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Bechoros Daf 16

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Redeeming Blemished Offspring

The master said: They (*their offspring*) are not redeemed unblemished, and they cannot be consecrated for any sacrifice he chooses.

The *Gemora* notes the implication from the *braisa*: 1. The unblemished are not redeemed, but we may infer from this that the blemished are redeemed. 2. and they cannot be consecrated for any sacrifice he chooses, but we may infer from this that for that particular sacrifice (*the same as its mother*), they are consecrated. Now what is the case (*where both these inferences can be applied*)? It is when they are consecrated for that particular sacrifice, and after they are born, they are redeemed when they develop a blemish.

The *Gemora* asks: Shall we say that this refutes Rav Huna (*for he holds that they cannot be consecrated for that particular sacrifice, and that they are not subject to redemption at all, therefore, they are left to die; whereas from the braisa we deduce that they are consecrated for a particular sacrifice, and that they are subject to redemption*)!?

The *Gemora* answers that Rav Huna can say that the rule really is that blemished animals also are not redeemed, but since the first part of the *Braisa* (*referring to the case where the blemish preceded the consecration*) states that they are redeemed unblemished (*which is a novelty; and the reason it is true is because it does not possess physical sanctity*), therefore, the second part of the *braisa* also states that they are not redeemed unblemished (*when, in truth, they cannot be redeemed even if they are blemished; this is because their sanctity is not strong enough to receive their redemption*); and also, since the first part of the *braisa* states that they can be consecrated for any sacrifice he chooses, the second part of the *braisa* also that they

can be consecrated for any sacrifice he chooses (*although, in truth, it cannot be consecrated at all*). (16a)

Consecrated; then it Developed a Blemish

The *braisa* had stated (*regarding animals that were consecrated for the altar, and afterwards, they developed a blemish*): And he who slaughters them outside the Temple Courtyard is not liable (*for it is not fit to be offered inside*).

Rav Huna read the *Mishna* that he is liable, and he explains that it is referring to a case where the blemished animal had cataracts, and it is in accordance with the opinion of Rabbi Akiva, who maintains that if they have been offered on the altar, they must not be taken down again (*for a cataract is not considered a blemish in birds and, furthermore, it is not a blemish of a significant nature*).

The *braisa* had stated (*regarding animals that were consecrated for the altar, and afterwards, they developed a blemish*): Both before its redemption and after its redemption, it can effect *temurah*.

Rav Nachman said in the name of Rabbah the son of Avuhah: And the substituted animal after its redemption is left to die. The reason is as follows: What should we do? We cannot offer it up, for it derived its status from a rejected source of sanctity, and it cannot be redeemed, for it is not strong enough to receive redemption; therefore, we leave it to die.

Rav Amram asked: And why should the substituted animal not be eaten by the owners when blemished? In what way is this different from an animal exchanged for a *bechor* and a *ma’aser*? For we have learned in a *Mishna*: Animals substituted for a *bechor* and a *ma’aser* (*which cannot be offered as a korban*), and

also their offspring and their offspring's offspring until the end of time are like a *bechor* and a *ma'aser*, and are eaten by their owners when blemished (*even without redemption; accordingly, the same should apply to the temurah of a blemished animal – they should be eaten by their owners – even without redemption!*)!?

Abaye said to him: In this case it (*the temurah*) bears the name of its mother (*the bechor and the ma'aser*), and in the other case, it (*the temurah*) bears the name of its mother (*the blemished offering*). In this case it bears the name of its mother, for it is called the *temurah* of a *bechor* and a *ma'aser*, and therefore, just as a *bechor* and a *ma'aser* are eaten by their owners when blemished, so too, the substituted animal is eaten under similar circumstances. And in this case as well, it bears the name of its mother. It is called the *temurah* of an ordinary sacrifice, and therefore, just as an ordinary sacrifice which became blemished may not be eaten unless redeemed, so too, an animal substituted for them cannot be eaten unless it is redeemed first. But, in this case, it is not strong enough to receive redemption, and therefore, it is left to die.

The *Gemora* cites a *braisa* in accordance with the opinion of Rav Nachman: From where do we derive that an animal substituted for a disqualified sacrifice is left to die? It is because it is written: *from those that bring up their cud, it is tamei to you.* [*The extra words that it is tamei are used to teach us that the temurah of a disqualified korban, which has been redeemed – although it has the marks of being kosher, it cannot be eaten.*]

The *Gemora* asks: But is this verse not required to teach us that there are five sin-offerings that are left to die? [*There are five such examples: the offspring of a chatas, a chatas of which its owner has died, the temurah of a chatas, a chatas of which its owner has already received atonement for his original chatas got lost, and one that was over a year old.*]

The *Gemora* answers: That teaching is derived from the continuation of the verse, which states: *from those that have split hooves, it is tamei to you.*

The *Gemora* cites a *braisa* to the same effect: From where do we derive that the five sin-offerings are left to die? It is because it is written: *from those that bring up their cud, it is tamei to you.*

The *Gemora* asks: But isn't the rule of the five sin-offerings that are left to die learned purely from the Oral Tradition (*halachah l'Moshe mi'Sinai*)?

The *Gemora* answers: Rather, the verse comes to teach us concerning the *temurah* of an *asham* (*guilt offering; that it is left to graze until it develops a blemish, and then it can be redeemed*).

The *Gemora* asks: But isn't the rule of the *asham* also learned purely from tradition, for whenever a *chatas* must be left to die, an *asham* (*in that same instance*) must be sent to graze?

The *Gemora* answers: In truth, the verse still refers to the rule of the five sin-offerings left to die, and both the verse and the Oral Tradition are necessary, for if we had the verse alone, I might have said that they are left to graze; therefore, the Oral Tradition teaches us that they are left to die. And if we had the Oral Tradition alone, I would have said that if he happened to eat of these five sin-offerings, he performed a forbidden action, but he did not transgress a negative prohibition; therefore a Scriptural verse teaches us that he transgresses a negative prohibition.

Alternatively, I may say that it (*the purpose of the verse referencing the rules of the five sin-offerings*) is in order to compare something that comes from *those who bring up the cud* (*the temurah of disqualified offerings after they were redeemed*), with something that comes from *those who split their hooves* (*the five sin-offerings*), so as to teach the following: just as there (*the five sin-offerings*), they are left to die, so too here (*the temurah of disqualified offerings after they were redeemed*) as well, they are left to die. (16a)

Mishna

If one receives *tzon barzel* – iron sheep (*this is an investment arrangement, where an investor provides a commodity to a*

recipient, at an appraised monetary value; at the end of the term of the loan, the recipient must repay the appraised value of the commodity, as well as half of any profits; since the original appraised value must be paid back, this arrangement is called iron sheep – metaphorically stating that their value is immutable like that of iron) animals from an idolater, the firstborn offspring are exempt from the laws of *bechor*, but the offspring of their offspring are liable (to the law of the firstborn). If the Jew put the offspring in the place of their mothers (by expressly stipulating that if the original flock dies, the idolater could collect from the offspring), then the offspring of the offspring are exempt, but the offspring of the offspring of the offspring are liable. Rabban Shimon ben Gamliel says: Even as many as ten generations – the offspring are exempt (from the law of the firstborn), since they are all pledged to the idolater (for he will seize any of them to collect his debt).

An ewe which gave birth to a species resembling a goat, or a goat which gave birth to a species resembling an 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*. (16a – 16b)

Tzon Barzel

The *Gemora* asks: This exemption indicates that the sheep and its offspring are the property of the idolater, since the owner did not take money (for his investment; and that is why they are exempt from the law of *bechor*). However, this is contradicted from the following *Mishna*: One must not receive *tzon barzel* from a Jew, because it is interest. [Since the recipient must repay the appraised value, regardless of any losses, this is similar to a loan, and the portion of the profits given to the investor is akin to interest. Therefore, this may not be done with a Jewish recipient, but may be done with a non-Jewish recipient.] This shows that when one receives such property, it is considered belonging to the recipient, and not the original owner's!?

Abaye answers that the ownership depends on the terms of the arrangement. If the one receiving the sheep accepts to pay for any loss (due to an accident or depreciation), it is considered his; but otherwise, it is considered the property of the original

owner. The *Mishna* discussing interest is a case where the recipient took responsibility for any losses, while our *Mishna* regarding *bechor* is a case where he did not take responsibility.

Rava disputes Abaye on three counts:

1. If he has not accepted responsibility for losses, the sheep cannot be called immutable *tzon barzel*, since the ultimate payment may be less than the original appraisal.
2. According to you, what did the *Tanna* tell us to demonstrate that there is a distinction between the two types of arrangements?
3. If Abaye is correct, the *Mishna* there did not need to go so far as a case of a non-Jewish recipient to find a permitted case of *tzon barzel*, but could have simply stated a case where the recipient does not accept responsibility for loss.

Instead, Rava says that although the sheep is considered the property of the recipient, since the idolater can seize the offspring if the borrower does not pay back the appraised value, the idolater has a limited ownership share in the offspring. Once an idolater has any share in the ownership of an animal, it is exempt from the laws of *bechor*. (16b)

How Many Generations?

The *Mishna* had stated: If the Jew put the offspring in the place of their mothers (by expressly stipulating that if the original flock dies, the idolater could collect from the offspring), then the offspring of the offspring are exempt (but the offspring of the offspring of the offspring are liable).

Rav Huna said: Their offspring are exempt from the law of *bechor*, but the offspring of the offspring are liable to the law of the *bechor*. Rav Yehudah, however, said: The offspring of the offspring are also exempt, but the offspring of the offspring of the offspring are liable (to the law of *bechor*).

The *Gemora* asks on Rav Yehudah from our *Mishna*: If the Jew put the offspring in the place of their mothers, then the offspring of the offspring are exempt. The reason for the exemption is because he put them in place of their mothers, but



if he did not do so, they would not be exempt. Now, is this not a refutation against Rav Yehudah?

The *Gemora* answers that Rav Yehudah can answer that the same would really apply even if he did not put the offspring in the place of the mothers; but the *Mishna* however, wished to teach us that even if he put the offspring in the place of their mothers, since it is the custom of the idolater to seize the offspring, it is as if he had not put the offspring in place of their mothers, and the law is that the offspring of the offspring are exempt, but the offspring of the offspring of the offspring are liable (*and we do not say that all subsequent generations are exempt, for the idolater was given expanded rights*).

The *Gemora* asks on Rav Huna from our *Mishna*: Rabban Shimon ben Gamliel says: Even as many as ten generations – the offspring are exempt (*from the law of the firstborn*), since they are all pledged to the idolater (*for he will seize any of them to collect his debt*).

Now there is no difficulty according to the view of Rav Yehudah who said that the *Tanna Kamma* of the *Mishna* descends to two generations (*after the original tzon barzel sheep for exemption*), that is why Rabban Shimon ben Gamliel said to him that even ten generations are exempt; however, according to Rav Huna who said that the *Tanna Kamma* does not descend to two generations (*of offspring in exempting, but rather, only one is exempted*), what does Rabban Shimon ben Gamliel mean by saying ‘even ten generations’?

The *Gemora* answers: Rav Huna can reply that Rabban Shimon ben Gamliel refers to the second case of the *Mishna* where the Jew put the offspring in the place of their mothers, and where the *Tanna* of the *Mishna* does descend to two generations (*of offspring*). (16b – 17a)

DAILY MASHAL

Rabbi Frand writes the following story that was written by Rabbi Yosef Chaim Sonnenfeld, a disciple of the Kesav Sofer. The Kesav Sofer, in turn, was the son of the Chasam Sofer who told this

story in the name of his teacher, Rav Nosson Adler. The story took place in the late 1700s or the early 1800s.

There were two successful Jewish merchants who lived in Pressburg, the city of the Chasam Sofer. They had their own fleet of boats in which they used to travel the world in pursuit of their import/export business. These merchants were once arrested by Spanish authorities off the coast of Spain with their ship full of merchandise. At that particular point in time, piracy was rampant in the Mediterranean Sea and therefore smuggling and piracy was common. The Jews and their merchandise were detained because of the (false) suspicion that their goods were pirated or smuggled.

They were brought into the port of Barcelona to be held in custody while the investigation proceeded as to whether their cargo was legitimate. They were lucky, however, in that at that time, the Spanish Government had very good relations with the Austro-Hungarian Empire and its Emperor, Franz-Yosef. Based on the good diplomatic relations, the Jews were not thrown into jail. They were treated very respectfully while they were being detained. They were assigned to two customs officials, who would take care of them while the investigation proceeded. Each was taken home by one of the customs officials to relax and be served lunch.

There was only one problem. Despite the fact that this story took place between two and three hundred years after the Inquisition, the Inquisition was still alive and well in Spain. Under terms of the Inquisition, any person in Spain suspected of being Jewish was given the choice of either converting to Catholicism or being burned in the town square. The merchants realized that if their Jewish identities would be revealed, they would face this horrible choice.

Therefore, the Jews disguised themselves so that they would look like Gentiles. As mentioned before, each merchant was assigned to a different customs agent. The customs agent had his servant serve them lunch – consisting of chicken and wine. The customs agent noticed that his guest turned white as a ghost. He then told his guest to follow him to the attic. When

they got to the attic he told him, "I know that something is wrong. You turned white as a ghost when my servant brought you your food. You are Jewish, aren't you?" Before the guest had a chance to answer, the customs agent told him, "So am I." It just so happened that this customs agent was a descendant of the Marranos, who outwardly converted to avoid expulsion from Spain, but secretly tried to maintain their Jewish identity and Jewish traditions. To prove his point, he closed the door of the attic, pulled up a floor board and took out a shiny and sharp knife used in ritual slaughter ('chalif'). He told his guest, "The chicken we are about to eat, I personally slaughtered it!" Kosher L'Mehadrin!

The Jewish merchant was flabbergasted at the personal Divine Providence (Hashgocha Pratis) that sent him specifically to this man's house! He ate his meal, the investigation concluded that there was no problem with their merchandise, and both merchants were released. The Jew met up with his partner and asked him about his experiences. The second Jew was very distraught. He admitted that he had to eat non Kosher meat to preserve his appearance as a non-Jew. He had ruled for himself that this was a matter of life and death and in such situations one is not required to be a martyr to eat only kosher food. The first Jew told his friend, "The same thing happened to me, but I had the unbelievable fortune of being hosted by a secret Jew who was a Shochet, and I was able to eat kosher."

The man who had to eat the non-Kosher meat was beside himself when he heard this story. "What was my sin, what was my iniquity that caused G-d to lead my partner to a secret observant Jew and I was forced to eat nevilah?" When he got back to Pressburg, he went to his holy Rebbi, the Chasam Sofer and told him the story. "What", he asked his teacher, "did I do wrong in my life that I was put into a situation that I had to eat non-Kosher?"

The Chasam Sofer responded, "I have a tradition from my teacher, the holy Gaon Rav Nosson Adler, that any person who never put anything in his mouth that had the slightest question of being forbidden, the Almighty guarantees that this person will never come into a situation which would force him to eat

something that is prohibited. If you are so careful that you never ever put anything questionable into your mouth the 'measure for measure' reward is that the Almighty will see to it that you in fact never have to eat anything prohibited."

The Chasam Sofer concluded, "It must be that some time in your past, you must have eaten something forbidden or something about which there was at least a doubt that it might be forbidden." The merchant responded, "Rebbi, it cannot be. It is not true!" The Chasam Sofer insisted: "Think hard." Finally, the merchant admitted: "There was one incident. When I was first married, my wife made chicken for us. She brought me the chicken after she got it from the slaughterer and showed me a 'shaylah' [question] she had about the chicken. I was a young newlywed. I was ashamed to tell my wife that I did not know and she should ask the Rabbi. I did have Semicha. I learned the laws of Shechita and of Tereifos. I looked at the chicken. I saw the shaylah. I said 'kosher.'"

Being a newlywed, his wife did not trust him. She took the chicken to a Rav. She told the Rav, "My husband has Semicha, he learned the laws of Tereifa, and he says the chicken is Kosher. Is he right about that?" The Rav looked at the chicken and it was not such a simple question, but he did not want to second guess the newlywed husband so he said, "Okay, your husband says it is kosher, you can rely on his opinion." The merchant told the Chasam Sofer, "I ate that chicken."

The Chasam Sofer exclaimed, "That is it! You put in your mouth something that had a possibility of being prohibited. That is why you forfeited the guarantee mentioned by Rav Nosson Adler. The other merchant must have never put anything with a doubt of prohibition in his mouth. He had the guarantee from the Almighty that he would be protected from ever eating non-kosher food."