

31.1.2

3a → 3b (ואתי ביה לידי תקלה) (וחכמים אומרים כל זמן שיד ...)

1. קדש לי כל בכור פטר כל רחם בבני ישראל באדם ובבהמה לי הוא: שמות יג, ב
 2. כל פטר רחם לי וכל מקנה תזכר פטר שור ושה: שמות לד, יט
 3. והעברת כל פטר רחם לה' וכל פטר שגור בהמה אשר יהיה לך הזכרים לה': שמות יג, יב
 4. ושור ושה שרוצ וקלוט נדבה תעשה אתו ולגדר לא ירצה: ויקרא כב, כג
 5. איש איש מזרע אהרן והוא צרוע או זב בקדשים לא יאכל עד אשר יטהר והנגע בכל טמא נפש או איש אשר תצא ממנו שכבת זרע: ויקרא כב, ד

- I Analysis of dispute ר"א/חכמים (in ברייתא brought above) if any of non-Jew's ownership exempts from בכורה
- a כל בכור – 1 – (not יהושע ד'. יוחנן) both positions are anchored in interpretation of v. 1
- i כל בכור implies any ownership, "bumps it" to full ownership
- ii כל בכור implies full ownership; "degrades it" to any ownership
- b Or: all agree that בכור 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 even if the ear is owned by the non-Jew
- i Challenge (ר"י): why doesn't the כהן tell him to "take the ear off and give the animal to me"?
- b נבילה ד'. חסדא any limb which, if missing, would render the animal a
- c טריפה ד'. רבא any limb which, if missing, would render the animal a
- 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 ר"ח's students: perhaps ר"ח doesn't disagree; he is referring to the בכור, whereas רבא is referring to mother
- 1 Block (ר"פ): we require full בכור owned by ישראל due to mother – require same for mother – even miscarriage which is בכור (v. 2)
- d Challenge (מר בר' א): why is this ruling different than that of נפלים (per v. 3) – even miscarriage which is בכור? קדוש
- i Answer: in that case, all the בכור (such as it is) is owned by ישראל; here, "חולין" is mixed in with "קודש"
- e פטור – "מום קל" – reported as having said that even if גוי owned a limb, the removal of which would constitute "מום קל" ד'. יוחנן
- i And: he commented on בכורות ב: – if ewe birthed goat-like kid or vice-versa – פטורה;
- 1 However; if it had some similarities to mother – קדוש
- 2 כהן by חולין is therefore slaughtered as מום קבוע ד'. יוחנן
- ii ר"ח ורבא's position, against הונא (who heard report): 1st comment is understood – supports ר"ח's position, against הונא
- 1 However: his comment on ב: is unclear – בכורות ו: already states that if the mouth is like that of a חזיר – פטור
- (a) Proposed response: there, it has similarities to animal that isn't בכורה; here, both (ewe/goat) are קדוש
- (b) Rejection: בכורות ו: – 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 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)
2. Support: 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 מזורע אהרן (v. 5) → same as other כהנים
- a. Block: perhaps the "animal eyes" are due to שנוי, but we could explain matched eyes (large or small) as due to its physical condition; but if unmatched, due to שנוי
- 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 יהודה's opinion; co-ownership with a non-Jew certainly exempts
- IV Story of מרי בר רחל ד': he would grant rights to ear of בכור when in utero, nonetheless treat it like בכור (no work or shearing) and give it to כהן – 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 כהנים 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 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 קדושה