



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

Bechoros Daf Yud Tes

MISHNA

- With regard to a firstborn animal that was born via a Caesarean section and the animal that is born naturally after it, **R' Tarfon** says they must both be left to graze until they get a mum, after which they may both be eaten by the owner. **R' Akiva** says neither of them is a bechor – the first one is not, because it did not open the womb, and the second one is not, because it is not the firstborn.

GEMARA

- **Q:** What is the basis for the machlokes? **A: R' Tarfon** is unsure whether a bechor in one aspect is considered to be a full bechor. Therefore, he treats each of them as a safek bechor. **R' Akiva** holds with certainty that a bechor in only one aspect is definitely not considered to be a full bechor.
 - A Braisa says, what is an example of a "klal that needs a prat" and a "prat that needs a klal"? The pasuk says "Kadesh li kol bechor", which can possibly be thought to even include a female. The pasuk therefore says "zachar". We would think that this is so even if a female was born before the male. The pasuk therefore says "peter rechem". We would think that this is so even for an animal that is born naturally after its mother had already given birth via a Caesarean section. The pasuk therefore says "bechor", which teaches that it must be a firstborn in all aspects.
 - **Q: R' Shrivya** asked **Abaye**, the Braisa doesn't use "bechor" to teach that when a female is born before the male the male is not a bechor. This suggests that the Braisa at that point holds that a bechor in one aspect may be considered a bechor. Yet, the Braisa at the end uses the word "bechor" to teach that a bechor in one aspect is not considered to be a bechor!? **A: Abaye** said, the Braisa should be read as saying, if we only had the pasuk of "zachar" we would think that even an animal born via Caesarean section is included. The pasuk therefore says "peter rechem". **A2: Ravina** said, the Braisa actually holds that a bechor in one aspect is considered to be a full bechor. The end of the Braisa means to say as follows: if you think that an animal born naturally after its mother gave birth via Caesarean section has the kedusha of a bechor, there would be no reason for the pasuk to write the word "bechor". It would not be needed for the case where a female was born before the male, because we would know that from "peter rechem". Rather, it must be that "bechor" comes to exclude the case of an animal born naturally after its mother already gave birth via a Caesarean section.
 - **Q: R' Acha MiDifti** asked **Ravina**, if you hold that a bechor in one aspect is a full bechor, that makes sense where a male was first born via Caesarean section and a second male was then born naturally, in which case it makes sense that the extra word "bechor" teaches that it is not a bechor, because although it is the bechor of the womb it is not the bechor of the males born. However, where a female is first born via Caesarean section and a male is then born naturally it should be kadosh as a bechor, since it is the bechor of the males and the bechor of the womb!? Rather, we must go back to **Abaye's** way of understanding the Braisa.

PEREK HALOKEYACH BEHEIMA -- PEREK SHLISHI

MISHNA

- If one buys an animal from a goy and doesn't know if the animal has already given birth or not, **R' Yishmael** says, if the animal was a goat and it then gave birth before its first birthday, it is a definite bechor and must be given to the Kohen. If it gives birth after its first birthday it is a safek bechor. If the animal is a sheep and it then gave birth before its second birthday, it is a definite bechor and must be given to the Kohen. If it gives birth after its second birthday it is a safek bechor. If the animal is a cow or donkey and it then gave birth before its third birthday, it is a definite bechor and must be given to the Kohen. If it gives birth after its third birthday it is a safek bechor. **R' Akiva** said, if an animal only becomes patur after having a viable baby, you would be correct. However, the **Rabanan** have said that for a small animal even a "tinuf" is considered to be a miscarriage, for a large animal a discharge of a "shilya" is the sign of a miscarriage, and for a woman a discharge of an embryo (skin in the shape of a child) or an afterbirth is the sign of a miscarriage (and even these make the animal and woman patur from her next child being considered as a bechor)! Rather, the general rule is, if it is known that the animal has already given birth, the Kohen gets nothing when this animal gives birth. If it is known that the animal has not given birth, then the Kohen gets the bechor of this animal. If it is a safek, the animal that is born may be eaten by the owner after it gets a mum.

GEMARA

- **Q:** Why is it that **R' Yishmael** holds that after the appropriate birthday it is a safek whether the baby is considered to be a bechor? Why don't we follow the majority of animals, and the majority of animals give birth before that appropriate birthday, and we should therefore say with certainty that after that birthday it is with certainty not a bechor!? Shall we say that **R' Yishmael** holds like **R' Meir** who is concerned for the minority? **A:** We can say that **R' Yishmael** holds like the **Rabanan**, but the **Rabanan** only follow the majority when it is "before us", like the case of 9 kosher butcher shops and one non-kosher shop, or the case of the members of the Sanhedrin. However, in the case of a majority that is not in front of us, like the case of "most animals in the world", they do not follow the majority.
 - **Q:** We find that the **Rabanan** follow the majority of minors regarding yibum, even though this is not a case of a majority that is in front of us!? **A:** Rather, **Rava** said it must be that **R' Yishmael** holds like **R' Meir** who is concerned for the minority. **A2: Ravina** said, we can even say that he holds like the **Rabanan**, and the **Rabanan** only follow the majority when it is not contingent upon the performance of an action (the case of the minors is not contingent on an action but the case of the animals giving birth is).