

דף יומי • בכורות • דף ג'

Daf Yomi • The Full Daf • Elucidated Talmud • Navy & Gold Edition • with Rashi

THE SUGYA

We start off the daf by continuing our shtika on the baraita regarding giving an animal to a non-Jew in receivership. The Gemara is medayek from the lashon of the baraita, specifically the word "damav" in the masculine, to show that the penalty applies to selling the fetus and not the mother. This leads us into a beautiful shakla v'tarya about the knas the Sages imposed on someone who sells large livestock to a non-Jew, comparing the penalty of ten times or one hundred times its value to the knas for selling a Canaanite slave to a non-Jew.

From there, the Gemara returns to the core dispute in the baraita between Rabbi Yehuda and the Rabbis regarding a firstborn animal owned in partnership with a non-Jew. We delve into how both sides darshen the very same pasuk of "All the firstborn" to support their respective shittos. Finally, the Gemara asks a basic kasha: how much of a partnership must the non-Jew have to exempt the animal from the bechorah? This brings us to the shitta of Rav Huna and the immediate objection of Rav Nachman.

All introductions, summaries, and contextual notes are the editor's commentary and are not part of the original text.

עמוד א' DAF 3A

QUESTION

מאי לא אבהמה?

The Gemara asks: **What, is** the baraita **not** referring **to the animal** itself when it prohibits giving it in receivership? If so, the baraita prohibits giving it to the non-Jew in exchange for half the rights to future fetuses, and certainly giving the non-Jew rights to all the future fetuses would be forbidden.

ANSWER

לא, אעופר.

The Gemara responds: **No**, it is referring **to** an existing **fetus**, as the animal is already pregnant, and therefore it is prohibited to sell it. It is permitted, however, to sell to a non-Jew an animal that is not yet pregnant, for the rights to the fetuses alone.

INFERENCE

דיקא נמי דקתני: קונסין אותו עד עשרה בדמיו,

The Gemara comments: The language of the baraita **is also precise, as it teaches: The Sages penalize him up to ten times its value** using the masculine form damav, rather than the feminine form dameha,

STATEMENT

שמע מינה.

indicating that it is referring to the fetus and not the mother. The Gemara affirms: **Learn from it** that this is correct, and it cannot be proven from the baraita that it is forbidden to sell rights to a future fetus to a non-Jew.

STATEMENT

מְסִיעֵא לִיה לְרִישׁ לָקִישׁ, דָּאֲמַר רִישׁ לָקִישׁ: הַמוֹכֵר בְּהֵמָה גֹּסֶה לְגוֹי — קוֹנְסִין אוֹתוֹ עַד עֶשְׂרֵה בְּדָמֶיהָ.

The Gemara comments that the language of the baraita **supports the opinion of Reish Lakish**, as Reish Lakish says: **In the case of one who sells large livestock to a non-Jew, the Sages penalize him, requiring him to repurchase it from the non-Jew for up to ten times its value.**

QUESTION

דִּוְקָא אוּ לָאוּ דִּוְקָא?

The Gemara asks: Is this amount of ten times its value meant **literally**, or is it **not** meant **literally**?

PROOF

תָּא שְׁמַע, דָּאֲמַר רַבִּי יְהוֹשֻעַ בֶּן לֵוִי: הַמוֹכֵר עַבְדּוֹ לְגוֹי — קוֹנְסִין אוֹתוֹ עַד מֵאָה בְּדָמָיו!

Come and hear a proof from that which Rabbi Yehoshua ben Levi says: **In the case of one who sells his Canaanite slave to a non-Jew, the Sages penalize him, requiring him to repurchase the slave from the non-Jew for up to one hundred times his value!** It is therefore evident that the phrase "up to ten times" is not precise.

ANSWER

שְׁאֵנִי עָבֵד, דְּכָל יוֹמָא וְיוֹמָא מִפְקַע לִיה מִמַּצּוֹת.

The Gemara responds: A **slave is different**, as **each and every day** that he works for the non-Jew, the non-Jew **restricts him from performing mitzvos**. Therefore, one who sells a slave is penalized more severely than one who sells his animal to a non-Jew.

STATEMENT

וְאִיכָא דָּאֲמַרִּי, אָמַר רִישׁ לָקִישׁ: הַמוֹכֵר בְּהֵמָה גֹּסֶה לְגוֹי — קוֹנְסִין אוֹתוֹ עַד מֵאָה בְּדָמֶיהָ.

And there are those who say that there is another version of the previous discussion: Reish Lakish says: **In the case of one who sells large livestock to a non-Jew, the Sages penalize him, requiring him to repurchase it from the non-Jew for up to one hundred times its value.**

OBJECTION

תֵּנוּ: וְהִנּוּתֵּן לוֹ בְּקַבְלָהּ, אֲףִי עַל פִּי שְׂאִינּוּ רִשְׁאִי — קוֹנְסִין אוֹתוֹ עַד עֶשְׂרֵה בְּדָמֶיהָ!

The Gemara objects: But we learned in a baraita: **And in the case of one who gives the non-Jew an animal in receivership, even though he is not permitted to do so, the Sages penalize him by requiring that he purchase the non-Jew's portion of the animal for up to ten times its value!** This contradicts the statement of Reish Lakish.

RESOLUTION

מְכִירָה — פְּסָקָה מִיָּנִיה, קְבָלָנוּת — לֹא פְּסָקָה מִיָּנִיה.

The Gemara responds: In a case of **sale**, the animal is **entirely separated from him**, so the penalty is severe; whereas in a case of **receivership**, it is **not entirely separated from him**, as the animal still belongs to the Jew, so the penalty is not as severe.

QUESTION

דוקא או לא דוקא?

The Gemara asks: Does the amount of one hundred times its value stated by Reish Lakish mean **specifically** this amount and no more, **or** does it **not** mean **specifically** this amount?

PROOF

תא שמע, דאמר רבי יהושע בן לוי: המוכר עבדו לגוי — קונסין אותו עד עשרה בדמיו!

Come and hear a proof from that which Rabbi Yehoshua ben Levi says: In the case of one who sells his Canaanite slave to a non-Jew, the Sages penalize him, requiring him to repurchase the slave from the non-Jew for up to ten times his value! Apparently, the number one hundred is not meant literally.

ANSWER

שאני עבד, דלא הדר ליה.

The Gemara responds: A **slave is different, since** the slave **does not return to him**. Since the slave will be emancipated once the master redeems him, the Sages did not penalize him to such a great extent.

OBJECTION

בהמה מאי טעמא? משום דקא הדרא ליה, ניקנסיה טפי חד!

The Gemara challenges: Rather, **what is the reason** that he is penalized in the case of an **animal** more so than in the case of a slave? Is it **because of the fact that it returns to him**? If so, he should be penalized **only one additional** amount, meaning eleven times its value, and not one hundred!

RESOLUTION

אלא, עבד — מילתא דלא שכיחא היא, וכל מילתא דלא שכיחא לא גזרו ביה רבנן.

Rather, the sale of a **slave is an uncommon matter**, and with regard to **any uncommon matter**, the Sages did not issue a **decree**. Therefore, one cannot compare the penalty in the case of selling a slave to the penalty in the case of selling an animal.

משנה MISHNAH

MISHNAH

ובחכמים אומרים: כל זמן שייד הגוי כוי.

The Gemara returns to the dispute in the baraita: **And the Sages say: As long as the ownership of the non-Jew is involved**, the animal is exempt from firstborn status, **etc.**

גמרא GEMARA

STATEMENT

אמר רבי יהושע: ושניהם מקרא אחד דרשו, "כל בכור".

Rabbi Yehoshua said: And both of them interpreted the same one verse in accordance with their opinions, namely: "All the firstborn" (Exodus 13:2).

EXPLANATION

רַבֵּנּוּ סָבְרִי: "בְּכוֹר" — מִקְצֵת בְּכוֹר מִשְׁמַע, כָּתַב רַחֲמָנָא "כָּל" — עַד דְּאִיכָּא כּוֹלִיָּהּ.

The Rabbis hold: The word "firstborn" implies even a partial firstborn, meaning that even when a Jew owns part of the firstborn, it is subject to the obligations of firstborn status. Therefore, **the Merciful One wrote "all"** to teach that it is not subject to the obligations of firstborn status **unless the entire animal is owned by a Jew.**

EXPLANATION

וְרַבִּי יְהוּדָה סָבֵר: "בְּכוֹר" — כּוֹלִיָּהּ בְּכוֹר מִשְׁמַע, כָּתַב רַחֲמָנָא "כָּל" — דְּאִפִּילוּ כָּל דְּהוּא.

And Rabbi Yehuda holds: The word "firstborn" implies the entire firstborn, meaning that only if the entire firstborn is owned by a Jew would it be subject to the obligations of firstborn status. Therefore, **the Merciful One wrote "all"** to demonstrate that **even if any amount** of the animal belongs to a Jew, it has firstborn status.

EXPLANATION

אִיבָעִית אִימָא, דְּכוֹלִי עָלְמָא "בְּכוֹר" רֹבָא מִשְׁמַע,

If you wish, say instead that everyone agrees that the word "firstborn" implies the majority of the animal belongs to the Jew,

EXPLANATION

מֵר סָבֵר: "כָּל" מִשְׁמַע לְמַלּוּי אֶתָּא, וּמֵר סָבֵר: לְגִרּוּעִי אֶתָּא.

and **one Sage**, the Rabbis, **holds:** "All" implies that it comes to fill the Jewish portion of ownership, meaning that it has firstborn status only if the entire animal belongs to a Jew; and **one Sage**, Rabbi Yehuda, **holds:** It comes to detract from the necessary Jewish ownership, indicating that the animal has firstborn status even if it is partially owned by a Jew.

QUESTION

וּכְמָה תִּהְיֶה שׁוֹתֶפוֹת שֶׁל גּוֹי, וְתִהְיֶה פְטוּרָה מִן הַבְּכוֹרָה?

The Gemara asks: **And how much must the partnership of the non-Jew be in the animal in order for it to be exempt from being counted a firstborn?**

ANSWER

אָמַר רַב הוּנָא: אִפִּילוּ אָזְנוֹ.

Rav Huna says: Even if the non-Jew owns only its ear.

OBJECTION

מִתְקִיף לֵה רַב נַחֲמָן: וְלִימָא לִיה: "שְׁקִיל אָזְנָה וְזֵיל"!

Rav Nachman objects to this: Let the priest say to him, the non-Jew: "Take your ear and go," as a blemished firstborn animal belongs to the priesthood, and the non-Jew's ownership of a non-essential limb should not exempt the rest of the animal!

STATEMENT

אֵיתָמַר, רַב חֲסִידָא אָמַר: דְּבָר שְׁעוּשָׁה אוֹתוֹ נִבְלָה, וְרַבָּא אָמַר: דְּבָר שְׁעוּשָׁה אוֹתוֹ טְרִיפָה.

It **was stated** that the Amora'im disputed this question: **Rav Chisda says:** The non-Jew must own a **part** of the animal **that**, if removed, **makes it a carcass** (neveilah); **and Rava says:** The non-Jew must own a **part that**, if removed, **makes it a treifah**.

EXPLANATION

במאי קמיפלגי? בטריפה חיה.

The Gemara asks: **In what principle do they differ?** They differ **with regard to** whether a treifah can live.

EXPLANATION

למאן דאמר דבר שעושה אותו טריפה — קסבר טריפה אינה חיה,

According to the one who says that the non-Jew must own a **part that makes it a treifah**, he holds that a treifah cannot **live**, and therefore the animal is considered as if it is missing a vital part;

EXPLANATION

ולמאן דאמר דבר שעושה אותו נבלה — אבל טריפה חיה.

and according to the one who says that the non-Jew must own a **part that makes it a carcass**, he holds that a **treifah can live**, and therefore only a part that makes it a carcass is considered vital enough to exempt the animal.

STATEMENT

אמרוהו רבנן קמיה דרב פפא: הא דרב הונא, ורב חסדא ורבא — לא פליגי, הא בו, הא באמו.

The Rabbis said before Rav Papa: These statements of Rav Huna, Rav Chisda, and Rava do **not dispute** each other; rather, **this** statement of Rav Huna refers to the non-Jew's partnership **in** the fetus itself, while **this** statement of Rav Chisda and Rava refers to the non-Jew's partnership **in its mother**.

OBJECTION

אמר להו רב פפא: מאי שנא בו, דבעינן "כל בכור" וליכא? אמו נמי בעינן "כל מקנה תזכר" וליכא!

Rav Papa said to them: What is the **difference in** the case of the non-Jew's partnership in the fetus **itself**, that we require "**all the firstborn**" and it is **not** fulfilled? In the case of partnership in **its mother**, we **also** require "**all your livestock you shall dedicate**" and it is **not** fulfilled! Therefore, even a minor partnership in the mother should exempt the fetus.

RESOLUTION

אלא, לא שנא.

Rather, there is **no difference**, and they indeed dispute each other.

OBJECTION

מתקיף לה מר בר רב אשי: מאי שנא מנפלים, דאף על גב דלאו בני חייתא נינהו קדשי, דאמר מר: "פטר שגר בהמה" — שגר בהמה!

Mar bar Rav Ashi objects to this: What is the **difference between** this and stillborns, which, even though they are not viable, are sanctified, as the Master said: "**The first offspring of a beast**" (Exodus 13:12) — even a stillborn of a beast is sanctified! Why then do we require the animal to be viable?

RESOLUTION

התם, כִּינֹן דְּלֹא עָרִיבוּ בְּהוּ חוּלִין — קְרִינָא בְּהוּ בְּכֹחַ "כָּל בְּכוֹר", הָכָא, כִּינֹן דְּעָרִיבוּ בְּהוּ חוּלִין
— לֹא קְרִינָא בְּהוּ "כָּל בְּכוֹר".

The Gemara responds: **There**, since non-sacred ownership is not mixed in them, we read in them "all the firstborn" of a beast; **here**, since non-sacred ownership of a non-Jew is mixed in them, we do not read in them "all the firstborn."

STATEMENT

רַבִּי אֶלְעָזָר לֹא עַל לְבֵי מִדְרָשָׁא, אֲשֶׁכַּחֲיָה לְרַבִּי אָסִי, אָמַר לֵיהּ: מַאי אָמַר רַבֵּנוּ בֵּי מִדְרָשָׁא? אָמַר
לֵיהּ:

The Gemara relates: Rabbi Elazar did not enter the study hall. He met Rabbi Assi and said to him: What did the Rabbis say in the study hall? Rabbi Assi said to him:

עמוד ב' DAF 3B

STATEMENT

הָכִי אָמַר רַבִּי יוֹחָנָן: אֶפִּילוּ מוֹם קָל.

This is what Rabbi Yochanan said: The partnership of a non-Jew exempts the animal from the firstborn status **even** if the non-Jew owns only a part of the animal whose removal would cause only a **slight blemish**.

STATEMENT

וְהִדְתָּנוּ: רָחֵל שִׁילָדָה מִיֵּן עֶזְרָא וְעֶזְרָא שִׁילָדָה מִיֵּן רָחֵל — פְּטוּרָה מִן הַבְּכוֹרָה, וְאִם יֵשׁ בּוֹ מְקַצֵּת סִימָנִין
— חַיִּיב.

And in addition, Rabbi Yochanan commented on **that which we learned in a Mishnah:** A ewe that gave birth to a offspring that looks like a **goat-type**, and a goat that gave birth to a offspring that looks like a **ewe-type**, is **exempt** from the law of the firstborn; but if it has **some of the characteristics** of the mother, then it is **obligated** in the firstborn status.

STATEMENT

מוֹם קְבוּעַ הָיִי לְשְׁחוּט עָלָיו.

On this, Rabbi Yochanan said: Nevertheless, **it is** considered a **permanent blemish**, which allows a kohen **to slaughter** the animal **on its account** outside the Beis HaMikdash.

QUESTION

בְּשָׁלְמָא מוֹם קָל — קָא מְשַׁמַּע לֵן כְּדָרְבַּ הוֹנָא, וּלְאַפּוֹקִי מִדְּרַב חֲסִידָא וְרַבָּא.

The Gemara asks: **Granted**, Rabbi Yochanan's first ruling regarding a **slight blemish** is necessary, because **it teaches us** that he holds **like Rav Huna**, who says that even a non-Jew's ownership of the ear exempts the animal, **and** this is **to exclude** the view of **Rav Chisda and Rava**, who require the non-Jew to own a part of the fetus that would make it a neveilah or treifah if removed.

QUESTION

אֵלָא מוֹם קְבוּעַ — מַאי קָא מְשַׁמַּע לֵן? דְּכִינֹן דְּאִישְׁתַּנִּי הָוָה לֵיהּ מוֹמָא? תַּנִּינָא: וּפְרִי דוֹמָה כְּשָׁל
חֲזִיר — הָרִי זֶה מוֹם!

But regarding his second ruling that this offspring has a permanent blemish, what is it teaching us? Is it teaching us that since its appearance changed, it is considered a blemish? But we already learned this in a Mishnah: A lamb whose mouth is similar to that of a pig, behold, this is a blemish!

QUESTION

וכי תימא, הֲתָם נִשְׁתַּנָּה בְּדָבָר שֶׁאֵין בְּמִינוֹ קְדוֹשׁ בְּבִכּוּרָה, הֲכֵא נִשְׁתַּנָּה בְּדָבָר שֶׁבְּמִינוֹ קְדוֹשׁ בְּבִכּוּרָה,

And if you say that there is a difference: **There**, in the case of a pig's mouth, the animal's appearance **changed into something whose species is not holy as a firstborn**, whereas **here**, where a sheep looks like a goat, its appearance **changed into something whose species is holy as a firstborn**, and therefore we might think it is not a blemish,

QUESTION

הָא נָמִי תִּנְיָנָא: עֵינֵינוּ אַחַת גְּדוֹלָה וְאַחַת קְטַנָּה.

but **this too we already learned** in a Mishnah: An animal with **one of its eyes large and one small** is blemished.

QUESTION

וְתַנָּא גְּדוֹלָה — גְּדוֹלָה כְּשֶׁל עֵגֶל, וְקְטַנָּה — קְטַנָּה כְּשֶׁל אֲוִיז.

And a Tanna taught in a Baraia explaining this Mishnah: A large eye means large like that of a calf, and a small eye means small like that of a goose.

QUESTION

בְּשֶׁלֹמָא קְטַנָּה כְּשֶׁל אֲוִיז, אֵין בְּמִינוֹ קְדוֹשׁ בְּבִכּוּרָה, אֶלָּא גְּדוֹלָה כְּשֶׁל עֵגֶל — יֵשׁ בְּמִינוֹ קְדוֹשׁ בְּבִכּוּרָה!

Granted, an eye small like that of a goose is a blemish because a goose is a bird, and there is no holiness of a firstborn in its species; but an eye large like that of a calf, a calf is a bovine, and there is holiness of a firstborn in its species!

QUESTION

אֶלָּא לָא מְשׁוּם דְּאִשְׁתַּנִּי הָוָה לִיה מוּמָא?

Rather, is it not because we say: Since its appearance changed from that of its own species, it is considered a blemish? If so, Rabbi Yochanan's ruling is redundant!

ANSWER

לָא, מְשׁוּם דִּהְוָה לִיה "שְׂרוּעַ".

The Gemara answers: **No**, that is not the reason. An eye as large as a calf's is a blemish because it is considered a 'sarua', an animal with an overgrown limb, which is a blemish explicitly written in the Torah.

PROOF

הָכִי נָמִי מְסַתְּבָרָא, דִּתְנִין: מוּמִין אֵלֵינוּ, בֵּין קְבוּעִין בֵּין עוֹבְרִין — פּוֹסְלִין. יֵתֵר עֲלֵיהֶן אָדָם: עֵינֵינוּ שְׂתִיחֶן גְּדוֹלוֹת, שְׂתִיחֶן קְטַנּוֹת.

The Gemara comments: **This too stands to reason**, as we learned in a Mishnah: These blemishes, whether permanent or temporary, disqualify an animal from being offered, and they also disqualify a kohen from serving. In addition to them, a person, a kohen, is disqualified if both of his eyes are large, or both of them are small.

PROOF

גבי אדם הוא דכתיב: "אִישׁתְּנִי אִישׁ אִישׁ מִזֶּרַע אַהֲרֹן", דבְּעֵינֵי אִישׁ שׁוֹה בְּזֶרְעוֹ שֶׁל אַהֲרֹן, אֲבָל בְּהֵמָה, שְׁתִּיחֶן גְּדוּלוֹת שְׁתִּיחֶן קְטָנוֹת — נִמִּי לֹא הָי מוּמָא.

The Gemara explains: It is only **by a person** that it is written: 'Any man of the seed of Aaron', from which we derive **that we require a man who is normal** and equal among the seed of Aaron, meaning he looks like other people; **but by an animal**, if both of them are large or both of them are small, it is also not a blemish.

PROOF

אחת גדולה ואחת קטנה, מאי טעמא? אי משום שינוי — אפילו שתיחן גדולות, שתיחן קטנות נמי!

Now, if an animal has **one large eye and one small eye**, what is the reason that it is a blemish? If it is because of the change in appearance, then **even if both are large or both are small**, it should also be a blemish!

PROOF

אָלָא לָאוּ מְשׁוּם דְּהוּה לִיה "שְׂרוּעִי"?

Rather, is it not because it is considered a 'sarua', which only applies when one limb is larger than the other? This proves that a mere change in appearance is not a blemish for an animal, and Rabbi Yochanan's ruling is indeed a chiddush!

ANSWER

לֹא, לְעוֹלָם אֵימָא לָהּ מְשׁוּם שִׁינוּי, שִׁינוּי הָי מוּמָא.

The Gemara rejects this proof: **No, actually I can say to you** that the blemish of one large eye and one small eye is indeed **because of the change** in appearance, for a **change** in appearance is a blemish.

ANSWER

וּדְקָא קִשְׁיָא לָהּ: אֲפִילוּ שְׁתִּיחֶן גְּדוּלוֹת, שְׁתִּיחֶן קְטָנוֹת?

And as for that which is difficult for you: If so, even if both are large or both are small it should be a blemish?

ANSWER

הֵתָם, אִי מַחֲמַת בְּרִיּוּתָא יִתֵּירָא — תְּרוּוֹיִיחֹ בְּעֵי לְמִיבָרָא, אִי מַחֲמַת כְּחִישׁוּתָא יִתֵּירָא — תְּרוּוֹיִיחֹ בְּעֵי מִיכַחֵשׁ.

The explanation is that **there**, it is not considered an abnormal change; for **if** the large eyes are **due to extra health**, both of **them should be healthy** and large, and **if** the small eyes are **due to extra weakness**, both of **them should be weak** and small. Therefore, only when one is large and one is small is it an abnormal change.

STATEMENT

הָהִיא גִּיּוֹרְתָא דְּהוּוּ מְסָרִין לָהּ אַחֵי חֵיוֹתָא לְפִטּוּמָה,

The Gemara relates: There was a **certain female convert** whose non-Jewish brothers would hand over animals to her to **fatten them**, and they would split the profits,

STATEMENT

אֶתְּאִי לְקַמִּיָּה דְּרַבָּא, אָמַר לָהּ: לִית דְּחַשׁ לָהּ לְהָא דְּרַבִּי יְהוּדָה, דְּאָמַר: שׁוֹתֵפוֹת גּוֹי חֵיבֵית בְּכֹכְרָהּ.

and she came before Rava to ask if the offspring are subject to the sanctity of a firstborn. He said to her: There is no one who is concerned for this ruling of Rabbi Yehuda, who said that a partnership with a non-Jew is obligated in the law of the firstborn. The halacha follows the Rabbis that a partnership with a non-Jew exempts the animal.

STATEMENT

רַב מַרִּי בַר רַחֵל הָיָא חֵיטָא, הָוָה מְקַנָּה לְאוּדְנִיָּהּ לְגוֹי, וְאָסֵר לָהּ בְּגִיזָה וְעִבּוּדָה, וְיַהֲיִי לָהּ לְכֹהֲנִים, וּכְלָאִי חֵיטָא דְּרַב מַרִּי בַר רַחֵל.

The Gemara relates another story: Rav Mari bar Rachel had a certain flock of animals. He would transfer ownership of their ears to a non-Jew before they gave birth to exempt them from the firstborn sanctity. But as a stringency, he prohibited them from shearing and labor, and he gave them to the kohanim. And in the end, the animals of Rav Mari bar Rachel died out as a punishment.

QUESTION

וְכִי מֵאַחֵר דְּאָסֵר לָהּ בְּגִיזָה וְעִבּוּדָה, וְיַהֲיִי לָהּ לְכֹהֲנִים, אֲמַאי מְקַנָּה לָהּ לְאוּדְנִיָּהּ לְגוֹי,

The Gemara asks: And since he prohibited them from shearing and labor, and gave them to the kohanim, why did he transfer ownership of their ears to a non-Jew in the first place?

ANSWER

דְּלִמָּא אֲתִי בְּהוּ לִידֵי תַקְלָה?

The Gemara answers: He did this lest people come to a mishap through them by accidentally shearing them or working them, so he wanted to technically remove their intrinsic sanctity.

QUESTION

אִי הָכִי, מַאי טַעְמָא כָּלוּ חֵיטָא דְּרַב מַרִּי?

The Gemara asks: If so, what is the reason that the animals of Rav Mari died out? He acted with good intentions!

ANSWER

מִשּׁוּם דְּמִפְקַע לָהּ מְקֻדְּשֵׁתָּיהּ.

The Gemara answers: Because he removed them from their sanctity by selling their ears to a non-Jew.

QUESTION

וְהָאָמַר רַב יְהוּדָה: מוֹתֵר לְאָדָם לְהַטִּיל מוֹם בְּכֹכּוֹר קוּדָם שִׁינְאָא לְאוּרִי הָעוֹלָם!

The Gemara asks: But didn't Rav Yehuda say: It is permitted for a person to inflict a blemish on a firstborn before it emerges into the airspace of the world to make it permitted for slaughter? Why was Rav Mari punished for a similar evasion?

ANSWER

הָתָם מְקֻדְּשֵׁת מִזִּבְחָא קָא מִפְקַע לִיהּ, מְקֻדְּשֵׁת כְּהֵן לָא מִפְקַע לִיהּ. הָכָא אֲפִילוּ מְקֻדְּשֵׁת כְּהֵן קָא מִפְקַע לִיהּ.

The Gemara answers: There, by causing a blemish, he only removes it from the sanctity of the Altar, but he does not remove it from the sanctity of the kohen, who still receives the animal. Here, by selling a part to a non-Jew, he removes it

even from the sanctity of the kohen.

ANSWER

ואיפֿעית אימא: רב מרי בר רחל ידע לאקנויי קנזן גמור, וחזי ליה איניש אחריןא, ואזיל ועבד, וסבר רב מרי מילתא הוא דעבד, ואתי בה לידי תקלה.

And if you want, I can say another answer: Rav Mari bar Rachel knew how to transfer ownership with a complete acquisition, but another person might see him doing this, and go and do the same, and think that what Rav Mari did was a simple matter, but that other person will not perform the transaction properly and will come to a mishap by treating a holy firstborn as non-sacred.

משנה MISHNAH

MISHNAH

מתני' כהנים ולוים פטורין, מקל וחומר: אם פטרו את של ישראל במדבר, דין הוא שיפטרו את של עצמן.

MISHNAH: Kohanim and Levi'im are exempt from the redemption of their firstborn sons and firstborn donkeys, based on a kal vachomer: If they exempted the firstborns of the Israelites in the Wilderness through the Levi'im, it is logical that they should exempt their own firstborns.

SUMMARY

The Gemara clarifies that the baraita's penalty of "damav" refers to selling an existing fetus, which supports Reish Lakish's yesod regarding the knas for selling livestock to a non-Jew. We analyze two versions of Reish Lakish's shitta, debating whether the penalty is ten times or one hundred times the value, and we resolve the differences by comparing the halachos of an animal to those of a Canaanite slave, where different factors like the loss of mitzvos or the slave's eventual emancipation come into play. The Gemara then explains the dispute between Rabbi Yehuda and the Rabbis based on their drashos of the word "all" in the pasuk of "All the firstborn," concluding with Rav Huna's chiddush that even a non-Jew's ownership of just the animal's ear exempts it from bechorah, which Rav Nachman challenges by arguing that the kohen could simply tell the non-Jew to take his ear and leave.

The Gemara brings down a fascinating and tragic story about Rav Mari bar Rachel. He wanted to avoid any possible transgression of using a firstborn animal, so he would legally sell just the ear of the animal to a non-Jew before it was born, which halachically exempted it from the holiness of a bechor. Even though he did this with complete halachic precision, and even though he still treated the animal with holiness by not shearing or working it and giving its value to the kohanim, the Gemara tells us that his livestock died out as a heavenly punishment. Why? Because he used a legal loophole to strip the animal of its inherent kedushah.

Lichoira, we have to ask: if what he did was completely mutar and halachically sound, why was there such a severe kasha from Heaven on his property? The yeshivish sevara here is deep. There is a difference between the letter of the law and the ratzon of Hashem. Rav Mari bar Rachel was trying to protect himself from a potential stumbling block, but in doing so, he actively diminished the amount of kedushah in the world. He took something that was meant to become holy, a bechor, and preemptively deflated its spiritual potential.

This is a massive yesod for our daily avodah. How often do we look for the easy way out, the heter, the loophole that lets us bypass a spiritual obligation while technically remaining "kosher"? We might find a way to exempt ourselves from a certain mitzvah, or find a leniency that lets us avoid a difficult standard of honesty or tzedakah. We think we are being clever, but we are actually emptying our lives of the very kedushah Hashem wants us to bring into it.

Today, look for one area in your life where you have been relying on a "heter" or a loophole to make things easier for yourself. Instead of bypassing the spiritual opportunity, choose to embrace the mitzvah fully and with joy, welcoming the kedushah into your life rather than pushing it away.

תהלים • חמשה קאפיטלער

The Five Daily Kapitlach

CHAPTER PREVIEW

These are the five kapitlach of Tehillim said every single day: 32, 43, 83, 121, and 130, each set word for word with its English meaning. They are gathered here as one section so the whole daily Tehillim can be said and downloaded together.

All introductions and contextual notes are the editor's commentary and are not part of the original text.

פֿאַרק ל"ב CHAPTER 32

לְדוֹד מִשְׁכִּיל אֲשֶׁרִי נָשׁוּי פֶשַׁע כָּסוּי חֲטָאָה:
אֲשֶׁרִי אָדָם לֹא יִחַשֵׁב יְהוָה לוֹ עוֹן וְאִין בְּרוּחוֹ רַמְיָה:
כִּי הִחַרְשֹׁתִי בָּלוּ עֲצָמַי בְּשֹׁאֲגָתִי כָּל הַיּוֹם:
כִּי יוֹמָם וּלְיָלָה תִּכְבֵּד עָלַי יְדָה נִהַפֵּה לְשׁוֹדֵי בְּחִרְבָּנִי קִיץ סֵלָה:
חֲטָאתִי אוֹדִיעָה וְעוֹנִי לֹא כִסִּיתִי אֲמַרְתִּי אוֹדָה עָלַי פֶשַׁעִי לִיהוָה וְאַתָּה נִשְׂאֵת עוֹן חֲטָאתִי סֵלָה:
עַל זֹאת יִתְפַּלֵּל כָּל חֹסֶיד אֱלֹהִים לְעַת מִצָּא רַק לְשֹׁטֶף מִיָּם רַבִּים אֱלֹהִים לֹא יִגִּיעוּ:
אַתָּה סֵתֵר לִי מִצָּר תִּצְרֵנִי רַגִּי פִּלַּט תְּסוּבְּבֵנִי סֵלָה:
אֲשַׁכִּילָה וְאוֹרָה בְּדֶרֶךְ זוֹ תִּלְךָ אֵינִי עֹלָה עֵינַי:
אֵל תִּהְיוּ כָּסוּס כְּפָרֵד אִין הִבִּין בְּמִתְּג וְרָסוֹן עֲדִיו לְבָלוֹם בַּל קָרַב אֱלֹהִים:
רַבִּים מִכְּאוֹבִים לָרָשָׁע וְהַבּוֹטֵחַ בִּיהוָה חֲסֵד יְסוּבְּבֵנוּ:
שִׁמְחוּ בִיהוָה וְגִילוּ צְדִיקִים וְהִרְנִינוּ כָּל יִשְׂרָאֵל לֵב:

פֿאַרק מ"ג CHAPTER 43

שָׁפֹטֵנִי אֱלֹהִים וְרִיבָה רִיבִי מִגּוֹי לֹא חֹסֶיד מֵאִישׁ מִרְמָה וְעוֹלָה תִּפְלֹטֵנִי:
כִּי אַתָּה אֱלֹהִים מְעוּזִי לָמָּה וְנִחַתְנִי לָמָּה קוֹדֵר אֶתְהַלֵּךְ בְּלַחַץ אוֹיֵב:
שְׁלַח אוֹרָה וְאַמְתָּה הַמָּה יִנְחוּנִי יְבִיאוּנִי אֶל הָר קוֹדֶשֶׁךָ וְאַל מִשְׁכְּנוֹתֶיךָ:
וְאַבּוֹאָה אֶל מִזְבֵּחַ אֱלֹהִים אֶל אֵל שְׁמֹחַת גִּילִי וְאוֹדָה בְּכִנּוֹר אֱלֹהִים:
מִה תִּשְׁתַּחֲוֶה נַפְשִׁי וּמִה תִּתְהַמֵּי עָלַי הוֹחִילִי לֵאלֹהִים כִּי עוֹד אוֹדְנוּ יְשׁוּעַת פָּנֶי וְאֱלֹהִים:

שִׁיר מִזְמוֹר לְאַסָּף:

אֱלֹהִים אֵל דָּמִי לָךְ אֵל תַּחֲרַשׁ וְאֵל תִּשְׁקֹט אֵל:

כִּי הִנֵּה אוֹיְבֶיךָ יִהְיֶינָיִם וּמִשְׁנֵאֶיךָ נִשְׂאוּ רֹאשׁ:

עַל עֲמָךְ יַעֲרִימוּ סוֹד וַיִּתְּעֲצּוּ עַל צָפוֹנֶיךָ:

אָמְרוּ לָכֵן וְנִכְחֵידֶם מִגּוֹי וְלֹא יִזְכָּר שֵׁם יִשְׂרָאֵל עוֹד:

כִּי נִוָּעֲצוּ לֵב יַחֲדוּ עָלֶיךָ בְּרִית יִכְרֹתוּ:

אֱהִי אָדוֹם וַיִּשְׁמְעֵאלִים מוֹאֵב וְהַגָּרִים:

גָּבַל וַעֲמֹן וַעֲמֶלֶק פָּלְשֶׁת עִם יִשְׁבִּי צוּר:

גַּם אֲשׁוּר נִלְוָה עִמָּם הָיוּ זִרְעַ לִבְנֵי לוֹט סָלָה:

עֲשֵׂה לָהֶם כְּמִדְיָן כְּסִיסְרָא כְּיִבִּין בְּנַחַל קִישׁוֹן:

נִשְׁמְדוּ בְּעֵין דָּאֵר הָיוּ דָמָן לְאַדְמָה:

שִׁיתֵּמוּ נְדִיבֵמוֹ כְּעָרֵב וְכִזְאָב וְכִזְבַּח וְכִצְלָמְנָע כָּל גְּסִיכְמוֹ:

אֲשֶׁר אָמְרוּ נִירְשָׁה לָנוּ אֵת גְּאוֹת אֱלֹהִים:

אֱלֹהֵי שִׁיתֵּמוּ כַּגִּלְגָּל כְּקֹשׁ לִפְנֵי רוּחַ:

כְּאֵשׁ תִּבְעַר יָעַר וְכִלְהָבָה תִּלְהַט הָרִים:

כֵּן תִּרְדָּפֶם בְּסַעֲרָךְ וּבְסוּפָתְךָ תִּבְהֹלֵם:

מִלֵּא פְּנֵיהֶם קִלּוֹן וַיִּבְקְשׁוּ שְׁמֶךָ יְהוָה:

יִבְשׁוּ וַיִּבְהָלוּ עַדִּי עַד וַיִּחַפְּרוּ וַיֵּאבְדּוּ:

וַיִּדְעוּ כִּי אַתָּה שְׁמֶךָ יְהוָה לִבְדָּדָה עֲלִיוֹן עַל כָּל הָאָרֶץ:

שִׁיר לַמַּעֲלוֹת אֶשָּׂא עֵינַי אֶל הַהָרִים מֵאֵין יָבֹא עֲזָרִי:

עֲזָרִי מֵעַם יְהוָה עֲשֵׂה שָׁמַיִם וָאָרֶץ:

אֵל יִתֵּן לַמוֹט רִגְלָךְ אֵל יָנוּם שִׁמְרָךְ:

הִנֵּה לֹא יָנוּם וְלֹא יִישָׁן שׁוֹמֵר יִשְׂרָאֵל:

יְהוָה שִׁמְרָךְ יְהוָה צִלָּךְ עַל יַד מִינְגָה:

יוֹמָם הַשֶּׁמֶשׁ לֹא יִכָּכֶה וַיֵּרַח בִּלְיָלָהּ:

יְהוָה יִשְׁמְרֶךָ מִכָּל רָע יִשְׁמֹר אֶת נַפְשְׁךָ:

יְהוָה יִשְׁמֹר צַאתְךָ וּבּוֹאְךָ מֵעַתָּה וְעַד עוֹלָם:

פָּרָק ק"ל CHAPTER 130

שִׁיר הַמַּעֲלֹת מִמַּעַמְקִים קִרְאֲתֶיךָ יְהוָה:

אֲדֹנִי שְׁמָעָה בְּקוֹלִי תַּהֲיֶינָה אָזְנֶיךָ קִשְׁבוּת לְקוֹל תַּחֲנוּנִי:

אִם עֲוֹנוֹת תִּשְׁמֹר יְהוָה אֲדֹנִי מִי יַעֲמֹד:

כִּי עָמַךְ הִסְלִיכָה לְמַעַן תִּגְוֶרָא:

קוֹיֵתִי יְהוָה קוֹתָה נַפְשִׁי וְלִדְבָרוֹ הוֹחֵלֵתִי:

נַפְשִׁי לֹאֲדֹנִי מִשְׁמָרִים לְבַקֵּר שׁוֹמְרִים לְבַקֵּר:

יַחַל יִשְׂרָאֵל אֵל יְהוָה כִּי עִם יְהוָה הַחֲסֹד וְהַרְפָּה עֲמוֹ פְּדוּת:

וְהוּא יַפְדֶּה אֶת יִשְׂרָאֵל מִכָּל עֲוֹנֹתָיו:

לְמַעֲשֶׂה WHAT TO TAKE HOME

When you feel weighed down by your mistakes, do not keep silent or try to hide them. Open your heart to Hashem in honest confession, and then immediately shift your focus to absolute trust in His forgiveness and constant protection, knowing that He never slumbers and is always guarding your steps.

Today, the moment you feel a heavy heart or a sense of spiritual distance, stop what you are doing, speak to Hashem in your own words to acknowledge your mistake, and then say out loud: 'My help is from Hashem, who forgives and guards my soul.'