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MISHNAH: If a female donkey that had never before given birth gave birth to two males, [the Jew] gives one lamb to the Kohen as a redemption.¹ [If it gave birth to] a male and a female, he sets aside one lamb [which remains] for himself.² If two female donkeys that had never before given birth gave birth to two males, he gives two lambs to the Kohen. [If they gave birth to] a male and a female or two males and a female, he gives one lamb to the Kohen.³ [If they gave birth to] two females and a male or to two males and two females the Kohen receives nothing.⁴ if one female-donkey had given birth before and one had not given birth before and they gave birth to two males, he gives one lamb to the Kohen. [If they gave birth to] a male and a female, he sets aside one lamb [which remains] for himself,⁵ for [Scripture] says: and the firstborn of a donkey you shall redeem with a lamb.⁶ [The lamb can come either] from the sheep or the goats male or female, large or small, unblemished or blemished. He can redeem with the same one many times,⁷ [and the lamb]

enters the shed to be tithed.⁸ If it dies, the Kohen can benefit from it.⁹

GEMARA: Who is the authority [of the first passage in the Mishnah]?¹⁰ Rabbi Yirmiyah said: It does not follow the opinion of Rabbi Yosi HaGelili, for if it were the opinion of Rabbi Yosi HaGelili — did he not say that it is possible to ascertain exactly [that both heads came forth simultaneously]?¹¹ Abaye said: You may even assume that [the passage in the Mishnah] represents the opinion of Rabbi Yosi HaGelili, and that he makes a difference [in connection with the firstborn of a kosher animal], for [Scripture] writes: The males shall be to Hashem.¹²

But why not infer [the case of the firstborn of a nonkosher animal] from [the case of the firstborn of a kosher animal]? —

¹ Because, either way, one of the offspring must be a firstborn.

² There is a doubt here as to whether the male donkey was born before the female; so, by setting aside a lamb for redemption, he releases the animal from the prohibitions which attach to the firstborn of a donkey, in case the male was born first. He is not required, however, to give the lamb to the Kohen, since the claim of the latter is purely that of a debt due to him as laid down in the Scripture, the lamb not possessing any sanctity, and being like the donkey which it redeems. Consequently, the Kohen is in the position of a claimant who must produce the evidence, the evidence here being that the male was born prior to the female.

³ One male must be a firstborn and the other, as there is a doubt whether the male was born before the female, therefore, he sets aside one lamb for redemption, which, however, remains for himself.

⁴ Where two males and two females are born, the Kohen receives nothing, because the female might have been born prior to the males; also, where two females and a male are born, because here too there is a doubt, and the female might have been born before the male. The Jew, however, must set aside two lambs which remain for himself.

⁵ In case the female donkey which had never given birth before had given birth to the female.

⁶ From here we derive the general rule that the firstborn of a donkey is redeemed with a sheep.

⁷ If the lamb which the Kohen receives as a redemption for the firstborn of a donkey was sold or returned to the Jew as a present, it can exempt another firstborn of a donkey. This process can be repeated in connection with many firstborns of donkeys.

⁸ The lamb which he sets aside is an absolutely unconsecrated animal and enters the shed to be tithed with the rest of his animals.

⁹ As soon as the lamb is set aside, the Kohen has a claim on it as belonging to him, and it is as if it were already in his possession. Therefore, if the lamb died before it was delivered to the Kohen, the latter benefits from its skin and carcass.

¹⁰ That if a female donkey which had never before given birth, gave birth to two males, he only gives one lamb to the Kohen.

¹¹ If a ewe which had never given birth before gave birth to two males, Rabbi Yosi HaGelili, says that both belong to the Kohen since both heads came forth at the same time.

¹² The plural indicates two males, but in the case of the firstborns of donkeys, where the singular is used throughout, even if it were possible to make sure that both heads came forth simultaneously, they are not sanctified.

The Merciful One excludes this [by the definite article in the expression]: The males.¹³

Some there are who say: Must we say that [the passage in the Mishnah] does not represent the view of Rabbi Yosi HaGelili? For if it were the opinion of Rabbi Yosi HaGelili, did he not say that it is possible to ascertain exactly [that both heads came forth simultaneously]? — Abaye said: You may even assume that it is the opinion of Rabbi Yosi HaGelili and he makes a difference [in connection with the firstborn of a kosher animal], for [Scripture] writes: The males shall be to Hashem.

Now we can understand Rabbi Yirmiyah stating that [the passage in the Mishnah] does not follow Rabbi Yosi HaGelili; that is the reason why the [Mishnah] does not say: And both their heads came forth simultaneously. But according to Abaye, let it say: And both heads came forth simultaneously?¹⁴ Moreover, it has been taught: If his donkey had never given birth before, and it gave birth to two males, and the two heads came forth simultaneously, Rabbi Yosi HaGelili says that they both belong to the Kohen, for Scripture says: The males are to Hashem. But is this not written in connection with [an animal] consecrated as such [which is a kosher animal]? — Rather say, on account of what [Scripture] says: The males are to Hashem.¹⁵ This is a confutation of Abaye. — It is a refutation.

And as to the Rabbis,¹⁶ must we say that the Rabbis hold that even if a portion of the womb touches [the firstborn] it consecrates? For if it consecrates only when the whole womb

touches [a firstborn], granted it is impossible to ascertain that both heads came forth simultaneously, nevertheless, there is here an interposition?¹⁷ — Rav Ashi said: Objects of a homogeneous kind are not reckoned as an interposition [with reference to each other].¹⁸

The Mishnah had stated: If it gave birth to a male and female, he sets aside etc. Since it remains for himself what need is there to set it aside? — [In order] to release it from the prohibitions [attaching to the firstborn of a donkey].¹⁹ Consequently, [we infer] that until it is released, it is forbidden to be used. Whose opinion does the Mishnah represent? It is the opinion of Rabbi Yehudah. For it has been taught: It is forbidden to make any use of the firstborn of a donkey; these are the words of Rabbi Yehudah. But Rabbi Shimon permits this. What is the reason of Rabbi Yehudah? Ulla said: Can you find an object which requires redemption and yet is permitted to be used while unredeemed? But is there not? What of the case of the firstborn of a man who requires redemption and yet [even before redemption] one may derive benefit from him? — Rather argue [thus]: Is there an object concerning which the Torah particularly enjoined that redemption must be with a sheep and which was yet permitted to be used [before redemption]?

And was [the Torah] indeed so particular? Didn't Rav Nechemyah the son of Rav Yosef redeem [a donkey] with boiled herbs of its equivalent value? — Regarding an object of equivalent value, this is not referred to here.²⁰ What we are speaking of is the redemption [of an object] not with its

¹³ The superfluous v ('the') implies that only in the case of a kosher animal do we apply the said law.

¹⁴ According to Abaye, it is possible to ascertain exactly that both heads came forth simultaneously, as the Mishnah is in accordance with Rabbi Yosi, only in the case of a nonkosher animal, it is different, because of the restrictive word 'The males'. Why shouldn't the Mishnah, therefore, state that even if both heads came forth simultaneously, only one lamb is given to the Kohen?

¹⁵ The inference from the verse is indirect. Since Scripture has indicated in this verse that it is possible to ascertain that both heads come forth simultaneously in connection with a kosher animal, we apply the same to the firstborn of a donkey. In any case we therefore clearly see here that Rabbi Yosi's ruling applies even to the firstborn of a donkey.

¹⁶ Of the Mishnah, who say that he gives one lamb to the Kohen, for we have explained that the Mishnah is not according to Rabbi Yosi and

therefore it is the opinion of the majority of the Rabbis. Or the reference may be to the Rabbis who differ with Rabbi Yosi in the case of a kosher animal that gave birth to two males, the Rabbis holding that one lamb must be given to the Kohen and one remains for himself.

¹⁷ For before one male came forth entirely, the other was on its way out. Therefore, although one came forth prior to the other and was sacred, it did not have the whole womb to consecrate it, owing to the other male, which was coming out at the same time. There was, consequently, an interposition between the first male and the womb.

¹⁸ And the two males are of the same kind.

¹⁹ Of working with it and the restriction on its shearing.

²⁰ For it is not more restricted in respect of the manner of its redemption than other consecrated objects.

equivalent value. And Ulla means this: Can you find an object concerning which the Torah was particular to release its prohibition only with a sheep even though it's not equivalent in value and yet it is permitted to benefit from it [unredeemed]? — But what of ma'aser sheini which the Torah was particular that the redemption must be with coined money, and yet we have learned: Rabbi Yehudah says: If he betrothed a woman [with ma'aser sheini] willfully she is betrothed?²¹ — Also with a firstborn of a donkey is a woman betrothed, as Rabbi Elozar [taught]. For Rabbi Elozar said: A woman knows that ma'aser sheini is not rendered unconsecrated through her,²² and she, therefore, goes up to Jerusalem and eats it. Similarly, here also, a woman is aware that the firstborn of a donkey is prohibited, she redeems it therefore with a lamb, and is betrothed with the difference [between the value of the donkey and the sheep].²³

And as to Rabbi Shimon, what is his reason? — Said Ulla: Can you find an object whose redemption²⁴ is permitted to be used while [the object itself] is forbidden? But can we not? What of [the produce of] the Shemittah year, whose redemption is permitted to be used and yet the produce itself is forbidden?²⁵ — Also with [the produce of] the Shemittah year is the redemption forbidden, for a Master said: [The prohibitions attaching to the Shemittah year] take effect on the very last thing [bought].²⁶

Or, if you choose, I may say that Rabbi Yehudah and Rabbi Shimon differ in the interpretation of the following verse. For it has been taught: [Scripture says]: You shall do no work with the firstborn of your ox: but you may do work with a firstborn which belongs [both] to you and to others [i.e., an idolater];²⁷ nor

shear the firstborn of thy flock; but you may shear what belongs [both] to you and to others; these are the words of Rabbi Yehudah. But Rabbi Shimon says: You shall do no work with the firstborn of your ox, implying, but you may work with the firstborn of a man; you shall not shear the firstborn of your sheep; implying, but you may shear the firstborn of a donkey.

We understand why, according to Rabbi Shimon's interpretations Scripture needs to write both verses, but, according to Rabbi Yehudah, what need is there for two verses to exclude a firstborn which belongs [both] to you and to an idolater? And furthermore, according to Rabbi Yehudah, the firstborn of a man also should we say is forbidden [to work with before redemption]? Rather therefore, explain that all [the authorities mentioned] hold that the words, 'your ox', have for their object the exclusion of the firstborn of a man. The dispute, however, is in the interpretation of the words, 'your sheep', for Rabbi Yehudah is in agreement with his own dictum elsewhere, where he says: A partnership with an idolater is subject to the law of the firstborn, so that there is need of a verse to make it permissible for shearing and working [of a firstborn]. Rabbi Shimon, however, holds that a partnership with an idolater is not subject to the law of the firstborn. And, therefore, in respect to shearing and working, there is no necessity for a verse to make it permissible. The necessity, however, arises for a verse in respect to the firstborn of a donkey.

This is quite right on the view of Rabbi Yehudah, for it is for the reason [stated above] that Scripture writes, 'your sheep', and the words, 'your ox', [Scripture adds merely] on account of the words, 'your donkey'. But according to Rabbi Shimon, what

²¹ Therefore, we see here that it is permitted to benefit from an object even before its appropriate redemption. Hence we conclude that according to Rabbi Yehudah, it is permitted to use it.

²² i.e., by giving her ma'aser sheini as kiddushin (token of betrothal).

²³ The donkey being of greater value than the sheep. Therefore, no objection can be cited to Ulla's interpretation of Rabbi Yehudah's views from the case of ma'aser sheini.

²⁴ Here the lamb wherewith the donkey is redeemed is permitted for all use.

²⁵ If one sold produce of the Shemittah year, the object purchased may be used, but the produce itself is forbidden and must be removed from the house when the animals in the field have consumed the produce there.

²⁶ If one purchased meat in exchange for the produce of the Shemittah year, both are liable to the law of removal pertaining to the Shemittah year. If he then bought wine for the meat, then the meat may be used but not the wine. And if again he bought oil for the wine, the last thing purchased is forbidden to be used as well as the produce itself of the Shemittah year.

²⁷ In the case e.g., of a firstborn of an animal in which an idolater has a share, although Rabbi Yehudah requires the Jew to give a half of its value to the Kohen, nevertheless working with the animal and the shearing of it are permitted. Since the verse, however, does not exclude the firstborn of a donkey, we do not permit its use prior to its redemption and it is on a par with a firstborn of a kosher animal.

need is there for the words, 'your ox', and 'your sheep'?²⁸ This is indeed a difficulty.

Rabbah said: Rabbi Shimon agrees, however, that after the breaking of its neck,²⁹ it is forbidden to use it. What is the reason? — He draws a conclusion by analogy between 'arifah' [the breaking of the neck] here and the 'arifah' [mentioned] in connection with the heifer that had its neck broken.³⁰

Rabbah said: On what evidence do I say this? Because it has been taught: The produce of trees of the first three years, the mixed seeds in a vineyard, an ox that is to be put to death by stoning,³¹ or the heifer that has had its neck broken,³² the birds of the metzora,³³ the firstborn of a donkey,³⁴ and [the mixture] of meat and milk [boiled together],³⁵ all of them receive the tumah relating to food.³⁶ Rabbi Shimon says: All of them do not receive the tumah relating to food. Rabbi Shimon, however, agrees with regard to the [mixture] of meat and milk, that it receives the tumah relating to food, since at one time, it was fit [to receive the tumah relating to food], and Rabbi Assi explained in the name of Rabbi Yochanan: What is the reason of Rabbi Shimon? Scripture writes: All food therein which may be eaten. [We deduce] that food which you can give idolaters to eat is called food, but food which you are unable to give idolaters to eat is not called food.³⁷

DAILY MASHAL

²⁸ If Scripture had merely written: The firstborn of an ox and the firstborn of a sheep, Rabbi Shimon could still have expounded the verse in the manner he does.

²⁹ If the law of redeeming the firstborn of a donkey with a lamb is not carried out, the law prescribes that its neck must be broken with a hatchet.

³⁰ In the case where an unknown man is found dead, the law requires the bringing of a heifer whose neck must be broken as an atonement, and here also for failing to redeem the donkey with the lamb, the neck of the donkey was broken. As in the former case, it is forbidden to be used, so here also by analogy, it is forbidden to be used.

³¹ If it had been slaughtered after it was sentenced to death for killing a man.

³² Which was slaughtered, after being brought down into the rough valley. For although they are forbidden to be used, the tumah has the effect that should they come in contact with other food, the latter becomes nonkosher.

³³ The two kosher birds, one of which was killed, which the metzora brought after his recovery.

The Midrash states: And you shall say to Pharaoh, "So says Hashem, 'My son, the firstborn, Israel'." Hashem said to Pharaoh the wicked: You did not realize how much I loved the firstborn, for it is written in my Torah: Do not do work with your firstborn ox, and whomever does work with it incurs lashes, so you who have struck my firstborn, it stands to reason that you will suffer the consequences. A question is asked from our Gemara which states: You shall do no work with the firstborn of your ox, implying, but you may work with the firstborn of a man; accordingly, why did Pharaoh deserve to be punished.

An answer is brought from Reb Eliyahu Ragiler: He asks: What is the reasoning of our Gemara? If it is forbidden to work with the firstborn animal because of its sanctity, shouldn't it be logical that it is certainly forbidden to work with a human firstborn, who possesses an even greater level of sanctity? He answers that this can be explained easily: After the sin of the golden calf, Hashem took the Kohanim and Leviim in place of the firstborn and the Temple service was given over to the Kohanim. This is why our Gemara states that one can work with the firstborn of a man, for he possesses no sanctity whatsoever. This, however, is only true after the sin of the golden calf; but as they were leaving Mitzrayim, the firstborn still retained their sanctity and that is why the Midrash states that Pharaoh deserved to be punished.

³⁴ Which was slaughtered for an idolater, and as it was still struggling and not dead, it did not possess the tumah of neveilah (a carcass). Therefore, if a dead sheretz came in contact with it, it received the tumah relating to food, so that if it touched other food, it causes tumah. The slaughtering, however, helped at least to make it fit to receive the tumah of food. Another interpretation is that even if the donkey had its neck broken and it was, therefore, neveilah, we can still apply here the principle of the tumah of food, if e.g., there was less of the carcass in size than an olive which, although it did not become tamei as neveilah, may yet be supplemented with other food to the required size of an egg to make it receive the tumah of food.

³⁵ And consequently forbidden for any use.

³⁶ For although they are forbidden to be used, the tumah has the effect that should they come in contact with other food, the latter becomes tamei.

³⁷ I.e., when it is forbidden to be used and therefore it does not receive the tumah relating to food.