



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

Bechoros Daf Chuf

- A Braisa says, if a Yid buys a goat from a goy and it gives birth during its first year (its first birthday), that firstborn (if it is a male) is a definite bechor that must be given to the Kohen. If it gives birth anytime after that, it is a safek. If it was a sheep and it gives birth before its second birthday, it is a definite bechor, but if it gives birth anytime after that, it is a safek. If it was a cow and it gives birth before its third birthday, it is a definite bechor, but if it gives birth anytime after, that it is a safek. A donkey is treated the same as a cow. **R' Yose the son of R' Yehuda** says, if it was a donkey and it gives birth before its fourth birthday, it is a definite bechor, but if it gives birth anytime after that, it is a safek. This is all the view of **R' Yishmael**. When this was repeated to **R' Yehoshua** he said, go and tell **R' Yishmael** that he is mistaken, because if it was only a viable offspring that makes an animal's next offspring patur from bechor he 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)! **R' Yehoshua** continued and said, I do not say like the **Rabanan**, rather a goat that had "tinuf" when she was 6 months old can still give birth before her first birthday, and a sheep that had "tinuf" when she was a year old can still give birth before her second birthday. **R' Akiva** said, I have not come to agree with this. Rather, if it is known that the animal has already given birth, the Kohen gets nothing when this animal then 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.
 - **Q:** What is the point of machlokes between **R' Yishmael** and **R' Yehoshua**? Shall we say that they argue whether a "tinuf" makes the offspring born after it patur from bechor – **R' Yishmael** holds it does not make it patur and **R' Yehoshua** holds that it makes it patur? **A:** It may be that all agree that tinuf would make the offspring patur. The machlokes is whether we are concerned for the possibility that the animal had a tinuf – **R' Yishmael** says we are not concerned (which is why the animal is a definite bechor) and **R' Yehoshua** says that we are (and that is why the offspring is only a safek bechor).
 - **Q:** We find that **Rava** says that **R' Yishmael** holds like **R' Meir** who is concerned for the minority, so how can we say that he is not concerned for tinuf!? **A:** He is only concerned when it leads to a chumra, not when it leads to a kula. **A2:** He is always concerned for the minority, even when it leads to a kula, and the machlokes here is whether an animal that had tinuf can still give birth during that first year – **R' Yishmael** says it cannot and therefore this offspring born in the first year must be a definite bechor, and **R' Yehoshua** says that it can and that is why it is a safek bechor.
 - **Q:** What is the difference between what **R' Yehoshua** heard from the **Rabanan** and his own view? **A:** The difference would be where the tinuf happened after 6 months (in the beginning of the 7th month), and the machlokes is regarding the statement of **Ze'iri**, who said that an animal cannot get pregnant for 30 days after a tinuf. The **Rabanan** hold of **Ze'iri** and **R' Yehoshua** does not. **A2:** All agree with **Ze'iri**, but they argue whether the pregnancy of small animals can be less than complete months – the **Rabanan** say it cannot be less than 5 complete months and **R' Yehoshua** says it can. **A3:** All agree that a pregnancy of such an animal cannot be for less than complete months, and the machlokes here is whether a partial day is considered to be a full day – the **Rabanan** say it is not considered to be a full day and **R' Yehoshua** says that it is.

- **Q:** What is the difference between the view of **R' Akiva** and **R' Yehoshua**? **A:** **R' Chanina of Sura** said, the difference is whether the fact that the animal is producing milk would make patur an offspring that is then born – **R' Akiva** says it makes it patur, because we follow the majority of animals which don't produce milk unless they had previously given birth (and therefore the next offspring is definitely not a bechor) and **R' Yehoshua** says there is a minority of animals that produce milk without having given birth (and therefore the offspring born after that is a safek bechor).
 - **Q:** We find a Mishna where the **T"K** is concerned for a minority and **R' Yehoshua** argues and is not concerned for it!? **A:** We must reverse the views and say that it is **R' Akiva** who is concerned for the minority of animals and **R' Yehoshua** is not. In fact, a Braisa clearly says that if an animal is producing milk, **R' Yehoshua** says the animal born after that is patur from bechor and **R' Akiva** says it is not patur (but is rather a safek).