Bechoros 32 – Good Morning Raboisai

1️⃣ Selling Maaser Behemah – Abaye vs. Rava

We continue the discussion of selling Maaser Behemah.

The basic rule is:

👉 Maaser Behemah cannot normally be sold.

But what happens when it belongs to Yesomim and the meat will otherwise go to waste?

Abaye says the solution is Havla'ah:

👉 Sell something permitted, such as the hide, for an increased price and include the Maaser meat with it.

Rava disagrees:

👉 The prohibition against selling Maaser Behemah is Rabbinic, and for Yesomim the Rabbanan did not impose their restriction.

Therefore, according to Rava, the Yesomim may sell it directly.

2️⃣ Why Are Yesomim Different?

The reason is straightforward.

Without refrigeration, a large animal produces far more meat than the Yesomim could possibly eat before it spoils.

Chazal were concerned for their financial loss.

According to Rava:

👉 Where the selling restriction is Rabbinic, Chazal did not apply it in this case.

According to Abaye:

👉 We still require Havla'ah rather than a direct sale.

3️⃣ Havla'ah for an Adult

The Beraisa mentions two cases:

- Maaser Behemah belonging to Yesomim.
- Maaser Behemah belonging to an adult after Shechitah.

Rava understands these as two separate cases.

For Yesomim:

👉 Direct sale can be permitted.

For an adult:

👉 He cannot simply sell the Maaser meat, but can use Havla'ah by absorbing its value into permitted parts such as the hide, Cheilev, Gidim or horns.

4️⃣ Havla'ah Through the Bones

Can the meat's value also be absorbed into the price of the bones?

The Gemara distinguishes between different circumstances.

If the bones themselves have genuine value because people use them to make utensils or handles:

👉 Havla'ah may work.

But where the bones are essentially worthless:

👉 Charging an enormous amount for them is not a meaningful Havla'ah.

This can therefore depend on the animal and local usage.

Bechor vs. Maaser Behemah

5️⃣ A Bechor Can Be Sold

The Daf returns to the fundamental difference between Bechor and Maaser Behemah.

Regarding Bechor:

👉 It cannot be redeemed, but it can be sold by the Kohen.

Once the Bechor belongs to the Kohen, the Kohen has the right to sell it under the appropriate circumstances.

6️⃣ Maaser Behemah Cannot Normally Be Sold

Maaser Behemah is different.

The Torah says:

לא יגאל

The Sugya investigates whether this prohibition includes:

👉 Selling Maaser Behemah.

This becomes the focus of a lengthy discussion involving Gezeirah Shavah and the precise meaning of the Pesukim.

Cherem, Maaser and Bechor

7️⃣ What Is Cherem?

The Daf discusses Cherem in connection with Maaser Behemah.

A person can designate property as Cherem.

The Sugya focuses on Cherem that ultimately goes to Kohanim.

Before it reaches the Kohen:

👉 It has a status of Kedushah.

Once it reaches the Kohen:

👉 It becomes his ordinary property.

This becomes important for understanding the words "Lo Yigael."

8️⃣ Gezeirah Shavah – "Lo Yigael, Lo Yigael"

The Torah uses the words:

לא יגאל

regarding both Maaser and Charamim.

The Gemara uses this identical wording for a Gezeirah Shavah.

👉 Just as the laws of sale and redemption apply in the Cherem context, they help define the restriction of Maaser Behemah.

But the Gemara asks:

👉 Is the phrase available – Mufneh – for the Gezeirah Shavah?

9️⃣ What Does "Mufneh" Mean?

For a strong Gezeirah Shavah, the relevant word can be extra in its own context.

If the word is Mufneh:

👉 The comparison is much harder to challenge with differences between the two cases.

The Gemara therefore spends considerable time demonstrating why the relevant words are available for the Gezeirah Shavah.

🔟 A Fascinating Halachah of Cherem

The Gemara points out a surprising Halachah.

Even something already designated as a Korban can have an additional Cherem declaration placed upon its owner's financial interest.

For example, an Olah already belongs to Hekdesh.

Nevertheless:

👉 The owner can have a personal monetary benefit or value connected to bringing that Korban.

That value can itself become subject to Cherem.

The Korban remains the same Korban; it is the owner's remaining financial interest that is affected.

Why Not Learn from Bechor?

1️⃣1️⃣ Bechor Is Kadosh From Birth

The Gemara considers learning the relevant law from Bechor.

But Bechor has a unique Chumrah:

👉 Kadosh MeRechem – its Kedushah begins automatically from birth.

That makes Bechor fundamentally different from property whose Kedushah comes through a person's declaration.

Therefore, the comparison can be challenged.

1️⃣2️⃣ Maaser Also Has a Unique Chumrah

Maaser Behemah has its own unusual power of Kedushah.

If the owner makes mistakes while counting the animals, there can be circumstances in which:

👉 The ninth, tenth and eleventh animals all receive Kedushah.

This shows that Maaser also possesses a distinctive form of Kedushah.

Therefore, simply comparing these different categories is not always straightforward.

1️⃣3️⃣ Why Use "Lo Yigael" Rather Than Different Words?

The Gemara discusses whether we could connect Bechor and Maaser through other similar expressions.

The principle is:

👉 When two identical Torah expressions are available for a Gezeirah Shavah, we prefer the identical words.

The Daf compares this with other places in Shas where a Gezeirah Shavah can sometimes connect different words that carry the same meaning.

But identical wording is preferable when available.

Rav Ashi – A Different Approach

1️⃣4️⃣ "Lo Yigael" Means It Cannot Be Sold

Rav Ashi offers a different explanation.

Rather than deriving the prohibition through the Gezeirah Shavah:

👉 The words "Lo Yigael" themselves can indicate that Maaser Behemah may not be sold.

The Gemara develops this by asking what "Lo Yigael" can mean in the different stages of the animal's life.

1️⃣5️⃣ Can It Mean Ordinary Redemption?

When Maaser Behemah is alive:

👉 It cannot simply be redeemed.

The Gemara then considers what the Pasuk means after Shechitah.

If ordinary redemption is not the correct interpretation in that situation:

👉 “Lo Yigael” must be teaching another restriction – namely sale.

1️⃣6️⃣ Ha’amadah V’Ha’arachah

The discussion connects to the requirement of:

👉 Ha’amadah V’Ha’arachah.

For certain forms of redemption, the animal must be alive and able to stand for evaluation.

Once it has been Shechted:

👉 It cannot stand for the valuation process.

This becomes part of the Gemara’s analysis of whether “Lo Yigael” can simply mean redemption or must also refer to sale.

1️⃣7️⃣ Why Mention Both Selling and Redeeming?

Regarding Charamim, the Pasuk discusses both:

- Selling,
- And redeeming.

The Gemara asks:

👉 If “Lo Yigael” can itself carry the meaning of sale, why does the Torah need both expressions?

The answer is that both laws are necessary.

We might otherwise have thought that only commercial sale is inappropriate because it disgraces the Kedushah.

But perhaps redemption would be allowed.

Therefore:

👉 The Torah teaches both restrictions.

Selling Kodshim – Respect for Kedushah

1️⃣8️⃣ Why Is Selling More Problematic?

One of the themes underlying the Sugya is Kavod for Kodshim.

Ordinary commercial dealing with a Kadosh animal can appear:

👉 Mevazeh – disrespectful to its Kedushah.

This explains why sale can be restricted even where other forms of transferring value might appear possible.

The exact rules depend on which type of Kodshim is involved.

Who May Eat a Bechor?

1️⃣9️⃣ A New Mishnah – Inviting Others

The Daf concludes by beginning a new Mishnah:

👉 Who may join the Kohen in eating a Bechor that has a Mum?

Three possibilities emerge:

- Only Kohanim.
- Kohanim and Yisraelim.
- Even a non-Jew.

This becomes a Machlokes between the Tannaim.

2️⃣0️⃣ Beis Shammai – Kohanim Only

One view limits the eating of Bechor:

👉 To Kohanim.

The comparison is to other portions given specifically to Kohanim.

According to this approach, a Yisrael would not join the Kohen in eating the Bechor.

2️⃣1️⃣ Beis Hillel – A Yisrael May Eat

Beis Hillel are more lenient:

👉 A Yisrael may eat the Bechor together with the Kohen.

The Kohen owns the Baal Mum Bechor and can share it with a Yisrael.

2️⃣2️⃣ Rebbi Akiva – Even a Non-Jew

The broadest position is Rebbi Akiva:

👉 Even a non-Jew may eat from the Baal Mum Bechor.

The Gemara begins analyzing the Pesukim and comparisons that produce these different opinions.

This discussion continues into the next Daf.

📌 Key Chazarah

- Maaser Behemah normally cannot be sold.
- Abaye says Yesomim use Havla'ah to avoid directly selling their Maaser meat.
- Rava says the sale restriction is Rabbinic and was not imposed on Yesomim, allowing them to sell directly.
- An adult may use Havla'ah by absorbing the meat's value into permitted parts.
- Bones can be used for Havla'ah where they have genuine local value.
- Bechor cannot be redeemed but can be sold by the Kohen.
- Maaser Behemah has a stronger restriction against sale.
- The Gemara analyzes a Gezeirah Shavah of "Lo Yigael" between Maaser and Charamim.
- A Mufneh word provides a stronger basis for a Gezeirah Shavah.
- Even an existing Korban can have the owner's remaining monetary interest designated as Cherem.
- Bechor is unique because it is Kadosh MeRechem.
- Maaser also has unique Kedushah involving the ninth, tenth and eleventh animals.
- Identical wording is preferred when establishing a Gezeirah Shavah.
- Rav Ashi understands "Lo Yigael" as teaching the prohibition against selling Maaser.
- Ha'amadah V'Ha'arachah is relevant to whether redemption can take place after Shechitah.

- The Torah distinguishes between selling and redeeming Kodshim.
- Selling Kodshim can involve a Bizayon of their Kedushah.
- The new Mishnah discusses who may eat a Baal Mum Bechor.
- The opinions range from Kohanim only, to Yisraelim as well, and even a non-Jew according to the broadest view.

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