Daf In Review – Weekly Chazarah

Maseches Bechoros, Daf כב – Daf כח

Daf 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

----------Daf כב---22----------

MISHNA

- **R' Eliezer ben Yaakov** said, if a large animal that had never given birth discharges a "cookie of blood", it must be buried and this animal's future offspring are patur from bechor.

GEMARA

- **R' Chiya** taught a Braisa that added that this blood does not give off tumas neveila through touching or carrying (i.e. there is no tumas neveila).
    - **Q:** If it is not a neveila (which presumably means we do not consider it to be the disintegrated fetus of a bechor) why must it be buried? **A:** We do so to make it known to all that this animal is now patur from bechor (from its future offspring being subject to bechor).
        - **Q:** That means we view the discharge as the fetus of a bechor. If so, why does it not have tumas neveila? **A: R' Yochanan** said, it is because the fetus becomes batul is the rest of the discharge. **R' Yochanan** follows his view of elsewhere where he says that **R' Eliezer ben Yaakov** (of our Mishna) and **R' Shimon** say the same thing. The reference to **R' Shimon** is his view in a Mishna where he says that if a woman gave birth to a "shilya" it does not give off tumas ohel, because the baby that is disintegrated in it becomes batul to the rest of the shilya.
- A Mishna says, a "neifel" is not considered to have opened its mother's womb (which would then give off tumas meis of the neifel) unless its head is the circumference of a "pika" (tool used when spinning threads), which **R' Huna** explained to refer to the pika used for wool.
    - **R' Chiya bar Rav** asked **R' Huna**, does this refer to the pika of the "shesi" or the "eirev"? He answered, a Braisa says it is a machlokes – **R' Meir** says it refers to the shesi, **R' Yehuda** says it refers to the eirev, and **R' Elazar the son of R' Tzadok** says the womb is considered to be open when the "tefifiyos" can be seen.
        - **R' Yehuda in the name of Shmuel in the name of R' Elazar the son of R' Tzadok** said that "tefifiyos" was explained in Yerushalayim to refer to the size of the opening of the womb that takes place when a female mule crouches to urinate.
    - **R' Huna** said, I heard two rulings that refer to a pika – one of sheshi and one of eirev – but I don't know what the rulings were. **R' Dimi in the name of R' Yochanan** said that he heard three rulings that refer to a pika – one of sheshi and one of eirev and one of the type used for weaving sackcloth – but I don't know what the rulings were. **Ravin in the name of R' Yochanan** said, with regard to the opening of the womb of a woman we use the pika of the shesi, with regard to an animal we use the pika of the eirev, and the large pika used for sackcloth is used to measure the amount of earth that comes from a "beis hapras" or from chutz laaretz that would give off tumah.
- **Reish Lakish** in the name of **R' Yehuda Nesiah** said, if one buys "tzir" (the liquid exuded by fish when they are salted, which is then mixed with water) from an ahm haaretz (food of an ahm haaretz is considered to be tamei), he may put it into contact with mikvah water and it is then considered to be tahor. There are two possibilities – that the tzir has a majority of water or that the minority is water. In either case this process would make it tahor – if the water is the majority the contact with the mikvah makes it tahor, and if the water is the minority, it would become batul to the rest of the tzir which cannot become tamei and need not even come into contact with the mikvah water.
    - **R' Yirmiya** said, this is only true when the tzir will be used for dipping bread. However, if it will be added as an ingredient to a pot, this process will not work, because the water then combines with the water of the pot and "reawakens" it, so although the water was the minority and therefore the contact with the

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mikvah accomplished nothing for it, it now joins with the water in the pot and becomes the majority over the tzir and makes it tamei.

- **R' Dimi** repeated this and **Abaye** asked, does tumah that became batel have the ability to become reawakened!? **R' Dimi** said, don't you agree that it does? A Mishna says that if a se'ah of tamei terumah fell into 100 se'ah of tahor chullin, **R' Eliezer** says we must remove one se'ah from the mixture and it should be left to decay for we say that the one that was removed was the one that fell in. The **Chachomim** say the se'ah that fell in becomes batel, and the entire mixture should be eaten dried, toasted, or kneaded with fruit juice, or may be kneaded with water if it is divided among many doughs as long as there is never a kebeitzah of the tamei terumah in one place. A Braisa asks, according to **R' Eliezer**, how does one eat the remaining 100 se'ah (after removal of the one se'ah)? The Braisa says, it must be eaten dried, toasted, or kneaded with fruit juice, or may be kneaded with water if it is divided among many doughs as long as there is never a kebeitzah of the tamei terumah in one place. **Ulla** explained the Braisa as based on a gezeira that one may add tamei chullin to the mixture thinking it will become batel, when in truth the tamei left in the mixture will be reawakened and will not remain batul. **R' Dimi** asked **Abaye**, surely you agree with this!? **Abaye** said, that is a case of a tamei item reawakening another tamei item. Our case with the water is *tahor* water mixing with the tamei water and yet **R' Yirmiya** is saying that it reawakens it!

----------Daf כג---23----------

- The Gemara has stated that tumah can reawaken other tumah.
  - **Q:** A Mishna regarding parah adumah says, if the parah adumah ashes (which give off tumah when touched or carried) become mixed with regular ashes, we follow the majority of the ashes to decide on tumah – if the majority is of regular ash the mixture does not give off tumah. Now, if tumah has the ability to be "reawakened" that means that the tumah is there the entire time and never really disappears. It makes sense why one does not become tamei by touching it, because we say that he only touched the ashes of the majority. However, why wouldn't he become tamei if he carries the mixture? The parah adumah ashes are still there and have their tumah!? **A:** We have actually learned that **R' Yose the son of R' Chanina** said that the mixture doesn't give off tumah via touching but *does* give off tumah via carrying the mixture.
  - **Q:** We find that **R' Chisda** says that neveila becomes batul in shechted meat since neveila cannot become shechted meat. Now, we can understand why it would become batul and wouldn't give off tumah from touching the mixture, but why would it not give off tumah from carrying the mixture!? **A:** We have actually learned that it does not give off tumah through touching, but would give off tumah through carrying.
  - **Q:** We learned previously that **R' Chiya** taught a Braisa on our Mishna that taught that the "cookie of blood" that contained the disintegrated fetus does not give off tumah by touching it or by carrying it (because it becomes batul in the other contents of that blood). Now, it makes sense that it would not give off tumah though touching it, but why wouldn't it give off tumah through carrying it!? **R' Yirmiya** remained silent in the face of this question. **A:** The Gemara says, maybe the reason it does not give off tumah is because this fetus is a form of putrid and decomposed tumah, which therefore doesn't give off tumah.
    - **Q:** This may be true according to **Bar Padda** who says that stringent tumah (like neveila) only gives off tumah as long as it would still be eaten by a ger, and lenient tumah only gives off tumah for as long as it would still be eaten by a dog – since this is not fit to be eaten by a ger it does not give off tumah. However, according to **R' Yochanan** who says both types of tumah give off tumah for as long as they are fit to be eaten by a dog, this cookie of blood should give off tumah!? This remains a KASHYEH.
    - **Bar Pada** bases his view on the pasuk of "lo sochlu kol neveila lager", which teaches that only something that is fit for a ger is considered to be neveila. **R' Yochanan** says the pasuk comes to

teach regarding meat that was decomposed and not fit for human consumption before the animal even died. **Bar Pada** says, such meat doesn't need a pasuk to teach that it is not neveila, because it is mere dust.

- **Q:** Our Mishna gave the case of the animal that discharged a "cookie of blood" and a Braisa then said that this blood does not give off any tumah. **R' Yochanan** explained, the reason it gives off no tumah is because the majority of the blood is made of things other than the decomposed fetus. Now, according to what was just said, **R' Yochanan** should say that the reason it doesn't give off tumah is because it was never fit for human consumption!? **A:** If the mother would have ben shechted before discharging this cookie of blood, this could have been eaten based on the mother's shechita, and would have in fact been eaten and would therefore have given off tumah. The only reason it does not give off tumah is because it becomes batul to the other items in the blood.

- A Mishna says, **R' Eliezer ben Yaakov** says, if there is tahor tzir into which fell a small amount of water, it becomes tamei. **R' Nachman in the name of Rabbah bar Avuha** said, we learn from here that an ahm haaretz is suspected of making tzir using 50% water and 50% fish juice (therefore, adding a little more water makes it the majority).
    - **Q:** Why do we need to say that they use 50% water, which along with the added water makes the water the majority? Why not say that they use almost 50% water, which along with the added water will make the mixture to have 50% water, and since it is no longer the minority it cannot become batul!? **A:** That is actually what the Braisa should be understood as saying. **A2:** Tumah of an ahm haaretz is only D'Rabanan, and tumah of liquids is only D'Rabanan. Therefore, the **Rabanan** were only goizer when there is a majority of water in the mixture, but were not goizer when there was only 50% water in the mixture.

MISHNA

- **R' Shimon ben Gamliel** said, if one buys an animal that is nursing a baby animal from a goy, we are not concerned to say that maybe it is not its baby, but it instead is nursing the baby of another animal. Rather, we say it is its own baby and therefore the baby that it has next will be patur from bechor.
- If a person enters his flock and sees that animals that had never yet given birth are now nursing a baby (their babies are certainly bechors) and there are also animals that had already previously given birth which are now nursing new babies (their babies are not bechors), we don't have to be concerned that maybe the babies of one animal went to nurse from another mother. Rather, we say that the baby nursing from each mother is the baby that was just born to that mother (and therefore the baby animals that were nursing from the animals that had never given birth before are bechors, and the ones nursing from animals that had already given birth are not bechors).

GEMARA

- **R' Nachman in the name of Rav** said, the halacha follows all the rulings stated in the Mishnayos of this perek, except when there is a machlokes in the Mishna.
    - **Q: R' Sheishes** said, **Rav's** ruling doesn't make sense. He couldn't have said it to teach the halacha in the first Mishna, because that Mishna has a machlokes between **R' Yishmael and R' Akiva**! It can't be referring to the ruling of **R' Eliezer ben Yaakov** in the second Mishna, because we have a general rule that the halacha always follows **R' Eliezer ben Yaakov** in the Mishna! It can't be referring to **R' Shimon ben Gamliel** in our Mishna, because there is a Braisa that argues on him! You also can't say that he refers to the ruling of **R' Yose ben Hameshulem** in the later Mishna, because **Rav** already clearly said that the halacha follows **R' Yose ben Hameshulem**! The only other choice is to say that he was referring to the status of the hair of a bechor that has a mum, which is discussed in the last Mishna of the perek. However, that also can't be, because that matter is a matter of machlokes in the Mishna between **Akavya ben Mahalaleil and the Rabanan**! **A: Rav** made the statement to refer to **R' Shimon ben Gamliel**

in our Mishna, and he is teaching that a Braisa is not considered to be a machlokes with what is stated in a Mishna.

- **Q:** Since **Rav** says that the halacha follows all the rulings of the Mishna except where there is a machlokes, why did he separately have to state that the halacha follows **R' Yose ben Hameshulem**? **A:** If he wouldn't have said that the halacha follows **R' Yose** we would have thought that that is what he meant when he said that the halacha follows all the rulings of the Mishnayos since **R' Yose** states two rulings, and we would have said that he did not refer to the ruling of **R' Shimon** because he is argued on by the Braisa, and an argument from a Braisa is considered to be a full machlokes. Therefore, he separately stated that the halacha follows **R' Yose** and then said the halacha follows the rulings of the Mishnayos, which can't be referring to **R' Yose** (since he already paskened like him) and must instead be referring to **R' Shimon**, which teaches that the machlokes from the Braisa is not considered to be a machlokes for these purposes.
  - The Gemara then quotes the Braisa which brings the view of the **Rabanan** who argue on **R' Shimon ben Gamliel**.

----------Daf כד---24----------

- The Gemara has just said that **R' Shimon ben Gamliel** said that we can assume that when an animal is nursing a baby it must be that it is its own baby.
  - **Q:** Is this assumption true only when the animal hadn't just given birth, but if it had just given birth we must be concerned that it is caring for the baby of another animal, or is this assumption even when the animal just gave birth – an animal only takes care of its own babies? The importance of knowing this is for purposes of oso v'es beno – if we say an animal only cares for its own babies, then if we see it caring for a baby and then someone shechts the animal and that baby on the same day he will get malkus! **A:** Maybe we can answer from our Mishna, where **R' Shimon ben Gamliel** said that when one buys an animal from a goy and it is nursing a baby animal we can say that it is the animal's baby and need not be concerned that it is caring for the baby of another animal. We see that an animal only nurses its own babies.
    - The Gemara says this is not a proof. The Mishna uses the past tense when it says that we are not concerned that the baby "was" the baby of another animal. The Mishna is saying that if we see that the animal is nursing a baby we would not have to be concerned that the baby is the baby of another animal unless the nursing animal had itself had a baby of its own. Based on this understanding it may be that when an animal has a baby it would then care of the baby of another animal.
    - **Q:** Maybe we can answer from the Mishna where it said that if a person enters his flock and sees that animals that had never yet given birth are now nursing a baby (their babies are certainly bechors) and there are also animals that had already previously given birth which are now nursing new babies (their babies are not bechors), we don't have to be concerned that maybe the babies of one animal went to nurse from another mother. Rather, we say that the baby nursing from each mother is the baby that was just born to that mother. We see that even after giving birth an animal does not care for the baby of another animal! **A:** It may be that when its own baby is present it won't care for the baby of another animal, but if its own baby wasn't present it would.
    - **Q:** Maybe we can answer from the Braisa that said, **R' Shimon ben Gamliel** says that when buying an animal from a goy we follow the assumption that each mother is busy with its own baby, and then says that similarly, if a person saw in his flock that the animals that had not previously given birth were nursing females and the ones that had given birth were nursing males, we can assume that each baby is nursing from its own mother and there is no bechor. Presumably, just as the second part means we say it is definitely the animal's baby, the same is true for the first part, which means that we say with definite conviction that an animal only

cares for its own baby! **A:** It may mean that it shows that it definitely had another baby previously and the main point is that in both cases they are patur from bechor.

- **Rabbah bar bar Chana in the name of R' Yochanan** said, if one saw a pig clinging to a sheep and nursing from it, the sheep is patur from bechor (if it gives birth to a male it is patur) and the pig is assur to be eaten until Eliyahu comes and paskens for us as to what to do.
    - **Q:** The sheep is patur from bechor based on **R' Shimon ben Gamliel** (who said that an animal doesn't nurse another animal's baby, and so the pig must come from the sheep), but it is assur to be eaten based on the view of the **Rabanan** (who say that it may be that the pig is not from the sheep). These statements are contradictory!? Also, according to the **Rabanan** why do we need Eliyahu to come and *pasken* for us? We just need him to come and *tell* us whether the pig comes from the sheep or not!? You can't answer and say that **R' Yochanan** was unsure whether to pasken like **R' Shimon or the Rabanan**, because if he was, he should not have been meikel and made it patur from bechor! Furthermore, we know that he is not unsure who to pasken like, because **Rabbah bar bar Chana in the name of R' Yochanan** said that we always pasken like **R' Shimon ben Gamliel** in a Mishna except for 3 cases (and this is not one of those three cases)!? **A:** In truth, **R' Yochanan** paskens like **R' Shimon**, but he is unsure whether **R' Shimon** held that after giving birth an animal would care for a baby that is not its own.
        - **Q:** If that is the basis of **R' Yochanan's** ruling, why didn't he instead give the case of a baby sheep and a sheep instead of a baby pig and a sheep, and his safek would have been regarding whether shechting this animal and this baby would make one chayuv in malkus for oso v'es beno!? **A:** If he would have given the case of a baby sheep and a sheep we would have said that even if he holds an animal may care for another animal's baby that is only when it is of the same species. He therefore gives the case of the pig to teach that he is unsure whether **R' Shimon** would hold that an animal may at times even care for the baby of another species of animal. In fact, we find that **R' Yochanan** quoted the question of **R' Achai Beribi**, regarding where a pig is seen nursing from a sheep. The Gemara explains that the question is according to the **Rabanan** regarding bechor and according to **R' Shimon** regarding eating the pig, and the question is that if we say that an animal will nurse another animal's baby, is that only true of an animal that is of its own species or is it even when the baby is of an animal that is other than its own species? The Gemara remains with a **TEIKU**.

MISHNA

- **R' Yose ben Hameshulem** said, if someone wants to shecht a bechor (and wants to remove the hair of the place of the shechita to allow for a proper shechita), he may make a place on each side using a meat cleaver and may even pull out the hair, as long as he doesn't then remove the detached hair from its place. The same would apply to someone who pulls out its hair to gain better visibility of a mum.

GEMARA

- **Rav** said, the halacha follows **R' Yose ben Hameshulem**.
    - They asked **R' Huna**, what is the halacha in the similar case of one who wants to remove hair of a regular animal's neck on Yom Tov to allow for a proper shechita? Is the reason of **R' Yose ben Hameshulem** for allowing the pulling out of the hair, because he holds that is not called "shearing" and that is why it is mutar for a bechor but would still be assur on Yom Tov because it is detaching something that is attached, or does **R' Yose ben Hameshulem** hold that pulling out is "shearing" and the reason he allows it by bechor is because the person is not intending to pull out the hair but instead only wants to make more room for the shechita, and that reason would equally apply to Yom Tov as well? **R' Huna** told them to go and ask **R' Chananel** (who was a talmid of **Rav**) whether the halacha follows **R' Yose ben Hameshulem**, and if he tells you that it does I will be able to answer your question. They went and asked and **R' Chananel**, who told them that **Rav** paskened like **R' Yose ben Hameshulem**. They told this to **R' Huna** who then told them, the similar case of doing so on Yom Tov would be mutar.

- We have also learned that **R' Chananya bar Shlemya in the name of Rav** said that in the similar case of Yom Tov it would also be mutar.
- **Q:** How can we say that **Rav** holds that an unintended act is mutar? We find that **R' Chiya bar Ashi in the name of Rav** said it is assur to push a cloth beer stopper tightly on Yom Tov because he squeezes beer from the cloth – even though this is not inended!? **A:** Even **R' Shimon** (who says that an unintended act is mutar) would agree that this would be assur, because it is an inevitable result, and **Abaye and Rava** said that **R' Shimon** agrees that when the result is inevitable even **R' Shimon** would agree that the unintended act is assur.
  - **Q:** We find that **R' Chiya bar Ashi in the name of Rav** said that the halacha follows **R' Yehuda** (who says that an unintended act is assur)!? **A:** Rather, **Rav** holds such an act is assur. The reason why pulling the hair of the bechor is mutar is because pulling is not "shearing". The reason it is mutar on Yom Tov is because it is done "kilachar yad" (in an unusual way).
    - **Q:** We find that if someone pulls off a feather from a bird on Shabbos he is chayuv for "shearing", which shows that pulling is shearing!? **A:** Pulling a *feather from a bird* is considered shearing, but pulling hair off an animal is not.

----------Daf כה---25----------

- **Q:** The Gemara just said that **Rav** holds like **R' Yose ben Hameshulem** (that pulling out hairs of the animal is not "shearing"), so it would follow that **R' Yose ben Hameshulem** also holds like **Rav** (that an unintended act is assur). However, we find a Braisa regarding a parah adumah that has two hairs that have red roots and black tips, where **R' Yose ben Hameshulem** says that one may cut off the black tips with scissors (so that there not be 2 black hairs) and it is not a problem. Now, cutting with scissors is like shearing and yet **R' Yose** allows it, presumably because he holds that an unintended act is mutar!? **A:** The case of parah adumah is different, because a cow doesn't have wool, and cutting its hair is therefore not "shearing". Therefore, even though an unintended act is assur, this cutting is mutar.
  - **Q:** A Braisa darshens the pasuk to teach that there is an issur of shearing even on animals that don't have wool!? **A:** The reason there is no issur of shearing on the parah adumah is because the parah adumah is only kodesh for bedek habayis, and the issur of shearing is only for animals that have kedusha as a korbon.
    - **Q: R' Elazar** has said that even kadshei bedek habayis have an issur of shearing!? **A:** That is only D'Rabanan,
    - **Q:** Even if it is only an D'Rabanan, he should not allow the hairs to be cut!? **A:** The parah adumah is not common, and therefore there is no gezeira D'Rabanan regarding cutting its hair.
    - **Q:** Why doesn't he say to redeem the parah adumah, then cut the hairs, and then make it kadosh again? **A:** It is worth a tremendous amount of money and would therefore be difficult to redeem.
      - **Q:** Why can't we rely on **Shmuel**, who says that kodesh worth any amount that was redeemed even on a perutah is fully redeemed? **A:** That is b'dieved, but wouldn't be done l'chatchila.
  - **A:** We can also answer that although **Rav** holds like **R' Yose ben Hameshulem**, **R' Yose ben Hameshulem** does not hold like **Rav**.

V'TOLEISH ES HASAAR UBILVAD SHELO YAZIZENU MIMEKOMO

- **R' Assi in the name of Reish Lakish** said, this removal of the hair was only permitted to be done by hand, not with a keili.
  - **Q:** The Mishna says that it may be removed with a cleaver!? **A:** The Mishna means that the hair may be removed *for* the meat cleaver.

V'CHEIN HATOLEISH ES HASAAR LIROS MAKOM MUM

- **Q:** Does the Mishna mean to allow the pulling out of hair to inspect a mum even l'chatchila, or only means to say that b'dieved if it was done it should not be removed from its place? **A: R' Yirmiya** said we can answer from a Braisa which says that **R' Yose ben Hameshulem** allows removal of hair so that a mum can be inspected. We see that it is allowed even l'chatchila – SHEMA MINAH.
    - **R' Mari** said we can see this from our Mishna as well. After saying that hair may be removed for shechita but that the hair must be left in its place, the Mishna then says "similarly this is done for a mum". Now, this can't refer to the statement that the hair must be left in its place, because if it must be left in its place when it is done for shechita – which becomes obvious to all why it is done – then surely the same would have to be done when removed for a mum. Rather, the Mishna means to say that the removal may be done l'chatchila to allow for inspection of a mum – SHEMA MINAH.

MISHNA

- If the wool of a bechor with a mum fell out and was put away and saved and the bechor was then shechted for eating, **Akavya ben Mahalaleil** says the wool then becomes mutar, but the **Chachomim** say it is assur. This is the version of the machlokes according to **R' Yehuda**. However, **R' Yose** said to him, **Akavya** did not allow the wool in this case. Rather, the case of the machlokes is where the wool of a bechor with a mum fell out and was put away and saved and the bechor then died. In that case **Akavya** said the wool becomes mutar and the **Chachomim** say it remains assur.
- If there is wool of a bechor that became detached and is dangling from the bechor, if it still seems to be part of the wool of the animal it is mutar (after the shechita), but if it is obviously no longer part of the rest of the wool, it is assur even after the shechita.

GEMARA

- **Q:** It seems that **R' Yose** says that **Akavya** says the detached wool is assur if the bechor is shechted but is mutar if the bechor dies. Now, if it is mutar when the animal dies it should surely be mutar when it is shechted!? **A: R' Yose** means to say that when the bechor is shechted *all agree* that the wool becomes mutar. The machlokes is where the bechor died, in which case **Akavya** says the wool becomes mutar and the **Chachomim** say it remains assur.
- **R' Assi in the name of Reish Lakish** said, the machlokes is where the wool came from a bechor that was already declared by an expert to have a mum. In that case the **Rabanan** say that the wool is assur as a gezeira so that people not delay the shechting of the bechor to allow for more wool to grow and **Akavya** says it is mutar, because he does not think this gezeira is needed. However, if the wool fell off a bechor that has not been confirmed by an expert as having a mum, all would agree that the wool would remain assur.
    - **Q: R' Sheishes** asked, a Braisa says, if an animal with a mum became mixed with many other animals, all the animals become assur to be brought on the Mizbe'ach. **R' Yose** says it should be examined. Now, what does **R' Yose** mean? It can't mean that it should be examined until the animal with the mum is found, because in that case even the **T"K** would agree that once the animal with the mum is found all the others become mutar! **R' Nachman in the name of Rabbah bar Avuha** explained that the case of the Braisa is where the wool of a bechor that had a mum became mixed with the wool of chullin animals. The **T"K** of the Braisa is **R' Yehuda**, who say that the wool that fell off a bechor with a mum remains assur, and **R' Yose** follows his view from our Mishna where he says that the **Rabanan** say the wool is mutar once the bechor is shechted. Now, when he says in the Braisa that "it should be examined", presumably he means the mum should be examined to determine if it is a permanent or a temporary mum, and we see that he holds that even without confirmation by an expert it becomes mutar!? **A: Rava** said, it may mean that it should be examined to see if it was confirmed by an expert, which is the only way that the wool would become mutar.
        - **Ravin** went to EY and repeated the explanation of **R' Nachman** to **R' Yirmiya**. **R' Yirmiya** told him, that is incorrect based on the explanation of **R' Chiya bar Abba in the name of R' Yochanan** who said that the Braisa is discussing the case of where the animal itself became mixed with the other animals and where an examination of all the animals was then done and there was not a

mum found among any of the animals. The machlokes between the **T"K and R' Yose** is the machlokes between **R' Meir and the Rabanan** in a Mishna, where **R' Meir** says, if there was a source of tumah in a field and it can no longer be found we say it remains tamei until we can determine what happened to the source of tumah. The **Rabanan** say we need only dig down until we hit rock or unworked soil and can then say it is tahor. Similarly, **R' Yose** of the Braisa holds like the **Rabanan** and therefore says that if the flock was examined and no mum is found they are now all fit to go on the Mizbe'ach. The **T"K** holds like **R' Meir** and therefore says that they are assur until the animal with the mum is found.

- **R' Assi in the name of R' Yochanan** said that the machlokes is where some of the animals were checked and an animal with a mum was found. The machlokes is the same as a machlokes between **Rebbi and R' Shimon ben Gamliel** in a Braisa. The Braisa says, if a grave was "lost" in a field, one who enters the field is tamei. If a grave is then found in the field, **Rebbi** says that we assume it is the grave that was lost and one who walks into the field does not become tamei. **R' Shimon ben Gamliel** says, we can't assume it is the same grave and must continue to search the entire field. The **T"K** holds like **R' Shimon ben Gamliel** and **R' Yose** holds like **Rebbi**.
- **R' Assi** doesn't explain like **R' Chiya bar Abba**, because he says that the case of tumah is different – the **Rabanan** hold that way there, because it is possible that an animal or bird came and removed the tumah. However, in the case of the animal with a mum it could not have simply disappeared, and therefore even the **Rabanan** would agree that they remain assur. **R' Chiya bar Abba** says that it is possible that the mum was only a temporary mum and had healed and therefore the **Rabanan** would still say that the animals are mutar.
- **R' Chiya bar Abba** does not say like **R' Assi**, because he says that in the case of the field **R' Shimon** holds that the entire field must be checked, because once we see this field was used for burying we have to be concerned that others were buried there as well. However, in the case of the animals, once an animal with a mum is found we can be sure that there are no others, because there is no reason to believe that any other animal has a mum! **R' Assi** holds that since the animals gore each other it is common for find others with a mum as well.

- **Q:** A Braisa says, if one removes wool from a bechor that doesn't have a mum, even if it later gets a mum and is shechted, the wool that was removed earlier remains assur. This suggests that it is only assur because there was no mum, but if it had a mum that wasn't yet confirmed by an expert the wool would later become mutar. This refutes **Reish Lakish**!? **A:** The Tanna refers to an animal with an unconfirmed mum as an animal without a mum.

----------Daf כו---26----------

- The Gemara brought the view of **Reish Lakish** that said that the machlokes in our Mishna is where the wool came from a bechor that was already declared to have a mum by an expert. In that case the **Rabanan** say that the wool is assur as a gezeira so that people not delay the shechting of the bechor to allow for more wool to grow and **Akavya** says it is mutar, because he does not think this gezeira is needed. However, if the wool fell off a bechor that had not been confirmed by an expert as having a mum, all would agree that the wool would remain assur.
  - **Q:** Maybe we can say that **Reish Lakish's** view is actually the subject of a machlokes among Tanna'im. A Braisa says, if one pulls out wool from a bechor without a mum and then shechts it, the wool is assur. If wool was pulled from a bechor that had a mum and the bechor then died, **Akavya ben Mahalaleil** says it is mutar and the **Chachomim** say it is assur. **R' Yehuda** said, that is not the case where **Akavya** said it is mutar. Rather, he was talking about a case where the wool of a bechor with a mum fell out and one put it aside until after the bechor was shechted. It was that case in which **Akavya** said it is mutar and the

Chachomim said it is assur. **R' Yose** said, my father **Chalafta** (who was from the **Chachomim** that argued on **Akavya**) agreed that in this case the wool would be mutar. Rather, in the case where the bechor was shechted all would agree it is mutar, and it is when the bechor died that **Akavya** said it is mutar and the **Chachomim** said it is assur. Now, **R' Yose** seems to be saying the same thing as the **T"K**!? We must say that the difference is whether the mum must have been verified by an expert before the hair was detached from the animal – the **T"K** says it only becomes mutar if this happened after the mum was verified by an expert (which is the view of **Reish Lakish**) and **R' Yose** says it is mutar even if it was not verified by an expert! **A: Rava** said, it may be that all agree that it would only be mutar if the mum was verified by an expert, and there are actually 3 opinions as to the machlokes between **Akavya and the Chachomim** – the **T"K** holds that they argue where the bechor died and where it was shechted, **R' Yehuda** holds that if the bechor died all agree that it is assur and they only argue where the bechor was shechted, and **R' Yose** holds that all agree that where the bechor was shechted it is mutar, and the machlokes is only where the bechor died. However, it may be that all agree with **Reish Lakish**.

- **R' Nachman** said, the halacha follows **R' Yehuda** (that the machlokes is only where the bechor was shechted) since a Mishna in Mesechta Idiyos follows his view.
    - **R' Nachman bar Yitzchak** said that our Mishna suggests this as well. The Mishna says, if there is wool that is detached and hanging from a bechor, if it looks like it is part of the rest of the wool it is mutar, but if it does not it is assur. Now, this can't be following **R' Yose**, because according to him if the Braisa is referring to a case where the bechor was shechted then all would agree that in both cases it should be mutar, and if it is referring to where the bechor died, then according to the **Rabanan** it should be assur in both cases and according to **Akavya** the halacha should be that if it looks like part of the rest of the wool it should be assur since the death makes it assur, and if it doesn't look like part of the wool it should be mutar since it was detached before the animal died!? Rather, it must be that the Mishna follows **R' Yehuda**, but it can't be referring to where the animal died, because in that case **Akavya and the Rabanan** would both say that whether it looks like part of the wool or not it is assur! Rather, it must refer to where the bechor was shechted. Now, if he is stating the view of **Akavya** it should be mutar in both cases. Rather, he must be stating the view of the **Rabanan**, and this proves that **Akavya and the Rabanan** argue in the case of where the bechor was shechted, like **R' Yehuda** said. **SHEMA MINAH**.
- **Q:** What is the halacha if one pulled out wool from an olah that did not have a mum? [Noone says that wool that was purposely pulled out is mutar!? Rather, the question is, what if wool became detached from an olah that didn't have a mum]. With regard to a chatas and an asham, since they are brought for a kappara, there is no concern that people will delay bringing them to allow them to grow more wool, and therefore if they get a mum, are redeemed, and shechted the wool would be mutar. With regard to bechor and maaser also there is no question, since they are not brought for a kapparah we do need to be concerned that people will delay bringing them. The question is regarding an olah, which is primarily brought as a nedavah, but also brings a kapparah for an assei – do we say there is a concern that he would delay in bringing the korbon or not? **A:** The Braisa quoted above said, if one pulls out wool from a bechor that doesn't have a mum, even though it then gets a mum and is shechted, the wool is assur. This implies that the reason it is assur is because it was purposely pulled out, but had it fallen out it would be mutar. If this is true for a bechor, it is certainly true for an olah, for which there is less concern that one would delay its bringing!
    - The Gemara says this is not a valid proof. The Braisa may mean that even if the wool fell out it would be assur. The reason the Braisa gives the case of where it was pulled out is to teach that **Akavya** even allows where it was pulled out if the bechor has a mum.
        - **Q:** The Mishna said that **Akavya** holds it is mutar when it falls out!? **A:** That case was given only to show that the **Rabanan** say it is assur even when it fell out.

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TZEMER HAMEDULDAL

- **Q:** What is the case of wool that does not look like it is part of the rest of the wool? **A: R' Elazar in the name of Reish Lakish** said, it is where the roots are turned over, facing the other way. **R' Nosson bar Oshaya** said, it is where the wool is not on the same level as the rest of the wool, but rather sticks out from it.
    - **R' Ila'ah** explained that **Reish Lakish** doesn't hold like **R' Nosson bar Oshaya** because he says that it is not possible to find an animal whose wool is completely level.

HADRAN ALACH PEREK HALOKE'ACH BEHEIMAH!!!

PEREK AHD KAMAH -- PEREK REVI'I

MISHNA

- For how long must a Yisrael care for a bechor before it may be given to the Kohen? With a small animal it is 30 days and with a large animal it is 50 days. **R' Yose** says, for a small animal it is 3 months.
    - If during this time the Kohen told the Yisrael to give him the bechor, he may not give it to him. If the bechor had a mum and the Kohen said "give it to me so that I may eat it", it is mutar to give it to him. If when the Beis Hamikdash was standing there was a bechor without a mum and during the time period (that the Yisrael is obligated to keep it) the Kohen told him "give it to me so that I can bring it as a korbon", it is mutar to give it to him.
    - A bechor must be eaten "year by year", whether it has a mum or not (it must be eaten within the year if it was born with a mum or must be brought as a korbon within a year that it may be brought as a korbon). This is based on the pasuk of "lifnei Hashem Elokecha sochlenu shana b'shana".
        - If it got a mum during its first year it may be kept for the full 12 months. If it got a mum after its first year he is only allowed to keep it for 30 days.

GEMARA

- **Q:** How do we know these different time periods? **A: R' Kahana** said, the pasuk says "milei'ascha v'dimacha lo si'acher bechor banecha titen li, kein taaseh l'shorcha litzonecha". We darshen it as saying "bechor banecha titen li, kein taaseh…litzonecha", which teaches that just as one must wait 30 days before redeeming a human bechor he must similarly wait 30 days before giving a small animal to the Kohen. We also darshen it as saying "milei'ascha v'dimacha lo si'acher…kein taaseh l'shorcha", which teaches that just as bikkurim must wait 50 days the same is true for a large animal bechor.
    - **Q:** Why not say that we learn large animals from a human bechor and a small animal from bikkurim? **A:** It makes sense that the first part of the first pasuk (bikkurim) teaches regarding the first part of the second pasuk (large animals) and that the second part of the first pasuk (human bechor) teaches regarding the second part of the second pasuk (small animals).
        - **Q:** Maybe it makes more sense to darshen the parts of the pesukim that are near each other (and learn large animals from human bechor)!? **A: Rava** said, the pasuk says "taaseh" regarding the large animal (the ox) which teaches that there is an additional amount of waiting for the large animal.
            - **Q:** Maybe say the waiting period should be 60 days!? **A:** The Torah didn't give a time period and left it to the **Rabanan** to tell us how long it is.
            - A Braisa says like **Rava** and also gives this reason as to why it is not 60 days. **R' Yose** in the Braisa then says that a small animal must be kept for 3 months, because it is difficult to care for it. A Braisa explains, this is because it has very small teeth and cannot survive without its mother.

IHM AMAR LO HAKOHEN B'TOCH HAZMAN…

- **R' Sheishes** explains, the reason it may not be given to the Kohen who wants to take it early is because it looks like he is getting it for helping out the owner in return for the bechor (which is why it is assur to give terumah to a Kohen who "helps work the threshing floor").

- A Braisa says, it is assur to give Kohanim, Levi'im, or poor people the terumah and maaser in return for their helping with the work, and if one does so he has profaned the terumah and maaser and is even chayuv misah. The **Chachomim** wanted to penalize the person who did this to have to give terumah or maaser a second time [but didn't end up doing so out of fear that one would separate from something that is patur for something that is chayuv]. However, the Yisrael may have "tovas hana'ah" from the terumah or maaser, for example, he may accept money from another Yisrael in return for giving it to a Kohen of his choosing, although a Kohen could not offer money even to have the terumah given to another Kohen.
  - **Q:** Why wasn't this "tovas hana'ah" also mentioned as being allowed for the other gifts (a bechor with a mum, the zero'ah, lechayayim, and keiva) that are given to a Kohen? **A:** Terumah cannot be redeemed, and the receiving Kohen will therefore never think it was redeemed and will continue to treat it with the kedusha that it needs to be treated with. However, these other gifts may be redeemed, and the Kohen who saw the Yisrael get money will therefore think they were redeemed and will treat them as such. That is why we don't allow this to take place.

----------Daf כז---27----------

- **Rava** said, with regard to terumah of produce of chutz laaretz there is no problem with giving it to a Kohen who helped out on the threshing floor. Based on this, **R' Chama** would give his terumah of chutz laaretz to his attendant who was a Kohen.
  - **Shmuel** said, terumah of chutz laaretz becomes batel in a simple majority of chullin (instead of the 1 in 100 required for D'Oraisa terumah).
    - **Rabbah** (who was a Kohen) would make this type of terumah batel in a simple majority and would then eat it when he was tamei.
    - **R' Huna the son of R' Yehoshua** would take wine of this type of terumah and make a mixture of one ladle of this wine and 2 ladles of chullin wine. He would then take out one ladle from this mixture to drink. After that he would simply add one ladle of the terumah wine and would then take a ladle from the mixture and drink it.
  - **Shmuel** also said, with regard to terumah of chutz laaretz one may keep on eating from the produce and then separate terumah at the end.
  - **Shmuel** also said, terumah of chutz laaretz only becomes assur from tumah if the tumah is from someone who is tamei because of something coming from his body (e.g. zav, zavah, niddah, baal keri). Even that is only a problem for the eating of the terumah by a Kohen who is tamei like this, but there is no problem with him touching the terumah.
    - **Ravina** said, since no tamei person is assur to touch such terumah, a niddah may separate challah in chutz laaretz and a Kohen who is a katan (one who is not or cannot become tamei from these type of tumos) may eat it. If there is no tahor Kohen, the niddah must then take the separated challah and throw it into the oven. She then separates a second portion of challah and gives it to a Kohen (even one who is tamei, since this is not true challah) to eat so that the laws of challah not be forgotten.
    - **R' Nachman, R' Amram, and Rami bar Chama** were going on a boat. **R' Amram** left them to use the bathroom. While he was gone a woman came and asked the others whether a Kohen who became tamei from a meis may go to the mikvah and eat terumah of chutz laaretz without having to wait for nightfall. **R' Nachman** said to **Rami bar Chama**, we don't have the parah adumah ashes nowadays so there is no reason he would need to wait for nightfall. **Rami bar Chama** said, we should not pasken without asking **R' Amram**. When he came back he said that **Rav** said that a Kohen who is tamei from a meis may eat terumah of chutz laaretz after going to the mikvah, without waiting for nightfall.
      - The Gemara says, the halacha does not follow **Rav**.
    - **Mar Zutra in the name of R' Sheishes** said, a Kohen who is tamei from a sheretz can go to the mikvah and then immediately eat terumah of chutz laaretz without waiting for nightfall.

- The Gemara says, the halacha does not follow **R' Sheishes**.

HABECHOR NECHAL SHANAH B'SHANAH…

- From the fact that the Mishna says "if it got a mum within *its* year", it means that when we say it has a year, the year is counted from its birth, not the calendar year. **R' Yehuda in the name of Rav** said, this is learned from the pasuk of "lifnei Hashem Elokecha tochlenu *shanah b'shanah*", which teaches that the year referred to is a "year that goes into another year", which means it is not the calendar year, but rather the year of the bechor itself. The **Divei Rebbi** taught a Braisa that says that "shanah b'shanah" refers to one day of one year and one day of the next year, and teaches that a bechor can be eaten for 2 days and one night.
    - **Q:** How does the **Divei Rebbi** know that the year refers to the year of the bechor itself? **A:** They learn it from other korbanos which must be offered within a particular year, where it refers to the year of birth, not the calendar year.
        - **Q:** How do we know that this is so for other korbanos? **A: R' Acha bar Yaakov** said, the pasuk says "ben shena***so***" – ***its*** year, not the calendar year.
    - **Q:** How does **Rav** learn that a bechor is eaten for two days and one night? **A:** The pasuk compares the bechor to the "chazeh v'shok", which teaches that the bechor is like the chazeh v'shok of a shelamim, which may be eaten for 2 days and one night.
        - The **Divei Rebbi** doesn't learn from here, because he says it may refer to the chazeh v'shok of a todah, which may only be eaten for one day and one night. **Rav** says that the pasuk says "lecha yihiyeh", which teaches that the bechor can be eaten for longer than the todah. The **Divei Rebbi** says that "lecha yihiyeh" teaches that a bechor with a mum is given to the Kohen, since we find no similar concept regarding anything else. **Rav** says that is learned from the word "ubisaram" (plural) written in the pasuk, which refers to a bechor without a mum and a bechor with a mum. The **Divei Rebbi** says the use of the plural is to refer to all the bechoros of the world, not to a baal mum.

----------Daf כח---28----------

NOLAD LO MUM B'TOCH SHENASO…

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

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MISHNA

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

GEMARA

- **Rabbah bar bar Chana** said, if the mum is cataracts, all would agree that the bechor is assur if it was shechted before being shown to an expert, because this mum changes at the time of death. The machlokes is regarding a mum on the body – **R' Meir** says we are goizer by this type of mum for the case of cataracts and **R' Yehuda** says we are not.
    - A Braisa says that this is the machlokes as well.
    - **R' Nachman bar Yitzchak** says we can prove this from our Mishna as well, where it says that **R' Meir** says it is assur "because it was shechted without having been shown to an expert". This suggests it is a penalty. This must be discussing a mum on the body, because with regard to cataracts it would be assur not just based on a penalty, but rather because it is no longer possible to tell what it looked like while the animal was alive.
    - **Q:** When we say that cataracts change at the time of death does that mean that all cataracts change at the time of death or that it sometimes does and that is why we must be concerned? The difference would be where witnesses come and say that it did not change at the time of death – do we accept their testimony or do we say that they are saying false testimony? **A:** We find that **Rabbah bar bar Chana** said that **R' Yoshiya of Usha** told him "come and I will show you cataracts that change at the time of death". This suggests that there are times when it does and times when it doesn't.

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

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

VIYISHALEM MIBEISO

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

MISHNA

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

GEMARA

- **Q:** Shall we say that the Mishna's anonymous ruling follows **R' Meir** who says that one is chayuv for "garmi" (even for causing indirect damage)? **A: R' Illa'a in the name of Rav** said, the case is where the judge took the money from one party and gave it to the other (incorrectly, and that is why it is a case of causing direct damage).

- **Q:** That makes sense in the case of where he said that one who should have been patur was chayuv, because he then wrongfully took the money from him to give to the other party. However, how can we explain the case of where he said that one who should have been chayuv was patur? In that case he doesn't take the money from him at all!? **A: Ravina** said, the case would be where this party had given collateral to the other party and the judge wrongfully returned the collateral to him.
- The case of where he said that something that should have been tahor was tamei would be where he then touched a sheretz to the items. The case of where he said that something that should have been tamei was tahor would be where he then mixed these items with things that were truly tahor.

MISHNA

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

GEMARA

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

MISHNA

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

GEMARA

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

BEIN TAM UBEIN BAAL MUM

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