

Bechoros – Simanim

פרק ב – הלוקח עובר פרתו

Daf 13 – יג – דף

1. Acquiring from an עבו"ם is effected with money, not משיכה

The second Perek begins: הלוקח עובר פרתו של עובד כוכבים – if *one buys the fetus of an idolator's cow*, or has any of the forms of shared ownership with an idolator listed on Daf 2a, the firstborn cow is exempt from *bechor* status. Rebbe Oshaya said: ישראל שנתן מעות לעובד כוכבים בבהמתו – if *a Yisroel gave money to an idolator for his animal*, even though [the Yisroel] *did not perform משיכה* on the animal, *he acquired it*, and it is subject to *bechor* status. Abaye ultimately explains: בדיניהם שפסקה להם תורה – it means *according to the laws which the Torah set for them* in the *passuk* about – מיד עמיתך הוא דבמשיכה – or *buy [movable items] from your fellow's hand*, which implies: *only a purchase from your fellow's hand is effected with משיכה*, בכסף – *but a purchase from an idolator is effected through money*.

2. Selling to an עבו"ם is effected with money, not משיכה

Rebbe Oshaya also said: עובד כוכבים שנתן מעות לישראל בבהמתו – if *an עבו"ם gave money to a Yisroel for his animal*, בדיניהם – it is ruled *"according to their laws."* Even though the עבו"ם did not perform משיכה, he acquired the animal, and it is exempt from *bechor* status. Here, too, Abaye explains that this means according to the laws which the Torah set for them, in the same *passuk*: וכי תמכרו ממכר לעמיתך – *when you sell something to your fellow*, implying: לעמיתך – *a sale to your fellow is effected with משיכה*, בכסף – *but a sale to an idolator is effected through money*. In both cases, the Gemara proceeds to prove that the *passuk* does not mean to require both money and משיכה to effect transactions with an עבו"ם. Nor does it mean that transactions can be effected with an עבו"ם using either money or משיכה, because an עבו"ם's laws are דומיא דעמיתך – *similar to your fellow*; just as transactions with *your fellow* are effected with only one method (משיכה), *so too*, transactions with *an idolator* are effected with only one method (כסף).

3. כנעני does not need to be returned to a אונאה

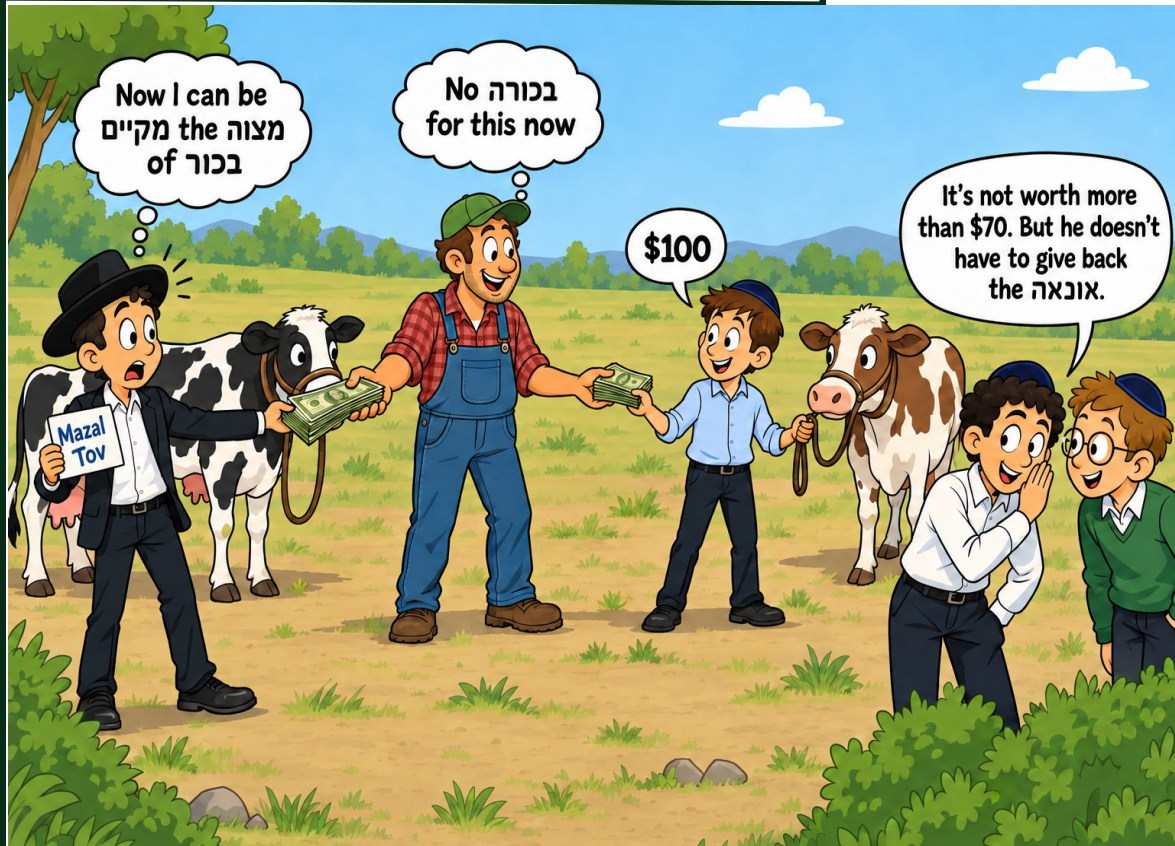
Ameimar disagrees with Rebbe Oshaya and says transactions with an עבו"ם are effected through משיכה. The Gemara observes that if he holds like Rebbe Yochanan, that דבר תורה מעות קונות – *Biblically, money acquires מטלטלין* (and not משיכה), he can explain the exclusion of "לעמיתך" as teaching that, in contrast to a Yisroel, transactions with an עבו"ם are effected with משיכה. However, if he holds like Reish Lakish, that transactions between Jews are effected with משיכה, how would he *darshen* the exclusion of "לעמיתך"? The Gemara answers that it teaches: ואי אתה מחזיר אונאה לכנעני, אונאה מחזיר אתה מחזיר אונאה – *but you do not need to return אונאה to a כנעני* (i.e., if you overcharge him, or he undercharges you, by a sixth or more, you need not make compensation). However, the Gemara notes that this *derashah* is only necessary according to the opinion that גילו – *theft from [a כנעני] is forbidden*, but according to the opinion that permits such theft, this law is obvious.

Siman - Bar Mitzvah Boy

The **bar mitzvah boy** who took some of his bar mitzvah money and used it to purchase a cow from a goy which did not need משיכה to make it his and be מחייב him in בכורה was shocked when the goy turned around and used the money to purchase a cow from his friend which was also a קנין בסף making that cow פטור in בכורה, especially when the goy overpaid and the yid did not have to give back the אונאה.

דף יג | DAF 13

Bar Mitzvah Boy



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3 things to remember

1. Acquiring from an עכו"ם is effected with money, not משיכה
2. Selling to an עכו"ם is effected with money, not משיכה
3. אונאה does not need to be returned to a כנעני

