

31.1.9; 10b → 11b (איתביה לא רצה לפדותו) → 11b (ברשותיה דכהן קאי)

1. וְכַל־פֶּטֶר חֹמֶר תְּפִדָּה בְּשֶׁה וְאִם־לֹא תִפְדֶּה וְעִרְפְּתוּ וְלֹא בְּכֹר אָדָם בְּנִיחַ תְּפִדָּה: שְׁמוֹת יָגִיג
 2. וְהוֹרְדוּ זְקֵנֵי הַעִיר הַהוּא אֶת־הַעֲגֹלָה אֶל־נַחַל אֵיתָן אֲשֶׁר לֹא־יַעֲבֹד בּוֹ וְלֹא יִזְרַע וְעִרְפְּרָשִׁים אֶת־הַעֲגֹלָה בְּנַחַל: דְּבָרִים כֹּאֵד:
 3. וְכַל־עֲרֻקֵי יְהִיָּה בְּשֶׁקֶל הַקֹּדֶשׁ עֶשְׂרִים גֵּרָה יְהִיָּה הַשֶּׁקֶל: וַיִּקְרָא כֹּזֵב:
 4. וְאִם־נָאֵל יִגָּאֵל אֶת־הַשֶּׁדֶה הַמִּקְדָּשִׁי אֹתוֹ וְיִסַּף חֲמִשִּׁית כֶּסֶף־עֲרֻכָּךְ עָלָיו וְקָם לוֹ: וַיִּקְרָא כֹזֵיט
 5. כִּי־יִתֵּן אִישׁ אֶל־רֵעֵהוּ כֶּסֶף אוֹרְכָלִים לְשִׁמּוֹר וְנִגְבַּ מִבֵּית הָאִישׁ אִם־יִפְצֵא הַגֹּבֵב יִשְׁלַם שְׁנַיִם: שְׁמוֹת כֶּבֶד:
 6. וְאֶל־הַלְוִיִּם תִּדְבֹּר וְאָמַרְתָּ אֲלֵהֶם כִּי־תִקְחוּ מֵאֹת בְּנֵי־שְׂרָאֵל אֶת־הַמַּעֲשֵׂר אֲשֶׁר נָתַתִּי לָכֶם מֵאֹתָם בְּנַחֲלַתְכֶם וְהִרְמַתֶם מִמֶּנּוּ תְרוּמַת ה' מַעֲשֵׂר מִן־הַמַּעֲשֵׂר: בַּמְדַּבֵּר יַחֲכֹ

- I Continued discussion re: status of פטר חמור after עריפה
 - a Challenge to previous conclusion (that פ"ח after בהנאה ר"ש prohibits):
 - i תוספתא: if he doesn't want to redeem it, he must break its neck with a cleaver (from the back)
 - 1 אסור בהנאה ד' יהודה
 - 2 ר"ש may get the הנאה from it (needn't bury it)
 - (a) Defense: that dispute is about the status while alive
 - (b) Challenge: since the סיפא references while alive, רישא must be after being killed
 - (i) Per (סיפא): may not kill with a reed, scythe, axe or saw, nor starve it to death
 - 1. Shearing/working: ר"י prohibits, ר"ש permits
 - (ii) Defense: both clauses refer to status while alive; רישא refers to הנאת דמיו – סיפא, הנאת גופו – ר"ש would concur re: גופו (and flip)
 - b Further support: (אסור בהנאה) עריפה ר"י after ר"ש stated that ר"ש concurs with ר"י
 - i Source: עריפה (v1) – עריפה (v2) – just as אסור is עגלה ערופה, so אסור פ"ח is אסור
 - 1 Author: must be ר"ש, since ר"י already prohibits when alive
 - 2 קמ"ל – מותר → becomes redemption:: עריפה: סד"א needed: ר"י holds that it is ר"ש; ר"י holds that ר' ספרא ד' ששת
 - ii 2nd source (ר"ג): per ר"י – "he took property of כהן → he loses his property" – must be authored by ר"ש
 - 1 Rejection: could be either
 - (a) ד' יהודה he loses the added value of the donkey over the ש
 - (b) ר"ש (could be he still holds מותר) loss of value from living → dead donkey
 - c עריפה ר"י (or ר"א) holds that the dispute remains after עריפה; ר"ל ד' ר"ל holds that ר"ש concurs; ר"י יוחנן ר' אלעזר
 - d Some: read ר"נ as comment on משנה (ב"ב) if someone is מקדש בפ"ח – not מקודשת
 - i Suggestion: not ר"ש – ר"נ – it is per all (even ר"ש) and after עריפה
 - 1 Alternatively: it is neither –
 - (a) If ר"ש entire donkey is of value – קידושין valid
 - (b) If ר"י she could be מתקדשת with the increment from value of ש
 - ii ר' יוסי בר יהודה, per ר"י it is ר"י – but the case is where the donkey is only worth שקל, and he holds like בר יהודה
 - 1 תפדה בריתא (v1) – immediately and at any amount
 - (a) Justification: סד"א like אדם בכור אדם (wait 30 days, 5 שקל) – קמ"ל immediately and any amount
 - 2 שקל is a פדייה דיביי
 - (a) Inconsistent: if he compares to אדם בכור – should be 5; if not – any amount
 - (i) Answer: he infers from ערך payment (v3)
 - (ii) דבנן that only refers to "financial aid"
 - 3 Ruling (ר"ג): like חכמים (כל שהוא)
 - (a) Amount (ר' יוסף): even a sickly little lamb worth 1 כסף
 - (b) Support (רבא): our משנה rules that you may redeem with גדול וקטן
 - (i) Rejection: perhaps it means a healthy one (small) or at least worth more – קמ"ל
 - 4 Practicum: ר' טרפון – generous gives 1 סלע, stingy – 1 שקל (1/2 סלע) – normal is רגיא (3/4)
 - (a) Note: contradiction resolved: if he asks, we tell him 3/4; if he doesn't ask, any amount is sufficient
 - e ר"ל: if someone has no lamb to use – he may pay the כהן the value of the donkey
 - i Author: must be ר"ש ר' יהודה) ר"ש rules that the only פדיון is via א (שה)
 - ii ר"י identified contradiction – we always rule like ר"י over ר"ש, and our משנה follows ר"י
 - 1 But: ר"ל rules like ר"ש
 - 2 Rather: even ר' יהודה ר"ל would agree with ר"ל; ר"ח isn't more limited than הקדש
 - (a) ש: is a leniency for the owner
 - (b) Note: ר' נחמיה ר' would redeem פ"ח with boiled vegetables (at value)

- f **הונא** ג' if someone redeems a fellow's פ"ח – the redemption is valid
- i **Question:** does the donkey belong to the owner or the redeemer?
- 1 **Note:** according to ר"ש, obviously belongs to owner (since it was always מותר בהנאה)
- 2 **But:** according to ר"י – is it akin to הקדש (per v4* belongs to redeemer)
- (a) **Or:** since he acquired it with the incremental value over the ש, it is dissimilar from הקדש
- ii **ברייתא** ל"ג – if someone steals פ"ח, he pays כפל to the owners – even though he doesn't own it now – he may later
- 1 **Must be:** ר"י (per ר"ש, he owns now); isn't like הקדש, else v5 and its implied exclusion of הקדש would apply; QED
- II Continued analysis of משנה ד and משנה ג:
- a **If:** he had two חמורות מבכרות and they had 2 males → 2 kids to כהן; M&F or 2M&F → 1 kid to כהן; 2F&M/2M → 1 kid, keeps
- b **If:** he had one מבכרת and one non-מבכרת and they had 2 males → 1 kid to כהן; M&F → 1 kid, keeps
- c **Source:** v1 – may be lamb/goat, male/female, big/small, בעל מום/תמים
- d **And:** he may reuse the ש (if the כהן returns it to him) and it goes into corral for מע"ב and if it dies – may get הונא
- i **ברייתא** going into corral – can't be the one given to כהן; since a bought or gifted animal is exempt from מע"ב
- 1 **Must be:** ישראל who had 10 ספק פ"ח – he has to designate 10 kids, allot מע"ב and he keeps them
- 2 **ל"ג** if ישראל had 10 פ"ח that he got from his כהן grandfather, who got from his ישראל grandfather
- (a) **He must:** designate 10 שיים, allot מע"ב and he keeps them
- 3 **Parallel:** ישראל with טבל which he got from grandfather כהן, which he got from grandfather ישראל
- (a) **He must:** separate תר"מ and then may keep them
- 4 **Justification:** if we only learned ruling re: פ"ח, since the kid is already separate from the 9 others –
- (a) **But:** in case of the טבל, it's all mixed in – and הורמו כמי שלא הורמו – may not keep
- 5 **And:** if we only learned about טבל; since תר"מ may be taken internally, as it's all there
- (a) **But:** since the ש is distinct, maybe he has to give it to כהן – צריכא
- ii **ל"ג חנינא** if someone buys טבל from a non-Jew; must separate תר"מ but he may keep them
- 1 **Question:** who did מירוח? If the non-Jew did, then דגן – and not his דגן is liable (→ exempt)
- (a) **Rather:** the Jew must have done מירוח under his watch –
- (i) **Therefore:** he separates מעשר, because להפקיע בא"י להפקיע
- (ii) **But:** he keeps them, since he can argue that he comes from ownership of a non-accessible defendant
- e **דמאי ג'ד:** if someone entrusts his fruit to a כותי or ע"ה, they are assumed not to switch (vis-à-vis ושביעית)
- i **But:** if he entrusts it to a non-Jew, it is treated like his own (the non-Jews)
- 1 **ל"ש** it is treated like דמאי
- (a) **ל"א** all agree that he must separate; dispute is whether he owes it to כהן (or may keep it)
- (i) **ל"ק** the non-Jew certainly swapped them → ודאי טבלו, must give to כהן
- (ii) **דמאי ל"ש**
- (b) **אב"י** only due to ספק → if we knew that he switched them, all would agree that it is לכהן
- (i) **Challenge:** ruling of ר' חנינא (above)
- (ii) **Possible answer:** the dispute is only in re תר"ג, but all agree that he keeps תר"מ
- (c) **ל"ב** if someone buys טבל from a non-Jew, it is exempt from תר"מ, per v6
- f **Analysis of last clause:** if the ש dies, he may get הונא
- i **Can't mean:** if it died in כהן's house, that he may get הונא (too obvious)
- 1 **Rather:** it died in owner's house – and the כהן may benefit – also פשיטא
- 2 **Justification:** until it gets to the כהן, he doesn't have זכייה - קמ"ל – at moment of designation, belongs to כהן