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Bechoros Daf 21

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Daf Notes is currently being dedicated to the neshamot of

**Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h**

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

### ***Three Daughters; then Triplets***

The *Gemora* cites a *braisa*: If a she-kid gave birth to three daughters (*triplets; it is common for goats to give birth to several offspring at one time*), and each female gave birth to three daughters (*within the same year*) all (*twelve*) of them (*that were born in the same year*) enter the pen to be tithed. Rabbi Shimon said: I saw a she-kid of which the offspring was tithed in its first year.

The *Gemora* asks: What is the necessity for the *braisa* to state that each gave birth to three? Let it state that one gave birth to three and the rest (*the other two*) each gave birth to two (*for then, there will still be a total of ten*)?

The *Gemora* answers: Since one animal must necessarily bear three, the *braisa* states in each of the cases mentioned that it gave birth to three.

The *Gemora* asks: And what is the necessity for the *braisa* to state that even one of them gave birth to three at all? Let it say that each offspring gave birth to two and the mother again gave birth together with them (*for then, there will still be a total of ten*)?

The *Gemora* answers: Let us say that he holds that an animal which discharges (*and certainly, if it gives birth*), does not subsequently give birth in the same year (*and therefore, it cannot give birth in the same year that its daughters are giving birth*).

The *Gemora* adds that even though you maintain that an animal which discharges can give birth in the year (*of its discharging*) you may still hold that if it gave birth, it cannot give birth again in the same year.

It was stated in the *braisa* (*above*): Rabbi Shimon said: I saw a she-kid (*of which the offspring was tithed in its first year*).

The *Gemora* asks: What is the difference between the *Tanna Kamma* and Rabbi Shimon?

The *Gemora* answers: They disagree regarding Ze’iri’s ruling, for Ze’iri said: The period of discharge is not less than thirty days (*and during that time, it will not allow a male to mate with it*). The *Tanna Kamma* agrees with Ze’iri’s ruling, whereas Rabbi Shimon does not agree with Ze’iri’s ruling. [*They are referring to a case where the goats issued a discharge on the last day of their sixth month. According to Ze’iri, they wouldn’t mate for another thirty days; it emerges that they could give birth on the last day of their first year. Rabbi Shimon doesn’t agree with Ze’iri’s ruling, and therefore, they could give birth even before the end of the year. That is what R’ Shimon was saying.*]

Alternatively, you may say that they all accept Ze’iri’s ruling, and the point at issue here, however, is whether an animal can give birth in abbreviated months (*before the due number of months is completed*). According to the *Tanna Kamma*, we do not say that it can give birth in abbreviated months, but according to Rabbi Shimon, we maintain that it does give birth in abbreviated months. [*If five complete months are not necessary, then even if the animals discharged at the end of*

*six months, and it did not conceive until the beginning of the eighth month, but nevertheless, it could have given birth before the conclusion of the first year.]*

Alternatively, you may say that they all agree that an animal cannot give birth in abbreviated months, and the point at issue here is, however, whether a portion of the day is considered as equivalent to the entire day. According to the *Tanna Kamma*, we do not say that a portion of the day is considered equivalent to the entire day, whereas according to Rabbi Shimon, we say that a portion of the day is considered as the entire day. *[Either we can say that a portion of the last day of the thirty-day discharge period is considered as an entire day, and therefore we can say that it conceived on that very day, and it so that the animal was born on the last day of its first year, even after allowing for five complete months for the pregnancy, or we can say that a portion of the last day of the five-month gestation period is considered as an entire day, and therefore we can say that the animal was born on the last day of its first year, even after allowing for five complete months for the pregnancy.]*

Alternatively, you may say that they all agree that a portion of the day is considered as equivalent to the entire day, and the point at issue here is whether animals may enter the pen to be tithed before they are mature *(for although the third generation goats can be born before the end of the year, they will not become eight days old – the time that it is ready to be offered as a sacrifice – before the beginning of the second year; the Tanna Kamma, agreeing with the opinion cited in the Mishna below that they need to be eight days old before entering the pen to be tithed, holds that this case cannot occur during one year, whereas R' Shimon maintains that a premature animal can be tithed, and therefore the case is possible )*. (20b – 21a)

## **Premature Ma'aser**

The *Gemora* provides support for this *(that R' Shimon holds that a premature animal may enter the pen to be tithed)* from the following *braisa*: Rabbi Shimon the son of Yehudah said in the name of Rabbi Shimon: An animal, though premature, can enter the pen to be tithed, for it is like the case of a firstborn: Just as a firstborn is sanctified *(from when it leaves the womb)* before its time *(that it is eligible to be sacrificed)*, and is sacrificed when its time becomes due, so too a tithing animal can be sanctified before its time, and offered up after its time becomes due.

The *Gemora* asks: But why derive the case of a tithing animal from the case of a firstborn? Why not derive it from the case of sacred animals *(which cannot be sanctified as long as they are ineligible)*?

The *Gemora* answers: It is more reasonable to derive the case of a tithing animal from the case of a firstborn, because to both apply the rules regarding redemption *(a firstborn and a tithing animal cannot be redeemed from their sanctity, whereas blemished offerings become deconsecrated through redemption)*; regarding blemishes *(a firstborn, even born blemished, is sacred; a tithing animal is also sacred when it is the tenth animal leaving the pen; ordinary sacrifices, however, do not receive physical sanctity when they are consecrated with a pre-existing blemish)*; regarding *temurah* *(the animal for which a firstborn or a tithed animal is illegally exchanged is not offered on the altar, whereas with reference to ordinary offerings, they are offered on the altar)*; regarding eating *(a blemished firstborn is eaten by a Kohen, and a blemished ma'aser is eaten by their owner, whereas blemished ordinary offerings must be redeemed before consumption)*.

The *Gemora* asks: On the contrary! We ought to derive the case of a tithing animal from sacred offerings, because to both apply the rules regarding a male *(consecration and tithing apply to both males and females, whereas the law of the firstborn applies only to males)*; regarding sanctification *(a firstborn is naturally sacred from birth; this is in contrast to*

*kodashim and ma'aser*); regarding the Kohanic gifts; regarding an ordinary offspring (*ma'aser and kodashim apply to all animals, not only firstborns*).

Rather, the *Gemora* concludes, Rabbi Shimon derives it from a *gezeirah shavah* (one of the thirteen principles of Biblical hermeneutics; it links two similar words from dissimilar verses in the Torah) between 'passing' (written by *ma'aser*) and 'passing' (written by *bechor*). (21b)

## Discharge

The *Gemora* asks: What exactly is this discharge?

Rav said: It is one where the shepherds of Tsalsa say, "The womb has closed up (*and the embryo has disintegrated*)."

Shmuel said: It is when bubbles of blood have been discharged.

The *Gemora* rules that one is required to show these discharges to a scholar (*to determine if it is from a fetus or is it mere blood*).

The *Gemora* asks: How would a wise man know?

Rav Pappa answered: A wise shepherd is what was meant.

Rav Chisda said: Behold the Sages said that the period for the formation of an embryo in a woman is forty days (*and should the woman miscarry before this period has elapsed, she is not subject to the laws of tumah for a woman after childbirth, for it is regarded as mere liquid*).

Rav Chisda inquired: How long is the period in the case of an animal?

Rav Pappa said to Abaye: Is this not Ze'iri's ruling, for Ze'iri said: The period of discharging is not less than thirty days?

The *Gemora* answers: This ruling referred only to the female submitting to a male for mating (*after a discharge; the inquiry is not resolved*). (21b)

## Jew Buying from another Jew

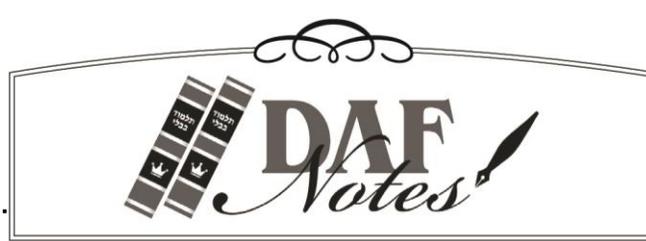
The *Gemora* notes: We have in our *Mishna* the ruling regarding a Jew purchasing an animal from an idolater (*regarding if the first male born by the Jew will have the status of a firstborn or not*). What is the ruling, however, where a Jew purchased an animal from another Jew?

Rav said: It (*the first male born by the Jew*) is surely a firstborn, for if it had given birth (*beforehand*), he would certainly have praised it on this ground (*for he could fetch a better price if the purchaser knows that he is not required to give the firstborn to a Kohen*).

But Shmuel said: It is a questionable firstborn, because the seller thinks that the buyer needs it for slaughtering (*and that is why he did not praise it*).

Rabbi Yochanan said: The animal is surely non-sacred. What is the reason for this? For if it would be a fact that it had never given birth, since we have here a prohibition, he would surely have informed him.

A *braisa* has been taught in support of Rabbi Yochanan's ruling, who maintains that it is *chullin*: [Four times during the year, the *Mishna* says in *Chullin 83b* that a seller must inform prospective buyers that he had sold the mother or the offspring on that day, so as to safeguard the buyer from killing the mother with its offspring on the same day. This is because it is assumed that the buyer will slaughter it on that day.] If he did not inform him, he can proceed to slaughter it and need not refrain. [Evidently, it is the seller's obligation to inform the buyer about any halachic issues; if the seller



remains silent, the buyer can assume that there are no halachic issues to be concerned about.]

The Gemora asks: Let us say that this *braisa* is a refutation of Rav and Shmuel!?

The Gemora answers: There, it depends on the seller (*for it is derived from a verse that one should not cause another to slaughter it and its offspring on the same day*), whereas here, the matter depends on the buyer (*and the seller's silence is not an indicator at all*). (21b)

## INSIGHTS TO THE DAF

### ***“Part of the day is like all of it”: how and when***

This week we learn the famous Talmudic rule: “part of a day is like all of it”. A Jewish boy who has *simanim* becomes an adult at the onset of the day he enters his fourteenth year, even if he was born at 4:00 in the afternoon and though he hasn't yet lived 13 full years. The rule of “part of a day is like all of it” spreads the attribute belonging to the second part of the day to the whole day. In this article we shall focus on the exact definition of this rule by means of the wonderful explanation of the *Rosh Yeshivah* of Ponoviez, HaGaon Rabbi Eliezer Menachem Man Shach zt”l.

**The sheep's age is determined according to the hour of its birth and not its birthday:** In the *parashah* concerning the sacrifices the Torah determined the age of the animals brought as sacrifices to the Temple. Sometimes the Torah limited a sacrifice to being no more than a year old and sometimes it determined that it should not be younger than two years old. We have learnt in Zevachim and will also learn soon in Bechoros (39b) that the age of a sacrifice is determined according to the hour of its birth and, as Rava says, “Hours disqualify *kodoshim*.” In other words, a sheep

born on 3 Sivan at 9:00 will be a year old next year on 3 Sivan exactly at 9:00. A moment before, it is fit to be sacrificed for it is not yet a year old but from 9:00 onwards it is unfit to be sacrificed.

Apparently, Rava completely ignores the rule of “part of a day is like all of it.” Why is the sheep considered younger than one year old before 9:00 in the morning? “Part of a day is like all of it” and from the start of the day it should be regarded as a year old.

Rabbi Shach explained (*Avi Ezri, Hilchos Ishus, 2:21*) that “part of a day is like all of it” does not change reality. It does not make a 12-year-old into a 13-year-old but can lend the **attributes** of part of the day to the whole day. In other words, as a 13-year-old who has *simanim* becomes an adult, then at the start of that day, he should be considered an **adult** – not as a 13-year-old but as an adult. However, the aforementioned sheep will never become a year old before 9:00. No rule or logic can change reality and till 9:00 the sheep is not a year old.

Therefore, concerning a sacrifice – which has no halachos or definitions as an “adult” and the like but merely statistics – an age without definitions – the rule of “part of a day is like all of it” does not apply (see *ibid*, where he explains several *sugyos* which require 24 hours, and see *Chazon Ish, Parah, §1*, and *Birkas Kohen* on the Torah, 30).

## DAILY MASHAL

### ***Parah – Peri***

Our *Mishnah* teaches that a cow does not give birth before the age of three years. HaGaon Rabbi Meir Simchah of Dvinsk zt”l, author of *Or Sameiach*, said that a calf becomes known as a cow (*parah*) when it becomes three years old because then it bears fruit (*peiros*) (*Meshech Chochmah, Vayishlach*).