Bechoros 2 – Good Morning Raboisai

1️⃣ Petar Chamor – Redeeming a Firstborn Donkey

👉 Maseches Bechoros begins with the Mitzvah of Petar Chamor.

When a Jewish-owned donkey gives birth to its first male:

- The firstborn has Kedushah.
- It must be redeemed by giving a sheep to a Kohen.

The special advantage of using a sheep is:

- The sheep does not have to equal the donkey's value.

If he does not redeem it with a sheep:

- He can redeem it for its full monetary value.

If he refuses to redeem it:

- וערפתו – the donkey must be killed by breaking its neck. 2_transcript

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Partnership With a Non-Jew

2️⃣ Five Cases of Partnership

👉 The Mishnah lists several situations involving Jewish and non-Jewish ownership.

These include:

- A Jew buying an unborn donkey from a non-Jew.
- A Jew selling an unborn donkey to a non-Jew.
- A Jew entering into partnership with a non-Jew.
- A non-Jew owning the animal while a Jew receives a share of its offspring.
- A Jew owning the animal while a non-Jew receives a share.

In these cases:

- The firstborn is exempt from Bechorah.

The Torah says:

- בישראל – the Bechor must belong to Yisrael.

Joint non-Jewish ownership can therefore:

- Remove the obligation.

3️⃣ Why List So Many Similar Cases?

👉 The Gemara asks:

If they are all forms of partnership:

- Why does the Mishnah need to list all five?

Each case contains a different possible reason to think:

- It should be treated differently.

For example, when a Jew:

- Buys a share from a non-Jew

he is bringing the animal:

- Into Jewish ownership.

Perhaps this should be viewed more favourably.

But when he:

- Sells a share to a non-Jew

he is removing it from:

- Full Jewish ownership.

Perhaps we should:

- Penalize him.

The Mishnah therefore teaches the different cases.

Selling a Large Animal to a Non-Jew

4️⃣ The Shabbos Concern

👉 The discussion is connected to the prohibition against selling:

- A large working animal to a non-Jew.

The concern is that the animal may:

- Work on Shabbos

in circumstances where the Jewish seller still has a Halachic connection to it.

This leads into the opinion of:

- Rebbe Yehudah.

5️⃣ Rebbe Yehudah – A Broken Animal

👉 Rebbe Yehudah permits selling:

- A large animal with a permanent disabling injury.

Why?

Because:

- It cannot perform normal work.

Therefore the usual Shabbos concern:

- Does not apply in the same way.

The Gemara also mentions the view permitting:

- A horse

because its normal use is different from ordinary working animals.

What About an Unborn Fetus?

6️⃣ Is a Fetus Like a Broken Animal?

👉 The Gemara asks:

According to Rebbe Yehudah, may a Jew sell:

- An unborn fetus of the animal to a non-Jew?

Perhaps it is similar to:

- A broken animal.

Right now:

- The fetus cannot work.

But there is an important difference:

A permanently injured animal:

- Will remain unable to work.

The fetus:

- Will eventually be born, grow and become capable of work.

Therefore it may be:

- Forbidden to sell.

7️⃣ Another Difference – People May Become Confused

👉 There is another possible distinction.

When someone sees a permanently injured animal being sold:

- He understands why it was permitted.

There is something visibly unusual:

- The animal is disabled.

But every adult animal:

- Begins life as a fetus.

If selling the fetus were permitted, people could mistakenly conclude that:

- Ordinary animals may also be sold.

This gives another reason to treat:

- A fetus more strictly.

The Penalty for an Improper Partnership

8️⃣ A Partnership Arrangement With a Non-Jew

👉 A Beraisa discusses someone who enters into a prohibited arrangement involving:

- A large animal and a non-Jew.

If the non-Jew owns the animal and the Jew receives a share:

- The Jew must deal with his portion of the Bechor appropriately.

But where:

- The Jew owns the animal

and improperly gives the non-Jew a share in the arrangement, the Chachamim imposed:

- A severe Knas.

9️⃣ Even Ten Times the Value

👉 The Gemara describes the penalty:

The Jew may be required to:

- Buy out the non-Jew's share

even at:

- A greatly increased price – up to ten times its value.

He must then:

- Give the required amount to the Kohen.

The Knas reflects the seriousness of deliberately creating:

- A non-Jewish interest in the animal.

🔟 Does This Prove Selling the Fetus Is Forbidden?

👉 The Gemara initially tries to prove:

If there is such a Knas:

- The prohibition must apply to selling the fetus itself.

But the Gemara rejects the proof.

Perhaps the case is really based on:

- The mother animal.

Since the prohibited arrangement was made with:

- The mother

the Chachamim extended the Knas to:

- Its offspring.

Therefore, this does not necessarily prove what happens when:

- Only the fetus itself was sold.

Rebbe Yehudah's Position

1️⃣1️⃣ A Temporary Inability Isn't Enough

👉 The Gemara eventually draws an important distinction.

Rebbe Yehudah permits selling a broken animal when:

- Its condition will not heal
- And it will not later become capable of normal work.

But a fetus is different.

Although it cannot work:

- Right now

that is only temporary.

It will:

- Develop
- Be born
- Become capable of work.

This supports the conclusion that even according to Rebbe Yehudah:

- Selling the fetus is forbidden.

Selling the Mother Only for Her Future Offspring

1️⃣2️⃣ A New Shaila

👉 The Gemara asks another question:

What if the Jew does not sell:

- The mother herself

but sells the mother only:

- For the rights to her future offspring?

The non-Jew receives:

- The future young

while the Jewish owner retains:

- The mother.

Is this permitted?

1️⃣3️⃣ The Question According to Rebbe Yehudah

👉 On the one hand:

Rebbe Yehudah permits selling a permanently broken animal because:

- It is clearly different from an ordinary working animal.

Here, however:

- The mother is completely healthy.

People might therefore become confused and think:

- A normal animal can be sold.

That suggests:

- It should be forbidden.

1️⃣4️⃣ Or Perhaps This Is More Lenient

👉 On the other hand:

When the entire broken animal is sold:

- The Jew completely gives it over to the non-Jew.

But when he sells only:

- The rights to the future offspring

he retains:

- The mother herself.

Perhaps this is actually:

- More lenient.

The Jew has not completely severed his connection with:

- The animal.

The Question According to the Chachamim

1️⃣5️⃣ The Same Shaila Works in Reverse

👉 The Gemara asks the same question according to:

- The Chachamim.

Perhaps they prohibit selling the broken animal because:

- The animal is completely transferred to the non-Jew.

Here:

- The mother remains with the Jew.

Therefore perhaps they would:

- Permit selling only the rights to the offspring.

1️⃣6️⃣ Or Perhaps It Is Even Worse

👉 Alternatively:

The Chachamim prohibit even the sale of:

- A visibly broken animal.

In that case there is little danger that people will:

- Confuse it with a healthy animal.

If they are strict even there:

- Certainly they may prohibit the arrangement with a healthy mother.

Why?

Because an observer could easily confuse it with:

- An ordinary permitted sale.

The Gemara therefore continues analysing:

- What exactly is behind the Chachamim's prohibition.

Why Do the Chachamim Prohibit a Broken Animal?

1️⃣7️⃣ Future Offspring

👉 The Chachamim challenge Rebbe Yehudah:

Even if the broken animal itself cannot work:

- The non-Jew may keep it for breeding.

It can produce:

- Healthy offspring

which will eventually:

- Perform work.

Perhaps that itself is enough reason to:

- Prohibit the sale.

1️⃣8️⃣ Rebbe Yehudah's Response

👉 Rebbe Yehudah's position depends on the nature of:

- The animal's injury.

The case he permits is one where its condition prevents the concern that:

- It will be retained and used normally for breeding and work.

Therefore the Chachamim's concern about:

- Future offspring

does not necessarily apply in his case.

📌 Key Chazarah

- A firstborn male donkey must be redeemed, normally by giving a sheep to a Kohen.
- A sheep can redeem the Petar Chamor even when worth much less than the donkey.
- If it is not redeemed, the Torah requires Arifah.
- Non-Jewish partnership can exempt the animal from Bechorah.
- The Mishnah lists several types of partnership because each could have been treated differently.
- Selling a large working animal to a non-Jew raises a Shabbos concern.
- Rebbe Yehudah permits a permanently disabled animal which cannot perform normal work.
- The Gemara asks whether an unborn fetus has the same status.
- A fetus is different because its inability to work is only temporary.
- The Gemara discusses a substantial Knas for improperly entering a partnership arrangement with a non-Jew.
- A further Shaila concerns selling a healthy mother only for the rights to her future offspring.
- The issue depends on whether the main concern is completely transferring the animal or the possibility of confusion with an ordinary sale.

- The Chachamim also raise the concern that a disabled animal may be retained to produce healthy offspring.

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