



Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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**Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h**

**Tzvi Gershon ben Yoel (Harvey Felsen) o”h**

May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Rabbi Yehudah haNasi had a firstborn of a donkey. He sent it to Rabbi Tarfon.<sup>1</sup> He asked him: How much am I required to give the Kohen? He replied to him: Behold the Rabbis said: The liberal person redeems with a sela [four zuz], the stingy person redeems with a shekel [two zuz], an average person redeems with a rigya.

Rava said: The law [requires redemption] with a rigya. And how much is this? Three zuz, less than one and more than the other.<sup>2</sup>

Does not this ruling contradict the above?<sup>3</sup> There is no difficulty.<sup>4</sup> [We are dealing] here with the case when one comes to seek advice and the case there is where he redeems of his own accord.<sup>5</sup>

Rabbi Yitzchak reported in the name of Rish Lakish: If one possesses a firstborn of a donkey and he has not a lamb with

which to redeem it, he redeems it for its equivalent value. According to whose opinion is this? Shall I say it is according to Rabbi Yehudah?<sup>6</sup> Did he not say that the Torah was particular that the redemption must be with a sheep? You must then say it is according to the view of Rabbi Shimon.<sup>7</sup>

Rav Acha stated it thus. Ravina found a difficulty: [In a difference between] Rabbi Yehudah and Rabbi Shimon, the law is according to Rabbi Yehudah; moreover, the Tanna [of our Mishnah]<sup>8</sup> states the law anonymously in the sense of Rabbi Yehudah; and still you declare the halachah is according to Rabbi Shimon? But [rather say] that [Rabbi Yitzchak's statement] accords even with the opinion of Rabbi Yehudah. For [the redemption of the firstborn of a donkey] should not be more stringent than other consecrated objects.<sup>9</sup> Moreover the Torah did not propose [by the law of redeeming] with a lamb to make it severe for him,<sup>10</sup> but, on the contrary, to make it easier for him.<sup>11</sup>

conclusion, namely, that only with a lamb can it be redeemed but not with any other object.

<sup>7</sup> Who does not mention when giving his reason for the view he holds that the Torah was particular that the redemption must be with a sheep, thus implying that the firstborn of a donkey may also be redeemed with its equivalent value.

<sup>8</sup> Stated above, that the Jew sets aside a lamb in order to release the firstborn of a donkey from the prohibitions attaching to it, which is the opinion of Rabbi Yehudah.

<sup>9</sup> Which are redeemed with their equivalent value.

<sup>10</sup> I.e., that only with a lamb is he allowed to redeem the donkey.

<sup>11</sup> If he wished to redeem it with a lamb, even a puny one, it is an adequate redemption. But he need not necessarily redeem with a lamb.

<sup>1</sup> Who was a Kohen.

<sup>2</sup> One zuz less than a sela which is the redemption of a liberal person and one more zuz than that of a stingy person, i.e., three zuz. Lit., 'running this way and running that way'.

<sup>3</sup> The above ruling that the law is according to the Sages who hold that even the worth of a danka is sufficient for redemption.

<sup>4</sup> How much should be given to the Kohen. We accordingly advise him to give three zuz.

<sup>5</sup> When he redeems the firstborn of a donkey even with a lamb worth a danka, we do not compel him to give something of greater value.

<sup>6</sup> This questioner quotes the view of Rabbi Yehudah, which was mentioned above in the first instance, although it is not the final

Rav Nechemyah the son of Rav Yosef redeemed the firstborn of a donkey with boiled herbs of its equivalent value.

Rav Shizbi reported in the name of Rav Huna: If one redeems the donkey of his neighbor, it is a valid redemption. The question was raised: Is it a valid redemption regarding the person who redeems it,<sup>12</sup> or does it mean that it is a valid redemption regarding the owner?<sup>13</sup> According to the opinion of Rabbi Shimon, there is no need to inquire, for, since he says that it is permitted to use the firstborn of a donkey, it is the owner's money.<sup>14</sup> The question does arise, however, according to the opinion of Rabbi Yehudah who says that it is forbidden to use it. Does he compare it with a consecrated object concerning which the Merciful One says: And he shall give money and it shall be established to him?<sup>15</sup> Or, perhaps since the owner possesses the difference [between the value of the donkey and a sheep], it is not compared with a consecrated object?<sup>16</sup> — Rav Nachman said: Come and hear: If one stole the firstborn of a donkey belonging to his neighbor, he pays double to the owner, for although he does not possess [the rights of ownership] now, he will possess subsequently.<sup>17</sup> Now, whose opinion does this represent? Shall I say that it is the opinion of Rabbi Shimon? Why has he no rights of ownership now? Then obviously, it must be the opinion of Rabbi Yehudah. Now if you were to assume that we compare it with a consecrated object, doesn't the

<sup>12</sup> The person who redeems acquires the firstborn of a donkey in virtue of the redemption.

<sup>13</sup> The donkey is redeemed, but the firstborn belongs to the owner. The person who redeems, consequently, is unable to dispose of it.

<sup>14</sup> And the person who redeemed it cannot sell it and is not reimbursed.

<sup>15</sup> The verse is given here in an abbreviated form, the full verse being: Then he shall add a fifth part of the money and it shall be established to him.

<sup>16</sup> And since a portion of it is the owner's money, if he redeems it, we account the whole of it as belonging to him.

<sup>17</sup> After its redemption it will be his money.

Merciful One say: And it be stolen out of a man's house, implying, but not from the possession of the sanctuary?<sup>18</sup> And there is nothing more to be said.

The Mishnah had stated: If one donkey had given birth before and one had not given birth before etc.

Our Rabbis taught. Under what circumstances did the Sages rule that 'it enters the shed to be tithed'? You cannot say that it means where the lamb came into the possession of the Kohen, [and then it was returned to the Jew],<sup>19</sup> for we have learned: An animal purchased, or which is given to him as a gift, is exempted from the law of ma'aser beheimah. This must refer then to the case of a Jew who had ten uncertain firstborn donkeys<sup>20</sup> in his house. He sets aside on their behalf ten lambs, [makes them enter the shed], tithes them, and they are his. [This] supports the opinion of Rav Nachman. For Rav Nachman reported in the name of Rabbah the son of Avbuha: If a Jew had ten uncertain firstborn donkeys, he sets aside on their behalf ten lambs, tithes them and they are his.

Rav Nachman further reported in the name of Rabbah the son of Avuha: If a Jew has ten donkeys, distinctly firstborns, in his house, which fell to him [as an inheritance] from his maternal grandfather, a Kohen, to whom this inheritance had

<sup>18</sup> Since, therefore, he pays double for the stolen firstborn of a donkey, we infer that it is not compared with a consecrated object.

<sup>19</sup> Either in the form of a gift or it was sold to him.

<sup>20</sup> E.g., where he had ten donkeys and each gave birth to a male and a female and there was a doubt whether the males were born before the females. Ten sheep are therefore set aside on their behalf to release them from the prohibitions attaching to the firstborn donkeys and these are unconsecrated animals, to be tithed in the ordinary manner. The same principle also applies to two or three uncertain firstborns, but the reason why it mentions ten uncertain firstborns is to inform us that although in the latter case they are entitled to be tithed on their own account, we still set aside the ten lambs to be tithed among the others in the shed.

fallen from his maternal grandfather, a Jew,<sup>21</sup> he sets aside<sup>22</sup> ten lambs, tithes them and they are his.<sup>23</sup>

Rav Nachman [further] reported in the name of Rabbah the son of Avuha: If an Jew who possessed tevel<sup>24</sup> evenly piled up; in his house, which fell to him [as an inheritance] from his maternal grandfathers a Kohen, to whom it had fallen from his maternal grandfather<sup>25</sup> a Jew, he tithes it and it is his.<sup>26</sup>

And it was necessary [to teach both cases]. For had Rav Nachman taught only the first case, [I might have assumed that the reason was] because it was already set aside.<sup>27</sup> But, here, in the second case, since gifts for the Kohen, which have not yet been taken [by the Kohen] are not considered as having been given, I might have said it is not so.<sup>28</sup> And if he had only taught the second case, [I might have assumed that the reason why the tithes are his] is because it is possible to tithe tevel as it is, for it lies [in one place],<sup>29</sup> but in the other case, since the lamb comes from another place, we do not say that it is as if it were already set aside,<sup>30</sup> and therefore I

might have said that it was not [as stated]. It was therefore necessary [to state both cases].

Rabbi Shmuel bar Nassan reported in the name of Rabbi Chanina: If one who buys untithed grain evenly piled up from a gentile, he tithes it and it is his.<sup>31</sup> Who piled it up? Shall I say that a gentile piled it up? Surely the text says: your grain, implying, but not the grain of a gentile?<sup>32</sup> Rather we are dealing here with a case where the Jews piled it up in the domain of a gentile.<sup>33</sup> 'He tithes it', because a gentile does not have the right of possession in Eretz Yisroel to release [produce] from the obligation of tithing. 'And it is his', because he says to the Kohen, 'I have acquired my rights from a man with whom you cannot go to law'.

We have learned elsewhere: If a man deposits his produce with a Cuthean, or with an 'am ha-aretz,<sup>34</sup> it may be presumed that they retain their former condition in respect

<sup>21</sup> These are certainly subject to the law of redemption, since they were born in the Jew's possession.

<sup>22</sup> To redeem them from their prohibition as firstborns.

<sup>23</sup> The present Jew does exactly what the Kohen would have been required to do. As the Kohen who inherited from the Jew would have been required to set aside the lambs on behalf of the firstborn donkeys, since they were born in the possession of the Jew, the present Jew does the same. And just as the Kohen would have kept the lambs for himself, being a Kohen, so the Jew who inherited from the Kohen retains these for himself, for it is as if the Kohen had bequeathed the lambs to him.

<sup>24</sup> Produce before the separation of the Kohanic and Levitical dues.

<sup>25</sup> The even piling up or storing of the grain is the finishing touch which prepares it for tithing.

<sup>26</sup> He must give the tithe because it belonged to a Jew and still belongs to a Jew. But it is retained by him, since it came to him from a Kohen and therefore he sells the Kohanic gift to a Kohen and the tithes to a Levite.

<sup>27</sup> The lambs and the donkeys belong to different species and nothing special is required to be done; therefore it is as if the

donkeys and the lambs had fallen to him from his maternal grandfather, a Kohen, already separated.

<sup>28</sup> And the tithes must be given to the Kohen. He therefore teaches us that the tithes belong to him and that he need not give the tithes to the Kohen.

<sup>29</sup> With the parts to be separated, and therefore it is considered as if it had been already separated and tithed and in the Kohen's possession, before it fell to the Jew.

<sup>30</sup> For it requires a special action to bring the lamb in order to redeem whereas in the case of tevel, no effort is necessary.

<sup>31</sup> And the Kohen's share of the crop he sells to a Kohen.

<sup>32</sup> What the Jew stores and evenly piles up becomes subject to the Kohanic contribution, but not what is stored by a gentile.

<sup>33</sup> Where the Jew is a tenant in a gentile's field, for which he takes a share of the produce, and the Jew stored up the grain, Rabbi Chanina therefore means by the words: One who buys untithed grain etc., that the Jew acquired it by virtue of his labor for him.

<sup>34</sup> A person suspected of not observing certain laws regarding tithes.

of tithes and the Shemittah,<sup>35</sup> but if with a gentile, they are like [the gentile's] produce.<sup>36</sup> Rabbi Shimon says: They are dem'ai.<sup>37</sup> Rabbi Elozar said: That [the Kohen's share] should be set aside all the authorities mentioned agree. Where they differ is on the question whether to give it<sup>38</sup> to the Kohen. The first Tanna [mentioned] holds that he has certainly changed them and therefore he must give the Kohanic share to the Kohen, whereas Rabbi Shimon maintains that they have the law of dem'ai.

Rav Dimi was once sitting and repeating this teaching. Abaye said to him: The reason is because we are in doubt whether he changed them or not. But if he certainly changed the produce, all the authorities [mentioned] would agree that he is required to give the Kohanic share to the Kohen, would they not? But surely didn't Rabbi Shmuel report in the name of Rabbi Chanina: If one bought untithed grain from a gentile piled up [in proper shape], he gives tithes and it is his? — Perhaps [he replied], the one<sup>39</sup> refers to great terumah,<sup>40</sup> and Rabbi Shmuel's report refers to the terumah of the tithe!<sup>41</sup> [Abaye said]: This indeed reminds me of something [which supports your very explanation]. For Rabbi Yehoshua the son of Levi said: From where do we derive that a purchaser of untithed grain from a gentile piled up in proper shape is exempt from the terumah of the tithe? Because Scripture says: Moreover you shall speak to the Levites and say to them, when you take of the children of Israel. [We infer that]

from the untithed grain which you buy from the children of Israel, you separate the terumah of the tithe and give it to the Kohen, but from untithed grain which you buy from a gentile you do not separate terumah of the tithe and give it to the Kohen.

The Mishnah had stated: And if it died, he benefits from it. In what circumstances are we to suppose it to have died?<sup>42</sup> Shall I say that it died in the possession of the Kohen and that he is permitted to benefit from it? This is obvious, since it is his own money. Again, if it means that it died in the possession of the owner and that he [the Kohen] is permitted to benefit from it, this too is obvious! — I might have assumed that as long as the animal has not reached the Kohen's hands, the latter does not really possess it. [The Mishnah] accordingly informs us that from the time that [the Jew] has set it aside, it stands in the domain of the Kohen.

<sup>35</sup> We do not fear lest the produce are not the same as those deposited and therefore are untithed. And, with reference to the Shemittah, if he deposited with them the produce of the sixth year and they are returned during Shemittah, we do not fear that the produce returned have been exchanged and that, actually produce of the Shemittah are being restored, which produce must not be sold and which require removal from the house after the produce of the field have been consumed by animals.

<sup>36</sup> They are considered the gentile's produce, for we say that they have been undoubtedly exchanged.

<sup>37</sup> Produce concerning which there is a suspicion as to the tithes being properly taken from it, and, owing to this doubt, must be tithed.

<sup>38</sup> The share of the Kohen from the produce and grain.

<sup>39</sup> The teaching reported by Rav Dimi from which Abaye made his deduction.

<sup>40</sup> It is called 'great terumah', since it is the first sacred gift to be set aside and, also, to distinguish it from the terumah of the tithe, mentioned below.

<sup>41</sup> The tithe of the tithe, which the Levite owes to the Kohen.

<sup>42</sup> A physical disability of the animal, which renders it forbidden to be eaten.