



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Bechoros Daf Tes

MISHNA

- If a donkey had never yet given birth and then gave birth to two males, he gives one sheep to the Kohen (he is definitely obligated to do so, even though he doesn't know which one is the true peter chamor). If the donkey gave birth to a male and a female, he separates a sheep to remove the issur of the donkey (in case there is one) and then keeps the sheep for himself.
- If one had two donkeys that had each never given birth and there were two males born from them, he must give two sheep to the Kohen. If there was a male and female born from them or two males and one female, he must give one sheep to the Kohen. If there were two females and one male born from them or two females and two males, the Kohen gets nothing.
- If one has two donkeys – one of which had already given birth and one that had never given birth, and two males were now born from them, he must give one sheep to the Kohen. If a male and a female were born from them, he separates a sheep to remove the issur of the donkey (in case there is one) and then keeps the sheep for himself.
- The pasuk says "upeter chamor tifdeh v'seh" – the "seh" may be a sheep or a goat, may be male or female, may be old or young, and may be unblemished or even have a mum. He may even use the seh to redeem many peter chamors. This seh is subject to animal maaser. If it dies, one may have hana'ah from it.

GEMARA

- **Q:** Who is the Tanna who holds that when twins are born only one seh must be given to the Kohen? **A:** **R' Yirmiya** said it does not follow **R' Yose Haglili**, because he holds that it is possible for twins to be born at exactly the same time and it is therefore possible that both donkeys are firstborns that must be redeemed. **Abaye** said, **R' Yose Haglili** only holds that twins can become kadosh as bechors from a kosher animal, because the pasuk there says "hazecharim (plural) laHashem". However, regarding peter chamor it is only one animal that will need to be redeemed.
 - **Q:** Why don't we learn peter chamor from the case of the bechor of the kosher animal? **A:** The "hey" of "hazecharim" limits this rule to the bechor of kosher animals.
 - **Q:** According to **R' Yirmiya** we can understand why the Mishna didn't give the case of where "the twins had their heads emerge at the same time". However, according to **Abaye** why didn't the Mishna give that case? Also, a Braisa clearly says that **R' Yose Haglili** holds that if two peter chamors are born at the same time they are both subject to the rules of peter chamor and would both need to be redeemed for two sheep and given to the Kohen!? This is a **TEYUFTA** of **Abaye**.
 - **Q:** According to the **Rabanan** who argue on **R' Yose** it would seem that even contact with just part of the womb can make the firstborn animal kadosh, because when twins are born together neither one touches the entire womb!? **A:** **Rav** said, the donkeys are of the same kind and things of the same kind don't act as a chatzitza.

ZACHAR UNEKEIVA MAFRISH TLEH...

- The fact that he must separate a seh even though he will be keeping it for himself shows that this must be done to remove the issur from the donkey. We see that until the issur is removed the donkey is assur b'hana'ah.
 - **Q:** Who is the Tanna of the Mishna that holds this way? **A:** It is **R' Yehuda** of a Braisa, who holds that a peter chamor is assur b'hana'ah. **R' Shimon** argues and says it is mutar.
 - **Ulla** explains that **R' Yehuda** holds that since it requires redemption it must be that it is assur until the redemption.

- **Q:** A human bechor requires redemption and yet it is not assur until the redemption!? **A:** Rather, the reason is that we don't find anything that the Torah insists must be redeemed with a seh and is mutar before the redemption.
- **Q:** The Torah doesn't insist that it must be done with a seh!? In fact, **R' Nechemya the son of R' Yosef** would redeem a peter chamor with cooked vegetables that had the value of the donkey!? **A:** We meant that if one doesn't want to use something equal in value to the donkey, the Torah insists that a seh be used to remove the issur.
- **Q:** The Torah is very insistent about maaser sheini that it must be redeemed with minted coins and yet there is no issur on the maaser sheini before the redemption, to the point that if the maaser sheini is used for kiddushin the woman is mekudeshes!? **A:** It works for kiddushin based on the reason of **R' Elazar**, who says that the woman knows she can take the maaser sheini to Yerushalayim and eat it there. That provides benefit and serves as the kiddushin. Similarly, if one used a peter chamor for kiddushin it would make an effective kiddushin, because the woman knows she can redeem it with a seh that is worth less than the donkey and they profit from the value between the donkey and the seh.
- **Ulla** explains that **R' Shimon** holds that since the item used for the redemption is mutar it must be that the donkey itself was never assur.
 - **Q:** We find regarding shmitta that the item used for redemption is mutar even though the shmitta itself is assur!? **A:** With regard to shmitta the last item used for the redemption is assur as well.
- We can say that they argue in the drasha of the pasuk. A Braisa says, **R' Yehuda** says the pasuk says "lo saavod b'bechor shorecha" which teaches that one may work with a bechor owned in partnership with a goy, and "v'lo saguz bechor tzonecha" teaches that one may shear the wool of a bechor owned in partnership with a goy. **R' Shimon** says, the pasuk says "lo saavod b'bechor shorecha" which teaches that one may work with a human bechor, and "v'lo saguz bechor tzonecha" teaches that one may shear a firstborn donkey. This is why **R' Shimon** holds it is mutar b'hana'ah and **R' Yehuda** holds it is assur.
 - **Q:** According to **R' Yehuda**, why are both these pesukim needed to teach the same ruling? Also, according to him shall we say that it is assur to benefit from a human bechor!? **A:** Rather, all agree that "shorecha" comes to teach that a human bechor is mutar b'hana'ah. The machlokes is regarding "tzonecha". **R' Yehuda** holds that a bechor owned in partnership with a goy is subject to the laws of bechor, and we therefore need a pasuk to teach that it is mutar to work and shear this bechor. **R' Shimon** holds that a bechor owned in partnership with a goy is not subject to the laws of bechor, and the pasuk is therefore not needed to teach that such a bechor is mutar b'hana'ah. Rather, it must be teaching that a peter chamor is mutar b'hana'ah.
 - **Q:** According to **R' Shimon**, why does the pasuk need to use the possessive of "your" (shorecha and tzonecha)? This remains a KASHYEH.
- **Rabbah** said, **R' Shimon** would agree that if the donkey is decapitated (which must be done if it is not redeemed) it becomes assur. This is based on a gezeira shava from eglah arufah. **Rabbah** said this can be proven from a Braisa which lists a number of assur items – orlah, klayim of the vineyard, shor haniskal, eglah arufa, metzorah birds, peter chamor, and basar b'chalav, and the **T"K** says they are subject to food tumah whereas **R' Shimon** says they are not, except for basar b'cholov, because that was at least mutar at one point (before they were cooked together). **R' Assi in the name of R' Yochanan** explained, that **R' Shimon** darshens the pasuk of "mikol ha'ochel asher yei'acheil" to teach that food that can be given to goyim to eat can become tamei with food tumah, but food that cannot be given to a goy to eat (because it is assur b'hana'ah) is not subject to

food tumah. [Q: If **R' Yochanan's** reason is correct, why does **R' Shimon** say that meat cooked in milk could become tamei with food tumah because it had a moment of fitness? According to **R' Yochanan** the reason is that **R' Shimon** holds in a Braisa that meat cooked in milk is mutar b'hana'ah!? **A:** The Braisa means to give a second reason as to why it can become tamei with food tumah – first, it is mutar b'hana'ah, and second, it had a moment of fitness before it became assur.] Now, since **R' Shimon** doesn't say that the peter chamor is subject to food tumah after it is decapitated it must be that he holds it is assur b'hana'ah!

- The Gemara says this is not a valid proof, because the case is that he did not have intention to use the donkey meat as food (such meat is usually not eaten) and that is the only reason it is not subject to food tumah.