

OVERVIEW of the Daf

1) Detached wool (cont.)

The Gemara responds to the challenge to Reish Lakish's opinion that no Tanna permits benefit from wool that became detached from a bechor before its blemish was confirmed by an expert.

It is suggested that there is a dispute between Tannaim regarding Reish Lakish's opinion.

Rava rejects the assertion that the Tannaim in the Beraisa dispute this matter.

R' Nachman rules in favor of R' Yehudah's understanding of the dispute between Akavyah and Chachamim.

R' Nachman bar Yitzchok cites our Mishnah as proof to this understanding of the dispute.

R' Yannai inquires about the halacha of one who plucks wool from an unblemished Olah.

This inquiry is challenged and revised to refer to the halacha of wool that became detached by itself from an unblemished Olah.

The Gemara further elaborates on this inquiry.

An unsuccessful attempt to resolve this matter is presented.

2) "Wool that is not seen as part of the fleece"

The Gemara inquires about the definition of wool that is not seen as part of the fleece.

R' Elazar in the name of Reish Lakish offers one explanation and R' Nosson bar Oshaya suggests a second definition.

The reason Reish Lakish did not explain like R' Nosson bar Oshaya is explained.

הדרן עלך הלוקח בהמה

3) **MISHNAH:** The Mishnah discusses when a yisroel who has a bechor animal may give that animal to a kohen.

4) Caring for a bechor

R' Kahana suggests an exposition that teaches that the yisroel must raise small animals for 30 days and large animals for 50 days.

This exposition is successfully challenged.

Rava provides an alternative source for the obligation of a yisroel to raise an animal for at least those periods of time.

This exposition is unsuccessfully challenged.

A Beraisa is cited that supports Rava's exposition.

A point in this Beraisa is clarified.

5) Giving a kohen a bechor before the prescribed time

R' Sheishes explains why one may not give a kohen a bechor before the prescribed time.

6) Assisting on the threshing floor

A Beraisa presents the source for the prohibition against assisting on the threshing floor.

The necessity for two expositions is explained.

The Gemara continues citing the Beraisa and explaining points as the need arises. ■

Distinctive INSIGHT

At what point does the bechor belong to the kohen?

עד כמה ישראל חייבין ליטפל בבכור? בדקה שלשים יום

The Mishnah states that a yisrael who has a bechor born into his flock has the responsibility to care for the bechor before giving it to the kohen. Small livestock must be guarded for thirty days, while larger animals must be watched for fifty days.

Sefer Nezer HaKodesh asks when the obligation to give the animal to the kohen begins. The animal is not actually given until the end of thirty or fifty days. Does the kohen own it immediately with the birth of the animal, or does the obligation to give the bechor to the kohen only begin when the watch period concludes? He points out that the Mishnah indicates that the yisrael's caring for the bechor is merely an assignment of responsibility on the part of the yisrael, but it is not a delay of the onset of the obligation of when it may be given. This suggests that the kohen's ownership of the bechor begins with its birth.

Rambam (Hilchos Bechoros 1:14) writes that the bechor is not given to the kohen immediately when it is born because it is not to the benefit of the kohen to have it at such a young age. Rather, the yisrael cares for the animal until it gets a bit older, at which time it is presented to the kohen. This, again, suggests that the animal belongs to the kohen at birth, but it is nurtured by the yisrael for a short time until it is presented to the kohen.

On the other hand, our Gemara begins with comparing a bechor of an animal with the bechor of man to show the source for the thirty- and fifty-day periods of caring for an animal before presenting it to the kohen. Using this association, we would say that just as one's firstborn son does not belong to the kohen before thirty days, so too there is no obligation to give one's firstborn animal before thirty days.

Nezer HaKodesh also points out that the Mishnah says that if a kohen requests that the yisrael give him the bechor before thirty or fifty days the yisrael should not do so. In the Gemara, Rav Sheishes explains that the problem with this is that this would appear as if the kohen is "assisting at the threshing floor." This means that any particular kohen certainly wants to be the one to receive terumah and a bechor. We might find a kohen volunteering to help with chores and tasks at the threshing floor in order to earn favor and then be presented with the terumah which the farmers separate. This is not allowed, as the kohanim may not solicit these gifts. Similarly, a kohen may not offer to receive an animal and care for it instead of the yisrael, as this favor appears to be a solicitation by the kohen to be the one to receive the bechor. Nevertheless, the only objection to this offer is that it appears to be a method to ingratiate himself with the yisrael, but if the yisrael would give the bechor to the kohen at this earlier point the presentation of the bechor would be valid. This therefore indicates that the bechor belongs to the kohen from birth. ■

HALACHA Highlight

Being classified as wicked

תולש מא איכא מאן דשרי

Plucking? Is there anyone who would permit it?

R' Yannai inquires about the status of wool that is plucked from an unblemished Olah. The Gemara questions the relevance of the question since there is no opinion that permits plucking wool from an unblemished Olah. Rashi¹ explains that since there is no opinion that permits plucking wool from an unblemished Olah one who does so is certainly wicked. Maharit Algazi² asks, since halacha follows the opinion of R' Yosi ben HaMeshulam (25a) that one who plucks wool does not violate the Biblical prohibition against shearing why should someone who plucks wool be categorized as wicked? Reishis Bikkurim³ answers that plucking wool certainly involves a violation of a Rabbinic injunction and the Gemara Yevamos (20a) teaches that one who violates a Rabbinic prohibition is also categorized as someone wicked.

Sefer Ara D'raban⁴ raises a question regarding the status of a poor person who was pursuing a cake – עני מהפך בחררה – and someone else made a proprietary act ahead of that poor person. The Gemara categorized the person who stepped ahead of the poor person as wicked. Is he Biblically categorized as wicked and disqualified from giving testimony or perhaps his categorization as one who is wicked is Rabbinic in origin and he remains fit for testimony. He cites a ruling of Rema to answer his inquiry. Rema⁵ rules that one who lifts his hand to strike another Jew is Rabbinically disqualified from testifying. This demonstrates that Rabbinic violations categorize one as wicked and unfit at least Rabbinically from testifying.

REVIEW and Remember

1. What is the point of dispute between Akavya ben Mahalalel and Chachamim ?

2. What is the status of wool that became detached from an unblemished Olah ?

3. For how long is one obligated to raise a bechor before giving it to a kohen ?

4. Explain: כהן המסייע בבית הגרנות.

Later authorities debate whether violation of any Rabbinic injunction categorizes one as wicked. Teshuvos Amudei Or⁶ cites Pri Megadim who implies that one is categorized as wicked only if the Rabbinic violation carries the punishment of lashes. Amudei Or rejects this notion since the Gemara's statement simply states that one who violates a Rabbinic prohibition is categorized as wicked. Teshuvos Chavos Yair⁷ asserts that two criteria must be met for one who violates a Rabbinic prohibition to be categorized as wicked. The first is that the prohibition must be well known and the second is that it must be established that the violator remains unrepentant. ■

¹ רש"י ד"ה מי איכא.
² מהרי"ט אלגאזי אות מ"ב סק"י.
³ ראשית ביכורים ד"ה התולש בכורים.
⁴ ספר ארעא דרבנן אות תצ"ט.
⁵ רמ"א חו"מ סי' ל"ד סעי' ד'.
⁶ שו"ת עמודי אור קונטרס מקל חובלים ס"ק ט"ז.
⁷ שו"ת חות יאיר סי' מ"ב. ■

STORIES off the Daf

Honoring the Kohen?

"את קדשי בני ישראל לא תחללו..."

Rav Meir Kohein, ז"ל, was very pained. His son—an important member of the community and a kohen—had his enemies. What prominent person doesn't? At times people who are upset with their fellows can be a bit mean while showing their dislike. Rav Meir's son was the brunt of a terrible and costly prank. Some of his detractors owned various kosher animals. When an animal was slated to have its firstborn, these people

did not partner with a non-Jew to avoid the holiness of bechorah. Instead, they purposely had a bechor for one nefarious purpose: to give it to their enemy. In this manner they forced him to care for animal after animal without deriving any benefit at all.

Rav Meir was so bothered by this that he actually wrote to Rav Meir of Rotenberg, ז"ל, about his son's trials. The Maharam's reply was very sharp. "My dear Rav Meir HaKohen: What can I do or say regarding such people who give unblemished bechoros to your son to revenge themselves upon him? All I can do is list the sins involved in this shameful act in the hope that they change their

ways. Firstly, they could easily remove the holiness of bechorah from these animals. Instead they keep the kedushah even though it is quite plausible that people will profane them at some point. Secondly, the twenty-four matnos kehunah given to the children of Ahraon are meant to honor them. One who gives the matanos in a manner meant to pain the kohen has not fulfilled his obligation to give at all. Thirdly, this is clearly a disgrace towards kodoshim. As we find in Bechoros 26, the chachomim wished to fine those who disgraced kodoshim. Fourthly, this is a chilul Hashem!"¹ ■

¹ שו"ת מהר"ם רוטנבורג, ח"ד, סי' ע"ח ■

