

## OVERVIEW of the Daf

### 1) Possibly tamei terumah

The Gemara explains how R' Eliezer's and R' Yehoshua's dispute concerning terumah that may have become t'meiah relates to their respective interpretation of pesukim.

This explanation is successfully challenged and another interpretation of the dispute is recorded.

### 2) Blemishing an animal while administering a procedure

R' Yehudah in the name of Shmuel rules in accordance with R' Shimon's position.

The Gemara clarifies that R' Yehudah's intent was to rule in accordance with R' Shimon's position as presented in the Beraisa.

This explanation is corroborated.

**3) MISHNAH:** The Mishnah presents a dispute regarding a bechor that was intentionally blemished.

### 4) Clarifying R' Eliezer's position

The indication that R' Eliezer penalizes forever is challenged.

Rabbah and R' Yosef offer a resolution to this challenge.

Rava rejects this resolution and offers a resolution of his own.

R' Pappa inquires whether R' Eliezer said **ויטהר** or **יטהר**.

The practical difference between these two versions is explained and the matter is left unresolved.

### 5) Penalty for blemishing a bechor

R' Yirmiyah inquired whether a child who inherits a bechor that his father intentionally blemished is permitted to slaughter that bechor.

R' Zeira demonstrated that only the transgressor is penalized and not his son. ■

## REVIEW and Remember

1. Is one obligated to prevent possibly tamei terumah from becoming tamei?  
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2. What is the difference between R' Shimon's position recorded in the Mishnah and R' Shimon's position recorded in the Baraisa?  
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3. What is the difference between **יטהר** and **ויטהר** as far as R' Eliezer's position is concerned?  
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4. Is the son of a transgressor penalized because of his father's transgression?  
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## Distinctive INSIGHT

### *Indirectly causing a blemish to a bechor*

אין לי אלא שלא יתן בו מום. מנין שלא יביא דבילה ובצק ויניחנה על האוזן וכו' תלמוד לומר בל מום

In the Beraisa brought on 33b, R' Meir was of the opinion that it is prohibited to cause a blemish to a bechor, even if it might need to be treated for an illness. Chachamim allow treatment of an ill bechor, even if it may cause a blemish. R' Yochanan explains that the disagreement hinges upon the interpretation of the posuk in Vayikra (22:21), "Any blemish shall not be placed upon it." R' Meir learns that this teaches that we may not cause a blemish even to an animal which already has a blemish. Chachamim learn that the only prohibition is not to cause a blemish to a healthy and unblemished animal. However, if an animal is already not being eligible for an offering, there is no technical prohibition from this posuk against causing further blemishes.

The disagreement between R' Meir and Chachamim was regarding causing a direct blemish to a bechor. Our Gemara discusses whether it may be permitted to cause a blemish indirectly. The example is whether dough may be placed on the ear of a bechor. It is understood that this will lead to a dog coming by and biting the dough and causing an injury to the ear, which is a blemish. Chachamim learn that the extra word "**כל**—any blemish" teaches that a blemish may not be caused directly or indirectly.

R' Meir also noted that the word "**כל**" in the posuk was extra, but he learned from it that a blemish may not be placed even upon an animal that is already blemished. Sefer Reishis Bikkurim discusses whether R' Meir who already uses this phrase for his own lesson would agree that it is prohibited to cause a blemish indirectly. If he does agree with it, would it be only a rabbinic law because he already used **כל** to teach us something else, or perhaps he derives this law from a different source?

Sefer Reishis Bikkurim writes that Sefer Yerei'im writes that R' Meir holds that it is permitted to indirectly cause a blemish to a bechor. This means that R' Meir who is more strict regarding a direct blemish (he does not allow causing a blemish even to an animal that already has a blemish) is more lenient when it comes to indirectly causing a blemish.

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 by Heshy Kofman in loving memory  
 of the yearzeit of his grandfather, Yitzchak Pinchas Kofman.  
 He loved learning Daf Yomi

# HALACHAH Highlight

## Benefitting from chometz that was in the possession of a Jew on Pesach

צורם אוון בבכור ומת

*If one slits the ear of a bechor and dies*

The Gemara teaches that one who intentionally slits the ear of a bechor to permit it for consumption is penalized and he may not eat the meat of the animal. Chazal did not, however, penalize the son of someone who injures a bechor. Therefore, if the father dies and his son inherits the animal he is permitted to slaughter it. Similarly, if the transgressor slaughters the bechor the meat is permitted for others<sup>1</sup>. Maharit Algazi<sup>2</sup> wonders whether the same principle is true with regards to the prohibition against benefitting from chometz that was in the possession of a Jew on Pesach. Did Chazal only penalize the one who violated the prohibition but others may benefit from that chometz, or perhaps the chometz is prohibited for everyone. One should also not think that one may not compare Rabbinic injunctions to one another since we find that our Gemara compares one who intentionally blemishes a bechor to one who violates the prohibition against fertilizing a field during shemittah.

Maharit Algazi cites Ran who asserts that when Chazal prohibited chometz that was in a person's possession on Pesach the prohibition is not limited to the one who violated the prohibition. Rather, the chometz is prohibited to everyone, and he cites proof from a Gemara in Chullin.

*(Insight...continued from page 1)*

Rambam does not cite this halacha in regard to the laws of animals designated for the mizbe'ach, but he does refer to this halacha in Hilchos Bechoros (2:8) in reference to the law that if someone indirectly caused a blemish to a bechor the animal may not be shechted due to that blemish.

Minchas Chinuch (Mitzvah 287:10) points out that Rambam does not indicate whether this halacha is from the Torah (Chachamim) or rabbinic (R' Meir). Gri"z explains that like all Torah laws, indirectly violating it is not prohibited, but the animal may not be shechted as a result of a blemish caused indirectly. ■

Maharit Algazi rejects the proof from the Gemara in Chullin and questions the rationale to distinguish between the Rabbinic penalty regarding one who maintains ownership of chometz on Pesach and the penalty for one who violates the prohibition against inflicting a blemish on a bechor. Sefer Nechmad La'mareh<sup>3</sup> explains that one who inflicts a blemish on a bechor has not made the bechor prohibited, for if the bechor was to develop another blemish it would be permitted even for the owner himself. Since he has not made the bechor prohibited the penalty is limited to the transgressor himself. In contrast, one who maintains possession of chometz on Pesach causes the chometz to become prohibited. As such, the penalty will apply to everyone. ■

1. עי' שייך יו"ד סי' שייג סק"ב.
2. מהר"י"ט אלגאזי אות מ"ג סק"ו.
3. ספר נחמד למראה ירושלמי שביעית פ"ב ד"ה ולי ההדיוט, קיח

# STORIES Off the Daf

## Paying the Fine

הצורם אוון בבכור

One area of halachah that was becoming increasingly neglected was regarding the prohibition against slaughtering a cow and her calf on the same day. Although this is an explicit Torah prohibition, for Jews in small villages it can sometimes be challenging. In the days before refrigeration, when it was only possible to serve fresh meat if it was slaughtered that day, making a wedding sometimes required all available animals to properly feed the crowds of

guests. And some reasoned that it surely wouldn't do to bring an animal from somewhere else and lose time and profits when a perfectly good animal was available right at hand. In some towns, the people would turn a blind eye and two different shoctim would be employed; one would shecht the mother and the second would shecht its offspring.

When the rav of a certain town caught onto this travesty he was furious. And he wondered what could be done to ensure that the awful practice would cease. The local rav consulted with the Tevuos Shor, zt"l, to receive a definitive psak for the town and to devise a plan

to stop the breach.

The Tevuos Shor replied, "It is clear that the second animal is halachically prohibited. This is clear from the Gemara in Bechoros 34. There we find that if one nicked the ear of a bechor, it may not be used even though it is not blemished. We see from here that it is your duty to fine wrongdoers by ensuring that their sin doesn't benefit them. There are people who are in such a rush to use both mother and young on the same day. Penalize them and enforce the law: the animal slaughtered second may not be used until the next day!"<sup>1</sup> ■

1. תבואת שור, סי' ט"ו, סי' ק"ז