



Safek Peter Chamor - Twice

The first *perek* of *Bechorot* discusses the *mitzvah* of *peter chamor*. That is the *mitzvah* to redeem the first-born male donkey with a lamb or kid, which is then given to the *kohen*. If the redemption is not performed, the donkey is killed by taking an axe to the back of its neck in the process called *arifa*. The *Mishnayot* discuss cases where there is doubt regarding whether the animal is indeed a *peter chamor*.

One case is if a donkey gave birth to a male and female, and we do not know which one was born first. The *Mishnah* (1:3) explains that while the redemption must still be performed, the lamb that was used can be retained. That is because from this point onward it is monetary question of whether the lamb needs to be given to the *kohen*. Since it is a doubt, the *kohen* would need to prove that the male donkey was indeed born first if he wants to take them lamb – *ha'motzi me'chaveiro alav ha'raayah*. We discussed this case in a previous article (17(20)).

Another case is if there were two male and two female foals born to two donkeys. In that case there is similarly a doubt regarding both the donkeys, whether or not they were first born. The *Mishnah* states, "the *kohen* does not receive anything." The simple understanding would be that the owner would still need to perform the redemption based on the doubt that they may indeed be first born donkeys, yet he can keep the lambs. The *Bartenura* however cites the *Rambam* who explains that the redemptions do not even need to be performed, considering the multiple different possibilities where the males would not be first born.

The *Tosfot Yom Tov* cites the *Kesef Mishnah* who notes that in the previous case in the *Mishnah* the ruling is different. That was where there were two males and one

female born. The *Mishnah* rules that one lamb must be given to the *kohen* since there was at least one *peter chamor*. A second redemption must be performed since there is a doubt whether there were two first born male donkeys; yet that lamb can be retained. This is despite the fact that there are also many different scenarios (or "doubts"). The *Kesef Mishnah* answers that even though there are multiple doubts in this case, since one lamb definitely needs to be handled to the *kohen*, he must separate another. In our case however, since no definite action is performed, we do not tell him to separate any lamb since it is a case of a double doubt.

The *Raavad* (*Bikkurim* 12:21) however finds the *Rambam* difficult. Even though there are many scenarios, there is only one real *safek* – whether the male was born first or second to its mother. That being the case it should not be treated any different to the other cases in the *Mishnah* and redemption should still be required.

The *Chazon Ish* (*Bechorot* 17:1) explains that each of the mother donkeys are treated separately. From that perspective, there is a double doubt.¹ The first doubt is whether it even gave birth to a male. The second is that even if it did, it may not have been the first born. Considering that each has a double doubt, it treats the mothers as if they did not give birth to a *bechor*. He continues that even though from the offsprings perspective it is only a single doubt, since the doubt arose because there were two mothers, and for each there is a double doubt, we permit the offspring. He elaborates that this is because when there is a balanced doubt, a small consideration can tip the scale to permit (especially considering that the *Rambam* maintains that all *sefeikot* are rabbinic).

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¹ See the *Tifferet Yisrael* that brings a similar answer.

Revision Questions

חולין י' גי' – י"ב ד'

- What is the law regarding the *matanot* if a *bechor* got mixed with one hundred other animals? (Provide both cases.) (י' גי')
- If person slaughters for which two people is he exempt from separating the *matanot*? (י' גי')
- In what two ways would a *Yisrael* be exempt from separating the *matanot*? (י' גי')
- If a *Goi* had a cow and converted, when would he be exempt from separating the *matanot*? (י' ד')
- What is the *zro'ah*? (י' ד')
- What is the *lechi*? (י' ד')
- How is the obligation of the *matanot* stricter than *reishit ha'gez*? (י"א א')
- How much wool must be sheared to obligate the separation of *reishit ha'gez*? (י"א ב')
- How much must be separated? (י"א ב')
- What has happened to the wool if one is no longer obligated to separate *reishit ha'gez*? (י"א ב')
- When is the seller required to separate and when is the purchaser required to separate? (י"א ב')
- Does the *mitzvah* of *shiluach ha'ken* apply to *kodshim*? (י"ב א')
- To which birds does this *mitzvah* apply? (י"ב א')
- To which of the following cases does *shiluach ha'ken* apply:
 - A non-kosher bird sitting on a kosher bird's eggs?
 - A kosher bird sitting on a non-kosher bird's eggs?
 - A male bird sitting on eggs? (י"ב ב')
 - If there is only one egg?
 - If the eggs will not produce chicks? (י"ב ג')
- Once the eggs have hatched till when does the *mitzvah* apply? (י"ב ג')
- What is the law of the mother bird returns? (י"ב ג')
- Can one take the mother and shoo away the children? (י"ב ג')
- What is the law if the eggs were taken, returned to the nest and the mother bird returned? (י"ב ג')
- Explain the debate regarding the punishment for one that takes mother bird. (י"ב ד')
- Can one take the mother bird for the purpose of purifying the *metzarah*? (י"ב ד')
- What does the *Mishnah* learn from this *mitzvah* and its reward? (י"ב ד')

בכורות א' א'-ה'

- List the five ways, through dealing with a *Nochri*, one can be exempt from *peter chamor*? (From where is this law learnt?) (א' א')
- Are *Levi'im* obligated in *peter chamor*? (א' א')
- What principle does the *Mishnah* lay down for a kosher animal that gives birth to what appears to be a non-kosher animal and vice versa? (א' ב')
- Does that principle apply to the law of *peter chamor*? (א' ב')
- What is the law if a donkey's first birth is: (א' ג')
 - Twin males?
 - A male and female?
- What is the law if the product from two donkeys' first births was a total of a male and female? (א' ג')
- Regarding the previous case, what if one of the donkeys had given birth before? (א' ד')
- What animal is used to redeem a *peter chamor*? (א' ד')
- If this animal has a *mum* can it be used? (א' ד')
- If this animal is slaughtered can it be used? (א' ד')

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
23 November ג' כסלו	24 November ד' כסלו	25 November ה' כסלו	26 November ו' כסלו	27 November ז' כסלו	28 November ח' כסלו	29 November ט' כסלו
Chulin 10:3-4	Chulin 11:1-2	Chulin 12:1-2	Chulin 12:3-4	Chulin 12:5 - Bechorot 1:1	Bechorot 1:2- 3	Bechorot 1:4- 5

