

## OVERVIEW of the Daf

### 1) Blemished korbanos (cont.)

The Gemara cites another opinion agreeing with Rava that Biblically it is permitted to sell a slaughtered ma'aser animal.

### 2) Inclusion

The Gemara cites the opinions of R' Chiya and R' Shimon the son of Rebbi whether the meat of a ma'aser may be included in the sale of bones.

The Gemara explains that there is no dispute about the matter and they refer to different size animals.

Another way to reconcile these opinions is cited.

### 3) Selling a ma'aser animal

The Gemara quotes a Beraisa that cites a phrase that teaches that one may not sell a ma'aser animal.

The source for this ruling is identified.

R' Nachman bar Yitzchok asserts that the gezeirah shavah must be "free."

The Gemara searches for the extra word that would make the gezeirah shavah "free."

After the Gemara clarifies the gezeirah shavah and why it is "free" the Gemara suggests that one could derive the halacha of a bechor from the halacha of ma'aser.

The reason this approach is not valid is explained.

Rava offers an alternative source for prohibition against selling a ma'aser animal.

This exposition is unsuccessfully challenged.

R' Ashi suggests a third source for the prohibition against selling a ma'aser animal.

This explanation is unsuccessfully challenged.

4) **MISHNAH:** Beis Shammai and Beis Hillel dispute who may eat from a blemished bechor.

### 5) Identifying the author of the Mishnah

The Gemara asserts that Beis Hillel's position recorded in the Mishnah reflects R' Akiva's understanding of his position.

### 6) Eating from a blemished bechor

The rationale behind Beis Shammai's position that only kohanim may eat from a blemished bechor is explained. ■

## Distinctive INSIGHT

*Who may partake of a blemished bechor?*

רבי עקיבא מתיר אפילו נכרי

The Mishnah records a disagreement between Beis Shammai and Beis Hillel regarding a bechor that has a blemish, which is allowed to be eaten. Beis Shammai holds that the bechor may only be eaten by a kohen, and the kohen may not invite a yisrael to share with him. Beis Hillel says that even non-Jews may partake in eating the bechor. The Gemara cites a Beraisa where two versions of Beis Hillel's view are explained. One version says that Beis Hillel allowed non-kohanim to eat from a bechor, but not non-Jews. Rabbi Akiva explains that the view of Beis Hillel is that even non-Jews may partake in eating the bechor, and it is Rabbi Akiva's version of Beis Hillel which we find in our Mishnah.

The rationale of each view is presented in the Gemara, each based upon verses in the Torah.

In the name of R'i, Tosafos says that we rule according to Beis Hillel according to the explanation of R' Akiva. The reason is that although the Beraisa presents two versions of Beis Hillel, our Mishnah presents Beis Hillel's opinion in a standard form, without any varying version of their view. This indicates that the Mishnah prefers this version, and it concluded that this is their genuine view. Nevertheless, Halachos Gedolos holds that the halacha is according to Beis Hillel in the Beraisa, that a non-Jew may not eat from a bechor.

Tosafos also explains that we may only allow a non-Jew to eat from a blemished bechor if at that point it is permitted for a Jew. If the bechor is a tereifah, for example, and a Jew may no longer eat from it, we may no longer give it to a non-Jew to eat. The reason is that when it is still permitted, the verse (Devarim 16:22) says that it may be eaten "like the deer and the gazelle." This same verse teaches us that the bechor may only be shechted for human consumption, but if it is not able to be eaten by man, the bechor may not be killed to be given to one's dogs. This means that it would not be permitted to be given to a non-Jew if it is a tereifah, because at this point it may not be eaten by a Jew.

The Mordechai writes that a blemished bechor which is shechted and found to be a tereifah may not be eaten by a Jew, and it must then be buried because it may no longer be tossed to the dogs or given to a non-Jew. He therefore concludes that it is better to transfer the blemished bechor to a non-Jew while it is still alive. This is the ruling of Beis Yosef (Y.D. 307:2) in the name of Mahari"l, and this is the ruling of Rema as well.

The Achronim note that selling a blemished bechor to a non-Jew bears the risk that he may resell it to a Jew who may not be aware of its restrictions. Why is this permitted?

Mahara"m Shik explains that the blemish results in this animal's becoming permitted, and the need to guard against extended risks is not necessary. ■

# HALACHA Highlight

*Including a sefer Torah in the sale of its silver case*

מהו להבליעו בעצמות

*May the sale of the meat be included in the sale of the bones?*

The Gemara discusses a blemished bechor. The halacha is that it is permitted to eat a blemished bechor but it is not permitted to sell a blemished bechor. Abaye and Rava debate whether one may include the meat of a blemished bechor in a sale of the hide and horns. According to Abaye it is only permitted for orphans to include the meat in the sale of hides and horns whereas according to Rava anyone may use this method to sell the meat of the blemished bechor. The Gemara rules in accordance with Rava's lenient opinion. A subsequent discussion relates to whether it is permitted to include the meat in a sale of the bones of the blemished bechor. The Gemara's conclusion is that one may include meat in the sale of the bones of a large animal since those bones can be made into a vessel but one may not employ this leniency for small animals since their bones are not usable for vessels and it is an obvious subterfuge.

There was once a small community that did not have a sefer Torah and they could not even find a scribe who would write a sefer Torah on their behalf. The only option that was available was to purchase a sefer Torah with an expensive silver case that someone inherited and was not interested in keeping for himself. Although all the parties were prepared to complete the sale someone questioned its validity since Shulchan

# REVIEW and Remember

1. Is there is a dispute between R' Chiya and R' Shimon the son of Rabbi ?

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2. What is a gezeirah shavah מפני ?

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3. What is the source that the phrase לא יגאל means it shall not be sold ?

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4. What is the point of dispute between Beis Shammai and Beis Hillel?

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Aruch<sup>1</sup> rules that one may not sell a sefer Torah. Even if the seller does not mind violating this prohibition the community may not purchase it from him since that would constitute placing a stumbling block before him. Teshuvos Torah Lishmah<sup>2</sup> cited our Gemara's ruling that permits including the meat of a blemished bechor in the sale of the bones of a large animal even though it is prohibited to sell the meat by itself. In this case as well since the Torah is stored in the fancy silver case and the community is interested in purchasing the case as well it is permitted to include the sefer Torah in the sale of the silver case. By following this approach no prohibition is violated by any of the parties involved. ■

<sup>1</sup>שו"ע יו"ד סי' ע"ר סעי' א'.

<sup>2</sup>שו"ת תורה לשמה סי' ל"ג. ■

# STORIES off the Daf

*Gladdening an Orphan's Heart*

"בהמה של יתומים..."

On today's daf we find that at times an orphan's ma'aser behema may be sold normally. This is a special leniency for orphans since the prohibition to sell maser beheima normally is only rabbinic. We are all obligated to help, encourage and gladden the heart of an orphan whenever possible.

The Satmar Rav, zt"l, spent one summer Shabbos in Ardiov, a city where many great tzaddikim and

talmeidei chachamim spent time during the summer. He ate the Friday night meal at the tisch of Rav Moshe of Shinova, zt"l, an exceptional tzaddik who only thought about doing God's will. Many other luminaries were present at the crowded tisch which had an uplifting yet comfortable feel to it.

After singing some inspiring melodies, the kugel was served. It was a very scrumptious kugel. So much so that some of those at the tisch whispered to one another that they hadn't tasted such a delectable kugel in a long time. To the surprise of all, Rav Moshe immediately got up and went into the kitchen. After a short time he returned.

Everyone wondered what the rebbe

had been doing in the kitchen. When Rav Moshe noticed their wonderment, he told them where he had been. His deep sensitivity for others revealed by his unabashed statement completely astounded the Satmar Rav. "I heard people saying that the kugel is exceptional. Since the cook is a poor orphan girl, I immediately went into the kitchen to tell her. How could I wait until later to gladden her broken heart?"<sup>1</sup> ■

<sup>1</sup>מושיען של ישראל ■

*Today's Daf Digest is dedicated as a zechus*

*שלמה ברוך בן שיינדל ברכה דינה חיה שרה בת שיינע מירה*