



A Bechor – Piece by Piece

The *Mishnah* (4:2) discusses a case of an animal, e.g. a cow, that has difficulty in its first birth. If the calf is delivered it has the sanctity of a *bechor*, and if it dies during delivery, no benefit may be gained from the carcass and instead it must be buried. Nevertheless, the *Mishnah* teaches that as limbs exit the body, they can be severed and fed to dogs. Once however a majority of the calf is delivered, it must be buried, as it then has the sanctity of a *bechor*. The *Mishnah* adds that the next calf born would not be considered a *bechor*.

The *Bartenura* explains when the *Mishnah* states that if a majority was delivered it must be buried that is when a majority of the body was delivered in one go and only after cut up.

The *Tifferet Yisrael* adds that if the limbs were cut as they exited and not immediately fed to the dogs, but instead collected, then only those parts of the animal after a majority exited would have the *kedusha* (sanctity) of a *bechor*. That is because the *kedusha* only begins from the point that a majority has been delivered.

The *Tosfot R' Akiva Eiger* (on the *Mishnah*) however cites that *Gemara* that concludes that even if parts of the calf were cut off and collected, then as soon as a majority has exited the animal it all must be buried. In other words, since a majority of the calf is present, it is considered as if a majority was delivered at once. This is indeed the position *Rambam* (*Bechorot* 4:14) who explains that since a majority of the animal is present, irrespective of how it was delivered, it all becomes retroactively *kadosh*.

Tosfot R' Akiva Eiger (on the *Rambam*) notes that according to the *Rambam* if the limbs were collected, and not immediately fed to the dog, then the person would have violated the prohibition of inflicting a blemish on

kodshim.¹ He continues by citing the *Tosfot* that it is only those limbs that are present that become retroactively *kadosh* once a majority has exited the cow.

The *Rambam* also rules that in the case where the limbs were cut and immediately fed to the dogs, the next animal born would be considered the *bechor*. This means that the final statement in the *Mishnah* that the next animal would not be the *bechor* was only referring to the last case in the *Mishnah* that a majority of the animal was born (or present). It would appear then that in the case where the limbs were immediately fed, it is not considered as if the first animal was born and therefore not considered the first born. Consequently, even the limbs that follow would not have the *kedusha* of a *bechor*.

The *Chazon Yechezkel* finds the *Rambam* position difficult based on the *Tosefta* (*Nida* 4:6) that explains that if a woman gives birth, whether the child is born whole or in pieces, once a majority has exited, the child is considered born and mother because *tameh*. The *Rambam* rules accordingly and does not differentiate whether the limbs are present or not. Why in the case of the *bechor* must the limbs be present whereas for childbirth there is no mention of this requirement?

The *Chazon Yechezkel* suggests that there is a difference between *kedushat bechor* and *leida* (birth). *Kedushat bechor* is a law that applies to the calf, whereas the law of *leida* applies to the mother. For *leida*, once a majority of the child is delivered, it is considered that the mother has given birth and she is *tameh*. For *bechor*, since the parts of the calf have been consumed by the dogs by the time a majority has been delivered, a majority of the calf is not present to be deemed a *bechor*.

Yisrael Bankier

¹ Based on this, the *Tosfot R' Akiva* asks how the *Mishnah* could permit cutting the limbs even if they were immediately fed to the dog. One should be concerned that perhaps, before having the chance to feed the limb,

the rest of the animal might be delivered which would result in the violation of the prohibition of causing a blemish to *kodshim*.

Revision Questions

חולין ב' טי' – ד' ה'

- Is one allowed to perform *shechita* in manner that the blood collects in a utensil? (ב' טי')
- In what manner is one allowed to perform *shechita* on a boat? (ב' טי')
- In what manner can one perform *shechita* in his garden such that the blood collects in a hole? (ב' טי')
- What is the law if one slaughters a regular animal for the sake of: (ב' י')
- An *Olah*?
- A *Chatat*?
- What is the general rule regarding the previous question? (ב' י')
- Which of the following would render an animal *treif*: (ג' א'-ב')
- A perforated oesophagus?
- A perforated windpipe?
- How many broken ribs render an animal *treif*? (א' ג')
- What problem related to the spinal cord would render an animal *treif* and what problem would not? (ג' א'-ב')
- A crack in the windpipe in which direction renders an animal *treif*? (ג' א'-ב')
- Which organs, if missing, do not render an animal *treif*? (ג' ב')
- If a bird fell into a fire, when is it considered *treif*? (ג' ג')
- If a bird was trampled upon, when is it not considered *treif*? (ג' ג')
- What are the two opinions regarding how damaged the *zefek* can be and not render a bird *treif*? (ד' ג')
- If an animal ate poison and was slaughtered is it considered *treif*? Can one eat it? (ה' ג')
- What signs did the *Chachamim* provide to determine whether a bird is a kosher type? (ו' ג')
- What are the signs indicating that a *chagav* is kosher? (ז' ג')
- What are the signs indicating that a fish is kosher? (ז' ג')
- If a baby calf extends which limb outside its mother is it considered born and for what law is this important? (א' ד')
- How is an animal foetus different from the animal's other limbs? (א' ד')
- What is one advised to do if a *beheimah* is having severe difficulty in delivering its first offspring? (ב' ד')
- What are the two opinions regarding when a miscarried animal foetus is a *neveilah* and regarding which animals do they argue? (ג' ד')
- What is the law regarding an animal foetus that extended its limb outside the mother and was severed prior to the mother being slaughtered? (ד' ד')
- Explain the debate regarding the previous question when the limb was severed after the mother was slaughtered. (ד' ד')
- What is the law regarding a foetus found inside a slaughtered animal? (ה' ד')
- Regarding the previous question, which specific case is debated? (ה' ד')

Melbourne, Australia

Sunday -Thursday
10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Friday & Shabbat
10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Efrat, Israel
Shiur in English

Sunday -Thursday
Rabbi Mordechai Scharf
9:00am
Kollel Magen Avraham
Reemon Neighbourhood

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mishnahyomit.com/shiurim

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

SHIUR ON KOL HALOSHON

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Next Week's Mishnayot...

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | שבת קודש |
|-----------------------|------------------------|------------------------|------------------------|------------------------|------------------------|-----------------------|
| 9 February ט"ד שבט | 10 February ט"ו שבט | 11 February ט"ז שבט | 12 February י"ח שבט | 13 February י"ח שבט | 14 February י"ט שבט | 15 February כ' שבט |
| Chulin 4:6-7 | Chulin 5:1-2 | Chulin 5:3-4 | Chulin 5:5-6:1 | Chulin 6:2-3 | Chulin 6:4-5 | Chulin 6:6-7 |

