Bechoros 14 – Good Morning Raboisai

1️⃣ Kinyan with a Non-Jew – Kesef or Meshichah?

The Daf continues the major Sugya:

How does a transaction between a Yisrael and a non-Jew take effect?

- Kesef – payment
- Meshichah – physically taking possession.

The Gemara brings a case where a Yisrael purchases a package of silver from a non-Jew and discovers:

- Avodah Zarah inside the package. 14_transcript

2️⃣ When Can He Return the Avodah Zarah?

If the Yisrael performed Meshichah but:

- Had not yet paid,

the Beraisa allows him to:

- Return the Avodah Zarah.

But if:

- He already paid,
- And then performed Meshichah,

he cannot simply return it.

Instead:

- The Avodah Zarah must be destroyed.

👉 The Gemara tries to determine from here whether the Kinyan with a non-Jew is through:

- Kesef
- Or Meshichah.

3️⃣ Mekach Ta’us

👉 Abaye initially explains that the first case is:

- Mekach Ta’us – a mistaken transaction.

The Yisrael never intended to purchase:

- Avodah Zarah.

Had he known it was in the package:

- He would never have agreed to the deal.

Rava challenges this:

- Why should one case be Mekach Ta’us and not the other?

In both cases:

- The unwanted Avodah Zarah was inside the package.

4️⃣ Maris Ayin

👉 One explanation distinguishes the cases based on how the transaction appears.

If no money was exchanged:

- Returning the Avodah Zarah does not look like a new transaction.

But if the Yisrael already paid:

- The non-Jew returns his money,
- And the Yisrael hands back the Avodah Zarah.

To an observer, this can look like:

- A transaction involving Avodah Zarah.

Therefore:

- He cannot simply return it.

5️⃣ You Had the Opportunity to Check

👉 Another explanation distinguishes between whether the buyer had:

- A reasonable opportunity to inspect the package.

A person cannot always claim:

- “Had I known, I never would have bought it.”

If he had the opportunity to check:

- And failed to do so,

that may prevent him from claiming:

- Mekach Ta’us.

👉 Due diligence can affect whether a transaction is considered a mistaken purchase.

6️⃣ Rav Ashi and Ravina

👉 Rav Ashi explains that the extra mention of Meshichah in the Beraisa does not necessarily prove it creates the Kinyan.

The wording may simply have been used:

- For consistency between the two cases.

Ravina takes the opposite approach:

- Meshichah does create the Kinyan.

The Gemara therefore continues analyzing exactly:

- When ownership transferred
- And why returning the Avodah Zarah is permitted in the first case.

7️⃣ Mechusar Amanah – Keeping Your Word

👉 This leads to the concept of:

- Mechusar Amanah.

Even where a formal Kinyan has not yet taken place:

- A person should keep his word.

If someone agrees to a transaction and then simply backs out:

- There can be a problem of trustworthiness.

The Sugya discusses whether the same expectation applies when dealing with:

- A non-Jew.

New Mishnah – Pesulei HaMukdashim

8️⃣ The Mum Came Before the Hekdesh

The Mishnah now discusses an animal that:

1. First developed a permanent Mum.
2. Was then made Hekdesh.
3. Was subsequently redeemed.

👉 Since it already had a Mum when it became Hekdesh:

- It never received full Kedushas HaGuf.

Its Kedushah is primarily:

- Kedushas Damim – monetary Kedushah.

After Pidyon:

- It becomes regular Chullin.

9️⃣ After Pidyon – Regular Chullin

Once this animal is redeemed:

- It is Chayav in Bechor.
- It is Chayav in Matanos – Zero'a, Lechayayim and Keivah.
- It may be worked.
- Its wool may be sheared.
- Its milk may be used.
- Its offspring may be used.

👉 Its Kedushas Damim has been transferred onto:

- The redemption money.

The animal itself returns to:

- Chullin.

🔟 It Cannot Make Temurah

👉 This animal cannot create:

- Temurah.

Normally, if someone attempts to exchange a Korban's Kedushah onto another animal:

- The original remains Kadosh,
- And the second animal also becomes Kadosh.

But an animal whose status was only:

- Kedushas Damim

does not have the necessary Kedushas HaGuf to create:

- Temurah.

Kedushah Before the Mum

1️⃣1️⃣ What If It Became Kadosh First?

The Mishnah then reverses the order:

1. The animal was healthy.
2. It became Hekdesh.
3. Only afterwards did it develop a Mum.
4. It was then redeemed.

👉 This is completely different.

Since it was fit for the Mizbeach when it became Hekdesh:

- Kedushas HaGuf took effect.

Even after Pidyon:

- Some of its special restrictions remain.

1️⃣2️⃣ Restrictions That Remain

For this animal:

- There is no regular Bechor obligation.
- There are no regular Matanos.
- Its wool cannot simply be sheared.
- It cannot be worked.
- Its milk and offspring retain restrictions.

👉 Pidyon removes enough Kedushah to permit certain uses, but:

- It does not turn the animal into completely ordinary Chullin.

This is the special status of:

- Pesulei HaMukdashim.

1️⃣3️⃣ If It Dies

👉 There is another major difference.

An animal that had only:

- Kedushas Damim

can be redeemed even after death.

But an animal that originally received:

- Kedushas HaGuf

and then developed a Mum retains stronger Kedushah.

If it dies without the necessary Pidyon:

- It requires burial.

Kedushas Damim Can Still Exempt Bechor

1️⃣4️⃣ Before Pidyon

👉 The Gemara notes an important Chiddush.

Even when an animal has only:

- Kedushas Damim,

before it is redeemed this status can still be enough to prevent:

- The normal Kedushas Bechor

from taking effect.

After Pidyon:

- It returns to Chullin
- And the ordinary laws apply.

Kedushas Mizbeach vs Bedek HaBayis

1️⃣5️⃣ Money Earmarked for the Mizbeach

👉 The Gemara distinguishes between different types of Kedushas Damim.

A person can dedicate an animal:

- Not as the actual Korban,
- But so that it should be sold and its money used to purchase a Korban.

This is still:

- Kedushas Damim.

However, the money is earmarked specifically for:

- The Mizbeach.

This can create different Halachos from ordinary:

- Bedek HaBayis.

1️⃣6️⃣ Don’t Confuse Kedushas Damim with Kedushas HaGuf

The Daf stresses the important difference:

If someone says:

- “This sheep itself is an Olah,”

that creates:

- Kedushas HaGuf.

If he says:

- “Sell this sheep and use its value to buy an Olah,”

that is:

- Kedushas Damim.

👉 They may sound similar, but Halachically:

- They are very different.

The Offspring

1️⃣7️⃣ The Timeline Matters

The Gemara discusses a Baalas Mum that was made Hekdesh and later:

- Became pregnant,
- Was redeemed,
- And gave birth.

The order matters:

1. The animal has a Mum.
2. It becomes Hekdesh.
3. It becomes pregnant.
4. Pidyon takes place.
5. It gives birth.

👉 The question is:

What status does the offspring have?

1️⃣8️⃣ Can the Baby Be More Kadosh Than Its Mother?

The Gemara asks whether the offspring requires:

- A Mum before it can be redeemed.

The answer is:

- No.

Why?

- Shelo Yehei Tafel Chamur Min Ha'Ikar.

The secondary item cannot have a more stringent Kedushah than:

- Its source.

The mother had only:

- Kedushas Damim.

Therefore, her offspring cannot suddenly acquire the stronger:

- Kedushas HaGuf.

👉 The baby can be redeemed without waiting for it to develop a Mum.

1️⃣9️⃣ An Animal Fit for the Mizbeach

👉 The Gemara discusses another important principle.

If someone takes a perfectly healthy animal that is:

- Fit to be offered,

and tries to dedicate only its monetary value for Mizbeach purposes, there are situations where we look at:

- What the animal itself is capable of becoming.

Since it is fit for:

- A Korban,

its status may be stronger than the person's wording initially suggests.

Offering a Baal Mum

2️⃣0️⃣ A Baal Mum on a Bamah

👉 The Gemara discusses offering:

- A Baal Mum

on a Bamah.

Even during a period when private Bamos were permitted:

- A Baal Mum could not simply be offered.

The prohibition of offering a blemished animal applies even to:

- A private Bamah.

2️⃣1️⃣ Could the Pasuk Be Talking About Bechor or Maaser?

👉 The Gemara considers whether the source might instead refer to:

- A Bechor with a Mum,
- Maaser Behemah,
- Temurah,
- Or offspring of Kodashim.

Each possibility is examined against:

- Its particular source
- And its unique Kedushah.

The Gemara uses these comparisons to establish exactly which blemished Kodashim are included in:

- The prohibition.

📌 Key Chazarah

- The Gemara continues whether Kinyan with a non-Jew is through Kesef or Meshichah.
- A Beraisa involving Avodah Zarah purchased accidentally is analyzed for proof.
- Mekach Ta'us can depend on whether the buyer had a reasonable opportunity to inspect what he was buying.
- Maris Ayin can prevent returning Avodah Zarah where it appears like a transaction.
- Even before a formal Kinyan, backing out of an agreement can involve Mechusar Amanah.
- If an animal first had a permanent Mum and only afterwards became Hekdesh, its Kedushah is Kedushas Damim.
- After its Pidyon, it becomes ordinary Chullin and is subject to Bechor and Matanos.
- Such an animal cannot create Temurah.
- If the animal became Hekdesh while unblemished and only later developed a Mum, it originally received Kedushas HaGuf.
- Even after Pidyon, Pesulei HaMukdashim retain special restrictions.

- Kedushas Damim and Kedushas HaGuf are fundamentally different.
- An offspring cannot receive a stronger Kedushah than its mother – Shelo Yehei Tafel Chamur Min Ha'Ikar.
- The timeline of the Mum, Hekdesh, pregnancy, Pidyon and birth determines the status of the offspring.
- A Baal Mum may not be offered even on a private Bamah.
- The Gemara compares Bechor, Maaser, Temurah and Vlados Kodashim to determine the scope of these Halachos.

📘 Catch up, review, download previous Dafim & more:
https://www.dafchazarah.co.uk
📲 Now available as an app (Apple, Google & Amazon):
https://dafchazarah.co.uk/download
🤝 Sponsor a day: https://dafchazarah.co.uk/sponsor
לעילוי נשמת אמי מורתי רות בת הרב מנחם מנדל