



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

Bechoros Daf Chuf Ches

NOLAD LO MUM B'TOCH SHENASO...

- **Q:** Is the Mishna saying that if it develops a mum within its first year it may be kept for that entire first year *plus* another 30 days beyond that, or is the Mishna saying that if it develops a mum within the first year it may be kept for that entire year (but not beyond) and if the mum developed after its first year it may only be kept for 30 days? **A:** A Braisa says, with regard to a bechor nowadays, if it does not have a mum it may be kept for even 2 or 3 years. If it had a mum that developed within its first year it may be kept for that entire first year, but after the first year it may not even be kept for one day or one hour. However, to prevent a loss to the Kohen it may be kept for 30 days. This seems to suggest that we give an additional 30 days after the first year!
 - **Q:** This still may be understood as referring to where the mum came about after the first year, so it doesn't answer the question!? **A:** A Braisa says, if a mum develops with 15 days left in the animal's year, he can keep it until 15 days into the next year. We see that when it gets a mum within its year we do not allow 30 days into the next year, SHEMA MINAH.
 - This Braisa supports **R' Elazar** who said that when a bechor gets a mum after its first year, we only give him 30 days.
 - **Another version of R' Elazar** says that he says that when a bechor gets a mum within its first year we give that entire year and 30 days into the next year. This is based on the pasuk that says "shanah b'shanah", and 30 days is referred to as a year. This teaches that a "second year" (30 days) is added on after the year.
 - **Q:** A Braisa says, if a mum develops with 15 days left in the animal's year, he can keep it until 15 days into the next year. We see that when it gets a mum within its year we do not allow 30 days into the next year!? This is a **TEYUFTA of R' Elazar** (according to this version).

MISHNA

- If one shechted a bechor and only afterwards showed its mum to an expert (who then said that the mum was a permanent mum), **R' Yehuda** says it is mutar, but **R' Meir** says, since it was shechted without it being shown to an expert it is assur.
- If someone who was not an expert examined a bechor and ruled that it was a proper mum, and the bechor was then shechted based on his psak, the bechor must be buried and the examiner must pay for this loss that he caused.

GEMARA

- **Rabbah bar bar Chana** said, if the mum is cataracts, all would agree that the bechor is assur if it was shechted before being shown to an expert, because this mum changes at the time of death. The machlokes is regarding a mum on the body – **R' Meir** says we are goizer by this type of mum for the case of cataracts and **R' Yehuda** says we are not.
 - A Braisa says that this is the machlokes as well.
 - **R' Nachman bar Yitzchak** says we can prove this from our Mishna as well, where it says that **R' Meir** says it is assur "because it was shechted without having been shown to an expert". This suggests it is a penalty. This must be discussing a mum on the body, because with regard to cataracts it would be assur not just based on a penalty, but

rather because it is no longer possible to tell what it looked like while the animal was alive.

- **Q:** When we say that cataracts change at the time of death does that mean that all cataracts change at the time of death or that it sometimes does and that is why we must be concerned? The difference would be where witnesses come and say that it did not change at the time of death – do we accept their testimony or do we say that they are saying false testimony? **A:** We find that **Rabbah bar bar Chana** said that **R' Yoshiya of Usha** told him “come and I will show you cataracts that change at the time of death”. This suggests that there are times when it does and times when it doesn't.

MI SHE'EINO MUMCHA V'RA'AH ES HABECHOR...

- **Q:** Must we say that this anonymous part of the Mishna only follows **R' Meir** (because it says that the bechor that was shechted without having been shown to an expert becomes assur)? **A:** We can say that it refers to cataracts and therefore follows **R' Yehuda** as well.

VIYISHALEM MIBEISO

- A Braisa says, when the person who is not an expert pays, he must pay a quarter of the value for a small animal and half the value for a large animal.
 - **R' Pappa** explained that the reason for the difference is that the loss when dealing with large animals is larger than the loss involved when dealing with small animals.
 - **Q:** Why don't we make him pay the same percentage, which will result in a larger amount for large animals and a smaller amount for small animals? **A:** **R' Huna bar Manoach in the name of R' Acha bar Ika** said, it is because the raising of small animals takes a lot of effort, and this person spared the Kohen this effort. That is why he pays less.

MISHNA

- If one paskened in a monetary case and said that one who should have been chayuv was patur, or said that one who should have been patur was chayuv, or something that should have been tamei was tahor, or said that something that should have been tahor was tamei, what is done is done (his psak remains) but he must pay for the loss that he caused. However, if he was an expert for Beis Din then he is patur from having to pay.

GEMARA

- **Q:** Shall we say that the Mishna's anonymous ruling follows **R' Meir** who says that one is chayuv for “garmi” (even for causing indirect damage)? **A:** **R' Illa'a in the name of Rav** said, the case is where the judge took the money from one party and gave it to the other (incorrectly, and that is why it is a case of causing direct damage).
 - **Q:** That makes sense in the case of where he said that one who should have been patur was chayuv, because he then wrongfully took the money from him to give to the other party. However, how can we explain the case of where he said that one who should have been chayuv was patur? In that case he doesn't take the money from him at all!? **A:** **Ravina** said, the case would be where this party had given collateral to the other party and the judge wrongfully returned the collateral to him.
 - The case of where he said that something that should have been tahor was tamei would be where he then touched a sheretz to the items. The case of where he said that something that should have been tamei was tahor would be where he then mixed these items with things that were truly tahor.

MISHNA

- It once happened that a cow had its womb removed and **R' Tarfon** paskened that it was a treifa and had it thrown to the dogs. When this was told to the **Chachomim** in Yavneh they said the cow would have been mutar to be eaten, because Tudos the doctor said that every cow and pig that leaves Alexandria of Egypt has its womb removed so that it not be able to give birth (and this did not cause them to die). When he heard this **R' Tarfon** said, “You have lost your donkey, **Tarfon**” (i.e. he would now have to pay for the damage caused by his erroneous psak). **R' Akiva** told him, you are an expert of Beis Din and as such you do not have to pay for an erroneous psak.

GEMARA

- **Q:** Why didn't **R' Akiva** just tell **R' Tarfon** that he made a mistake in something paskened clearly in a Mishna and therefore he could simply reverse his decision!? **A:** **R' Akiva** was actually giving him two reasons not to worry: 1) that it was an error in a psak of a Mishna and the decision could therefore be reversed, and 2) even if it could not be reversed, since he was an expert he would be patur from having to pay.

MISHNA

- If an examiner takes a fee for inspecting a bechor for a mum, the bechor may not be shechted based on his psak unless he is an expert like **Ayala** of Yavneh (who was so pious that he would never even be suspected of taking money to issue a desired psak) for whom the **Chachomim** allowed to take 4 issur for inspecting small animals and 6 issars for inspecting large animals – whether the bechor was ruled as having a qualifying mum or not.

GEMARA

- The reason the fee for inspecting the large animals was more was because it involved more effort to inspect a large animal.

BEIN TAM UBEIN BAAL MUM

- **Q:** When he paskens that it is a qualifying mum we can understand why he deserves the fee. Why does he get paid when he paskens that it is not a mum? **A:** If he only got paid for paskening it as a mum, people will say that he paskens things as a mum even if they aren't, just so that he gets paid.
 - **Q:** If so, people will say that when he says something is not a mum it may be that it really is and he is saying it is not so that they have to come back for another inspection at another time which will earn him another fee!? **A:** The **Chachomim** only allowed him to take a fee one time for each animal. Therefore, all subsequent inspections would have to be done at no charge.