

31.4.1

(תויבתא דר"א תויבתא) 28a → (משנה א) 26b

1. לפני ה' אלהיך תאכלנו שנה בשנה במקום אשר יבחר ה' אתה ובייתך: דברים טו, כ
 2. מלאתך ודמעתך לא תאחר בכור בגיד תתן לי: כן תעשה לשרך לצאנך שבעת ימים יהיה עם אמו ביום השמיני תתנו לי: שמות כב, כח-כט
 3. ואתם סריתם מן הדרך הקשלתם רבים בתורה שחתם ברית הלוי אמר ה' צבאות: מלאכי ב, ח
 4. ולא תשאנו עליו חטא בהרימכם את חלבנו ממנו ואת קדשי בני ישראל לא תחללו ולא תמותנו: במדבר יח, לב
 5. ובמלאת ימי טהרה לבן או לבת תביא כבש בן שנתו לעלה ובן יונה או תר לחטאת אל פתח אהל מועד אל הכהן: ויקרא יב, ו
 6. ובקשרם יהיה לך פחזה התנופה וקשוק המין לך יהיה: במדבר יח, יח

I בכור בהמה טהורה responsibility of Israel towards משנה א

a Care after birth: בהמה דקה (ovines) – 30 days; בהמה גסה (bovines) – 50 days

1 Source: v. 2 compares child (30 days) with צאן and ביכורים (50 days from שעורים) שור

(a) Challenge: why not compare צאן to ביכורים etc.?

(b) Answer: follow sequence of text

(i) Challenge: מלאתך ודמעתך is juxtaposed to צאן

(ii) Rather (רבא) (v. 2) adds עשייה to שור

1. Challenge: if so, should be 60 days (double עשייה)

2 Rather: חכמים were given mandate to determine duration (support from ברייתא)

ii 3 months - בהמה דקה ד' יוסי

1 Reason: takes more care, as its teeth are thin (needs help growing at first stages)

b If: the כהן asked him for the (תם) בכור during this period, may not give it to him

i Limitation: if it is a בעל מום and he wants to eat it now, may give it to him at any time

ii And: if it was during זמן הבית and he requested the תם in order to offer it – may give it to him

1 Reason (for not giving to כהן early): it looks like the כהן is helping him with his work (הגרנות)

(a) Background: עניים ובעלים who work in donor's agriculture may not be paid with תרומה

(i) If: they are paid with תרומה, vv. 3-4 apply (note: v. 4 adds component of מיתה)

1. Note: חכמים would have fined owners to pay a completely new תרומה

a. Reason: for not doing so – they may inadvertently take החיוב על הפטור

(b) Continuation of ברייתא: all תרומה have טובת הנאה to owners (they may choose to whom to give)

(i) Example: if A pays B to give his תרומה to A's grandson who is a כהן – permissible

1. But: not if A is a כהן himself

2. Note: they only allowed this with תרומה, which has קדוה and can't be redeemed – no one will err and think that A's payment generates חילול

a. But: מתנות כהונה, e.g. which have קדוה – he may think the payment "redeems" it and treat it as חולין – didn't allow

2 Tangent: תרומת חר"ל (which is practiced, מדרבנן, in neighboring lands, e.g. Egypt)

(a) דבא: no limitation of תרומת חר"ל with כהן הסייע בבית הגרנות

(i) Example: כהן would give his תרומה to his (כהן) servant רב חמא

(b) לכתחילה תרומת חר"ל is nullified ברוב (not 1/100) and may be nullified

(i) Example: רבה (כהן) would be טמא (בבל) and eat mixture when he was טמא

(ii) Example: רבה would take his תרומה (בבל) and pour 2 parts חולין and 1 part תרומה into a glass (רוב חולין) to drink, then continue pouring 1/1 – so always a רוב חולין

(c) תרומת חר"ל may be taken at end (leave some over after eating and separate then)

(d) תרומת חר"ל may be eaten by טמאים, unless the טומאה emanates from body (e.g. זב)

(i) And: even then, only אכילה is forbidden – contact is always permitted

(ii) Application (רבינא): נדה may separate חלה and give to כהן קטן (who hasn't yet had קרי); if כהן קטן no טמא around, she may use a board to put it in oven, burn it up – then separate another חלה (so as not to forget חלה and it being given to תורת חלה) and give to adult כהן (isn't "really" חלה)

(iii) Story: woman asked whether טמא may be טובל and eat תרומת חר"ל immediately

1. Answer: per רב – permitted

2. Challenge: qutoe from רב ששת – (only) טמא שרץ may do so

3. Rejection: הלכה follows רב

c Duration: בכור is eaten during its first year, per v. 1

- II משנה ב: If: it developed a מום during first 12 months – still have until end of year
- a If: it developed מום after 12 months, have another 30 days
- i Implication: בכור's years are subjective, not standardized to objective calendar
- 1 Source: dispute between רב's version of רב and רב's school (בי רב)
- (a) שנת בכור – רב inferred from v. 1 (a year that "goes into" another year – שנת בכור)
- (b) רב that verse teaches that בכור is eaten for 2 days (over "2 years" – last day of 1 year; 1st day of next)
- (i) רב infers "individualized years" from other קדשים
1. Source: for other קדשים – v. 5 (שנתו)
- (ii) רב infers 2-days rule from v. 6 – בכור is treated like חזה ושוק (of שלמים – 2 days)
1. רב: that could have referred to חר"ש of תודה (1 day)
2. רב: adds יהיה לך – get "extra time" (to maximum)
- a. רב: יהיה may be alluding to בע"מ, which is also given to כהן
- b. רב: that is inferred from בשרם (plural – which includes בע"מ)
- i. רב: that is just general collective – that בכורות belong to כהנים
- ii Question: is meaning of ruling that in all cases, he gets a year + 30 days
- 1 Or: is it two cases – if found during year, he gets until end of year; if after – only 30 more days?
- 2 Proposed solution: if found during year, keep until end of 12 months; if after, must give it up immediately
- (a) But: in order to ensure that כהנים get it, allowed 30 days (i.e. two different cases)
- 3 Still unclear: are the 30 days within the year or afterwards?
- (a) solution: if found with 15 days left in the year, he gets 15 days into the year
- (i) in other words: he gets 30 days from finding מום, if it goes past 12 months
- (b) comment: this supports ר"א, who ruled that he gets 30 days from moment מום is found
- (i) alternate version: ר"א inferred from v. 1 that he gets 30 days (minimum time period that can be considered a "year") after the year
1. challenge: from ruling about 15+15
2. rather: 2nd version is refuted