Bechoros – Simanim
פרק ד – עד במה

Daf 28 – דף כח

1. A *bechor* whose מום was examined after its *shechitah*

The next Mishnah states: השוחט את הבכור ומראה את מומו – if *one shechts a bechor and* only afterwards *shows its blemish* to an expert, Rebbe Yehudah permits the meat, but Rebbe Meir says: הואיל ונשחט שלא ע"פ מומחה אסור – *since it was shechted without an expert's authorization, it is forbidden*. Rabbah bar bar Channah explains that regarding the מום of דוקין שבעין – *cataracts in the eye* examined after *shechitah*, all agree the meat is forbidden, מפני שהן משתנין – *because they change* when the animal dies, and what appears like a permanent מום after its death may not have appeared like a permanent מום while it was alive. They argue about other מומין which are not changed by the animal's death. Rebbe Meir holds we decree to prohibit all cases of מומין examined after death, lest one mistakenly rely on such an examination for דוקין שבעין. Rebbe Yehudah holds there is no such decree.

2. A judge's liability for an erroneous ruling

The next Mishnah states: דן את הדין – *if one ruled on a case,* זיכה את החייב – and *he* mistakenly *ruled the liable party exempt*, *or the exempt party liable*, or he ruled *tahor* food as *tamei*, or the opposite, מה שעשה עשוי וישלם מביתו – *what he did is done, and he must repay* the damaged party *from his property*. The Gemara asks if this anonymous Mishnah follows Rebbe Meir, דדאין דינא דגרמי – *who judges the law of "גרמי,"* obligating payment for certain indirectly caused damages. Rav answers that the Mishnah's case is כגון שנשא ונתן ביד – *where* [the judge] *took* the payment from one party *and gave it by hand* to the other party, directly damaging the losing party. The Gemara asks that the second case, where he exempted the liable party, is completed by the mere verbal ruling, without any action!? Ravina answers that the claimant had a משכון for his debt, and the judge took it and handed it to the defendant. The third case, where he ruled something *tahor* as *tamei*, is where he touched a *sheretz* to the food in question (rendering it definitely *tamei*, following his mistaken ruling). The fourth case, where he ruled something *tamei* as *tahor*, is where he then mixed the food in question into other *tahor* food.

3. The exemptions of מומחה לבי"ד and טעה בדבר משנה (Rebbe Tarfon's *tereifah* ruling)

The Mishnah concluded: ואם היה מומחה לב"ד פטור מלשלם – *if* [the judge] *was an expert* judge *of Beis Din, he is exempt from paying* for his erroneous judgement, since he cannot be faulted for ruling on the case. The next Mishnah relates an incident with a cow whose womb was removed, and Rebbe Tarfon had it fed to dogs as a *tereifah*. The Chochomim in Yavneh permitted the cow's meat, because תודוס the doctor said every cow or sow which leaves Alexandria has its womb cut out (so it should not be bred elsewhere). Clearly, a womb's removal is not a fatal injury!? Rebbe Tarfon remarked: הלכה חמורך טרפון – *"Your donkey has gone away, Tarfon!"*, meaning that he would have to pay compensation for the incorrect judgement. Rebbe Akiva told him that he was a מומחה לב"ד, and was therefore exempt from paying. The Gemara concludes that Rebbe Tarfon would be exempt even if he was <u>not</u> a מומחה, דטעה בדבר משנה – *because he erred in* a law taught explicitly *in a Mishnah,* where the *halachah* is חוזר – *he may reverse* his [clearly incorrect] ruling. Rebbe Akiva was merely giving an additional reason for exemption.

***Siman* – Strong Man**

The **strongman trainer** who was so confident that he knows **what a broken leg looks like that he *shechted* a *bechor* without showing it to a מומחה**, was shocked when **a judge who mistakenly ruled against him in a case about membership to his gym and took the money from him was forced to repay it**, **unlike his colleague the מומחה לב"ד that was פטור for a similar error.**

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Strong Man



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3 things to remember

1. **A *bechor* whose מום was examined after its *shechitah***
2. **A judge's liability for an erroneous ruling**
3. **The exemptions of מומחה לבי"ד and טעה בדבר משנה (Rebbe Tarfon's *tereifah* ruling)**

