



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

Bechoros Daf Yud

- The Gemara explained the view of **R' Shimon** of a Braisa where he says that peter chamor is not subject to food tumah even after it was decapitated. The Gemara first wanted to say it is because he holds it is assur b'hana'ah. The Gemara then said, it may be that he holds it is mutar, and the reason it is not subject to food tumah is because the case is that he never intended to use it as food.
 - **Q:** That would mean that the **Rabanan** who argue on **R' Shimon** and say that it is subject to food tumah, hold that way even though he did not intend to use it as food!? **A:** The **Rabanan** said to **R' Sheishes**, they hold that the fact that it is assur is what serves as the intention to make it subject to food tumah.
 - **Q:** A Mishna says that there are 13 things that were said about the neveila of a kosher bird, one of which is that it requires intention to make it subject to food tumah and does not need hechsher. Now, if the **Rabanan** hold that the fact that it is assur is considered to be the intention, why does this neveila need intention to make it subject to food tumah!? **A:** The Tanna of that Mishna is **R' Shimon**, who holds that the issur is not considered to be the intention.
 - **Q:** A Mishna says that the neveila of a tamei animal, and of a kosher bird, and the cheilev of a kosher animal in the villages require intent to make them subject to food tumah. Now, if the **Rabanan** hold that the fact that it is assur is considered to be the intention, why do these items of neveila need intention to make them subject to food tumah!? **A:** The Tanna of that Mishna is **R' Shimon**, who holds that the issur is not considered to be the intention.
 - **Q:** The same Mishna says, the neveila of a kosher animal anyplace, and the neveila of a kosher bird and fats in the markets do not need intent to make them subject to food tumah and do not require hechsher. This implies that the neveila of a non-kosher animal would require intent and we do not say that the issur is considered to be the intent!? You can't say that the Tanna of this part of the Mishna is **R' Shimon**, because the Mishna afterwards quotes the view of **R' Shimon** that a camel, arneves, shafan, and pig all don't require intent or hechsher, because they all have one of the two kosher signs!? **A:** Rather, **Rava** said that **R' Shimon and the Rabanan** all agree that we do not say that the issur is considered to be the intent, and everyone agrees that if the peter chamor is decapitated from the back of the neck it does not become subject to food tumah, because the owner did not intend to use it as food. The case that we are dealing with is where the donkey was shechted as practice for a shochet, and they argue whether or not such a shechita gives the donkey the status of food. In fact, this point seems to be the point of machlokes between **Nimus and R' Elazar** in a Braisa.
 - The Gemara says, it may be that this is actually not the point of machlokes between **Nimus and R' Elazar**, and therefore it may be that this is also not the point of machlokes between **R' Shimon and the Rabanan**.
 - **Q:** **Abaye** asked (on **Rabbah's** view that **R' Shimon** says the peter chamor is assur b'hana'ah after the decapitation), a Braisa says, if the owner does not want to redeem the peter chamor he must decapitate from behind with a cleaver and **R' Yehuda** says it must be buried and is assur b'hana'ah. **R' Shimon** says it is mutar!? **A:** Change the Braisa to say that **R' Yehuda** says it is assur b'hana'ah when it is alive and **R' Shimon** says it is mutar. However, even he would agree that once it is decapitated it is assur b'hana'ah.

- **Q:** The later part of the Braisa discusses when the animal is still alive and says that **R' Yehuda** says it is assur to be worked and to be sheared and **R' Shimon** says it is mutar. That means that the earlier part of the Braisa is not discussing when the animal is still alive!? **A:** Both cases are talking about when the animal is alive. The first case is talking about having hana'ah from its value and the second case is talking about having hana'ah from its body. If we had only said the first case we would think that **R' Shimon** would agree in the second case, and if we only said the second case we would think that **R' Yehuda** agrees in the first case. That is why both are necessary.
- **R' Nachman in the name of Rabbah bar Avuha** also said that **R' Shimon** agrees that after the peter chamor is decapitated it is assur b'hana'ah. **R' Nachman** said, I know this from a Braisa. The Braisa learns a gezeira shava from eglah arufa that just as that is assur b'hana'ah after decapitation, the same is true for the peter chamor. This Braisa can't be the view of **R' Yehuda**, because he holds it is assur even while it is alive! Rather, it must be the view of **R' Shimon**! **R' Sheishes** said to **R' Nachman**, **R' Safra** has said that the Braisa can actually follow the view of **R' Yehuda** and the reason he needs to learn from eglah arufah that it is assur is because we would think that the decapitation of the peter chamor is in place of the redemption, and just as it is mutar after the redemption it is also mutar after the decapitation. The Braisa therefore teaches that it is not.
 - **R' Nachman** said, I can prove my view from a Braisa taught by **Levi** which says that the reason a peter chamor must be decapitated if it is not redeemed is because this owner caused a loss to the Kohen by not redeeming it with a seh, so therefore he is forced to take a loss as well. Now, this Braisa can't be following **R' Yehuda**, because he holds that the owner has the loss even before the decapitation (it is assur even when it is alive)! Rather, it must follow **R' Shimon** and this shows that he agrees that it becomes assur b'hana'ah after decapitation!
 - The Gemara says, we can say that the Braisa follows **R' Yehuda** and the Braisa refers to the loss between the value of the donkey and the value of the seh that could have been used to redeem it, and we can say that the Braisa follows **R' Shimon** and the Braisa is referring to the depreciation in value caused by the death of the animal (but it may be that he holds that it is still mutar even after the decapitation).
 - **Reis Lakish** also said that **R' Shimon** agrees that after the peter chamor is decapitated it is assur b'hana'ah. **R' Yochanan** (or **R' Elazar**) said that **R' Shimon** holds it is mutar even after decapitation.
 - **Others** say that **R' Nachman's** statement was made regarding a Mishna that says that if one uses a peter chamor for kiddushin the woman is not mekudeshes. Must we say that the Mishna doesn't follow **R' Shimon** (who says that a peter chamor is mutar b'hana'ah)? **R' Nachman in the name of Rabbah bar Avuha** said, the Mishna is referring to after the donkey was decapitated and can therefore even follow the view of **R' Shimon**.
 - **Others** say that the question on the Mishna is that it seems not to follow **R' Yehuda** or **R' Shimon**, because according to **R' Shimon** the entire thing is mutar b'hana'ah and can be used for kiddushin and according to **R' Yehuda** the difference in value between the value of the donkey and of the seh should be able to be used for kiddushin!? **Rabbah bar Avuha in the name of Rav** said, the Mishna follows the view of **R' Yehuda**, and the case is where the donkey is only worth a shekel and the Mishna holds like **R' Yose the son of R' Yehuda** who says that the seh must be worth at least one shekel. We see this in a Braisa which says that the pasuk says "tifdeh" twice to teach that the redemption may take place immediately when the donkey is born and may be done with a seh worth any amount. **R' Yose the son of R' Yehuda** says it must be worth at least one shekel.
 - **Q:** Why would we think it could not be redeemed immediately or cannot be done with a seh that is worth any amount? **A:** We would think that since there is a hekesh between peter chamor and a human bechor we should say that just as a human bechor is only redeemed

after 30 days and with a value of 5 sela'im the same is true for peter chamor.

- **Q:** What does **R' Yose the son of R' Yehuda** hold? If he holds of the hekesh to a human bechor he should require a value of 5 sela'im and if he does not hold of the hekesh why does he even require a shekel of value? **A:** He does not hold of the hekesh. **Rava** explains, he learns from the pasuk of "v'chol erkicha yihiyeh b'shekel hakodesh" that all valuations for redemption must be for at least a shekel. The **Rabanan** say that pasuk refers only to an eirech vow, not to peter chamor.
- **R' Nachman** said, the halacha follows the **Rabanan**.
 - **Q:** How much is "any amount"? **A:** **R' Yosef** said, even a thin seh worth one sixth of a zuz may be used. **Rava** said, this can be seen from our Mishna as well, which says that a large or small seh may be used.
 - **Q:** It is obvious that a thin seh can be used, since it is "any amount"!? **A:** We would have thought that a sixth of a zuz is too little. Or we would have thought that a thin, unhealthy seh may not be used. **R' Yosef** therefore teaches that it may be used.