



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

Bechoros Daf Yud Gimmel

PEREK HALOKE'ACH UBER PARASO -- PEREK SHEINI

MISHNA

- If one buys a firstborn fetus of a goy's cow, or if one sells his cow's firstborn fetus to a goy even though he may not do so, or if one enters into a partnership with a goy for an animal, or if one cares for the animal of a goy (in exchange for a share of the offspring), or if one gives his animal to be cared for by a goy (in exchange for the goy receiving a share of the offspring), the firstborn is patur from bechor, as the pasuk of bechor says "Yisrael" which teaches that it does not apply to goyim.
- Kohanim and Levi'im are chayuv in the halachos of bechor of kosher animals, because they are not patur from bechor of kosher animals, only from pidyon haben and peter chamor.

GEMARA

- **Q:** Why does the Mesechta first discuss peter chamor and only now begin to discuss the bechor of kosher animals? It would seem to make more sense to first discuss the bechor of kosher animals, which get physical kedusha, and then to discuss peter chamor, which only gets monetary kedusha!? **A:** In EY they said, it is either because peter chamor is beloved as taught by **R' Chanina** (because the donkey helped the Yidden take all the spoils out of Mitzrayim), or it is because the halachos of peter chamor are few and so the Tanna wanted to teach them and finish with them before embarking on the longer subject of the bechor of a kosher animal.
- **R' Yitzchak bar Nachmeini in the name of Reish Lakish in the name of R' Oshaya** said, if a Yid gave money to a goy to buy his animal, it is judged according to the goy's laws and he is therefore koneh even though he did not do a meshicha. Therefore, the animal becomes immediately subject to bechor. If a goy gave money to a Yid to buy his animal, it is judged according to the goy's laws and he is therefore koneh even though he did not do a meshicha. Therefore, the animal becomes immediately patur from bechor.
 - **Q:** What does it mean "according to their laws" in the case of the Yid buying from the goy? It can't mean that since we can be koneh a non-Jewish slave with money we can also be koneh their other assets with money based on a kal v'chomer – if we can be koneh themselves with money we can certainly be koneh their other assets with money – because if that is true we should also be able to be koneh their other assets with shtar and chazaka!? Also, a Yid can be koneh a Jewish slave with money and yet other moveable assets can only be koneh with meshicha!? **A:** Rather, **Abaye** said we learn it from a pasuk. The pasuk of meshicha says "oy kanah miyad amisecha", which teaches that meshicha only applies between Yidden (amisecha), but for goyim a kinyan is made with money.
 - **Q:** Maybe say that the pasuk means there is no kinyan from a goy other than actually bringing it into your possession? **A:** That can't be, based on a kal v'chomer – if we can be koneh the goy himself with a kinyan, we can certainly be koneh his assets with a kinyan.
 - **Q:** Maybe we should say that to be koneh from a goy one must give money *and* do meshicha? **A:** We can be koneh the goy himself with only money, so a kal v'chomer would say that we don't need two kinyanim to be koneh his assets.
 - **Q:** Maybe when buying from a goy one can use either meshicha or money – why do you say that only money is effective? **A:** Buying from a goy is like buying from "amisecha" – just like buying from a Yid has one kinyan (meshicha) so too buying from a goy has only one kinyan.

- **Q:** What does it mean “according to their laws” in the case of the goy buying from the Yid? It can’t mean that since a goy can be koneh a Jewish slave with money he can also be koneh their other assets with money based on a kal v’chomer – if he can be koneh themselves with money he can certainly be koneh their other assets with money – because this is refuted by the fact that a Yid can also be koneh a Jewish slave with money and yet can’t be koneh his other assets except with meshicha!? **A:** Rather, **Abaye** said we learn it from a pasuk. The pasuk of meshicha says “v’chi simkiru mimkar laamisecha”, which teaches that meshicha only applies between Yidden (amisecha), but for goyim a kinyan is made with money.
 - **Q:** Maybe say that the pasuk means there is no kinyan for a goy other than actually bringing it into his possession? **A:** That can’t be, based on a kal v’chomer – if he can be koneh the Yid himself with a kinyan, he can certainly be koneh his assets with a kinyan.
 - **Q:** Maybe we should say that to be koneh the goy must give money *and* do meshicha? **A:** He can be koneh the Yid himself with only money, so a kal v’chomer would say that he doesn’t need two kinyanim to be koneh his assets.
 - **Q:** Maybe when buying from a Yid he can use either meshicha or money – why do you say that only money is effective? **A:** Buying for a goy is like buying for “amisecha” – just like buying for a Yid has one kinyan (meshicha) so too buying for a goy has only one kinyan.
- **Q:** According to **Ameimar** who says that meshicha is a valid kinyan when dealing with a goy, that makes sense according to **R’ Yochanan** who says that only money is koneh D’Oraisa, not meshicha, so when the Torah says “amisecha” it is not referring to meshicha. However, according to **Reish Lakish** who says that the pasuk refers to meshicha, if meshicha works by a goy also why does the pasuk say “amisecha”? **A:** It teaches that one only need return any ona’ah to a Yid, not to a goy.
 - **Q:** We already know that from the pasuk of “ahl tonu ish es achiv”!? **A:** We need one pasuk to teach that ona’ah does not have to be returned to a goy and another pasuk to teach that it does not have to be returned to hekdesch. If we only had one pasuk we would say that it teaches that there is no ona’ah by a goy. That is why both pesukim are needed.
- **Q:** A Braisa says, if a Yid bought silver scraps from a goy and then realized that among the scraps there was an avoda zara, if he had done meshicha but had not yet given payment, he should give it back to the goy. If he already gave payment before the meshicha, he must destroy it. Now, if as **R’ Oshaya** holds that money is a kinyan for goyim, why do we care whether a meshicha was done? In the second case he should be koneh even if no meshicha was done!? **A:** The Braisa is talking about where they accepted on themselves to use the Jewish rules of kinyan.
 - **Q:** If so, why do we need money to be given to effect the kinyan? Meshicha alone should be enough!? **A:** The Braisa means to say, even if money was given it is irrelevant, because it all depends on whether meshicha was done or not.
 - **Q:** If they are following the Jewish rules of kinyan, why in the first case may he return the avoda zara after the meshicha was done? **A:** **Abaye** said, that is because the purchase of the avoda zara was a “mekach ta’us”.
 - **Q:** **Rava** asked, is the second case not a “mekach ta’us”? Why is the halacha different? **A:** Rather **Rava** said, in both cases it is a “mekach ta’us”. However, in the first case, since he did not give payment, it does not look like the Yid is selling the avoda zara back to the goy. In the second case, since he gave money, when he gives back the avoda zara and takes back money, it looks like he is selling avoda zara to the goy and it is therefore assur. **Abaye** said, when he doesn’t give money it is a mekach ta’us, because he is not expected to have inspected the items to see if there was an avoda zara there. When he gave the money he was expected to have done so and that is why it is not called a mekach ta’us.
 - **R’ Ashi** said, since meshicha is not effective in the first case it is also not effective in the second case. The only reason that meshicha is

mentioned in the second case is because it is mentioned in the first case.

- **Ravina** said, since meshicha is effective in the second case it is also effective in the first case. The first case of the Braisa should be understood as saying that if he had not yet paid and *had not yet done meshicha* he may go back on his word when he committed to buy these items.