

Daf Notes

Insights into the Daily Daf

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Bechoros Daf 3

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Produced by Rabbi Avrohom Adler

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Daily Daf

Selling Animals to an Idolater

The *braisa's* ruling that we penalize one who sells animals to an idolater supports the view of Rish Lakish, for Rish Lakish said: If one sells a large animal to an idolater, we penalize him by forcing him to repurchase the animal even up to ten times its value.

The *Gemora* wonders: Does Rish Lakish mean exactly ten times or not? [*Rashi cites two explanations: Perhaps he is not obligated to spend so much, or perhaps he is even required to spend more?*]

The *Gemora* attempts to resolve this from that which Rabbi Yehoshua ben Levi said: If one sells a Canaanite slave to an idolater, we penalize him by forcing him to redeem the slave even up to a hundred times his value. [*Now, since in reference to a slave it says a hundred times his value, and in reference to an animal it states ten times, we understand that the numbers are meant to be taken literally, for if it were otherwise, why does it not say in both instances either a hundred times or ten times?*]

The *Gemora* rejects the proof, for the case of a slave is different, for every day he (*the Jewish owner*) is preventing him (*the slave*) from observing his religious duties (*by selling him to an idolater*).

The *Gemora* cites another version of the above discussion: Rish Lakish said: If one sells a large animal to an idolater, we penalize him by forcing him to repurchase the animal even up to one hundred times its value.

The *Gemora* asks from a *braisa*, which states: If one gives an animal to an idolater to look after, although he is not permitted, we penalize him by forcing him to redeem the animal even up to ten times its value. [*So, how can Rish Lakish say one hundred?*]

The *Gemora* answers: By selling an animal, he severs all connection with it (*and therefore the penalty is strict*), but in the contracting case, there is not a complete severance of his connection with the animal (*for the Jew is still the owner of this animal, and therefore the penalty is lighter*).

The *Gemora* wonders: Does Rish Lakish mean exactly one hundred times or not? [*Perhaps it is a mere exaggeration?*]

The *Gemora* attempts to resolve this from that which Rabbi Yehoshua ben Levi said: If one sells a Canaanite slave to an idolater, we penalize him by forcing him to redeem the slave up to ten times his value. [*And since in*

connection with a slave it says ten times and with respect to an animal one hundred times, we may infer that the numbers mentioned are not precise, for in the case of a slave, where he is prevented from observing his religious obligations, the penalty should be much more severe than in the case of an animal.]

The *Gemora* rejects the proof, for the case of a slave is different, for he (*the slave*) does not return to his master after being redeemed. [*Accordingly, we do not force him to pay more than ten times the value of the slave, but in the case of an animal, the number stated may in fact be the precise number.*]

Now, the *Gemora* asks, in the case of an animal, what is the reason (*why one is forced to redeem it even up to one hundred times its value*)? It is because it returns to its master. Let us then penalize him to pay once over the ten times its value?

Rather, the *Gemora* concludes, the reason must be because the case of a slave being sold to an idolater is an extremely uncommon occurrence, and any case which is of a rare occurrence, the Rabbis did not issue decrees (*and therefore the penalty was not as severe as that of selling an animal; and perhaps the penalty for selling an animal to an idolater is indeed up to one hundred times*). (2b – 3a)

Partnership with an Idolater

The *braisa* had stated: But the Sages say: as long as the idolater has a share in it, it is exempt from the law of *bechor*.

Rabbi Yehoshua said: And both of expounded the same verse (*to justify their opinion*): *I sanctified for Myself all the firstborn in Israel*. The Sages hold that the word ‘firstborn’ is to be understood as meaning even if a portion of a firstborn belongs to a Jew (*it is sanctified as a bechor*). Therefore the Torah inserts the word ‘all’ implying that the entire firstborn must belong to the Jew. Rabbi Yehudah, on the other hand, holds that the word ‘firstborn’ is to be understood as meaning the

entire firstborn. Therefore the Torah inserts ‘all’ to show that even if any portion of the firstborn belongs to the Jew, it is subject to the law of the firstborn. Alternatively, I may say that they all understand that the word ‘firstborn’ denotes the majority of the animal. The Sages, however, hold that the purpose of the word ‘all’ is to add, while Rabbi Yehudah holds that it is to diminish.

The *Gemora* asks: And how much must the idolater’s share be to exempt the animal from the law of the firstborn?

Rav Huna said: Even if he has no more than the ears of the firstborn.

Rav Nachman asked: Let the *Kohen* say to the idolater: Take your portion of the ear and go (*for a firstborn, even with a blemish, although unfit for sacrifice on the altar, is given to the Kohen*)!

It was stated: Rav Chisda said: The idolater’s share in the animal must be something which renders an animal *neveilah*. [*An animal that has died a natural death or was killed without being slaughtered, is called neveilah. If the idolater therefore had for his share an essential part of the animal - the absence of which would make it impossible to ritually slaughter, e.g., its esophagus or windpipe, since such a vital part of the animal was in his possession, it was as if the entire animal belonged to him and was therefore exempted from the law of bechor.*] Rava said: The idolater’s share in the animal must be something which renders it *tereifah*.

The *Gemora* explains that the point of issue between them is whether a *tereifah* can live. The one who says that the idolater’s share in the animal must be something which renders it *tereifah*, would maintain that a *tereifah* cannot live, whereas the one who says the idolater’s share must be something which renders the animal *neveilah*, but a *tereifah*, he would maintain, that it is able to live.

The Rabbis said in the presence of Rav Pappa: The ruling of Rav Huna and the rulings of Rav Chisda and Rava, do

not differ. Rav Huna's ruling is in reference to the firstborn, whereas the rulings of Rav Chisda and Rava are in reference to the mother.

Rav Pappa said to them: Why would this be the ruling in connection with the firstborn? Presumably, this is because we require the condition of *'all of the firstborn,'* and it is not found here (*for the idolater owns its ear*); so in connection with its mother as well, we require the condition specified in the verse: *And from all your cattle you shall sanctify the males*, which is not found here. Rather, there is in fact no difference.

Mar, the son of Rav Ashi asked: Why should this (*the case of an idolater having a share in an animal which renders it either tereifah or neveilah be different from the non-viable animals*), which although they are not viable, are sacred?

The *Gemora* answers: There, since there is no mixture of an unconsecrated portion of the animal, we apply to it the words, *'all firstborn'*; here, however, since there is a mixture of the unconsecrated portion of the animal, we cannot apply to it the words, *'all firstborn.'* (3a)

Blemished Bechor

Rabbi Elozar once did not attend the study hall. He came across Rav Assi and asked him: What did the Rabbis say in the study hall? He replied: Rabbi Yochanan said: Even if the idolater's share in the firstborn was only something constituting a slight blemish (*if that portion were to be removed*). And as to what we have learned in the following *Mishna*: 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*. Rabbi Yochanan commented that nevertheless, it is like a firstborn with a permanent blemish, on account of which it is slaughtered (*outside of the Temple*).

The *Gemora* asks: We understand the necessity of Rabbi Yochanan's ruling with reference to a slight blemish, for this informs us that the law is in accordance with Rav Huna and excludes the rulings of Rav Chisda and Rava. But his ruling regarding a permanent blemish, what novelty does he teach us with this? If it is to inform us that since the animal is abnormal, this is regarded as a blemish, surely we have already learned this ruling in a *Mishna*, which states: Or if the firstborn's mouth resembles that of a pig, it is a blemish! And should you argue (*the following distinction*) that in the *Mishna* just cited, the firstborn has changed into a species of animal (*a pig*) in which the sanctity of the firstborn does not exist, but here, the firstborn has changed into a species of an animal (*a goat or ewe*) in which the sanctity of the firstborn does exist; this too we have learned in a *Mishna*: If one of its eyes is large and one is small (*it is a blemish*). And a *Tanna* explained in a *braisa* that 'large' means large like that of a calf, and 'small' means small like that of a goose. Now, it is understandable as far as the case of a firstborn with a small eye like a goose that it is regarded as a blemish, for a goose is a species in which the sanctity of the firstborn does not exist; but in the case of a large eye like that of a calf - this is a species in which the sanctity of the firstborn does exist! Evidently, the reason is that we say since the animal is abnormal, it is regarded as a blemish!?

The *Gemora* answers: No. The reason is because it is a *sarua* (*when an animal's limbs are not of equal size*).

The *Gemora* supports this explanation by explaining the following *Mishna*: The above mentioned blemishes, whether permanent or temporary, render human beings (*Kohanim*) unfit for the Temple service. To these must be added in the case of blemishes of human beings: two large eyes or two small eyes. This is because regarding people it is written: *Any man of the offspring of Aaron*. This requires a man to be similar to the offspring of Aaron (*with normal human features*). But regarding an animal, two large or two small eyes is not regarded as a blemish. Now, in the case of an animal with one large or one small eye, what is the reason (*why it is a blemish*)? If it is on account of it being abnormal, then the same

should apply to an animal with two large eyes or two small eyes? Evidently, the reason is because of *sarua*?

The *Gemora* disagrees: No. I can indeed still say that (*the reason why an animal with one large and one small eye is blemished*) is because it is abnormal. And as for your question that the same ruling should apply to the case of an animal with two large and two small eyes, I can answer that there (*it is a blemish, for*) if the change is because of the animal's robustness, both eyes should be large, and if it is because of its unusual frailty, then both eyes should be small. [*Accordingly, it must be regarded as a blemish; this would not apply when both eyes are oversized or undersized.*] (3a – 3b)

Removing Bechor's Sanctity

The *Gemora* relates: There was a woman convert to whom her idolater brothers gave an animal to fatten. She came before Rava, and he said to her: There is no authority that is concerned with the ruling of Rabbi Yehudah who said that the partnership of an idolater in an animal is subject to the law of *bechor* (*and therefore the firstborn's produced from this partnership are exempt from the laws of bechor*).

Rav Mari bar Rachel possessed a herd of animals. He used to transfer possession of the ears (*of the firstborns while still in the womb to an idolater*). He (*nevertheless*) prohibited the shearing and the working of the animals and gave them to the *Kohanim*. The herd of Rav Mari bar Rachel died.

The *Gemora* asks: Now, since he prohibited the shearing and the working of the animals and gave them to the *Kohanim*, why did he transfer possession of the ears?

The *Gemora* answers: It was in order that he should not commit an inadvertent transgression (*of shearing or working them*).

The *Gemora* asks: If so (*that he had virtuous intentions*), why did his herd die?

The *Gemora* answers: It is because he deprived them of their sanctity.

The *Gemora* asks: But didn't Rav Yehudah say that one is permitted to make a blemish in a firstborn before it enters the world (*even though the sanctity will be removed*)?

The *Gemora* answers: There, he deprives the animal of the sanctity of being sacrificed on the altar but he does not deprive it of the sanctity of belonging to the *Kohanim*, but here, he even deprives it of the sanctity of belonging to the *Kohanim*. Alternatively, I may say that Rav Mari bar Rachel knew how to make a valid transfer to an idolater, but we are afraid that other people may see this and go and do likewise, thinking that Rav Mari said mere words (*but there was no transfer of funds*), and this will lead to them commit a transgression. (3b)