

31.3.2

20b (הכא בלוקח תליא מילתא) 21b → (אמר רבי עקיבא אני לא באתי...) 20b

1. והעברת כל פטר רחם לה' וכל פטר שגר בהמה אשר יהיה לך הזכרים לה': שמות יג, יב
2. וכל מעשר בקר וצאן כל אשר יעבר תחת השבט העשירי יהיה קדש לה': ויקרא כז: לב

- I Continued analysis of ר"ע and ר' יהושע, specifically disagreement between ברייתא
- a Proposal: they disagree as to whether nursing is a sign of having birthed
- i ר"ע: most animals that nurse have birthed → if nursing, already ביכרה
- ii ר"י: a minority of them nurse without birthing → may be לא ביכרה
- 1 Challenge: ר' יהושע is not חושש למיעוט, per his dissent re: mother-in-law who left town pregnant (and she had no other brothers-in-law and her husband subsequently died w/o children)
- (a) ר"י: a majority of pregnant women have live births, but 50% have daughters; add that to minority who miscarry → רוב that she didn't have living son, therefore, widow may remarry w/o חליצה
- 2 Rather: reverse alignment → ר"י maintains that nursing is a פטור, ר"ע disagrees
- II מב"ב: a kid that had triplets (all F) and they each had triplets – all enter corral together for תוספתא בכורות ז:
- a ר"ש saw that she was מעשר during the year (i.e. mother was also in same corral for מע"ב)
- i Question: why the need for 3x3? 2 of them could have had 2 each+3+3 mothers=10
- 1 Answer: since at least one of them has to have 3, it was easier to teach 3x3
- ii Question: why have 3 from any of them (which is unusual)? Why not structure the case so that each has 2 and then mother has another 1? (3+6+1=10)?
- 1 Answer: perhaps the author holds that מטנפת cannot later have a child during that year
- (a) Correction: perhaps מטנפת could have a child during the year; but not a יולדת
- iii Analysis of ר"ש's dissent: wherein lies their disagreement?
- 1 Possibility #1: they disagree about whether to accept זעירי's assessment that טינוף is at least 30 days
- 2 Possibility #2: they agree to accept זעירי; disagree if animals have abbreviated gestations
- 3 Possibility #3: all agree that gestations are only full-term; they disagree about היום ככולו in that case
- 4 Possibility #4: all agree to apply היום ככולו; disagree if מחוסר זמן (before day#8) enters corral for מע"ב
- (a) Supporting ברייתא מחוסר זמן - ר"ש: מעשר מע"ב enters corral for מע"ב; just like בכור
- (i) מעשר בהמה קדוש before it is fit for offering, so too with בכור
- (ii) Challenge: why not infer from קדשים – which aren't קדוש until they are in a fit זמן?
1. Answer: בכור is more similar to מעשר
- a. גואל: cannot be redeemed, even if it gets a מום
- b. בעלי מום: מום קדושה applies to them, even if מום
- c. תמורה: תמורת קדשים (unlike תמורה) is not offered
- d. אכילה: eaten by proper owners, even if בעלי מום
2. Challenge: מעשר קדשים are more similar to מעשר
- a. זכר: could be male or female, unlike בכור
- b. קדוש: requires sanctification, unlike בכור
- c. במתנות: not a gift to כהנים, unlike בכור
- d. פשוט: applies to all animals, even non first-born (unlike בכור)
3. Answer: he infers it via גז"ש of העברה:העברה (vv. 1-2)
- III Miscellany
- a Definition of רב 'טינוף' - per shepherds' report – an animal that blocked the embryo; שמואל – blood bubbles
- b Requirement to show חכם טינוף to רועה חכם: means רועה חכם (experienced shepherd); חכם isn't familiar
- c ד' חסדא: we have a tradition of 40 days of gestation before וולד is formed; how long for animal?
- i ר"פ (אב"י to): isn't this answered by זעירי (30 days for טינוף)?
- ii Rejection: that is for mating; she won't mate for 30 days afterwards
- IV Revisiting case of משנה – buying from non-Jew; what about buying an animal from ישראל?
- a דב: assume it hasn't yet birthed (→ חייב); if it had, the owner would have bragged about it
- b שפיך שמואל: he may not have announced it as he thought the buyer purchased for שחיטה, and it doesn't matter
- c יוחנן: assume it already bore a child (→ פטור); else, he would have notified the buyer
- i Proposed support: ברייתא – if seller didn't notify about selling mother/child on same day, שוחט w/o concern
- ii Block: in that case, it is the seller's responsibility; here, it is buyer's onus