



Daf In Review – Weekly Chazarah

Maseches Bechoros, Daf 11 – Daf 12

This week's Week In Review is being sent l'zecher nishmas R' Avrohom Abba ben R' Dov HaKohen, A"H
vl'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

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- A Braisa says, non-kosher fish produce babies internally whereas kosher fish lay eggs. All creatures that give birth can nurse and all creatures that lay eggs gather food to feed their babies, except for the bat that lays eggs and is still able to nurse. Dolphins can reproduce with humans. **R' Yehuda** explains that dolphins are the "bnei yama" (creatures that are half man and half fish). All creatures whose beitzim are on the outside produce babies internally whereas creatures with beitzim on the inside lay eggs. [Q: We have learned that **Shmuel** said that the goose and the wild goose are kilayim with each other, and **Abaye** explained this is because the wild goose has its beitzim on the outside and the goose has its beitzim on the inside, and yet we know that both of these lay eggs!? A: Rather, the Braisa must mean that male creatures that have their eiver on the outside produce babies internally and those that have them inside lay eggs.] Creatures that have tashmish by day give birth by day and creatures that have tashmish at night give birth at night. Creatures that have tashmish by day and by night give birth by day and by night. An example of a creature that only has tashmish by day is the chicken, that only has tashmish by night is the bat, that has tashmish by day and by night are humans and creatures similar to them.
 - Q: Why is this important to know? A: For the ruling of **R' Mari the son of R' Kahana**, who said that if one checked a chicken's nest on Erev Yom Tov and saw no eggs in it and early the next morning found an egg in it, it is mutar to eat on Yom Tov, because it must have been there before nightfall and he just didn't see it.
 - Q: But if he had checked well how can we say that it was really there!? A: We must say that most of it emerged from the chicken before nightfall and then went back in and then came out during the night. This would be mutar to eat on Yom Tov according to **R' Yochanan**.

The Braisa says, creatures that have tashmish in the same way and have gestation periods of similar times can interbreed and nurse the offspring of each other. All creatures have tashmish with the male's face facing the back of the female's neck, except for 3 creatures that have tashmish facing each other – fish, humans, and snakes.

- Q: Why are these three creatures different? A: **R' Dimi** said that in EY they explain it is because the Shechina spoke to these 3 creatures.
- A Braisa says that camels mate back to back.
- A Braisa says, a chicken lays an egg after 21 days (of having been with the rooster). The comparable among the trees is the Luz tree (whose fruit takes 21 days to develop). A dog has a gestation period of 50 days, and the comparable among the trees is the Tus tree. The pig has a gestation of 60 days and the comparable among the trees is the apple tree. The fox and many sheratzim have a gestation period of 6 months, and the comparable among the trees is grain. A small tavor animal has a gestation period of 5 months and the comparable among the trees is the grapevine. A large non-kosher animal has a gestation period of 12 months and the comparable among the trees is the date tree. A large kosher animal has a gestation period of 9 months and the comparable among the trees is the olive tree. The wolf, the lion, the bear, the leopard, the bardelis, the elephant, the ape, and the monkey have a gestation period of 3 years and the comparable among the trees is the bnos shuach. The "efeh" (a type of snake) can only give birth from when they are 70 years old, and the comparable among the trees is the carob tree. The carob tree, from the time it is planted until the time it bears fruit, is 70 years, although the gestation period of the fruit itself is 3 years. The snake has a gestation period of 7 years, and there is no comparable among the trees for this wicked creature. Some say that the comparable is the "mochsasim".
 - Q: How do we know that this is the length of the gestation period of snakes? A: **R' Yehuda in the name of Rav** said we learn it from the pasuk that says the snake will be cursed more than all

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beheimos and all chayos. This teaches that just as the beheima is cursed 7X more than the chaya – referring to the donkey, whose gestation period is 12 months, which is 7 times more than the cat – so too the snake has a gestation of 7X that of the beheima, which makes it 7 years.

- **Q:** Maybe instead say that just as the chaya is cursed 3X more than the beheima – referring to the lion, which has a gestation period of 3 years, or 3X times that of the donkey – so too the snake is cursed 3X more than the chaya – 3X more than the lion, for a gestation period of 9 years!? **A:** Since the pasuk first says beheima and then chaya, it must mean that the snake is cursed more than the beheima which is cursed more than the chaya.
 - **Q:** Maybe say that it refers to the goat (which has a gestation period of 5 months) that is cursed 3X more than the cat, which would then mean that the snake is cursed 3X that of the goat, for a gestation period of 15 months? **A:** The pasuk says “from *all* the beheimos”, which means it is cursed more than the longest gestation periods of all the beheimos – which is that of the donkey. **A2:** This is a curse and the Torah is teaching that it is the most that can be darshened into the pasuk.
- The Caesar asked **R’ Yehoshua ben Chananya**, how long is the gestation period of snakes? He answered, it is 7 years. The Caesar asked, the sages of Athens mated snakes and they gave birth after 3 years!? **R’ Yehoshua** said, the sages didn’t realize that those snakes were already pregnant for 4 years when they mated them. He asked, pregnant snakes don’t mate and these snakes did (which means they could not have been pregnant)!? **R’ Yehoshua** said, snakes are like humans in that they mate even when pregnant. The Caesar asked, the sages of Athens are smart and surely knew what they were doing!? **R’ Yehoshua** said, we are smarter than them. The Caesar said, if you are smarter, go win them in debate and bring them to me. He asked how many sages there were, and was told there were 60. He told the Caesar to make him a ship with 60 rooms, and each room should have 60 seats. **R’ Yehoshua** then went and tricked a butcher into showing him where the sages of Athens were in hiding, and he showed it to him disguised as a casual worker, because showing others where the hiding place was would otherwise be punishable by death. **R’ Yehoshua** saw that there were guards on the outside preventing people from entering and guards on the inside to prevent the sages from leaving. If footprints were found entering they would kill the outside guards and if footprints were found leaving they would kill the inside guards. **R’ Yehoshua** put on his sandals backwards, making it look like footprints of someone who left, and they killed the inside guards because of that. He then put them on regular and made footprints entering, and they killed the outside guards based on that. He found young sages sitting above and older ones sitting below. He said if I greet the elders first, the young ones will kill me and if I greet the young ones first the older ones will kill me. He went in and said, “Shalom to you”, without directing it to either group. They asked him, what are you doing here? He said, I am from the Jewish sages and want to learn from you. They said, we should learn from you! He said, if you best me you can do to me whatever you want, but if I best you, you must all join me for a meal on a ship. They agreed. They said to him, if a man proposes to a woman but the family does not agree to the marriage, why should he go to an even more prestigious woman to look for a match? **R’ Yehoshua** stuck a nail into the lower part of the wall but it did not penetrate. He then stuck it higher on the wall and it penetrated. He said, the same is with this man – it may be his mazal to find a match with this more prestigious family. They then asked **R’ Yehoshua**, if a man lends money and is not paid back so he must take property from the borrower, why should he go and lend money again? **R’ Yehoshua** said, if a man cuts reeds and can’t lift the bundle and so must wait for help from others, he will continue to cut more so that when the help arrives he will be able to take full advantage of the help. So too, this lender should look for a more trustworthy borrower to be able to profit from. They said to him, tell us a totally untrue statement. He said, there was a male mule that gave birth and the

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baby was born with a note around its neck that said that there was a lien on the father's house for 100,000 zuz. The sages asked, a male mule can't give birth! He said, that is why this is a patently untrue statement. They then asked him, what can one use to preserve salt? He said, with the afterbirth of a male mule. They said, but a male mule doesn't give birth!? He answered, salt doesn't have to be preserved! They said to him, build us a house in the air. He said a Name of Hashem and he was lifted into midair. He told them, give me bricks and cement and I will build it! They then asked him, where is the middle of the world? He pointed to a spot and said "here". They asked him, how can we confirm that you are correct? He said, bring a measuring tool and measure! They then said to him, we have a well in the desert and want you to bring it to the city. He told them, spin me ropes out of bran and I will use it to pull the well here. They said to him, we have a broken millstone that we want you to repair. He said, make me threads of stone and I will use it to stitch the stone. They asked him, how does one harvest a row of knives growing in the field? He said, with the horn of a donkey. They said, a donkey doesn't have horns! He said, knives don't grow in the field! They brought him two eggs and said, tell us which is from the black hen and which is from the white hen. He brought them two cheeses and said, tell me which is from the black goat and which is from the white goat. They asked him, when a chick dies in an egg, where does its spirit leave from? He said, it leaves from the same place that it came in. They said to him, show us a keili that is not worth its depreciation. He unrolled a mat of reeds that was too big to fit into the doorway, and told them to break apart the doorway so that the mat can fit – he said this mat is an example of a keili that is not worth the depreciation that will be done. Having bested the sages of Athens, **R' Yehoshua** brought them each onto the ship, each into his own room. Each one saw that the room had 60 seats and reasoned that the other sages would be joining him (and was therefore comfortable and confident). He then told the captain to set sail, and as they were leaving **R' Yehoshua** took some earth from Athens with him. As they passed a whirlpool he filled a pitcher of water from it. They then went to Rome and he brought the sages to the Caesar. The Caesar saw that they looked like meek and humble men and said these must not be the sages. **R' Yehoshua** took out the earth from Athens and threw it in front of the sages. When they smelled their earth they became arrogant to the Caesar. He told **R' Yehoshua** to do with the sages as he pleased. He took the water from the whirlpool and threw it into an empty barrel and told them "Go fill this barrel and then you can leave". They kept filling it with water and the water was constantly swallowed by the waters of the whirlpool. Eventually their shoulders dislocated and they were destroyed.

----- Daf 9 -----

MISHNA

- If a donkey had never yet given birth and then gave birth to two males, he gives one sheep to the Kohen (he is definitely obligated to do so, even though he doesn't know which one is the true peter chamor). If the donkey gave birth to a male and a female, he separates a sheep to remove the issur of the donkey (in case there is one) and then keeps the sheep for himself.
- If one had two donkeys that had each never given birth and there were two males born from them, he must give two sheep to the Kohen. If there was a male and female born from them or two males and one female, he must give one sheep to the Kohen. If there were two females and one male born from them or two females and two males, the Kohen gets nothing.
- If one has two donkeys – one of which had already given birth and one that had never given birth, and two males were now born from them, he must give one sheep to the Kohen. If a male and a female were born from them, he separates a sheep to remove the issur of the donkey (in case there is one) and then keeps the sheep for himself.

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- The pasuk says “upeter chamor tifdeh v’sseh” – the “seh” may be a sheep or a goat, may be male or female, may be old or young, and may be unblemished or even have a mum. He may even use the seh to redeem many peter chamors. This seh is subject to animal maaser. If it dies, one may have hana’ah from it.

GEMARA

- **Q:** Who is the Tanna who holds that when twins are born only one seh must be given to the Kohen? **A:** **R’ Yirmiya** said it does not follow **R’ Yose Haglili**, because he holds that it is possible for twins to be born at exactly the same time and it is therefore possible that both donkeys are firstborns that must be redeemed. **Abaye** said, **R’ Yose Haglili** only holds that twins can become kadosh as bechors from a kosher animal, because the pasuk there says “hazecharim (plural) laHashem”. However, regarding peter chamor it is only one animal that will need to be redeemed.
 - **Q:** Why don’t we learn peter chamor from the case of the bechor of the kosher animal? **A:** The “hey” of “hazecharim” limits this rule to the bechor of kosher animals.
 - **Q:** According to **R’ Yirmiya** we can understand why the Mishna didn’t give the case of where “the twins had their heads emerge at the same time”. However, according to **Abaye** why didn’t the Mishna give that case? Also, a Braisa clearly says that **R’ Yose Haglili** holds that if two peter chamors are born at the same time they are both subject to the rules of peter chamor and would both need to be redeemed for two sheep and given to the Kohen!? This is a **TEYUFTA** of **Abaye**.
 - **Q:** According to the **Rabanan** who argue on **R’ Yose** it would seem that even contact with just part of the womb can make the firstborn animal kadosh, because when twins are born together neither one touches the entire womb!? **A:** **Rav** said, the donkeys are of the same kind and things of the same kind don’t act as a chatzitza.

ZACHAR UNEKEIVA MAFRISH TLEH...

- The fact that he must separate a seh even though he will be keeping it for himself shows that this must be done to remove the issur from the donkey. We see that until the issur is removed the donkey is assur b’hana’ah.
 - **Q:** Who is the Tanna of the Mishna that holds this way? **A:** It is **R’ Yehuda** of a Braisa, who holds that a peter chamor is assur b’hana’ah. **R’ Shimon** argues and says it is mutar.
 - **Ulla** explains that **R’ Yehuda** holds that since it requires redemption it must be that it is assur until the redemption.
 - **Q:** A human bechor requires redemption and yet it is not assur until the redemption!? **A:** Rather, the reason is that we don’t find anything that the Torah insists must be redeemed with a seh and is mutar before the redemption.
 - **Q:** The Torah doesn’t insist that it must be done with a seh!? In fact, **R’ Nechemya the son of R’ Yosef** would redeem a peter chamor with cooked vegetables that had the value of the donkey!? **A:** We meant that if one doesn’t want to use something equal in value to the donkey, the Torah insists that a seh be used to remove the issur.
 - **Q:** The Torah is very insistent about maaser sheini that it must be redeemed with minted coins and yet there is no issur on the maaser sheini before the redemption, to the point that if the maaser sheini is used for kiddushin the woman is mekudeshes!? **A:** It works for kiddushin based on the reason of **R’ Elazar**, who says that the woman knows she can take the maaser sheini to Yerushalayim and eat it there. That provides benefit and serves as the kiddushin. Similarly, if one used a peter chamor for kiddushin it would make an effective kiddushin, because the woman knows she can redeem it with a seh that is worth less than the donkey and they profit from the value between the donkey and the seh.
 - **Ulla** explains that **R’ Shimon** holds that since the item used for the redemption is mutar it must be that the donkey itself was never assur.
 - **Q:** We find regarding shmittah that the item used for redemption is mutar even though the shmitta itself is assur!? **A:** With regard to shmitta the last item used for the redemption is assur as well.

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- We can say that they argue in the drasha of the pasuk. A Braisa says, **R' Yehuda** says the pasuk says “lo saavod b'bechor shorecha” which teaches that one may work with a bechor owned in partnership with a goy, and “v'lo saguz bechor tzonecha” teaches that one may shear the wool of a bechor owned in partnership with a goy. **R' Shimon** says, the pasuk says “lo saavod b'bechor shorecha” which teaches that one may work with a human bechor, and “v'lo saguz bechor tzonecha” teaches that one may shear a firstborn donkey. This is why **R' Shimon** holds it is mutar b'hana'ah and **R' Yehuda** holds it is assur.
 - **Q:** According to **R' Yehuda**, why are both these pesukim needed to teach the same ruling? Also, according to him shall we say that it is assur to benefit from a human bechor!? **A:** Rather, all agree that “shorecha” comes to teach that a human bechor is mutar b'hana'ah. The machlokes is regarding “tzonecha”. **R' Yehuda** holds that a bechor owned in partnership with a goy is subject to the laws of bechor, and we therefore need a pasuk to teach that it is mutar to work and shear this bechor. **R' Shimon** holds that a bechor owned in partnership with a goy is not subject to the laws of bechor, and the pasuk is therefore not needed to teach that such a bechor is mutar b'hana'ah. Rather, it must be teaching that a peter chamor is mutar b'hana'ah.
 - **Q:** According to **R' Shimon**, why does the pasuk need to use the possessive of “your” (shorecha and tzonecha)? This remains a KASHYEH.
- **Rabbah** said, **R' Shimon** would agree that if the donkey is decapitated (which must be done if it is not redeemed) it becomes assur. This is based on a gezeira shava from eglah arufah. **Rabbah** said this can be proven from a Braisa which lists a number of assur items – orlah, klayim of the vineyard, shor haniskal, eglah arufa, metzorah birds, peter chamor, and basar b'chalav, and the **T”K** says they are subject to food tumah whereas **R' Shimon** says they are not, except for basar b'cholov, because that was at least mutar at one point (before they were cooked together). **R' Assi in the name of R' Yochanan** explained, that **R' Shimon** darshens the pasuk of “mikol ha'ochel asher yei'acheil” to teach that food that can be given to goyim to eat can become tamei with food tumah, but food that cannot be given to a goy to eat (because it is assur b'hana'ah) is not subject to food tumah. [**Q:** If **R' Yochanan's** reason is correct, why does **R' Shimon** say that meat cooked in milk could become tamei with food tumah because it had a moment of fitness? According to **R' Yochanan** the reason is that **R' Shimon** holds in a Braisa that meat cooked in milk is mutar b'hana'ah!? **A:** The Braisa means to give a second reason as to why it can become tamei with food tumah – first, it is mutar b'hana'ah, and second, it had a moment of fitness before it became assur.] Now, since **R' Shimon** doesn't say that the peter chamor is subject to food tumah after it is decapitated it must be that he holds it is assur b'hana'ah!
 - The Gemara says this is not a valid proof, because the case is that he did not have intention to use the donkey meat as food (such meat is usually not eaten) and that is the only reason it is not subject to food tumah.

----- Daf 10 -----

- The Gemara explained the view of **R' Shimon** of a Braisa where he says that peter chamor is not subject to food tumah even after it was decapitated. The Gemara first wanted to say it is because he holds it is assur b'hana'ah. The Gemara then said, it may be that he holds it is mutar, and the reason it is not subject to food tumah is because the case is that he never intended to use it as food.
 - **Q:** That would mean that the **Rabanan** who argue on **R' Shimon** and say that it is subject to food tumah, hold that way even though he did not intend to use it as food!? **A:** The **Rabanan** said to **R' Sheishes**, they hold that the fact that it is assur is what serves as the intention to make it subject to food tumah.
 - **Q:** A Mishna says that there are 13 things that were said about the neveila of a kosher bird, one of which is that it requires intention to make it subject to food tumah and does not need hechsher. Now, if the **Rabanan** hold that the fact that it is assur is considered to be the

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intention, why does this neveila need intention to make it subject to food tumah!? **A:** The Tanna of that Mishna is **R' Shimon**, who holds that the issur is not considered to be the intention.

- **Q:** A Mishna says that the neveila of a tamei animal, and of a kosher bird, and the cheilev of a kosher animal in the villages require intent to make them subject to food tumah. Now, if the **Rabanan** hold that the fact that it is assur is considered to be the intention, why do these items of neveila need intention to make them subject to food tumah!? **A:** The Tanna of that Mishna is **R' Shimon**, who holds that the issur is not considered to be the intention.
- **Q:** The same Mishna says, the neveila of a kosher animal anyplace, and the neveila of a kosher bird and fats in the markets do not need intent to make them subject to food tumah and do not require hechsher. This implies that the neveila of a non-kosher animal would require intent and we do not say that the issur is considered to be the intent!? You can't say that the Tanna of this part of the Mishna is **R' Shimon**, because the Mishna afterwards quotes the view of **R' Shimon** that a camel, arneves, shafan, and pig all don't require intent or hechsher, because they all have one of the two kosher signs!? **A:** Rather, **Rava** said that **R' Shimon and the Rabanan** all agree that we do not say that the issur is considered to be the intent, and everyone agrees that if the peter chamor is decapitated from the back of the neck it does not become subject to food tumah, because the owner did not intend to use it as food. The case that we are dealing with is where the donkey was shechted as practice for a shochet, and they argue whether or not such a shechita gives the donkey the status of food. In fact, this point seems to be the point of machlokes between **Nimus and R' Elazar** in a Braisa.

- The Gemara says, it may be that this is actually not the point of machlokes between **Nimus and R' Elazar**, and therefore it may be that this is also not the point of machlokes between **R' Shimon and the Rabanan**.

- **Q: Abaye** asked (on **Rabbah's** view that **R' Shimon** says the peter chamor is assur b'hana'ah after the decapitation), a Braisa says, if the owner does not want to redeem the peter chamor he must decapitate from behind with a cleaver and **R' Yehuda** says it must be buried and is assur b'hana'ah. **R' Shimon** says it is mutar!? **A:** Change the Braisa to say that **R' Yehuda** says it is assur b'hana'ah when it is alive and **R' Shimon** says it is mutar. However, even he would agree that once it is decapitated it is assur b'hana'ah.
 - **Q:** The later part of the Braisa discusses when the animal is still alive and says that **R' Yehuda** says it is assur to be worked and to be sheared and **R' Shimon** says it is mutar. That means that the earlier part of the Braisa is not discussing when the animal is still alive!? **A:** Both cases are talking about when the animal is alive. The first case is talking about having hana'ah from its value and the second case is talking about having hana'ah from its body. If we had only said the first case we would think that **R' Shimon** would agree in the second case, and if we only said the second case we would think that **R' Yehuda** agrees in the first case. That is why both are necessary.
- **R' Nachman in the name of Rabbah bar Avuha** also said that **R' Shimon** agrees that after the peter chamor is decapitated it is assur b'hana'ah. **R' Nachman** said, I know this from a Braisa. The Braisa learns a gezeira shava from eglah arufa that just as that is assur b'hana'ah after decapitation, the same is true for the peter chamor. This Braisa can't be the view of **R' Yehuda**, because he holds it is assur even while it is alive! Rather, it must be the view of **R' Shimon**! **R' Sheishes** said to **R' Nachman**, **R' Safra** has said that the Braisa can actually follow the view of **R' Yehuda** and the reason he needs to learn from eglah arufah that it is assur is because we would think that the decapitation of the peter chamor is in place of the redemption, and just as it is mutar after the redemption it is also mutar after the decapitation. The Braisa therefore teaches that it is not.
 - **R' Nachman** said, I can prove my view from a Braisa taught by **Levi** which says that the reason a peter chamor must be decapitated if it is not redeemed is because this owner caused a loss to the Kohen by not redeeming it with a seh, so therefore he is forced to take a loss as well. Now, this Braisa can't be following **R' Yehuda**, because he holds that the owner has the loss even before the decapitation (it is assur even when it is alive)! Rather, it must follow **R' Shimon** and this shows that he agrees that it becomes assur b'hana'ah after decapitation!

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- The Gemara says, we can say that the Braisa follows **R' Yehuda** and the Braisa refers to the loss between the value of the donkey and the value of the seh that could have been used to redeem it, and we can say that the Braisa follows **R' Shimon** and the Braisa is referring to the depreciation in value caused by the death of the animal (but it may be that he holds that it is still mutar even after the decapitation).
- **Reis Lakish** also said that **R' Shimon** agrees that after the peter chamor is decapitated it is assur b'hana'ah. **R' Yochanan** (or **R' Elazar**) said that **R' Shimon** holds it is mutar even after decapitation.
- **Others** say that **R' Nachman's** statement was made regarding a Mishna that says that if one uses a peter chamor for kiddushin the woman is not mekudeshes. Must we say that the Mishna doesn't follow **R' Shimon** (who says that a peter chamor is mutar b'hana'ah)? **R' Nachman in the name of Rabbah bar Avuha** said, the Mishna is referring to after the donkey was decapitated and can therefore even follow the view of **R' Shimon**.
 - **Others** say that the question on the Mishna is that it seems not to follow **R' Yehuda** or **R' Shimon**, because according to **R' Shimon** the entire thing is mutar b'hana'ah and can be used for kiddushin and according to **R' Yehuda** the difference in value between the value of the donkey and of the seh should be able to be used for kiddushin!? **Rabbah bar Avuha in the name of Rav** said, the Mishna follows the view of **R' Yehuda**, and the case is where the donkey is only worth a shekel and the Mishna holds like **R' Yose the son of R' Yehuda** who says that the seh must be worth at least one shekel. We see this in a Braisa which says that the pasuk says "tifdeh" twice to teach that the redemption may take place immediately when the donkey is born and may be done with a seh worth any amount. **R' Yose the son of R' Yehuda** says it must be worth at least one shekel.
 - **Q:** Why would we think it could not be redeemed immediately or cannot be done with a seh that is worth any amount? **A:** We would think that since there is a hekesh between peter chamor and a human bechor we should say that just as a human bechor is only redeemed after 30 days and with a value of 5 sela'im the same is true for peter chamor.
 - **Q:** What does **R' Yose the son of R' Yehuda** hold? If he holds of the hekesh to a human bechor he should require a value of 5 sela'im and if he does not hold of the hekesh why does he even require a shekel of value? **A:** He does not hold of the hekesh. **Rava** explains, he learns from the pasuk of "v'chol erkicha yihyeh b'shekel hakodesh" that all valuations for redemption must be for at least a shekel. The **Rabanan** say that pasuk refers only to an eirech vow, not to peter chamor.
 - **R' Nachman** said, the halacha follows the **Rabanan**.
 - **Q:** How much is "any amount"? **A:** **R' Yosef** said, even a thin seh worth one sixth of a zuz may be used. **Rava** said, this can be seen from our Mishna as well, which says that a large or small seh may be used.
 - **Q:** It is obvious that a thin seh can be used, since it is "any amount"! **A:** We would have thought that a sixth of a zuz is too little. Or we would have thought that a thin, unhealthy seh may not be used. **R' Yosef** therefore teaches that it may be used.

----- Daf 11 -----

- **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.

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- **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.
 - The 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 peter 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).

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- **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 maser, 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 tell 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.

----- Daf כ’---12-----

MISHNA

- We may not redeem a peter chamor with a calf, with a chaya, with a shechted animal, with a treifa, with an animal of kilayim (i.e. the father is a goat and the mother is a sheep, both of which are a seh), or with a koy. **R’ Eliezer** says it is mutar to redeem with kilayim because it is a “seh”, but is assur to redeem with a koy because that is a safek (it may be a chaya).
- If the peter chamor itself was given to the Kohen without redeeming it, the Kohen may not keep it until he separates a seh in its place.

GEMARA

- Our Mishna follows **Ben Bag Bag**, who says in a Braisa that we learn a gezeira shava on the word “seh” from Korbon Pesach, which teaches that just as the Korbon Pesach may not be brought from any of the animals listed in the Mishna, the redemption of a peter chamor may not be done with any of these animals either. If so, maybe say that just as the Korbon Pesach must be a male, without a mum, and within its first year, the same should be

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for the seh used to redeem the peter chamor? The pasuk therefore says “tifdeh” twice, which teaches to include a seh that doesn’t have these characteristics. Maybe we should say that the double “tifdeh” should teach to include the animals listed in the Mishna as well? If so, the gezeira shava wouldn’t be coming to teach anything.

- **Q:** May a peter chamor be redeemed with a seh that is a ben pakuah? According to **R’ Meir** this is not a question, because he holds that it is a full-fledged seh, as he says that it requires its own shechita. The question is according to the **Rabanan**, who say that it doesn’t need its own shechita – do we say it is like shechted meat that may not be used for redemption, or do we say that since it currently runs around it is called a seh and may be used? **A: Mar Zutra** said it may not be used and **R’ Ashi** said it may be used.
 - **R’ Ashi** asked **Mar Zutra**, if your reasoning is that you learn from the Korbon Pesach, you should require that the seh must be a male, without a mum, and within its first year!? **Mar Zutra** said, the pasuk says “tifdeh” twice, which teaches to include a seh that doesn’t have these characteristics. **R’ Ashi** asked, maybe we should say that the double “tifdeh” should teach to include a ben pakuah as well? **Mar Zutra** said, if so, the gezeira shava wouldn’t be coming to teach anything.
- **Q:** May a peter chamor be redeemed with a mutated seh (its parents are of one species but it looks like a different species)? According to **R’ Eliezer** this is not a question, because he holds that even kilayim can be used, so a mutated animal can surely be used. The question is according to the **Rabanan** – is it only kilayim that may not be used but a mutated animal can be used or is there no difference? **A:** A Braisa says, if a cow gives birth to an animal that looks like a goat it may not be used for redemption. This implies that if a sheep gives birth to something that looks like a goat it could be used for redemption. Who is the Tanna of this Braisa? It can’t be **R’ Eliezer**, because he even allows kilayim to be used! Rather, it must be the **Rabanan** and we see that a mutated animal may be used!
 - The Gemara says this is not a valid proof. The Tanna may be **R’ Eliezer** and he is teaching that we don’t follow the appearance of the child, but rather the species of the mother.
 - **Q:** Maybe we can answer from a Braisa taught by **Rabbah bar Shmuel** which says, “What is kilayim? It is an offspring of two sheep that looks like a goat”. Now, that is not kilayim – that is a case of a mutated animal!? Rather, the Braisa must mean to say – what is similar to kilayim and is treated like kilayim by the **Rabanan**? It is an offspring of two sheep that looks like a goat. We see that a mutated animal is treated like kilayim! It can’t mean it is treated like kilayim for purposes of korbanos, because a Braisa teaches that the pasuk that teaches that kilayim may not be brought as a korbon also teaches that a mutated animal may not be brought!? It can’t mean it is treated like kilayim for purposes of bechor, because the pasuk of “ach bechor shor” teaches that a mutated animal is not subject to bechor! It can’t mean it is treated like kilayim for purposes of maaser, because a kilayim and a mutated animal are both patur from maaser based on a teaching of “tachas” from korbanos! Rather, it must mean it is treated like kilayim for purposes of peter chamor! We see that a mutated animal may not be used to redeem a peter chamor! **A:** It may be that the Braisa means to teach regarding maaser in a case where the offspring looks at least a little bit like the mother. We would have thought to learn from bechor and say that in that case it would be chayuv. The Braisa therefore teaches that we instead learn from korbanos and it is excluded from maaser as well.
- **Q:** May a peter chamor be redeemed with a passul korbon? According to **R’ Shimon** who says that a peter chamor is mutar b’hana’ah it is not a question, because he holds it is fully chullin and a passul korbon can certainly be used to redeem it. The question is according to **R’ Yehuda** who holds that a peter chamor is assur b’hana’ah – do we say that since it is assur b’hana’ah there is an issur and this issur cannot then be placed on the issur of a passul korbon, or do we say that since the issur of the peter chamor never takes hold onto the seh the redemption is simply removing the issur and not taking it on, and therefore it may be used? **A: R’ Mari in the name of R’ Kahana** said, the pasuk regarding a passul korbon says “katzvi v’cha’ayul”, which teaches that just as a deer and an ayul may not be used for redemption, the same is true regarding passul korbanos.

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- Based on this answer we will say that even according to **R' Shimon** a passul korbon cannot be used for this reason.
- **Q:** May a peter chamor be redeemed with an animal that was purchased with shmitta produce? Regarding a definite peter chamor there is no question that it can't be used, because the Torah says that anything purchased with shmitta produce must be "eaten", which teaches that it may not be used in commerce (e.g. a redemption). The question is regarding a safek peter chamor (in which case the owner keeps the she). Even then it is not a question according to **R' Shimon**, because he holds that a safek peter chamor does not have to be redeemed at all. The question is according to **R' Yehuda**, who holds that it must be redeemed – do we say that since he will be keeping the seh it is called "for eating" or do we say that since until he redeems it the donkey is assur, even the redemption of a safek is considered to be "commerce"? **A: R' Chisda** has said that an animal purchased with shmitta produce may not be used to redeem a definite peter chamor, but may be used to redeem a safek peter chamor.
 - **R' Chisda** said, an animal purchased with shmitta produce is patur from bechor and is chayuv in "the gifts" (the zero'ah, lechayayim, and keiva must be given to a Kohen). It is patur from bechor, because such an animal must be "eaten" and parts of a bechor are burned on the Mizbe'ach and are not eaten. It is chayuv in the gifts, because the Kohen eats the gifts and the animal will therefore still be "eaten".
 - **Q:** A Mishna says that a shmitta dough is chayuv in challah. Now, according to **R' Chisda** it should be patur since if it becomes tamei it would have to be burned!? **A:** The case of challah is different, because the pasuk regarding it says "l'doroseychem", which teaches that it applies at all times, even during shmitta. A Braisa gives this reason as well.
 - **Q:** Why don't we learn from challah that an animal purchased with shmitta produce should be subject to bechor as well? **A:** Challah is not meant to be burned, and is only burned if it becomes tamei. A bechor is always burned on the Mizbe'ach. Therefore, they are different.

NESANO LA KOHEN...

- A Braisa says this as well. The Braisa says, if a Yisrael has a peter chamor and a Kohen asks for the donkey and says that he will redeem it, the Yisrael may not give it to the Kohen unless the Kohen redeems it in front of him.
 - **R' Nachman in the name of Rabbah bar Avuha** said, we see from here that Kohanim are suspect regarding peter chamor.
 - **Q:** This is obvious!? What is he teaching us? **A:** We would have thought that that is only true for a Kohen who is established as having a presumption of being suspect. **R' Nachman** teaches that this applies to all Kohanim.

MISHNA

- If someone separated a seh for redemption of a peter chamor and the seh then died before being given to the Kohen, **R' Eliezer** says the owner remains responsible for the seh just as he would be responsible for the 5 sela'im for a human bechor that he remains responsible for until they reach the hands of the Kohen. The **Chachomim** say the owner does not remain responsible just like the owner of maaser sheini is not responsible for the money used for redemption if it is lost.
 - **R' Yehoshua and R' Tzadok** testified regarding a seh used for redemption of a peter chamor where the seh then died before being given to the Kohen, that the Kohen has no claim whatsoever.
- If the peter chamor itself died (after the seh was separated but before it was given to a Kohen), **R' Eliezer** says the peter chamor must be buried and the Yisrael is mutar to have hana'ah from the seh. The **Chachomim** say it need not be buried and the seh must be given to the Kohen.

GEMARA

- **R' Yosef** said, **R' Eliezer's** view is based on the pasuk of "ach padoh sifdeh..." which creates a hekesh between redemption of a human bechor and of a peter chamor – just as he remains responsible for the money used for

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redemption of a human bechor, so too he remains responsible for the seh used for redemption of a peter chamor.

- **Q: Abaye** asked, if we make this hekesh we should also say that just as a human bechor is mutar b'hana'ah even before his redemption the same should be true for a peter chamor, yet our Mishna says that if the peter chamor dies **R' Eliezer** says it must be buried, which presumably means it is assur b'hana'ah!? **A:** It says it must be buried because of its comparison to a human bechor – not because it is assur b'hana'ah.
 - **Q:** Is it only a human bechor that needs kevrurah, but other humans do not!? Also, a Braisa clearly says that **R' Eliezer** says that if a Yisrael has a safek peter chamor he must separate a seh for it but then keeps the seh. This shows that the peter chamor is assur b'hana'ah before the redemption!? **A:** Rather, **Rava** said, the pasuk says “ach padoh sifdeh”, which teaches that the hekesh was only made with regard to the redemption, not for other things.
- **Q:** A Braisa says, eirechin are evaluated at their time of making, a human bechor is redeemed after 30 days, and a peter chamor is redeemed immediately. However, another Braisa says that eirechin, pidyan haben, nezirus, and peter chamor are never less than 30 days!? **A: R' Nachman** said, the first Braisa means that if it was done earlier than 30 days it is valid b'dieved.
 - **Q:** That would seem to mean that if a human bechor was redeemed before 30 days it would not be effective, even b'dieved. However, we have learned that **Rav** says it is effective!? **A: Rav** was talking about where he gave the money within the 30 days and said it should not take effect until after the 30 days. However, if he said it should take effect within the 30 days all would agree that it is not effective. **R' Sheishes** said that there is a mitzvah to redeem it immediately, but one is not oiver anything until 30 days have passed.
 - **Q: Rami bar Chama** asked, a Braisa says the mitzvah is all 30 days, from then on he must either redeem it or decapitate it. Presumably, this means that one is required to wait for 30 days before redeeming!? **A:** The Braisa means that there is a mitzvah to redeem it during the first 30 days.
 - **Q:** If so, the Braisa should say that after the 30 days he must either redeem it or be oiver!? **A:** Rather, **Rava** said, this Braisa of **Rami bar Chama** follows **R' Eliezer** who darshens the hekesh between peter chamor and a human bechor, whereas the other Braisa does not hold of that hekesh.

MISHNA

- If one doesn't want to redeem the peter chamor he must decapitate it from the back of the neck and bury it.
- The mitzvah of redeeming it takes precedence over the mitzvah of decapitating it, as the pasuk says “v'ihm lo sifdeh va'arafto”.
- The mitzvah of “yi'ud” (the master or his son marrying a Jewish maidservant) takes precedence over the mitzvah of redeeming her, as the pasuk says “asher lo ye'ada v'hefda”.
- The mitzvah of yibum takes precedence over the mitzvah of chalitza – this is how it was originally, when they would intend solely for the mitzvah. However, now, when people don't only have intent for the mitzvah, the **Rabanan** have said that the mitzvah of chalitza takes precedence over the mitzvah of yibum.
- The mitzvah of the owner redeeming his item from hekdesch takes precedence over the mitzvah of anyone else to redeem it, as the pasuk says “v'ihm lo yiga'el v'nimkar b'erkecha”.

HADRAN ALACH PEREK HALOKE'ACH UBER CHAMORO!!!

----- Daf 13 -----

PEREK KALOKE'ACH UBER PARASO -- PEREK SHEINI

MISHNA

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- If one buys a firstborn fetus of a goy's cow, or if one sells his cow's firstborn fetus to a goy even though he may not do so, or if one enters into a partnership with a goy for an animal, or if one cares for the animal of a goy (in exchange for a share of the offspring), or if one gives his animal to be cared for by a goy (in exchange for the goy receiving a share of the offspring), the firstborn is patur from bechor, as the pasuk of bechor says "Yisrael" which teaches that it does not apply to goyim.
- Kohanim and Levi'im are chayuv in the halachos of bechor of kosher animals, because they are not patur from bechor of kosher animals, only from pidyon haben and peter chamor.

GEMARA

- **Q:** Why does the Mesechta first discuss peter chamor and only now begin to discuss the bechor of kosher animals? It would seem to make more sense to first discuss the bechor of kosher animals, which get physical kedusha, and then to discuss peter chamor, which only gets monetary kedusha!? **A:** In EY they said, it is either because peter chamor is beloved as taught by **R' Chanina** (because the donkey helped the Yidden take all the spoils out of Mitzrayim), or it is because the halachos of peter chamor are few and so the Tanna wanted to teach them and finish with them before embarking on the longer subject of the bechor of a kosher animal.
- **R' Yitzchak bar Nachmeini in the name of Reish Lakish in the name of R' Oshaya** said, if a Yid gave money to a goy to buy his animal, it is judged according to the goy's laws and he is therefore koneh even though he did not do a meshicha. Therefore, the animal becomes immediately subject to bechor. If a goy gave money to a Yid to buy his animal, it is judged according to the goy's laws and he is therefore koneh even though he did not do a meshicha. Therefore, the animal becomes immediately patur from bechor.
 - **Q:** What does it mean "according to their laws" in the case of the Yid buying from the goy? It can't mean that since we can be koneh a non-Jewish slave with money we can also be koneh their other assets with money based on a kal v'chomer – if we can be koneh themselves with money we can certainly be koneh their other assets with money – because if that is true we should also be able to be koneh their other assets with shtar and chazaka!? Also, a Yid can be koneh a Jewish slave with money and yet other moveable assets can only be koneh with meshicha!? **A:** Rather, **Abaye** said we learn it from a pasuk. The pasuk of meshicha says "oy kanah miyad amisecha", which teaches that meshicha only applies between Yidden (amisecha), but for goyim a kinyan is made with money.
 - **Q:** Maybe say that the pasuk means there is no kinyan from a goy other than actually bringing it into your possession? **A:** That can't be, based on a kal v'chomer – if we can be koneh the goy himself with a kinyan, we can certainly be koneh his assets with a kinyan.
 - **Q:** Maybe we should say that to be koneh from a goy one must give money *and* do meshicha? **A:** We can be koneh the goy himself with only money, so a kal v'chomer would say that we don't need two kinyanim to be koneh his assets.
 - **Q:** Maybe when buying from a goy one can use either meshicha or money – why do you say that only money is effective? **A:** Buying from a goy is like buying from "amisecha" – just like buying from a Yid has one kinyan (meshicha) so too buying from a goy has only one kinyan.
 - **Q:** What does it mean "according to their laws" in the case of the goy buying from the Yid? It can't mean that since a goy can be koneh a Jewish slave with money he can also be koneh their other assets with money based on a kal v'chomer – if he can be koneh themselves with money he can certainly be koneh their other assets with money – because this is refuted by the fact that a Yid can also be koneh a Jewish slave with money and yet can't be koneh his other assets except with meshicha!? **A:** Rather, **Abaye** said we learn it from a pasuk. The pasuk of meshicha says "v'chi simkiru mimkar laamisecha", which teaches that meshicha only applies between Yidden (amisecha), but for goyim a kinyan is made with money.
 - **Q:** Maybe say that the pasuk means there is no kinyan for a goy other than actually bringing it into his possession? **A:** That can't be, based on a kal v'chomer – if he can be koneh the Yid himself with a kinyan, he can certainly be koneh his assets with a kinyan.

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- **Q:** Maybe we should say that to be koneh the goy must give money *and* do meshicha? **A:** He can be koneh the Yid himself with only money, so a kal v'chomer would say that he doesn't need two kinyanim to be koneh his assets.
- **Q:** Maybe when buying from a Yid he can use either meshicha or money – why do you say that only money is effective? **A:** Buying for a goy is like buying for “amisecha” – just like buying for a Yid has one kinyan (meshicha) so too buying for a goy has only one kinyan.
- **Q:** According to **Ameimar** who says that meshicha is a valid kinyan when dealing with a goy, that makes sense according to **R' Yochanan** who says that only money is koneh D'Oraisa, not meshicha, so when the Torah says “amisecha” it is not referring to meshicha. However, according to **Reish Lakish** who says that the pasuk refers to meshicha, if meshicha works by a goy also why does the pasuk say “amisecha”? **A:** It teaches that one only need return any ona'ah to a Yid, not to a goy.
 - **Q:** We already know that from the pasuk of “ahl tonu ish es achiv”!? **A:** We need one pasuk to teach that ona'ah does not have to be returned to a goy and another pasuk to teach that it does not have to be returned to hekdesch. If we only had one pasuk we would say that it teaches that there is no ona'ah by a goy. That is why both pesukim are needed.
- **Q:** A Braisa says, if a Yid bought silver scraps from a goy and then realized that among the scraps there was an avoda zara, if he had done meshicha but had not yet given payment, he should give it back to the goy. If he already gave payment before the meshicha, he must destroy it. Now, if as **R' Oshaya** holds that money is a kinyan for goyim, why do we care whether a meshicha was done? In the second case he should be koneh even if no meshicha was done!? **A:** The Braisa is talking about where they accepted on themselves to use the Jewish rules of kinyan.
 - **Q:** If so, why do we need money to be given to effect the kinyan? Meshicha alone should be enough!? **A:** The Braisa means to say, even if money was given it is irrelevant, because it all depends on whether meshicha was done or not.
 - **Q:** If they are following the Jewish rules of kinyan, why in the first case may he return the avoda zara after the meshicha was done? **A:** **Abaye** said, that is because the purchase of the avoda zara was a “mekach ta'us”.
 - **Q:** **Rava** asked, is the second case not a “mekach ta'us”? Why is the halacha different? **A:** Rather **Rava** said, in both cases it is a “mekach ta'us”. However, in the first case, since he did not give payment, it does not look like the Yid is selling the avoda zara back to the goy. In the second case, since he gave money, when he gives back the avoda zara and takes back money, it looks like he is selling avoda zara to the goy and it is therefore assur. **Abaye** said, when he doesn't give money it is a mekach ta'us, because he is not expected to have inspected the items to see if there was an avoda zara there. When he gave the money he was expected to have done so and that is why it is not called a mekach ta'us.
 - **R' Ashi** said, since meshicha is not effective in the first case it is also not effective in the second case. The only reason that meshicha is mentioned in the second case is because it is mentioned in the first case.
 - **Ravina** said, since meshicha is effective in the second case it is also effective in the first case. The first case of the Braisa should be understood as saying that if he had not yet paid and *had not yet done meshicha* he may go back on his word when he committed to buy these items.

----- Daf 7'---14-----

MISHNA

- All kodashim animals that had a permanent mum before they were made kodesh and were then redeemed are subject to the laws of bechor and of “the gifts”, they return to their chullin status as being permitted to be shorn and to be put to work, their offspring and their milk become mutar – all this is true after it was redeemed – one

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who shechts them outside the Azarah is patur, they can no longer be subject to temurah, and they may even be redeemed after they die. This applies to all kodashim animals except a bechor and maaser.

- All kodashim animals that got a permanent mum after they were made kadosh or got a temporary mum even before they were made kadosh and were then redeemed, are not subject to the laws of bechor and of “the gifts”, they do not return to their chullin status as being permitted to be shorn and to be put to work, their offspring and their milk do not become mutar, one who shechts them outside the Azarah is chayuv, they can still be subject to temurah, and if they die they must be buried.

GEMARA

- The Mishna says they become subject to bechor and the gifts only because they were redeemed. It implies that if they were not redeemed they would be patur from bechor and the gifts. The Mishna must hold that monetary kedusha is enough to prevent an animal from being subject to bechor and to the gifts.

V'YOTZIN LACHULLIN...

- The reason that they may be shorn and worked is that they were redeemed. This implies that if they were not redeemed they would be assur to be shorn and worked. This supports **R' Elazar**, who says that even kadshei bedek habayis are assur to be shorn or worked.
 - The Gemara says this is no proof. It may be that the Mishna is discussing animals with monetary kedusha whose value will be used for the Mizbe'ach. It is such animals that we are concerned will lead to confusion with animals with physical kedusha for the Mizbe'ach, and that is why the **Rabanan** are goizer in this case. However, it may be that animals of bedek habayis are not assur to be shorn or worked at all.

VLADAN VACHALAVAN MUTAR...

- What is the case? If the offspring were conceived and born after the redemption it is obvious that they are mutar, because at that point the animals were fully chullin!? Rather, it must be that they were conceived before the redemption and were born after the redemption. This would suggest that if they were born before the redemption they would be assur until the offspring themselves are redeemed as well.
 - **Q:** Can these offspring be redeemed even if they don't have a mum or only once they have a mum? **A:** A Braisa clearly says that since the mother did not have physical kedusha the offspring can be redeemed without having a mum of its own, so that the “tafel” (the offspring) not be treated more stringently than the “ikar” (the mother).
 - This suggests that if not for this reason it would get full kedusha. This supports **Rava** who says that if one gives an unblemished male ram for its monetary value it would get physical kedusha.

V'HASOCHTAN BACHUTZ PATUR

- **R' Elazar** had a version of the Mishna that said that one is chayuv for offering this animal with the mum outside the Azarah and said it refers to one who offered it on a private bamah. For we find that **R' Elazar** said, how do we know that one who shechts an animal with a mum on a private bamah at a time when private bamos may be used, that he is oiver a lo saasei? It is based on the pasuk of “lo sizbach laHashem Elokecha shor vaseh”. This is not needed to teach regarding a public bamah, because we have another pasuk that says “averes oy shavur...”. Therefore, this pasuk must be teaching regarding a private bamah.
 - **Q:** Maybe instead say that if the pasuk of “lo sizbach” is not needed for a regular korban it comes to teach regarding a bechor that it may not be offered on a public bamah if it has a mum? We would have thought that since a bechor is kadosh even when it has a mum it can be offered even when it has a mum and the pasuk is therefore needed to teach that it may not be offered!? **A:** There is a pasuk that specifically already says this regarding a bechor – “pise'ach oy iveir...lo sizbachenu”.
 - **Q:** Maybe instead say that if the pasuk of “lo sizbach” is not needed for a regular korban it comes to teach regarding animal maser, that it may not be offered on a public bamah if it has a mum? We would have thought that since maaser is kadosh even when it has a mum it can be offered even when it has a mum and the pasuk is therefore needed to teach that it may not be offered!? **A:** We learn maaser from bechor that it may not be offered with a mum, so the pasuk is not needed for that.

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- **Q:** Maybe instead say that if the pasuk of “lo sizbach” is not needed for a regular korbon it comes to teach regarding a temurah that it may not be offered on a public bamah if it has a mum? We would have thought that since a temurah is kadosh even when it has a mum it can be offered even when it has a mum and the pasuk is therefore needed to teach that it may not be offered!? **A:** The pasuk regarding temurah says “v’haya hu usmuraso”, which creates a hekesh between the initial korbon and the temurah, which teaches that just as the initial korbon may not be offered when it has a mum, the same is true for the temurah. Therefore, the pasuk is not needed for that.
- **Q:** **R’ Zeira** asked, maybe instead say that if the pasuk of “lo sizbach” is not needed for a regular korbon it comes to teach regarding the offspring of a korbon that it may not be offered on a public bamah if it has a mum? We would have thought that since it becomes kadosh even when it has a mum based on the kedusha of its mother, it can be offered even when it has a mum and the pasuk is therefore needed to teach that it may not be offered!? **A:** **Rava** said, the **Tana Divei R’ Yishmael** already set the rule from a pasuk – “rak kadashecha” refers to the temurah, “asher yihyu lecha” refers to the offspring, “undarecha” creates a hekesh to a neder and teaches that just as a neder may not be offered with a mum, so too these may not be offered when they have a mum.

V'EIN OSIN TEMURAH

- This is based on the pasuk of “lo yachlifenu v’lo yamir oso tov b’rah oy rah b’tov”. Now, if a bad animal may not be replaced with a good one, it is obvious that a good one may not be replaced with a bad one! Rather, the pasuk means to say that if the animal is “good” in the beginning (i.e. it doesn’t have a mum) it can create a temurah, but if it is “bad” (it has a mum) in the beginning it cannot create a temurah.

IHM MEISU YIPADU

- **R’ Yehuda in the name of Rav** said, this is the view of **R’ Shimon**, who says only kodshei Mizbe’ach must stand and be assessed before being redeemed, but kodshei bedek habayis don’t have that requirement. He says this in a Mishna where he argues with the **Chachomim**, but the Mishna says that he agrees that even kodshei Mizbe’ach that had a mum when it was made kadosh does not have this requirement, because the pasuk says “osah”, which excludes an animal with a mum from the very beginning from having this requirement.
 - The **Chachomim** say that such an animal would have to be buried (it cannot be redeemed because it cannot stand and be assessed). The view of these **Chachomim** is the view of the **Tanna Divei Levi**, who teach a Braisa that even an animal with a mum from the very beginning is subject to this requirement.
 - **Q:** This suggests that the **Chachomim** that argue with **R’ Shimon** in the Mishna would hold that if an animal had a mum before it was made kadosh and then died it may still be redeemed. If so, instead of **R’ Yehuda in the name of Rav** saying that the Mishna follows the view of **R’ Shimon**, he should say that it follows the view of **R’ Shimon** and the **Chachomim** who argue with him!? **A:** **Rav** holds like **Reish Lakish** who said that the requirement that the animal be able to stand and be assessed in order to be redeemed only applies to bedek habayis and not to kodshei Mizbe’ach. Therefore, our Mishna can’t follow this **Rabanan**, because it says that kodshei Mizbe’ach that died must be buried.
 - **Q:** Maybe the reason the Mishna says it must be buried is because it holds that it may be redeemed, but that we may not redeem kodashim for the purpose of feeding it to the dogs!? **A:** If that is the reason the Mishna should have said, if they became a treifa they must be buried (even though it is still alive and can stand and be assessed it could not be redeemed because it may not be redeemed to be fed to the dogs). Since the Mishna gives the example of the animal that died, it must be that the issue is that it cannot stand and be assessed.
 - We can also say that **Rav** really holds like **R’ Yochanan** (that kodshei Mizbe’ach are subject to the requirement that the animal be able to stand and be assessed in order to be redeemed). And, in fact we should change **Rav’s** statement to say that the Mishna follows the view of **R’ Shimon** and the **Chachomim** who argue with him.