Bechoros 29 – Good Morning Raboisai

1️⃣ Chazarah – Rebbi Tarfon's Mistake

We begin with the case from yesterday.

A cow was missing its womb, and Rebbi Tarfon ruled that it was a Treifah. The animal was therefore killed and given to the dogs.

It was later discovered that this was incorrect – animals from Alexandria were known to have their wombs removed and still live.

Rebbi Akiva told Rebbi Tarfon that he did not have to pay for the loss.

👉 A qualified Mumcheh of Beis Din who makes such an error can be exempt from paying.

2️⃣ Ta'ah B'Dvar Mishnah

There is an important distinction when a Dayan makes a mistake.

If the mistake contradicts an explicit, well-known Mishnah:

👉 The ruling can be reversed.

This is called:

Ta'ah B'Dvar Mishnah.

The mistake does not simply become an irreversible Psak.

Taking Payment to Examine a Bechor

3️⃣ Can a Mumcheh Charge?

The Mishnah introduces a new Halachah:

A Mumcheh examines a Bechor to decide whether its Mum permits it to be Shechted.

If he takes payment specifically for his ruling:

👉 His ruling cannot be relied upon.

This is because his financial interest can undermine the credibility of his decision.

4️⃣ The Example of Ila in Yavneh

The Mishnah gives the example of Ila in Yavneh, who was recognized as trustworthy.

He would receive:

- Four Issar for examining a Behemah Dakah.
- Six Issar for examining a Behemah Gasah.

The larger animal involved greater Tircha to examine.

Most importantly:

👉 He received the same payment whether he found a Mum or ruled that the animal was a Tam.

5️⃣ Why Must He Be Paid Either Way?

If the Mumcheh were paid only when he permitted the Bechor, there would be an obvious problem.

People could suspect:

👉 Perhaps he is finding a Mum because that is the only way he gets paid.

Therefore, he receives his fee regardless of the result.

Whether he rules:

- Tam, or
- Baal Mum,

his payment is the same.

6️⃣ But Could There Be the Opposite Bias?

The Gemara asks:

Perhaps the Mumcheh will deliberately say:

👉 “There is no Mum.”

Why?

The owner will have to come back again when another possible Mum develops – and pay him again.

The answer:

👉 The fee is charged only once.

Future examinations of that same animal are included.

This removes the financial incentive in either direction.

Taking Money for Torah and Mitzvos

7️⃣ Payment for Judging a Din Torah

The Mishnah expands the principle.

Someone who takes payment specifically:

- To judge a Din Torah,
- To give testimony,
- To perform the Mei Chatas procedure,
- Or to prepare the Parah Adumah water,

can invalidate what he does.

👉 Torah and Mitzvos themselves are not meant to be sold as a commercial service.

8️⃣ "Mah Ani Bechinam, Af Atem Bechinam"

Rav Yehudah says in the name of Rav that Moshe Rabbeinu taught Torah to Klal Yisrael without charging for the Torah itself.

From this we learn:

מה אני בחנם אף אתם בחנם

👉 Just as I taught you for free, you must teach Torah for free.

The Torah itself cannot simply become an item that is bought and sold.

9️⃣ So How Can a Rebbe Be Paid?

This does not mean that someone who spends his day teaching Torah can never receive money.

Payment can be for:

Schar Batala.

Meaning:

👉 Compensation for the income or productive time he gives up in order to teach.

A person could otherwise:

- Work,
- Run a business,
- Practise a profession,

or use that time to earn a living.

He can therefore be compensated for the time he gives up.

🔟 "Emes K'nei V'Al Timkor"

The Daf discusses the Pasuk:

Emes K'nei V'Al Timkor.

👉 "Acquire truth, and do not sell it."

A person should be willing to spend money in order to acquire Torah.

Paying someone to help you:

- Learn,
- Review,
- Maintain a Chavrusa,
- Or remain accountable,

can therefore be extremely valuable.

But the Torah itself should not be treated as a commodity for sale.

Mei Chatas

1️⃣1️⃣ Payment for the Mitzvah vs the Tircha

The Gemara distinguishes between:

- Payment for performing the actual Mitzvah,
- And payment for the work surrounding it.

One may not charge for the actual act of:

👉 Kiddush or Haza'ah of the Mei Chatas.

However, payment can be made for:

- Drawing the water,
- Transporting it,
- And other Tircha involved in preparing for the Mitzvah.

The distinction is:

👉 You are not selling the Mitzvah; you are being compensated for your work.

1️⃣2️⃣ Kiddushin with Mei Chatas

The Gemara discusses a man who gives the benefit associated with Mei Chatas as part of Kiddushin.

This seems difficult:

👉 If one may not charge for the Mitzvah, how can this have monetary value?

The answer is that there are parts of the process for which payment is permitted – such as:

- Drawing,
- Carrying,
- And preparing the water.

That permitted work can have monetary value.

Paying a Kohen for His Loss

1️⃣3️⃣ A Kohen Who Becomes Tamei

Suppose a Kohen accompanies someone through an area that causes him Tumah.

As a result, the Kohen can no longer eat his Terumah.

The person may therefore provide him with:

- Food,
- Drink,
- And oil.

👉 This is not payment for a Mitzvah.

It is compensation for what the Kohen loses by becoming Tamei.

1️⃣4️⃣ An Elderly Kohen

If the Kohen is elderly and cannot comfortably walk:

👉 His transportation can also be paid for.

Again, the payment is not for the Torah or Mitzvah itself.

It covers:

- His inconvenience,
- His expenses,
- And his lost time.

1️⃣5️⃣ Beis HaPras

The Gemara asks how a Kohen could enter a Beis HaPras at all.

A Beis HaPras is a field where a grave was plowed and there is concern that:

👉 Small bone fragments may have been scattered throughout the field.

This Tumah is Rabbinic.

A person can sometimes pass through by carefully checking the route, including blowing away loose earth to ensure that he does not touch or move a bone fragment.

1️⃣6️⃣ Which Tumah Is a Kohen Forbidden to Contact?

The Daf notes an important distinction.

A Kohen's special prohibition concerns:

👉 Tum'as Meis.

It is not a general prohibition against becoming Tamei from every possible source of Tumah.

Therefore, the Gemara distinguishes Tum'as Meis from other forms of Tumah when discussing the Kohen.

How Much Is Schar Batala?

1️⃣7️⃣ Like a Worker Who Is Not Working

The Mishnah describes compensation as:

K'Poel Batel.

The amount depends on what the person normally does.

Imagine two workers:

- One performs exhausting work but earns a high wage.
- Another has easy work and earns the same amount.

They would not necessarily accept the same reduction in pay to sit idle.

👉 Schar Batala is therefore assessed according to the person and the work he is giving up.

A Kohen Suspected of Making Mumim

1️⃣8️⃣ Buying from a Suspicious Kohen

The Mishnah turns to a Kohen suspected of deliberately creating Mumim in Bechoros so that he can eat them.

Because of this suspicion, certain items may not be purchased from him.

Why?

👉 They might actually have come from Bechoros that he improperly blemished.

1️⃣9️⃣ Meat That Could Be Bechor Meat

One may not purchase certain meat from this Kohen where it could be confused with:

👉 Meat from a Bechor.

The concern is that he deliberately created a Mum and is now selling the meat.

2️⃣0️⃣ Hides – How Much Work Did He Invest?

The Mishnah distinguishes between different hides.

If the hide has not yet been heavily processed:

👉 We remain concerned that it came from an improperly blemished Bechor.

But once the person has invested substantial work into it, the situation can change.

Why?

If Chazal discover what he did:

- They can confiscate it,
- And all his work will be lost.

👉 A person is less likely to take that risk after investing substantial Tircha.

2️⃣1️⃣ A Female Hide

If it is obvious from the hide that it came from:

👉 A female animal,

there is no Bechor concern.

A female cannot be a Bechor of this type.

The Gemara discusses whether someone could disguise the gender by cutting away identifying parts, and distinguishes that from cases where damage by mice or other signs is clearly recognizable.

Wool from the Suspected Kohen

2️⃣2️⃣ Wool, Thread and Clothing

The Mishnah similarly discusses buying wool from this Kohen.

The Gemara clarifies the stages of processing.

The more Tircha and work he has invested:

👉 The less likely he would risk losing everything by using prohibited Bechor wool.

This affects whether one may purchase:

- Wool,
- Thread,
- Or finished material from him.

A Person Suspected Regarding Shemittah

2️⃣ 3️⃣ The Same Principle with Shemittah

The Daf applies a similar idea to someone suspected of violating Shemittah.

Certain raw materials should not be purchased from him because:

👉 They may be Shemittah produce that he is improperly selling.

But after significant processing and Tircha:

- There is less concern that he would risk losing all his work.

The Gemara therefore distinguishes between:

- Raw flax,
- Processed thread,
- And woven or prepared material.

📌 Key Chazarah

- Rebbi Tarfon mistakenly ruled that a cow without a womb was a Treifah; Rebbi Akiva said he was exempt from paying as a qualified Mumcheh.
- Ta'ah B'Dvar Mishnah is a mistake against an explicit established Mishnah and can be reversed.
- A Mumcheh examining a Bechor cannot be financially rewarded based on whether he finds a Mum.
- Ila in Yavneh received the same fee whether the animal was Tam or Baal Mum.
- The fee was charged only once, preventing an incentive to keep declaring the animal Tam and charging repeatedly.
- A person may not take payment for the Torah or Mitzvah itself.
- "Mah Ani Bechinam, Af Atem Bechinam" teaches that Torah is taught without charging for the Torah itself.
- Schar Batala may be paid for time and income lost while teaching or performing a Mitzvah.
- Payment for the actual Haza'ah or Kiddush of Mei Chatas is different from payment for drawing, carrying and preparing the water.

- A Kohen can be compensated for losses and expenses caused by becoming Tamei.
- K'Poel Batel is calculated according to the person and the work he is giving up.
- A Kohen suspected of deliberately making Mumim cannot freely sell items that may have come from those Bechoros.
- Significant processing and Tircha can reduce the concern because he would be afraid of losing all his work.
- A clearly female hide cannot have come from a male Bechor.
- Similar rules of suspicion and Tircha apply to someone suspected of violating Shemittah.

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