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Chullin Daf 136

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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

Regarding the tithe, although it is written: The tithe of your grain, [from which would follow that] yours only is subject but not what is held jointly, the Merciful One stated: Your tithe. What then is the significance of ‘the tithe of your grain’? — It excludes what is held jointly with an idolater.

Regarding the Kohanic gifts, although it is written: And he shall give, and by reason of the common expression ‘giving’ one might draw an analogy from the law of reishis hageiz (the first of the fleece): as there what is held jointly is exempt so here what is held jointly is exempt, the Merciful One stated: From them that slaughter a slaughtering.¹ Now this is so only because Scripture stated: From them that slaughter a slaughtering, but had it not stated it, I should have said that one should draw the analogy from the law of reishis hageiz; but on the contrary one should rather draw the analogy from terumah.² — This is indeed so; what then is the significance of ‘from them that slaughter a slaughtering’? — It is as Rava said: For Rava said: The claim is made against the slaughterer.⁸

Regarding bikkurim (the first-fruits), although it is written: Your land, [from which it would follow that] yours only is subject but not what is held jointly, the Merciful One stated:

¹ The plural in this verse indicates that though the animal is held jointly by several people it is still subject to the gifts.

² By means of the common expression ‘giving’ which is also used in connection with terumah, with the result that what is held jointly is subject to the gifts.

³ From the law of bikkurim. This would not have been excluded from the expression ‘their land’, and therefore Scripture says: Your land which implies the specific land of the Jew, Eretz Yisroel.

The first-ripe fruits of all that is in their land. What then is the significance of ‘your land’? — It excludes land that is outside Eretz Yisroel.³

Regarding the law of tzitzis, although it is written: Your covering, [from which it would follow that] yours only is subject but not what is held jointly, the Merciful One stated: On the corners of their garments throughout their generations. What then is the significance of ‘your covering’? — It is as Rav Yehudah said, for Rav Yehudah said: A borrowed garment is for the first thirty days exempt from tzitzis.

Regarding the law of the ma’akeh (protective fence), although it is written: For your roof, [from which it would follow that] yours only is subject but not what is held jointly, the Merciful One stated: If any man falls from there. What then is the significance of ‘your roof’? — It excludes the roofs of Synagogues and Houses of Study.

Rav Bibi bar Abaye said: These cases⁴ are all wrong,⁵ for it has been taught: An animal that is held jointly is subject to the law of the firstborn; Rabbi Ila'i declares it exempt. What is the reason for Rabbi Ila'i's view? — Because it is written: Your

⁴ These cases enumerated by Rava in which Rabbi Ila'i is said to agree that what is jointly held is subject to the law in question are to be disregarded.

⁵ Since we find that Rabbi Ila'i exempts what is jointly held from the law of the firstborn, hence Rava's argument fails with regard to this; accordingly his arguments with regard to the others cannot be upheld.

herd and your flock. But it is also written: Your herd and your flock. — That means of all Israel.⁶

Rav Chanina of Sura said: These cases are all wrong, for it has been taught: An animal that is held jointly is subject to the Kohanic gifts; Rabbi Ila'i declares it exempt. What is his reason? — He draws an analogy by means of the common expression 'giving' from the law of reishis hageiz; just as there what is held jointly is exempt so here what is held jointly is exempt. Now if you could say that in respect of terumah [what is jointly held] is liable, then surely one would have to draw the analogy by means of the common expression 'giving' from terumah. This proves, therefore, that even in respect of terumah [what is jointly held] is exempt.

The Gemara asks: But⁷ just as terumah obtains in Eretz Yisroel only and not outside it, so the law of reishis hageiz should obtain in Eretz Yisroel only and not outside it!⁸

Rabbi Yosi of Neharbil said: It is indeed so; for it has been taught: Rabbi Ila'i says: The law of the Kohanic gifts applies only in Eretz Yisroel. Likewise Rabbi Ila'i used to say: The law of reishis hageiz applies only in Eretz Yisroel. What is Rabbi Ila'i's reason? — Rava answered: He draws an analogy by means of the common expression 'giving' from terumah; as terumah applies in Eretz Yisroel only and not outside it, so the law of reishis hageiz applies in Eretz Yisroel only and not outside it.

⁶ To the exclusion of idolaters. On the other hand, wherever Scripture states 'your' it excludes what is held jointly.

⁷ Here commences a new argument. Since Rabbi Ila'i derives the law of reishis hageiz from terumah concerning what is held jointly with an idolater, the analogy must be carried to all its conclusions and the rules applying to the one should apply to the other.

⁸ Which is contrary to our Mishnah.

⁹ It renders the whole produce forbidden to be eaten until the terumah is separated from it.

¹⁰ But before the reishis hageiz has been set apart no Kohen has any claim to it, and consequently the condition of tevel does not

Rava said to Abaye. Then just as terumah produces the condition of tevel,⁹ so should reishis hageiz produce the condition of tevel, should it not? — He replied: Scripture says: And the first of the fleece of your sheep shall you give him, that is, you have no right to it except after it has [been separated as] the first.¹⁰

Again just as terumah is subject to the penalty of death¹¹ and the additional fifth¹² so the reishis hageiz should be subject to the death penalty and the additional fifth, should it not? — Scripture says: And they die because of it, and he shall add unto it; that is, 'unto it' [he shall add the fifth] but not unto the reishis hageiz; for it' [they shall die] but not for the reishis hageiz.

Again just as there follow after terumah the first and second [tithes] so there should follow after the reishis hageiz the first and second [tithes], should there not? — Scripture says: 'The first', thus you have only [to give] the first [of the fleece].

Again just as in the case of terumah one must not set aside new [grain as terumah] for old¹³ so in the case of the reishis hageiz one should not give new [fleece as the due] for old? — This is indeed so; for it has been taught: If a man had two lambs and he sheared them and kept [the wool], and [next year] again sheared them and kept [the wool], and so he did for two or three years, they are not to be reckoned

exist at all. This implication is made from the word 'first' which is redundant in the verse.

¹¹ If a non-Kohen deliberately ate terumah, he is liable to the penalty of death at the hands of Heaven.

¹² If a non-Kohen inadvertently ate terumah, he must make restitution by paying the value of it plus a fifth to the Kohen.

¹³ The produce of one year may not be given as terumah or tithe for the produce of the preceding year, or vice versa, for it is written: That which is brought forth in the field year by year.

together.¹⁴ It follows, however, that if he had five lambs¹⁵ they would be reckoned together; yet [in another Baraisa] it has been taught that they would not be reckoned together. It is clear therefore that one [Baraisa] gives Rabbi Illa'i's opinion¹⁶ and the other that of the Rabbis.

Again just as with regard to terumah it is the law that what grows under a condition of obligation¹⁷ is subject [to terumah], but what grows under condition of exemption is not subject [to terumah], so it should be with regard to the reishis hageiz: what grows [on sheep] under a condition of obligation should be subject [to the mitzvah], but what grows [on sheep] under condition of exemption should not be subject [to this mitzvah]? From where do we know this with regard to terumah? — From the following [Baraisa] which was taught: If a Jew bought a field in Surya¹⁸ from an idolater before the produce had reached a third of its growth, it is subject [to tithe]; if it had already reached a third of its growth,¹⁹ Rabbi Akiva declares the increase²⁰ subject [to tithe], but the Sages declare it exempt. And should you say that this²¹ is indeed so, but we have learned: If a man bought the fleeces of a flock belonging to an idolater he is exempt from the law of reishis hageiz, so it follows that if he bought

the flock [with its fleece] which was ready for shearing he would be liable!²² — Our Mishnah is not in accordance with Rabbi Illa'i.²³

Again just as in the case of terumah one may not give one kind [as terumah] for another kind,²⁴ so in the case of reishis hageiz one should not give one kind [as the due] for another kind? From where do we know this in the case of terumah? — From the following [Baraisa] which was taught: If a man had two kinds of figs, black and white, likewise if he had two kinds of wheat, he may not give one kind as terumah or as tithe for the other kind. Rabbi Yitzchak reports in the name of Rabbi Elozar: Beis Shammai say that he may not give [one kind] as terumah [for another kind], but Beis Hillel say that he may. So in the case of reishis hageiz one should not be permitted to give one kind [as the due] for another kind! — This is indeed so, for we have learned: If he had two kinds of wool, grey and white, and he sold the grey but not the white . . . each must give [the first of the fleece] for himself.²⁵ But if so, in the last clause which reads: If he sold the wool of the males but not of the females each must give the first of the fleece for himself, is the reason also because they are

¹⁴ Even though he has now accumulated five fleeces; for there must be five fleeces from five sheep.

¹⁵ And he sheared some one year and the rest the next year.

¹⁶ The second Baraisa represents Rabbi Illa'i's view that the fleece of one year's shearing cannot be reckoned together with that of another year's shearing, as is the case with the produce of terumah.

¹⁷ E.g., if a Jew bought a field from an idolater.

¹⁸ The Biblical Aram Tzovah which was conquered by David and added by him to Eretz Yisroel. It is not, however, regarded as Eretz Yisroel proper, and therefore what is owned there by an idolater constitutes full ownership so as to release it from the obligation of tithe. This is not the case with regard to land held by an idolater in Eretz Yisroel proper.

¹⁹ At which stage grain becomes liable to tithe.

²⁰ Sc. the last two-thirds of the growth; this increase is in fact a mixture of tavel and chulin.

²¹ That fleece which had grown on sheep while in the possession of an idolater, although now in the possession of a Jew, is exempt from the reishis hageiz.

²² Although the wool grew upon the sheep while they were in the possession of the idolater.

²³ For according to Rabbi Illa'i if a Jew bought flocks from an idolater with fleeces that were ready to be shorn he would be exempt.

²⁴ Even though both kinds are of the same species; such as black figs and white figs.

²⁵ This case proves the rule that one may not give the fleece from one kind as the due for other kinds. For if this were not so, the seller alone would be liable to give the due both in respect of what he sold and of what he retained, in accordance with the preceding clause of the Mishnah: if the seller kept back some for himself, the seller is liable; for since the various kinds count as one with regard to the Kohanic gifts it would be regarded as though the seller had retained some for himself, and only he would be liable.

two different kinds?²⁶ We must therefore say²⁷ that the Tanna was merely giving a piece of good advice, viz., that he should give him of the hard as well as the soft wool,²⁸ likewise in the former clause he also gives a piece of good advice, viz., that he should give him of both kinds!²⁹ — We have already stated that our Mishnah is not in accordance with Rabbi Ila'i.

Again just as in the case of terumah there must be a 'first offering' such as leaves a perceptible remainder,³⁰ so in the case of reishis hageiz there should also be a 'first offering' such as leaves a perceptible remainder, should there not? — This is indeed so; for we have learned: If a man said: Let all [the grain in] my threshing floor be terumah, or: Let all my dough be challah, his words are of no effect. It follows, however, that if he said: Let all my fleeces be the first of the fleece, his words would hold good; yet another [Baraisa] taught that his words are of no effect. It is clear therefore that one [Baraisa] gives Rabbi Ila'i's opinion³¹ and the other that of the Rabbis.

Rav Nachman bar Yitzchak said: Nowadays the world has adopted the views of the following three Elders: that of Rabbi Ila'i with regard to reishis hageiz, for it has been taught: Rabbi Ila'i says: The law of reishis hageiz applies only in Eretz Yisroel; that of Rabbi Yehudah ben Beseirah with regard to the words of the Torah, for it has been taught: Rabbi Yehudah

²⁶ It would be absurd to regard the males and females of sheep as different kinds.

²⁷ Male and female sheep certainly count as one kind, and therefore the seller, having kept back some, viz., the females, for himself, is in fact solely liable to give the first of the fleece to the Kohen.

²⁸ The wool of male sheep is harder and therefore of less value than that of females. The seller is, in our Mishnah, advised for his own advantage to buy back some of the wool of the males from the purchaser, so as not to have to give soft and more expensive wool to the Kohen in respect of the hard wool of the male now in possession of the purchaser.

²⁹ For the seller is solely liable, inasmuch as the two colors of wool count as one kind and he retained one color for himself.

ben Beseirah says: The words of the Torah do not contract tumah;³² and that of Rabbi Yoshiyah with regard to kilayim, for it has been taught: Rabbi Yoshiyah says: A man is not liable [for the infringement of this law] until he sows wheat, barley and grape-kernels with one throw of the hand.

The Mishnah had stated: The law of the foreleg and the jaw and the abomasum is stricter etc. [than the law of *reishis ha'geiz*, for the law of the foreleg and the jaw and the abomasum applies both to cattle and flocks, whether they are many or few, whereas the law of *reishis ha'geiz* applies only to sheep, and only when there are many].

Why doesn't the Tanna state that the law of *reishis ha'geiz* is stricter in that it applies to a tereifah animal, which is not so with regard to the Kohanic gifts?³³ — Ravina said: The author [of the view in our Mishnah] is Rabbi Shimon, for it has been taught: Rabbi Shimon exempts tereifah animals from *reishis ha'geiz*. What is the reason for Rabbi Shimon's view? — He draws an analogy by means of the common expression 'giving' from the Kohanic gifts; just as the Kohanic gifts do not apply to a tereifah animal so the law of *reishis ha'geiz* does not apply to tereifah animals. But since he draws an analogy by means of the common expression 'giving' from the Kohanic gifts, he should also draw an analogy by means of this common expression 'giving' from terumah: just as

Consequently the reason of the Mishnah is not, as Rabbi Ila'i suggested, because one may not give one kind as due for another kind.

³⁰ I.e., part of it is set aside as terumah and the rest is common produce, but the whole produce is not to be terumah.

³¹ Sc. the latter Baraisa represents the view of Rabbi Ila'i that with regard to reishis hageiz, as with terumah, there must be a perceptible remainder.

³² And therefore a man that has suffered a seminal emission may occupy himself with the study of the Torah.

³³ For with regard to the Kohanic gifts it is written: They shall give unto the Kohen, that is, the gifts shall be fit for the Kohen to be eaten by him and not for his dog only.

terumah applies only in Eretz Yisroel but not outside it so the law of *reishis ha'geiz* applies only in Eretz Yisroel but not outside it. Why then have we learned: The law of *reishis ha'geiz* applies both within Eretz Yisroel and outside it? — Rather we must say that this is the reason for Rabbi Shimon's view: he draws an analogy by means of the common expression 'sheep' from ma'aser beheimah (the [cattle] tithe): just as the tithe does not apply to a tereifah animal so the law of the *reishis ha'geiz* does not apply to a tereifah animal. And from where do we know it there? — For it is written: Whatever passes under the rod, thus excluding a tereifah animal since it cannot pass under [the rod].³⁴

And why does he [Rabbi Shimon] not draw an analogy by means of the common expression 'sheep' from the firstborn: just as the law of the firstborn also applies to a tereifah animal³⁵ so the law of *reishis ha'geiz* also applies to a tereifah animal? — It is more logical to draw the analogy from ma'aser beheimah, because they³⁶ are alike in the following

points: (i) males,³⁷ (ii) nonkosher animals,³⁸ (iii) quantity,³⁹ (iv) sanctity from the womb,⁴⁰ (v) mankind,⁴¹ (vi) ordinary,⁴² and (vii) before the Revelation.⁴³ On the contrary, shouldn't the analogy be drawn rather from the law of the firstborn, since they are alike in the following points: — (i) orphan-animal,⁴⁴ (ii) bought, (iii) held jointly, (iv) given,⁴⁵ (v) during the existence of [the Temple],⁴⁶ (vi) Kohanic endowment,⁴⁷ (vii) sacred,⁴⁸ and (viii) sold,⁴⁹ and these have more points in common? — It is preferable to draw the analogy from ordinary animals.⁵⁰

³⁴ E.g., an animal whose hind-legs were cut off above the knee-joint. And so all tereifah animals are exempt.

³⁵ A firstborn that is born a tereifah is nevertheless sacred, and must be buried.

³⁶ Sc. ma'aser beheimah and reishis hageiz.

³⁷ These two laws — Sc. ma'aser beheimah and reishis hageiz apply not only to male but also to female animals, whereas the firstborn applies only to the males.

³⁸ They do not apply to nonkosher animals, whereas the firstborn of a donkey is also sacred.

³⁹ They require a minimum number of animals for the law to apply; for reishis hageiz there must be at least five sheep, and for ma'aser beheimah there must be ten animals, whereas one single firstborn is sacred.

⁴⁰ They are not sacred when born, like the firstborn.

⁴¹ They do not apply to human beings, whereas the first-born of man is holy.

⁴² They only apply to ordinary animals, i.e., not firstborns.

⁴³ These two laws were first promulgated on Mount Sinai at the giving of the Torah, whereas the law of the firstborn was made known to Israel, while still in Egypt.

⁴⁴ An orphan, i.e., an animal whose mother died or was slaughtered at the very moment that it was born, is sacred if a firstborn, and is subject to the law of reishis hageiz, but is exempt from ma'aser beheimah.

⁴⁵ Animals bought or held jointly or received as a gift are subject to the law of the firstborn and to reishis hageiz but are exempt from ma'aser beheimah.

⁴⁶ These apply at all times both during the existence of the Temple and after it, whereas ma'aser beheimah does not operate nowadays.

⁴⁷ The firstborn and reishis hageiz are to be given to the Kohen, whereas ma'aser beheimah is consumed by the owner like shelamim.

⁴⁸ The firstborn and reishis hageiz do not need to be consecrated, the former because it is sacred from the womb and the latter because it has no sanctity whatsoever, whereas ma'aser beheimah must be consecrated with the rod.

⁴⁹ These may be sold by the Kohen, but ma'aser beheimah may neither be sold nor exchanged.

⁵⁰ Rather than from a firstborn.