

The Weekly Daf



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Bechoros 32-38

Week of 3-9 Adar 1 5757 / 10-16 February 1997
Rav Weinbach's insights, explanations and comments for the 7 pages of Talmud
studied in the course of the worldwide Daf Yomi cycle

A Delayed-Action Kick

A *bechor* — the male first born animal — may not be slaughtered in regular fashion outside of the *Beis Hamikdash* unless it has a physical blemish which disqualifies it from being a sacrifice. If this blemish has, however, been intentionally inflicted upon the animal in violation of Torah Law, then the owner is penalized, by prohibiting him from slaughtering the animal.

What happens when a *bechor* goes wild and chases its owner who then kicks it in self defense and inflicts a blemish?

The Mishna states that there is no penalty in this case, because the blemish was not inflicted intentionally for the purpose of disqualifying it as a sacrifice, but only in self defense.

What if the pursued owner only kicks it after he has succeeded in escaping from his pursuer?

There are two versions of what Rabbi Papa ruled in such a case. One is that there will be a penalty, since there was no longer a motive of self defense. The other version is that there will be no penalty here, since the owner is merely reacting to the anxiety caused by the chase.

The halachic authorities rule according to the second, more lenient version. The question arises, that since there are two opinions on this issue in the Gemara and we are left with a doubt as to the halacha, aren't we required to be stringent rather than lenient in every matter of Torah Law where there is a doubt?

Rabbeinu Asher explains that although it is forbidden by Torah Law to inflict a blemish upon a sacred *bechor*, the penalty of not slaughtering this animal as a non-sacrifice based on this blemish is only of rabbinic origin, and when a doubt arises in matters of Rabbinic Law we are lenient rather than stringent.

Bechoros 35a

The Audacious One

A *kohen* who receives a *bechor* and wishes to slaughter it in regular fashion outside of the *Beis Hamikdash* due to it having a disqualifying blemish is believed if he claims that at the time he received this animal from an Israelite it already had this blemish. (Otherwise *kohanim* are suspect of themselves illegally inflicting a blemish, and must produce evidence that they did not do so to an unblemished *bechor* received by them.)

The reason for this is that we do not suspect a man of lying in a matter which is very vulnerable to eventual exposure — in this case, the original owner could contradict the *kohen's* claim.

The Sage Rafram of Pumpedisa gave an unblemished *bechor* to a *kohen* who then illegally inflicted a blemish on it. This *kohen* was interested in gaining a rabbinical sanction for slaughtering the *bechor* on the basis of the blemish, but realized that he could not produce evidence that he had not inflicted the blemish. He decided to make a claim that the blemish was already there when he received it. He therefore waited until one day when Rafram was suffering from an ailment in his eyes. Certain that the sage's poor vision would prevent him from recognizing him, this audacious *kohen* approached the sage with the *bechor* and claimed he had received it with the blemish already there.

Rafram made a strenuous effort to fully open his eyes, and he recognized the *kohen* as the one to whom he had given an unblemished *bechor*.

Despite this experience which seemed to challenge the principle of a man hesitating to lie when there is a high probability of exposure, Rafram did not jump to any conclusion about this rule of credibility. Just because one *kohen* is so audacious, he reasoned, there is no cause for assuming that all *kohanim* will be the same.

Bechoros 36b

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