

OVERVIEW of the Daf

1) Redeeming a firstborn donkey (cont.)

The Gemara finishes explaining the point of dispute between R' Yosi bar Yehudah and Rabanan.

R' Nachman rules in accordance with R' Yosi bar Yehudah's position.

R' Yosef offers an example of how little one could spend to redeem a firstborn donkey.

Rava cites support for R' Yosef's position and the Gemara explains the novelty of his ruling.

A related incident is presented and explained.

R' Yitzchok in the name of Reish Lakish suggests another way to redeem firstborn donkeys and explains which opinion he follows with this ruling.

Another explanation of Reish Lakish's position is presented.

A related incident is retold.

2) Redeeming a friend's donkey

R' Shizvi in the name of R' Huna rules that one who redeems his friend's firstborn donkey has effectively redeemed the donkey.

The Gemara inquires about who keeps the donkey and clarifies the question.

R' Nachman proves that the owner keeps the donkey.

3) The redemption lamb that enters the pen for tithing

A Baraisa elaborates on the Mishnah's ruling related to the case in which the redemption lamb enters the pen for tithing.

It is noted that this ruling supports a related statement of R' Nachman.

A related ruling from R' Nachman in the name of Rabba bar Avuha is presented.

Another similar ruling is cited and the necessity for R' Nachman in the name of Rabba bar Avuha to make two similar statements is explained.

R' Shmuel bar Nosson in the name of R' Chanina issues a similar ruling regarding smoothed grain purchased from a non-Jew.

This ruling is clarified.

A Mishnah is cited that presents a dispute related to the status of produce one deposits by a Cuthean or an am ha'aretz.

R' Elazar explains the point of dispute.

R' Dimi and Abaye discuss this explanation.

4) Benefitting from the redemption lamb

The Gemara explains the Mishnah's ruling related to benefitting from the dead redemption lamb. ■

Distinctive INSIGHT

Differences between redeeming a firstborn human and a firstborn donkey

מי שיש לו פטר חמור ואין לו שה לפדותו בשויו

In his commentary to Rambam (Hilchos Bikkurim 12:11), Or Sameach notes that we find a significant halachic distinction between redemption of a firstborn donkey and redemption of a firstborn human. According to the Gemara in Kidushin (8a), redemption of a firstborn human may be done with any item of objective value, as long as the kohen says that he accepts it for the value of the five shekalim which must be paid. It would seem reasonable that this same law should apply when redeeming a firstborn donkey. The redemption is set to be for a sheep, and this is valid even if the sheep has a much lower value than the donkey. If the donkey's owner gives any other object to the kohen, we would expect that the kohen should be able to say that he accepts that object as if it is the value of a sheep for him, no matter what its actual objective value is. Yet, the halacha is that if anything other than a sheep is used, the redemption of the donkey is valid only if that item's value is the full value of the donkey.

One might suggest that there are two mitzvos involved in the redemption of a firstborn donkey. This seems to be the view of Rambam, who lists the mitzvah to redeem a firstborn donkey in Hilchos Bikkurim 12:1, while he writes the mitzvah to give the sheep to the kohen separately, in 12:2. When the sheep is designated to redeem the donkey, the donkey becomes permitted for benefit, as the sanctity of the firstborn donkey transfer onto the sheep. It could be that the kohen still has a financial interest in the donkey, even at this point. The second mitzvah is giving the sheep to a kohen, at which

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REVIEW and Remember

1. What does one do if he has a firstborn donkey and no sheep with which to redeem it?
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2. What does one do if he has ten questionable firstborn donkeys?
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3. What is the point of dispute between Tanna Kamma and R' Shimon?
.....
4. Which terumah is given from grain acquired from a non-Jew?
.....

HALACHAH Highlight

Fulfilling the mitzvah of redeeming a firstborn donkey nowadays outside of Eretz Yisroel

ר' יהודה נשיאה הוה ליה פטר חמור

R' Yehudah Nesiah had a firstborn donkey

The Gemara relates that R' Yehudah Nesiah had a firstborn donkey and he sent it to R' Tarfon to find out the value of the "seh" that could be used to redeem the donkey. Vilna Gaon¹ notes that this Gemara is a source for Shulchan Aruch's ruling² that the obligation to redeem a firstborn donkey is in force even in our times. This is evident from the fact that R' Yehudah Nesiah and R' Tarfon lived after the destruction of the Beis HaMikdash. This clearly demonstrates that the obligation to redeem a firstborn donkey applies even when there is no Beis HaMikdash and even during a period in which korbanos are not offered.

Sefer Derech Pikkudechah³ observes that he never saw someone outside of Eretz Yisroel fulfill this mitzvah and he suggested that the reason is based on the fact that we do not have kohanim who can definitively establish their lineage as kohanim. The reason why pidyon haben is observed is that there is no alternative manner to redeem a firstborn son and there is no potential harm that could result from mistakenly giving someone five selaim. In the case of a firstborn donkey if someone was to redeem their firstborn donkey and give the redemption animal to someone who is not really a kohen the donkey would not really be redeemed. As such the owner of the donkey would violate the prohibition against deriving benefit from an unredeemed firstborn donkey. If this explanation was correct, he notes, the obligation to decapitate the animal

(Insight...continued from page 1)

point the donkey belongs to its owner. If any object other than a sheep is used we can only say that the donkey is redeemed if full value is used for the transfer. The later presenting of that object to the kohen, which is an independent mitzvah, cannot effect the transfer of the donkey's status even if the kohen is willing to accept a lesser-valued object as full value.

Nevertheless, this explanation is not tenable, because the general rule of is that all sanctified items may be redeemed even upon items of lesser value. Why, then, is this not the case when redeeming a donkey for any item other than a sheep?

Based upon these observations, Or Sameach notes that the redemption of a firstborn human and that of a donkey are essentially different. When redeeming a firstborn human, the point of the mitzvah is that the kohen receive the five sela'im, or its equivalent. If he accepts any object in lieu of the five sela'im, the mitzvah is complete. However, the redemption of firstborn donkey must be done to remove the status of the donkey's being prohibited from benefit. Even if the donkey itself is given to the kohen, the mitzvah still requires that the kohen himself then sell it and take the money he receives for it. ■

should be practiced since that it what is done with an unredeemed firstborn donkey. He explains that the reason people do not decapitate their firstborn donkeys is that it would lead to a general suspicion that kohanim are not authentic. Therefore, the custom developed to sell the mother donkey to a gentile so that the firstborn should not become a bechor. ■

1. ביאור הגר"א יו"ד סי' שכ"א סק"א.

2. שו"ע שם סעי' א'.

3. ספר דרך פקודיך מצוה כ"ג חלק הדבור אות ב'. ■

STORIES Off the Daf

Abandoned Property

ממורחין

During the year תשי"ח, the war for Israel's independence began, and many local Arabs were encouraged by their "protectors" in Damascus and elsewhere to flee until the Jews were annihilated. To their chagrin, the Jews won that war, and became the inheritors of many abandoned fields that had been Arab property. Jews ended up harvesting these fields, and religious Jews wondered if they were obli-

gated to take ma'aser from the produce. After all, it was actually non-Jewish produce which is usually not obligated in maaser.

One local rav figured that there was no problem in this at all. "Although according to the Sefer Chareidim, zt"l, even if a Jew does the final processing of the produce of a non-Jew he must take maaser, it is clear from Rashi and Tosafos in Bechoros 11 that they both disagree. In their opinion, even if a Jewish worker smoothes out a non-Jew's produce, he need not take maaser."

But when this question reached Rav Tzvi Pesach Frank, zt"l, he disagreed.

"How could it be that these fruits are not obligated in trumos and maasros? Firstly, from the moment that the Jews took over the field, the fruit is considered to be owned by Jews; it is no longer owned by the non-Jews who abandoned it. Clearly Rashi and Tosafos would agree that the moment the produce undergoes the final processing it has all the halachos of a Jew's produce. Another reason to be stringent is that it is implied from the language of the Rambam that he agrees with the Chareidim. And the halachah follows this opinion. Clearly, they are obligated to take terumos and ma'aseros."¹ ■

1. הר צבי, זרעים, ח"א, סי' י"ז ■

