31.5.1

31a (משנה א) $\rightarrow 32b$ (משנה איפרוקי מיפריק) איזדבוני מיזדבן ולא איפרוקי

- I משנה א משנה: difference between בכור ומע"ב against other
 - a איטליז may be sold and slaughtered in איטליז and weighed on regular scale
 - b בכוד ומע"ב benefit will go to owner → may not be sold and slaughtered in איטליז nor weighed on regular scale
 - Nonetheless: בכור may be weighed on using regular meat as counter
 - c Inference: מבנור may be sold at home, per v. 1 not redeemed, but sold as my while alive
 - However: מע"ב (per v. 2) may not even be sold
 - ii ברייתא was bothered by this and resolved it via ברייתא (& insisted on having his name mentioned in re per vv. 3-4)
- II מע"ב בריתא of orphans (need funds) may be sold; מע"ב בריתא that was slaughtered may be sold מע"ב בהבלעה or horns
 - a Solution1 (מב"י): all one statement; מע"ב of orphans may be sold בהבלעה
 - i Challenge: why not allow anyone to sell בהבלעת לולב, as we do with אתרוג during שמיטה (sell בהבלעת לולב)
 - ii Answer: in that case, it may be a legitimate price; here, it is clear that the price is for the meat (loophole)
 - 1 Challenge (דבא): why does it state מע"ב twice?
 - b Solution2 (צבא: 2 rulings; מע"ב of orphans may be sold normally; מע"ב of an adult, if slaughtered, sold מע"ב
 - i Support: v. 2 ממורה can only be while alive, and that is when it may not be redeemed
 - 1 Implication: may be redeemed after דבנן prohibited, as precaution against redeeming while alive
 - 2 But: only those things which are estimated while alive (e.g. meat) are included in גזרה
 - (a) Not: pelts, חלבים, sinews or horns (which aren't נישום מחיים)
 - (b) And: for מותר kept the law at the דאורייתא stage (all is מותר מותר after שחיטה after מותר
 - ii Support: מע"ב של יתומים also maintains מע"ב של יתומים may be sold in the usual fashion
 - 1 Per: v. 5 it gives benefit to its owners only after שתיטה (unlike regular מסוה"מ, which can be redeemed)
 - c Tangential question: does הבלעה extend to bones?
 - i ד' שמעון בר רבי. one allows, the other disallows
 - בהמה דקה . Proposal1: no dispute allowance בהמה גסה (where bones are substantial) vs. בהמה דקה
 - 2 Proposal2: both are יחכם; in one יחכם s town, they were sold at a significant price and הבלעה is reasonable
 - d Revisiting מע"ב and distinction between מע"ב (sold) and מע"ב (may not be sold)
 - i Source: אימכר (v. 2) compares with חרמים (v. 7), where it also stipulates לא ימכר
 - 1 איגאל העב"ה must be מע"ב; if not, we could challenge מרמים גז"ש apply to everything, unlike הרמים גז"ש
 - (a) הונא בריה דר"ו. indeed, it is א יגאל (מו חרמים) could've been inferred from מע"ב:
 - (i) Just as: מע"ב is קדוש and can't be redeemed, so too חרמים are חרמים and can't be redeemed 1. Therefore: מע"ב is extra, to connect מע"ב to extend מע"ב to extend מע"ב מע"ב
 - (ii) Challenge: חרמים don't have "peripheral קדושה, unlike מע"ב, unlike מע"ב (9th,10th and 11th all potential מע"ב)
 - (b) Rather: חרמים of חרמים could've been inferred from בכור ⇒used to teach אימכר לא ימכר לא ימכר לא יגאל (סע"ב הופנה בכור
 - (i) Challenge: בכור is sanctified at birth
 - (c) Rather: מע"ב is extra; could've been inferred from העברה::העברה via מע"ב via מע"ב
 - (i) Challenge: as above (קדושה מרחם has בכור)
 - 1. Defense: העברה itself is מופנה in re: בכור

- (ii) Challenge: if so, infer to חרם from חרם (and disallow any sale!)
 - 1. Answer: מע"ב in מע"ב is extra; או in re בכור is not extra (cannot infer from חרמים
 - 2. Challenge: why are we reading (מע"ב) as extra and בכור) לא תפדה as necessary?
 - a. Answer: we prefer to infer גאולה::גאולה, rather than פדייה::גאולה
 - b. Challenge: why we are comfortable comparing שיבה::ביאה (v. 6)
 - i. Answer: where we have a closer match, we favor that
- (iii) Challenge: infer העברה to connect איסור מכירה to איסור מכירה
 - 1. Answer: בכור (v. 7) excludes
 - 2. Challenge: why not use מעשר to exclude מעשר?
 - a. Answer: מעשר uses גאולה (same as חרמים)
- ii איגאל אוי (v. 7) unnecessary wherever the חרם is, it is moot
 - 1 If: it is still with owner it is הקדש (v. 7)
 - 2 If: the כהן already got it, it is חולין (v. 8) and he may sell it
 - 3 Therefore: מע"ב (v. 7) must be redirected to מע"ב
 - (a) Challenge: perhaps it should be redirected to בכור
 - (b) Answer: חרמים uses גאולה like חרמים
- iii לא ימכר (v. 2) means לא ימכר
 - 1 Proof: v. 2 has to be מחיים (else, ממורה is impossible) אולה is forbidden while alive
 - (a) Implication: it is permissible after death but there is no העמדה הערכה possible
 - (i) Therefore: לא ימכר must mean לא ימכר
 - (ii) Challenge: this line of argument is only valid if we say that קדשי מזבח require העמדה והערכה
 - (iii) Response: meaning of argument: we find nothing that can only be redeemed after death
 - 1. Counter: after שחיטה, it's קדושה is weaker, should be more easily redeemed
 - 2. Block: after death, it isn't strong enough to "hold" פריון
 - a. Therefore: לא ימכר means לא ימכר
 - (iv) Challenge: why doesn't the תורה simply write לא ימכר?
 - 1. Answer: had it done so, we would have thought it could be redeemed (maintains value to הקדש)
 - 2. Therefore: אורה wrote איגאל may not be sold, nor redeemed