



OVERVIEW of the Daf

1) R' Yehoshua ben Chananyah (cont.)

The Gemara concludes retelling about the incident involving R' Yehoshua ben Chananyah, Caesar and the wise men of Athens.

2) **MISHNAH:** The Mishnah discusses numerous cases of a donkey that may be a firstborn. The Mishnah concludes with a discussion of the seh that is used to redeem a firstborn male donkey.

3) Identifying the author of the Mishnah

Since the Mishnah indicates that when twins are born only one donkey is the firstborn it seems, says R' Yirmiyah, that the Mishnah does not follow the position of R' Yosi HaGalili who maintains that it is possible to be exact.

Abaye asserts that the Mishnah could reflect the opinion of R' Yosi HaGalili.

The reason the halacha of a firstborn donkey cannot be derived from the halacha of a firstborn kosher animal is explained.

Abaye's understanding of the Mishnah is successfully challenged.

The Gemara explains the rationale behind Rabanan's position that when twins are born only one of them must be redeemed.

4) Firstborn donkey

The Gemara infers from the Mishnah that a firstborn donkey is prohibited for benefit until it is redeemed and that would mean that the Mishnah follows R' Yehudah's opinion about this matter.

Ulla explains the rationale behind R' Yehudah's opinion that a firstborn donkey is prohibited for benefit until it is redeemed.

This explanation is challenged and the Gemara modifies Ulla's explanation.

This explanation is unsuccessfully challenged.

Ulla explains the rationale behind R' Shimon's opinion that a firstborn donkey is not prohibited for benefit.

This explanation is unsuccessfully challenged.

An alternative explanation of the dispute between R' Yehudah and R' Shimon is suggested.

R' Yehudah's opinion is successfully challenged and the Gemara revises its understanding of the dispute between R' Yehusah and R' Shimon.

R' Shimon's opinion is successfully challenged.

Rabbah asserts that even according to R' Shimon once the donkey is decapitated it is prohibited for benefit.

Rabbah begins to develop a proof for his ruling. ■

Distinctive INSIGHT

The status of a firstborn donkey before it is redeemed

אשה יודעת דפטר חמור איסורא אית ביה ופרקא ליה בשה, ומקדשא בהך דביני וביני

R' Yehuda holds that a firstborn donkey is prohibited from any benefit until it is redeemed. He contends that this can be proven from the fact that the Torah demands that it be redeemed with a sheep. The Gemara clarifies that if the donkey is redeemed for its full value, it can be redeemed with anything equal to its value. However, the Torah gives the option of redeeming this donkey with a sheep, even though the sheep may not be the value of the donkey. R' Yehuda notes that anything redeemed in this manner must have been prohibited before being redeemed.

The Gemara analyzes two cases where a woman can receive an item for kiddushin although it must be redeemed. One is where a man gave her a firstborn donkey for kiddushin, and the other is where she was given ma'aser sheini money. In the case of ma'aser sheini money, we know that a woman realizes that it must be taken to Yerushalayim and eaten there, so that it what she will do, and the kiddushin is valid. In the case of a firstborn donkey, we may also assume that a woman realizes that the donkey is prohibited for benefit as is, and that it currently has no monetary value. Therefore, she will take a sheep which, for example is worth \$10, and she will use it to redeem the donkey, which, for example, is worth \$50. She gives the sheep to the kohen and gains the ownership of the donkey, thus resulting in the kiddushin being worth \$40 to her, the difference between the value of the sheep she had to forfeit to redeem the higher-value donkey.

At this point, R' Yehuda's contention remains intact. Rambam (Hilchos Bikurim 12:4) rules according to R' Yehuda that a firstborn donkey is prohibited from benefit before it is redeemed. He adds that if someone sells the donkey before redeeming it, the money he receives assumes this status, and it is also prohibited from any benefit. Ra'aved protests, and says

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REVIEW and Remember

1. Explain the principle אפטר לצמצם?
2. What is derived from the word הזכרים?
3. What is the point of dispute between R' Yehudah and R' Shimon?
4. What is the reason a decapitated donkey is prohibited from benefit?

HALACHAH Highlight

Is a firstborn son sanctified?

והרי בכור אדם שצריך פדייה ומותר

But what about a firstborn human who must be redeemed but is permitted

The Gemara teaches that even though a firstborn animal may not be sheared or worked before it develops a permanent blemish or is redeemed, a firstborn human is not prohibited from work before he is redeemed. This clearly indicates that the purpose of a pidyon haben is not to deconsecrate the bechor to permit him for work; rather it is a mitzvah of the Torah to give five sela'im to a kohen. Seforno¹ however, seems to disagree and writes that if one does not redeem his firstborn child the child may not do any non-sacred work and it is only following his redemption that he may perform mundane tasks. Aruch HaShulchan² also writes that firstborn boys are sacred like any other sacred item that may not be used for mundane purposes. This gives meaning to the question the kohen asks the father at the pidyon haben ceremony, "What do you prefer, for your son to remain sanctified or would you prefer to give five sela'im to a kohen to redeem him?" In other words, the kohen is informing him of the choices that are available. Would he prefer his son to remain sanctified and prohibited from doing work, or would he prefer to redeem his son so that he may treat him the same as everyone else?

Kli Chemda³ expresses surprise at the position adopted by Seforno since it is clear from our Gemara that a firstborn boy does not become sanctified. Pri Sadeh⁴ suggests that Seforno's

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that while the donkey is restricted from any benefit, we do not find that this status is transferred to the money acquired in its sale. Ra'aved proves this from the halacha mentioned above, that this donkey may be redeemed by giving a kohen any object of its full value. If it were true that the status of the donkey is transferred to the object acquired through its sale, how could the kohen then use the item given to him for the donkey's redemption?

Mahar"l Kurkos and Radva"z refute the question of Ra'aved. There is a clear distinction between a sale of a prohibited item, which is not allowed, as opposed to a redemption process, which is designed to remove the prohibited status of the donkey.

Kehillas Yaakov explains that Ra'aved is noting that after selling the donkey, the owner will give the money to the kohen, who may benefit from the money. We see that the money is permitted, and it does not become prohibited like the donkey. ■

intent was that were it not for the halacha that a father must redeem his firstborn son the child would be sanctified and it would be prohibited for him to perform mundane work. However, once the Torah commands the father to redeem his son it emerges that the child is not sanctified and the only obligation is to "redeem" him but even if he is not "redeemed" he is not prohibited to work. ■

1. ספורנו שמות י"ג, ב, ט"ו.
2. ערוה"ש יו"ד סי' ש"ה סעי' ל"ז.
3. כלי חמדה במדבר סי' ב' אות ב' ד"ה אך באמת פשוט
4. פרי שדה ב"מ סי' ט' אות ו'. ■

STORIES Off the Daf

A Poor Solution

"מין במינו אינו חוצץ..."

The Hagadah relates, "עמלינו — אלו — הבנים — 'Our toil' — these are the children." Teaching and educating children in mitzvos can sometimes be trying. This is especially true when the child must be in contact with expensive items that are not easily replaced.

One father dreaded allowing his son to use his set of the four species. Even a non-kosher set was very expensive where he lived—he could not afford a second set for his son—and he was worried that his young son would fulfill the mitzvah with his set and then drop it. Of course, esrogim are especially delicate and easily rendered invalid or at least less mehudar.

But how could he refuse to allow his tzaddik the opportunity to make the blessing on the lulav?

After a moment's thought he had an intriguing idea: why not allow the child to fulfill the mitzvah while he held the lulav? For the first few days of the chag that is exactly what he did. He would allow his child to bentch first, and protect the arba minim by holding his hands over his son's while, together, they shook the lulav. The child was happy and so was he. On the fourth day of chol hamoed, when he arrived at shul, he told someone how he had gotten around the problem.

"But don't you realize that you have already discharged your obligation once you've shaken the lulav with your son?" asked his astonished confidant. "You cannot afterward make another blessing and do it again! We find in Bechoros 9 that the same type of material does not consti-

tute a separation. Practically speaking, it is as if you shook the lulav yourself."

The father had actually failed to consider this angle and asked the Ben Ish Chai, zt"l, if his friend's comment was true. The great sage answered, "There is no doubt that you did not discharge your obligation while your son held the lulav. Although we hold that the same material does not constitute a separation, that is only regarding one body. Two separate bodies definitely separate between each other since they are not considered one and the same."

He concluded, "This is why we find in Shulchan Aruch 94:4 that although if another person covers his friend's head this is a bona fide head covering regarding prayer, covering one's head with his own hand is not!"¹ ■

1. שו"ת תורה לשמה, סי' קפ"א ■