



Invalid Sale of Bechor Meat

Recall that a *bechor*, first born *behema*, must be given to a *kohen* and offered as a *korban*. If however it develops a *mum* (specific blemish) and is it is confirmed by a *mumche* (expert), then the *bechor* can be slaughtered outside the *Beit HaMikdash*, and its meat consumed. Even in the times when there is no *Beit HaMikdash*, a *kohen* must wait for a *bechor* to develop a *mum*, prior to slaughtering it.

The *Mishnah* (5:6) taught that if one slaughtered and sold a *bechor* and it was discovered that the animal was not shown to a *mumche*, then the money must be returned. This would be the case even if the meat was already consumed. If however some meat remained, it would need to be buried.

The *Mishnah* continues that the law is similar in a case where one sold meat, and it was later discovered that the meat was *treif*. Irrespective of whether the meat was consumed, the money would need to be returned. If however the meat was sold to a *nochri* or was used to feed dogs (who are allowed to eat *treif* meat) then the money returned is the difference between the money paid and the cost of *treif* meat.

The *Tifferet Yisrael* notes the difference between the two cases in the *Mishnah*. It is only in the second case, where *treif* meat was sold, that the *Mishnah* provides a ruling if the meat was either sold to a *nochri* or sold to dogs. Why? The question is further strengthened since we learnt (5:2) that if a *bechor* developed a *mum*, then a *kohen* can consume it along with a *nochri*.

The *Tifferet Yisrael*, provides two answers. The *Tifferet Yisrael's* second answer is that the difference between the two cases is practical in nature. The *Tifferet Yisrael* directs us to the *Shulchan Aruch* (YD 306:3) who rules that a *kohen* can sell the *bechor* that has a *mum*, even to an *Yisrael*, provided that the *Yisrael* treats it with the sanctity of a *bechor* that has a *mum*. The *Shulchan Aruch* however continues that the permit to sell it, is if the purchaser wants it for his own needs, i.e. to consume it. If however the

purchaser wants it for business purposes, e.g. on-sell or trade the *bechor*, then the sale is forbidden. The *Shulchan Aruch* continues that if one initially purchased the *bechor* for their own needs, but then no longer had a need for it, they can sell the purchased *bechor*. The *Tifferet Yisrael* reasons that since one cannot ordinarily do business with the purchased *bechor*, the likelihood of on selling the meat is very slim. This then explains why that possibility is not mentioned in the *Mishnah*, in case of the meat of a *bechor*.

The *Tifferet Yaakov* however finds this answer of the *Tifferet Yisrael* difficult. He argues that the prohibition of doing commerce with a purchased *bechor* that has a *mum* is only while the *bechor* is alive, in our case however we are dealing with the meat of a *bechor*. The *Tifferet Yaakov* cites the *Tifferet Yisrael's* own comment in the *Mishnah* in *Shviit* (7:3) that teaches this law that one is not allowed to do business with *bechorot*. The *Tifferet Yisrael* comments that that only applies to a live *bechor*. One is however allowed to do business with the meat from a *bechor*, provided it is treated differently than regular meat and not sold in the marketplace, as we learn in the early *Mishnah* (5:1).¹ Since there is no prohibition, it is quite possible that one was interested in purchasing the *bechor* meat for profit.²

The first answer of the *Tifferet Yisrael* however is that an object that was used for a *mitzvah* is dear to *Yisrael*. *Bnei Yisrael* would prefer to consume it themselves rather than sell it to a *nochri* or feed it to animals. The *Tifferet Yisrael* directs us to the *Magen Avraham* (167) that rules that even a slice of bread from *hamotzi* should not be given to a *nochri* or fed to a dog. The *Tifferet Yisrael* continues that if that should be our attitude regarding *hamotzi*, then it should certainly hold true for *bechor*, an animal that had *kedusha*. He continues, that considering that we are forbidden from treating objects that served something that has *kedusha* with disrespect, then one would certainly not treat a *bechor* that had *kedusha*, in a degrading manner.

Yisrael Bankier

¹ The *Beit Hillel*, explains that the *Beit Yosef* cites this *Mishnah* as the source for the law cited above in the *Shulchan Aruch*. The *Beit Hillel* continues that the *Rash* also explains that there is now prohibition in doing business with the meat from a *bechor* that had a *mum*.

² In defence of the *Tifferet Yisrael*, perhaps he means that since doing business with live *bechorot* is prohibited, the likelihood that one purchased the meat of a *bechor* for business is greatly reduced.

Revision Questions

בכורות ד' ר' – ו' ג'

- Can a judge receive a salary? (ד' ר')
- Can witnesses receive payment to testify? (ד' ר')
- In what situation would one be obligated to feed a *kohen* “blemish-checker”? (ד' ר')
- What is one not allowed to purchase from:
 - A *kohen* that is suspected of inflicting blemishes on *bechorot*? (ז' ו')
 - A person suspected of planting during the *shmittah* year? (ח' ד')
 - A person suspected of selling *trumah* as if it was *chulin*? (Provide both opinions.) (ד' ט')
- If one is suspected of planting crops during the *shmittah* year is he then also suspected of selling *ma'aser sheni*? (י' ו')
- What else is one suspected of transgressing if they are suspected of performing both actions described in the previous question? (י' ו')
- What is the difference between the way *kodshim* that had a blemish and was redeemed is sold and how a *bechor* or *ma'aser beheimah* that had a blemish is sold and why? (יא' ה')
- Can a *kohen* invite a non-*kohen* to partake in a meal involving a *bechor* that had a blemish? (יב' ה')
- Can bloodletting be performed on a *bechor*? (יב' ה')
- Explain the debate regarding a *bechor* whose ear was slit by its owner. (יג' ה')
- What two cases occurred where the *Chachamim* ruled that even though a blemish was inflicted deliberately it was *mutar* to the owners, yet later had to change the ruling and why? (יד' ג')
- What is the law if a person inflicted a blemish to a *bechor* in “self-defence”? (יד' ה')
- What are the three opinions regarding the trustworthiness of a shepherd regarding a blemish on a *bechor* that could have been inflicted by a human? (יד' ה')
- Is a *kohen* trusted to say that he showed the blemish to an expert checker? (יד' ה')
- Explain the debate regarding the required proficiency of those required to check a *bechor* whose front leg was severed. (יד' ה')
- What is the law if one purchased a slaughtered *bechor* (that had a blemish), consumed some, and then it was discovered that the *bechor* was never shown to an expert? (יד' ה')
- What other case is brought that is similar to the previous question and what is the law regarding that case? (יד' ה')
- A wound to which part of the ear of a *bechor* would render it a *ba'al mum*? (טו' א')
- What are the two opinions of the definition of a “dried ear” that is defined as a *mum*? (טו' א')
- Name three types of *mumin* of the eyelid? (טו' ב')
- What is the meaning of the term *tevalul*? (טו' ב')
- According to *R' Channinah ben Antignos*, how many times must a watery eye be examined in an eighty day period? (טז' ג')
- What food must be eaten in order to prove that water in the eye is a lasting blemish? (טז' ג')

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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Rabbi Chaim Brown
www.shemayisrael.com/mishna/

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<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
22 March כ"ו אדר	23 March כ"ז אדר	24 March כ"ח אדר	25 March כ"ט אדר	26 March א' ניסן	27 March ב' ניסן	28 March ג' ניסן
Bechorot 6:4-5	Bechorot 6:6-7	Bechorot 6:8-9	Bechorot 6:10-11	Bechorot 6:12-7:1	Bechorot 7:2-3	Bechorot 7:4-5

