: v. 12 describes דוד as bringing cheese to his brothers at the front
 - *Rejection*: perhaps that was also for business
 - ii Block: people don't conduct business at the front
 - e alternatively: v. 13 איסור is lauded as איסור; wouldn't be praised for producing איסור
 - f alternatively: v. 14 directs people to go eat...wine and milk!

31.1.6 6b (ת"ר רחל שילדה מין עז) \rightarrow 7b (אי תניא) (אי תניא המין עז)

- ז. אַדְ **דְּכוֹר שׁוֹר** אוֹ **בְכוֹר עָז** לֹא תִּפְדֶּה קדֶשׁ הָם אָת דָּמָם תִּזְרֹק עַל הַמִּזְבֵּח וְאָת חֶלְבָּם תַּקְטִיר אָשֶׁה לְדֵיח נִיחֹח לָה': *במדבר יח, יז* 2. **אַד אָת זָה לֹא תאכלוּ מִמְּעַלִי הָגַרָה וּמְמֶּפְרִיסִי הַפָּרְסָה** אָת הַנָּמַל כִּי מַעֵלָה גָרָה הוּא וּפַרְסָה אִינֵנוּ מִפְּרִיס טָמֵא הוּא לָכֶם: *ייקרא יא, ד*
 - זאת הַבָּהֶמָה אֲשֶׁר תאכלו שור שה כְשַׁבִים וְשָׁה עָזִים: *דברים יד, ד* .3
 - 4. אַדְּ אֶת זֶה תּאַכְלוּ מָכֹּל שֶׁרֶץ הָעוֹף הַהֹלֶךְ עַל אַרְבַּע אֲשֶׁר לֹּאֵ ל בְרַעִים מִמְעַל לְרַגְלִיוֹ לְנַתַּר בְּהָן עַל הָאָרֶץ: ייִפּרא יא, כא
- I ברייתא: if a ewe births a goat-like kid or vice-versa ברייתא; if it has some similarities to the mother
 - a ת״בת if it has some similarities to the mother חייבת
 - head and majority of body must be similar to mother.
 - i *Question*: does מר"ש have the same requirement for permissibility of eating?
 - 1 Lemma1: re: בכור, we have v. 1 which raises requrement of similarity, but v. 2 only prohibits "pure" גמל
 - 2 *Lemma2*: the requirements are the same
 - ii proposed solution: בהייתא (which must be שחור באכילה) if a בהמה טהורה births a בהמה טהורה looking animal, אסור באכילה
 - 1 but if: head and majority of body look like mother חייב בבכורה
 - 2 evidently: ר"ש is satisfied with אכילה for אכילה as well
 - 3 rejection: he only reckons that for חיוב בבכורה
 - (a) support: in the סיפא, he "abandoned" איסור אכילה and mentioned חיוב בכורה
 - (b) rejection: he also allows for it קמ"ל כאם due to v. 1 סד"א it must be fully קמ"ל כאם the to v. 1 סד"א העווע וויא ידי אווייט ווייט וויט ווייט ווייט ווייט ווייט ווייט ווייט ווייט ווייט ווייט
 - iii proposed solution: ברייתא dispute ר"א/ר"י re permissibility of eating hybrid of ממא and ממא
 - טהור only if both are טימן (per v. 3), even if it looks somewhat טמא (only 1) per v. 2
 - 2 א"ז, the text is coming to extend permission even if father is טמא
 - (a) note; they refer to the young as אטמא (like מ"ש) but permit eating (proof that his standard is relaxed)
 - (b) rejection: they agree with him about definition but are more lenient about permissibility of eating
 - 3 note: some read this ברייתא and challenge from ריב"ל mixes (including טהורה/טמא) can't breed
 - (a) *defense*: referent is calf with cloven hooves, per ש"ס
 - (i) *note*: if so, we see that מ allows them to be eaten
 - (ii) defense: this תנא agrees with him about definition, more liberal re: eating

31.1.7 7b (משנה ב2) → 9a (ובלי להו ואזיל) 31.1.8 9a (משנה ג) → 10b (ומשום נימוס) 31.1.9 10b (איתיביה לא רצה לפדותו) → 11b (ברשותיה דכהן קאי) 31.1.10 12a (משנה ה) → 13a (סיום הפרק)

|ntroduction to פרק שני – הלוקח עובר פרתו

as we will learn at the beginning of this פט"ח, we have now "dispensed" with the laws of פט"ח and are moving on the laws of עבור בהמה טהורה, which will occupy most of the rest of the מסבת. The unusual ordering of the משניות placing פט"ח first – is addressed in the first מוניא.

31.2.1

13a (משנה א) → 13b (דאינהו לא קיימי בדבורייהו לא)

- 1. כִּי לִי כָּל בְּכוֹר בְּיוֹם הַכֹּתִי כָל בְּכוֹר בְּאֶרֶץ מִצְרַיִם הַקְדַּשְׁתִּי לִי כָל בְּכוֹר **בְּיִשְׁרָאֵל** מִאָדָם עד בְּהַמָּה לִי יִהְיוּ אֲנִי ה': *במדבר ג, יג* 2. וְהַתְּנַחַלְתֶּם אֹתָם לְבְנֵיכֶם אָחֶבִיכֶם **לְרַשְׁת אָחָזָה** לְעֹלֶם בְּהֶם תַּעֲבֹדוּ וּבְאָחֵיכֶם בְּנֵי יִשְׁרָא לֹא תִּדְדָה בוֹ בְּפָרֶךְ: י*יקרא כה, מו* 3. וְכִי תִמְכָּרוּ מִמְכֶּך **לְעִמִיתָך** אוֹ קַנֹה מָ**יִד עְמִיתָךְ אוֹ קַנֹה מִיִּד עְמִיתָךְ אוֹ קַנְה מְקְנְתוֹ: יִיקרא כה, יז 4. אָם עוֹד רַבּוֹת בַּשְׁנִים לְפִיהָן יָשִׁיב נְאֻלָּתוֹ מִכֶּסָף מִקְנְתוֹ**: יִיקרא כה, נא
- ו משנה א exclusivity of בכור בהמה טהורה to ישראלי ownership
 - if: any of the five "shared" relationships from א:א obtain with non-Jew exempt
 - b however: unlike מט"ח and בכור אדם and הייבים they are only exempted from פטר חמור and בכור אדם
- II General query why are the laws of פט"ח presented first?
 - a justification: בכור בהמה טהורה במישה only "value פט"ח; (קדושת הגוף) "קדושה only "value פט"ח (קדושת הגוף)
 - b answer1 (from "מנא"): the מנ" (loves" the rule of מ"ר" הנינא per מ"ר" homily above (re: why donkeys were singled out)
 - c answer2 (from א"): the rules of מס"ח are few, ר' יהודה הנשיא wanted to "take care of it quickly" and move on
- III מימרא of בהמה טהורה (quoted by 'r') regarding buying/selling בהמה טהורה from/to non-Jew
 - gives a non-Jew money for one of his animals and it births (פכור) before he takes possession (משיכה) חייב (משיכה
 - b and if: a non-Jew gives ישראל money and the bought animal births (בכור) before he takes possession (משיכה) (משיכה
 - i note: both clauses used the phrase "gave money בדיניהם"
 - ii clarification: of the term בדיניהם
 - 1 cannot mean: inferred via "דין" used as "inference"); from their physical selves
 - (a) if: we can buy them with money (as עבד כנעני v. 2)
 - (b) *then*: certainly we can buy their property with money
 - (i) block: if so, we should be able to buy their property with אָשטר וחזקה, as is the rule for קנין ע"כ, as is the rule for קנין ע"כ
 - (ii) and: ישראל's ability to buy משיכה), yet not his possessions (require משיכה) defeats it
 - 2 "אבי means the rules established for their commerce by the אביי meaning "rules")
 - (a) per: v. 2 מטיכה given from hand to hand) only applies to עמיתן (fellows) for non-Jews, כסף
 - (i) suggestion: perhaps משיכה is valid for עמיתן and no קנין is valid for non-Jews? 1. rejection: if we can buy them, we can certainly buy from them
 - (ii) suggestion: perhaps משיכה alone is sufficient for ישראל; non-Jews require both מסף and 207? ממונם and ממונם, we certainly don't need two to buy and ממונם ממונם.
 - (iii) suggestion: perhaps משיכה only for ישראל; non-Jews can use either כסף or כסף? 1. rejection: just as עמיתן has one עמיתן-non (כסף)
 - 3 note: parallel analysis to 2nd clause but suggested ק"ו in first phase is based on ישראל 60 קנין גוי (v. 4)
 - c tangent: squaring the above with אמימר 's approach (only) through משיכה (only) through משיכה
 - i if: he holds like משיכה has כסף, מה"ת ר' יוחנן limits עמיתך has משיכה has משיכה אוי, ישראל מסף then עמיתך
 - ii but if: he holds like עמיתן, that משיכה is the essential קנין in the תורה why does it state עמיתן? who's excluded?
 - 1 answer: it excludes אונאה (no need to return it to him)
 - 2 *challenge*: that is excluded from end of v. 3
 - 3 defense: we require two exclusionary phrases one for הקדש, other for הקדש
 - (a) justification: if we only had one, we would have assigned it to הקדש
 - 4 *challenge*: this is only valid if we hold גזילת גוי is forbidden must teach that אוגאת גוי is not
 - (a) but if: we hold מולת גוי is permitted then certainly no need to return אונאה (and no אונאה needed)
 - iii conclusion: אמימר excludes אמימר must agree with ר' יוחנן that ה"ת קונות ,מה"ת לעמיתך → משיכה from אמימר from אמימר

- d revisiting מימרא פ'ד' אושיעא. challenge תוספתא ע"ז ג:ה if one buys shards from גוי and finds מימרא פ'ד' אושיעא in them
 - i if: he took them (משך) before paying he may return (go back on deal)
 - ii but if: he took them after paying all ע"ז value in them goes to ים המלח (and is disposed of)
 - 1 however: if מעות קונות (as per ר' אושעיא), why does משיכה play a role here at all?
 - 2 answer: case where non-Jew stipulated that the transaction will follow דיני ישראל
 - 3 challenge: if so, why do the מעות play a role?
 - (a) answer: read even if he gave the money, only if he took possession is it a done deal
 - (b) *challenge*: if so, first clause is difficult why may he return them?
 - (i) answer1 (אביי): in first case, there was a מקח טעות → it reverts
 - 1. challenge (רבא): there was a מקח טעות in both cases
 - (ii) answer2 (רבא): in both cases מקח טעות;
 - 1. *however*: in first case, since he didn't hand over any money, it doesn't have the appearance of a transaction involving **t"y**;
 - 2. whereas: in 2nd case, since he handed over money, it looks as if he is transacting with "V"
 - a. (note: according to גראית העין, in neither case is there an essential problem; only מראית (מראית העין)
 - 3. אב". could answer that in the 2^{nd} case, there is no מקח טעות
 - a. argument: since he paid, he should have looked it over first
 - (iii) answer3 (משיכה is not essential to קנין in both cases, משיכה
 - 1. in first case: there was no משיכה, all that matters is the
 - a. therefore: for parallel construction, the משיכה mentioned משיכה in 2^{nd} clause
 - (iv) answer4 (רבינא): in 2nd clause, משיכה is a valid אמימר or because he agrees to דיני ישראל)
 - 1. therefore: in the 1st clause, too, קונה is קונה (but he hadn't yet taken possession)
 - 2. question: if so, what is the חזרה mentioned there? If there wasn't yet משיכה, from what is he חוזר?
 - a. answer: חזרה from his oral commitment
 - i. *note*: this is only valid if we hold מחוסר אמנה (i.e. one's oral commitment is meaningful and reneging on it carries ramifications)
 - ii. yet: this only applies to ישראל, who are trustworthy, not to עכר"ם

31.2.2; 14a (משנה ב) → 15a (זו דברי ר"ש ומחלוקתו)

note: since our משנה ג for the next משנה ב, we will leave the outline of משנה ג for the next משנה ב (p. 13)

- ז. לא תְּזְבַּח לַה׳ אֱלֹהֶיךְ שׁוֹר וָשֶׁה אֲשֶׁר יִהְיָה בוֹ מוּם כֹּל דְּבָר רָע כִּי תוֹעֲבַת ה׳ אֱלֹהֶיךְ הוּא: זברים יז, א
 2. עַנֶּרֶת אוֹ שָׁבוּר אוֹ חָרוּץ אוֹ יַבֶּלֶת אוֹ יֵלֶבֶב אוֹ יַלֶּפֶת לֹא תָקְרִיבוּ אֵלֶה לַה׳ וְאִשֶּׁה לֹא תִתְּנוּ מֵהֶם עַל הַמִּזְבֵּחַ לַה׳: ויקרא כב, כב
 3. וְכִי יְהְיָה בוֹ מוּם פְּסֵחַ אוֹ עֵוּר כֹל מוּם רָע לֹא תִזְּבָּחְנוּ לַה׳ אֲלֹהֶיק: זברים טו, כא
 4. לֹא יְבַקֵּר בֵּיוְ טוֹב לָרַע וְלֹא יְמִירֶנּוּ וְאָם הָמֵר יְמִירֶנּוּ וְהָיָה הוֹא וּתְמוּרָתוֹ יְהָיֶה הְוָשׁ לֹא יִנְאֵלֵינִה לֹּדְשׁ: ויִקרא כז, לג
 5. לֹא יַחָליפָנוּ וְלֹא יְמִיר אַתוֹ טוֹב בְּרַע אוֹ בַּאתָ אֵל הַמַּקוֹם אַשֵּׁר יְבַחֶים יב, כו
 6. רַק קַדְשִׁיךְ אֲשֶׁר יְהִיוֹ לְךְ וֹּנְדְיִלְּ הְשֵּׂא וֹבָאתָ אֵל הַמַּקוֹם אַשֵּׁר יְבַחֵים הֹי. כֹבִים יב, כו
- I משנה ב: status of animals that were sanctified after getting a permanent משנה ב and then redeemed from הקדש
 - a after חולין: are just like חולין;
 - i מתנות and מתנות and מתנות must be taken;
 - 1 note: this is only true if they were redeemed → our תנא holds that קדושת דמים deflects בכורה ומע"ב
 - ii גיזה ועבודה: may be used for work and sheared;
 - 1 note: only after פדיון שיי א supports איזה ועבודה have prohibitions of קדשי בה"ב who holds that קדשי בה"ב
 - (a) rejection: even קדשי דמים למזבח might agree with קדשי דמים (originally intended for תמימים due to תמימים iii מולדות וחלבים. offspring and milk may be used;
 - אסור offspring: became pregnant before פדיתן (else, it's obvious) and birthed after → without מדין, would be אסור
 - (a) question: would those offspring be accessible to מום without a מום?
 - (i) ברייתא: if someone dedicates a בע"מ to the מזבח, its offspring are redeemed as תמימים
 - 1. reason: there's no קדושת הגוף
 - a. amd: the מפל (offspring) should not be more sanctified than the עיקר (mother)
 - (ii) inference: in that case, he dedicated them for מזבח (but if he dedicates it למזבח לדמיו has קדוה"ג has קדוה"ג (ii) מקדומ (המקדיש קדושת דמים למזבח has המקדיש קדושת המקדיש המקדיש קדושת המקדיש המקדיש קדושת המקדיש המקדיש המקדיש קדושת המקדיש קדושת המקדיש קדושת המקדיש קדושת המקדיש קדושת המקדיש המקדיש
 - iv שחוטי חוץ. if one slaughters it outside exempt;
 - 1 הייב" and set the circumstance as במת יחיד
 - (a) per: his ruling that if one slaughters a בעל מום at מת יחיד, he is חייב (for violation of v. 1)
 - (i) argument: v. 2 already covers במת צבור →v. 1 must be about במת יחיד
 - 1. counter: perhaps v. 1 is about בכור (has קדושה as קדשה it should be brought as well קמ"ל א בע"מ
 - a. block: v. 3 covers בכור בעל מום
 - 2. counter: perhaps v. 1 is about מעשר בהמה (has קדושה even as סד"א, בע"מ is brought as well קמ"ל
 - a. block: the מע"ב בע"מ of העברה::העברה (בכור::מע"ב) already covers מע"ב בע"מ
 - 3. counter: perhaps v. 1 is about תמורה
 - a. justification: since it has קמ"ל per v. 5 it should be offered בע"מ
 - b. block: v. 4 establishes קודש (source)::תמורה as "source" isn't offered תמורה, so תמורה המורה.
 - 4. counter (ר' זירא): perhaps v. 1 is about וולדות קדשים
 - a. justification: בע"מ are קדוש are בע"מ by virtue of mother, should be offered בע"ל
 - b. block (רבא"): per "י. v. 5 compares מנ"מ and וולדות and בע"מ ברים aren't brought
 - ע *תמורה* and they cannot generate תמורה
 - 1 source: v. 5 (1st clause is obvious) → only one which was originally ממים) can make תמים) מוב
 - vi אם מתו if they die, they may still be redeemed
 - . this is only according to דיש, who holds that קדשי בה"ב don't require העמדה והערכה (→even if dead ייפדו)
 - (a) and: מר"ש agrees that a הקדש from before תמורה ביש can be redeemed even if it died (תמורה זוג)
 - (i) reason: פסוק requiring העמדה והערכה uses אותה excluding בעל מום מעיקרו
 - (ii) dissent: עוף וחיה says that even בעל מום מעיקרא (even עוף וחיה [and אותה is a challenge])
 - $1.\ if\ so$: רבנן who disagree with ממורה ז:ג) should agree that בעל מום מעיקרו is נפדה
 - a. and: רב should have assigned this משנה to "ר"ש ומחלוקתר" (against תנא דבי לוי
 - b. answer1: רבנן ר"ל holds like קדשי מזבח hold that קדשי מזבח don't require העמדה והערכה
 - i. and: that doesn't fit our משנה (below) אם מתו יקברו
 - ii. *challenge*: perhaps they have to be buried to avoid letting dogs eat them
 - iii. answer: if so, should have stated אם נעשו טריפה...
 - c. answer2: רב assigned the "ר"ש ומחלוקתו"
 - 2 exception: מים and awar inherent קדושה and the prior מום doesn't obstruct that

31.2.3

15a (משנה ג] אבל קדם הקדשן) → 16a (אף כאן במיתה)

- 1. אַרְּ כַּאֲשֶׁר יֻאַכֶּל אֶת **הַצְּבִי** וְאֶת **הָאַיָּל** כַּן תֹּאכְלְנוּ הַטְמֵא וְהַטָּהוֹר יַחַדָּו יֹאכְלְנוּ: *דברים יב, כב*
 - 2. רַק אָת דָּמוֹ לֹא תֹאכֶל עַל הַאָרֵץ תִשְׁפְּכֵנוּ כַּמַיִם: דברים טו, כג
- 3. כִּי כָּל אֹכֵל **חֵלֶב מִן הַבְּהָמָה** אֲשֵׁר יַקְרִיב מְמֵנָה אִשֶּׁה לַה' וְנָכְרָתָה הַנֵּפֵשׁ הָאֹכֶלֶת מֵעַמֵיהָ: ייקרא ז, כה
- 4. רַק בָּכָל אַוַּת וַפַשׁךָ **תּזְבַּח וַאַכַלָת בַשֹּר** כְּבַרַכַּת ה' אַלהֵיךְ אַשֶּׁר וַתון לְדְ בְּכַל **שַׁעַרידְ** הַטְּמָא וְהַטָּהוֹר יֹאכָלְנוּ כַּצְּבִי וְכָאַיָל: *דברים יב, טו*
 - 5. וְאָם זֶבַח שְׁלָמִים קָרְבָּנוֹ אָם מִן הַבָּקָר הוּא מַקְרִיב אָם **זָכָר** אָם **וְקַבָּה** תָּמִים יַקְרִיבֶנוּ לִפְנֵי ה': ייקרא ג, א
 - ה בשעריד תאכלנו הטמא והטהור יחדו כַּצְבִי וְכַאִיַל: דברים טו, כב .6
 - ז. אַרְ בַּכוֹר אָשֶׁר יִבַכַּר לָה׳ בָּבָהֶמָה לֹא יָקָדִישׁ אִישׁ אֹתוֹ אָם שוֹר אָם שֶׁה לָה׳ הוּא: ויקרא כז, כו
- 8. אַךְ אָת זָה לֹא תֹאַכלוֹ **מְמֶּעלִי הָגָּרָה וּמְמֶּפַרִיסִי הָפַרְסָה** אָת הָגָּמל כִּי מְעֵלָה גָרָה הוֹא וּפַרְסָה אָתְנֵגוּ מְבְּרִיס **טְמֵא** הוֹא לְכֶם: *ויקרא יא*, ד
- I משנה status of animals that were unblemished (or had מום עובר) before מום קבוע, then got מים משנה and were redeemed
 - a even after פדיון: still (בעלי מום)
 - i מתנות are not taken; מתנות are not taken;
 - 1 source: v. 1 ברייתא ברייתא are compared to צבי (no בכורה) and to איל (no מתנות איל)
 - (a) challenge: the fats of צבי ואיל are permitted shall we permit חלב פסוה"מ?
 - (b) defense: אך (v. 1) distinguishes between מלבים and מסוה"מ (for חלבים)
 - 2 analysis of ברייתא first we only exclude מתנות, as it only applies to males; then מתנות, apply to both
 - 3 ביוה"מ אותו ואת בנו או are not limited by צבי ואיל perhaps, אותו ואת בנו אות, perhaps מסוה"מ
 - (a) answer: פסוה"מ have to be either פרשים or פרשים אר"ב חולין אר"ב אר"ב applies; if פרשים applies
 - (b) challenge: then why didn't the ברייתא use that argument to defend איסור חלב?
 - (i) rather: just as they used אד to defend איסור חלב, we should use א toi defend או"ב, we should use
 - (c) answer (אד): אל defends אר comes from v. 2; מועב must refer to דמ צבי is also אר זו salso מועב) אטור
 - (i) challenge: why doesn't the חלבו state חלבו (v. 2) instead of masking it as דמו?
 - (ii) answer (פטוה"מ::צבי ואיל): had it done so, we would have had "תרבו"): and "תרבו" and "תרבו".
 - 1. היקש. excludes חלב פסוה"מ from חלב פסוה", removing it from the domain of v. 3
 - 2. קרא (w/o כרת (creation)
 - a. therefore: it used "דם" to maintain הלב פסוה"מ for חלב פסוה"מ
 - 3. challenge: the ברייתא mentioned "אך" specifically as a defense for חלב
 - 4. answer: he meant that if we didn't have "דמר" would have sufficed; now אר"ב is for אר"ב
 - ii *גיזה ועבודה*: may not be used for work nor sheared;
 - 1 source: ברייתא v. 4 חובה allows for slaughtering, not shearing; בשר allows for its meat, not its milk; אכלת ou may eat it, not your animals → we may not redeem מסוה"מ to feed to dogs
 - 2 alternate version: v. 4 only היתר for use is after we've slaughtered it (but we may redeem היתר)
 - iii וולדות וחלבים: offspring and milk may not be used;
 - 1 circumstance: must be conceived before פודש פדין (else, it's צבי) and born after →if born before קודש פדין
 - (a) source: אם v. 5: זכר \rightarrow זכר וולד and אם זכר מורה אם זכר מורה extend to אם נקבה and בע"מ of מורה אם וולד
 - 2 question posed: how should פסוה"מ of פסוה"מ born after פדיון be treated
 - (a) clarification: there is a dispute re: אקדשי לרעייה born before פדיון either קדשי לרעייה סקדשי לרעייה פדיון
 - (b) answer (ר' הונא): they are locked up and starved to death
 - (i) reason: we can't offer them, as they come from "rejected קרושה"; we can't redeem them, as their isn't strong enough to generate פריון
 - (c) answer (ד' חנינא): just before they're redeemed, we designate them for same קרבן (as mother)
 - (i) challenge: they aren't redeemed!
 - (ii) rather: just before the mother is to be redeemed, we designate etc.
 - 1. reason (אניי): so that he doesn't create flocks of them (→lead to תקלה; e.g shearing)

- (iii) question (דבינא מר"ש): may he designate for another קרבן (other than the mother's)?
 - 1. answer: may not per בשערין::בשערין (vv. 4, 6) –like בכור, may not designate for another , קרבן, 7)
 - 2. support: משנה parallel to our משנה, adding that, re: קדיות that had a prior מום, the exemption of מעילה and the permission to shear and work apply even before מעילה, that מעילה does apply before חול, can be designated for any type of קרבן and can be redeemed without a מום
 - a. general rule: all there is is מצוות עלוי (treat them with quasi-קדושה)
 - i. note: this "rule" was mentioned to allude to מטור → שחיטת חוץ
 - 3. but: if the מום (קבוע) came afterwards, (same as מום), the offspring are →cannot be redeemed w/o מום and may not be designated for any קרבן that he wants
 - a. general rule: they are קודש, all that is different is the permission to eat them (as חולין), all that is different is the permission to eat them
 - i. note: this "rule" was mentioned to allude to include מסור (that מחלב פסוה"מ)
 - 4. *observation*: this בר"ת seems to challenge ר' הונא (above) → may be redeemed as בר"ת and may be offered (not as "any קרבן he wants) → as the original one
 - a. defense: parallel construction; תמימים and לכל זבח שירצה (in רישא both permitted)
- iv שחוטי חוץ. if one slaughters it outside חיב כרת;
 - 1 מייב (as is our version; or this is a comment on ברייתא) and associated with "light מים" per א"ז הונא הונא
 - (a) שחוטי חוץ for מום has a rule of חייב אם עלו לא ירדו for שחוטי חוץ הייב אם עלו אי ירדו
- ע המורה and they can generate תמורה.
 - תמורה generates, פדיון before or after ברייתא, generates
 - (a) מביון after תמורה מורה מבר אבוה dies
 - (i) cannot: be offered (comes from "rejected קדושה"); cannot be redeemed (קדושה not "strong" enough)
 - (ii) challenge (ר' עמרם): why can't it be eaten as בע"מ by owners, just like תמורה ג:ה)? (תמורה ג:ה)? חמורה ג:ה) 1. answer (אביי): each is called after its "mother" (source)
 - a. *המורת בכור ומעשר* is considered like בכור ומעשר, which are eaten by owners במומן
 - b. קדשים are considered קדשים, which may not be eaten במומם (as קדשים)
 - 2. support for ruling: ברייתא: v. 8 even some that are מעלה גרה are forbidden מחורת פסוה"מ
 - a. challenge: v. 8 is used (with that Midrashic syntax) to allude to חמש חטאות מתות
 - b. answer: that is gotten from 2nd clause וממפריסי הפרסה...טמא
 - i. support: ברייתא infers חמש חטאות מתוח from וממפריסי...
 - ii. challenge: חמש חטאות are considered הלמ"מ no textual source
 - iii. defense: ...יסי... is used for חמש אשמות (parallel to חמש חטאות)
 - iv. challenge: that is also אשם רועה::חטאת מתה- הלמ"מ
 - v. rather: it does allude to חמש חטאות מתות
 - vi. justification: if we only had the פסוק, we would have consigned to רעייה
 - vii. and: if we only had הילכתא, we wouldn't have considered the violation of eating from these חטאות to be a full או, just "איסורא בעלמא", איסורא בעלמא →
 - viii. alternate justification: compares that alluded to from ...ממעלי הגרה to that hinted to in וממפריסי הפרסה...
 - ix. just as: חמש חטאות must die
 - x. so too: מורת פסוה"מ must die
- vi אם מתו: if they die, they must be buried

31.2.4

16a (משנה ד) → 17a (משנה ד)

note: our first משנה here uses the phrase צ"ב) צאן ברזל; 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

- ז. אָך בְּכוֹר שׁוֹר אוֹ בְכוֹר כֶשֶׁב אוֹ בְכוֹר עֵז לֹא תִפְדֶּה לֶדֶשׁ הֵם אֶת דָמָם תִּזְלֹק עַל הַמִּזְבֵּחַ וְאֶת חֶלְבָּם תַּקְטִיר אִשֶּׁה לְרֵיחַ נִיחֹחַ לַה': במדבר יח, יז
 2. אם לא בַרְכוֹּנִי חֲלְצִיו וֹמְגֵּז בְּבָשׁׁ יִתְחָפֶּם: אינב לא. כ
 3. וּשְׁעִיר עִזִּים אֶחָד לְחַשָּאת לָה' עַל עֹלָת הַתְּמִיד יֵעשֶׂה וְנְסְכּוֹ: במדבר כח, טו
 4. שור אוֹ כֶשֶׁב אוֹ עֵז כִּי יָוְלֵד וְהָיָה שִׁבְעַת יָמִים תַּחָת אָמוֹ וּמִיוֹם הַשְּׁמִינִי וְהַלְאָה יֵרְצֶה לְקְרָב וְאשֶׁה לַה': ייִקרא כב, כו
 5. לֹא תִלְבשׁ שַעַּטְנֵז אֶבֶר וּפְשָׁתִּים יַחְדָּוֹ: דברים כב,יא
 6. נְדְלִים תַּעֲשֶׂה לְּךְּ עַל אַרְבַּע בַּנְפוֹת כְּסוּתְךְּ אֲשֶׁר תְּכַסֶּה בָּה: דברים כב, יב
 7. וְהַבֶּנֶד כִּי יְהָיֶה בוֹ נֵנַע צַרְעַת בְּבָּלֶד צָמֶר אוֹ דְּבֶלֶד בְּשָׁתִּים: ייִקרא יג, מוֹ
 8. אֵלֶה מוֹעֲדֵי ה' אֲשֶׁר תִּקְרָאוֹ אֹתָם מִקְרָצֵי לְדֶשׁ לְתַקְרִיב אָשֶׁה לָה' עֹלָה וּמְנְחָה זָבָר וֹוֹם בְּיוֹמוֹ: ייִקרא כג, לוֹ
- I משנה : 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 ב"צ from Jew as the payment of young is considered רשות מקבל (→in רשות מקבל).
 - 1 answer1 (אביי): our משנה is a case where owner accepted loss and depreciation; ארביי where he didn't
 - (a) challenge (אבאן: 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 (צ"ב"): 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 צ"ב=0) חייב, in first case (without "in lieu") which generation is מיב (1 − offspring etc.)
 - 1 רב הונא: 1 is exempt, 2 is חייב
 - 2 ב יהודה 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
 - (below) using "10" (below) using "10"
 - (i) ארד יהודה it works he claims that א"ת uses exact generations that's why יהודה uses a number
 - (ii) לרב הונא who feels ת"ק is inexact, why would לרב הונא use exact numbers?
 - 1. Answer: רשב"ג is responding to "in lieu", where מ"ק used exact numbers of generations
 - (c) Challenge: ברייתא if one receives מיי from ינג, offspring are exempt, their offspring are are
 - (i) Answer (for ביהודה): read "they and offspring" (בטור) and "their offspring's offspring" (חייב)
 - (d) Altnerate version: וולדי וולדותיהן ,וולדי וולדות חייבין ,וולדי וולדות חייבין
 - (i) Answer (for רב הונא): read הן וולדות, but ולדי ולדות חייבין, but
 - c dissent; רשב"ג exempt "until 10 generations" (forever), as the owner may seize any of them
- II משנה ה: if a ewe birthed something looking like a goat or vice-versa exempt from בכורה
 - a however: if it had some similarity to the mother חייבת בבכורה

- III ברייתא ''a (which he brought from א"י); if a ewe bore a goat or vice-versa, ר' אושיעא exempt
 - a Analysis: רבה was told to ask רב הונא what is the חיוב that ה"מ asssses 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 יש איסור או"ב
 - 1 Challenge: if so, let them align with חנניה/רבנן (whether או"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) הייב looks like mother − בכורה looks like mother חייב
 - (b) בכורה follow mother's mother בכורה doesn't look like "grandmother" → פטור
 - 2 Or case: lamb, mother was goat, her mother was ewe
 - (a) π'' י"ב "lambness" has been restored \rightarrow הייב
 - (b) "מכמים" "lambness" has not been restored \rightarrow exempt
 - ה' אשי. the case is where the בכור has some similarity to mother
 - (a) And: "חכמים" here is חיוב בכורה to be similar for חיוב בכורה to be similar for
 - b Caveats: areas where מ"ז requires "pure" lamb or goat
 - i ה'' nust be "pure" per אחד" (v. 3)
 - 1 Challenge: this is inferred from "עז" 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 קרבן חובה; v. 4 extends to נדר ונדבה
 - i מכות for wearing a mix of flax and this one's wool 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 בי מפא all agree that the תכלת wool is ד' פפא for תכלת
 - 1 Source: v. 5 is juxtaposed to v. 6 מצות תכלת tied to שעטנז of שעטנז
 - iv נדמה all agree that the ינדמה's wool isn't vulnerable to טומאת נגעי בגדים.
 - 1 Source: v. 7 compares פשתים; as above
 - ע '' (attempted extension): if he put a vine over a fig tree, the wine from that vine is פסול לנסכים
 - 1 Source: v. 8 compares זכח סו נסכים 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 (י' אשי): in the case of the vine, the *smell* of the grapes changed; the thornbush doesn't affect the smell of the flax

31.2.5

17a (משנה ו) $\rightarrow 18b$ (שהמוציא מחבירו עליו הראיה)

ז. וְהַעֲבַרְתָּ כָל פֶּטֶר דֶחֶם לָה' וְכָל פֶּטֶר שֶׁגֶר בְּהַמָּה אֲשֶׁר יִהְיֶה לְדְּ **הַזְּכְרִים** לַה': שמו*ת יג, יב* 2. **הַכּל בִּכְתָב מַיַּד ה' עָלַי הִשְּׁכִּיל** כֹּל מַלְאֲכוֹת הַתַּבְנִית: דּהֹיּא כּ*ח, יט*

בכורות simultaneous משנה ו

- a If: a ewe had her first birth and two males came out simultaneously
 - i ריה"ג. both go to כהן, per v. 1 (זכרים)
 - ii הכהן only one goes to ההן, as both could not have been born at exactly the same moment (א"א לצמצם).
 - 1 כהן the כהן picks the better one
 - (a) Reason: he assumes the healthier one came out first (גמרא)
 - 2 מום and the other grazes until it gets a מום
 - (a) כהן gets weaker one כהן gets weaker one
 - (i) Challenge (משמנין ביניהם states משמנין ביניהם (we assume they assess value and divide it)
 - (ii) Answer: see from בכור (below) בכור says המע"ה must prove which is בכור
 - 1. Therefore: here, the "שומן" (fat difference between bigger and smaller) is "between them"
 - 3 Then: when slaughtered, מתנות must be given to כהן
 - (a) Dissent: ר' יוסי exempt from מתנות
 - (i) Analysis: מתנות holds כהן can argue "ממה נפשך, if not gets all; if not gets מתנות, since מתנות
 - (ii) בכוא we consider it as if כהן got it and sold it (for בכור he received) no מתנות התנות ה
 - (b) "" "all agree" (meaning יייב במתנות shand, is תליפין, without "דליפין, without "מרק in חייב במתנות 's hand, is חייב
 - (i) Challenge: this is obvious; only reason ר' יוסי exempted here is due to חליפין ביד כהן
 - (ii) Defense: we might have thought to exempt, so as to prevent anyone from shearing/working קמ"ל 1. Challenge: ר' יוסי explicitly exempted (contra מ' חליפיו ביד כהן
 - 2. Defense: that may have been his response to מ"ל גיזה ועבודה, but he was concerned about קמ"ל גיזה ועבודה
 - (c) tangent (ב"ש): "all" agree that a ספק מעשר is exempt from מתנות
 - (i) "all": must mean ר"מ
 - 1. challenge: this is obvious, as מ"ח obligates in ספק בכור because either way the has a claim
 - a. which: doesn't apply to ספק מעשר
 - b. defense: perhaps ה"מ would obligate here nonetheless, קמ"ל שלא תשתכח תורת מתנות
 - i. challenge: how could we think this? ר' יוסי ruled (ברייתא) that if פטור חליפיו ביד כהן, and that is where שלא תשתכח dissents and obligates → his חיוב is due to שלא תשתכח, יד כהן, not שלא תשתכח
 - ii. *answer*: perhaps ספק בכור obligates even in ספק מעשר, and we learn about ספק בכור to show extent of ספק בכור 'יוסי' has "either way" claim, he exempts קמ"ל –
 - iii If: one of them died
 - 1 v'''7: they divide the (value of) the other
 - (a) Challenge: why divide (according to כהן); if fat one died, that was כהן's (gets nothing); if other died, he gets 100% of fat one
 - (b) Answer: רישא changed his mind and agreed with רישא (in רישא)
 - 2 בהן we employ the rule of המע"ה the כהן gets nothing
 - (a) Analysis: ר"ש compared "ס"'s ruling to 2 people who entrusted their sheep (1 each) with a shepherd and one died the הלכה is that the shepherd leaves the live one and they fight over it
 - (i) And: בעה"ב; ruling is like one who entrusted his lamb to בעה"ב; it got mixed up with his own lamb and one died בעה"ב) במוברו עליו הראיה gets to keep the live lamb)
 - (b) Question: what's their disagreement? Each of מלכה and יש surely agrees to the הלכה in each of these cases
 - (i) Answer (מ"כ מס רבא): case where בעה"ב and his shepherd is a בעה"ב (gets all his אבכורות): בכורות
 - - a. Therefore: it is similar to two people entrusting their sheep to יחלוקו (equal claims) יחלוקו
 - 2. בעה"ב does not מקנה anything to רועה (has loss) → similar to entrusting to המע"ה בעה"ב מחשב"ב. ד"ע המע"ה
- b If: the ewe had a male and female simultaneously the כהן gets nothing

II Analysis of ריה"ג/חכמים

- a היה"ג we see that היה"ג maintains that natural occurences can be simultaneous (דיה"ג we see that אפשר לצמצם בידי שמים)
 - i And: certainly if intended (אפשר לצמצם בידי אדם)
 - ii We see: that חכמים reject simultaneity as a natural occurrence
 - iii Question: what is position of חכמים on deliberate simultaeity (אפשר לצמצם בידי אדם?)
 - 1 Proposed proof: the חוט הסיקרא circumscribed מזבח to distinguish between דמים תחתונים לעליונים
 - (a) Rejection: perhaps they thickened it to ensure that "up" was above halfway mark etc.
 - 2 Proposed proof: size of כלים and מזבח
 - (a) Rejection: 'a commanded they be built as exactly as possible, per v. 2
 - 3 Proposed proof (ממא ברייתא: ברייתא if not not null is broken exactly in half both א"א לצמצם as א"א לצמצם
 - (a) Rejection (כלי חרט :מרט מלי הוט has jagged edges and pits, making exactitude nearly impossible
 - 4 Proposed proof: איא rules that if a murder victim is found to be exactly between 2 cities both bring עגלה
 - (a) Assumption: קרובות" holds that בידי אדם and "קרובה" means even "קרובות"
 - (b) Rejection: he favors ריה"ג we say בידי שמים we say אפשר לצמצם we say אפשר לצמצם
 - 5 Suggestion: the issue of מחלוקת תנאים is subject to אפשר לצמצם בידי אדם
 - (a) If: a מת is found exactly between two towns, חכמים don't bring at all; איז each brings עגלה
 - (i) Assumption: אפשר לצמצם ר"א א"א לצמצם חכמים
 - (ii) Rejection: if חכמים hold א"א לצמצם, let both towns bring one עגלה together and make a תנאי
 - (b) Rather: both of these positions accept אפשר לצמצם and disagree if "קרובה" could mean "קרובות"
 - 6 Resolution: חנמים (in above case) say the 2 towns bring one עגלה together and make a תנאי
 - (a) Reason: they hold קרובה שפי' בידי אפי (if they held קרובה but not קרובות bring none)

31.2.6 18b (משנה ז) 19b (סיום הפרק)

> 1. קַדֶּשׁ לִי כָל בְּכוֹר פֶּטֶר כָּל רֶחֶם בִּבְנֵי יִשְׂרָאֵל בָּאָדָם וּבַבְּהֵמָה לִי הוּא:שמו*ת יג, ב* 2. כָּל הַבְּכוֹר אֲשֶׁר יָוָלֵד בִּבְקְרְךּ וּבְצֹאִנְךּ הַ**ַּלָר** תַּקְדִּישׁ לַה' אֱלֹהֶיךָּ לֹא תַעֲבֹד בִּבְכֹר שׁוֹרֶךְ וְלֹא תָגֹז בְּכוֹר צֹאנֶךְ: *דברים טו, יט* 3. וְהַעֲבַרְתָּ כָל פָּטֶר רֶחֶם לַה' וְכָל פָּטֶר שֶׁגֶר בְּהֵמָה אֲשֶׁר יִהְיֶה לְדְ **הַזְּכָרִים** לַה': שמות יג, יב

- I משנה ז and multiple first-births
 - a If: he had 2 רחלות that hadn't yet "opened their womb"
 - i If: each birthed a זכר both go to כהן
 - ii But if: one was male and the other female only male goes to כהן
 - iii And if: there were 2 males and one female one male goes to כהן
 - 1 כהן the כהן picks the better one
 - משמנין ביניהם :ד"ע
 - 3 And: the other grazes until it gets a מום
 - 4 Then: when slaughtered, מתנות must be given to כהן
 - (a) Dissent: מתנות exempt from מתנות
 - 5 If: one of them died
 - (a) v": they divide the (value of) the other
 - (b) המע"ה we employ the rule of המע"ה \rightarrow the כהן gets nothing
- II משנה משנה continued presentation of rulings with multiple and multiple births
 - a If: he had one רחל that had never given birth and one that had
 - i if: both had males, but we don't know which one goes to נהן
 - 1 כהן picks the better one
 - משמנין ביניהם :ד"ע 2
 - 3 And: the other grazes until it gets a מום
 - 4 Then: when slaughtered, מתנות must be given to כהן
 - (a) Dissent: ר' יוסי exempt from מתנות
 - (b) Reason: ר' יוסי says that anytime its "replacement" is in כהן shands, it is exempt
 - (i) Dissent: ר"מ says that it is חייב even if חליפיו ביד כהן
 - 5 If: one of them died
 - (a) v"7: they divide the (value of) the other
 - (b) המע"ה we employ the rule of המע"ה \rightarrow the כהן gets nothing
 - ii If: one was male and the other female, כהן gets nothing
 - b Justification: (for repeat of disputes משנה ו, ז, ח in ר"ט/ר"ע
 - i *If*: we only had משנה ה, we would have thought that "r"v's reasons is just because both were born from 1 animal, doesn't prove that fatter one came out first,
 - 1 But: in משנה ו' name, where they came from 2, רחלות, the male that came from the "solo" birth is probably fatter
 - 2 And if: we only had 'משנה ו' an that case, neither רחל had birthed yet;
 - (a) But: in 'חשנה , he may have assumed that the fatter one came from the "first-timer" קמ"ל

מכלל שהוא צריך לפרט ומפרט שהוא צריך לכלל כיצד? *קדש לי כל בכור*, יכול אף נקבה במשמע ת"ל *זכר*, אי *זכר* יכול אפילו יצאת נקבה לפניו, תלמוד לומר *בכור* זהו כלל הצריך לפרט ופרט שהוא צריך לכלל. *ספרא ברייתא דרבי ישמעאל פרשה א*

- III משנה ש: status of first-born via C-section and the next one comes through birth canal
 - a שנק בכור both are ספק בכור both must graze until they get a מום and then can be eaten by owners (nothing to כהן)
 - b ספק בכור neither is a ספק
 - i *The first*: didn't "open the womb" (i.e. birth canal)
 - ii The second: wasn't first
 - c *Point of departure*: where do ר"ע and ר"ט disagree?
 - i בכור for another (e.g. first male) may be בכור for another (קדושת בכור)
 - ii ד"״. holds that first male doesn't make it בכור
 - d הורת כהנים (from תורת כהנים, above in box): the example given (in ברייתא דר' ישמעאל, the introduction to כלל wice-versa when a specific item cannot be properly understood without the לכל לינפ-versa
 - i שלד but without זכר, I would have thought that females are also בכלר → we need פרט) זכר → we need פרט).
 - 1 But: if it only said זכר (פרט 2 (פרט β), I would have thought even if it follows a female → we need פרט (פרט 2 (פרט β)
 - 2 And: if it only said פטר רחם, I would have thought even after יוצא דופן → we need (כלל) בכור
 - ii Analysis (ר' שרביא ואביי): note that "בכנר" is not invoked in first clause, only at end
 - 1 Implication: in first clause, they regard בכור לדבר אחד as full בכור; but not at end
 - 2 Answer (אביי): they always consider בכור לדבר אחד as just that and not
 - (a) "פטר רחם" alone would allow for C-section → states "פטר רחם" (must go through birth canal)
 - 3 dissent (רבינא): this תנא consistently holds that בכור לדבר אחד is a full בכור
 - (a) And: סיפא should be understood as follows:
 - (i) If: we would think that one coming out after קדוש, why would the תורה, why would the "יבכור"?
 - 1. If: used to eliminate a case where female came first "פטר רחם" is sufficient
 - 2. rather: it must be there to cover a case where יוצא דופן came out first –
 - (b) challenge (ר' אחא מדיפתי): if בכור לדבר אחד הוי בכור
 - (i) then: that works when both first (יוצא דופן) and second (דרך רחם) are males excluded as the 2nd one is not בכור לזכרים
 - (ii) but: if יוצא דופן is female and then a male comes out דרך רחם, should be בכור לזכרים as it is בכור לזכרים 1. Rather: אביי is refuted)