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Bechoros Daf 32

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Selling Bechor and Ma’aser

The above text stated: In connection with a *bechor*, the Torah says: *You shall not redeem*, implying that it may be sold, and in connection with tithing, it is written: It shall not be redeemed, intimating that it is forbidden to be sold either alive or slaughtered, whether unblemished or blemished.

The *Gemora* asks: From where is this known? Rav Chinana said in the name of Rav, and likewise Rav Dimi said in the name of Rabbi Yochanan: It is said in connection with tithing the expression: *it shall not be redeemed*, and it is written in connection with *charamim* (dedications that are given to *Kohanim*) the expression: *it shall not be redeemed*. [We expound a *gezeirah shaveh* as follows:] Just as by *cheirem*, it includes the prohibition of selling, so too by *ma’aser*, it includes selling.

Rav Nachman the son of Yitzchak said to Rav Huna the son of Yehoshua: One of the above verses (used for the *gezeirah shaveh*) is free (and extra for interpretation), for if it were not free (for interpretation), it (the *gezeirah shaveh*) may be challenged as follows: the case of *charamim* is different because they take effect upon everything (even upon sacred objects as well, whereas *ma’aser* takes effect only upon *chullin*; furthermore, *cheirem* applies to the entire flock, whereas *ma’aser* only applies to every tenth animal). [When the words are extra, the *gezeirah shaveh* cannot be challenged.]

The *Gemora* explains why it is extra, for the Torah did not have to write ‘*it shall not be redeemed*’ in connection with *charamim*, for one could have derived this from *ma’aser*: just as a *ma’aser* animal is holy and is not redeemed, so too *charamim* are holy and are not redeemed. What is the need for the words ‘*it shall not be redeemed*’? Deduce from here consequently that it is free for interpretation.

The *Gemora* asks: But it may be objected that the case of a *ma’aser* animal is different, because the animals which preceded and followed (the tenth in the counting) can also be holy!? [If, for example, he called the ninth animal the tenth and the eleventh the tenth, all three are holy.]

Rather, it is free, because the Torah did not have to write ‘*it shall not be redeemed*’ in connection with *charamim*, for one could have derived this from the case of *bechor*: just as a *bechor* is holy and is not redeemed, so too *charamim* are holy and are not redeemed. What is the need for the words ‘*it shall not be redeemed*’? Deduce from here consequently that it is free for interpretation.

The *Gemora* asks: But it may be objected that the case of a *bechor* is different, for it is consecrated from birth!?

Rather, it is free, because the Torah should not have used the expression ‘*it shall not be redeemed*’ in connection with a *ma’aser* animal, and one could have derived this from the analogy between *ha’avarah* (passing) here and *ha’avarah* mentioned in connection with a *bechor*: just as a *bechor* is holy and is not redeemed, so a *ma’aser* animal is holy and is not redeemed. What is the need for the words ‘*it shall not be*



redeemed' in connection with a *ma'aser* animal? It is therefore free for interpretation.

The *Gemora* asks: But still the expression in connection with a *ma'aser* animal is not free, since we can refute the analogy as we did above (*by saying that bechor is different, for it is consecrated from its emergence from the womb*)?

The *Gemora* answers: The word *ha'avarah* is superfluous.

But, the *Gemora* asks, why not also make a comparison between the term 'redemption' used in connection with a *bechor* and the term 'redemption' used in connection with *charamim* (*and derive that a bechor cannot be sold*)?

The *Gemora* answers: The 'redemption' mentioned in connection with *ma'aser* is free for interpretation, whereas the 'redemption' mentioned in connection with a *bechor* is not extra.

The *Gemora* asks: But why do you see fit to say that the verse '*you shall not redeem*' in connection with a *bechor* is required for its own sake, while the verse '*it may not be redeemed*' in connection with *ma'aser* is extra? Why not say that the verse '*it may not be redeemed*' in connection with *ma'aser* is required for its own sake, while the verse '*you shall not redeem*' in connection with a *bechor* is free for interpretation?

The *Gemora* answers: We compare the word *ge'ulah* (*redemption*) with the word *ge'ulah*, whereas we do not compare the word *pediyah* (*redemption; used in connection with a bechor*), with the word *ge'ulah* (*mentioned in connection with charamim*).

The *Gemora* asks: But why should that make a difference? Wasn't it taught by the Academy of Rabbi Yishmael that one can derive a *gezeirah shavah* from "*v'shav ha'Kohen*" and "*u'va ha'Kohen*" as they are both terms meaning "*and he will come/return*?"

The *Gemora* answers: This variation makes no difference only where there is no alternative analogy based on identical expressions, but where there is an alternative analogy based on identical expressions, we must then make the analogy from the identical expressions.

The *Gemora* asks: But why not derive the case of a *bechor* (*that it cannot be sold*) from that of a *ma'aser* animal (*by means of a gezeirah shaveh*) between 'passing' and 'passing', for regarding the forbidding of the sale of a *ma'aser* animal, we have already compared the word *ge'ulah* with the word *ge'ulah* mentioned in connection with *charamim*?

The *Gemora* answers: The Torah excludes this in connection with *charamim*, when it writes: *it is (most holy)*; implying that it cannot be sold, but not a *bechor*.

The *Gemora* asks: But why not say that it excludes *ma'aser*?

The *Gemora* answers: It is reasonable to maintain that the word *ge'ulah* is used (*in connection with ma'aser*) and the word *ge'ulah* is used (*with reference to charamim*) in order that *ma'aser* may be compared with *charamim*. (32a)