



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Bechoros Daf Yud Aleph

- **R' Yehuda Nesi'ah** had a peter chamor and asked **R' Tarfon**, "How much do I have to give to the Kohen for this?" **R' Tarfon** said, "They have said that a generous person does so with a seh worth a selah, a stingy person does so with a seh worth a shekel, and an average person does so with a seh worth a "rigya"." **Rava** paskened that it should be done with a rigya. The Gemara explains that this is 3 zuz, which is between a selah and a shekel.
 - **Q:** Earlier **R' Nachman** paskened like the **Rabanan** that a seh of any value can be used and now **Rava** paskens that a rigya should be used!? **A:** **Rava** is discussing where someone comes and asks how he should act. **R' Nachman** is discussing where someone already did it.
- **R' Yitzchak in the name of Reish Lakish** said, if someone has a peter chamor but doesn't have a seh to redeem it with, he may redeem it with other items carrying the value of the donkey.
 - This does not follow **R' Yehuda**, because he was explained earlier (by **Ulla**) to hold that the Torah insists that a seh be used for the redemption. Rather, it follows **R' Shimon**.
 - This is how **R' Acha** taught the ruling of **Reish Lakish** (that it only follows **R' Shimon**). **Ravina** said, when there is a machlokes between **R' Shimon** and **R' Yehuda** we pasken like **R' Yehuda**, and we have an anonymous Mishna that says like **R' Yehuda**, so how could it be that **Reish Lakish** would pasken according to **R' Shimon**? Rather, his ruling even follows **R' Yehuda**, and he says that it may be redeemed at full value with items other than a seh just as this may be done for hekdes. The Torah instructed to redeem with a seh to add a leniency for the owner, not to add a stringency.
 - **R' Nechemya the son of R' Yosef** would redeem it with cooked vegetables that had the value of the donkey.
- **R' Shizbi in the name of R' Huna** said, if someone redeems the peter chamor of his friend, it is effective.
 - **Q:** Who gets to keep the donkey – the redeemer or the owner? According to **R' Shimon** who says the donkey is mutar b'hana'ah it is clearly the money of the owner and he gets to keep it. The question is according to **R' Yehuda** who says it is assur b'hana'ah – do we say it is like hekdes in which case the rule is that it belongs to the redeemer, or do we say that since the owner owns the difference in value between the donkey and the seh that can be used, it is different than hekdes? **A:** **R' Nachman** said we can answer from a Braisa. The Braisa says, if someone steals a peter chamor he must pay keifel to the owner, for although he does not have rights to use it now, he will eventually have those rights and it is therefore considered to be stolen from him. Now, this can't follow **R' Shimon**, because he holds that the owner has rights in the donkey all along! Rather, it follows **R' Yehuda** and we see that this is treated differently than hekdes, because one who steals from hekdes does not pay keifel! Clearly we see that it is not like hekdes and therefore in the case of the question it would be the owner who would get the donkey.

ACHAS BIKRA V'ACHAS SHELO BIKRA...

- A Braisa says, what does the Mishna mean that this seh is subject to animal maaser? It can't refer to a seh that was given to the Kohen, because a Mishna says that an animal that was purchased or received as a gift is patur from maaser. Rather, this refers to a Yisrael who had 10 safek peter chamors and separated 10 sehs to redeem them, in which case he gives maaser from them and they are his. We find that **R' Nachman in the name of Rabbah bar Avuha** said the same thing.

- **R' Nachman in the name of Rabbah bar Avuha** also said, if a Yisrael has 10 peters chamors that he inherited from his maternal grandfather who was a Kohen, and this grandfather had himself inherited them from his own maternal grandfather who was a Yisrael, he must separate 10 sehs for them, subject them to animal maaser, and they are his.
 - **R' Nachman in the name of Rabbah bar Avuha** also said, if a Yisrael has smoothed piles of tevel grain that he inherited from his maternal grandfather who was a Kohen, and this grandfather had himself inherited them from his own maternal grandfather who was a Yisrael, he must separate maaser and they are his (he may keep and sell the terumah).
 - Both of these (very similar) cases are needed to be taught. If we only had been taught the case of the redemption of animals, we would have said that in that case he may keep it for himself, because they were already separated when in the possession of the Kohen. However, in the case of the grain the terumah was never separated and may therefore not be kept by the Yisrael. And, if we would have only been taught the case of the grain we would have said that in that case, since the maaser can be taken from the pile itself, it belongs to the Yisrael, but in the case of the animal, where a seh must be brought from elsewhere for the redemption, maybe it is not considered as having been redeemed and it should not be kept by the Yisrael.
- **R' Shmuel bar Nosson in the name of R' Chanina** said, if one buys smoothed piles of tevel grain from a goy, he must give maaser and they are his (he may keep and sell the terumah).
 - **Q:** When was it smoothed in a pile? If the goy did this it should be patur from all maaser based on the pasuk of "digancha"! **A:** Rather, the case is that the Yid smoothed it into piles while they were still in the goy's possession. He must separate maaser, because the halacha is that a goy does not have ownership in EY to the point of being able to remove a maaser obligation. However, the separated grain will belong to the Yid, because he tells the Kohen, "I am coming in the shoes of someone who you would not have been able to sue."
 - A Mishna says, if someone deposits his produce to be watched by a Kuti or an ahm haaretz, the produce retains its status with regard to maaser and shmitta (we are not concerned that the Kuti or ahm haaretz switched the produce with his own, which was not separated for maaser or was from shmitta). If he deposited his produce to be watched by a goy, the produce takes on the status of the goy's own produce. **R' Shimon** says it is demai (it is not for certain that the produce was switched, rather we are concerned that it was switched).
 - **R' Elazar** said, the **T"K** and **R' Shimon** both agree that he would have to separate maaser. The machlokes would be whether they would have to be given to a Kohen – the **T"K** holds it would have to be given to a Kohen and **R' Shimon** says it would not.
 - **R' Dimi** repeated this teaching of **R' Elazar**. **Abaye** said to him, this seems to imply that if we knew for sure that the goy switched the produce all would agree that the Yid would have to separate and give it to a Kohen. Now, we have said above that **R' Shmuel in the name of R' Chanina** said, if one buys smoothed piles of tevel grain from a goy, he must give maaser and they are his!? Maybe the Mishna is referring to Terumah Gedola and **R' Shmuel** is referring to terumas maaser? **R' Dimi** said, you reminded me of a teaching of **R' Yehoshua ben Levi** who darshens a pasuk to teach that grain of tevel that is bought from a goy is patur from terumas maaser. This suggests that it would still be subject to Terumah Gedola.

V'IHM MEIS NEHENIM BO

- **Q:** This can't be referring to where the seh died after it was given to the Kohen by the Yisrael, because at that point it is obviously the money of the Kohen and if it dies it is obvious that the Kohen may have hana'ah from it! It also can't be referring to where a seh was separated for the redemption and died before being given to the Kohen and the Mishna is saying that the Kohen

may have hana'ah from this seh, because that is also obvious that the Kohen may have hana'ah at that point (since it is already considered to belong to the Kohen at the time it was used for the redemption even if it wasn't given yet)!? **A:** We would have thought to say that it is not considered to belong to the Kohen until he actually receives it. The Mishna therefore teaches that as soon as it is separated and used for redemption it is already considered to belong to the Kohen even if he did not yet receive it.