



Daf In Review – Weekly Chazarah

Maseches Bechoros, Daf 10 – Daf 11

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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AVAL KADAM HEKDEISHAN...

- **Q:** How do we know this? **A:** A Braisa says, the pasuk regarding a korbon that got a mum and was redeemed says it is like a "tzvi" (a deer). This teaches that just as a deer is patur from bechor, a passul korbon that was redeemed is also patur from bechor. We would think to exclude them from bechor but not from the gifts. The pasuk then says this animal is like an "ayul" which teaches that just as an "ayul" is patur from bechor and from the gifts, a passul korbon that was redeemed is also patur from bechor and from the gifts. Maybe we should say that just as the cheilev of a deer and an ayul are mutar the same should be true for a passul korbon that was redeemed? The pasuk therefore says "ach", which limits the comparison.
 - **Q:** Why would we think it is more likely to exclude them from bechor than from the gifts? **A:** Bechor doesn't apply to all animals (it only applies to firstborns) whereas the gifts do. Therefore it would be logical to exclude them from bechor before excluding them from the gifts.
 - **R' Pappa** asked **Abaye**, if we are taught to compare the redeemed animals to a deer and an ayul, we should say that just as oso v'es beno doesn't apply to a deer and ayul, it should also not apply to the redeemed animals!? **Abaye** said, whether you want to consider the redeemed animals to be like kodashim or like chullin the halacha of oso v'es beno will apply, therefore we will not say that it doesn't apply (we only compare to these chayos in regard to a characteristic that they share with kodashim). **R' Pappa** asked, if so, we should say the same thing regarding the cheilev, and yet the Tanna said that we need the pasuk of "ach" to teach that this comparison should not be made! Rather, we can say that "ach" also teaches that the comparison should also not be made for purposes of oso v'es beno either.
 - **Rava** said, that "ach" teaches that we don't compare the redeemed animals to the deer and ayul for purposes of oso v'es beno. We learn not to make the comparison for purposes of cheilev from the pasuk that says that we may not eat the blood of the redeemed animals. Now, even if it is like a deer its blood is assur! Rather, it must be referring to cheilev, and teaches that the cheilev of the redeemed animals may not be eaten. The reason the pasuk refers to cheilev as blood instead of simply as cheilev is so that we not think that the comparison to a deer removes the kares penalty from eating the cheilev of the redeemed animals.
 - **Q:** The Braisa said that "ach" teaches that the cheilev of the redeemed animals remains assur, so how can **Rava** say that "ach" teaches regarding oso v'es beno? **A:** The Braisa means to say, if the pasuk would not have said "blood" we would say that "ach" teaches that the cheilev is still assur. Now that the pasuk says that the "blood" (which we understand to refer to the cheilev) is assur, we can say that "ach" teaches that oso v'es beno is assur as well.

V'EINAN YOTZIN L'CHULLIN

- **Q:** How do we know this? **A:** A Braisa says that the pasuk that permits the redeemed animal to be eaten is darshened as follows: "tizbach" – it may be shechted but not shorn, "basar" – you may eat its meat but not its milk, "v'achalta" – you may eat it yourself but may not feed it to your dogs. From here we learn that one may not redeem kodashim to be fed to dogs. **Others** say that "tizbach v'achalta" teaches that it is only mutar for consumption after the shechita (but shearing and milking would be assur), however it is mutar to be redeemed to be fed to dogs.

VLADAN VACHALAVAN ASSUR L'ACHAR PIDYONAM

- **Q:** What is the case? If they became pregnant and gave birth after the redemption why would they be assur? They should be no different than the offspring of a deer!? **A:** Rather, the case is that they became pregnant before the redemption and gave birth after the redemption.

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- **Q:** The Mishna implies that if the offspring was born before the mother's redemption they would actually be kadosh. How do we know this? **A:** A Braisa says, the pasuk regarding a shelamim says "zachar" which teaches that the offspring of a shelamim is kadosh like a shelamim, and the word "nikeiva" teaches that the temurah of a shelamim is kadosh like a shelamim. The words "ihm" written before zachar and before nikeiva teach that this is even true for the offspring and temurah of a blemished shelamim.
- **Q:** What is to be done with the offspring that is born after the redemption (they can't be brought as a korbon and can't be sold)? With regard to offspring born before the redemption there is a machlokes – one view is that they may be brought as a korbon and one view is that they are left to graze until they get a mum and are then redeemed themselves. What is the done with the ones born after the mother's redemption? **A:** **R' Huna** said, they are brought into a room and left to die. This is because they can't be offered as a korbon, because they come from a kedusha that has been rejected, and for this reason their kedusha is not even strong enough to allow for their own redemption.
 - In EY they said in the name of **R' Chanina** that right before we redeem the mother the owner should make the fetus kadosh for the same type of korbon that the mother was made kadosh for. When this is done, the mother's redemption doesn't help for it and when it is born it may be redeemed for itself.
- **Q:** Why does the Mishna hold that such offspring are assur? Why don't they become mutar to be eaten with the mother's redemption? **A:** **R' Levi** said, it is a gezeira that if this was allowed people would allow these passul korbanos to linger around so that they can produce offspring, and this lingering would increase the chance that someone would work with or shear the passul korbanos.
- **Ravina** asked **R' Sheishes**, when the fetus is made kadosh before the redemption of the mother (as suggested by **R' Chanina**, above), must it only be made kadosh for the same korbon as was the mother or can it be made kadosh for a different korbon? **R' Sheishes** said, it must be done only for the same type of korbon as the mother. He said this is learned from a gezeira shava on the word "bisharecha" from bechor, which teaches that just as a bechor cannot be designated as any korbon that the owner wants, the same is true for these animals.
 - There is a Braisa that says like **R' Sheishes**. The Braisa says, with regard to kodashim that got a mum before they were made kadosh and were then redeemed, they are chayuv in bechor and the gifts, before and after the redemption one who shears or works with them will not get malkus, before and after their redemption they cannot create a temurah, they are subject to me'ilah before their redemption but not after it, their offspring born after the redemption are chullin and the ones born before their redemption can be redeemed even without a mum and can be designated as any type of korbon. The general rule is, that these animals are considered to be completely chullin, with the only mitzvah being to redeem them and use the proceeds for korbanos. With regard to kodashim that got a mum after they were made kadosh or that had a temporary mum before they were made kadosh and then got a permanent mum and were then redeemed, they are patur from bechor and the gifts, before and after the redemption one who shears or works with them will get malkus, before and after their redemption they can create a temurah, they are subject to me'ilah before their redemption but not after it, their offspring are kodesh and cannot be redeemed without a mum and cannot be designated as any type of korbon (other than that of the mother). The general rule is, that these animals are considered to be completely kodesh, with the only thing being mutar is the allowance to eat them.
 - The "general rule" given in the first part of the Braisa comes to include that one who shechts them outside the Azarah would be patur, and the "general rule" of the second part of the Braisa comes to include its milk and to teach that it is assur.
 - **Q:** The Braisa implies in the second half that the offspring can be redeemed when they have a mum and can be designated for the same type of korbon as the mother. This seems to refute **R' Huna** who said that such offspring must be left to die!? **A:** **R' Huna** would say that the second part of the Braisa says "they cannot be redeemed without a mum" and "cannot be designated for any korbon that the owner chooses" only because the first part of the Braisa said that they can. It is not meant to imply that they can be redeemed with a mum and can be designated for the korbon of the mother.

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- The Gemara quoted a Braisa which said in part, that if a korban got a mum after it was made kadosh and was then shechted outside the Azarah, the shochet would be patur. **R' Huna's** version of the Braisa said that the person would be chayuv. He said the Braisa is referring to a mum like cataracts, which **R' Akiva** says one would be chayuv for shechting outside, since it is the type of mum for which an animal would not be taken off the Mizbe'ach if it was already brought up onto it.
- The Braisa also said that such an animal can create temurah before its redemption and after it. **R' Nachman in the name of Rabbah bar Avuha** said, if a temurah was created based on this animal after its redemption, the temurah animal is left to die. The reason is that it can't be offered is because it comes from kedusha that was rejected. It also can't be redeemed, because its kedusha is not strong enough to allow for redemption.
 - **Q: R' Amram** asked, this temurah should be allowed to be eaten by the owners when it gets a mum just like the temurah of a bechor and of maaser!? **A: Abaye** said, the temurah of a bechor and maaser are treated as a bechor and maaser, which may be eaten by their owners when they get a mum. The temurah of the redeemed korban is treated like the korban and therefore may not be eaten with a mum unless they are redeemed. Since, as explained, they cannot be redeemed, they may not be eaten by their owners.
 - A Braisa says like **R' Nachman**. The Braisa says, how do we know that the temurah of a passul korban (that had a mum and was redeemed) is left to die? The pasuk says "maalei hageira...tamei", which teaches that there is a kosher animal that may not be eaten, and refers to this temurah.
 - **Q:** That pasuk is needed to teach regarding the 5 chataos that are left to die!? **A:** The 5 chataos are learned from "mimafrisei haparsa...tamei". In fact, a Braisa says that as well.
 - **Q:** The 5 chataos are learned from a Halacha L'Moshe MiSinai!? **A:** The pasuk is needed for the case of the temurah of an asham, which must be left to graze until it gets a mum and is then redeemed.
 - **Q:** We learn from a Halacha L'Moshe MiSinai that any time a chatas must be left to die, in the corresponding case of an asham it would be left to graze, to get a mum, and to then be redeemed!? **A:** The pasuk is in fact needed for the 5 chataos that are left to die. We need the pasuk and the Halacha L'Moshe MiSinai for this. If we only had the pasuk we would have said that they should be left to graze and get a mum. The Halacha L'Moshe MiSinai therefore teaches that they should be left to die. If we only had the Halacha L'Moshe MiSinai we would have said that b'dieved if someone ate these chataos he has committed an issur, but not a lav. The pasuk therefore teaches that there is a lav as well. **A2:** The 5 chataos are referred to in the pasuk to create a hekesh between them and the temurah of a korban that was redeemed, to teach that just as the chataos are left to die, these temuros are left to die as well.

MISHNA

- If a Yid accepts animals as a "tzon barzel" arrangement from a goy (the goy provides the animals for a business venture, the two of them share the profits, but the goy is guaranteed the return of the value of the animals that he is providing into this arrangement), the offspring are patur from bechor (when the offspring, i.e. the second generation of the original animal, of the original animal have firstborns, those firstborns are patur from bechor). However, the offspring of those offspring (if there are third generation animals that have been designated to the Yid and they then have firstborns), these are chayuv in bechor. If the Yid said that the goy can collect his guaranteed payment from the offspring of the original animal if the original animal died, then even the offspring of this offspring are patur from bechor when they have a firstborn, but the offspring of the offspring of the offspring will be chayuv when they have a firstborn. **R' Shimon ben Gamliel** says, even up to 10 generations of animals are patur, because they are pledged to the goy for his payment.
- If a sheep has a firstborn that looks like a goat, or if a goat has a firstborn that looks like a sheep, it is patur from bechor. However, if it looks like its mother even a little bit, it is subject to bechor.

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GEMARA

- **Q:** The Mishna seems to say that in a tzon barzel arrangement, as long as the owner of the property has not yet received payment, the property is still considered to be in his possession (as we see that the Mishna says it is patur from bechor). However, another Mishna says that one may not enter into a tzon barzel arrangement with another Yid because it would constitute ribbis – this means it is considered to be in the possession of the partner who is not the owner!? **A: Abaye** said, our Mishna is discussing where the owner kept responsibility for oneis and for depreciation, and that is why the animal is considered to still be in his possession. The other Mishna is discussing where he did not keep those responsibilities, which is why it is no longer considered to be in his possession.
 - **Q: Rava** asked, if he retains that responsibility that would not be called a tzon barzel arrangement!? Also, if there are different types of tzon barzel arrangements, how can the Tanna generalize about them!? Also, in that second Mishna, when it wants to give a case where the arrangement is mutar it says that it is mutar to enter into such an arrangement with a goy. Based on what **Abaye** said, the Mishna should give the case of where the investor retains the responsibility for oneis and depreciation!? **A:** Rather, **Rava** said, both Mishnas are discussing where he did not retain responsibility for oneis and depreciation. In our Mishna the reason that it is patur from bechor is that if the goy is not paid his money he will repossess the animal, and if the animal is not available he will repossess the offspring. Therefore it is considered to be a case of where the hand of the goy is involved, and whenever the hand of a goy is involved it is patur from bechor.

HE'EMID VLADOSEYHEN TACHAS IMOSEYHEN VLADEI VLADOS PITURIM

- **R' Huna** said that the original animal's offspring are patur from bechor, but the offspring's offspring is chayuv. **R' Yehuda** said that the offspring's offspring is patur, but the offspring's, offspring's offspring is chayuv.
 - **Q:** Our Mishna said, if the Yid said that the goy can collect his guaranteed payment from the offspring of the original animal if the original animal died, then even the offspring of this offspring are patur from bechor. This seems to say this is only so when the Yid used the offspring for guarantee of the payment, but if he did not it would be chayuv. This refutes **R' Yehuda**!? **A: R' Yehuda** would say that the halacha would be the same even if the Yid did not say that collection can be from the offspring. The Mishna is teaching that whether the Yid says so or not, the result will be the same – offspring's offspring is patur, but the offspring's, offspring's offspring is chayuv.
 - **Q:** Our Mishna said, **R' Shimon ben Gamliel** says even up to 10 generations of animals are patur, because they are pledged to the goy for his payment. According to **R' Yehuda**, who says that the **T"K** said that multiple generations of offspring are patur, it makes sense why **R' Shimon** then said that even up to 10 generations are patur. However, according to **R' Huna** who said that the **T"K** says it is only one generation that is patur, **R' Shimon** should have stated his argument by saying that even the next generation is patur as well!? **A: R' Huna** would say that **R' Shimon** is going on the case of where the Yid said that the goy could collect payment from the offspring, in which case even the **T"K** agrees that it is multiple generations that are patur.
 - **Q:** Our Mishna said, if a Yid accepts animals as a "tzon barzel" arrangement from a goy the offspring are patur from bechor, but the offspring of the offspring are chayuv. This refutes **R' Yehuda**!? **A: R' Yehuda** would say to change the Mishna to say that "they and their offspring (the third generation) are patur from bechor".
 - **Others** said that our Mishna says, "they and their offspring are patur" (referring to the third generation). This refutes **R' Huna**!? **R' Huna** would say that the Mishna should be read to say that the original animal and its offspring are patur, but the third generation would be chayuv.

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RACHEL SHEYALDA MIN EIZ...

- **R' Oshaya** came from Neharda'ah and taught a Braisa that said, with regard to a sheep that was born to a goat, and a goat that was born to a sheep (a mutated offspring), **R' Meir** said it is chayuv and the **Chachomim** said it is

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patur. **R' Hoshaya** said to **Rabbah**, when you go to **R' Huna** ask him, what halacha does **R' Meir** say it is chayuv in? It can't be for bechor, because surely **R' Meir** darshens the pasuk of "ach bechor shor" to teach that a mutated offspring is patur! It also can't be regarding reishis hageiz, because surely he holds of the Braisa of the **Tanna Divei R' Yishmael** which said that it does not apply to goat-like hair!? **R' Huna** answered, the Braisa is referring to where the mother was a sheep, the father was a goat, and the offspring looked like a goat, and the machlokes in the Braisa is whether we concern ourselves with the species of the father for purposes of oso v'es beno – **R' Meir** says that we do and the **Rabanan** say that we do not.

- **Q:** If this is the machlokes, why don't they simply argue about that directly!? **A:** Rather, the Mishna is discussing the halacha of bechor, and the Braisa is discussing a case where a goat had an offspring that looked like a sheep, which then had its own offspring that also looked like a sheep. **R' Meir** says we follow the mother and this offspring is therefore not mutated and is subject to bechor. The **Rabanan** say that we also look to the grandmother, and by doing so we categorize this sheep as mutated and therefore not subject to bechor. **A2:** We can say the case is that a sheep had offspring that looked like a goat, which then had offspring that looked like a sheep. **R' Meir** says that the grandchild is considered to be looking like its true species and is therefore not mutated, and the **Rabanan** say that it is mutated compared to its mother and is therefore patur. **A3:** The case is where the offspring looked like the mother at least a little bit. **R' Meir** says that is enough to make it chayuv in bechor and the **Rabanan** is the view of **R' Shimon** who says it is not chayuv unless its head and most of its body looks like the mother.
- **R' Yochanan** said, **R' Meir** would agree that the goat used for the Rosh Chodesh korbon must be a goat born to a goat. This is based on the pasuk which refers to it as "echad", which teaches that it must be the one that is distinct all the way back to Creation.
 - **Q:** This is not learned from that pasuk, it is learned in a Braisa the pasuk of "shor oy cheshev" which excludes kilayim, "oy eiz" which excludes a mutated animal!? **A:** If we only had the pasuk of the Braisa we would say that it is only passul when it doesn't look like its mother, but if it does, then even if it looked like a species different than its grandmother it would be valid. That is why we need the other pasuk. If we only had the pasuk of "echad" we would say that a mutated animal is only problematic for an obligatory korbon like that of Rosh Chodesh, but not for a nedava. Therefore we need the Braisa as well.
- **R' Acha bar Yaakov** said, all agree that the wool of the mutated offspring of a sheep would not make one chayuv for shatnez if he wore it with linen. The hekesh in the pasuk between "tzemer" and "pishtim" teaches that just as linen is always of nonmutated, pure pedigree, the same must be for the wool.
 - **R' Pappa** said, all agree that such wool would be passul to be used as techeiles for tzitzis. This is based on the hekesh of shatnez to tzitzis.
 - **R' Nachman bar Yitzchak** said, all agree that such wool could not become tamei with tzaraas. This is based on the pasuk of "b'beged tzemer oy b'beged pishtim" which creates a hekesh between the linen garments and the wool garments...
 - **R' Ashi** said, based on this, if someone had a grapevine hang over a fig tree the wine produced with those grapes would be passul for nesachim. This is based on the pasuk of "zevach unesachim", which creates a hekesh between korbanos and the nesachim and teaches that just as the korbon can't be mutated, the same is true for the wine.
 - **Q:** **Ravina** asked, would this even be true for a grapevine that was hanging over a thorn bush? If so, we can also find a case of linen that is considered "mutated" – when it grew over a thorn bush!? **A:** **R' Ashi** said, the wine of such a grapevine will have a different fragrance than regular wine, whereas such flax has the same fragrance as regular flax.

MISHNA

- If a sheep has never given birth and then gives birth to two males and their heads emerge at the same time, **R' Yose Haglili** says both of them must be given to the Kohen, as the pasuk says "hazecharim (plural) LaShem". The

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Chachomim say it is impossible that they were born at exactly the same moment and therefore only one must be given to the Kohen and the other may be kept by the owner.

- **R' Tarfon** says that the Kohen chooses the better of the two for himself and **R' Akiva** says the difference between the value of the two babies is split between the Kohen and the owner. The animal that is kept by the owner is allowed to graze until it gets a mum and may then be shechted and eaten. The animal would be chayuv in the gifts, but **R' Yose** says it would be patur.
- If one of the babies died, **R' Tarfon** says they divide the remaining baby between them, and **R' Akiva** says “hamotzi meichaveiro alav haraya” and the Kohen therefore gets nothing.
- If the twin babies that were born together are a male and a female, the Kohen does not get anything.

GEMARA

- The **Divei R' Yannai** said, we have heard that according to **R' Yose Haglili** it is possible to say that things happened at exactly the same moment even in matters controlled by Heaven (the birth of two babies) and certainly this can be said about things done by people. According to the **Rabanan** who say that we can't say this regarding matters controlled by Heaven, would we say this regarding matters done by people? **A:** Maybe we can answer from a Mishna that says that there was a chut hasikra (a red line) that encircled the Mizbe'ach at its midpoint, which would separate between the “upper bloods” and the “lower bloods”. Now, if matters done by people can't be exact, that would mean that bloods that are supposed to be above the midpoint would sometimes be put below the midpoint, and visa-versa! It must be that this can be exact!
 - The Gemara says this is not a proof. It may be that the red line was made wide enough to give allowance to a point which was definitely above and below the midpoint.
 - **Q:** Maybe we can answer from the required measurements of the keilim and the Mizbe'ach. It must be that they were made exactly to size!? **A:** It may be that the Torah required that it be done to the best of our ability and didn't actually require it to be 100% exact.
 - **Q:** **R' Katina** said, a Braisa discusses an earthenware oven that breaks in two pieces and says that even if they seem to be in equal sizes we must treat them as being of unequal size. We see that even in matters done by people we cannot say that we can get to an exact same amount!? **A:** A broken earthenware keili is different, because the jagged edges make it difficult to measure.
 - **Q:** A Mishna says that **R' Eliezer** says, if a murder victim is found to be exactly equidistant between two cities, they must each bring an eglah arufah. This must mean that he holds that with matters done by people we can say that we can get to an exact amount and he holds that when the pasuk says “krova” (the closer city) it includes even multiple cities that are closest!? **A:** It may be that **R' Eliezer** follows **R' Yose Haglili** who holds that it is possible to say that things happened in an exact way in matters controlled by Heaven and certainly this can be said about things done by people.
 - **Q:** Maybe we can say that this is the subject of a machlokes among Tanna'im. A Braisa says, if a murder victim is found to be exactly equidistant between two cities they would not do the eglah arufah process. **R' Eliezer** says both cities would bring an eglah arufah. Maybe we can say that the **T”K** holds it is not possible to be exact and **R' Eliezer** holds that it is? **A:** If that is true, why wouldn't they bring an eglah arufah according to the **T”K**? The two cities should together bring one and then stipulate that it should be counted for whichever city is truly closer!? Rather, it must be that all agree that it is possible to be exact. The machlokes is whether we say that the pasuk of “krova” teaches that only the single nearest city brings it, but if there is more than one nearest city an eglah arufah is not brought, or does it mean that even if there are multiple closest cities we would bring multiple eglah arufos.
 - **Q:** How do we ultimately come out regarding this issue? **A:** **R' Chiya bar Avin in the name of R' Amram** said, a Braisa says, if a murder victim is found to be exactly equidistant between two cities **R' Eliezer** says they must each bring an eglah arufah, but the **Chachomim** say the two cities should together bring one and then stipulate that it should be counted for whichever city is truly closer. Now, if the **Rabanan** hold that it is possible to be exact and the pasuk of “krova” means to include even multiple cities, then they should say that each city should bring its own eglah arufah!? If they hold that “krova” means an eglah arufah is only brought when there is a single closest city, then neither city should bring an eglah arufah!?

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Rather, it must be that the **Rabanan** hold that it is not possible to be exact even when dealing with matters of people. **SHEMAH MINAH!**

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R' TARFON OMER HAKOHEN BORER LO ES HAYAFEH

- **R' Tarfon** holds that the healthier animal is the one that must have emerged first and that is why the Kohen gets the better animal.

R' AKIVA OMER MISHAMNIN...

- **R' Chiya bar Abba in the name of R' Yochanan** said, this means that the Kohen takes the weaker animal. **R' Chiya bar Abba** asked **R' Yochanan**, the Mishna says that they split the difference between the two animals that are born so how can you say that it means that the Kohen just gets the weaker animal? **R' Yochanan** said, in the later part of the Mishna it says that if one of the animals died **R' Akiva** said the Kohen doesn't get anything, because hamotzi meichaveiro alav haraya. If in the earlier part he means the difference gets divided between them why doesn't he say that in later case also? Rather, in the earlier part of the Mishna he means that the "issue" between them is the difference in value between the two animals, but the Kohen is not entitled to any of that, because hamotzi meichaveiro alav haraya.

V'HASHEINI YIR'EH AHD SHEYISTA'EIV...

- **Q:** Why does **R' Meir** say that this safek bechor is subject to the gifts? We should say hamotzi meichaveiro... and the Kohen should therefore not get them!? **A: R' Yochanan** said, the Kohen comes at the owner from two sides – if this animal is a bechor he deserves the entire animal and if it is not he deserves the gifts. Therefore, at the very least he is entitled to the gifts.
 - **Q:** Why does **R' Yose** say he is patur from the gifts? **A: Rava** said, the **Rabanan** treated the Kohen as if he was koneh the animal as a bechor even though he was not koneh it, and it is then treated as if it was sold to the Yisrael with its mum in exchange for the other animal. That is why it is patur from the gifts.
 - **R' Elazar** said, all agree that in the case of a single safek bechor, where we cannot treat it as having been given to the Kohen and then exchanged with the Yisrael, that it would be chayuv in the gifts.
 - **Q:** Presumably the "all agree" is meant to refer to **R' Yose**. However, this would seem obvious based on the logic of **R' Yose** as explained above!? **A:** We would think to say that if we make this animal chayuv in the gifts it may lead to the owner working with or shearing the animal. **R' Elazar** therefore teaches that it would still be chayuv in the gifts.
 - **Q:** The next Mishna clearly says that **R' Yose** holds that whenever we can treat it as having been given to the Kohen and then exchanged with the Yisrael it is patur from the gifts. This implies that when there is only one animal it would be chayuv! Obviously he is not concerned for the mentioned gezeira, so why did **R' Elazar** have to state his teaching!? **A:** We would have thought that **R' Yose** was talking to **R' Meir** and saying, "According to me the animal is patur from the gifts even when it is just a single animal, because of the concern that if it was chayuv in the gifts it would lead him to work with or shear the animal. However, you **R' Meir** should at least agree with me that in a case where we can treat it as having been given to the Kohen and then exchanged with the Yisrael it is patur from the gifts!" To that, **R' Meir** responded that he does not agree and it is chayuv.
 - **R' Pappa** said, all agree that in the case of a safek maaser animal it would be patur from the gifts.
 - **Q:** Presumably, the "all agree" is meant to refer to **R' Meir**. However, this would seem obvious based on the logic of **R' Meir** that he is chayuv in the case of bechor only because the Kohen comes at the owner from both sides. This doesn't apply in the case of maaser and it is obvious that he would therefore agree and say that it is patur!? **A:** We would think to say that the reason **R' Meir** says the safek bechor is chayuv is so that

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the concept of the gifts not be forgotten. That logic would equally apply to the case of safek maaser.

- **Q:** The next Mishna says that the logic of **R' Yose** for the safek bechor is that it is treated as having been given to the Kohen and then exchanged with the Yisrael. This logic does not address the concern that the concept of the gifts may be forgotten, rather it addresses the concern that the Kohen comes at the owner from both sides. It must be that **R' Meir's** logic is that the Kohen comes at the owner from both sides and that is what **R' Yose** is trying to address!? **A:** We would think to say that **R' Meir** says that even a safek maaser is chayuv in the gifts, and the reason the Mishna states the logic as being that the Kohen comes at the owner from both sides is to teach that even there **R' Yose** says he is patur. Therefore, **R' Pappa** had to teach that according to **R' Meir** a safek maaser will be patur from the gifts.

MEIS ACHAD MEYHEN R' TARFON OMER YACHLOKU

- **Q:** Why do they divide it? We should determine – if it was the healthier animal that died we can know that it was the Kohen's that died (based on **R' Tarfon's** logic above), and if it was the weaker one that died we can know that it was the owner's that died!? **A:** **R' Ami** said, **R' Tarfon** retracted from that line of thought (rather, it is not always the healthier one that is born first).

R' AKIVA OMER HAMOTZI MEICHAVEIRO ALAV HARAYA

- **R' Chiya bar Abba in the name of R' Yochanan** said, **R' Tarfon's** view can be explained with a mashal – it is like two people who each gave their animal to be watched by a shepherd and one of the animals died (but they don't know whose it was), in which case the shepherd "places the animal between them" (it is divided between them). The view of **R' Akiva** can be explained with a mashal as well – it is like a person who gave his animal to a baal habayis to watch, who placed the animal among his herd and an animal was later found to have died (but they don't know whose animal it was), in which case we would say hamotzi meichaveiro alav haraya and the baal habayis would keep the animal.
 - **Q:** If **R' Tarfon** and **R' Akiva** are discussing different cases, in what case do they argue? Presumably they would each agree with the other in the other's case!? **A:** **Rava** (or **R' Pappa**) said, they would agree in the case of the two people who gave animals to a shepherd and in the case of the person who gave an animal to a baal habayis. They argue in the case where the twins were born in the chatzer of the owner and where the shepherd is a Kohen. In that case **R' Tarfon** holds that the owner surely gives the Kohen rights to his chatzer to effect a kinyan on a bechor that is born, because he is happy to have a mitzvah done with his possessions. Therefore, this is similar to the case of the two people who each give an animal to the shepherd to watch. **R' Akiva** says, since giving rights in the chatzer would cause a loss to the owner, he would not give rights to the Kohen. Therefore, this is similar to the case of the one person who leaves an animal with the baal habayis and the halacha is that hamotzi meichaveiro alav haraya.

MISHNA

- If someone has two sheep that have never given birth and they give birth to two males (one each), both are given to the Kohen. If one male and one female were born, the male must be given to the Kohen. If two males and one female were born, one male is kept by the owner and one is given to the Kohen. **R' Tarfon** says the Kohen chooses the better of the two males and **R' Akiva** says the difference in value between the two males is "between them" (the Gemara earlier explained this to mean that the owner keeps the better of the males for himself), and the one kept by the owner is left to graze, get a mum, and may then be shechted and eaten. The animal kept by the owner is chayuv in the gifts. **R' Yose** says it is patur from the gifts. If one of the males died, **R' Tarfon** says the remaining one is divided between them, and **R' Akiva** says hamotzi meichaveiro alav haraya. If two females and one male are born, or if two females and two males are born, the Kohen does not get anything.
- If someone has two sheep – one of which has already given birth and the other of which has not yet given birth – and two males are born (one each), one is given to the Kohen and one is kept by the owner. **R' Tarfon** says the Kohen chooses the better of the two males and **R' Akiva** says the difference in value between the two males is "between them" (the Gemara earlier explained this to mean that the owner keeps the better of the males for

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himself), and the one kept by the owner is left to graze, get a mum, and may then be shechted and eaten. The animal kept by the owner is chayuv in the gifts. **R' Yose** says it is patur from the gifts, because **R' Yose** says that anytime the Kohen gets one of two animals that are a safek, the one kept by the owner is patur from the gifts. **R' Meir** says it is chayuv in the gifts. If one of the males died, **R' Tarfon** says the remaining one is divided between them, and **R' Akiva** says hamotzi meichaveiro alav haraya. If they gave birth to one female and one male, the Kohen does not get anything.

GEMARA

- Although the general rules of this Mishna are the same as those of the last Mishna, both Mishnayos are necessary. If we only had the first Mishna we would say that it is only there that **R' Akiva** says the Kohen doesn't get the better animal, because since they are both coming from one animal we have no reason to assume that the better one is the bechor. However, in our Mishna, where one animal had twins and one didn't, we would think to say that the one born alone is certainly the better one and therefore **R' Akiva** would agree with **R' Tarfon** that the better one should be given to the Kohen. If we only had the second Mishna we would say that only in the case where there were two animals that had never given birth can we say that we don't know for sure which one is the bechor. However, when we have one animal that had given birth and one that had never given birth we would think to say that the one that had never given birth produces a superior animal and therefore **R' Akiva** would agree with **R' Tarfon** that the better one should be given to the Kohen. This is why it was necessary to teach both Mishnayos.

----- Daf 19 -----

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

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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.

HADRAN ALACH PEREK HALOKEYACH UBAR PARASO!!!

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).

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- 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.

AMAR R' AKIVA ANI LO VASI LIDEI MIDAH ZU...

- **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

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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).

----- Daf נז ---21-----

- A Braisa says, if a goat gave birth to female triplets and each of the triplets then gave birth to triplets in their first year as well (there are 12 goats that were born in this same year), they all enter the pen together for purposes of maaser. **R' Shimon** said, I once saw that the offspring of a single goat were together subject to maaser.
 - **Q:** Why does the Braisa have to say that each of the triplets had triplets (for a total of 12)? Why couldn't it say that one of the triplets had triplets and the other two had twins (for a total of 10 animals)?! **A:** Since one of the triplets had to have triplets to produce this result, the Tanna says that all of them had triplets.
 - **Q:** Why couldn't the Tanna say that each of the triplets had twins (for a total of 9 animals) and the original goat then gave birth to another goat again that year (to bring the total to 10)? Shall we say that the Tanna holds that a goat cannot give birth within a year after it had an episode of "tinuf"? **A:** It may be that it can give birth within a year after a tinuf, but it certainly cannot give birth within a year after having given birth.
 - **Q:** What is the difference between the **T"K** and **R' Shimon**? **A:** The difference is that the **T"K** holds of **Ze'iri** (that after a tinuf a goat cannot become pregnant for 30 days) and **R' Shimon** does not. **A2:** All agree with **Ze'iri**, but they argue whether the pregnancy of small animals can be less than complete months – the **T"K** says it cannot be less than 5 complete months and **R' Shimon** 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 **T"K** says it is not considered to be a full day and **R' Yehoshua** says that it is. **A4:** All agree that a partial day is considered to be a full day. The machlokes is whether an animal that is not yet old enough to be brought on the Mizbe'ach (a "premature animal") is still counted among the animals of the year for purposes of maaser. In fact, a Braisa says that **R' Shimon ben Yehuda in the name of R' Shimon** says, a premature animal is counted among the animals of the year for purposes of maaser, and this is learned from bechor – just as a bechor becomes kadosh before it can be brought on the Mizbe'ach and is only brought when it becomes eligible to be brought, the same is true with a premature animal for purposes of maaser, it becomes kadosh even when it is premature and is only brought when it is old enough.
 - **Q:** Instead of learning maaser from bechor, we should instead learn maaser from other korbanos and learn that just as they cannot be made kadosh until they are fit to be brought on the Mizbe'ach, the same is true for maaser!? **A:** It is logical to learn maaser from bechor, because they are similar in that they cannot be redeemed, they both can become kadosh with kedushas haguf even if they already have a permanent mum, the temurah of both of them is not offered on the Mizbe'ach, and when they get a mum they may be eaten without redemption.
 - **Q:** Maybe it is more logical to learn maaser from other korbanos, since they are similar in that they need not be a male, they must be made kadosh, are not a gift to the Kohen, and apply to all animals (not just firstborns)!? **A:** **R' Shimon** learns maaser from bechor based on a gezeira shava of "havara".
- **Q:** What is "tinuf"? **A:** **Rava** said, it is the type of discharge regarding which the shepherds of Tzalsa would say "the womb has been squashed and the fetus has disintegrated". **Shmuel** said it refers to bubbles of blood that come from the womb.
 - The discharge must be shown to a chochom to determine whether the blood actually contains parts of a fetus.
 - **Q:** How would a chochom be familiar with this? **A:** **R' Pappa** said, it means it is brought to a shepherd who is an expert in this area.
 - **R' Chisda** said, the **Rabanan** have said that the creation of a human embryo takes 40 days. He asked, how long does it take for the embryo of an animal? **R' Pappa** said to **Abaye**, isn't this what is referred to

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by **Ze'iri** when he said that a “tinuf” is not less than 30 days? The Gemara says this not what **Ze'iri** meant. He was referring to the fact that after a tinuf the female will refuse to mate for 30 days.

- **Q:** Our Mishna has taught the halachos when buying an animal from a goy. What is the halacha when buying an animal from a Yid? **A: Rav** said, the first offspring it has is considered to be a definite bechor, because if it already had given birth, the seller would have mentioned that as a selling point. **Shmuel** said it is a safek bechor, because it may be that the seller thought it was being sold for slaughter and would not be kept around to produce offspring and that is why he never mentioned it. **R' Yochanan** said it is definitely *not* a bechor, because if it had never given birth the seller would have mentioned this to the buyer to prevent him from being over an issur.
 - There is a Braisa that says like **R' Yochanan**. The Braisa regarding oso v'es beno says that if the seller didn't mention that the parent or offspring of the animal being sold was shechted that day, the purchaser does not need to be concerned that it was.
 - **Q:** Shall we say that the Braisa refutes **Rav and Shmuel**? **A:** The cases can't be compared. In the case of oso v'es beno it is the obligation of the seller to notify the buyer (as can be darshened from the pasuk), whereas in the case of bechor it is the obligation of the owner (the buyer) to determine whether the animal is a bechor.