

דף יומי • בכורות • דף י"ח

Daf Yomi • The Full Daf • Elucidated Talmud • Navy & Gold Edition • with Rashi

THE SUGYA

We begin the daf by continuing our deep dive into the fascinating sugya of whether it is possible for two events to occur with absolute precision, both in the hands of Heaven and in the hands of man. The Gemara brings a kasha from a Braisa regarding the Egla Arufa, where a slain body is found equidistant between two cities, and analyzes the machlokes between Rabbi Eliezer and the Rabbis to see if this hinges on the question of precision.

From there, the Gemara turns to clarify the machlokes in our Mishnah between Rabbi Tarfon and Rabbi Akiva regarding a case where a sheep gave birth to two males and we do not know which is the firstborn. We analyze Rabbi Akiva's view that the Kohen takes the leaner animal, and delve into the shakla v'tarya between Rabbi Yochanan and Rabbi Chiyya bar Abba regarding how to interpret the Mishnah's ruling of assessing the value between them.

All introductions, summaries, and contextual notes are the editor's commentary and are not part of the original text.

דף יומי DAF 18A

EXPLANATION

סבר לה רבבי יוסי הגלילי, דאמר: אפשר לצמצם בידי שמים, וכל שכן בידי אדם.

The Tanna of our Mishnah **holds in accordance with** the opinion of Rabbi Yosei HaGelili, who says: **It is possible for two events to coincide precisely** even when they are **in the hands of Heaven**, and **all the more so** when they are **in the hands of man**, where human precision is involved.

QUESTION

נימא פתנאי: נמצא מכון בין שתי עיירות — לא היו עורפין, רבי אליעזר אומר: שתיקן מביאות שתי עגלות.

The Gemara suggests: **Let us say** that this issue of whether precision is possible **is like** a dispute between Tanna'im, **as it is taught** in a Braisa: If a slain person **was found precisely** at an equal distance **between two towns**, they would **not break** the heifer's **neck** at all, according to the first Tanna. But **Rabbi Eliezer says: Both of them bring two heifers**, one from each town.

EXPLANATION

מאי לאו בהא קמיפלגי, דתנא קמא סבר: אי אפשר לצמצם, ורבי אליעזר סבר: אפשר לצמצם?

What, **is it not** correct to say that they **disagree about this** very point: **that the first Tanna holds that it is impossible to coincide precisely**, and therefore one town must be closer, but since we cannot determine which, neither can bring it; **and Rabbi Eliezer holds that it is possible to coincide precisely**, and since both are indeed equally close, both must bring a heifer?

OBJECTION

וְתִסְבְּרָא? אִי קִסְבֵּר תִּנָּא קָמָא אִי אֶפְשָׁר לְצַמְצֵם, אִמָּא לֹא הָיוּ עוֹרְפִים? יָבִיאוּ עֵגְלָה אַחַת

בְּשׁוּתָפוּת, וְיִתְּנוּ!

The Gemara rejects this: **And can you understand it that way? If the first Tanna holds that it is impossible to coincide precisely**, meaning that one town is definitely closer, **why** does he say that **they would not break** the heifer's neck at all? **Let them bring one heifer in partnership, and make a stipulation** that it belongs to whichever town is actually closer!

RESOLUTION

אֵלָּא, לְהִנִּי תִנָּא דְכוּלִּי עַלְמָא אֶפְשָׁר לְצַמְצֵם, וְהִכָּא בְּ"קְרוּבָה" וְלֹא קְרוּבוֹת קָמִיפְלָגִי, דְּתִנָּא קָמָא סָבַר: "קְרוּבָה" וְלֹא קְרוּבוֹת, וְרַבִּי אֱלִיעֶזֶר סָבַר: "קְרוּבָה" וְאֶפִּילוּ קְרוּבוֹת.

Rather, according to these Tanna'im, everyone agrees that it is possible to coincide precisely. And here, they disagree about the exposition of the word "nearest" in the singular, meaning only one town, and not "nearest" in the plural. As the first Tanna holds that the Torah means "nearest" town, and not multiple nearest towns, so when they are equidistant, neither can bring it. And Rabbi Eliezer holds that the Torah means "nearest" and even multiple nearest towns, so both must bring.

QUESTION

מָאִי הָיוּ עָלֶיהָ?

The Gemara asks: **What was** the final conclusion reached **about it**, regarding the opinion of the Rabbis on whether precision is possible in human hands?

ANSWER

אָמַר רַב חֲיִיָּא בַּר אֲבִין אָמַר רַב עֲמֶרֶם: תִּנָּא נִמְצָא מְכוּוֹן בֵּין שְׁתֵּי עִירוֹת, רַבִּי אֱלִיעֶזֶר אוֹמֵר: שְׁתֵּיהֶן מְבִיאוֹת שְׁתֵּי עֵגְלוֹת, וְחֲכָמִים אוֹמְרִים: יָבִיאוּ עֵגְלָה אַחַת בְּשׁוּתָפוּת וְיִתְּנוּ.

Rav Chiyya bar Avin said that Rav Amram said: It was taught in a Braisa: If the corpse was found precisely between two towns, Rabbi Eliezer says: Both of them bring two heifers; and the Sages say: They bring one heifer in partnership and make a stipulation.

INFERENCE

מָאִי קִסְבְּרִי רַבְּנָן? אִי קִסְבְּרִי רַבְּנָן דְּאֶפְשָׁר לְצַמְצֵם, וְקְרוּבָה — וְאֶפִּילוּ קְרוּבוֹת, לִיִּיתִי תִרְתִּי!

The Gemara analyzes this: **What do the Rabbis hold here? If the Rabbis hold that it is possible to coincide precisely**, and they expound "nearest" to mean even multiple nearest towns, then **let them bring two** heifers, just like Rabbi Eliezer!

INFERENCE

וְאִי "קְרוּבָה" וְלֹא קְרוּבוֹת, אֶפִּילוּ חֲדָא לָא לִיִּיתִי!

And if they hold that the Torah means "nearest" and not multiple nearest towns, then **they should not bring even one** heifer, even with a partnership and stipulation, because the law of Eglā Arufa would not apply at all!

INFERENCE

אֵלָּא לָאוּ שְׁמַע מִיִּנְהָ קִסְבְּרִי רַבְּנָן: אִי אֶפְשָׁר לְצַמְצֵם, וְאֶפִּילוּ בִּידֵי אָדָם.

Rather, is it not correct to learn from this that the Rabbis hold that it is impossible to coincide precisely, and that this is the rule even in the hands of man? Therefore, one town is definitely closer, and we bring one heifer with a stipulation.

RULING

שָׁמַע מִיָּנָה.

The Gemara concludes: Indeed, **learn from this** that it is so.

מִשְׁנָה MISHNAH

MISHNAH

רַבִּי טַרְפוֹן אוֹמֵר: בּוֹרֵר לוֹ אֶת הַיֵּפֶה.

We learned in the Mishnah: **Rabbi Tarfon says:** The Kohen **chooses for himself the better** of the two lambs.

גְּמָרָא GEMARA

EXPLANATION

מֵאִי טַעְמָא דְּרַבִּי טַרְפוֹן? קָא סָבֵר: הֵהוּא דְּבָרִיא נָפֶק בְּרִישָׁא.

The Gemara asks: **What is the reasoning of Rabbi Tarfon?** He holds that the one that is healthier and stronger is the one that **emerged first**, and is therefore the true firstborn.

מִשְׁנָה MISHNAH

MISHNAH

רַבִּי עֲקִיבָא אוֹמֵר: "מִשְׁמָנִין" כּוּי.

The Mishnah continues: **Rabbi Akiva says:** They **assess** the value of the lambs **between them**, etc.

גְּמָרָא GEMARA

STATEMENT

אָמַר רַבִּי חִיְיָא בַּר אֲבָא אָמַר רַבִּי יוֹחָנָן: הִפְהִין נוֹטִיל כְּחוּשָׁה.

Rabbi Chiyya bar Abba said that **Rabbi Yochanan said:** According to Rabbi Akiva, the Kohen **takes the leaner** of the two lambs.

QUESTION

אָמַר לִיה רַבִּי חִיְיָא בַּר אֲבָא לְרַבִּי יוֹחָנָן: וְהָא אֲנִי "מִשְׁמָנִין בִּינֵיהֶן" תַּנּוּ!

Rabbi Chiyya bar Abba said to Rabbi Yochanan: But didn't we learn in our Mishnah: "They **assess** the value **between them**," which implies they divide the value of the two lambs?

ANSWER

אָמַר לֵיהּ: עַד דְּאַכְלַת פִּפְנֵי תַּא בְּבַבְלָא, תַּרְגֵּימָנָא מִסִּיפָא.

Rabbi Yochanan said to him: While you were eating dates in Babylonia, we explained it in Eretz Yisrael from the latter clause of the Mishnah.

EXPLANATION

דְּקִתְנֵי סִיפָא: מֵת אֶחָד מֵהֶן, רַבִּי טַרְפוֹן אוֹמֵר: יִחַלּוּקוּ, רַבִּי עֲקִיבָא אוֹמֵר: הַמוֹצֵיא מִחֲבִירוֹ עָלָיו הָרִאשִׁי.

As the latter clause teaches: If one of them died, Rabbi Tarfon says: They divide the remaining lamb; Rabbi Akiva says: He who seeks to extract from his fellow bears the burden of proof, so the owner keeps it.

INFERENCE

וְאִי סָלְקָא דַּעְתָּךְ "מִשְׁמַנִּין בֵּינֵיהֶן" דְּכִי הִדְדִּי פְּלִיגִי, הָכִי נָמִי (לִיפְלִגִּי) [לִיפְלֹג] גַּבִּי הִדְדִּי!

And if it enters your mind that "they assess between them" means that they divide the value equally, here too in the case where one died, let them divide the remaining lamb between them, instead of leaving it entirely with the owner!

RESOLUTION

אֵלֶּא מֵאִי "מִשְׁמַנִּין" — שׁוֹמֵן יֵהָא בֵּינֵיהֶן, דְּאָמַר לֵיהּ לְכֹהֵן: אֵייתִי רְאָיָה דְּבָכוֹר הוּא וְשִׁקְלִי.

Rather, what is the meaning of "meshammenin"? It means that the **fatness**, meaning the extra value of the better lamb, shall be in dispute **between them**. The Kohen gets only the lean lamb, as the owner **says to the Kohen: Bring proof that the better one is the firstborn, and take it.**

מִשְׁנָה MISHNAH

MISHNAH

וְהַשְּׁנִי יֵרְעָה עַד שֶׁיִּסְתָּאֵב, וְחַיִּיב בְּמִתְּנוֹת, וְרַבִּי יוֹסֵי פוֹטֵר.

We learned in the Mishnah: **And the second lamb must graze until it becomes blemished**, and then the owner may eat it, and he is **obligated in the priestly gifts** of the shoulder, cheeks, and maw; and Rabbi Yosei exempts him.

גְּמָרָא GEMARA

QUESTION

מֵאִי טַעְמָא דְּרַבִּי מֵאִיר?

The Gemara asks: **What is the reasoning of Rabbi Meir**, who is the first Tanna of the Mishnah?

ANSWER

אָמַר רַבִּי יוֹחָנָן: הוּאֵיל וְכֵהֶן בָּא עָלָיו מִשְׁנֵי צִדֵּינָא, דְּאָמַר לֵיהּ: אִי בָכוֹר הוּא — כּוּלֵּיהּ דִּידֵּי הוּא, אִי לֹא בָכוֹר הוּא — הֵב לִי מִתְּנוֹת מִיָּמֶיהָ.

Rabbi Yochanan said: Since the Kohen comes against him from two sides with a double claim, as the Kohen says to him: If it is the firstborn, it is entirely mine; and if it is not the firstborn, give me the priestly gifts from it.

QUESTION

ורבי יוסי מאי טעמא?

The Gemara asks: And Rabbi Yosei, what is his reasoning for exempting the owner?

ANSWER

אמר רבא: עשו שאינו זוכה בזוּכָּה, ואף על גב דלא מטא לידיה כמאן דמטא לידיה, וזבגיה לישראל במומיה.

Rava said: The Sages made one who does not acquire the animal like one who acquires it. And even though it did not reach the Kohen's hand, it is as if it reached his hand and he sold it back to the Israelite in its blemished state, and a Kohen's animal is exempt from the gifts.

STATEMENT

אמר רבי אלעזר: הבהן נוטל בחוששה. הכל מודים בספק בכור, שאין חליפין ביד כהן, שחייב במתנות.

Rabbi Elazar said: Everyone concedes in the case of a doubtful firstborn where there is no replacement in the hand of the Kohen, that the owner is obligated in the priestly gifts.

QUESTION

הכל מודים מאן? רבי יוסי? פשיטא!

The Gemara asks: When he says "everyone concedes," who does he mean? Rabbi Yosei? That is obvious!

EXPLANATION

עד כאן לא קא פטר רבי יוסי התם, אלא דחליפין ביד כהן, דעשו שאינו זוכה בזוּכָּה, אבל אין חליפין ביד כהן — לא!

Only there did Rabbi Yosei exempt the owner, where the replacement is in the hand of the Kohen, as they made one who does not acquire like one who acquires; but where there is no replacement in the hand of the Kohen, he does not exempt him!

RESOLUTION

מהו דתימא: טעמא דרבי יוסי, דקסבר דאי מחייבת ליה במתנות — אתי ליה לידי גיזה ועבודתה, אף על גב דאין חליפין ביד כהן, קא משמע לן.

The Gemara answers: Lest you say that the reasoning of Rabbi Yosei is that he holds that if you obligate him in the gifts, he might come to shear and work the animal, thinking it is completely non-sacred, and this concern would apply even though there is no replacement in the hand of the Kohen; therefore, Rabbi Elazar comes to teach us that this is not the reason.

QUESTION

ומי מצית אמרת הכי? והתני סיפא, שהיה רבי יוסי אומר:

The Gemara asks: **And how can you say this? But doesn't the latter clause teach that Rabbi Yosei would say:**

עמוד ב' DAF 18B

מִשְׁנָה MISHNAH

MISHNAH

כָּל שֶׁחֲלִיפֵיו בְּיַד כֹּהֵן פְּטוּר מִן הַמַּתָּנוֹת, וְרַבִּי מֵאִיר מְחַיֵּיב.

The Mishnah states: **Any animal whose replacements are in the hand of a Kohen**, the owner is **exempt from the priestly gifts**, and **Rabbi Meir deems him obligated**.

גְּמָרָא GEMARA

INFERENCE

חֲלִיפֵיו בְּיַד כֹּהֵן — אֵין, אֵין חֲלִיפֵיו בְּיַד כֹּהֵן — לֹא!

The Gemara infers: If the **replacements are in the hand of a Kohen**, yes, Rabbi Yosei exempts him, but if there are **no replacements in the hand of a Kohen**, no, he does not exempt him.

EXPLANATION

מָהוּ דְּתִימָא: רַבִּי יוֹסֵי לְדַבְּרֵי דְּרַבִּי מֵאִיר קָאָמַר לֵיהּ — לְדִידִי, אֶפִּילוּ אֵין חֲלִיפֵיו בְּיַד כֹּהֵן, דָּאֵי מְחַיֵּיבֵת לֵיהּ בְּמַתָּנוֹת אֲתִי לֵיהּ לִידֵי גִיזָה וְעִבּוּדָה; לְדִידָהּ, אוּדִי לִי מִיָּהָא הֵיכָא דְחֲלִיפֵיו בְּיַד כֹּהֵן, דַּעֲשׂוּ שְׂאִינּוּ זֹכָה כְּזֹכָה; וְאָמַר לֵיהּ רַבִּי מֵאִיר: לֹא.

The Gemara explains why Rabbi Elazar's statement was needed: **Lest you say that Rabbi Yosei was speaking according to the words of Rabbi Meir**, and this is what **he said to him: According to my own view**, the owner is exempt **even** if there are **no replacements in the hand of a Kohen**, because if you obligate him in the gifts, he might come to treat the animal as chullin and violate the prohibitions of **shearing and labor**; but according to your view, **concede to me at least where the replacements are in the hand of a Kohen**, for there the Sages **made one who did not acquire** the animal like one who **acquired** it, so he should be exempt. **And Rabbi Meir said to him: No**, I do not concede. Therefore, Rabbi Elazar had to teach us that Rabbi Yosei's actual reason is indeed because the replacements are in the hand of the Kohen.

STATEMENT

וְאָמַר רַב פָּפָא: הֲכֹל מוֹדִים בְּסַפֵּק מַעֲשֵׂר שְׁפָטוּר מִן הַמַּתָּנוֹת.

And Rav Pappa says: Everyone concedes in the case of a doubtful tithe animal that the owner is **exempt from the priestly gifts**.

QUESTION

”הֲכֹל מוֹדִים” — מֵאֵן? רַבִּי מֵאִיר? פְּשִׁיטָא!

The Gemara asks: When Rav Pappa says **"Everyone concedes"** — **who** is he referring to? Is it **Rabbi Meir**? But that is **obvious**!

EXPLANATION

עד כאן לא קמחיב רבי מאיר הֵתָם אֶלָּא בְּסֶפֶק בְּכוֹר, הוֹאִיל וּבָא עָלָיו כֹּהֵן מִשְׁנֵי צְדָדִין, אֲבָל סֶפֶק מַעֲשֶׂר — לֹא.

Only there does Rabbi Meir obligate the owner, by a doubtful firstborn, since the Kohen comes upon him from two sides, but by a doubtful tithe — no, he would not obligate him.

ANSWER

מהו דְּתִימָא: טַעְמָא דְּרַבִּי מֵאִיר דְּלֹא תִשְׁתַּכַּח תּוֹרַת מִתְּנּוֹת, אֲפִילוּ סֶפֶק מַעֲשֶׂר נִמִּי? קָא מִשְׁמַע לָן.

The Gemara answers: Rav Pappa's statement is necessary, lest you say that the reason of Rabbi Meir is so that the law of gifts should not be forgotten, and if so, even by a doubtful tithe also he should obligate him. Therefore, Rav Pappa comes to teach us that this is not Rabbi Meir's reason.

OBJECTION

וּמִי מֵצִית אֲמַרְתָּ הֵכִי? וְהִקְתָּנִי סִיפָא, שְׁהִיָּה רַבִּי יוֹסֵי אוֹמֵר: כֹּל שֶׁחֲלִיפִיו בְּיַד כֹּהֵן — פֶּטוּר מִן הַמִּתְּנּוֹת, וְרַבִּי מֵאִיר מְחִיב!

The Gemara objects: But how can you say this? But doesn't the latter clause teach: For Rabbi Yosei would say: Any animal whose replacements are in the hand of a Kohen — the owner is exempt from the gifts, and Rabbi Meir deems him obligated! This shows their dispute is about the replacements, not about forgetting the laws of gifts.

RESOLUTION

מהו דְּתִימָא: רַבִּי מֵאִיר אֲפִילוּ סֶפֶק מַעֲשֶׂר מְחִיב, וְהָא דְּמִיפְלִגִּי בְּחִלְפִין — לְהוֹדִיעָךְ כַּחוּ דְּרַבִּי יוֹסֵי, דְּפֶטֶר אֲפִילוּ הֵיכָא דְּכֹהֵן בָּא עָלָיו מִשְׁנֵי צְדָדִין, קָא מִשְׁמַע לָן.

The Gemara resolves: Rav Pappa's statement is still needed, lest you say that Rabbi Meir obligates even in the case of a doubtful tithe, and that which they argue about replacements is only to let you know the strength of Rabbi Yosei, who exempts even where the Kohen comes upon him from two sides. Therefore, Rav Pappa comes to teach us that Rabbi Meir indeed exempts in a doubtful tithe.

מִשְׁנָה MISHNAH

MISHNAH

מֵת אֶחָד מֵהֶן, רַבִּי טַרְפוֹן אוֹמֵר: יַחְלֹקוּ.

The Mishnah states: If one of them died, Rabbi Tarfon says: They shall divide the remaining lamb.

גְּמָרָא GEMARA

QUESTION

אֲמַאי יַחְלֹקוּ? נִיחָזִי: אֵי שָׁמֶן מִית — דְּכֹהֵן הוּא, וְהָאֵי דְּאִיכָא דְּבַעַל הַבֵּית; וְאֵי כַּחוּשׁ מִית — דְּבַעַל הַבֵּית מִית, וְהָאֵי דְּאִיכָא דְּכֹהֵן הוּא!

The Gemara asks: **Why should they divide it? Let us see: If the fat and better one died**, we should say **it is the Kohen's animal that died, and this one that is still here is the owner's**; and if the lean and weaker one died, we should say **the owner's animal died, and this one that is still here is the Kohen's!**

ANSWER

אמר רבי אמי: חזר בו רבי טרפון.

Rabbi Ami said: Rabbi Tarfon retracted his view that the Kohen takes the better one, and here he holds they always divide.

מישנה MISHNAH

MISHNAH

רבי עקיבא אומר: המוציא מחבירו עליו הראיה.

The Mishnah continues: Rabbi Akiva says: One who extracts from his fellow, upon him is the burden of proof.

גמרא GEMARA

STATEMENT

אמר רבי חייא: משל דרבי טרפון למה הדבר דומה? לשנים שהפקידו אצל רועה, שמניח רועה ביניהם ומסתלק.

Rabbi Chiyya said: The parable of Rabbi Tarfon, to what is this matter comparable? To two people who deposited sheep with a shepherd, and one died, where the shepherd places the remaining sheep between them and withdraws, and they divide it.

STATEMENT

ומשל דרבי עקיבא: למה הדבר דומה? לאחד שהפקיד אצל בעל הבית, שהמוציא מחבירו עליו הראיה.

And the parable of Rabbi Akiva, to what is this matter comparable? To one who deposited a sheep with a homeowner who has his own sheep, where one who extracts from his fellow, upon him is the burden of proof.

QUESTION

אלא במאי פליגי? רבי עקיבא פליג בשנים שהפקידו אצל רועה, שמניח רועה ומסתלק? ורבי טרפון פליג באחד שהפקיד אצל בעל הבית?

The Gemara asks: But if so, in what do they argue? Does Rabbi Akiva disagree in the case of two who deposited with a shepherd, that the shepherd places the sheep and withdraws? And does Rabbi Tarfon disagree in the case of one who deposited with a homeowner? Surely they both agree to those cases!

ANSWER

אמר רבא, ואיתימא רב פפא: הכל מודים בשנים שהפקידו אצל רועה — שמניח רועה ביניהם ומסתלק, ובאחד שהפקיד אצל בעל הבית — שהמוציא מחבירו עליו הראיה.

Rava said, and some say Rav Pappa: Everyone concedes in the case of two who deposited with a shepherd — that the shepherd places the sheep between them and withdraws; and in the case of one who deposited with a homeowner — that one who extracts from his fellow, upon him is the burden of proof.

EXPLANATION

לא נחלקו אלא בחצר בעל הבית, ורועה כהן.

They only argued in a case where the sheep are in the courtyard of the homeowner, and the shepherd is a Kohen.

EXPLANATION

רבי טרפון סבר: אקנוני קא מקני ליה בחצירו, וניחא ליה דליתעביד מצוה בממוניה, והוה ליה כשנים שהפקידו אצל רועה, שמניח רועה ביניהן ומסתלק.

Rabbi Tarfon holds: The owner transfers ownership to him in his courtyard, and it is pleasing to him that a mitzvah should be performed with his money, and therefore it is like two who deposited with a shepherd, where the shepherd places the sheep between them and withdraws.

EXPLANATION

רבי עקיבא סבר: כיון דאית ליה פסידא — לא מקני ליה מידעם, והוה ליה כאחד שהפקיד אצל בעל הבית, שהמוציא מחבירו עליו הראיה.

And Rabbi Akiva holds: Since he has a loss, he does not transfer anything to him, and therefore it is like one who deposited with a homeowner, where one who extracts from his fellow, upon him is the burden of proof.

משנה MISHNAH

MISHNAH

מתני' שתי רחיליו שלא ביכרו וילדו שני זכרים — שניהם לכהן.

MISHNAH: If one's two ewes that had not previously given birth gave birth to two males, both of them go to the Kohen.

MISHNAH

זכר ונקבה — הזכר לכהן.

If they gave birth to a male and a female, the male goes to the Kohen.

MISHNAH

שני זכרים ונקבה — אחד לו ואחד לכהן.

If they gave birth to two males and a female, one goes to him and one goes to the Kohen.

MISHNAH

רבי טרפון אומר: הכהן בוחר לו את היפה.

Rabbi Tarfon says: The Kohen chooses for himself the better of the two.

MISHNAH

רבי עקיבא אומר: משמנין ביניהן, והשני ירעה עד שיסתאב. וחייב במתנות, רבי יוסי פוטר.

Rabbi Akiva says: They make an assessment between them, and the second doubtful firstborn shall graze until it becomes blemished. And the owner is obligated in the priestly gifts, but Rabbi Yosei exempts him.

MISHNAH

מת אחד מהן, רבי טרפון אומר: יחלוקו, רבי עקיבא אומר: המוציא מחבירו עליו הראיה.

If one of them died, Rabbi Tarfon says: They shall divide the remaining one, and Rabbi Akiva says: One who extracts from his fellow, upon him is the burden of proof.

MISHNAH

שתי נקבות וזכר או שני זכרים ושתי נקבות — אין כאן לפהן כלום.

If they gave birth to two females and a male, or two males and two females, there is nothing here for the Kohen.

MISHNAH

אחת ביכרה, ואחת לא ביכרה, וילדו שני זכרים, אחד לו ואחד לפהן.

If one had already given birth and one had not given birth, and they gave birth to two males, one goes to him and one goes to the Kohen.

MISHNAH

רבי טרפון אומר: הכהן בוחר את היפה.

Rabbi Tarfon says: The Kohen chooses the better of the two.

MISHNAH

רבי עקיבא אומר: משמנין ביניהן, והשני ירעה עד שיסתאב. וחייב במתנות. רבי יוסי פוטר, שרבי יוסי אומר: כל שחליפיו ביד פהן פטור מן המתנות. ורבי מאיר מחייב.

Rabbi Akiva says: They make an assessment between them, and the second shall graze until it becomes blemished. And the owner is obligated in the gifts. Rabbi Yosei exempts him, for Rabbi Yosei would say: Any animal whose replacements are in the hand of a Kohen is exempt from the gifts. And Rabbi Meir deems him obligated.

MISHNAH

מת אחד מהן, רבי טרפון אומר: יחלוקו. רבי עקיבא אומר: המוציא מחבירו עליו הראיה.

If one of them died, Rabbi Tarfon says: They shall divide the remaining one. Rabbi Akiva says: One who extracts from his fellow, upon him is the burden of proof.

MISHNAH

זכר ונקבה — אין כאן לפהן כלום.

If they gave birth to a male and a female, there is nothing here for the Kohen.

גמרא GEMARA

GEMARA

גמ' צריכא, דאי אשמועינן קמיינתא, בכהיא קאמר רבי עקיבא, דתרי מחדא.

GEMARA: The Gemara notes: Both cases are **necessary**, for if it had taught us only the **first case**, we would say **in that case** Rabbi Akiva says his ruling, **since** the **two** males came **from one** mother.

EXPLANATION

אבל רחיליו שלא ביכרו, דתרי מחדא וחד מחדא — אימא מודי ליה לרבי טרפון, דהך דילידא חד שביח טפי.

But in the case of **two ewes** that had **not** previously given birth, where there are **two** offspring **from one** and **one from one**, say that Rabbi Akiva **concedes to Rabbi Tarfon**, because that mother which gave birth to **one**, its offspring is **more choice**, so we can identify the firstborn.

EXPLANATION

ואי אשמועינן הא — בכהא קאמר רבי עקיבא, דתרוייהו לא ביכרו, אבל אחת ביכרה ואחת שלא ביכרה וילדו שני זכרים — אימא מודי ליה לרבי טרפון.

And if it had taught us only **this** second case, we would say **in this case** Rabbi Akiva says his ruling, **since both of them** had **not** previously given birth, but where **one** had given birth and **one** had not given birth, and they gave birth to **two males**, say that Rabbi Akiva **concedes to Rabbi Tarfon** because the doubt is weaker. Therefore, both are needed.

SUMMARY

In summary, the Gemara concludes that the Rabbis of Eglā Arufa hold that absolute precision is impossible even in the hands of man, which is why they require a partnership and a stipulation rather than two separate heifers. We then clarify that according to Rabbi Akiva, the Kohen only receives the value of the leaner lamb because the burden of proof is on him to extract the better one from the owner. Finally, the Gemara explains the machlokes between Rabbi Meir and Rabbi Yosei regarding whether the owner must give the priestly gifts from the second lamb; Rabbi Meir obligates him because of the Kohen's double claim, while Rabbi Yosei exempts him because we treat the animal as if it had already been acquired by the Kohen and sold back to the owner.

The Gemara is bothered by a fascinating question: is it possible for two things to be perfectly, 100% equal, or is there always some tiny difference? When a slain person is found between two towns, the Rabbis hold "efshar l'tzamtzem b'yidei adam" is impossible. Even with human tools, we can never make two things perfectly equal. One town is always closer, even by a hairsbreadth.

This is a deep yesod for our avodas Hashem. We often look at others and think we need to match them exactly, or we look at our own days and expect perfect, identical consistency. But the Tanna is telling us that in the physical world, perfect equality does not exist. Hashem did not create a world of carbon copies. Every single person, every single day, and every single mitzvah has its own unique measure.

Stop trying to measure your life against a perfect, imaginary standard of equality. Your job is not to duplicate someone else's learning or to make today look exactly like yesterday. Accept that every situation has its own unique closeness to Hashem. Today, focus on the specific, unique potential of this very moment, without comparing it to any other.