



Selling a Blemished Bechor

The *Mishnah* (5:1) teaches that one is allowed to sell *korbanot* that became blemished in a regular meat market and weight it like regular meat – it is not treated differently. The exceptions however a *bechor* or *maaser behema*. The *Mishnah* explains that that is because in those two cases, all the benefit from the sale is enjoyed by the owners. We shall try to understand this *Mishnah*.

The *Bartenura* explains that for other *korbanot*, we want to maximise the sale price because all the benefit goes to *hekdesh*. To explain, the blemished *korban* must be redeemed, and the funds use to purchase a *korban*. If the person can sell the *korban* for a higher price, he will be willing to redeem it for a higher amount, thereby benefitting *hekdesh*. For a *bechor* and *maaser* however, once they develop a *mum* they can be consumed. The proceeds of the sale *bechor* go to the *kohen*, and for *maaser* it is enjoyed by the owner of the animal. In that case, we prioritise treating these *korbanot* with respect and not degrade them treating them like regular meat.

The *Sefat Emet* (*Zevachim* 75b) understands that *Rashi* maintains that the prohibition to sell a *bechor* or *maaser* in the normal way is rabbinic. The *Tosfot* (ibid) however maintain that the concern for disgracing *kodshim* is biblical. The proof is from *Gemara Sanhedrin* (112b) that discusses *ir hanidachat* – a city of idol worship. The *Torah* teaches that all the contents of the city must be destroyed. The *Gemara* explains that that does not include a *bechor* or *maaser* found in the city. Regarding these *korbanot* that have a *mum*, this is because the *Torah* teaches that “*behemtah*”, it animals, must also be destroyed. The understanding is that only the animals that are treated like regular animals, and can be sold and

weighed like normal animal, thereby excluding the *bechor* and *maaser*. If the *pasuk* is excluding these cases, it implies that this law is biblical. If we understand that the law not to degrade *kodshim* is biblical, we must then understand that built into the law is the exception when it is beneficial to *hekdesh*, as in the case of the other *korbanot*.

Interestingly the *Yerushalmi* (*Moed Katan* 2:3) cites *Rav Ba bar Mamal* who said that if he could gather other *Rabbanim*, he would permit the meat of a *bechor* to be weighed against regular weights.¹ He explains that the intent when prohibiting its sale in this fashion was that I be sold cheaply. *R' Chaim Kaneivsky* explains that since it would not be able to be weighed out accurately, it would only be sold at a cheaper rate. *Rav Ba bar Mamal* continues that that intention was never fulfilled since they would find ways of selling it at a higher price. The *Korban HaEidah* explains that they would cut the meat in a way that made it appear to be heavier than its true weight.

R' Chaim Kaneivsky explains that it is clear from the *Yerushalmi* that this law is rabbinic. He notes that that contrasts with the *Tosfot* cited above that understands that it is biblical. Furthermore, it is different to other *Gemaras* that imply that it is rabbinic with the intent not to degrade *kodshim*. Interestingly the *Pnei Moshe* understands that the aim of selling it cheaply was to ensure that it was not weighed out in a degrading manner, aligning the *Yerushalmi* with those opinions in the *Bavli*. The *Masa DiYerushalmi* however understands that the goal of selling them cheaply was to ensure that it was sold as quick as possible such that it would not spoil thereby avoiding disgracing the *kodshim*.

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¹ The *Korban HaEidah* notes that normally a later *Beit Din* cannot override a ruling of an earlier *Beit Din* unless it is greater in number and wisdom. This case however is different since the original intent of the *takana* was not being met.

Revision Questions

בכורות ג' ד' - ה' ג'

- Explain the debate regarding hair that fell off a *bechor ba'al mum*, and then the animal was slaughtered. (ג' ד')
- According to *R' Yosi*, to what cases was the debate really referring? (ד' ג')
- For how long must a *yisrael* take care of the *bechor* before giving it to the *kohen*? (ד' א')
- In which two cases could one give the *bechor* to the *kohen* immediately? (ד' א')
- How is the first year of the *bechor* calculated and why is it important? (ד' א' - ב')
- Explain the debate regarding a *bechor* that had a *mum* and was slaughtered and only then shown to an expert to examine? (ד' ג')
- What is the law if a non-professional: (ד' ד')
 - Ruled that a *bechor* had a blemish and it was slaughtered on his word?
 - Ruled incorrect in a monetary law?
- Regarding the previous question what is the law if he was a professional? (ד' ד')
- Can a professional "blemish-checker" for *bechorot* accept a salary? (ד' ה')
- Can a judge receive a salary? (ד' ו')
- Can witnesses receive payment to testify? (ד' ו')
- In what situation would one be obligated to feed a *kohen* "blemish-checker"? (ד' ו')
- What is one not allowed to purchase from:
 - A *kohen* that is suspected of inflicting blemishes on *bechorot*? (ד' ו')
 - A person suspected of planting during the *shmittah* year? (ד' ח')
 - 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*? (ד' י')
- What else is one suspected of transgressing if they are suspected of performing both actions described in the previous question? (ד' י')
- 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? (ד' ה' א')
- Can a *kohen* invite a non-*kohen* to partake in a meal involving a *bechor* that had a blemish? (ד' ה' ב')
- Can bloodletting be performed on a *bechor*? (ד' ה' ב')
- Explain the debate regarding a *bechor* whose ear was slit by its owner. (ד' ג')
- 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? (ד' ג')

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Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
14 December כ"ד כסלו	15 December כ"ה כסלו	16 December כ"ו כסלו	17 December כ"ז כסלו	18 December כ"ח כסלו	19 December כ"ט כסלו	20 December ל' כסלו
Bechorot 5:4-5	Bechorot 5:6-6:1	Bechorot 6:2-3	Bechorot 6:4-5	Bechorot 6:6-7	Bechorot 6:8-9	Bechorot 6:10-11

