Bechoros 35 – Good Morning Raboisai

1️⃣ A Non-Jew Creates a Mum in a Bechor

The Mishnah discusses an old Bechor that has been kept for a long time because it has not developed a Mum.

A non-Jew sees the situation and, on his own initiative:

👉 Pierces the animal's ear and creates a Mum.

If the Jew never asked or hinted to him to do it:

👉 The Mum may be used.

The non-Jew acted completely on his own.

2️⃣ Once It Becomes a System – Assur

The problem begins once people realise what happened.

After seeing that the Bechor was now permitted, people began arranging similar situations.

At that point:

👉 The Chachamim prohibited it.

Once the Mum is being deliberately engineered:

👉 It is no longer considered something that simply happened by itself.

3️⃣ Children Tie the Animals' Tails

The Mishnah brings a similar story.

Children were playing and tied the tails of two sheep together.

One of the animals was a Bechor, and its tail was torn off.

Since the children were merely playing:

👉 The resulting Mum was permitted.

But once people began deliberately using this as a way of creating Mumim:

👉 The Chachamim prohibited it.

4️⃣ The General Rule

The Mishnah gives the rule:

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If the Mum was created:

👉 L'Daas – deliberately for the purpose of creating a Mum – it is Assur.

If it happened:

👉 Shelo L'Daas – without that intention – it is permitted.

The deciding factor is the intention behind what happened.

5️⃣ Why Do We Need Both Stories?

Why does the Mishnah need both:

- The non-Jew,
- And the children?

We might have thought that children are different because nobody will confuse the actions of a child with what an adult Jew is permitted to do.

On the other hand, when an adult non-Jew creates the Mum:

👉 Someone might mistakenly think that an adult Jew could do the same.

Therefore, both cases are necessary.

6️⃣ Be Careful What You Say

The Daf discusses what the Jew said in front of the non-Jew.

If he directly hints:

👉 "If only this animal would develop a Mum..."

the non-Jew may understand exactly what he wants.

However, if the Jew is simply discussing the Halachos of Bechor and the non-Jew later decides independently to create a Mum:

👉 That does not automatically make the Jew responsible.

The question is whether the Jew intended his words as an instruction or hint.

A Bechor Attacks

7️⃣ Self-Defence

The Mishnah discusses a Bechor that chases or attacks a person.

The person kicks or strikes the animal to defend himself, creating a Mum.

👉 The Mum is permitted.

His intention was not to make the Bechor permissible for Shechitah.

He was simply protecting himself.

8️⃣ What If He Hits It Later?

The Gemara discusses what happens if the danger has passed and later the person sees the Bechor again and strikes it out of anger.

Is that considered deliberately creating a Mum?

One approach says:

👉 Once the immediate danger is over, the Heter no longer applies.

Another approach understands that even later he may still be acting out of anger and revenge rather than trying to permit the Bechor.

The key question remains:

👉 What was his intention when he caused the injury?

Before the Bechor Is Born

9️⃣ When Does Kedushas Bechor Begin?

A Bechor becomes Kadosh:

👉 When it is born.

Before the animal emerges:

👉 It does not yet have Kedushas Bechor.

This creates an interesting possibility.

If part of the animal comes out before the Kedushah takes effect, could a Mum be created at that moment?

🔟 The Ear Comes Out First

With certain animals, the ear may emerge before the rest of the head.

At that moment:

👉 The animal has not yet fully emerged with its Kedushas Bechor.

The Daf discusses the possibility of creating a Mum at that stage.

A similar idea exists regarding Maaser Behemah:

👉 Before the animal receives Kedushas Maaser, the prohibition against creating a Mum does not yet apply in the same way.

Mumim Inside the Mouth

1️⃣1️⃣ A Mum That Is Only Visible When the Mouth Opens

Rava discusses a Mum inside the animal's mouth.

Normally:

👉 You cannot see it while the animal is eating.

But when the animal opens its mouth widely – for example, when it cries out or yawns:

👉 The Mum becomes visible.

Can this qualify as a Mum?

Yes.

If the defect can be seen when the animal naturally opens its mouth:

👉 It can be considered a visible Mum.

1️⃣2️⃣ Defects of the Gums

The Mishnah discusses defects in the animal's gums.

There is a distinction between:

- The outer gums.

- The inner gums.

For the more visible outer area:

👉 Even a smaller defect can qualify.

For the inner area:

👉 A more significant piece may have to be missing.

The reason relates to how visible the defect is when the animal opens its mouth.

Who Is Believed About a Bechor's Mum?

1️⃣3️⃣ We Need Testimony

Some Mumim could easily have been created by a person.

Therefore, when such a Mum appears:

👉 We need someone trustworthy to say that it happened naturally and was not deliberately created.

The Mishnah now discusses who is believed.

1️⃣4️⃣ The Shepherd

A shepherd can sometimes testify that the Mum developed naturally.

But his reliability depends on:

👉 Whose animal it is and whether he has a personal interest.

A shepherd working for someone else may be believed because:

👉 The animal does not belong to him.

But where he stands to benefit personally from the Bechor becoming permitted:

👉 His testimony becomes more questionable.

1️⃣5️⃣ The Steak Problem

One concern is:

👉 Legimah – perhaps the witness expects to receive some of the meat.

If the Bechor becomes permitted, the owner may reward the shepherd with a good portion.

Therefore:

👉 Even someone who does not own the Bechor may have a financial or personal incentive to lie.

1️⃣6️⃣ “You Help Me, I’ll Help You”

There is another concern:

👉 Gemilus.

One Kohen may testify for another Kohen’s Bechor expecting:

👉 “Today I help you; tomorrow you help me.”

Therefore, when Kohanim testify for each other:

👉 We must consider whether they are simply exchanging favours.

1️⃣7️⃣ Rebbi Meir Is Stricter

Rebbi Meir takes a particularly strict position regarding a Kohen.

Because the Kohen benefits greatly from his Bechor receiving a valid Mum:

👉 His Ne’emanus is restricted more broadly.

Other Tannaim distinguish between:

- Testifying about his own Bechor.
- Testifying about someone else’s Bechor.

The central issue is:

👉 How much personal interest does he have?

A Safek Bechor

1️⃣8️⃣ Two Males Were Born

The Daf returns to the familiar case where two male animals were born and we do not know which one came out first.

One is certainly the Bechor.

The Kohen receives one.

The Yisrael keeps the other.

But the animal remaining with the Yisrael is:

👉 A Safek Bechor.

It cannot simply be treated like ordinary Chullin.

1️⃣9️⃣ Who Can Testify About Its Mum?

Eventually the Safek Bechor develops a Mum.

Who can testify that the Mum happened naturally?

The Gemara discusses whether:

- The owner,
- A Kohen,
- Or other witnesses

are believed.

The important distinction is that a Yisrael is not normally suspected of deliberately creating a Mum merely because the animal is in his possession.

👉 The strongest suspicion is directed toward a Kohen who stands to benefit directly from permitting his Bechor.

Maaser Behemah

2️⃣0️⃣ Why Maaser Is Different

The Gemara considers Maaser Behemah.

Why would we be suspicious that the owner deliberately created a Mum in his Maaser animal?

Before the animals entered the Maaser process:

👉 He could have created Mumim in all of them.

If he truly wanted to avoid Kedushas Maaser:

👉 He had an easier opportunity before the Kedushah took effect.

Therefore, the suspicion is different from Bechor.

Family Testimony

2️⃣1️⃣ Can the Kohen's Family Testify?

We now reach an important Machlokes.

A Kohen has a Bechor with a Mum.

Can members of his own family testify that:

👉 He did not deliberately create it?

One opinion is surprisingly lenient.

Even:

- His son,
- Or his daughter

may be believed.

2️⃣2️⃣ Rebbi Shimon ben Gamliel

The Halachah follows Rebbi Shimon ben Gamliel:

👉 A Kohen's son or daughter can testify regarding the Mum.

Although they are members of his family:

👉 They are not automatically treated as the Kohen himself for this purpose.

2️⃣3️⃣ But His Wife Is Different

There is one major exception:

אשתו כגופו

👉 A person's wife is considered like himself.

Therefore, although his son or daughter may testify:

👉 His wife cannot testify for him regarding the Bechor's Mum.

Her connection to him is treated differently.

📌 **Key Chazarah**

- If a non-Jew independently creates a Mum in a Bechor without being asked or hinted to do so, the Mum may be used.
- Once people deliberately arrange for the non-Jew to create Mumim, it becomes prohibited.
- Children who accidentally create a Mum while playing do not invalidate the Mum.
- Once the same method is deliberately used as a system, it becomes Assur.
- The general rule is that a deliberately engineered Mum is Assur, while one created without that intention can be permitted.
- Merely discussing the Halachos in front of a non-Jew is different from deliberately hinting that he should create a Mum.
- If a Bechor attacks someone and he injures it in self-defence, the resulting Mum can be valid.
- The Gemara discusses whether striking it later out of anger is also considered unrelated to an intention to permit the Bechor.
- Kedushas Bechor begins when the animal is born.
- The Daf discusses creating a Mum when an ear emerges before the animal has fully been born.
- A Mum inside the mouth can qualify if it becomes visible when the animal naturally opens its mouth.
- The required severity of a gum defect depends partly on its location and visibility.
- Testimony may be required to establish that a Mum developed naturally rather than through deliberate human intervention.
- A shepherd’s reliability depends on his personal interest in the Bechor.
- Legimah is the concern that a witness may lie in expectation of receiving some of the meat.
- Gemilus is the concern that Kohanim may testify for each other in exchange for future favours.
- Rebbi Meir is especially strict regarding the Ne’emanus of a Kohen.

- A Safek Bechor remains subject to Bechor restrictions until it develops a valid Mum.
- Maaser Behemah is different because the owner could have created Mumim before the animals received Kedushah.
- The Halachah follows Rebbi Shimon ben Gamliel that a Kohen's son or daughter may testify regarding his Bechor's Mum.
- His wife may not testify because Ishto K'Gufo – his wife is considered like himself.

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