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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

The Mishnah had stated: And now much should one give him . . . [of bleached wool]. A Tanna taught: It does not mean that one must reishis bleach it and give it him, but that after the Kohen has bleached it there should be the weight of five selas.<sup>1</sup>

The Mishnah had stated: Sufficient to make from it a small garment. From where is this derived? — Rabbi Yehoshua ben Levi said: The expression ‘to stand to minister’ indicates that it<sup>2</sup> must be something serviceable for ministering, and that is, the sash.<sup>3</sup> Perhaps it is the robe [that is meant]? — If you grasp a lot, you cannot hold it; if you grasp a little, you can hold it.<sup>4</sup> Perhaps it is the woolen cap [that is meant]? For it has been taught: Upon the Kohen Gadol's head there lay a woolen cap upon which was placed the plate [of gold], in order to fulfill literally what is said: And you shall put it on a lace of blue wool! — The verse says: Him and his sons, that is, an article worn alike by Aaron and his sons.<sup>5</sup> But the sash is not worn alike [by Kohen Gadol and Kohen], is it? This, however, presents no difficulty to he who holds that the sash

worn by the Kohen Gadol [on Yom Kippur]<sup>6</sup> was not similar to that worn by an ordinary Kohen [the whole year round];<sup>7</sup> but what can be said according to he who holds that the sash worn by the Kohen Gadol [on Yom Kippur] was similar to that worn by an ordinary Kohen [the whole year round]?<sup>8</sup> — The name sash, however, is to be found with each.<sup>9</sup>

The Mishnah had stated: If the owner did not manage to give etc. It was stated: If a man sheared the first [sheep] and immediately sold it,<sup>10</sup> Rav Chisda says: He is liable [to give the reishis hageiz]; but Rabbi Nassan bar Hoshaya says: He is exempt. Rav Chisda says: He is liable, because he has shorn;<sup>11</sup> Rabbi Nassan bar Hoshaya says: He is exempt, because at the time that the requisite quantity has been reached one must be able to refer to [the sheep as] ‘your sheep’, and this is not the case here.<sup>12</sup>

We have learned: If a man bought the fleeces of a flock belonging to an idolater, he is exempt from the law of the reishis hageiz. It follows from this that if [he acquired] the

<sup>1</sup> I.e., it is not incumbent upon a Jew to give the Kohen bleached wool, but he must estimate such a quantity as would, after bleaching, make up five selas weight.

<sup>2</sup> Sc. the reishis hageiz given to the Kohen.

<sup>3</sup> Which is the smallest article among the priestly robes, and could he woven out of five selas of wool.

<sup>4</sup> A proverbial saying. I.e., where there are two possible inferences always select that which gives the smaller result.

<sup>5</sup> Whereas the woolen cap was worn by the Kohen Gadol only.

<sup>6</sup> Which was of linen only.

<sup>7</sup> For the whole year round both the Kohen Gadol and the ordinary Kohen wore a sash of wool and linen combined; so that a woolen sash is a garment worn alike by Kohen and Kohen Gadol.

<sup>8</sup> I.e., both were of linen, and only the Kohen Gadol wore a sash of wool and linen (except on Yom Kippur); so that it cannot be said that the ‘woolen sash’ was worn alike by ‘Aaron and his sons’.

<sup>9</sup> Both the Kohen Gadol and ordinary Kohanim were alike in that they wore sashes although the material in each case was different.

<sup>10</sup> Sc. the sheep, and so he did with all his sheep.

<sup>11</sup> The requisite number of sheep; and at the time of shearing each sheep was still his, and it is in accordance with the mitzvah of the Torah ‘The reishis hageiz of your sheep’.

<sup>12</sup> For when the obligation of the reishis hageiz falls due, namely with the shearing of the fifth sheep, the owner has already sold the first four sheep.

flock for [the time that he was] shearing, he would be liable [to the reishis hageiz].<sup>13</sup> But why? Doesn't each sheep leave his possession after it has been shorn?<sup>14</sup> — Rav Chisda interpreted this according to the view of Rabbi Nassan bar Hoshaya as follows: He<sup>15</sup> granted him possession of the flock for thirty days.<sup>16</sup>

The Mishnah had stated: If a man bought the fleece of a flock belonging to his neighbor, [and the seller kept back some for himself, the seller is liable]. Who is the authority that holds that where the seller keeps back some for himself we turn to the seller?<sup>17</sup> — Rav Chisda said: It is Rabbi Yehudah, for we have learned: If a man sold single trees<sup>18</sup> in his field, the buyer must leave the 'corner' from each tree.<sup>19</sup> Rabbi Yehudah said: This applies only if the owner of the field had not kept back [any tree for himself], but if the owner of the field had kept back some for himself he must leave the 'corner' for the whole.<sup>20</sup>

Rava said to him: But didn't the Master himself say: Provided the owner of the field had begun to reap?<sup>21</sup> And if you were to suggest in this case, too: Provided the owner of the sheep had begun to shear,<sup>22</sup> [I reply that the cases are not alike]. For it is right in that case, since it is written: And when you reap the harvest of your land; that is, the moment one begins

to reap one becomes bound to leave the 'corner' for the whole field; but in this case, the moment one begins to shear one does not become liable for the whole flock.<sup>23</sup>

Rather, said Rava: It is the following Tanna, for we have learned: If a man said: Sell me the innards of this cow, and among them were the priestly dues, he<sup>24</sup> must give them to the Kohen, and [the seller] need not allow any reduction in the purchase price on that account. But if he bought them from him by weight, he must give them to a Kohen, and [the seller] must allow a reduction in the price on that account. Hence it is clear that no man sells the priestly dues; here, too, the Kohen's due no man sells.<sup>25</sup> Therefore, if the seller kept back [some fleece for himself] the seller is solely liable [to give the reishis hageiz], for the buyer can say to him, "The Kohen's due still remains with you." If he did not keep back anything for himself the buyer is liable,<sup>26</sup> for the seller can say to him, "I never sold you the Kohen's due."

#### WE SHALL RETURN TO YOU, REISHIS HAGEIZ

MISHNAH: The law of letting [the mother] go from the nest is in force both within Eretz Yisroel and outside it, both during the existence of the Temple and after it, in respect of unconsecrated birds but not consecrated birds. The law of

<sup>13</sup> The reason for the exemption in the Mishnah is that the sheep at no time belonged to the shearer, but if they did belong to him, even if only temporarily, he would be liable.

<sup>14</sup> This clearly is in conflict with Rabbi Nassan bar Hoshaya.

<sup>15</sup> The idolater.

<sup>16</sup> The case was not, as assumed, that immediately after the shearing of each sheep that sheep reverted to its owner, but that the ownership in all the sheep remained with the Jew for thirty days, or for any period until the end of all the shearing.

<sup>17</sup> I.e., the obligation to give the reishis hageiz to the Kohen lies entirely upon the seller.

<sup>18</sup> But not several trees together with the land between them.

<sup>19</sup> For each tree is regarded as a separate entity, and each is subject to the law of the corner'.

<sup>20</sup> Thus the obligation of leaving the 'corner', even in respect of the trees actually sold, lies upon the seller, since he kept back some for himself. This view therefore corresponds with the view in our Mishnah.

<sup>21</sup> I.e., he had begun to gather in the fruits before he had sold any of the trees; in that case the duty of the 'corner' lay upon him in respect of the entire field.

<sup>22</sup> Only then is the seller liable to give the Kohen's due.

<sup>23</sup> The obligation of the reishis hageiz arises only after the shearing, for Scripture does not use the expression here 'And when you shear'.

<sup>24</sup> The purchaser.

<sup>25</sup> And therefore whenever the seller keeps back anything for himself it is to be presumed that he has kept back the Kohen's due, for that he certainly would not sell.

<sup>26</sup> Not because the obligation rests upon the buyer, but because at the sale the priestly dues were not intended to pass from the seller to the buyer.

covering up the blood is of wider application than the law of letting the mother go; for the law of covering up the blood applies to wild animals as well as birds, whether they are at one's disposal<sup>27</sup> or not, whereas the law of letting [the mother] go from the nest applies only to birds and only to those which are not at one's disposal. Which are they that are not at one's disposal? Such as geese and fowls that made their nests in the open field;<sup>28</sup> but if they made their nests within a house or in the case of Herodian doves,<sup>29</sup> one is not bound to let [the mother] go. A nonkosher bird one is not bound to let go. If a nonkosher bird was sitting on the eggs of a kosher bird, or a kosher bird on the eggs of a nonkosher bird, one is not bound to let it go. As to a male partridge,<sup>30</sup> Rabbi Eliezer says one is bound to let it go, but the Sages say one is not bound.

GEMARA. Rabbi Avin and Rabbi Meyasha [taught the following:] One said that the expression 'both within the Eretz Yisroel and outside it' was in every case unnecessary,<sup>31</sup> except in [the Mishnah of] 'The reishis hageiz', [where it had to be stated] in order to exclude the view of Rabbi Ila'i, who holds that the law of the reishis hageiz applies only in Eretz Yisroel. The other said: the expression 'both during the existence of the Temple and after it' was in every case unnecessary, except in [the Mishnah of] 'It and its young', [where it had to be stated,] for I might have argued that, since that law is stated in connection with laws concerning sacrifices, it is in force only as long as sacrifices continue but it is not in force once sacrifices are no more, [the Tanna] therefore found it necessary to teach us [that it is binding for all time]. Furthermore both said that the expression 'in respect of unconsecrated and consecrated animals', was in

every case necessary except in [the Mishnah of] 'The gid hanasheh', for it is obvious that the prohibition of the gid hanasheh has not vanished merely because the animal has been consecrated. But did we not establish [that Mishnah] as dealing with the young of consecrated animals?<sup>32</sup> — Yes, but why did we establish [the Mishnah] in that way? Was it not because we were faced with the difficulty: Why did [the Tanna] state it? In reality however this at the very outset should offer no difficulty, for since this expression was stated in one Mishnah where it was necessary it was also stated in the other where it was not necessary at all.

The Mishnah had stated: In respect of unconsecrated birds but not consecrated birds. Why not? — Because the verse: You shall surely send the mother away, clearly refers only to such as you are bound to let go, excluding such as you are not bound to let go but rather to bring to the Temple treasurer. Ravina said: It follows, therefore, that if a kosher bird killed a man, one is not bound to let it go, because the verse: You shall surely send the mother away, clearly refers only to such as you are bound to let go, excluding such as you are not bound to let go but rather to bring to the Beis Din. But what are the circumstances here? If it had already been condemned, then surely it would have been put to death! Rather we must say that it had not yet been condemned, in which case one is bound to bring it to the Beis Din so as to carry into effect the verse: So shall you put away the evil from the midst of you.

<sup>27</sup> I.e., always ready at hand for one's purpose and use.

<sup>28</sup> Although geese and fowls are usually domesticated, if they became wild and broke loose and nested in the open field the law of letting the mother go applies.

<sup>29</sup> A special breed of doves favored by Herod; these doves are quite domesticated.

<sup>30</sup> Which like the hen partridge broods upon eggs of other birds.

<sup>31</sup> Since every mitzvah which is not dependent upon the land applies both within Eretz Yisroel and outside it.

<sup>32</sup> The case therefore is not obvious, for it teaches that the prohibition of the gid hanasheh can be superimposed upon the existing prohibition of consecrated things.