

Initially no

לכתחילה לא –

OVERVIEW

בכור explained that ר"ה"ג follows the view of ר"ש who stated, concerning תוספות לא, meaning only בדיעבד, however, that מחו"ל, explains the meaning of לכתחילה לא.

The משנה in תמורה concerning 'אם באו וכו' is a משנה. There is no name associated with this דין. However ר"ש explains the reason for this דין. It seems somewhat odd that the גמרא here attributes this דין to ר"ש. Our תוספות will explore this issue.

פירוש¹ אין צריך להביאם כדמפרש בפרק אלו קדשים (שם) -

The explanation of the term 'לכתחילה לא' is that **there is no requirement to bring them to the ביהמ"ק, as it is explained in פרק אלו קדשים** -

אמר רבי שמעון מה טעם לפי שכל הקדשים אין להם פרנסה במקומן -
ר"ש said what is the reason that בכור ומעשר (בהמה) are different than all other קרבנות [which are required to be brought from חו"ל]; because all other קדשים do not have a 'פרנסה' in their place in חו"ל –

תוספות explains this concept:

פירוש אין להם התרה אלא במקדש -

The explanation of the term פרנסה is **they do not have any permissibility to be eaten only in the המקדש** –

משנה the ר"ש continues in:

חוץ מן הבכור ומעשר שיש להם פרנסה במקומן פירוש שנאכלין במומן -

תוספות; חו"ל in their place פרנסה which מעשר and בכור Except the explains this concept: The explanation of this is that a בכור ומעשר may be eaten if they have a מום in חו"ל (without any redemption being required).³ This concludes the citation of the משנה in תמורה.⁴

תוספות resolves an anticipated question:

¹ The term פירוש indicates that we are negating a more obvious interpretation. The term לכתחילה לא usually means that initially one is forbidden from doing it. However here it means one is not required to do it.

² תמורה כא,א.

³ Other קרבנות, however, if they receive a מום may be eaten provided they are redeemed first. One is obligated to bring a new קרבן with this redemption money. Therefore since eventually the קרבן (through its redemption money) must be brought to the ביהמ"ק, we obligate the owner to bring it now to the ביהמ"ק (see ד"ה שהבכור רש"י there).

⁴ It is evident from the טעם, that there is no prohibition to bring בכורות from חו"ל, it is merely not required.

ולחכי תלי לה ברבי שמעון זכולה רבי שמעון היא -

And therefore the גמרא here **attributes this ruling** of ר"ש to, אם באו אין לכתחילה לא (even though the ruling there in the משנה is presented as a סתם משנה, and ר"ש merely offered the reason for this הלכה, nevertheless the גמרא assumes) **that the entire ruling** (with the טעם) **is the view of ר"ש**.

ר"ש has some reservations about attributing the הלכה to ר"ש:

וקצת היה נראה לגרוס רבי ישמעאל -

And it would somehow be more appropriate to have the text read רבי ישמעאל (instead of ר"ש); in the גמרא here the text should read (ואליבא דר"ש) (instead of ר"ש) for ר"י is the author of the משנה. ר"ש is merely giving a reason for the הלכה presented in the משנה (by ר"י).

ר"י proves his contention that the תנא of the משנה (which states אם באו יקרבו) is ר"י.

דהתם פריך אמתניתין שאמר יקרבו מבן אנטונינוס שהביא בכורות מבבל ולא קבלם -

For the גמרא there challenges the משנה [which maintains יקרבו], from the case of who brought בכורות from בבל, and they did not accept it from him to be brought as a קרבן.⁵ This contradicts the משנה which states that אם באו יקרבו.

ומשני הא כרבי ישמעאל הא כרבי עקיבא -

And the גמרא answered there is no contradiction; this is according to ר"י, and this is according to ר"ע -

ומוכח התם שהמשנה כרבי ישמעאל וברייתא⁶ דבן אנטונינוס כרבי עקיבא:

And it is evident there that the משנה that states יקרבו is according to ר"י and the [משנה] of בן אנטונינוס (where they did not accept his בכורות) is according to ר"ע. It is evident from the גמרא that the תנא of the משנה that states יקרבו (and ר"ש is merely explains the הלכה). Therefore the גירסא here should be (ואליבא דר"ש) (and not ר"י).

SUMMARY

We can either assume that ר"ש, who explained the reason why אם באו יקרבו אבל, לכתחילה לא, is also the author of this rule; or the גירסא here should be changed from ר"ש to ר"י.

THINKING IT OVER

What are the relative strengths (and weakness) of the two opinions in תוספות?

⁵ חלה פ"ד מ"א.

⁶ The marginal note corrects this to be read 'ומשנה'.