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

Bechoros Daf Lamed Beis

- The Gemara had quoted a Braisa that said that "lo sifdeh" written regarding bechor teaches that it may be sold live but not dead, and "lo yiga'el" written regarding maaser teaches that it may not be sold whether live or dead, whether without a mum or with a mum.
    - **Q:** How do we know that "lo yiga'el" means that selling the maaser animal is assur? **A: R' Chinina in the name of Rav** said, and **R' Dimi in the name of R' Yochanan** said, the pasuk regarding maaser says "lo yiga'el" and the pasuk regarding cheirem says "lo yiga'el" – this teaches that just as cheirem is assur to be sold, the same is true for maaser.
        - **R' Nachman bar Yitzchak** said to **R' Huna the son of R' Yehoshua**, in order for this to be a valid gezeira shava it must be that the words are "open" (not needed for another purpose), because if they are not we are allowed to refute the comparison, and this comparison can be refuted by saying that cheirem is different in that it can take effect on everything (even things that are kadosh) whereas maaser cannot. The Gemara says that it is "open", because there is no need to write "lo yiga'el" regarding cheirem, since it can be learned from maaser – just as maaser is kadosh and may not be redeemed, the same is for cheirem. Therefore, the "lo yiga'el" written regarding cheirem is "open".
            - **Q:** We can say that cheirem can't be learned from maser, because maaser has the stringency in that the animal before it and after it in the count can become kodesh as well!? **A:** Rather, there was no need to write "lo yiga'el" by cheirem, because we could have learned it from bechor – just as bechor is kadosh and may not be redeemed, the same is for cheirem. Therefore, the "lo yiga'el" written regarding cheirem is "open".
            - **Q:** We can say that cheirem can't be learned from bechor, because bechor has the stringency that it is kadosh from the womb!? **A:** Rather, there was no need to write "lo yiga'el" by maaser, because we could have learned it from a gezeira shava of "havarah" from bechor – just as bechor is kadosh and may not be redeemed, the same is true for maaser. Therefore, the "lo yiga'el" written regarding maaser is "open".
            - **Q:** We can refute the gezeira shava of maaser from bechor based on the fact that bechor is kadosh from the womb!? **A:** The word "v'havarta" written regarding bechor and used for this gezeira shava is "open" and the gezeira shava therefore can't be refuted.
        - **Q:** We should say that bechor should be learned from cheirem with a gezeira shava of "geulah", which should teach that a bechor may also not be sold!? **A:** The "geulah" written regarding bechor is needed to teach that it itself may not be redeemed and is therefore not available for the gezeira shava.
            - **Q:** Why do you say that the "lo sifdeh" of bechor is needed for its own teaching and the one written regarding maaser is not (since it is learned from bechor)? Why not instead say that the one written regarding maaser is needed for its own teaching and bechor is learned from maaser? **A:** Maaser and cheirem both have the word "geulah" whereas bechor has a word of "pediya", which although similar are not the same, and that is why we learn the gezeira shava between maaser and cheirem which have the same word.

- **Q:** Once we learn from a gezeira shava from cheirem that maaser may not be sold we should then use the gezeira shava of "havara" from maaser to bechor that bechor may also not be sold!? **A:** The pasuk regarding cheirem says "hu", which is an exclusionary term and excludes bechor.
    - **Q:** Maybe say that it instead excludes maaser? **A:** The Torah uses the term "geulah" regarding cheirem and maaser, so it can't mean to exclude maaser.

- **Rava** said, the "lo yigael" written regarding cheirem is not needed. If the cheirem is in the hands of the owner it is hekdesh and may not be redeemed, and if it has already been given to the Kohen it is considered to be chullin and need not be redeemed. Therefore, the "lo yigael" is not needed for cheirem and we instead darshen it for maaser to teach that it may not be sold.
    - **Q:** Why don't we instead darshen it for bechor to teach that *it* may not be sold? **A:** The Torah writes "geulah" for maaser and cheirem and therefore we say it teaches regarding maaser.
- **R' Ashi** said the "lo yiga'el" written regarding maaser should be understood as if it said "it shall not be sold". We know this from the fact that the pasuk compares maaser to temurah. Temurah can only be done while the animal is alive, which would therefore mean that the maaser may similarly not be sold while it is alive. It certainly can't be sold after it is shechted, because at that point it cannot stand and be evaluated. Therefore, clearly the pasuk must mean that it may not be sold at all. Even according to the view that kodesh for the Mizbe'ach need not be stood and evaluated, we would still say that we don't find anything that cannot be redeemed when alive but can be redeemed when dead. Therefore, it must be that it can't be redeemed when dead either.
    - **Q:** Maybe say that while it is alive its kedusha is too strong to allow redemption, but after its death the kedusha is not as strong and therefore allows for redemption? **A:** We know that redemption takes effect on stronger kedusha, and therefore, if it can't be redeemed with the stronger kedusha it definitely can't be redeemed with the weaker kedusha.
    - **Q:** Why doesn't the Torah simply say "it may not be sold"? **A:** If it would say that, we would think it can't be sold because it makes the maaser chullin, but it may be redeemed, because then at least the money goes to hekdesh. The pasuk therefore says "lo yiga'el", which teaches that it may not be sold or redeemed.