Daf In Review – Weekly Chazarah

Maseches Bechoros, Daf ב – Daf נב

Daf 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

----------Daf ב---50----------

MISHNA

- The 5 sela'im for pidyon haben must be paid in the maneh of Tzuri. The 30 sela'im penalty for the owner of an ox that killed a slave, the 50 penalty for a rapist or seducer, the 100 penalty for the defamer, all must be paid with shekels of kodesh in the maneh of Tzuri. They may all be redeemed with money or money equivalents, except for the machtzis hashekel that is given to the Beis Hamikdash.

GEMARA

- **Q:** What is the maneh of Tzuri? **A: R' Assi** said, it is the maneh of Tzuri (even in his day). **R' Ami** said, it is the same as the Arabian dinar. **R' Chanina** said, it is the "istira sarsiya" (an old selah that was used), that are sold 8 for a dinar, and 5 of which are given to a Kohen for pidyon haben. **R' Yochanan** said, it is the dinar minted by Hadriyana and Tirayana that have been rubbed out, which sell for 25 zuz, which if you take away a sixth, the remaining would be fit for pidyon haben.
    - **Q:** The amount remaining would be 20 and 5/6 zuz, but pidyon haben can be done with 20 zuz!? **A: R' Yochanan** must have said to subtract a sixth and a zuz and the remainder is the amount needed for pidyon haben.
        - **Q:** This would leave 19 and 5/6 zuz, and a full 20 zuz is needed for pidyon haben!? **A:** Subtracting one zuz from the Hadriyana and Tirayana dinar leaves 24 Tzuri dinars, and then taking away 1/6 from that leaves the 20 Tzuri dinars that are needed for pidyon haben.
    - **Rava** said, the Biblical sela'im are each worth 3 and 1/3 Tzuri dinars. We see this from the pasuk of "esrim geira hashekel" which is translated in the Targum as "20 maos", and a Braisa says that there are 6 silver ma'ah to the dinar.
        - **Q:** A Braisa says that the sela of kodesh had 4 Tzuri dinars!? **A:** That Braisa is discussing after they enlarged and added onto the shekalim.
        - **R' Ashi** sent 17 zuz to **R' Acha the son of Rava** (who was a Kohen) for the pidyon haben of his bechor. He asked that **R' Acha** send him back the extra 1/3 of a zuz of overpayment (he held like **Rava** and therefore 5 shekalim equaled 16 and 2/3 zuz). **R' Acha** said, the **Rabanan** have added onto the size of the shekalim and 5 shekalim are now worth 20 zuz, so you need to send me another 3 zuz!
    - **R' Chanina** said, when the Torah uses the word "kesef" without specifying the type, it refers to the selah. When "kesef" is used in the Nevi'im it refers to "litrin". In the Kesuvim it refers to "kintarin". The exception is the "kesef" referred to in the story of Efron, which although is unspecified, refers to "kintarin", which is learned from the pasuk referring to it as "oiver lasocheir", and there are some places that refer to a kintara as a shekel.
    - **R' Oshaya** said, the **Rabanan** wanted to hide all the silver and gold in the world out of concern that it may be from the gold and silver of the Beis Hamikdash that was stolen by the Romans. They then found the pasuk of "uba'u bah paritzim v'chililuha" which they said taught that the gold and silver that was stolen lost its kedusha and there was therefore no concern.
        - **Q:** The gold and silver of the Beis Hamikdash was not the majority of gold and silver in the world, so why would they make all the gold and silver assur on account of it? **A:** Rather, **Abaye** said, he meant that the **Rabanan** wanted to hide all the golden dinars minted by Hadriyana and Tirayana that have been rubbed out, because they were made using the gold of the Beis Hamikdash, but they then allowed them based on the pasuk

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- **R' Yehuda in the name of R' Assi** said, whenever the Torah mentions "kesef" it refers to the more valued "kesef Tzuri". When the **Rabanan** mention kesef, they refer to the less valuable, local currency.
  - **Q:** Is that true that whenever the Torah mentions kesef it refers to "kesef Tzuri"? The pasuk regarding making someone swear when he admits to part of the claim against him is learned from a pasuk that says "kesef", and yet a Mishna says that this term refers to 2 me'ah!? **A:** The reason that in that case 2 coins are needed is because the pasuk says "kesef oy keilim", and we learn that just as keilim refers to 2, so too kesef refers to two coins. We also learn that just as kesef refers to a significant item, so too keilim must refer to a significant item.
  - **Q:** Regarding maaser sheini the pasuk says "v'tzarta hakesef b'yadcha", and yet a Mishna suggests that even copper coins can be used!? **A:** The pasuk's use of the word "kesef" multiple times is inclusionary and teaches that in this case even copper coins may be used.
  - **Q:** Regarding hekdesh the pasuk says "v'nossan hakesef v'kam lo", and yet **Shmuel** says that if one redeemed hekdesh with copper coins it is considered to be redeemed!? **A:** There is a gezeira shava on the word kesef to maaser sheini, which teaches that just as copper coins may be used for maaser sheini, by hekdesh they may be used as well.
  - **Q:** Regarding kiddushin the pasuk says "v'yatza chinam ein kasef", and yet **B"H** say that a prutah is sufficient. Should we say that **R' Assi** only follows **B"S** who say that at least a dinar must be used? **A:** Rather we must say that **R' Yehuda in the name of R' Assi** said that whenever a pasuk mentions a set amount of kesef, it is referring to money of Tzuri, and when a set amount of kesef is mentioned by the **Rabanan** they refer to the local currency.
    - **Q:** What would be the chiddush in saying this? We have already learned this in our Mishna which says that the 5 sela'im for pidyon haben, the 30 sela'im penalty for the owner of an ox that killed a slave, the 50 penalty for a rapist or seducer, the 100 penalty for the defamer, all must be paid in the maneh of Tzuri!? **A:** The chiddush is the second half of the statement, that when a set amount is given by the **Rabanan** it refers to the local currency. This concept is not stated in a Mishna. So, for example, when a Mishna says that if someone hits someone else in the ear he must pay him a selah for embarrassing him, this selah refers to a selah worth ½ of the Tzuri zuz, not a selah of 4 zuz.
      - **Chanan** the bad person once hit near someone's ear and was therefore chayuv to pay the half zuz. He only had a full zuz and couldn't get change for it. He therefore went and hit by the person's ear again, and then gave him the full zuz for the two occurrences.

SHLOSHIM SHEL EVED CHAMISHIM SHEL ONEIS V'SHEL MIFATEH…

- **Q:** Why does the Mishna repeat at the end – "all must be paid with shekels of kodesh in the maneh of Tzuri"? This was already said in the beginning!? **A:** It is needed for the cases of oneis and motzi shem rah. The pasuk regarding those never mentions shekalim and we would think that they can be paid in zuz. The Mishna therefore teaches that the fines in the Mishna are learned from each other and therefore all must be paid in shekels.

CHUTZ MIN HASHEKALIM

- A Braisa says, except for the machtzis hashekel, maaser sheini, and the korbon re'iya.
  - We see this regarding the machtzis hashekel in a Mishna, which says they may be combined to larger golden coins for ease of transporting them, but it must be minted coins. We learn this regarding maaser sheini from the pasuk of "v'tzarta hakesef", which teaches that only minted coins may be used. A Braisa teaches that the same is true for the korbon re'iya.

----------Daf אֵ---51----------

MISHNA

- One may not redeem a bechor with slaves, with documents, with real property, or with hekdesh. If a father wrote a promissory note of 5 sela'im to a Kohen for the redemption of his son, he must give him 5 sela'im, but

his son is still not redeemed (even after he pays the 5 sela'im, and he must give a second 5 sela'im). Therefore, if the Kohen wants he may gift back 5 sela'im to the father.

- If one designated 5 sela'im to be used to redeem his son and it was then lost (before giving it to the Kohen), he is responsible for it. We learn this from the hekesh of "yihiyeh lach" to "padoh sifdeh" which teaches that the bechor is only redeemed once the money has been received by the Kohen.

GEMARA

- Our Mishna does not follow **Rebbi**, who says in a Braisa that anything of value may be used to redeem a bechor, except for documents.
    - The machlokes between **Rebbi** and the **Rabanan** of our Mishna is as follows. **Rebbi** darshens the pesukim using the "ribuy umi'at" approach. He says "upeduyav miben chodesh tifdeh" is a ribuy, "b'erkicha kesef chameishes shekalim" is a mi'ut, and "tifdeh" is another ribuy. The rule is that when we have a ribuy, mi'at, and ribuy it includes everything except one thing – therefore everything may be used for redemption except for documents. The **Rabanan** darshan the pesukim with a "klal, uprat, uklal" approach. They say that "upeduyav miben chodesh" is a klal, "b'erkicha kesef chameishes shekalim" is a prat, and "tifdeh" is another klal. The rule is that when we have a klal uprat uklal we include things that are similar to the prat. Just as the prat (5 silver shekels) is something that is moveable and has intrinsic value, so too all things that are moveable and that have intrinsic value may be used – this comes to exclude real estate which is not moveable, it excludes slaves which are compared to real estate, and excludes documents, because they don't have intrinsic value.
        - **Q: Ravina** asked **Mareimar**, we see from a Braisa regarding the piercing of the ear of an eved ivri that **Rebbi** darshens using the klal uprat approach, so how can we say that here he uses the ribuy umi'at!? **A:** Normally he darshens with klal uprat. However, since over here the two general terms are together and the specific term is after (there is a klal, then a klal, and then a prat) he darshens it with ribuy umi'at. The **Rabanan** say that even in this case we view the prat as having been written in between the two klals and we still darshan as a klal uprat uklal.

V'LO B'HEKDEISHOS

- **Q:** This seems obvious! Since the hekdesh doesn't belong to the father it is obvious that he can't give it to the Kohen!? **A:** The Mishna means to say that just as a bechor cannot be redeemed with slaves, documents, and real property, so too hekdesh cannot be redeemed with these things.

KASAV LAKOHEN SHEHU CHAYUV LO CHAMISHA SELA'IM CHAYUV LITEIN LO…

- **Ulla** said, D'Oraisa the bechor is redeemed when the money is given to the Kohen, however the **Rabanan** made a gezeira out of concern that people will think the bechor is redeemed with the document. Therefore they said that he is not even redeemed with the money paid for the obligation in the document.
- A Braisa was taught in front of **R' Nachman** that said that the bechor *is* redeemed when the father gives the money pursuant to the document. **R' Nachman** said, this is the view of **R' Yose the son of R' Yehuda Sitimta'a** (or **R' Elazar the son of R' Shimon Sitimta'a**), but the **Chachomim** say the bechor would not be redeemed.
    - The Gemara paskens that the bechor is not redeemed.

LEFIKACH IHM RATZA HAKOHEN LITEIN LO B'MATANA RASHAI

- The Mishna teaches what is taught in a Braisa which says that **R' Tarfon** would take the 5 sela'im as the Kohen and would then return it to the father.
- **R' Chanina** would take the money and then give it back to the father. He once saw a father that was waiting around to get the money back. **R' Chanina** understood that this man must have not given the money wholeheartedly. He told the man – you have done a bad thing and your son is not redeemed.

HAMAFRISH PIDYON BENO V'AVAD CHAYUV B'ACHRAYUSO

- **Q:** How do we know that the father is responsible for the money until it is given to the Kohen? **A: Reish Lakish** said, we learn this from a gezeira shava from eirachin. **R' Dimi in the name of R' Yonason** said, we learn a gezeira shava of "reikam" from the Korbon Re'iya.
    - **Q: R' Pappa** asked, the Mishna already gave a pasuk as the source, why are we looking for another source!? **A:** Rather, **R' Pappa** said, the sources of **Reish Lakish** and **R' Dimi** were given for the previous

Mishna, which said that if the bechor died after the 30 days, even though the father had not yet given the money, he should still give it. These sources teach that these obligations carry to the heirs. We learn from them that the same is true regarding the redemption of a bechor.

----------Daf נב---52----------

MISHNA

- A son who is a bechor gets a double portion from his father's estate, but not from his mother's estate. He also does not get a double portion from the improvements to the estate that take place after the father's death. He also does not get a double portion in the assets that the estate will get in the future, only in the assets that the estate has at the time of death. A woman also doesn't collect from such assets (the improvements and the prospective assets) from her husband's estate for her kesubah. The daughters also don't collect support from such assets. A yavam also doesn't inherit such assets. All of them don't take from the improvements or from the prospective assets, only from the assets held at the time of death.

GEMARA

- **Q:** Why is it that a bechor does not receive a double portion when inheriting from his mother? **A:** The pasuk regarding the double portion of a bechor says "lo" (referring to the father), which teaches that it only applies to the father's estate, not the mother's estate.
- The bechor doesn't get from the improvements to the estate because the pasuk says "b'chol asher yimatzei lo" (all that is found with him).
- The bechor doesn't get a double share in prospective assets based on the pasuk of "b'chol asher yimatzei lo".
- **Q:** How can we say that the wife does not collect her kesubah from the improvements? **Shmuel** has said that a creditor collects from the improvements!? **A: R' Abba** said that this is a leniency of kesubah debt over other debt.

V'LO HABANOS BIMZONOSEYHEN

- The reason is that this support is a condition of a kesubah, and as such it is treated like the kesubah.

V'LO HAYAVAM

- The reason is that the Torah refers to the yavam as a "bechor", and as such he is treated like a bechor and does not take an extra share from these assets.
    - **Abaye** said, this is only true for the improvements that take place between the time of death of the brother and the yibum. However, with regard to the improvements that take place between the yibum and the division of the estate, the yavam does get an extra share. This is based on the pasuk of "yakum ahl sheim achiv hameis" and he has in fact stepped into the place of his brother. **Rava** said, even with regard to the improvements that take place between the yibum and the division of the estate, the yavam does get an extra share. This is because the Torah refers to him as a bechor – just as a bechor doesn't get an extra share from the improvements that take place before the division, the same is true for the yavam.

V'KULAM EIN NOTLIN BASHVACH

- This comes to include improvements that happen on their own, like growing produce.

V'LO B'RA'UY K'BIMUCHZAK

- This comes to include assets that the father stood to inherit from the grandfather.

MISHNA

- The following (transfers of land) are not returned at Yovel: the bechor's extra portion, the property that one inherited from his wife, the property that a yavam inherited from his brother, and a gift. This is the view of **R' Meir**. The **Chachomim** say that a gift is like a purchase and must be returned at Yovel. **R' Elazar** says they all are returned at Yovel. **R' Yochanan ben Broka** says, a husband who inherited land from his wife must return it to her family and he deducts from the price for them.

GEMARA

- **Q:** What is the reason for the view of **R' Meir**? **A:** He says that the Torah required a purchase to be returned at Yovel, not a gift or an inheritance. The extra portion of a bechor is considered to be a gift based on the pasuk of "laseis lo pi shnayim", the inheritance of a wife in his opinion is D'Oraisa and is therefore considered to be an inheritance, and the share of the yavam is not returned because the pasuk refers to him as a "bechor".

VACHACHOMIM OMRIM MATANAH K'MECHER

- They hold that the pasuk of "tashuvu" is extra and comes to include a gift as having to be returned. However, they say that the extra portion of a bechor is considered to be an inheritance, based on the pasuk of "pi shnayim" which compares the extra portion to the regular portion.

R' ELAZAR OMER KULAM CHOZRIM BAYOVEL

- He holds like the **Rabanan**, that the pasuk of "tashuvu" is extra and comes to include a gift as having to be returned. However, he holds that the transfers mentioned in the Mishna are all considered to be gifts. The extra portion of a bechor is considered to be a gift based on the pasuk of "laseis lo pi shnayim", the inheritance of a wife in his opinion is D'Rabanan and is therefore considered to be a gift, and the share of the yavam is not returned, because the pasuk refers to him as a "bechor".
- **R' Assi** said in the name of **R' Yochanan** that when brothers divide their inheritance they are considered to be selling shares to each other.
    - **Q: R' Hoshaya** asked, our Mishna says that the share of a bechor is not returned at Yovel (so the shares of brothers are certainly not considered to be sold to each other)!? **A: R' Elazar** said, the Mishna means that when the shares are returned and then re-divided after Yovel, the bechor does not lose his extra portion, and instead again takes an extra portion from this new division.
        - **Q: R' Sheishes** asked, this means that **R' Elazar** of the Mishna means to say that at Yovel the bechor loses his extra portion!? **A: R' Chama** said that **Ravin in the name of R' Yochanan** said that **R' Elazar** actually does hold that at Yovel the bechor loses his right to the extra portion.

R' YOCHANAN BEN BROKA OMER HAYOREISH ES ISHTO YACHZIR LIVNEI…

- **Q:** If he holds that D'Oraisa a husband inherits his wife, it should not have to be returned to her family at Yovel, and if he holds it is only D'Rabanan, why does the Mishna say that he gets money for returning it – he should have to give it back without any compensation!? **A:** He holds it is D'Oraisa. The case is where he inherited his wife's family's cemetery plots. To prevent a disgrace to the family the **Rabanan** say that he must return the cemetery to the family, but they said that he is to get paid for doing so. When the Mishna says that "he deducts from the price for them" it means that he doesn't get paid for his wife's grave.

HADRAN ALACH PEREK YEISH BECHOR!!!

----------Daf נג---53----------

PEREK MAASER BEHEIMA -- PEREK TESHI'I

MISHNA

- Animal maaser applies in EY and in chutz laaretz, when the Beis Hamikdash is standing and after the Churban, to animals of chullin but not to animals of kodesh. It applies to cattle and "tzon" but maaser may not be taken from one for the other. It applies to sheep and goats and maaser may be taken from one for the other. It applies to new animals and old animals, but maaser may not be taken from one for the other.
    - We would have thought to say, that if new and old animals may not be taken for maaser from one for the other, and new and animals are not kilayim with each other, then sheep and goats, which are kilayim with each other, should surely not be allowed to have maaser taken from one for the other! The pasuk therefore says "vatzon", which teaches that all "tzon" (which includes sheep and goats) are considered to be one for purposes of maaser.

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GEMARA

- **Q:** Shall we say that the Mishna does not follow **R' Akiva**? A Braisa says that **R' Akiva** darshens the pasuk of "maasroseychem" (written in the plural) as creating a comparison between animal maaser and produce maaser – just as produce maaser only applies to produce of EY so too animal maaser only applies to animals of EY. **A:** The Mishna may follow **R' Akiva** – the Braisa is referring to bringing the animal on the Mizbe'ach as a korbon maaser, whereas the Mishna is referring to the animal becoming kodesh.
    - **Q:** If it will not be brought as a korbon, for what purpose is it kodesh? **A:** It is kodesh in that it may only be eaten by the owner after it gets a mum.

BIFNEI HABAYIS V'SHELO BIFNEY HABAYIS

- **Q:** If so, we should have to give animal maaser in today's days as well!? **A:** The reason is as **R' Huna** said elsewhere, the **Rabanan** made a gezeira out of concern that one would count the orphaned animals (whose mother died at birth) among the animals subject to maaser (when in fact such animals are not to be counted for maaser).
    - **Q:** This gezeira should even have applied when the Beis Hamikdash was standing!? If you will answer that we would make announcements to tell people not to include such animals, we can say that we can make those announcements now as well!? **A:** Rather, **Rabbah** said, the reason we don't separate maaser nowadays is that since it will have to be left around to wait for it to get a mum, we are concerned that one will inadvertently work or shear the animal. We see in a Braisa that we are concerned for such a thing.
        - **Q:** If so, we should also not allow a bechor to become kodesh nowadays!? **A:** We can't prevent a bechor from becoming kodesh, it becomes kodesh on its own.
            - **Q:** The Gemara explains, we meant to ask that with a bechor we should make the owner sell the mother's ear to a goy so that the firstborn will not be born with kedushas bechor!? **A:** This was never instituted, because we can prevent the kedusha in accordance with **R' Yehuda**, who said that one may make a mum in a bechor before it is born.
            - **Q:** Why can't we deal with maaser the same way – by making a mum in it before it becomes kadosh!? **A:** There is no way we can know which will be the 10th animal to leave the pen. He can't choose one to come out as the 10th, because the pasuk says "lo yivaker bein tov larah". We also can't say that one should make all his animals get a mum (and in that way be assured that the 10th animal will have a mum), because the Beis Hamikdash will be built very soon and we will have no animals without mumin from which to bring korbanos.
            - **Q:** Why don't we have the same concern when we make mumin in all the bechors? **A:** We will have all the animals that are not firstborns that can be used for korbanos.
            - **Q:** We can say by maaser also that we will have all the purchased animals (which are not subject to animal maaser) to use for korbanos!? **A:** If people put mumin in all their animals, added to the fact that it is so easy to passul an animal with a mum, it will severely limit the pool of available animals to be used for korbanos.

BACHULIN AVAL LO BAMUKDASHIN

- **Q:** Animals of kodesh don't belong to him, so it is obvious that they are not subject to maaser!? **A:** The Mishna is referring to kodshei kalim according to **R' Yose Haglili** who considers that to belong to the owner. We would think that since they belong to him they should be subject to maaser. The Mishna teaches that they are not.
    - **Q:** Maybe they should be subject to maaser!? **A:** The pasuk regarding maaser says "yihiyeh kodesh", which excludes something that is already kodesh.
        - **Q:** If not for "yihiyeh" we would say that the kedusha of maaser takes effect on the kedusha of kodshim kalim? Now, we learn from a Mishna that stronger kedusha (kedusha for the Mizbe'ach) cannot take effect on weaker kedusha (something that is kadosh for bedek habayis), so certainly the weaker form of kedusha (maaser) cannot take effect on another weaker form of kedusha (kodshim kalim)!? **A:** We would think that bedek habayis can't be made into a korbon

because not every animal stands to be made into a korbon. However, if every animal is subject to maaser then the kodshim kalim should be able to take on kedushas maaser.

- **Q:** Even if kedushas maaser would take effect on a korbon of kodsheim kalim it would have no practical effect (since it is anyway a korbon)!? **A:** The difference is that a maaser animal may not be redeemed or sold, whereas other kodashim kalim may.

V'NOHEIG BABAKAR UVATZON V'EIN MISASRIN MIZEH AHL ZEH…

- **Q:** We should say that maaser should be allowed to be taken from new for old and visa-versa based on a kal v'chomer – if maaser can be taken from sheep for goats, and visa-versa, which are kilayim with each other, then it should certainly be allowed to be taken from new for old, or visa-versa, given that they are not kilayim to each other!? **A:** The pasuk says "asser t'asser", which refers to two types of maaser – maaser of produce and maaser of animals – and creates a hekesh between them which teaches that just as maaser may not be taken from old for new or visa-versa for produce maaser, the same holds true for animal maaser.
  - **Q:** If so we should also say that just as produce maaser may not be taken from one species for another, the same should be true for animal maaser, and we should not be allowed to take from sheep for goats, or visa-versa!? **A:** The pasuk of "tzon" teaches that maaser may be taken from sheep for goats and visa-versa.
    - **Q:** If so, we should say that we can take from old for new, or visa-versa, for animal maaser!? **A:** The pasuk of "asser t'asser" teaches that this may not be done.
      - **Q:** Why do we say to apply the allowance for different species but not for old and new? **A: Rava** said, the pasuk says "shana shana", which teaches that produce maaser and animal maaser are to be compared for the halacha of "years" (old and new), but not for other halachos (like different species).

----------Daf נד---54----------

- A Mishna says, we may not take terumah from one species for another, and if one does so it is not valid terumah.
  - **Q:** How is this known? **A: R' Ami in the name of R' Yannai** (or **R' Ami in the name of Reish Lakish**) said, the pasuk regarding terumah says "kol cheilev yitzhar v'chol cheilev Tirosh v'dagan" – from the fact that "cheilev" ("the best") is written separately for each type, this teaches that terumah cannot be given from one for the other. Although that only teaches that "yitzhar" and "Tirosh" can't be combined, we also learn that even Tirosh and dagan also can't be combined, based on a kal v'chomer – if Tirosh and yitzhar, which are not kilayim with each other, may not be combined for purposes of terumah and maaser, then Tirosh and dagan, or dagan with other types of dagan, which are kilayim with each other, may surely not be combined.
    - **Q: R' Yoshiya** holds that kilayim is only created by mixing a kernel of wheat, a kernel or barley, and a grapeseed altogether. According to him we cannot learn from the kal v'chomer, because different species of produce are not kilayim with each other, and Tirosh and one other produce are not kilayim with each other. If so, how does he learn that one may not give terumah from one species for the other? **A:** He will darshan the following kal v'chomer – if Tirosh and yitzhar, which are not kilayim with each other even if they are combined with another substance, yet we may not take terumah from one for the other, then Tirosh and dagan, or different types of dagan, which do become kilayim when combined with each other and another substance, certainly cannot have terumah taken from one for the other.
    - **Q:** How do we know that even other types of foods may not have maaser taken from one for the other? **A:** Maaser on these other foods is only D'Rabanan, and the **Rabanan** institute things in a way that is similar to the D'Oraisa case.
    - **Q: Rava bar R' Chanan** asked **Abaye**, if the reason we can't give maaser from one species for another is because the pasuk wrote "cheilev" separately for each type, then regarding animal maaser, where the pasuk did not do that, we should be able to give maaser from one type of

animal for another, and yet our Mishna said this may not be done!? **A: Abaye** said, the pasuk of "ha'asiri" teaches that maaser must be given from "tzon" separately and from "bakar" separately.

- **Q:** If so, one should not be able to give from sheep for goats and visa-versa, and yet our Mishna said that that is allowed!? **A:** The pasuk of "vatzon" includes goats and sheep.
    - **Q:** We should similarly say that "dagan" includes all species of grain!? **A: Abaye** said, "reishisam" written after "dagan" teaches that each species of dagan must have its own maaser separated. **A2: Rava** said, "vatzon" must come to teach that goats and sheep are combined, because if they are to be kept separate, the pasuk should have simply said "kol maaser beheima" and not differentiated between "bakar" and "tzon" and we would learn that goats and sheep cannot be combined. Since the Torah did write "bakar" and "tzon" it teaches that "bakar and tzon" can't be combined, but goats and sheep could be. However, "dagan" is needed to teach that other foods are patur from maaser, therefore it is not extra to darshen in this way.
        - **Q: R' Huna the son of R' Nachman** asked, maybe instead darshen the extra words of bakar and tzon to teach that they are to be combined for maaser, rather than that they are to be treated separately? **A: Mar Zutra the son of R' Nachman** said, **Rava** also agrees with the drasha of "ha'asiri". **A2: Others** said that **Rava** said, without "asiri" we still couldn't say that bakar and tzon are to be combined, because we would darshen a hekesh between animal maaser and grain maaser – just as with grain maaser one may not give maaser from one species for another, the same is true for animal maaser.
            - **Q: Rava** said that "shana" teaches that the only comparison between these maaseros is in regard to not taking from the old for the new and visa-versa!? **A: Rava** retracted that view. **A2:** One of these two statements was actually said by **R' Pappa**, not **Rava**.

MISHNA

- For purposes of animal maaser, the animals are combined (to form a group of 10) if they are within an area as large as animals usually need to graze. How large is this? Sixteen mil.
    - If there were 32 mil between two groups of animals, they are not combined (to form a group of 10 animals) for maaser.
    - If there were animals between the two groups, the outer groups are brought to the middle group and are joined for maaser.
    - **R' Meir** said, the Yarden separates animals (on either side) from being combined for maaser.

GEMARA

- **Q:** How do we know that the area needed for grazing combines the animals for maaser? **A: Rabbah bar Shila** said, the pasuk suggests that sheep able to be controlled by one shepherd combines for maaser, and the **Rabanan** said that an area of 16 mil can be controlled by one shepherd.

HAYU BEIN EILU LA'EILU SHLOSHIM USHNAYIM MIL EIN MITZTARFIN…

- **Q:** This suggests that if there is less than 32 mil between them they are combined. However, the Mishna said they must be within 16 mil!? **A:** The Mishna gave this case only because it wanted to give the case of the group of animals that was between the two outer groups.
    - **Q:** How many animals must there be in the groups in the case where they are in two distant groups and one in between? **A: Rav** said there must be 5 animals in each outer group, and 5 animals in the middle. Since the middle animals are fit to be combined as a full group of ten with the group on either side, they

have the ability to bring them all together. **Shmuel** said they combine even if there are 5 animals in each outer group and only one in the middle. The reason is, that we view the shepherd as if he is with the middle animals and he combines the two outer groups.

- **Q:** A Braisa says that if there were 5 in one outer group and 5 in another outer group they only combine if there is also one in the middle. This refutes **Rav**!? **A: Shmuel** said that **Rav** can say that the Braisa is talking about a case where there were 9 animals in each outer group and one in the middle, and since the middle can become a group of ten with each outer group, it causes them to all be combined in the middle.
- **R' Pappa** said, **Shmuel** holds that even if there is no animal in the middle, but the shepherd or the shepherd's belongings are in the middle, the outer groups would combine.
    - **Q: R' Ashi** asked, would the shepherd's dog be enough to combine them if it was in the middle? Do we say that since the dog goes to the shepherd and the shepherd doesn't go to the dog it is not as if the shepherd is there, or do we say that since there are times when the dog doesn't go to him and he will have to go to the middle to get the dog it is enough so that he is considered to be in the middle? **TEIKU**.

----------Daf נה---55----------

R' MEIR OMER HAYARDEN MAFSIK L'MAASER BEHEIMA

- **R' Ami** said, this is only if there is no bridge. If there is a bridge they would be combined for maaser.
    - **Q:** It seems that the reason that without a bridge they are not combined is because they cannot be brought together without the bridge. However, a Braisa says that if one had a group of animals on one side of the Yarden and another group on the other, or in two different provinces of a single kingdom, and certainly if one group was in chutz laaretz and the other was in EY, they will not combine for maaser. Now, chutz laaretz and EY are not separated by water, so the comparable case to that would be when the groups are on opposite sides of the Yarden in a place where there is a bridge that connects them, and yet the Braisa says that they do not combine!? **A:** Rather, **R' Chiya bar Abba in the name of R' Yochanan** said, the reason of **R' Meir** is the pasuk that says "v'haYarden yigbol oso…" (the Yarden was the border). The pasuk gives the Yarden the status of a full border, which therefore separates for purposes of maaser.
        - **Q:** The psukim give borders between the portions of the shevatim within EY and also refers to them as "borders" and yet we don't say that they separate for maaser!? **A:** That is different, because a pasuk says "zos tihiyeh lachem haaretz ligvuloseha saviv", which teaches that all of EY should be considered to be within one border.
            - **Q:** The Yarden is also part of EY and should not be considered as being separate!? **A:** The pasuk says "eretz", which refers to land, not water.
            - **Q:** According to **R' Chiya bar Abba** it makes sense why **R' Meir** spoke specifically about the Yarden, but according to **R' Ami** why didn't he speak of all rivers, why only the Yarden? The Gemara says that this remains a KASHYEH.
        - Whether the Yarden is considered to be part of EY is actually a machlokes among Tanna'im in a Braisa. **R' Yehuda** says that the pasuk of "ki atem ovrim es haYarden artza Kinaan" teaches that it is only the land that is Eretz Kinaan, but the Yarden is not. **R' Shimon ben Yochai** says the pasuk of "mei'eiver l'Yarden Yireicho" creates a comparison between Yericho and the Yarden and teaches that just as Yericho is part of EY, the same is true for the Yarden.
        - **Rabbah bar bar Chana in the name of R' Yochanan** said, the name "Yarden" only refers to the part of the river that is from the area of Yericho and south.
            - **Q:** With regard to what halacha was this said? It can't be for purposes of nedarim, because for that you follow whatever people typically refer to as the Yarden. **A:** Rather, it is for purposes of animal maaser – it is only at that point that the Yarden separates groups of animals from being combined.

- **R' Chiya bar Abba in the name of R' Yochanan** said, the reason it is called the Yarden is because it is "yoreid miDan" (it comes down and originates from the portion of Dan). **R' Abba** told **R' Ashi** that we learn this from a pasuk. The pasuk says that they called Leshem by the name Dan, and **R' Yitzchak** said that Leshem is Pamayas, and a Braisa says that the Yarden begins at the Pamayas Cave. **R' Kahana** said, the source of the Yarden is the Pamayas Cave, and therefore if someone made a neder not to drink from the water of the Pamayas Cave he may not drink the water of the Yarden.
    - The source of blood is the liver, as **R' Yitzchak** said, a dissolved human liver gives off tumas ohel when there is a revi'is.
    - The source of all water is the Paras River, as **R' Yehuda in the name of Rav** said, if someone makes a neder not to drink from the Paras waters, he may not drink any water in the world.
        - **Q:** If he said he will not drink from the waters of the Paras he is saying that he may drink from other rivers!? Rather, it must be that he said he will not drink from "waters that come from the Paras" and it is as **R' Yehuda in the name of Rav** said, that all waters in the world come from the 3 rivers that leave Eden, and those 3 rivers are fed from the Paras River.
            - **Q:** There are the mountain springs that are higher than the Paras!? **A:** Those are referred to as the "ladders of the Paras" and are also fed by the Paras.
            - **Q:** The pasuk refers to the Paras as the "nahar harevi'i", which means it is on the same level as the other 3 that leave Eden? **A: R' Nachman bar Yitzchak** (or **R' Acha bar Yaakov**) said, the pasuk is referring back to the Paras that is the source of the other three.
            - A Braisa says, **R' Meir** said, based on a pasuk the true name of the river is the Yuval. The reason it is called the Paras is because its waters are "parim v'ravim".
                - This supports **Shmuel**, who says that a river's waters increase mostly from its source. This argues on **Rav**, who says it is mostly from rain.
                - **Shmuel's** father made a mikveh for his daughters in the Nisson days (rather than have them use the Paras), because he held like **Rav** who held that most of the water during that time of the year was rainwater and flowing rainwater is not a valid mikveh, and in the Tishrei days he would make mats for them to step on when they were toivel in the Paras (at that time it was certainly a valid mikveh).
                - **Shmuel** contradicts himself, because elsewhere he said that flowing water is only valid for a mikveh when it is the Paras in the days of Tishrei, since most of it is not rainwater then.

----------Daf נז---56----------

MISHNA

- If one buys an animal or has an animal gifted to him (and they never had maaser taken from them), they are patur from animal maaser.

GEMARA

- **Q:** How do we know this? **A: R' Kahana** said, the pasuk says "bechor banecha titen li kein taaseh l'shorcha l'tzonecha" which makes a hekesh between a son and the animals and teaches that just as a son is not purchased or gotten as a gift, the same must be true for animals.
    - **Q:** That pasuk speaks of the animal bechor, not maaser!? **A:** The words "kein taaseh" refer to an action that must be done. This doesn't refer to bechor, because a bechor becomes kodesh without anyone doing anything. Therefore, it must be referring to maaser.
        - **Q:** Maybe instead say that it refers to a chatas or asham, and teaches that purchased or gifted animals may not be used for these korbanos? **A:** The comparison to a son teaches that just as the son is not redeemed due to any aveira, so too we are referring to tzon and bakar that are not being brought for some aveira.
        - **Q:** Maybe instead say that it refers to an olah or shelamim, and teaches that purchased or gifted animals may not be used for these korbanos? **A:** The comparison to a son teaches that just as the son is not redeemed due to any neder or nedava, so too we are referring to tzon and bakar that are not being brought for a neder or nedava.
        - **Q:** Maybe instead say that it refers to a korbon re'iyah, and teaches that purchased or gifted animals may not be used for this korbon? **A:** The comparison to a son teaches that just as the son does not come about at a set time, so too we are referring to tzon and bakar that do not come about at a set time (and a korbon re'iyah comes on Yom Tov).
        - **Q:** Based on the comparison to a son we should say that just as a son is never purchased, we should also say that even when the animals are purchased while still unborn they should not be subject to maaser, and yet **R' Assi in the name of R' Yochanan** said that such animals would be subject to maaser!? **A: Rava** said, the pasuk of "taaseh" teaches that they are not subject to maaser only if they are purchased at a time when they are fit to be included in a maaser count. **R' Elazar** gave this answer as well, to explain why the Mishna does not contradict **R' Yochanan**.
            - **Q: R' Shimon ben Elyakam** asked **R' Elazar**, a Braisa says that the ptur of being an animal that was purchased applies even to an animal that was purchased when it was not yet fit to be counted as maaser!? **A: R' Elazar** said, this Braisa is not a correct Braisa. And, even if you say that it is, it follows the view of **R' Shimon ben Yehuda in the name of R' Shimon**, who says that an animal that is too young to be a korbon is still counted for maaser and would just not be offered until it is old enough to be offered (8 days).
        - A Braisa was taught before **Rav**. The Braisa said, if an animal used to pay a zonah (an "esnan") was repurchased by the man, it would be included in his animals for purposes of animal maaser.
            - **Q:** It should not be counted since it was a purchased animal!? **A:** The one who asked must have forgotten that **R' Assi in the name of R' Yochanan** said that when the animal is purchased before being born it does not become patur from maaser, and that is the case that the Braisa is referring to.
            - **Q:** Why can't the Braisa say that the zonah should count this animal for maaser – why does it give the case of where the man repurchased it from her? **A:** The Braisa is referring to a case where the zonah was a goy.
                - **Q:** Why not discuss the case of a zonah who was a Yid? **A:** The Braisa is teaching that payment given to a zonah who is a Yid is not considered to be an "esnan", as **Abaye** says elsewhere.

MISHNA

- Brothers who have not yet divided their father's estate, and are therefore partner's in the estate: when they are obligated to add a kolbon, they are patur from giving animal ma'aser, and when they are chayuv to give animal ma'aser, they are patur from having to pay the kolbon.
    - If they got animals from the father's undivided estate they must give animal maaser (it is not considered to be a partnership). If they did not get them from the undivided estate, but are instead truly partners, they would be patur from maaser.

- If they divided the estate and then put it back together as a partnership, they would each be chayuv to pay a kolbon (along with their machtzis hashekel) and would be patur from animal maaser.

GEMARA

- A Braisa says, the pasuk says "yihiyeh ***lach***", which teaches that maaser does not apply to animals of a partnership. We would think that even when the animal is taken from an undivided estate it should be patur. The word "yihiyeh" teaches that it would be chayuv.
  - **Q:** This pasuk is written regarding bechor!? **A:** Another pasuk teaches that bechor applies even to an animal owned in partnership, so this must be teaching regarding something else, and we darshen that it is teaching regarding maaser.
- **R' Yirmiya** said, there are times when the brothers would be chayuv to pay the kolbon and to give animal maaser, there are times when they would be patur from both, there are times when they would be chayuv in the kolbon but patur from maaser, and times that they would be chayuv in maaser and patur from the kolbon.
  - They are chayuv in both if they had divided the money of the estate but not the animals. They are patur from both if they had divided the animals of the estate but not the money. They are chayuv in the kolbon and patur from maaser if they divided the money and the animals. They are chayuv in maaser and patur from the kolbon if they did not divide either.
    - This all seems obvious. The case that was needed to be taught is the case where they divided the animals but not the money. We would think that once they divide the animals we see that they intend to divide everything and they should even be chayuv to pay the kolbon. He therefore teaches that they are not.
- **R' Anan** said, the **Rabanan** only said that dividing the estate and then recombining it makes the brothers patur from animal maaser when the division was such that one brother took the sheep and the other took the goats (only then are they considered to have totally dissolved the estate). However, if each took half of the sheep and half of the goats, they are each taking their share of the estate and are not exchanging their share with their brother, and therefore even when they recombine the animals it is still considered to be the original estate (based on the principle of breirah) and they are therefore chayuv in maaser. **R' Nachman** said, even if they each took half of the sheep and half of the goats we say that the estate was dissolved (he doesn't hold of breirah).
  - **R' Elazar** said, the **Rabanan** only said that dividing the estate and then recombining it makes the brothers patur from animal maaser when the division was such that one brother took 9 larger animals and the other took 10 smaller ones (only then are they considered to have totally dissolved the estate). However, if they divided by number, they are each taking their share of the estate and are not exchanging their share with their brother, and therefore even when they recombine the animals it is still considered to be the original estate (he holds of breirah) and they are therefore chayuv in maaser. **R' Yochanan** said, even if they each took half based on number we say that the estate was dissolved (he doesn't hold of breirah).
    - **R' Yochanan** follows his shitah from elsewhere where **R' Assi in the name of R' Yochanan** said that brothers who divide an estate are considered purchasers of their portions and must therefore return it to each other at Yovel.
    - The ruling was necessary to be stated regarding maaser and regarding Yovel. If he would only have said it regarding maaser we would say that maaser is compared to bechor which teaches that just as bechor is clear that it was always yours, so too one is only chayuv maaser when it was clearly always yours, but regarding Yovel we would say that the halachos of Yovel only apply to sold fields, not to fields gotten through inheritance or gifting. If he had only said it regarding Yovel we would have said that he treats it like a purchased field because that creates a chumrah, or we would say that he said that only l'chatchila, but regarding maaser he would not treat it as purchased. That is why both rulings are necessary.
    - **Q:** A Mishna says that if partners divide their assets, with one taking 10 sheep and the other taking 9 sheep and one dog, the one who took the 10 sheep may not bring any of them on the Mizbe'ach, because they are all possibly "an exchange for a dog" which is passul to be offered

on the Mizbe'ach. Now, if we hold of breirah we should say that he should take one of the sheep and declare it as having been the exchange for the dog and only it should be assur. The Mishna shows that we don't say breirah!? **A: R' Ashi** said, the case is where the dog is worth more than just one sheep. That is why we need to consider it as having possibly been exchanged for each of the sheep.