

לא הספיק ליתנו עד שצבעו פטור –

He did not manage to give it until he dyed it; he is exempt

OVERVIEW

The משנה in מגילה states that one is obligated to give (משקל חמש סלעים) from the first shearing of the sheep to the כהן provided that (at least) five sheep were shorn. If he dyed the wool before he had the opportunity to give it to the כהן, then he is פטור from מגילה and he may keep the wool for himself. Tosfos will discuss some of the details in this ruling.

אפילו כשגזז שיעור חמשה רחילות¹ יחד שחל עליו חיוב ראשית הגז פטור כשצבעו -
Even if he sheared the required amount of five sheep together (in which case) there lies upon him the obligation of giving the first shearing to the כהן, nevertheless he is exempt from giving it to the כהן if he dyed the wool -

כדאשכחן בריש הגוזל קמא (לקמן דף צד, א ושם) גבי פיאה דמצותה בקמה -
As we find in the beginning of קמא פרק הגוזל קמא, that the proper observance of פיאה is to set it aside by the standing (non-harvested) grain; פיאה should be set aside from (standing) non harvested grain -

וכשנשתנית למאן דאמר שינוי קונה פטור -
And if this grain changed and was made into dough (before the owner set aside פיאה from it), then according to the one who maintains that שינוי is קונה, he is פטור from setting aside פיאה from the dough; no פיאה needs to be given at all (since it changed from the original grain which was מחויב in פיאה). Here too even if there was already a חיוב to give the ראשית הגז to the כהן (since five sheep were shorn), nevertheless if there was the שינוי of צבעו he is פטור (if we maintain קונה שינוי).

Tosfos asks:

ואם תאמר הא דמייתי התם² גזז ראשון³ וצבעו פטור -
And if you will say; that which the גמרא there cites a ברייתא which states, 'if he shorn the first sheep and dyed its wool he is פטור from ראשית הגז -

מאי אריא ראשון ראשון אפילו הכל יחד נמי -
Why does the ברייתא mention ראשון ראשון, indicating that he dyed each shearing of wool after it was shorn (before the next sheep was shorn [when there was not

¹ See the משנה in מגילה that חולין קלה, א maintain that the חיוב of ראשית הגז is only when five רחלים were shorn.

² גזז ראשון ראשון וצבעו וכו' אין מצטרף reads ברייתא. לקמן צג, ב.

³ The ב"ה amends this to read ראשון ראשון (as it is cited in the ברייתא).

yet a חיוב of הגז of ראשית הגז)? **Even if he dyed all the shearing together** (where there already was the חיוב of ראשית הגז, nevertheless] **it is also פטור!** (As תוספות has just indicated and proven from פיאה.)

answers: תוספות

ויש לומר דהתם אפילו צבע מקצת והניח מקצת פטור אפילו מה שלא צבע -

And one can say; that (in the ברייתא) **there, even if he dyed part of the wool and he left out part of the wool** (which he did not dye), he is פטור from ראשית הגז, **even for the amount that he did not dye -**

שלא חל עליו חיוב ראשית הגז כיון שאין מצטרף⁴ -

For the obligation of ראשית הגז never fell upon it, since the amount that was shorn is not combined with other shearing (for it was less than five רחלים) -

אבל הכא שגזו כשיעור תחילה ונתחייב לכהן דוקא צבעו כולו פטור -

However here when initially the proper amount was shorn and he was obligated to give it to the כהן, he is exempt only if he dyed it entirely (the shearing of all the five sheep) -

אבל הניח מקצת מה שהניח חייב אף על פי שאין בו שיעור שכבר נתחייב:

However if he left out part of the wool and did not dye it, then he is obligated to give the non-dyed wool to the כהן, even if it does not have the proper amount (the non-dyed wool is less than five sheep worth of wool), **for he was already obligated** to give the wool after the shearing. Therefore the wool that was dyed is exempt for he was קונה it through שינוי, however, the wool that was not dyed retains its original חיוב and must be given to the כהן.⁵

SUMMARY

If less than five sheep were shorn (consecutively) and part of the wool was dyed, the owner is פטור from giving even the non-dyed wool to the כהן. If (at least) five sheep were shorn before the dyeing process began than any non-dyed wool (up to ראשית הגז of חמשת שקלים) must be given to the כהן.

THINKING IT OVER

Let us assume that the שיעור of wool for five sheep, from which ראשית הגז is to be taken, is seven and a half מנה.⁶ What would be the ruling in the case of גזו ראשון

⁴ See 'Thinking it over'.

⁵ If the non-dyed wool (is less or) equals the amount that should be given (משקל חמש סלעים), then he gives it in its entirety; however if the non-dyed wool exceeds the amount to be given, he need give only that amount that is required.

⁶ See חולין קלה, א [ורש"י צג, ב ד"ה אין].

ראשון וצבעו; however he was only partially צובע, and the remaining amount which he was not צובע (from five sheep or more) equals the שיעור of seven and a half מנה; is he מחויב בראשית הגז or not?