Bechoros 28 – Good Morning Raboisai

1️⃣ How Long May a Bechor Be Eaten?

We continue with the question of how we know that a Bechor has its own year, calculated from its birthday.

Rav learns from:

שנה בשנה

👉 The Bechor has a full year from the day it is born.

But another opinion uses “Shanah B’Shanah” to teach the eating period of a Bechor.

A Bechor may be eaten for:

- Two days
- And one night

like Shelamim.

2️⃣ Bechor Compared to Shelamim

Rav does not need “Shanah B’Shanah” for the eating period because Bechor is compared to the Chazeh V’Shok of Shelamim.

Just as Shelamim may be eaten:

👉 Two days and one night,

so too a Bechor.

But the other opinion cannot simply use that comparison.

Why?

Perhaps Bechor should instead be compared to another Korban with the shorter eating period of:

👉 One day and one night.

When there are two possible comparisons:

תפשת מרובה לא תפשת

We normally choose the smaller, more certain amount.

The Pasuk therefore gives Bechor an additional day.

3️⃣ Tam or Baal Mum – The Kohen Still Receives It

The Gemara discusses the unusual Halachah that the Kohen receives the Bechor whether it is:

- A Tam, or
- A Baal Mum.

The word ובשרם is understood by one opinion as referring to both forms of Bechor.

👉 Even when the Bechor cannot be offered because of its Mum, it remains the Kohen's gift.

The other opinion understands the plural wording as referring more generally to the Bechoros of Klal Yisrael.

A Mum Near the End of the Bechor's Year

4️⃣ When Does the 30-Day Period Apply?

The Mishnah teaches that if a Bechor develops a Mum, there are circumstances where the owner is given 30 days to deal with it.

The Gemara asks how to read the Mishnah:

👉 Are 30 days always added after the Bechor's year?

Or:

👉 Is the 30-day period only relevant depending on when the Mum developed?

This becomes important when the Mum develops shortly before the first year ends.

5️⃣ Why Give Him Any Extra Time?

Once the Bechor has a valid Mum, it can be Shechted.

But there is a practical problem:

- A Kohen may not immediately be available.
- Once the animal is Shechted, the meat cannot simply be stored indefinitely.

Therefore, the owner needs reasonable time to:

👉 Find the Kohen and properly give him his Bechor.

This is described in terms of Hashavas Aveidah – preventing a loss to the Kohen.

6️⃣ Mum 15 Days Before the Birthday

The Gemara gives a crucial case.

Suppose the Mum develops:

👉 15 days before the end of the Bechor's year.

He receives:

- The remaining 15 days of the first year,
- Plus another 15 days afterwards.

Total:

👉 30 days from when the Mum developed.

He does NOT automatically receive an additional full 30 days after the year ends.

Similarly:

- Mum 29 days before the end → 1 day afterwards.
- Mum 1 day before the end → 29 days afterwards.

The point is:

👉 The 30 days are a total period, not necessarily a fresh 30-day bonus.

7️⃣ Rebbi Elazar – 30 Days into the Next Year

A different statement of Rebbi Elazar says:

👉 The Bechor receives 30 days in the following year.

He derives this from "Shanah B'Shanah."

The idea is that 30 days can have the significance of a year for certain Halachos, similar to the calculation discussed regarding Orlah.

According to this approach, even if the Mum developed earlier:

👉 There would still be 30 days extending into the next year.

8️⃣ Tiyuvta D'Rebbi Elazar

But the earlier case presents a strong difficulty.

If the Mum developed 15 days before the end of the year:

- The Beraisa gives 15 days before the birthday,
- And only 15 afterwards.

It does not give a fresh 30 days afterwards.

The Gemara concludes:

👉 Tiyuvta D'Rebbi Elazar, Tiyuvta.

Shechting Before Showing the Mum

9️⃣ First Shecht – Then Ask the Rav?

The new Sugya discusses a Kohen who sees what he believes is a Mum.

Instead of first showing it to a Mumcheh, he:

- Shechts the Bechor,
- And only afterwards brings it for inspection.

Rebbi Meir says:

👉 The Bechor is Assur.

It must be buried.

This acts as a Knas for proceeding without first obtaining the proper ruling.

🔟 Why Is This So Serious?

A Kohen has a strong interest in a Bechor developing a Mum.

With a Mum:

- It does not have to be brought as a Korban,
- And it can be Shechted and eaten outside the Beis Hamikdash.

This creates a danger of people:

👉 Deciding for themselves that something qualifies as a Mum.

Therefore, the Mum must first be examined properly.

Dukin Sheb'Ayin – An Eye Mum

1️⃣1️⃣ Eye Blemishes Can Change

An eye blemish presents a special problem.

A cataract or similar Mum can change while the animal is:

- Dying,
- Or after the Shechitah.

Therefore, looking at the eye afterwards may not prove:

👉 What the Mum looked like while the animal was alive.

This is very different from an obvious physical Mum such as a missing limb.

1️⃣2️⃣ Rebbi Meir and Rebbi Yehudah

Rebbi Meir takes the stricter approach:

👉 If the Bechor was Shechted before the Mum was properly examined, we penalize the person.

Rebbi Yehudah distinguishes between types of Mumim.

An eye Mum is especially problematic because:

👉 The appearance of the eye can change.

The Gemara discusses whether the issue with other Mumim is also an actual change or whether their prohibition is primarily a Knas for failing to consult the Mumcheh first.

1️⃣3️⃣ Do All Eye Mumim Change?

The Gemara asks:

When we say Dukin Sheb'Ayin can change, does that mean:

- Every such Mum changes,

or:

- Some change and some do not?

The Nafkamina is testimony.

Suppose witnesses say:

👉 “We saw this exact eye Mum before the animal died.”

If every eye Mum necessarily changes:

- Their description cannot be relied upon.

But if only some change:

👉 Their testimony may still be meaningful.

The Gemara brings an example of an eye Mum that changed, indicating that this does not necessarily happen in every case.

The Non-Expert Who Causes a Loss

1️⃣4️⃣ Don’t Pasken If You’re Not Qualified

A person who is not a Mumcheh tells the Kohen:

👉 “This is definitely a valid Mum. You can Shecht the Bechor.”

The Kohen relies on him and Shechts it.

It then turns out that the ruling cannot be relied upon and the animal must be buried.

The person who gave the improper ruling has caused the Kohen a financial loss.

👉 He may therefore have to pay.

1️⃣5️⃣ How Much Does He Pay?

The Daf gives different amounts:

- For a Behemah Gasah – half its value.
- For a Behemah Dakah – one quarter of its value.

Why not the full amount?

Because we cannot know for certain what would otherwise have happened.

Even if he had gone to a Mumcheh:

- The Mum might not have been accepted,
- The animal might have remained alive for years,
- And it might eventually have died without ever becoming permitted.

👉 The loss itself therefore contains an element of Safek.

1️⃣6️⃣ Why Only a Quarter for a Small Animal?

A Behemah Dakah involves considerable Tircha to raise.

The Kohen would have had to:

- Look after it,
- Take it out,
- Feed it,
- And continue caring for it.

Therefore, losing the animal also saves him substantial effort.

👉 Its effective loss is therefore assessed at only one quarter of its value.

A Dayan Who Makes a Mistake

1️⃣7️⃣ The Mishnah Expands the Principle

The Mishnah now moves beyond Bechor.

A Dayan issues an incorrect ruling:

- He declares the Chayav to be Zakai,
- Or the Zakai to be Chayav.

Similarly, someone:

- Declares something Tahor to be Tamei,
- Or causes Tahor produce to become mixed with Tamei produce.

The question is:

👉 When must the person who issued the mistaken ruling pay for the loss?

1️⃣8️⃣ Nasa V'Nasan B'Yad

The Gemara distinguishes a case where the Dayan did more than merely speak.

He actually acted:

נשא ונתן ביד

For example:

- A lender held collateral.
- The Dayan wrongly ruled that the borrower was exempt.
- The Dayan physically took the collateral and returned it to the borrower.

👉 Now his own action directly caused the loss.

Likewise, physically making Tahor food Tamei or mixing it with Tamei food is an actual act.

1️⃣9️⃣ What About a Mumcheh?

If the person issuing the ruling is:

👉 A recognized Mumcheh of Beis Din,

the Mishnah says he can be exempt from paying.

The Gemara therefore analyzes the broader rules of:

- An incorrect Psak,
- Direct financial damage,
- And liability for the consequences of a mistaken ruling.

Rebbi Tarfon and the Cow

2️⃣0️⃣ “Your Donkey Is Gone, Tarfon!”

The Daf ends with the famous case of Rebbi Tarfon.

A cow was missing its womb.

Rebbi Tarfon ruled:

👉 It was a Treifah.

As a result, the animal was disposed of rather than eaten.

Later they informed him that animals from Alexandria were known to have their wombs removed and nevertheless lived.

This demonstrated that:

👉 The missing womb did not make the animal a Treifah.

Rebbi Tarfon realized that his ruling had caused a significant financial loss.

This leads into the famous expression concerning the loss he believed he would have to pay:

👉 “Your donkey is gone, Tarfon!”

The Gemara continues to analyze why a qualified Mumcheh may nevertheless be exempt from paying for an erroneous ruling.

📌 **Key Chazarah**

- A Bechor has its own year, calculated from its birth.
- Bechor is eaten for two days and one night, like Shelamim.
- The Kohen receives the Bechor whether it is a Tam or Baal Mum.
- When a Mum develops near the end of the year, the 30 days are not necessarily a fresh 30 days after the birthday.
- If the Mum develops 15 days before year-end, he receives 15 days before and 15 after.
- The Gemara rejects Rebbi Elazar’s view that there are always 30 fresh days into the next year.
- A Bechor should not be Shechted based on a Mum before it is properly examined.
- Dukin Sheb’Ayin are especially difficult because eye blemishes can change as the animal dies.
- The Gemara discusses whether all eye blemishes change or only some.
- A non-expert who wrongly permits a Bechor and causes a loss may have to compensate the Kohen.
- The payment is reduced because the actual financial loss is uncertain.
- A small animal is assessed even lower because raising it involves substantial Tircha.
- A mistaken Dayan can become liable when he directly acts on his incorrect ruling.
- Nasa V’Nasan B’Yad means the Dayan himself physically carried out the mistaken Psak.
- A qualified Mumcheh can have a different liability.

- Rebbi Tarfon’s mistaken ruling concerning the cow without a womb introduces the next discussion about liability for an incorrect Psak.

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