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

Bechoros Daf Lamed Hey

MISHNA

- It once happened that there was an old ram bechor whose hair was overgrown. A Roman official saw it and asked why this animal was let to be like that. He was told that it was a bechor and could not be shechted without a mum. He went and sliced its ear with a spear. This matter was brought to the **Chachomim** and they said it was mutar to be shechted based on that mum. This Roman official then went and inflicted a mum and other bechoros, but the **Chachomim** said they were assur to be shechted based on those mumin.
- It once happened that the children were playing and tied the tails of lambs together. When the lambs ran from each other the tail of one of them was pulled off, and it was realized that that lamb was a bechor. The matter was brought to the **Chachomim** and they said it was mutar to be shechted based on that mum. The children saw that they caused the animal to be mutar so they went and did this to other bechoros, but the **Chachomim** said they were assur to be shechted based on those mumin.
- The general rule is, any mum that was inflicted with intent to make the animal mutar, is assur. Any mum that was inflicted without such intent is mutar.

GEMARA

- Both these cases are necessary to be taught. If the Mishna had only taught the first case we would say they permitted it in the case of a goy, because we are not concerned that he will become used to doing this issur of making a mum on a bechor, but in the case of a Jewish katan we would think that it would not be mutar, because we are concerned. If we only had the second case we would say that in that case it is mutar, because we are not concerned that it would lead one to become confused for a case when this is done by an adult, but the case of the goy could lead one to be confused with the case of an adult and we would therefore say that it is assur. That is why both cases are needed.
- **R' Chisda in the name of R' Katina** said, in the first case of the Mishna it is only mutar if the Yid told the goy "the bechor is only mutar if it has a mum". But, if he told him "it is only mutar if a mum is made in it", that would be as if he told the goy to go and make a mum and it would not become mutar based on that mum. **Rava** said, if he said either one it suggests that he meant it becomes mutar when the mum "came on its own", and therefore it would be mutar in both cases.

ZEH HAKLAL KOL SHEHU L'DAAS ASSUR

- This "general rule" comes to include a case of indirect causing of a mum (he puts dough on its ear so that a dog should come and bite it and make a mum in the animal).

SHELO L'DAAS

- This comes to include a case where the goy didn't ask about the nature of the animal, but the Yid mentioned "meisi'ach lefi tumo" that it can only be shechted if there is a mum. If the goy then inflicts a mum in that case it would be mutar as well.

MISHNA

- If a bechor was chasing someone and he kicked it (to save himself) and caused a mum, it may be shechted based on that mum.

GEMARA

- **R' Pappa** said, this is only true if he kicked it as it was still giving chase. However, if he kicked it after it had stopped giving chase, it may not be shechted based on that mum.

    - **Q:** This seems obvious!? **A:** We would think that he kicked it out of frustration for having been chased and it therefore is mutar.
    - **Another** version of **R' Pappa** is that it is mutar even when he kicked it after it had stopped giving chase, because that is done out of frustration for having been chased and it therefore is mutar.
- **R' Yehuda** said, it is mutar to make a mum on a bechor before it is born. **Rava** said, a goat can be given a mum on its ear (the ear is visible before the head emerges, and thus before the animal is considered to be born) and a sheep can be given a mum on its lip (its ears are not visible until after it is already considered to be legally born). **Some** say that a sheep may even be given a mum on its ear if it is seen before most of the head comes out, because the head can come out sideways.
- **Rava** said, with regard to a mum in the animal's mouth, if it cannot be seen when the animal eats, but can be seen when the animal opens its mouth wide and cries, it is considered to be a valid mum.
    - **Q:** A Mishna seems to say this already!? The Mishna says that if the front gums were cut, or if the back gums were uprooted, it is a mum. Presumably this is because this mum is visible when it opens its mouth wide!? **A: R' Pappa** said that **Rava** is actually explaining and giving the reason for the psak of the Mishna.

MISHNA

- With regard to any mum that is possible that it was inflicted by a person – shepherds of Yisraelim are believed to testify that it was not done by a person (if it was intentionally done by a person it would not make it mutar to be shechted), but shepherds of Kohanim are not believed. **R' Shimon ben Gamliel** says, he is believed regarding his friend's bechor but not regarding his own bechor. **R' Meir** says, one who is suspected regarding something may not act as a judge regarding it or testify about it.

GEMARA

- **R' Yochanan and R' Elazar** argue – one says that the Mishna means that shepherds who are Yisraelim who are employed by Kohanim are believed and we are not concerned that they would lie in exchange for a share of the bechor, but shepherds who are Kohanim who are employed by Yisraelim are not believed, because they feel that they will get this bechor from their employer, and he would also not be believed regarding another Kohen, because he would expect to get a share and may lie to get that. **R' Shimon ben Gamliel** then teaches that he is only not believed when it is already his bechor, but is believed regarding a bechor that now belongs to someone else. **R' Meir** comes and teaches that if someone is suspected regarding something he may not act as a judge regarding it or testify about it and the Kohen is therefore not believed even regarding someone else's bechor. The other one says that the Mishna means that shepherds of Yisraelim who are themselves Kohanim are believed, because they feel that their employer will give the bechor to a talmid chochom and not to them and therefore would not lie, however, the shepherds of Kohanim who are themselves Yisraelim are not believed, because they may lie in hopes of getting a share of the bechor from their employer, and certainly this would be true where the Kohen's shepherd was himself a Kohen. **R' Shimon ben Gamliel** then teaches that the Kohen shepherd is believed regarding someone else's bechor, but not regarding a bechor of his own. **R' Meir** then teaches that one suspected regarding something may not act as a judge regarding it or testify about it and therefore argues on the **T"K and R' Shimon**.
    - **Q:** According to the first version of the machlokes, **R' Meir** seems to be saying the same thing as the **T"K**!? **A:** The machlokes would be regarding the view of **R' Yehoshua Kapusai** of a Braisa who holds that only members of the Kohen's household are passul to testify regarding his bechor. The **T"K** would agree with that and would therefore hold that other Kohanim would not be passul, but **R' Meir** disagrees and says that all Kohanim are suspect and are therefore passul.
        - **Q:** Who does **R' Chisda in the name of R' Katina** follow when he said that if a safek bechor of a Yisrael that has a mum needs two people from the market to testify that it was not intentionally inflicted? **A:** It follows **R' Yehoshua Kapusai** (since the mum would allow the bechor to be eaten by the Yisrael no members

of his household would be believed, similar to the case of the bechor of the Kohen).

- **R' Nachman** says that the Yisrael owner may testify regarding this safek bechor, because if we don't say that, who will be allowed to testify regarding a maaser's mum according to **R' Meir**?
    - The Gemara says this is not a valid proof. Maaser is different in that the owner would be believed since he can inflict a mum on every animal in his flock before separating maaser. Rather, the owner of a safek bechor must be believed regarding the mum, because if he is not, according to **R' Meir** who will testify regarding it? You can't say that noone can and therefore the animal has no hope to become mutar, because we see in a Mishna that **R' Meir** says it can become mutar! Rather, it must be that the owner is believed, because Yisraelim are not suspected regarding mumim, and only Kohanim are suspected.
- **R' Nachman** said the halacha follows **R' Shimon ben Gamliel** who argues on **R' Yehoshua Kapusai** and says that the son and daughter of the Kohen are believed, and **Rava** said the halacha follows the view of **R' Yose**.
    - **Q: Rava** has said that if the Kohen owner is with us outside the house and the bechor entered the house without a mum and emerged from the house with a mum, they (presumably the members of the Kohen's household) may testify about it. We see that he doesn't hold like **R' Yose**!? **A: Rava** meant that if *all* the owners (all the members of the household) are outside and the shepherd testifies regarding how it got the mum he is believed.
    - **Q:** If that is what **Rava** means why does he even need to state it? **A:** We would think that we have to be concerned that the shepherd made the mum.
- The Gemara paskens like **R' Shimon ben Gamliel**, but adds that only the son and daughter would be believed – not the Kohen's wife, because one's wife is considered to be like himself.

- **Q: R' Pappa** asked **Abaye**, according to **R' Meir** who says that one who is suspect regarding something may not act as a judge regarding it or testify about it, and **R' Meir** also says that one who is suspect regarding one aspect of the Torah is suspect regarding the entire Torah, the Kohanim who are suspect regarding bechor should never be able to act as a judge for any part of the Torah!? Now that can't be, because the pasuk clearly says that they can judge matters!? **A: R' Meir** said they are *suspect* to have possibly inflicted a mum in the bechor, but they are certainly not established as doing so.
- **Q:** Is testimony regarding a mum based on hearsay sufficient to shecht the animal on account of it? **A: R' Assi** says it is not and **R' Ashi** says it is.
    - **Q: R' Assi** asked, a Braisa of **Divei Menasheh** says that hearsay is only acceptable testimony for permitting a woman to remarry!? **A: R' Ashi** said, the Braisa should read – it is acceptable testimony whenever a woman could testify (and a woman may testify regarding a mum).
    - **R' Yeimar** would permit a bechor based on hearsay testimony. **Mareimar** called **R' Yeimar** – "Yeimar the one who permits bechoros".
    - The Gemara paskens that testimony based on hearsay *is* sufficient to permit a bechor for shechita.