

Daf Notes

4 Kislev 5772

Insights into the Daily Daf

Bechoros Daf 16

November 30, 2011

Daf Notes is currently being dedicated to the neshamah of

Yonina bas Menachem Mendel o"n.

May the studying of the Daf Notes be a zechus for her neshamah and may her soul find peace in Gan Eden and be bound up in the Bond of Life.

Visit us on the web at <http://www.daf-yomi.org/>,
where we are constantly updating the archives from the entire Shas.

Produced by Rabbi Avrohom Adler

To subscribe, please send email to: aneinu@gmail.com

Daily Daf

Redeeming Blemished Offspring

The master said: They (*their offspring*) are not redeemed unblemished, and they cannot be consecrated for any sacrifice he chooses.

The *Gemora* notes the implication from the *braisa*: 1. The unblemished are not redeemed, but we may infer from this that the blemished are redeemed. 2. and they cannot be consecrated for any sacrifice he chooses, but we may infer from this that for that particular sacrifice (*the same as its mother*), they are consecrated. Now what is the case (*where both these inferences can be applied*)? It is when they are consecrated for that particular sacrifice, and after they are born, they are redeemed when they develop a blemish.

The *Gemora* asks: Shall we say that this refutes Rav Huna (*for he holds that they cannot be consecrated for that particular sacrifice, and that they are not subject to redemption at all, therefore, they are left to die; whereas from the braisa we deduce that they are consecrated for a particular sacrifice, and that they are subject to redemption*)!?

The *Gemora* answers that Rav Huna can say that the rule really is that blemished animals also are not redeemed, but since the first part of the *Braisa* (*referring to the case*

where the blemish preceded the consecration) states that they are redeemed unblemished (*which is a novelty; and the reason it is true is because it does not possess physical sanctity*), therefore, the second part of the *braisa* also states that they are not redeemed unblemished (*when, in truth, they cannot be redeemed even if they are blemished; this is because their sanctity is not strong enough to receive their redemption*); and also, since the first part of the *braisa* states that they can be consecrated for any sacrifice he chooses, the second part of the *braisa* also that they can be consecrated for any sacrifice he chooses (*although, in truth, it cannot be consecrated at all*). (16a)

Consecrated; then it Developed a Blemish

The *braisa* had stated (*regarding animals that were consecrated for the altar, and afterwards, they developed a blemish*): And he who slaughters them outside the Temple Courtyard is not liable (*for it is not fit to be offered inside*).

Rav Huna read the *Mishna* that he is liable, and he explains that it is referring to a case where the blemished animal had cataracts, and it is in accordance with the opinion of Rabbi Akiva, who maintains that if they have been offered on the altar, they must not be

taken down again (*for a cataract is not considered a blemish in birds and, furthermore, it is not a blemish of a significant nature*).

The *braisa* had stated (*regarding animals that were consecrated for the altar, and afterwards, they developed a blemish*): Both before its redemption and after its redemption, it can effect *temurah*.

Rav Nachman said in the name of Rabbah the son of Avuhah: And the substituted animal after its redemption is left to die. The reason is as follows: What should we do? We cannot offer it up, for it derived its status from a rejected source of sanctity, and it cannot be redeemed, for it is not strong enough to receive redemption; therefore, we leave it to die.

Rav Amram asked: And why should the substituted animal not be eaten by the owners when blemished? In what way is this different from an animal exchanged for a *bechor* and a *ma'aser*? For we have learned in a *Mishna*: Animals substituted for a *bechor* and a *ma'aser* (*which cannot be offered as a korban*), and also their offspring and their offspring's offspring until the end of time are like a *bechor* and a *ma'aser*, and are eaten by their owners when blemished (*even without redemption; accordingly, the same should apply to the temurah of a blemished animal – they should be eaten by their owners – even without redemption*)!?

Abaye said to him: In this case it (*the temurah*) bears the name of its mother (*the bechor and the ma'aser*), and in the other case, it (*the temurah*) bears the name of its mother (*the blemished offering*). In this case it bears the name of its mother, for it is called the *temurah* of a *bechor* and a *ma'aser*, and therefore, just as a *bechor* and a *ma'aser* are eaten by their owners when blemished, so too, the substituted animal is eaten under similar circumstances. And in this case as well, it bears the name of its mother. It is called the *temurah* of an ordinary sacrifice, and therefore, just as an ordinary sacrifice which became blemished may not be eaten unless redeemed, so too, an animal substituted for them cannot be eaten unless it is redeemed first. But, in this

case, it is not strong enough to receive redemption, and therefore, it is left to die.

The *Gemora* cites a *braisa* in accordance with the opinion of Rav Nachman: From where do we derive that an animal substituted for a disqualified sacrifice is left to die? It is because it is written: *from those that bring up their cud, it is tamei to you*. [*The extra words that it is tamei are used to teach us that the temurah of a disqualified korban, which has been redeemed – although it has the marks of being kosher, it cannot be eaten.*]

The *Gemora* asks: But is this verse not required to teach us that there are five sin-offerings that are left to die? [*There are five such examples: the offspring of a chatas, a chatas of which its owner has died, the temurah of a chatas, a chatas of which its owner has already received atonement for his original chatas got lost, and one that was over a year old.*]

The *Gemora* answers: That teaching is derived from the continuation of the verse, which states: *from those that have split hooves, it is tamei to you*.

The *Gemora* cites a *braisa* to the same effect: From where do we derive that the five sin-offerings are left to die? It is because it is written: *from those that bring up their cud, it is tamei to you*.

The *Gemora* asks: But isn't the rule of the five sin-offerings that are left to die learned purely from the Oral Tradition (*halachah l'Moshe mi'Sinai*)?

The *Gemora* answers: Rather, the verse comes to teach us concerning the *temurah* of an *asham* (*guilt offering; that it is left to graze until it develops a blemish, and then it can be redeemed*).

The *Gemora* asks: But isn't the rule of the *asham* also learned purely from tradition, for whenever a *chatas* must be left to die, an *asham* (*in that same instance*) must be sent to graze?

The *Gemora* answers: In truth, the verse still refers to the rule of the five sin-offerings left to die, and both the verse and the Oral Tradition are necessary, for if we had the verse alone, I might have said that they are left to graze; therefore, the Oral Tradition teaches us that they are left to die. And if we had the Oral Tradition alone, I would have said that if he happened to eat of these five sin-offerings, he performed a forbidden action, but he did not transgress a negative prohibition; therefore a Scriptural verse teaches us that he transgresses a negative prohibition.

Alternatively, I may say that it (*the purpose of the verse referencing the rules of the five sin-offerings*) is in order to compare something that comes from *those who bring up the cud (the temurah of disqualified offerings after they were redeemed)*, with something that comes from *those who split their hooves (the five sin-offerings)*, so as to teach the following: just as there (*the five sin-offerings*), they are left to die, so too here (*the temurah of disqualified offerings after they were redeemed*) as well, they are left to die. (16a)

Mishna

If one receives *tzon barzel* – iron sheep (*this is an investment arrangement, where an investor provides a commodity to a recipient, at an appraised monetary value; at the end of the term of the loan, the recipient must repay the appraised value of the commodity, as well as half of any profits; since the original appraised value must be paid back, this arrangement is called iron sheep – metaphorically stating that their value is immutable like that of iron*) animals from an idolater, the firstborn offspring are exempt from the laws of *bechor*, but the offspring of their offspring are liable (*to the law of the firstborn*). If the Jew put the offspring in the place of their mothers (*by expressly stipulating that if the original flock dies, the idolater could collect from the offspring*), then the offspring of the offspring are exempt, but the offspring of the offspring of the offspring are liable. Rabban Shimon ben Gamliel says: Even as many as ten generations – the offspring are exempt (*from the law of the firstborn*), since they are all

pledged to the idolater (*for he will seize any of them to collect his debt*).

A ewe which gave birth to a species resembling a goat, or a goat which gave birth to a species resembling a ewe, is exempt from the laws of *bechor*. But if the offspring possessed some features resembling the mother, it is subject to the laws of *bechor*. (16a – 16b)

Tzon Barzel

The *Gemora* asks: This exemption indicates that the sheep and its offspring are the property of the idolater, since the owner did not take money (*for his investment; and that is why they are exempt from the law of bechor*). However, this is contradicted from the following *Mishna*: One must not receive *tzon barzel* from a Jew, because it is interest. [*Since the recipient must repay the appraised value, regardless of any losses, this is similar to a loan, and the portion of the profits given to the investor is akin to interest. Therefore, this may not be done with a Jewish recipient, but may be done with a non Jewish recipient.*] This shows that when one receives such property, it is considered belonging to the recipient, and not the original owner's!?

Abaye answers that the ownership depends on the terms of the arrangement. If the one receiving the sheep accepts to pay for any loss (*due to an accident or depreciation*), it is considered his; but otherwise, it is considered the property of the original owner. The *Mishna* discussing interest is a case where the recipient took responsibility for any losses, while our *Mishna* regarding *bechor* is a case where he did not take responsibility.

Rava disputes Abaye on three counts:

1. If he has not accepted responsibility for losses, the sheep cannot be called immutable *tzon barzel*, since the ultimate payment may be less than the original appraisal.
2. According to you, what did the *Tanna* tell us to demonstrate that there is a distinction between the two types of arrangements?

3. If Abaye is correct, the *Mishna* there did not need to go so far as a case of a non-Jewish recipient to find a permitted case of *tzon barzel*, but could have simply stated a case where the recipient does not accept responsibility for loss.

Instead, Rava says that although the sheep is considered the property of the recipient, since the idolater can seize the offspring if the borrower does not pay back the appraised value, the idolater has a limited ownership share in the offspring. Once an idolater has any share in the ownership of an animal, it is exempt from the laws of *bechor*. (16b)

How Many Generations?

The *Mishna* had stated: If the Jew put the offspring in the place of their mothers (*by expressly stipulating that if the original flock dies, the idolater could collect from the offspring*), then the offspring of the offspring are exempt (*but the offspring of the offspring of the offspring are liable*).

Rav Huna said: Their offspring are exempt from the law of *bechor*, but the offspring of the offspring are liable to the law of the *bechor*. Rav Yehudah, however, said: The offspring of the offspring are also exempt, but the offspring of the offspring of the offspring are liable (*to the law of bechor*).

The *Gemora* asks on Rav Yehudah from our *Mishna*: If the Jew put the offspring in the place of their mothers, then the offspring of the offspring are exempt. The reason for the exemption is because he put them in place of their mothers, but if he did not do so, they would not be exempt. Now, is this not a refutation against Rav Yehudah?

The *Gemora* answers that Rav Yehudah can answer that the same would really apply even if he did not put the offspring in the place of the mothers; but the *Mishna* however, wished to teach us that even if he put the offspring in the place of their mothers, since it is the custom of the idolater to seize the offspring, it is as if he

had not put the offspring in place of their mothers, and the law is that the offspring of the offspring are exempt, but the offspring of the offspring of the offspring are liable (*and we do not say that all subsequent generations are exempt, for the idolater was given expanded rights*).

The *Gemora* asks on Rav Huna from our *Mishna*: Rabban Shimon ben Gamliel says: Even as many as ten generations – the offspring are exempt (*from the law of the firstborn*), since they are all pledged to the idolater (*for he will seize any of them to collect his debt*).

Now there is no difficulty according to the view of Rav Yehudah who said that the *Tanna Kamma* of the *Mishna* descends to two generations (*after the original tzon barzel sheep for exemption*), that is why Rabban Shimon ben Gamliel said to him that even ten generations are exempt; however, according to Rav Huna who said that the *Tanna Kamma* does not descend to two generations (*of offspring in exempting, but rather, only one is exempted*), what does Rabban Shimon ben Gamliel mean by saying ‘even ten generations’?

The *Gemora* answers: Rav Huna can reply that Rabban Shimon ben Gamliel refers to the second case of the *Mishna* where the Jew put the offspring in the place of their mothers, and where the *Tanna* of the *Mishna* does descend to two generations (*of offspring*). (16b – 17a)