

31.2.6

18b (משנה r) → 19b (סיום הפרק)

1. קדש לי כל בכור פטר כל רחם בבני ישראל באדם ובהמה לי הוא: שמות יג, ב
 2. כל הבכור אשר יולד בבקרד ובצאנך חזקר תקדיש לה' אלהיך לא תעבד בבקר שורד ולא תגז בכור צאנך: דברים טו, יט
 3. והעברת כל פטר רחם לה' וכל פטר שגר בהמה אשר יהיה לך חזקרים לה': שמות יג, יב

I ז משנה: multiple רחלות 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 ט"ז: the כהן picks the better one
 - 2 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: יוסי ר' – exempt from מתנות
 - 5 If: one of them died
 - (a) ט"ז: they divide the (value of) the other
 - (b) ד"ע: we employ the rule of המע"ה → the כהן gets nothing

II ח משנה: continued presentation of rulings with multiple רחלות 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 כהן
 - 1 ט"ז: the כהן picks the better one
 - 2 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: יוסי ר' – exempt from מתנות
 - (b) Reason: יוסי ר' says that anytime its "replacement" is in כהן's hands, it is exempt
 - (i) Dissent: ר"מ says that it is חייב even if כהן ביד כהן
 - 5 If: one of them died
 - (a) ט"ז: they divide the (value of) the other
 - (b) ד"ע: we employ the rule of המע"ה → the כהן gets nothing
 - ii If: one was male and the other female, כהן gets nothing
- b Justification: (for repeat of disputes ר"ט/ר"ע in ז, ח משנה ו, ז)
- i If: we only had ח משנה, we would have thought that ר"ע's reasons is just because both were born from 1 animal, doesn't prove that fatter one came out first,
 - 1 But: in ח משנה ו, where they came from 2 רחלות, the male that came from the "solo" birth is probably fatter
 - 2 And if: we only had ח משנה ו, in that case, neither רחל had birthed yet;
 - (a) But: in ח משנה, 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 פטר רחם אי פטר רחם יכול אפילו לאחר יוצא דופן תלמוד לומר בכור זהו כלל הצריך לפרט ופרט שהוא צריך לכלל. ספרא ברייתא דרבי ישמעאל פרשה א

III ט status of first-born via C-section and the next one comes through birth canal

- a both are בכור → ספק בכור → both must graze until they get a מום and then can be eaten by owners (nothing to כהן)
- b neither is a בכור
 - 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"ט and ר"ע disagree?
 - i ר"ט holds that a בכור for one thing (e.g. first male) may be בכור for another (קדושת בכור)
 - ii ר"ע holds that first male doesn't make it בכור
- d כלל (תורת כהנים, ברייתא דר' ישמעאל, the introduction to תורת כהנים) of כלל & vice-versa – when a specific item cannot be properly understood without the other – שהוא צריך לפרט ופרט שהוא צריך לכלל
 - i קדש is the כלל – but without זכר, I would have thought that females are also בכור → we need זכר (פרט)
 - 1 But: if it only said זכר (the פרט), I would have thought even if it follows a female → we need פטר רחם (#פרט2)
 - 2 And: if it only said פטר רחם, I would have thought even after יוצא דופן → we need בכור (כלל)
 - ii Analysis (ר' שרביא ואב"י): note that "בכור" 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 (אב"י): they always consider בכור לדבר אחד as just that – and not לקדושה בכור
 - (a) "זכר" 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 יוצא דופן is קדוש, why would the תורה write "בכור"?
 - 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 (אחא מדיפתי): if בכור 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 לזכרים בכור
 - (ii) but: if יוצא דופן is female and then a male comes out דרך רחם, should be קדוש as it is לזכרים בכור
 - 1. Rather: אב"י's analysis and c onclusion are the correct ones (רבינא is refuted)