

Bechoros – Simanim

פרק ג – הלוקח בהמה

דף כד – Daf 24

1. Does a nursing mother indicate a birth, and that this is its child?

A Mishnah on the previous Daf presented a ruling of Rabban Shimon ben Gamliel, which a Baraisa on this Daf presents as a *machlokes*: if one purchases a *בהמה מניקה* – a nursing animal from an idolator, the Tanna Kamma says its next offspring is a *safek bechor*, יולדת, על פי שאינה יולדת, – because [an animal] is sometimes compassionate and nurses a child even though it never gave birth. Rabban Shimon ben Gamliel says: דבר בחזקתו – the issue remains in its assumed status, i.e., that it definitely has given birth. The Gemara asks what he meant that it is "בחזקתו": did he mean only that an animal does not nurse any young unless it has once given birth, but once it has, חיישינן לרחומי – we are concerned for its compassion to nurse another animal's young? Or, did he mean דידה לא מרחמא ליה – but to young which is not its own, it is not compassionate? Meaning, does nursing prove that this is her child, or only that she once gave birth? The Gemara asks whether one would receive *malkus* for *shechting* them both on one day.

2. An animal would not nurse another's offspring if its own is present

Among the proofs brought to resolve the above question, the end of the Mishnah is quoted. Rabban Shimon ben Gamliel said: if one entered among his flock and saw that the animals which had given birth for the first time were nursing, and those which had previously given birth were also nursing, אזל דא לא אצל דא – we are not concerned that perhaps the offspring of this one came to that one, or vice versa. Rather, we assume each animal is nursing its own child. But, if Rabban Shimon ben Gamliel agrees that a mother which has given birth would nurse another animal's child, we should be concerned that they are nursing each other's children, leaving us uncertain which ones are *bechoros*! The Gemara replies that even if an animal would nurse the child of another, במקום דידה – where her own offspring is present, [a mother] would not abandon her own and be compassionate to one which is not her own.

3. Moving and plucking hair of a *bechor*, or on Yom Tov (דבר שאין מתכוין, or, תולש לאו היינו גוזז)

In the next Mishnah, Rebbe Yose ben HaMeshullam says that someone *shechting* a [blemished] *bechor* may make space by parting hair to either side of the *shechitah* area, ותולש את השער – and may pluck out the hair (although shearing a *bechor* is prohibited), but he cannot move the plucked hair from its place, so people do not think he sheared *kodashim*. Rav Huna was asked if this is also permitted on Yom Tov (for *shechting* ordinary animals). This depends on Rebbe Yose ben HaMeshullam's reasoning: does he hold תולש לאו היינו גוזז – "plucking" is not the same as shearing, and is thus permitted for a *bechor*? If so, it would be forbidden on Yom Tov as מגידולו – uprooting something from its place of growth. Or, does he hold תולש is considered shearing, and the plucking is permitted here as דבר שאין מתכוין – something which is not intended (i.e., he only meant to move the hair, and it was incidentally detached)? This would also be permitted on Yom Tov. Rav Huna said Rav permitted it on Yom Tov (i.e., the latter explanation is correct). The next Daf explains this ruling differently.

Siman - Pitcher (כד)

When the man determined that a sheep had definitely given birth because it was using a **pitcher** to feed a baby some milk, he determined which ones were *bechoros* and which ones were not because the mothers would not feed another animal's baby if their own was present, and the *shochet* parted the hair of one of the *bechoros* with a **מום** to the side in order to *shecht* it, watching some of the hair fall out.

DAF 24 | דף כד

Pitcher



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3 things to remember

1. Does a nursing mother indicate a birth, and that this is its child?
2. An animal would not nurse another's offspring if its own is present
3. Moving and plucking hair of a *bechor*, or on Yom Tov

