Bechoros 57 – Good Morning Raboisai

1️⃣ Brothers, Yerushah and Ma’aser Behemah

The Daf begins with an important connection between two Halachos:

👉 Ma’aser Behemah
👉 The Kalbon added when giving the Machatzis HaShekel.

When brothers inherit their father's estate, their status depends on whether:

👉 The Yerushah remained undivided,

or:

👉 They divided it and later became partners again.

This distinction affects both Halachos.

2️⃣ Partners Are Exempt From Ma’aser Behemah

A fundamental rule:

👉 Animals jointly owned by ordinary partners are exempt from Ma’aser Behemah.

Normally, ten eligible animals belonging to one owner are placed in the pen and passed through one at a time:

👉 The tenth becomes Ma’aser.

But if the animals belong to:

👉 Two partners,

they are exempt.

3️⃣ Where Do We Learn This?

The Torah uses plural terminology regarding Bechor:

👉 “Bekarchem V’Tzonchem.”

A Bechor belonging to partners:

👉 Does become Kadosh.

Therefore, the exclusion of partnership cannot be referring to Bechor.

The Torah's teaching is instead applied to the closely related Mitzvah of:

👉 Ma’aser Behemah.

The result:

👉 Partners are exempt from Ma’aser Behemah.

The Kalbon

4️⃣ One Shekel for Two Sons

When giving the Machatzis HaShekel, there could be an additional small amount called:

👉 Kalbon.

If a father gives:

👉 One full Shekel on behalf of two sons,

according to the explanation used in the Daf:

👉 Only one Kalbon is required.

If the father's estate remains intact and the sons pay from it:

👉 It retains the character of the father's property.

But once they divide the estate and later create a new partnership:

👉 They are now ordinary partners, affecting the Kalbon requirement.

Four Possible Cases

5️⃣ Rebbi Yirmiyah – Four Combinations

Rebbi Yirmiyah points out that these two Halachos can create four possibilities:

👉 Chayav in Kalbon and Chayav in Ma’aser Behemah.

👉 Patur from Kalbon and Patur from Ma’aser Behemah.

👉 Chayav in Kalbon but Patur from Ma’aser Behemah.

👉 Chayav in Ma’aser Behemah but Patur from Kalbon.

How?

Because the brothers' money and animals:

👉 Do not necessarily have the same partnership status.

6️⃣ Dividing One Part but Not the Other

For example, the brothers may:

👉 Divide the money

but:

👉 Leave the animals jointly owned.

Or:

👉 Divide the animals

while:

👉 Leaving the money in the original estate.

Therefore:

👉 The Kalbon status can be different from the Ma’aser Behemah status.

7️⃣ Why Is This a Chiddush?

The Gemara asks:

👉 Peshita!

Once we know the two rules, aren't the four combinations obvious?

The Chiddush is a case where:

👉 The brothers have already divided the animals but have not yet divided the money.

We might think:

👉 Since they have clearly begun dividing the estate, the money should already be treated as though divided.

The Gemara teaches:

👉 No.

Until the money is actually divided:

👉 It retains its original status.

Yesh Bereirah

8️⃣ What Happens When Brothers Divide?

The Daf now enters the major concept of:

👉 Yesh Bereirah.

Suppose brothers inherit twenty sheep and divide them:

👉 Ten to one brother.

👉 Ten to the other.

How do we view this division?

One possibility:

👉 The division reveals retroactively that these were the ten animals intended for this brother from the beginning.

That is:

👉 Yesh Bereirah – retroactive clarification.

9️⃣ When They Take Equivalent Property

Rav Huna explains that this idea works particularly where each brother receives:

👉 The same type of property corresponding to the other.

For example:

👉 Sheep against sheep.

👉 Goats against goats.

👉 Equivalent property against equivalent property.

We can potentially say:

👉 Each brother is merely identifying the portion that was his through Yerushah.

🔟 Different Property Is Different

But suppose:

👉 One brother takes sheep.

👉 The other takes goats.

Or:

👉 One takes cash.

👉 The other takes real estate.

This looks much more like:

👉 A transaction between the brothers.

They are effectively exchanging their rights in the different assets.

In such a case:

👉 We cannot simply say the division retroactively clarified what each one originally inherited.

Brothers as Purchasers

1️⃣1️⃣ Ein Bereirah

The Daf brings the opposing concept:

👉 Brothers who divide an inheritance can be treated like purchasers from one another.

Each brother originally had:

👉 A share throughout the entire estate.

When they divide:

👉 Each gives up his rights in one asset in exchange for full rights in another.

According to this approach:

👉 Ein Bereirah.

The division is a new transaction rather than a clarification of the original inheritance.

1️⃣2️⃣ Returning at Yovel

This has a major consequence regarding:

👉 Yovel.

If the brothers are treated as purchasers:

👉 Their division resembles a sale.

Therefore, when Yovel arrives:

👉 The properties return and must be divided again.

This is because:

👉 A purchased Sedeh Achuzah returns at Yovel.

Why Discuss Bereirah Twice?

1️⃣3️⃣ Ma’aser Behemah and Yovel

The Gemara asks why the issue of Bereirah needs to be taught regarding both:

👉 Ma’aser Behemah

and:

👉 Yovel.

Each case contains a possible Chiddush.

By Ma’aser Behemah:

👉 There is a connection to Bechor, where ownership is naturally clear.

By Yovel:

👉 The Torah has a special requirement for property to return to its original status.

Therefore:

👉 We cannot necessarily derive one case from the other.

Both are needed.

Nine Sheep and a Dog

1️⃣4️⃣ A Fascinating Partnership Case

The Daf introduces an unusual case.

Two partners divide property.

One receives:

👉 Ten sheep.

The other receives:

👉 Nine sheep and a dog.

This creates a problem because of:

👉 Mechir Kelev.

The Torah prohibits bringing as a Korban an animal received in exchange for:

👉 A dog.

1️⃣5️⃣ Which Sheep Is the Mechir Kelev?

The ten sheep on one side were received in exchange for:

👉 Nine sheep plus a dog.

Therefore:

👉 Some of the value of the dog is represented in the sheep received by the other partner.

This potentially gives those sheep the status of:

👉 Mechir Kelev,

making them unfit for the Mizbe'ach.

1️⃣6️⃣ Could Bereirah Solve the Problem?

The Gemara asks:

If we say Yesh Bereirah, why not designate:

👉 One particular sheep

as the one corresponding to the dog?

Then:

👉 That sheep would be the Mechir Kelev.

The remaining nine:

👉 Should be permitted.

This would seem to support the use of Bereirah.

1️⃣7️⃣ When the Dog Is Worth More

The Gemara answers that the case can be where:

👉 The dog is worth more than one sheep.

Its value therefore corresponds to:

👉 One complete sheep plus part of the value of the others.

The prohibited value becomes:

👉 Spread throughout the group.

Therefore:

👉 We cannot isolate the entire Mechir Kelev problem in just one sheep.

📌 If Their Values Were Equal

If the dog were worth exactly:

👉 One sheep,

then one sheep could potentially correspond to the dog:

👉 Leaving the others unaffected.

New Mishnah – Which Animals Enter the Pen?

1️⃣8️⃣ Eligible for Ma’aser, Even if Not for a Korban

The Mishnah now discusses animals that:

👉 Cannot necessarily be brought as ordinary Korbanos,

but can nevertheless:

👉 Enter the pen for Ma’aser Behemah.

This distinction is important.

An animal may be disqualified from the Mizbe’ach:

👉 Yet still be eligible to become Ma’aser Behemah.

1️⃣9️⃣ Animals That Are Excluded

The Mishnah excludes several categories:

👉 Kilayim – an animal produced from two different species.

👉 Treifah – an animal with a fatal physical defect.

👉 Yotzei Dofen – born by Caesarean section.

👉 Mechusar Zman – less than eight days old.

👉 Yasom – orphaned at birth.

These animals are excluded according to the Mishnah's ruling.

The Pesukim Behind the Exclusions

2️⃣0️⃣ Shor O Kesev

The Torah says:

👉 "Shor O Kesev."

This excludes:

👉 Kilayim.

The animal must belong properly to its stated species.

2️⃣1️⃣ Ki Yivaled

The Torah says:

👉 "Ki Yivaled" – when it is born.

This excludes:

👉 Yotzei Dofen.

The normal Torah description of birth does not include:

👉 An animal removed through the side of its mother.

2️⃣2️⃣ V'Hayah Shivas Yamim

The Torah requires the animal to remain:

👉 Seven days under its mother.

This excludes:

👉 Mechusar Zman.

The animal does not reach the required stage until:

👉 Its eighth day.

2️⃣3️⃣ Tachas Imo

The Pasuk says:

👉 “Tachas Imo” – under its mother.

This excludes:

👉 A Yasom.

If its mother died at the time of birth:

👉 It lacks the required relationship of being under its mother.

Tachas-Tachas

2️⃣4️⃣ Ma’aser Behemah and Korbanos

The Gemara learns a Gezeirah Shavah:

👉 “Tachas” by Ma’aser Behemah

from:

👉 “Tachas” by Korbanos.

This links the eligibility requirements of:

👉 Ma’aser Behemah and Korbanos.

Certain defects that invalidate an animal for Korbanos:

👉 Also exclude it from Ma’aser Behemah.

The comparison also teaches:

👉 Treifah is excluded.

Animals That Still Can Become Ma’aser

2️⃣5️⃣ A Surprising List

The Daf then gives a list of animals which, despite serious problems, can still be eligible for Ma’aser Behemah.

These include:

👉 Rove’a and Nirva – animals involved in certain forbidden relations.

👉 Muktzah – designated for Avodah Zarah.

👉 Ne’evad – actually worshipped as Avodah Zarah.

👉 Esnan – given as payment to a Zonah.

👉 Mechir Kelev – received in exchange for a dog.

The Chiddush is:

👉 Although these animals cannot be offered normally on the Mizbe’ach, they can still enter the Ma’aser Behemah process.

2️⃣6️⃣ Why Are These Different?

The Gemara distinguishes between:

👉 A physical Pesul

and:

👉 A disqualification resulting from the animal's history or use.

Ma’aser Behemah has a special rule:

👉 Even a Ba’al Mum can become Ma’aser.

The Torah says not to distinguish:

👉 Between “good” and “bad.”

Therefore:

👉 Certain disqualifications that would prevent ordinary Hakravah do not prevent the animal from becoming Ma’aser Behemah.

Tumtum and Androgynous

2️⃣7️⃣ Does Uncertain Gender Matter?

The Daf discusses:

👉 Tumtum

and:

👉 Androgynous.

Normally, Ma’aser Behemah can apply to:

👉 Male or female animals.

Therefore, if the only uncertainty is whether an animal is male or female:

👉 That need not automatically disqualify it.

But there is a Machlokes depending on how the animal's status is understood.

2️⃣8️⃣ Rebbi Shimon Ben Yehudah

According to Rebbi Shimon Ben Yehudah:

👉 Tumtum and Androgynous do not enter the Ma’aser pen.

This depends on whether their status is treated as:

👉 Merely an uncertainty between male and female,

or:

👉 A distinct Halachic category.

That distinction determines:

👉 Whether they are eligible for Ma’aser Behemah.

Rebbi Elazar Ben Yehudah

2️⃣9️⃣ Only Kilayim and Treifah?

Another opinion limits the exclusions much more sharply.

According to Rebbi Elazar Ben Yehudah:

👉 The main exclusions are Kilayim and Treifah.

He does not exclude all the other cases listed by the first Tanna.

The Gemara explains the different Pesukim and Derashos underlying:

👉 Their Machlokes.

Can an Orphan Still Have a “Mother”?

3️⃣0️⃣ The Mother’s Hide

The Daf concludes the Halachic discussion with a fascinating case.

Suppose the mother dies during childbirth.

Normally:

👉 The newborn is a Yasom.

But what if:

👉 The mother's hide remains?

The hide can be placed around the newborn:

👉 To warm and comfort it.

The young animal may become attached to it:

👉 Almost as though its mother were still present.

According to the opinion discussed:

👉 Such an animal may no longer be treated as a Yasom for this Halachah.

Extraordinary Natural Phenomena

3️⃣1️⃣ The Enormous Cabbage

The Daf concludes with remarkable Aggadic descriptions.

Rebbi Yehoshua ben Chananya describes:

👉 An enormous cabbage in his area.

The Gemara uses extraordinarily large measurements to describe:

👉 Its leaves and size.

These descriptions emphasize:

👉 The extraordinary natural phenomena witnessed by the Chachamim.

3️⃣ 2️⃣ The Giant Cedar

Another account describes:

👉 An enormous cedar tree that fell.

Its size was so extraordinary that:

👉 Multiple wagons could pass across its enormous dimensions.

Again, the Gemara describes:

👉 An astonishing scale far beyond an ordinary tree.

3️⃣ 3️⃣ The Egg of the Bar Yochni

Finally, the Daf describes the enormous bird:

👉 Bar Yochni.

An egg fell from it and:

👉 Flooded sixty cities.

It also destroyed:

👉 Hundreds of cedar trees.

The Gemara asks:

Why would the bird throw away its egg?

After all:

👉 Birds naturally care for their offspring.

Rav Ashi answers:

👉 The egg was Muzarta – spoiled and incapable of producing a chick.

Therefore:

👉 The bird discarded it.

📌 Key Chazarah

- Partners are exempt from Ma’aser Behemah.

- The status of brothers depends on whether their father's Yerushah remains intact or was divided and later re-formed as a partnership.
- This also affects the Kalbon accompanying Machatzis HaShekel.
- Rebbi Yirmiyah describes four possible combinations of liability for Kalbon and Ma’aser Behemah.
- Dividing one category of inherited property does not automatically mean the rest is already considered divided.
- Yesh Bereirah means a later division can clarify retroactively which property belonged to each brother.
- Where brothers take very different assets, the division looks more like a transaction.
- If brothers are treated as purchasers, their inherited land can return and be redivided at Yovel.
- If ten sheep are exchanged for nine sheep and a dog, Mechir Kelev can affect the sheep received in exchange.
- If the dog is worth more than one sheep, its prohibited value can be spread through several animals.
- Kilayim, Treifah, Yotzei Dofen, Mechusar Zman and Yasom are discussed as exclusions from Ma’aser Behemah.
- The Pesukim “Shor O Kesev,” “Ki Yivaled,” “Shivas Yamim” and “Tachas Imo” provide the sources.
- A Tachas-Tachas comparison links Ma’aser Behemah with the laws of Korbanos.
- Rove’a, Nirva, Muktzah, Ne’evad, Esnan and Mechir Kelev can nevertheless be eligible for Ma’aser Behemah.
- A Ba’al Mum can become Ma’aser Behemah – the Torah says not to distinguish between “good” and “bad.”
- Tumtum and Androgynous are subject to a Machlokes regarding eligibility.
- The Daf discusses whether a newborn whose mother died can avoid the status of Yasom when the mother's hide remains and is used to nurture it.
- The Daf concludes with extraordinary descriptions of a huge cabbage, an enormous cedar and the egg of the Bar Yochni.

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