



Daf In Review – Weekly Chazarah

Maseches Bechoros, Daf כ – Daf י

This week's Week In Review is being sent l'zecher nishmas R' Avrohom Abba ben R' Dov HaKohen, A"H vl'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

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MESECHTA BECHOROS

PEREK HALOKEI'ACH UBAR CHAMORO -- PEREK RISHON

MISHNA

- If one buys the fetus of a goy's donkey, or one who sells his donkey's fetus to a goy even though he is not allowed to, or if one enters into a partnership of a donkey with a goy, or one who accepts to care for a goy's donkey in exchange for a share of all its offspring, or one who gives his donkey to be cared for by a goy who will then share in its offspring, in all these cases the firstborn donkey is patur from the halachos of bechor. This is based on the pasuk that says "kol bechor b'Yisroel", which teaches that it does not apply to goyim.

GEMARA

- **Q:** Why does the Mishna have to give all these examples (they are all patur for the same reason – a goy owns a share of the firstborn)? **A:** If we would only have the case of the Yid who bought the fetus we would say that it is patur in that case because the donkey is being elevated in kedusha (it will no longer work on Shabbos) and the Yid should therefore not be penalized, but in the case where the Yid sold the fetus to a goy we would say that he should be penalized and the halachos of bechor should apply. That is why both of these cases are needed. The case of the partnership is needed to exclude the view of **R' Yehuda** who says that the offspring of such a partnership is chayuv in bechor. The case of the Yid who accepts to care for the donkey is given only because the case of the goy who accepts to care for the donkey of the Yid is needed. The reason that case is needed is because we would say that since the donkey itself is owned entirely by the Yid we should penalize him and make it subject to bechor to prevent people from getting mixed up between this donkey and any other donkey.
- A Mishna says it is assur to sell large animals to goyim. **R' Yehuda** says it is mutar to sell them a broken animal. **Ben Beseira** says it is mutar to sell them a horse.
 - **Q:** What would **R' Yehuda** hold with regard to selling a fetus to a goy? Does he allow a broken animal to be sold because it cannot do work, and since a fetus also cannot do work he would allow that sale as well, or maybe a broken animal is not "broken" as part of its normal development in life, but a fetus is "broken" now because of its normal development and it therefore is assur even now? **A:** Our Mishna said, "or one who sells his donkey's fetus to a goy even though he is not allowed to", and **R' Yehuda** does not argue. We see that he agrees that a fetus may not be sold to a goy.
 - The Gemara says this is not a proof. The Mishna's later cases of joint ownership say that they are patur from bechor. Now, we know that **R' Yehuda** argues and holds it would be subject to bechor, and yet the Mishna does not mention that he disagrees. Rather, although he disagrees the Mishna does not mention it. The same can be said regarding the selling of the fetus.
 - **Q:** Maybe we can answer from a Braisa. The Braisa says, **R' Yehuda** says, if one accepts to care for a goy's animal in exchange for a share of all its offspring and the animal then gives birth, we assess the value of the offspring and the Yid must give half that value to the Kohen. If one gives his animal to be cared for by a goy who will then share in its offspring, although he may not do so, we penalize him to buy the offspring back from the goy for up to 10X its value, and if it is a firstborn male the entire value must be given to a Kohen. Now, presumably this case is where there was a pregnant animal and the fetus is being transferred to the goy and we are told that

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all say that it is assur! **A:** It may be that the case is where the goy is receiving a share in the animal itself, and that is why it is assur.

- **Q:** The Braisa says that he must buy it back for up to 10x its value (“damav” written using the masculine form), which seems to be referring to the fetus!? **A:** Change the word to “dameha” (using the feminine form, which therefore refers to the beheima).
- **Q:** The Braisa says that the full value must be given to the Kohen. This must be referring to the offspring, because the Kohen doesn’t get a share of the animal itself!? **A:** The case is where a Yid gave a goy a pregnant animal to be fattened for him. In that case he is penalized for giving a share in the animal and once he is so penalized on the animal he also gets penalized for the fetus as well. However, it may be that if it was only selling the fetus alone **R’ Yehuda** would allow it.
- **R’ Ashi** said we can answer the question from a Braisa which says that **R’ Yehuda** allows the sale of a broken animal to a goy because it cannot become healed. This implies that if it could be healed it would be assur. A fetus is like a broken animal that could be healed and therefore **R’ Yehuda** would hold that selling it to a goy would be assur.
- **Another** version has this above back and forth applied to our Mishna that says that one may not sell his donkey’s fetus to a goy. The Gemara asks that maybe the Mishna doesn’t follow **R’ Yehuda**, because he allows the sale of a broken animal. The Gemara then continues with the back and forth quoted above.
- **Q:** What is the halacha if a Yid sells an animal to a goy only for the rights in its future offspring? Do we penalize the Yid for doing so? This can be asked according to **R’ Yehuda** – maybe **R’ Yehuda** only allows sale of a broken animal because it won’t be confused with the sale of a healthy animal, but the sale of this animal for its fetuses can be confused and therefore it would be assur, or maybe he holds that since the animal itself remains with the Yid it is mutar? This can also be asked according to the **Rabanan** – maybe they only say that selling the broken animal is assur because it leaves the ownership of the Yid, but in this case the animal remains with the Yid and will therefore be mutar, or maybe we say that if they say that selling a broken animal is assur, even though it won’t be confused with selling a healthy animal, then surely they will say that selling this animal for its fetuses is assur!? **A:** Our Mishna said, “or one who gives his donkey to be cared for by a goy who will then share in its offspring” and didn’t follow that up by saying “although it is assur”. This seems to show that selling an animal for the rights to its offspring would be allowed.
- The Gemara says this is not a valid proof. The Mishna gave the case of one who enters into a partnership with a goy and did not say “although it is assur”. Does that mean it is mutar? It is definitely not, as **Shmuel’s** father said, it is assur to enter into a partnership with a goy because you may cause him to swear in the name of his avoda zara! Rather, although the Mishna only said “although it is assur” regarding the case of the sale, that phrase is meant to apply to all the cases – even the case of partnership and the case of taking care of the animal for a share in the offspring.
- **Q:** Maybe we can answer from a Braisa. The Braisa says, **R’ Yehuda** says, if one accepts to care for a goy’s animal in exchange for a share of all its offspring and the animal then gives birth, we assess the value of the offspring and the Yid must give half that value to the Kohen. If one gives his animal to be cared for by a goy who will then share in its offspring, although he may not do so, we penalize him to buy the offspring back from the goy for up to 10X its value, and if it is a firstborn male the entire value must be given to a Kohen. The **Chachomim** say, whenever a goy has some interest it is patur from bechor. Now, presumably the penalty is referring to the animal itself!? **A:** It may be that the penalty is only with regard to the offspring that is born. In fact, it must be that that is what is being referred to, as the Braisa says that the value must be given to the Kohen – which is only appropriate for the offspring that is a bechor.

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- The Braisa that says that we penalize someone who sells large animals to a goy supports **Reish Lakish** who says that if one sells a large animal to a goy, we penalize him and make him buy it back for up to 10X its value.
 - **Q:** Is the number “10X” meant literally or not? **A:** We find that **R’ Yehoshua ben Levi** said that if one sells his slave to a goy we penalize him and make him buy the slave back for up to 100X times its value. Since there is a different amount here it shows that the number is to be understood literally.
 - The Gemara says this is not a valid proof. It may be that since the slave is prevented from doing mitzvos every day we impose this tremendous penalty, but that does not show that the number “10X” should be taken literally in another case.
 - **Others** say that **Reish Lakish** said that if one sells a large animal to a goy, we penalize him and make him buy it back for up to 100X its value. The Gemara asks, a Braisa says that if one gives his animal to be cared for by a goy who will get a share in the animal’s fetus, even though he is not allowed to do so, we penalize him to buy back the fetus for up to 10X its value. Why is it that here it is only 10X? The Gemara answers that selling removes the animal from the owner whereas this other arrangement does not.
 - **Q:** Is the “100X” to be understood literally? **A:** We find that **R’ Yehoshua ben Levi** said that if one sells his slave to a goy we penalize him and make him buy the slave back for up to 10X times its value. Now if for this the number is only 10X, then for selling an animal the number should not be more than that, and if so, the 100X number must not be understood literally.
 - It may be that the case of the slave is different, because when he is bought back he goes out to freedom, and that is why we don’t penalize for as much.
 - **Q:** If this is the reason, the owner of the animal should only be penalized for one more time its value (since he will keep the animal)!? **A:** Rather, selling a slave to a goy is uncommon, and the **Rabanan** are not goizer for uncommon cases.

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VACHACHOMIM OMRIM KOL ZMAN SHEYAD HA’OVEID KOCHAVIM...

- **R’ Yochanan** said, they both darshen the same pasuk. The pasuk says “kol bechor”. The **Rabanan** hold that the word “bechor” means even a bechor owned only in part by a Yid is chayuv in the halachos of bechor. The pasuk therefore says “kol” to teach that it is not chayuv until the entire bechor is owned by a Yid. **R’ Yehuda** says that “bechor” means the entire bechor, and the addition of the word “kol” teaches that even if only a small part is owned by a Yid it is chayuv as a bechor.
 - We can also say that all agree that “bechor” means the majority of the animal. The machlokes is whether “kol” comes to complete that to the entire animal or to diminish that to any minimal amount.
 - **Q:** According to the **Rabanan**, how much must a goy own in order to make the animal patur from bechor? **A:** **R’ Huna** said, even if he owns as much as the animal’s ear it is patur. **R’ Nachman** asked, if that is true, why can’t the Kohen tell the goy to take the ear and then claim the rest of the animal?
 - **R’ Chisda** said, the goy has to own something that if removed would make the animal a neveila. **Rava** said, it must be something that if removed would make the animal a treifa.
 - The machlokes between them is whether a treifa can live – **Rava** says a treifa can’t live and **R’ Chisda** says it can, which is why he says it must be something that will make it die and become a neveila.
 - The **Rabanan** said to **R’ Pappa**, **R’ Huna** on the one hand, and **Rava** and **R’ Chisda** on the other, don’t argue. **R’ Huna** is talking about a case where the goy became a partner in the bechor itself, and **Rava** and **R’ Chisda** are talking about where he became a partner in the mother animal. **R’ Pappa** disagreed and said, just like regarding the bechor itself

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we learn from “kol bechor” that it must be the entire animal owned by a Yid, regarding the mother the pasuk says “kol miknicha tizachar”, which teaches that the entire mother must be owned by a Yid! Rather, there is no difference whether the partnership is in the bechor or the mother.

- **Q: Mar bar R' Ashi** asked, why should this be treated differently than a “neifel”, which does get kedushas bechor? The same should be true even if the goy owns a vital organ of the animal – the rest should similarly get kedushas bechor even though it isn't viable without that organ!? **A:** The difference is that a neifel may not be viable, but there is no chullin mixed in with it and it therefore is considered to be “kol bechor”. When the goy owns a piece it is no longer called “kol bechor”.
- **R' Elazar** missed a day in the Beis Medrash and asked **R' Assi** what he missed. **R' Assi** told him that **R' Yochanan** said that an animal owned in partnership with a goy is patur from bechor even if only a light mum would be created by removing the part that is owned by the goy. He then said, when a Mishna says that if a sheep has a firstborn that looks like a goat, or visa-versa, it is patur from bechor, but if it has some features of its mother it is chayuv, although it is chayuv, it is considered to be a permanent mum upon which the bechor can be sheched.
 - **Q:** Now, his ruling regarding a light mum was said to teach that the halacha follows **R' Huna** and not **R' Chisda and Rava**. However, the fact that a mutation is considered to be a mum is something that is taught in a Mishna which said that if one eye of the animal is large and the other is small it is a mum, so what chiddush was he teaching? **A:** It may be that that Mishna considers it a mum of “saru'ah” (an animal with limbs of unequal size), and not because it is a mutation. In fact, there is a Mishna that says that a Kohen who has 2 eyes that are large or small is considered to have a mum. Now, this is clearly a mutation and suggests that an animal is only considered to have a mum with different sized eyes, not a mutation where both eyes are of the same size. We see that the reason the earlier Mishna held that the animal has a mum is because of “saru'ah”, not because of a mutation. That is why **R' Yochanan** had to teach that a mutation is a mum.
 - The Gemara says this is not a valid proof. It may be that even one large eye in an animal would be a mum because of mutation. However, when both eyes are either large or small we can attribute that to being tied to the overall health of the animal, not to a mutation.
- There was a geyores whose brothers would give her animals to fatten in exchange for her receiving a share of the offspring. She asked **Rava** whether the offspring would be chayuv in bechora. **Rava** said, there is no one who is concerned for the view of **R' Yehuda** who says that an animal owned in partnership with a goy is subject to bechor.
- **R' Mari bar Rachel** had animals and he would give ownership of the ears of the firstborns to goyim to make them patur from bechor. However, he would still say they are assur to be worked with or sheared and would give them to the Kohanim (just like a bechor). At the end, his animals died.
 - **Q:** If he was not working with them or shearing them and giving them to the Kohanim why did he give ownership to a goy at all? **A:** He was afraid that he would be oiver on the halachos of bechor and he therefore prevented them from even getting the status of bechor.
 - **Q:** If so, why did all his animals die? **A:** He was punished, because he removed them from becoming kadosh as a bechor.
 - **Q: R' Yehuda** said that a person may make a mum in a bechor before it is born!? **A:** Doing that removes it from becoming kadosh as a korbon but it remains kadosh as a bechor for a Kohen. **R' Mari** removed all kedusha of bechor from the animals. **A2: R' Mari** was careful to make a full kinyan and remove all kedusha. However, there was a concern that others would see him and copy him without making a proper kinyan, in which case the kedusha is not removed and would lead to the transgression of kedushas bechor. That is why he was punished.

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MISHNA

- Kohanim and Levi'im are patur from the halachos of bechor (presumably meaning the laws of peter chamor) based on a kal v'chomer – if they were able to make the firstborns of the Yisraelim patur in the Midbar, they should surely be able to make themselves patur.

GEMARA

- **Q:** The Levi'im themselves did not make the animals of the Yisraelim patur! The pasuk says that the Levi'im themselves made the Yisraelim themselves patur, and it was the animals of the Levi'im that made the animals of the Yisraelim patur!? **A: Abaye** said, the Mishna means that the firstborn donkeys are patur from the halachos of bechor based on a kal v'chomer – if their animals were able to make the animals of Yisraelim patur in the Midbar, they should certainly be able to make their own animals patur!
 - **Q: Rava** asked, the Mishna says that the Levi'im themselves were what made the firstborns of the Yisraelim patur, not their animals!? Also, based on your explanation, the Levi'im should even be patur from the halachos of bechor of a kosher animal, and yet a Mishna says they are only patur from pidyon haben for the bechor of people and from the halachos of peter chamor!? **A:** Rather, **Rava** said, the Mishna means that the Kohanim and Levi'im are themselves patur from bechor (from pidyon haben) based on a kal v'chomer – if they were able to remove the kedushas bechor of the Yisraelim, they should certainly be able to make themselves patur!
 - **Q:** We now have a source for them being patur from their firstborn humans being subject to pidyon haben. How do we know that their firstborn donkeys are also patur from bechor (peter chamor)? **A:** The pasuk says “ach padoh sifdeh eis bechor ha'adam v'eis bechor habeheima hatmei'ah tifdeh”. This teaches that whoever is subject to the rules of human bechor is also subject to the laws of peter chamor, and whoever is not subject to the laws of human bechor is not subject to the laws of peter chamor.
 - **Q: R' Safra** asked **Abaye**, in the Midbar not every Levi had an animal that removed the kedusha from an animal of a Yisrael. If so, only a Levi that had an animal that took off kedusha from an animal of a Yisrael should be patur based on the kal v'chomer, but a Levi who did not should not be patur based on this kal v'chomer!? Also, according to you (**Abaye**) and **Rava**, since only a Levi who was at least one month old took the kedusha off a Yisrael, only such a Levi should be patur based on the kal v'chomer!? Also, the firstborn son of a Levi's daughter should not be patur based on this kal v'chomer, and yet **R' Ada bar Ahava** said that he is!? The Gemara says, this last question is not problematic according to **Mar the son of R' Yosef in the name of Rava**, who says that that pasuk refers to a bechor as a “peter rechem” (one that opens the womb). Since it is all about the opening of the womb, and the womb belongs to the daughter of a Levi, that firstborn is patur. However, **R' Safra** continues and asks, Aharon was not part of the count of Levi'im that took the kedushas bechor from the Yisraelim, so his kedushas bechor should not have been removed based on the kal v'chomer!? **A: Abaye** answered, the pasuk says “haLevi'im” which compares all Levi'im to each other and includes them all.
 - **Q:** How do we know that Kohanim are included as well? **A:** It is like **R' Yehoshua ben Levi** said, that we find 24 pesukim where Kohanim are referred to as Levi'im.
 - **Q:** How do we know that this applies to later generations as well? **A:** The pasuk says “v'hayu li haLevi'im”, which teaches that they always retain that status.
 - **Q:** How do we know that in the Midbar it was a “seh” of a Levi that was used to remove the kedusha from a firstborn donkey of a Yisrael? The pasuk simply says it was an animal!? **A: R' Chisda** said, we know that in generations after the Midbar money is used to redeem human bechors and that a seh is used to redeem peter chamors. Just as in the case of money it was also used in the Midbar, so too in the case of seh it was also used in the Midbar.
 - **Q:** Maybe money was used even in the Midbar since money is also used to redeem hekdes and maaser sheini? **A:** Rather, the pasuk says “ach padoh sifdeh eis bechor ha'adam v'eis bechor

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habeheima hatmei'ah tifdeh", which teaches that just as regarding human bechors there is no difference in their method of redemption between the Midbar and later generations, the same is true regarding the redemption of firstborn donkeys – it was done with a seh in the Midbar as well.

- **R' Chanina** said, a single seh of a Levi was able to redeem many peter chamors of Yisraelim. **Abaye** said we can prove this from the fact that the pasuk tells us that regarding the human redemption there were more bechors than Levi'im and tells us exactly how many extra there were. The pasuk does not do this for the peter chamors.
 - **Q:** Maybe the pasuk doesn't say that there were more because there were not more peter chamors than the number of sehs that the Levi'im had? **A:** That can't be, because the pasuk says that the people of Reuven and Gad had a lot of animals. It must be that the Yisraelim had many more animals than the Levi'im.
 - **Q:** Maybe the number of peter chamors was still less than the number of sehs of the Levi'im? **A:** The pasuk says "V'es behemas haLevi'im tachas behemtam" – one beheima of the Levi'im took care of multiple animals.
 - **Q:** We find that the word beheima in the singular is sometimes used to refer to many animals!? **A:** If so, the pasuk should have used the singular to refer to the animals of the Levi'im and of the Yisraelim. The fact that it changes shows that it means for it to be singular. **Rava** said, we find that **R' Chanina** explained a Mishna by saying that one seh of a Levi was able to redeem many peter chamors of the Yisraelim.
- We have learned, **R' Yochanan** says that bechoros were made kadosh in the Midbar as the pasuk says "Kadesh li kol bechor" from that point forward, and **Reish Lakish** says they were not, as the pasuk says "v'haya ki yivi'acha" and then says "v'ha'avarta", which teaches that bechoros were only made kadosh after entering EY.
 - **Q:** **R' Yochanan** asked **Reish Lakish**, a Mishna says that before the Mishkan was put up it was mutar to use bamos and the Avodah was done by the bechoros. We see they did have kedusha then!? **A:** **Reish Lakish** said, that refers to the ones born in Mitzrayim, not the ones born in the Midbar.
 - **Q:** A Braisa says that on the day that the Mishkan was put up the Yidden brought their bechoros korbanos. We see it had kedusha in the Midbar!? **A:** Here too, it refers to the ones that were born in Mitzrayim. In fact, the Braisa says they brought them "that day", which suggests they did not bring bechoros in the Midbar again after that day.
 - **Q:** A Braisa says that there were 3 times that bechoros were made kadosh – in Mitzrayim, in the Midbar, and in EY. The Braisa brings a pasuk for each. We see they were made kadosh in the Midbar!? **A:** **R' Nachman bar Yitzchak** said, this means they were commanded regarding bechoros in three places, but they were not actually made kadosh until they entered EY.
 - **Q:** We already said that they were also made kadosh in Mitzrayim!? **A:** The Braisa means that in some of these 3 places they were made kadosh and in some they were not.
 - **Q:** **R' Pappa** asked, how can one say that the bechoros were not made kadosh in the Midbar? The pasuk regarding the time in the Midbar says, "pekod kol zachar livnei Yisrael", which shows that they were made kadosh!? **A:** Rather, the machlokes must be that **R' Yochanan** says that the bechoros were made kadosh at the beginning of the time in the Midbar and continued to be made kodesh throughout the years in the Midbar, and **Reish Lakish** said they were made kadosh early on when they were counted but never again after that in the Midbar.
 - **Q:** **Reish Lakish** gave a reason for his view – the pasuk says "v'haya ki yivi'acha...". What is the reason for **R' Yochanan's** view? **A:** **R' Elazar** said, I saw **R' Yochanan** in a dream last night so I know I will say something proper – the pasuk says "li yihyu", which teaches that they will always remain in the kadosh state.
 - **Q:** What does **R' Yochanan** do with the pasuk of "v'haya ki yivi'acha"? **A:** He uses it like the **Tanna Divei R' Yishmael**, who says it means that by doing this mitzvah we will merit to enter EY.

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- **R' Mordechai** said to **R' Ashi** that he had a version of the machlokes where **R' Yochanan** said the bechoros were not made kadosh in the Midbar and **Reish Lakish** says they were. He then explained that this means that **R' Yochanan** held there was no reason to make them kadosh, because they were already kadosh on their own.
 - **Q:** Based on this, he is saying the same version that we had!? **A:** He is teaching that you must teach things using the same language as your rebbi.

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- Kuntrukas the Roman official asked **R' Yochanan ben Zakai**, in the detailed count of the Levi'im in the Midbar there are 22,300 Levi'im, but in the total there is only 22,000. Where did the other 300 go!? **R' Yochanan** answered, those 300 were themselves bechorim and could therefore not take on the kedusha from a bechor of the Yisraelim. **Abaye** explained, the reason is that it is enough that he could remove his own kedusha.
 - He also asked him, based on the amount of machtzis hashekel for 603,550 people there should have been 201 kikars and 11 maneh. However, we find that the amount of silver given for the Mishkan was only 100 kikar. Was Moshe a ganav or a kidnapper or not an expert in math? **R' Yochanan** said, he was honest and an expert. The reason why the numbers are different is because the maneh used for the Mishkan was double the size of a regular maneh.
 - **Q: R' Achai** asked, why couldn't he have answered that the pasuk says 100 kikar were used to pour the "adanim", and the other 100 were put in the treasury of hekdeshe!? **A:** There is another pasuk that seems to say that the entire amount collected was 100 kikar, not 200 kikar.
 - **Q:** How does he know that the maneh used for hekdeshe is double the value of the regular maneh? It can't be from the fact that when the pasuk regarding the silver mentions the kikar it says there was another 1,775 shekalim. Now, in a regular kikar there is 60 maneh, which is 1,500 shekalim, which should therefore have brought the count to 101 kikar. Rather, it must be that the reason it was counted in shekalim is because the kikar of hekdeshe had 3,000 shekalim and there therefore was not 101 kikar. This can't be the source, because it may be that the pasuk only counts in 100s of kikars and wouldn't count one more! You also can't say it is from the pasuk's tally of the amount of copper, where similarly the pasuk counts in terms of shekalim instead of maneh and kikar and may be because the amount per maneh of hekdeshe is double. Again, this can't be the source, because it may be that the pasuk only counts in 10s of kikars and wouldn't count one more! **A:** Rather, **R' Chisda** said, it is based on a pasuk that says that the maneh is made of 60 shekalim. Now we know the maneh is made of 25 shekalim!? Rather, this teaches that the maneh of kodesh was doubled, that we may add to sizes but not more than a sixth, and that the sixth is calculated from the outside.
- **R' Chanina** said, I asked **R' Elazar** why is the firstborn donkey treated different than that of a horse or camel? He told me it is a gezeiras hakasuv. Also, it is because the donkeys helped the Yidden leave Mitzrayim, because each Yid had 90 donkeys carrying the silver and gold of Mitzrayim. I then asked him, what does the word "Redifim" mean (the pasuk says that the Yidden traveled there)? He told me, that is the name of the place. This is actually a machlokes Tanna'im where **R' Eliezer** says it was the name of the place, and **R' Yehoshua** said it means that the Yidden slacked off from Torah. I then asked him, what does the word "Shitim" mean? He told me, that is the name of the place. This is actually a machlokes Tanna'im where **R' Eliezer** says it was the name of the place, and **R' Yehoshua** said it means that the Yidden became involved with foolishness (znus with the women of Moav). The pasuk regarding that says "vatikrena" – **R' Eliezer** says it means the women came to the Yidden without clothing, and **R' Yehoshua** said it means that all the men who went to party with Moav became baalei keri.

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- If a cow gives birth to a firstborn that looks like a donkey, or if a donkey's firstborn looks like a horse, it is patur from bechor, because the pasuk says "peter chamor" twice, which teaches that the mother and the offspring each have to be a donkey.
 - What is the halacha with regard to eating an offspring that looks like a species other than its mother? If a kosher animal has an offspring that looks like a non-kosher animal it is mutar to be eaten, but the reverse is assur to be eaten. The reason is, that something that comes from a non-kosher animal is non-kosher and something that comes from a kosher animal is kosher.

GEMARA

- A Mishna says, if a sheep has a firstborn that looks like a goat, or visa-versa, it is patur from bechor. If the offspring looks like the mother a little bit, it is chayuv.
 - **Q:** Where do we know this from? **A: R' Yehuda** says, the pasuk says "ach bechor shor", which teaches that mother must be a cow and the firstborn must be a cow in order for it to be chayuv as a bechor. The pasuk then says "bechor kesev", which teaches that the mother must be a sheep and the firstborn must be a sheep. The pasuk then says "bechor eiz", which teaches that the mother must be a goat and the firstborn must be a goat. We would think that even with a partial resemblance it would be patur. The pasuk therefore says "ach", which limits the exemption to where the offspring does not look like the mother at all.
 - **Q:** Our Mishna says the source is the double use of "peter"! **A: R' Yehuda** holds like **R' Yose Haglili** who gives his source in a Braisa. The machlokes is that our Mishna holds that the Torah taught us this halacha regarding something of monetary kedusha and we learn from there for physical kedusha, and **R' Yose Haglili** says the reverse.
 - **Q:** What does the Tanna of our Mishna do with the pasuk used by **R' Yose Haglili**? **A:** He uses it for the drasha of **R' Yose the son of R' Chanina**, who says that the requirement to offer the eimurin was said regarding a cow bechor, regarding a sheep bechor, and regarding a goat bechor, because we could not learn out one from the other, or even one from the other two. **R' Yose Haglili** says, from the fact that the pasuk says the word "bechor" 3 times, instead of just saying "ach bechor shor, kesev, v'eiz", we can also learn out the other drasha, that an animal is only chayuv as a bechor if it looks like its mother.
 - **Q:** What does **R' Yose Haglili** learn from the double use of "peter chamor"? **A:** He uses it as in a Braisa, and says that a pasuk says that the bechor of a non-kosher animal must be redeemed. We would think that this includes all non-kosher animals. The pasuk therefore says "peter chamor" – only a donkey. We would still think to say that a donkey bechor must be redeemed with a seh, but other non-kosher animals can be redeemed with anything. The pasuk therefore says "peter chamor" again, to teach that only firstborn donkeys must be redeemed, not any other non-kosher animals.
 - **Q: R' Achai** asked, if the pasuk only said peter chamor once we would say that it is something that was in the general category of non-kosher animals and was singled out to teach regarding the whole category, and would therefore teach that all non-kosher animals must be redeemed with a seh. The second peter chamor teaches that the redemption obligation only applies to donkeys, and no other non-kosher animals. Maybe say that the other non-kosher animals are excluded from being redeemed with a seh, but they must be redeemed with something else? **A:** The pasuk could have said "peter chamor tifdeh biseh" and then "chamor tifdeh beseh". The second mention of "peter" teaches that redemption is only needed for donkeys, not other non-kosher animals.
 - **Q:** How does the Tanna of our Mishna learn to exclude other non-kosher animals? **A: R' Pappa** said, "kol miknicha tizachar" is a klal, "shor v'seh" and "chamor" is a prat, which is a klal uprat and therefore only includes what is listed in the prat – only shor, seh, and chamor are subject to bechor, but other animals are not.

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- **R' Yose Haglili** will say that “peter” makes a separation and chamor is therefore not part of the prat. The **Rabanan** say that the “vuv” of “upeter” connects it to the previous pasuk. **R' Yose Haglili** says, if the Torah meant for it to be connected it would not have written “peter” or the “vuv”. The **Rabanan** say, since shor and seh are kedushas haguf and chamor is only kedushas mammon the pasuk made a separation between them with peter. However, the pasuk then connected them with the “vuv” to include chamor in the prat.

-----Daf 1--6-----

- **Q:** If a cow has a firstborn that looks like a donkey, but it is at least a little bit similar to the cow, is it subject to bechor? Do we say that when a goat has a firstborn that looks like a sheep or visa-versa it is chayuv in bechor when the offspring looks a little similar to the mother because the goat and the sheep are both types of kosher animals, and they are both animals whose bechoros have physical kedusha, but in the case of the cow with the firstborn that looks like a donkey, since the cow is a kosher type of animal and the donkey is not, and the bechor of a cow gets physical kedusha whereas the bechor of a donkey only gets monetary kedusha it will not be subject to bechor? Or, maybe we say that since the cow and the donkey are both species that are subject to a law of bechor, this offspring will also be subject to a law of bechor? **Q2:** If you say that since the cow and the donkey are both species that are subject to a law of bechor, this offspring will also be subject to a law of bechor, what about a case where a donkey had a firstborn that looked like a horse? In this case the species of a horse is not subject to bechor and therefore it shouldn't be subject here either, or maybe since the horse is similar to the donkey in that they are both types of non-kosher animals, it does become kodesh? **Q3:** If you say that since the horse is similar to the donkey in that they are both types of non-kosher animals, it does become kodesh, what about the case where a cow has a firstborn that looks like a horse? Do we say that since one is a type of kosher animal and one is a type of non-kosher animal, and since cows are subject to bechor and horses are not, this firstborn is not subject to bechor, or do we say that since it is at least a little similar to its mother that is enough to make it subject to bechor? **A:** A Braisa says, if a kosher animal has a firstborn that looks like a non-kosher animal it is patur from bechor. However, if it looks at least a little like the mother it is chayuv in bechor. Presumably this even includes the case of a cow that gave birth to something that looks like a horse and teaches that it would be subject to bechor!
 - The Gemara says this is not a proof, because it may be referring to the case of a cow that gave birth to something that looks like a donkey.
 - **Q:** Maybe we can answer from a Braisa. The Braisa says, if a cow has a firstborn that looks like a donkey or if a donkey has a firstborn that looks like a horse it is patur from bechor, but if it looks at least a little like the mother it is chayuv in bechor. Now, presumably this last statement refers to both cases and we can answer two of our questions based on the Braisa! **A:** It may be that that statement was only going on the case of the cow that had a firstborn that looked like a donkey.
 - **Q:** If that is true, why did the Braisa give the case of the donkey that had a firstborn that looked like a horse? If it was to teach the first ruling, that it is not subject to bechor, we would know that from the fact that a cow that has a firstborn that looks like a donkey is not subject to bechor even though they are both species that are subject to bechor, which is the first case of the Braisa!? **A:** We would say that it is only in the case of the cow with the firstborn donkey that it is patur from bechor, because they are so different – the cow has horns and split hooves whereas the donkey does not have horns or split hooves. However, in the case of the donkey and the horse, since they are more similar looking we would say that it would be subject to bechor. That is why the Braisa had to give that case as well.

UMAH HEIN BA'ACHILA...

- **Q:** Why did the Mishna have to add general rule that “something that comes from a kosher animal is kosher and something that comes from a non-kosher animal is not kosher”? **A:** It gave the rule to be clear and prevent people from getting mixed up and saying that the offspring of a kosher animal that looks like a non-kosher

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animal is not kosher, and visa-versa. One would mistakenly say so by saying that we follow whatever the offspring looks like. The Mishna is teaching that we follow the mother.

- **Q:** How do we know this halacha? **A:** A Braisa says, “ach es zeh lo sochlu mimaaalei hageira umimafrisei haparsa” teaches that there is an animal that chews its cud and has split hooves and yet we may not eat it – this refers to a kosher animal that is born to a non-kosher animal. Maybe instead say that it refers to a non-kosher animal that is born to a kosher animal (and the pasuk would be explained to mean that there is something that comes from an animal that has split hooves and chews its cud and yet it may not be eaten)? The pasuk therefore says “gamal...tamei hu”, which teaches that “it” – an actual camel is not kosher, but a non-kosher animal born to a kosher animal is kosher. **R’ Shimon** says, “gamal” is written twice in the pesukim, one teaches that a camel born to a camel is not kosher, and one teaches that a camel born to a cow is also not kosher.
 - The **Rabanan** will say that one “gamal” teaches that the camel itself is assur and the other teaches that the milk of a camel is assur. **R’ Shimon** says that the extra word “es hagamal” teaches that the milk of a camel is assur. The **Rabanan** don’t darshen the “es” words in the Torah.
 - **Q: R’ Acha the son of Rava** asked **R’ Ashi**, if not for these drashos we would think that the milk of a camel is mutar? We learn from the pesukim regarding sheratzim that liquids that come from non-kosher creatures are also not kosher!? **A:** We would think that since the fact that even milk of a kosher animal is a chiddush that it is mutar according to the view that it is the blood of the animal that turns into milk, maybe the milk of a non-kosher animal is mutar as a chiddush as well. Even according to the view that the milk is not from the blood, it is still a chiddush to say that it is mutar from a kosher animal, because it comes from a live animal and should be treated as eiver min hachai. Therefore, we would think to say that the milk of a non-kosher animal is mutar through a chiddush as well. The Torah therefore needs to teach that the milk of a non-kosher animal is also not kosher.
 - **Q:** How do we know that the milk of a kosher animal is kosher? It can’t be based on the fact that we know that basar b’chalav is assur so it must be that milk alone is mutar, because maybe milk alone is assur to eat but mutar b’hana’ah whereas basar b’chalav is even assur b’hana’ah!? Even according to **R’ Shimon** who says that basar b’chalav is mutar b’hana’ah we can say that milk by itself is assur to eat and basar b’chalav makes one chayuv in malkus!? It also can’t be based on the pasuk that teaches that the milk of a passul korbon is assur which may suggest that the milk of a regular animal is mutar, because it may be that the milk of a regular animal is assur to eat but mutar b’hana’ah, whereas the milk of a passul korbon is even assur b’hana’ah!? It also can’t be based on a pasuk that says that “let the milk of goats be enough for your food...” because that may mean that the milk should be sold to buy food. **A:** It is from the pasuk that says that Yishai gave Dovid cheese to bring to the war. This must have been to eat, because there is no buying and selling done at war. **A2:** The pasuk praises EY as “flowing milk and honey”. It would not praise with something that is assur to eat. **A3:** Another pasuk tells to go eat wine and milk.
 - **Q:** If we say that from the fact that “gamal” is written twice it was done so for a drasha, what drasha will we make with the fact that “shafan”, “arneves”, and “chazir” are all written twice? Rather, it is not repeated for a drasha, but as a Braisa says, it is repeated to teach regarding one new species of animal!? **A:** If there is a drasha to make, we do so (as we did for “gamal”).

-----Daf 7-----

- A Braisa says, if a sheep has a firstborn that looks like a goat, or visa-versa, it is patur from bechor, but if it looks at least a little like the mother it is chayuv. **R’ Shimon** says it is not subject to bechor unless its head and majority of its body are like the mother.
 - **Q:** With regard to eating this offspring, does **R’ Shimon** require that its head and majority of its body be like the mother in order for it to be mutar? Maybe it is regarding bechor that the pasuk says “ach bechor shor” which teaches that the mother and the firstborn have to be the same, but regarding eating it the Torah says that a camel can’t be eaten, but something that is born with a mutation can be eaten as long as it looks somewhat like the mother? Or maybe we say there is no difference between the laws of bechor and of eating it? **A:** A Braisa says, if a kosher animal has an offspring that is of a non-kosher

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animal it is assur to eat it. If its head and majority of its body are like the mother it is subject to bechor. This must follow **R' Shimon** and we see that he requires this even for eating it!

- The Gemara says this is not a valid proof. It may be that the requirement of having its head and majority of its body like the mother is only for bechor. In fact, since the Braisa stops talking about eating and moves onto the topic of bechor, this would suggest that this requirement is only required for bechor!
 - The Gemara says this is not a valid proof. It may be that he requires this for eating also, and the reason the Braisa stresses the point regarding bechor is because we would think that the pasuk of “ach bechor shor” teaches that having its head and majority of its body like the mother is not enough to make it chayuv in bechor.
- **Q:** Maybe we can answer from a Braisa. The Braisa says, the pasuk says “es zeh lo sochlu mimaaalei hageira umimafrisei haparsa”. The word “zeh” teaches that one may not eat an offspring of a cow that looks *entirely* like a camel, but one would be allowed to eat the offspring if it looked at least a little like the mother. This refers to an offspring from a kosher mother and father, but which looks like a non-kosher animal. One would think that even if the mother is a non-kosher animal the same rule would apply. The pasuk therefore says “sei kvasim v’sei izim”, which **R' Yehoshua** says teaches that both the mother and the father must be of the kosher species. **R' Eliezer** says these words come to teach that if the mother is a kosher animal and the father is not, and the offspring looks like a non-kosher animal, the offspring may still be eaten. Now, this Braisa refers to the offspring as a “non-kosher animal” (which is the view of **R' Shimon**) and yet it says that if it looks at least a little like the mother it may be eaten. This must be what **R' Shimon** holds! **A:** It may be that this Tanna holds like **R' Shimon** regarding one point but not regarding the other. Therefore there is no proof as to what he actually holds with this.
 - **Others** ask a question on this Braisa and by answering that question, they answer the question regarding the view of **R' Shimon** as well. The Braisa spoke of the case where the mother was a kosher animal and the father was a non-kosher animal. How is this possible? **R' Yehoshua ben Levi** said that a kosher animal that mates with a non-kosher animal cannot produce offspring!? **R' Yirmiya** said, the case that is being referred to is where the father was a kosher animal that looked like a non-kosher animal and follows **R' Shimon** who says that such an animal is assur, and yet the Braisa says that if it looks a little like the mother it is mutar! The Gemara says, it may be that this Tanna holds like **R' Shimon** regarding one point but not regarding the other. Therefore, there is no proof as to what he actually holds with this.
 - **Q:** This suggests that **R' Eliezer** holds that when something is caused by two things – one of which is mutar and one of which is assur – the result is mutar, whereas **R' Yehoshua** would hold it is assur. However, we have actually learned the opposite – where an offspring is born to a mother that is a treifa and to a father that is healthy, **R' Eliezer** says it may not be brought as a korban and **R' Yehoshua** says that it may be! **A:** Normally **R' Eliezer** says this type of situation produces an assur product. However, in the case of the kosher mother and non-kosher father, the pasuk says “sei kvasim” and “sei izim” when it could have left out the second “sei”. The fact that it didn’t do so teaches that as long as even the mother alone is a kosher animal the offspring will be kosher. **R' Yehoshua** says, that normally this situation is mutar, but in this case it is assur, because the pasuk uses the plural of “kvasim, izim”, to teach that both parents must be kosher animals.
- We can answer from a Braisa. The Braisa says, **R' Shimon** says that the pesukim say “gamal” twice to teach that even a camel that is born to a cow is assur. However, if its head and majority of its body looks like the mother it is mutar to be eaten. **SHEMA MINA** that **R' Shimon** requires this for eating as well.

SHEHAYOTZEI MIN HATAMEI...

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- **R' Sheishes** asked, what is the halacha with regard to the urine of a donkey – is it assur?
 - **Q:** Why didn't he ask this question regarding the urine of horses and camels? **A:** Their urine is not cloudy and is therefore not similar to milk, and we therefore would say it is simply water and is mutar. However, the urine of a donkey is cloudy. His question is, is it because it is a bodily excretion and is therefore assur or is simply water that became cloudy from the heat of its flesh and is mutar.
 - **R' Sheishes** said, the Mishna says that something that comes from a non-kosher animal is not kosher. It doesn't say "mitamei" but rather says "min hatamei", which comes to teach that the urine is assur.
 - **Others** say that he didn't ask regarding the urine of horses and camels because, people don't drink that. People do drink the urine of donkeys as a remedy for jaundice, that is why he asked about that. He answered that this comes from a non-kosher animal and it therefore is also not kosher.
 - **Q:** A Braisa says that bee honey is mutar because it is not an excretion of the bees. The same should be said for the urine of donkeys!? **A:** He holds like **R' Yaakov** who says that the only reason bee honey is mutar is based on a drasha of the pesukim. Although urine is similarly not an excretion of the animal, since it does not have this drasha it would be assur.
 - With regard to the egglike pieces that come out of a female yachmur, some **Rabanan** thought to say that it is the beitzim of the male and is therefore assur as eiver min hachai. **R' Safra** said that it is actually the zerah of a male deer who mated with it.
 - **R' Huna** said, the skin that covers the face of a newborn donkey is mutar. This is because it is considered to be a discharge, not part of the animal itself.
 - **R' Chisda** said, there is a Braisa that proves this point, because the Braisa says that skin in the case of a human baby is always tahor (even if the fetus or mother have died). We see that it is not considered to be part of the mother or baby.

MISHNA

- If a non-kosher fish swallowed a kosher fish, the kosher fish is mutar to be eaten. If a kosher fish swallowed a non-kosher fish, the non-kosher fish is assur to be eaten. The reason for this is that the swallowed fish did not grow inside the fish that swallowed it.

GEMARA

- The fact that the Mishna says that the kosher fish was "swallowed" by the non-kosher fish, and not that it was simply found inside the non-kosher fish, it seems to be that the reason that it is mutar is only because we know that it was swallowed. If we didn't know that, we would have to assume that this fish grew inside the non-kosher fish and it would be assur. This concern is based on a Braisa that says that non-kosher fish produce offspring internally to the mother's body whereas kosher fish lay eggs.
 - **Q:** Based on this we should still say that the fish that was swallowed was already digested and the fish that we see inside is an offspring of the non-kosher fish!? **A:** **R' Sheishes** said, the Mishna is discussing where the kosher fish was found in the intestines of the non-kosher fish, which means that it was swallowed. **R' Pappa** said, the Mishna is discussing where the kosher fish was found in the throat of the non-kosher fish, which means that it was swallowed. **R' Nachman** said, the Mishna is discussing where the kosher fish was found fully mature in the non-kosher fish, which means that it was swallowed. **R' Ashi** said, most fish only produce offspring of their own species, and since this is not, it is as if we saw it be swallowed in front of us.