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Firstborn of a Non-kosher Animal

Rav Achai asked: [There is need for the repetition of ‘peter chamor’!]. For if the Torah had written only one (peter chamor), I might have said that it (the law of the firstborn donkey requiring redemption) is something which was included in the general rule (of non-kosher animals) and then it was singled out of the general rule – so that the specification is not limited to itself alone, but is to be applied to the entire general rule (of non-kosher animals), and so, in all cases (such as a horse or a camel), the redemption is indeed with a sheep. Therefore the Torah wrote in another verse ‘peter chamor’ to intimate that only firstborns of donkeys are redeemed with a sheep, but not the firstborns of horses and camels.

The Gemora asks: But one might say that the exclusion (with reference to horses and camels) only refers to (redemption with) a sheep, but they may indeed be redeemed with anything?

The Gemora answers: If so, let the Torah write: *The firstborn of a donkey you shall redeem with a sheep; and then write: a donkey you shall redeem with a sheep.* Why this repetition: *The firstborn of a donkey you shall redeem with a sheep; and the firstborn of a donkey you shall redeem with a sheep?* It is to intimate that only the firstborns of donkeys (require redemption), but not the firstborns of horses and camels.

The Gemora asks: And how does our Tanna of the Mishna (who uses this verse to exclude an offspring different than its mother from the law of bechor) derive the exclusion of horses

and camels (as being completely exempt from the law of bechor)?

Rav Pappa said: *All your cattle that produces a male; this is a general rule. (The firstborn) of an ox and sheep . . . and a firstborn of a donkey you shall redeem* is a specification; and with a general rule followed by a specification, the general rule includes only the specification. This teaches us that an ox, sheep and a donkey are subject to the law of bechor, but not any other animal.

The Gemora notes that Rabbi Yosi HaGelili does not expound like this, for he maintains that the word ‘peter’ interrupts the matter.

The Gemora counters that the Rabbis would maintain that the letter ‘vav’ (the conjunction ‘and’) joins it again to the previous verse.

Rabbi Yosi HaGelili, however, argues by saying: The Torah did not have to write neither the ‘vav’ (which joins it with the previous verse), nor the word ‘peter’ (which interrupts the subject). [Obviously, the verses are not meant to be connected.]

The Gemora concludes with the Rabbis’ reply: Since the second part (donkey) deals with objects consecrated in respect of their value and the first part (ox and sheep) deals with objects that have physical sanctity, the Torah, therefore, at first interrupts the matter, and subsequently connects it again. (6a)

Offspring Resembling a Different Animal

The *Gemora* inquires: If a cow gave birth to a species similar to a donkey and it possesses some features of its mother, what is the ruling (*is it subject to the laws of bechor*)?

The *Gemora* explains: If a goat gave birth to a species similar to a ewe and a ewe gave birth to a species similar to a goat, the ruling is that when it possesses some features of its mother, it is subject to the law of the *bechor*. This is because this one (*the mother*) is a kosher animal and this one (*the offspring*) is a kosher animal, this one (*the mother*) is an object which can possess physical sanctity, and this one (*the offspring*) is also an object which can possess physical sanctity. But here, where this one (*the offspring*) is a non-kosher animal, and this one (*the mother*) is a kosher animal, this one (*the mother*) is an object which can possess physical sanctity, and this one (*the offspring*) is an object which is consecrated for its value, the ruling should be that it is not subject to the law of the *bechor*. Or, perhaps, since even in this case (*where the offspring is a species similar to a donkey, and the mother is a cow*), they (*both the mother and the offspring*) belong to a category subject to the law of *bechor*, shall we say that it is therefore sanctified?

The *Gemora* inquires further: And should you maintain that since they (*both the mother and the offspring*) belong to a category subject to the law of *bechor*, we say that it is therefore sanctified, what will be the ruling for a donkey which gave birth to a species similar to a horse?

The *Gemora* explains: Here, definitely, it (*the offspring*) does not belong to the category of animals which are subject to the law of *bechor* (*and therefore it will not be sanctified*), or, perhaps we can say that since it (*the horse*) belongs to the same category of non-kosher animals (*as its mother, the donkey*), it is therefore sanctified?

The *Gemora* inquires further: And should you maintain that since it belongs to a category of non-kosher animals, it is therefore sanctified, what will be the ruling regarding a cow which gave birth to a species similar to a horse?

The *Gemora* explains: Here, definitely, this one (*the cow*) is a kosher animal, whereas this one (*the offspring*) is a non-kosher animal, and this one (*the cow*) belongs to a category of animals which can possess physical sanctity, whereas this one (*the horse*) does not belong to the category of animals which can possess physical sanctity. Or are we perhaps to say that the features (*similar to the mother*) are the decisive factor?

The *Gemora* attempts to resolve the inquiries from the following *braisa*: A kosher animal which gave birth to a species similar to a non-kosher animal is exempted from the law of *bechor*. If it possesses, however, some features (*similar to the mother*), it is subject to the law of *bechor*. Now, does this not refer even to the case of a cow which gave birth to a species similar to a horse? [*Evidently, its features are significant; this would resolve the third inquiry, and certainly – the first two!*]

The *Gemora* deflects the proof by saying that the *braisa* refers only to the case of a cow which gave birth to a species similar to a donkey (*and the first inquiry alone would be resolved*).

The *Gemora* attempts to resolve the inquiries from the following *braisa*: If a cow gave birth to a species similar to a donkey, or a donkey gave birth to a species similar to a horse, it is exempt from the law of *bechor*. If it possesses, however, some features (*similar to the mother*), it is subject to the law of *bechor*. Now, does this (*last clause*) not refer to both cases mentioned (*which would resolve the first two inquiries*)?

The *Gemora* deflects the proof by saying that the last clause refers only to the case of a cow which gave birth to a species

similar to a donkey (*and the first inquiry alone would be resolved*).

The *Gemora* asks: If so, what is the necessity to teach the case where a donkey gave birth to a species similar to a horse? Is it not obvious that it would not be subject to the law of *bechor*!? Since, in the case of a cow which gave birth to a species similar to a donkey, where both (*the mother and its offspring*) belong to a category of animals which have the sanctity of a *bechor*, you still say that if the donkey has some features (*similar to its mother*), it is sanctified, but if not, it is not sanctified; is there any question then - in the case of a donkey which gave birth to a species similar to a horse (*which is not in a category of animals which have the sanctity of a bechor – certainly, it should not be subject to the law of bechor*)?

The *Gemora* answers: It is necessary to teach this, for you might have thought that there (*in the case of a cow which gave birth to a species similar to a donkey*), the reason (*it is exempt*) is because the cow has horns but the donkey has no horns; the cow's hooves are cloven but the donkey's hooves are closed; but here (*in the case where a donkey gave birth to a species similar to a horse*), since both (*the mother and its offspring*) have no horns and their hooves are closed, I might have said that the offspring (*a species of a horse*) was merely a red donkey (*and would be subject to bechor*). The *braisa* teaches us that this is not the case. (6a)

Product of Kosher is Kosher; Product of Non-kosher is Non-kosher

The *Mishna* had stated that with respect to consumption, the rule is as follows: That which is produced from a non-kosher

animal (*even if it is similar to a kosher animal*) is non-kosher, and that which is produced from a kosher animal (*even if it is similar to a non-kosher animal*) is kosher.

The *Gemora* asks: What is the necessity for the *Mishna* to state that rule?

The *Gemora* answers: It is a mere mnemonic, so that you should not change the version of the *Mishna*; you should not say 'decide according to the offspring, and this is a perfectly kosher animal and this is a perfectly non-kosher animal,' but rather, we say: 'Follow the mother.'

The *Gemora* asks: From where is this derived?

The *Gemora* cites a *braisa*: *But this you shall not eat of them that bring up the cud and have a split hoof*. You have a case of an animal which brings up the cud and has split hooves, which you are, nevertheless, forbidden to eat. And what is it? This is the case of a kosher animal born from a non-kosher animal.

The *braisa* asks: Perhaps, it is not so, but rather, the verse refers to the case of a non-kosher animal born from a kosher animal? And what then would be the interpretation of the verse: *of them that bring up the cud and have a split hoof*? It would mean as follows: Something which proceeds from them which bring up the cud and have a split hoof, you shall not eat. The verse therefore states: *The camel . . . it is non-kosher*, intimating that it is non-kosher, but a non-kosher animal born from a kosher animal is not non-kosher, but kosher.

Rabbi Shimon (*disagrees and*) says: The word 'camel' is written twice (*in Vayikra and Devarim*); once referring to a camel born from a camel (*as forbidden*), and the other refers to a camel born from a cow (*that it is also forbidden*).

The *Gemora* asks: And as to the Rabbis who disagree with Rabbi Shimon, what do they do with the repetition 'camel,' 'camel'?

The *Gemora* answers: One is to forbid the camel itself, and the other is to prohibit its milk.

The *Gemora* asks: And from where does Rabbi Shimon derive the prohibition of a camel's milk?

The *Gemora* answers: He derives it from the word 'es' ('es ha'gamal' -- with the camel).

The *Gemora* notes that the Rabbis do not expound the word 'es.' This is as it was taught in the following *braisa*: Shimon Ha'amsoni used to expound the word 'es' wherever it occurred in the Torah. When he reached, however, the verse, *you shall fear 'es' Hashem, your God*, he abstained (*for he could not amplify the word, so as to include fearing any other being besides God*). His students said to him: Every 'es' which you have expounded, what will become of them? He replied to them: Just as I have received reward for expounding every 'es,' so I shall receive reward for withdrawing. Finally, however, Rabbi Akiva came and taught that the verse: *you shall fear 'es' Hashem, your God*, intimates that we must fear Torah scholars. (6a – 6b)

Camel's Milk

Rav Acha the son of Rava said to Rav Ashi: According to this, the reason of the Rabbis (*why milk of a non-kosher animal is forbidden*), is because of the repetition 'camel,' 'camel,' and that of Rabbi Shimon is because of the verse 'es the camel,' but were it not so, I would have thought that milk from a non-kosher animal is permitted. Why should it be different from that which was taught in a *braisa*: It is written (*regarding sheratzim - creeping things*): The contaminated ones. This signifies that the juice and the gravy and the sediment of these are forbidden.

The *Gemora* answers: It is necessary (*to find another source for milk*), for I might have thought that since even the use of milk itself of a kosher animal is a novelty, for a master said: The blood (*during the nursing period*) decomposes and turns into milk; and since it is a novelty (*that blood, which ordinarily is prohibited under the penalty of kares, after a change is permitted*), perhaps even the milk from a non-kosher animal should be permitted. We are therefore informed that this is not so.

The *Gemora* asks: This is well according to the one who says that the blood (*during the nursing period*) decomposes and turns into milk. But according to the one who says that (*the reason why there is no menstruation bleeding while nursing*) it is because her limbs become disrupted (*due to childbirth*) and she does not return to her normal cycle for twenty-four months, what will you say?

The *Gemora* answers: It is still necessary, for I might have thought that since there is nothing which comes from a living being which the Torah permits, and yet milk, which is similar to a limb from a living animal, is permitted; therefore even from a non-kosher animal, the milk should be permitted. We are therefore informed that this is not so.

The *Gemora* asks: And from where do we derive that milk itself from a kosher animal is permitted?

The *Gemora* presents several Scriptural sources that milk indeed is permitted. (5b – 6a)