Bechoros 13 – Good Morning Raboisai

1️⃣ The Seh Dies Before Reaching the Kohen

The Mishnah discusses someone who separated a Seh for Pidyon Petor Chamor, but before giving it to the Kohen:

- The Seh died.

Rebbe Eliezer says:

- Chayav B'Achrayuso – the owner must replace it.

The Chachamim say:

- He does not have to replace it.

👉 The Machlokes is whether simply separating the Seh already completes the Pidyon, or whether responsibility remains until the Kohen receives it. 13_transcript

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2️⃣ Comparing It to Pidyon HaBen

👉 Rebbe Eliezer learns Petor Chamor from Bechor Adam.

With Pidyon HaBen:

- If the father sets aside the five Selaim,
- But they are lost before reaching the Kohen,

he must:

- Replace them.

Similarly, Rebbe Eliezer holds:

- If the Seh dies before reaching the Kohen, another Seh must be given.

3️⃣ What If the Petor Chamor Dies?

The Mishnah discusses the reverse case:

- The Seh was separated.
- Before it reached the Kohen, the donkey died.

According to Rebbe Eliezer:

- The donkey requires burial.

Why?

Because according to him:

- Separating the Seh did not yet complete the Pidyon.

The donkey therefore died:

- While still retaining its Petor Chamor status.

According to the Chachamim:

- It does not require burial.

Why?

Because:

- The Pidyon was already effective when the Seh was separated.

The Seh itself:

- Belongs to the Kohen.

4️⃣ How Far Does the Hekesh to Bechor Adam Go?

👉 Rebbe Eliezer compares Petor Chamor to:

- Bechor Adam.

The Gemara asks:

If so, why not compare them completely?

A firstborn child is:

- Mutar B’Hanaah before Pidyon.

Perhaps a Petor Chamor should likewise be:

- Mutar B’Hanaah.

The answer comes from:

- Ach Padoh Sifdeh.

“Ach” limits the Hekesh.

👉 We use the comparison for specific Halachos:

- Not automatically for everything.

Safek Petor Chamor

5️⃣ Why Separate a Seh If You Keep It?

👉 With a Safek Petor Chamor:

- The owner separates a Seh,
- But keeps the Seh himself.

This itself is significant.

Why bother separating a sheep if:

- It starts as yours
- And remains yours?

Because the separation removes:

- The possible Issur from the donkey.

👉 The act of Pidyon has a Halachic effect even though:

- Nothing is actually transferred to the Kohen.

When Should the Pidyon Be Done?

6️⃣ Petor Chamor – Immediately or After 30 Days?

👉 The Gemara discusses the proper time for:

- Pidyon Petor Chamor.

Pidyon HaBen normally takes place:

- After thirty days.

Petor Chamor, however, can be redeemed:

- Immediately after birth.

The Gemara analyzes Beraisos that appear to connect:

- Petor Chamor
- Pidyon HaBen
- Erchin
- And Nezirus

with the period of:

- Thirty days.

7️⃣ Before Thirty Days

👉 One way of understanding the Beraisa is:

For Petor Chamor:

- The Mitzvah should be performed within the first thirty days.

It does not mean:

- Wait until day thirty.

Rather:

- Perform the Pidyon during that period.

After thirty days:

- The owner has delayed the Mitzvah.

8️⃣ Pidyon HaBen Before Thirty Days

👉 The Gemara also discusses giving the money for Pidyon HaBen:

- Before the child reaches thirty days.

There is an important distinction:

If the father says the Pidyon should take effect:

- Now,

it does not work before the proper time.

But he may give the money earlier with the intention that:

- The Pidyon takes effect after thirty days.

Arifah

9️⃣ Pidyon Comes Before Arifah

The Mishnah teaches:

- Mitzvas Pidyon Kodemes L'Mitzvas Arifah.

The preferred Mitzvah is:

- Redeem the Petor Chamor with a Seh.

If the owner refuses to redeem it:

- He performs Arifah,
- Breaking the donkey's neck from behind,
- And buries it.

👉 Arifah is available, but:

- Pidyon is the preferred Mitzvah.

Other Mitzvos with a Preferred Choice

🔟 Yi'ud Before Pidyon

👉 The Mishnah gives another example involving:

- Amah Ha'Ivriyah.

The preferred Mitzvah is:

- Yi'ud – marriage to the master or his son.

This takes precedence over:

- Pidyon – redeeming her from servitude.

The order is learned from:

- The Pesukim.

1️⃣1️⃣ Yibum Before Chalitzah

👉 Originally:

- Mitzvas Yibum came before Chalitzah.

This was when people performed Yibum:

- L'Shem Mitzvah.

Later, when proper intentions became less common:

- Chalitzah became preferable.

👉 The underlying issue is:

- The intention with which the Mitzvah is performed.

1️⃣2️⃣ Redeeming Hekdesh

👉 The Mishnah gives another example:

When someone dedicates an item to:

- Hekdesh,

and it must be redeemed:

- The original owner has priority in redeeming it.

Only afterwards:

- Others should redeem it.

Beginning a New Perek – Bechor of a Kosher Animal

1️⃣3️⃣ From Petor Chamor to Bechor Behemah Tehorah

👉 The previous Perek dealt primarily with:

- Petor Chamor.

The new Perek turns to:

- A firstborn kosher animal.

A firstborn male cow, sheep or goat has:

- Kedushas HaGuf.

It is given to:

- The Kohen,

and when the Beis Hamikdash stands it is brought:

- As a Korban.

This is stronger Kedushah than:

- Petor Chamor, whose Kedushah is removed through Pidyon.

1️⃣4️⃣ Partnership with a Non-Jew

The Mishnah discusses cases where:

- A Jew buys an unborn fetus from a non-Jew,
- Sells an unborn fetus to a non-Jew,
- Becomes a partner with a non-Jew,
- Or enters certain arrangements involving the animal.

👉 Non-Jewish ownership can exempt the animal from:

- Kedushas Bechor.

The source is:

- “B’Yisrael”

which excludes an animal with relevant:

- Non-Jewish ownership.

1️⃣5️⃣ Why Discuss Petor Chamor First?

👉 The Gemara asks:

Why did the Masechta first spend a Perek discussing:

- Petor Chamor,

before turning to the more severe Kedushah of:

- Bechor Behemah Tehorah?

Several explanations are given.

One is:

- Petor Chamor is especially beloved because the donkeys helped carry the wealth when Klal Yisrael left Mitzrayim.

Another explanation:

- Its discussion is shorter,

so the shorter subject was completed first.

Kinyan Between a Jew and a Non-Jew

1️⃣6️⃣ Money or Meshichah?

👉 The Gemara now enters a major Sugya:

How does ownership transfer between:

- A Jew and a non-Jew?

Possible methods include:

- Kesef – payment
- Meshichah – physically taking or pulling the item.

This is crucial for Bechor.

Why?

Because when the animal gives birth, we must know:

- Who Halachically owned the mother or fetus at that exact moment?

1️⃣7️⃣ Buying from a Non-Jew

👉 The Gemara discusses a Jew who buys an animal from:

- A non-Jew.

If payment itself completes the acquisition:

- The animal belongs to the Jew even before Meshichah.

Therefore, if it then produces a firstborn male:

- The Bechor obligation can apply.

The Gemara investigates whether Torah law recognizes:

- Kesef or Meshichah

for transactions involving a non-Jew.

1️⃣8️⃣ Can We Learn from Buying a Slave?

👉 One attempted proof comes from:

- Avadim.

A slave can be acquired with:

- Money.

Perhaps if money can acquire something as significant as:

- A person,

it should certainly acquire:

- Movable property.

The Gemara rejects the proof.

Why?

Because even between two Jews:

- An Eved Ivri can be acquired with money,

while ordinary movable property follows:

- Different rules.

👉 We cannot automatically compare:

- Acquisition of a person
- With acquisition of Metaltelin.

1️⃣9️⃣ “Miyad Amisecha”

👉 The Gemara therefore turns to the Pesukim.

The wording:

- Miyad Amisecha

is used to distinguish transactions involving:

- Your fellow Jew

from transactions involving:

- A non-Jew.

The Gemara analyzes whether the Torah assigns:

- Meshichah to one
- And Kesef to the other.

This becomes the basis of the broader discussion of:

- Kinyan with a non-Jew.

Ona’ah

2️⃣0️⃣ Ona’ah Applies to “Amisecha”

👉 The same Pesukim lead into the laws of:

- Ona’ah.

Ona’ah involves an improper pricing discrepancy in a sale.

The Torah uses language referring to:

- Amisecha – your fellow Jew.

The Gemara therefore discusses categories excluded from:

- The standard laws of Ona'ah.

Among those discussed are:

- A non-Jew
- Hekdesh.

2️⃣1️⃣ Ona'ah Is Not Permission to Steal

👉 The transcript stresses an important distinction.

Exclusion from the technical laws of:

- Ona'ah

does not mean that:

- Stealing is permitted.

The discussion distinguishes between:

- The specific Halachos of pricing and Ona'ah
- And the separate prohibition against theft.

It also mentions:

- Geneivas Daas,

deceptively misleading another person.

📌 Key Chazarah

- Rebbe Eliezer says that if the Seh dies before reaching the Kohen, the owner must replace it; the Chachamim disagree.
- According to Rebbe Eliezer, separating the Seh alone does not yet complete the Pidyon.
- If the donkey dies after the Seh was separated, Rebbe Eliezer requires burial, while the Chachamim say the Pidyon already took effect.

- The Hekesh between Petor Chamor and Bechor Adam is limited by the word “Ach.”
- A Safek Petor Chamor requires separation of a Seh even though the owner keeps it, because the Pidyon removes the possible Issur.
- Petor Chamor can be redeemed immediately; the Gemara discusses its relationship to the thirty-day period.
- Pidyon is preferable to Arifah.
- Yi’ud is preferred to Pidyon of an Amah Ha’Ivriyah.
- Yibum originally preceded Chalitzah when performed L’Shem Mitzvah.
- The original owner has priority when redeeming his Hekdesh.
- The new Perek begins the laws of Bechor Behemah Tehorah.
- Non-Jewish ownership or partnership can exempt an animal from Bechor.
- The Gemara begins a major Sugya about whether transactions between a Jew and non-Jew take effect through Kesef or Meshichah.
- Acquisition of a slave cannot automatically prove the rules for ordinary movable property.
- The Pesukim of “Amisecha” are analyzed regarding both Kinyan and Ona’ah.
- The technical exclusion from Ona’ah should not be confused with permission to steal.

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