

29 Nissan 5779
May 4, 2019



Bechoros Daf 17

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamot of

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

Goat, Ewe, Goat

The *Mishna* had stated: A ewe that gave birth to a goat etc.

Rabbi Oshaya of Nehardea came bringing the following *braisa* with him: A ewe born of a goat or a goat born of a ewe, is declared liable by Rabbi Meir, whereas the Sages exempt it.

Rabbi Oshaya said to Rabbah: When you go up before Rav Huna, inquire of him: Rabbi Meir makes it liable for what? It cannot be for the law of the firstborn, for doesn't Rabbi Meir hold that when the Torah says, '*but the firstborn of a cow,*' it intimates that the law of the firstborn does not apply until the mother is an ox and its firstborn is an ox?

It also cannot mean that it is liable to the rule of giving the first shorn wool to the *Kohen*, for doesn't he hold with the *Tanna* of the school of Yishmael who taught that lambs whose wool is hard, are exempt from the rule of the first shorn wool (*and certainly goat's hair would be included in this exemption*)!?

Rabbah replied to him: Let us see; we are dealing here with a case where a ewe gave birth to what looked like a goat and its father was a goat (*and he slaughtered the offspring and its father on the same day*), and the dispute between them is whether we take into consideration the seed of the father in connection with the prohibition of killing it with its offspring on the same day. Rabbi Meir holds that we take into consideration the seed of the father (*and it is therefore forbidden to slaughter them both on the same day*), whereas

the Rabbis hold that we do not take into consideration the seed of the father (*and it is therefore permitted*).

The *Gemora* asks: If so, let them also differ as to whether we take into consideration the seed of the father in other cases as well, such as in the dispute between Chananya and the Sages (*in Tractate Chullin, where Chananya says that he transgresses the prohibition by slaughtering the father, and the Sages absolve him*)!?

Rabbah retracts and explains the dispute as follows: The reference is indeed to the law of the firstborn, and what we are dealing here with (*when it says a ewe was born from a ewe*) is the case of a ewe born of a ewe which, in turn, was born of a he-goat. Rabbi Meir maintains that we follow the mother and this is not a *nidmeh* (*a mutant; one that resembles a different species*), while the Sages maintain that we follow the mother's mother, and therefore this is a *nidmeh* (*and is therefore not subject to the laws of the firstborn*).

Alternatively, you may answer that it is referring to a case of a ewe born of a she-goat which, in turn, was born of a ewe. Rabbi Meir maintains that the sheep goes back to its former status (*and it is not a nidmeh, and therefore, it must be given to a Kohen*), whereas the Sages hold that the sheep does not go back to its former status (*it is therefore regarded as a nidmeh, and it is exempt from the halachos of bechor*).

Rav Ashi said: It is referring to an animal that possesses certain similar marks resembling its mother (*where the Mishna ruled that it is subject to the law of the firstborn*).



[Rabbi Meir holds that it is liable to the law of the firstborn as the Mishna states anonymously, whereas the Sages maintain that he is not liable.] And who are these Sages (who exempt)? It is Rabbi Shimon, who holds that the law of the firstborn does not apply until its head and the greater part of its body resemble its mother.

Rabbi Yochanan said: Rabbi Meir agrees, however, that in the case of the goat for *Rosh Chodesh*, we require it to be the offspring of a she-goat (and not one born from a ewe, that, in turn, was born from a goat). This is because the Torah says: *And one (he-goat), - the singled out (its ancestry spanning back) since the six days of the Creation.*

The *Gemora* asks: And do we derive it from this verse? Do we not derive it from another verse as follows: *an ox or a lamb*; this excludes a hybrid; or *a goat* excludes a *nidmeh*?

The *Gemora* answers: Both verses are necessary. For, from the latter verse alone, I might have thought that this (*that a nidmeh is disqualified*) is the case only when it has not returned to its original status (*it did not go back to its earlier generation; a goat born from a ewe, which was born of a goat; it is similar to its ancestors, but not to its mother, and therefore it is classified as a nidmeh*), but where it has returned to its original status (*and similar to its mother – a goat born from a goat, which was born from a ewe*), I might have thought that it is not a case of *nidmeh*. And from the former verse alone, I might have thought that this is only the case with an obligatory sacrifice, but in the case of a voluntary offering, the disqualification would not apply; there is therefore a necessity for both verses.

Rabbi Acha bar Yaakov said: All (even Rabbi Meir) agree that by using its wool (*a sheep born from a goat*), one does not become liable to lashes for *kilayim* (*the wearing of a garment containing a mixture of wool and linen*). This is because the Torah says: *You shall not wear shatnez (wool and linen together)*; just as the linen must be proper linen (*without*

being transformed from normal), so too the wool must be proper wool.

Rav Pappa said: All agree that its wool is disqualified for *techeiles* (*the blue wool used for tzitzis*). This is because the Torah says: *You shall not wear shatnez (wool and linen together)...you shall make for yourself twisted cords*; just as the linen must be proper linen (*without being transformed from normal*), so too the wool must be proper wool.

Rav Nachman bar Yitzchak said: All agree that its wool is not subject to the *tumah* of *tzara'as*. This is because the Torah says: *in a woolen garment or a linen garment*; just as the linen must be proper linen (*without being transformed from normal*), so too the wool must be proper wool.

Rav Ashi said: We will also say something similar to the above: If one trains a grapevine over a fig tree, its wine is unfit for (*the sacrificial*) libations. This is because the Torah says: *a sacrifice and libations*; just as the sacrifice must be a normal animal (*and not a 'resembler'*), similarly the libations must be from a normal liquid.

Ravina asked: If one trains flax over a thornbush, does it cease to be proper flax? If this is so, then you cannot say that 'just as flax must be proper flax,' since flax can also be transformed!?

He replied to him: In the case of wine, the smell has altered; in the other, its smell has not altered (*and is not regarded as a deviation*). (17a)

Mishna

If a ewe which never before had given birth bore two males and both heads emerged simultaneously, Rabbi Yosi HaGelili says: Both are given to the *Kohen*, for the Torah says: *the males (in a plural form) shall be for Hashem*. The Sages, however, say: It is impossible to ascertain exactly (*if both*

heads emerged simultaneously); therefore, one stays with the owner, and the other is given to the *Kohen*.

Rabbi Tarfon says: The *Kohen* chooses the better one. Rabbi Akiva says: 'The fat' (the worth of one more than the other) is between them (and since it is a matter of doubt, the *Kohen* must bring a proof; accordingly, the Jew keeps the better one), and the second one (in the Jew's possession) is left to graze until it develops a blemish (and then it may be slaughtered and eaten).

The owner is liable for the *Kohanic* gifts, whereas Rabbi Yosi exempts him.

If one of them died, Rabbi Tarfon says that they divide the remaining one. Rabbi Akiva says: The claimant (in this case – the *Kohen*) must produce a proof (in order to exact money from his fellow).

If it gave birth to a male and a female, the *Kohen* receives nothing. (17a – 17b)

Possible to be Precise

The School of Rabbi Yannai said: We have heard that Rabbi Yosi HaGelili said that it is possible to be precise even in processes which are in the hands of Heaven (such as the birth of two lambs simultaneously), and how much more so (is it possible to be precise) in actions that lie in the hands of humans. The Rabbis, however, hold that it is impossible to be precise in processes which are in the hands of Heaven. What is their view with actions that lie in the hands of humans?

The *Gemora* attempts to resolve this from the following *Mishna*: The red line encircled the altar in the middle. This was in order to separate the upper bloods and the lower bloods. Now if you say that it is impossible to be precise in actions that lie in the hands of humans, sometimes the *Kohen* might put the blood which should be above, below the middle of the altar?

The *Gemora* deflects the proof by saying that the line is made somewhat wide (which ensures that the blood is placed in the proper location).

The *Gemora* attempts to resolve this from the measurements of the Temple utensils and from the measurements of the altar.

The *Gemora* deflects the proof by saying that it is different there, since the Torah said, "Do it," and in whatever manner they were able to do it, it would be satisfactory for Him, as David said: *Everything is in writing, received from Hashem's hand, which he gave me to understand.*

Rav Katina said: Proof can be brought from the following *braisa*: If one split it (an earthenware oven that has become *tamei*; it can only become *tahor* through being broken; it must be broken in a manner that one piece is not the majority of the oven) into two equal parts, both parts are *tamei*, because it is impossible to be precise (to make an exactly equal division; we assume, therefore, that one piece is larger than the other, and the oven remains *tamei*).

Rav Kahana replied: An earthenware vessel is different because it has holes (and its sizes cannot be determined).

The *Gemora* attempts to resolve this from the following *Mishna*: If he is exactly between two cities, both cities bring an *eglah arufah*. These are the words of Rabbi Eliezer. [*eglah arufah* - the law is that upon finding a corpse, and being unable to solve the murder, the leaders of the city closest to the corpse are required to bring a calf to an untilled valley, decapitate it, wash their hands over it, and then they must recite a verse, declaring publicly that they did not kill the person.] What is the reason for this? Is it not because he holds that it is possible to be precise with actions that lie in the hands of humans, and the words 'which is nearest' imply even the cities which are nearest?



The *Gemora* deflects the proof by saying that Rabbi Eliezer holds with Rabbi Yosi HaGelili who said that it is possible to be precise even in processes which are in the hands of Heaven, and how much more so (*is it possible to be precise*) in actions that lie in the hands of humans. (17b – 18a)

DAILY MASHAL

Rav Chaim Kreiswirth met the Imrei emes in Warsaw on Shavuos and as he wished him a good Yom Tom, he asked him the following question: The Sifri states that there are many items where one has a mitzvah to give from the choicest that he has available, and one of them is the firstborn animal. Rav Chaim asked: How is this halachah practically relevant? The animal which is born the first is automatically the one which is given to the Kohen!?

The Imrei Emes immediately offered two answers: 1. The Gemara states that one should fatten the bechor, and through that, it becomes a *muvchar* – the choicest.

2. he then added and he cited our Mishnah: If a ewe which never before had given birth bore two males and both heads emerged simultaneously, the Sages say: It is impossible to ascertain exactly (*if both heads emerged simultaneously*); therefore, one stays with the owner, and the other is given to the *Kohen*. Rabbi Tarfon says: The *Kohen* chooses the better one. Rabbi Akiva says: ‘The fat’ (*the worth of one more than the other*) is between them (*and since it is a matter of doubt, the Kohen must bring a proof; accordingly, the Jew keeps the better one*), and the second one (*in the Jew’s possession*) is left to graze until it develops a blemish (*and then it may be slaughtered and eaten*).

According to Rabbi Tarfon, the Imrei Emes said, there is a halachah of *muvchar*. [It would seem to be that a better answer would have been according to the Sages; he gives one to the Kohen, and the Sifri teaches us that he should choose the better one.]

Rav Kreiswirth himself answered according to the Rambam who states that a bechor which has a certain sickness should not be offered on the Altar, just like other sacrifices; rather, one should wait until it obtains a blemish. This is because a *korban* needs to be ‘*min hamuvchar*.’ This is then the explanation of the Sifri.