Bechoros 3 – Good Morning Raboisai

1️⃣ Selling the Rights to Future Offspring

👉 The Gemara continues yesterday's Shaila:

What if a Jew owns an animal which is not yet pregnant and sells a non-Jew:

- The rights to its future offspring?

The Mishnah discusses various partnerships and Kablanus arrangements with a non-Jew, but does not clearly state whether this particular arrangement is permitted.

We cannot prove from the Mishnah's silence that it is permitted, because some of the other arrangements listed are also forbidden even though the Mishnah does not explicitly say so.
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2️⃣ Partnership With a Non-Jew

👉 The Gemara mentions another problem with entering into a partnership with a non-Jew.

Shmuel's father says:

- One should not enter such a partnership.

Why?

A financial dispute could arise and the non-Jew may have to:

- Take an oath in the name of his Avodah Zarah.

The Jew would then have caused:

- The name of Avodah Zarah to be mentioned.

Therefore, the fact that the Mishnah does not explicitly say "Assur" by every case:

- Does not prove that it is permitted.

The Knas

3️⃣ Selling a Pregnant Animal

👉 The Gemara returns to the Knas imposed when a Jew improperly transfers an interest in his animal to a non-Jew.

If the mother is already pregnant and he sells:

- The actual fetus

there is a Knas.

The wording דמיו – "its value" – supports that the Beraisa is referring to:

- The fetus itself.

4️⃣ Ten Times or One Hundred Times?

👉 The Gemara discusses how severe the Knas is.

One source describes:

- Ten times the value.

Another discusses:

- One hundred times the value.

The question is:

Are these numbers:

- Exact amounts

or:

- Expressions meaning a very large penalty?

5️⃣ Selling an Eved to a Non-Jew

👉 The Gemara compares this to someone who sells:

- His Jewish-owned Eved to a non-Jew.

A very severe Knas can apply because:

- Every day the Eved remains with the non-Jew
- He loses the opportunity to perform the Mitzvos in which he is obligated.

This explains why selling an Eved can receive:

- An especially severe penalty.

6️⃣ Selling vs Kablanus

👉 The Gemara distinguishes between:

- Completely selling the animal to a non-Jew

and:

- Giving it to a non-Jew through a Kablanus arrangement.

A complete sale is more serious because:

- The animal is permanently removed from the Jew.

With Kablanus:

- The Jew retains ownership.

Therefore, the Knas for a complete sale can be:

- Greater.

7️⃣ Why the Eved's Knas May Be Lower

👉 Another source appears to give an Eved a smaller Knas.

The Gemara explains:

When the Jew buys the Eved back:

- The Eved does not return to him as his slave.
- The Eved goes free.

Therefore, the owner already suffers:

- A major financial loss.

By an animal:

- He can eventually get the animal back.

This can explain why the monetary Knas is calculated differently.

Non-Jewish Partnership in a Bechor

8️⃣ Rebbe Yehudah and the Chachamim

👉 The Gemara returns to the basic Machlokes about:

- A non-Jew owning a share of the animal.

The Chachamim hold:

- A non-Jewish partnership can exempt the Bechor.

Rebbe Yehudah holds:

- The Jew can remain Chayav even where the non-Jew owns a share.

The Machlokes is connected to how they Darshen:

- כל בכור.

9️⃣ How Do We Understand “Kol Bechor”?

👉 One side understands:

- בכור itself implies complete Jewish ownership.

The word כל then teaches:

- Something additional.

The other side understands the wording differently and therefore says:

- Even partial Jewish ownership can be enough.

The practical question becomes:

How significant must the non-Jew's share be to:

- Remove the Kedushas Bechor?

How Much Must the Non-Jew Own?

🔟 Is Owning an Ear Enough?

👉 Rav Huna says:

Even if the non-Jew owns:

- The ear of the Bechor

that can be enough to exempt it.

This is a very small part of the animal.

The Gemara then discusses opinions requiring the non-Jew to own:

- A much more significant part.

1️⃣1️⃣ Treifah or Neveilah

👉 Other opinions say the non-Jew must own a part whose removal would cause the animal to become:

- A Treifah

or even:

- A Neveilah.

This connects to the familiar Machlokes:

- Treifah Chayah or Treifah Einah Chayah.

If a Treifah can survive:

- Merely making the animal a Treifah may not be significant enough.

If a Treifah cannot survive:

- Such ownership represents a crucial part of the animal.

1️⃣2️⃣ Bechor vs the Mother

👉 An attempt is made to distinguish between:

- The Bechor itself
- The mother of the Bechor.

Perhaps by the Bechor:

- Even ownership of an ear is enough.

But by the mother:

- The non-Jew must own a more essential part.

The Gemara challenges this distinction because the Pesukim do not provide a clear basis for:

- Treating them differently.

What About a Stillborn Bechor?

1️⃣3️⃣ A Nefel Can Still Have Kedushah

👉 Mar bar Rav Ashi challenges the idea that the non-Jew must own a life-essential part.

A:

- Nefel – an offspring which cannot survive

can nevertheless possess:

- Kedushas Bechor.

This shows that:

- The ability to survive

is not necessarily what determines:

- Kedushas Bechor.

Even a stillborn Bechor can have Kedushah requiring:

- Respectful treatment and burial.

1️⃣4️⃣ A Non-Jewish Share Is Different

👉 The Gemara distinguishes:

A Nefel may be unable to survive, but:

- It is still completely within the category of Bechor.

There is no mixture of:

- Non-Jewish ownership.

Once a non-Jew owns part of the animal:

- There is an outside ownership element mixed into it.

That can affect whether it is considered:

- Entirely a Bechor belonging to Yisrael.

Rebbe Elazar Misses the Beis Medrash

1️⃣5️⃣ What Did They Say Today?

👉 Rebbe Elazar once did not attend the Beis Medrash.

He later met Rav Asi and asked:

- What did they say in the Beis Medrash today?

He was told:

Even a:

- Mum Kal – a minor blemish

can be enough for the relevant non-Jewish ownership to remove:

- The Din of Bechorah.

This supports the more lenient view that:

- Even ownership of a relatively small part can matter.

An Animal That Looks Like Another Species

1️⃣6️⃣ Sheep That Looks Like a Goat

👉 The Gemara discusses:

- A sheep giving birth to something resembling a goat.
- A goat giving birth to something resembling a sheep.

If the offspring still retains:

- Some identifying features of its own species

it can remain subject to:

- Bechorah.

However, its unusual appearance can itself constitute:

- A Mum.

This would affect how the Bechor may eventually be:

- Treated and shechted.

1️⃣7️⃣ A Mouth Like a Pig

👉 The Gemara challenges this from another known Mum:

If an animal has a mouth resembling:

- That of a pig

it is considered:

- A Baal Mum.

Perhaps the reason is simply that:

- It looks significantly different from its normal species.

The Gemara continues analysing whether:

- Any major change in appearance

automatically constitutes a Mum.

One Large Eye and One Small Eye

1️⃣8️⃣ Different-Sized Eyes

👉 The Gemara gives another example:

If an animal has:

- One very large eye
- And one very small eye

this can be:

- A Mum.

But if:

- Both eyes are unusually large

or:

- Both eyes are unusually small

that does not necessarily constitute the same Mum.

1️⃣9️⃣ Why Is One Large and One Small Different?

👉 At first, the Gemara considers the concept of:

- Sarua – unequal paired limbs.

For example:

- One limb being significantly larger or longer than the other.

But the Gemara ultimately explains the eye case differently.

Two large eyes might simply result from:

- The animal being unusually large or healthy.

Two small eyes might result from:

- Its general physical condition.

But:

- One unusually large eye and one unusually small eye

indicates an actual:

- Physical defect.

Therefore:

- It is considered a Mum.

📌 Key Chazarah

- The Gemara continues the Shaila of selling a non-Jew the rights to an animal's future offspring.
- The Mishnah's failure to call every arrangement Assur does not prove it is permitted.
- A partnership with a non-Jew can also create a concern that he will swear in the name of Avodah Zarah.
- The Gemara discusses severe Knasos for improperly selling or transferring animals to non-Jews.
- A complete sale is more severe than Kablanus because the animal is permanently removed from the Jew.
- Selling an Eved to a non-Jew is particularly serious because he is prevented from performing Mitzvos.
- Rebbe Yehudah and the Chachamim disagree about the effect of partial non-Jewish ownership on Bechorah.
- Rav Huna says even the non-Jew's ownership of an ear can be significant.
- Other opinions require ownership of a part whose removal would make the animal a Treifah or Neveilah.
- A Nefel can still possess Kedushas Bechor despite being unable to survive.
- An unusual appearance can constitute a Mum.
- One abnormally large eye together with one abnormally small eye is considered an actual defect.

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