

OVERVIEW of the Daf

1) Clarifying the Mishnah

The Gemara challenges the Mishnah's implication that the levi'im exempted the firstborn donkeys of the yisroelim.

Abaye reinterprets the Mishnah.

Rava rejects this interpretation and suggests an alternative explanation of the Mishnah.

This interpretation is unsuccessfully challenged.

R' Safra presents numerous challenges to the kal vachomer in the Mishnah utilized to exclude levi'im from the laws of bechor.

Abaye resolves all of R' Safra's challenges.

The source that kohanim are exempt from the laws of bechor is identified.

R' Chisda provides the source that in the wilderness a yisroel's firstborn donkey was redeemed through a Levi's seh.

This source is rejected and an alternative source is provided.

2) Redemption of firstborn donkeys

R' Chanina asserts that one seh of a levi was able to exempt from redemption many firstborn donkeys of yisroelim.

Abaye cites a source in support of this statement.

Numerous unsuccessful challenges to this assertion are recorded.

Rava presents support for this ruling.

3) Firstborns in the wilderness

R' Yochanan and Reish Lakish disagree whether firstborns were sanctified in the wilderness.

The basis of the dispute is explained.

R' Yochanan unsuccessfully challenges Reish Lakish.

R' Yochanan is forced to explain why he thought he had a challenge for Reish Lakish.

Another unsuccessful challenge by R' Yochanan is presented.

According to a second version it was Reish Lakish who unsuccessfully challenged R' Yochanan.

An unsuccessful attempt to support R' Yochanan is recorded.

R' Pappa refutes our present understanding of the dispute forcing the Gemara to present an alternative understanding of the dispute between R' Yochanan and Reish Lakish. ■

Distinctive INSIGHT

Pidyon HaBen for a son of a Levite mother

לוייה שילדה בנה פטור מחמש סלעים

Mar, the son of R' Yosef, taught in the name of Rava that a firstborn son of a Levite woman is exempt from having to be redeemed, even if her husband is a Yisroel. The reason given is that a child eligible for this mitzvah must be "the one who is the first from the womb," and this condition is lacking in this case. Several approaches are presented among the Rishonim to explain why the status of this son follows his mother in this case, and that there is an exemption due to her being a Levite.

Rashi says that the status of being a bechor is established when a child is born from its mother's womb. Here, the son was issued from a mother who herself is a Levite, so as it is born it is the mother's status which determines the obligation to be redeemed with the five selaim. Rashi adds that this explanation is based upon the conclusion of the Gemara that all the Levi'im in the desert are associated one to another in the verse (Bemidbar 3:45), including those who were less than a month old. Included in this category of Levi'im who are exempt from redemption are also those born to Levite mothers.

Tosafos notes that the view of Mar b. R' Yosef is presented earlier in the Gemara, before we are told about the verse which associates all Levi'im. This indicates that the exemption is self-understood based upon the explanation given at this point in the Gemara when it says, "this mitzvah is based upon the child which is first to leave the womb." Tosafos understands that although his father is not a Levi, in regard to the mitzvah of redemption he is exempt because this mitzvah is evaluated based upon the moment of leaving the womb, and his mother is a Levite.

In Chullin (132a) Rashi explains this a bit differently. There, he says that there is no mitzvah of redemption for Levites, so a son born to a woman who is a Levite has no obligation to be redeemed. This suggests that this son does not become sanctified as a bechor when he is born, even though his father may not be a Levi.

Sefer Reishis Bikkurim uses a concept presented by Avnei Nezer (Y.D. 443) to explain that a child does not assume the status of his father until the time of birth. Until the child is born, its status follows that of its mother. The determination whether a child is a bechor is made at the moment of birth, and at that moment the child is still being evaluated according to its mother's status. This is why this child is exempt from the mitzvah of pidyon haben. ■

HALACHAH Highlight

A woman's obligation to redeem her firstborn donkey

כל שיטנו בבכור אדם ישנו בבכור בהמה טמאה

Anyone subject to the laws of redeeming a person is subject to the laws of redeeming a non-kosher animal

The Gemara derives from a pasuk that whoever is subject to the law of bechor is obligated in the laws of the firstborn non-kosher animal and whoever is not subject to the law of bechor is not obligated in the laws of the firstborn non-kosher animal. Accordingly, later authorities question whether a woman is exempt from having to exempt her firstborn donkey since the Gemara in Kiddushin (29a) teaches that a woman is exempt from the laws of redemption of a firstborn human. For example, Sefer HaMakneh¹ cites Teshuvos HoRashba who maintains that the daughter of a kohen or levi is exempt from redeeming her firstborn donkeys since they are also subject to the juxtaposition that equates redeeming firstborn humans and firstborn animals. Sefer HaMakneh comments that if we follow Rashba's reasoning any woman should be exempt from redeeming her firstborn donkey since all women are exempt from redeeming firstborn humans and yet Rashba only mentioned that the daughter of a kohen and levi is exempt from redeeming her firstborn donkey.

Sefer HaMakneh suggests that according to Rashba one can indeed conclude that a woman is not obligated to redeem a donkey just as she is not obligated to redeem her son. How-

REVIEW and Remember

1. Did levi'im exempt firstborn donkeys from their sanctity?

2. Why are there dots on Aharon's name in Bamidbar 3:39?

3. What is the point of dispute between R' Yochanan and Reish Lakish?

3. When did the firstborn become sanctified?

ever, the donkey will remain sanctified since it was not redeemed. Sefer Kli Golah² disagrees and asserts that a woman is obligated to redeem a firstborn donkey. The only reason a woman is exempt from redeeming her child is that someone else has an obligation to redeem that child. If the child has a father the father has the obligation to redeem him and if he does not have a father the child is obligated to redeem himself. In the case of her firstborn donkey since there is no one else who is obligated to redeem the donkey why should she be exempt from redeeming the donkey? The obligation to redeem a firstborn donkey rests on the shoulders of the owner and if she is the owner she must redeem the firstborn donkey. ■

1. ספר המקנה קידושין כ"ט. ד"ה והנה ראיתי.

2. ספר כלי גולה ד"ה ולפענ"ד. ■

STORIES Off the Daf

The Levite Mother

"לוייה שילדה בנה פטור מחמש סלעים..."

Sometimes, there is just no way to be diplomatic. We must try to be conciliatory when it is at all possible, but if there is no room to maneuver halachically we cannot compromise merely for the sake of diplomacy.

A certain couple had arranged a gala affair in honor of their firstborn son's pidyon haben. They invited Rabbi Mordechai Tawil, zt"l, a well known kohen, to honor them by accepting the money for their child. When the rabbi arrived he began asking questions to make sure

that a pidyon haben was warranted. When he heard that the child's maternal grandfather is a levi, he gently explained that he could not redeem the child.

Rabbi Tawil demurred, "I am sorry but the Gemara in Bechoros 4 states clearly that the son of a female from the line of Levi does not require redemption. Although I am sure that it is embarrassing, you must call the whole thing off."

The couple had invited guests from all of Eretz Yisrael to join their simchah and begged the rabbi to remain and do the ritual regardless of whether there was an obligation.

Rabbi Tawil emphatically declined. "I am sorry but the only blessing that I

can pronounce is the kohein's blessing! I am not permitted to be part of redeeming the son of a female levi, and neither are you."

The Minchas Yitzchak, zt"l, explained why it is forbidden to redeem the son of a female levi. "My father taught that although Rav Yaakov Emden, zt"l, held that one should redeem the son of a female levi without a blessing, he disagreed because of the possible ramifications. People who hear about this will begin to redeem such a child with a blessing—and it is almost certain that it is a wasted blessing altogether."¹

1. שו"ת מנחת יצחק, ח"ב, ס' ל"ו. ■