

OVERVIEW of the Daf

1) Clarifying the Mishnah

A Baraisa clarifies the statement of R' Chanina ben Antigonus.

2) **MISHNAH:** The Mishnah rules that any blemish that was already listed allows for the slaughter of a bechor and for a disqualified korban to be redeemed.

3) Clarifying the Mishnah

The necessity for this Mishnah is explained.

4) **MISHNAH:** The Mishnah enumerates blemishes that disqualify a bechor from being offered as a korban but do not permit the bechor for slaughter.

5) *Garav and Chazazis*

The Mishnah's indication that garav and chazazis are not permanent blemishes is challenged.

Both contradictions are resolved.

The second resolution is unsuccessfully challenged.

6) Old, sick and foul-smelling

The source that old, sick and foul-smelling bechorim are not offered as korbanos is presented.

The necessity for three different expositions is explained.

7) An animal with which a sin was committed or that killed a person

The sources that an animal with which a sin was committed or that killed a person is disqualified from being offered as a korban are presented.

The necessity for these expositions is unsuccessfully challenged.

8) *Tumtum and androgynus*

The Gemara explains why a tumtum may not be offered as a korban and questions why an androgynus may not be offered.

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Distinctive INSIGHT

An animal with a semi-defect

ואלו שאין שוחטין עליהן לא במקדש ולא במדינה

The Mishnah begins to provide a list of physical conditions which are not categorized as full blemishes. Accordingly, a bechor may not be shechted as chullin if the animal was afflicted with one of them, but the animal may also not be shechted as an offering on the Altar, because the animal is defective.

Rambam (Hilchos Issurei Mizbe'ach 2:8) writes that the reason an animal may not be brought as an offering although it does not have a full-fledged blemish is that the animal is not a choice animal, and the Torah says (Devarim 12:11), "the choicest of your pledges." Rambam concludes by saying that if, nevertheless, an animal with one of these defects was brought as an offering "it seems to me that the offering is accepted and the owner has fulfilled his obligation." Gri"z explains that Rambam holds that these particular semi-defects prevent the animal from being eligible for an offering although these physical conditions are not included in the official list of disqualifying blemishes in the Torah. These animals should not be brought because they are not of the choicest, but, after the fact, they are not invalid, and the offering is acceptable. According to Gri"z, the law to avoid bringing these animals is a Torah-level rule.

Sefer Mirkeves HaMishnah explains that the reluctance to bring a semi-defective animal is only rabbinic.

In his Commentary to the Mishnah (Bechoros 7:12), Rambam writes "one may not offer in the Mikdash an animal which has any of these [semi-defects], because one should only bring an animal which is in the fullest sense complete." Even HoEzel (Hilchos Issurei HaMizbe'ach 2:8) explains that the issue is that these animals are lacking in fulfillment of (Vayikra 22:21) "it shall be perfect in order to be desirable," and that even after the fact, the offering is not valid and is not acceptable. This is unlike the ruling of Rambam in Hilchos Issurei Mizbe'ach where he says that the offering is acceptable.

Even HaEzel notes the wording of Rambam when he says that "it seems to me" that the offering is acceptable. In fact, the Gemara (Menachos 84a, 86b) clearly concludes that after the fact an offering which is not "the choicest" is acceptable. It must be that Rambam changed his view as reported in his Commentary to the Mishnah, and he came to the realization that the reluctance to bring such an animal as an offering is only due to its not being of the best, and this is why it is acceptable after the fact. However, it is not so serious as noted in the Gemara in Sukka (50a), that an animal that would not be brought to a mortal officer may not be offered in the Mikdash (as learned from the verse in Malachi 1:8), because this issue disqualifies even after the fact. ■

REVIEW and Remember

1. What is the source that a foul-smelling animal may not be offered as a korban?

2. Why is it necessary for a pasuk to exclude an animal that killed someone if the animal must be killed anyways?

3. What is the practical difference regarding Rava's inquiry related to R' Yishmael's position?

4. According to R' Chisda, which is the case that is subject to dispute?

HALACHAH Highlight

A blemished sh'liach tzibbur

מה שבור במקום עצם וגוי

Just as "broken" refers to a break in a bone etc.

One of the blemishes that disqualify an animal from being offered as a korban is if it has a broken bone. Magen Avrohom¹ cites authorities who write that someone without arms may serve as sh'liach tzibbur. This position is based on the Midrash that teaches that God uses "broken vessels" and it is only kohanim who are disqualified by a blemish. Magen Avrohom, however, references the Zohar that maintains that the phrase "broken vessels" refers to a person who is contrite rather than one who is physically blemished. Therefore, just as a kohen who is physically blemished is unfit to serve in the Beis HaMikdash so too one who is physically blemished is unfit to serve as sh'liach tzibbur.

Sefer Adnei Paz² cites other authorities who note that a blemished kohen is disqualified only from serving in the Beis HaMikdash but he is permitted to eat the kohen's portion of a korban. The rationale for this distinction is based on a comment of Rema³. He explains that the reason the primary atonement for a korban is achieved when the kohanim eat from the korban is that it is embarrassing for a person to have his korban eaten by others and that embarrassment atones for his transgression. Since a blemished kohen is permitted to eat korbanos and provide people with atonement someone blemished may also serve as sh'liach tzibbur. Davening is a replace-

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Abaye and Rava offer different responses to this question.

The reason R' Yishmael in the Mishnah disagreed with Abaye and Rava is explained.

Rava inquires about R' Yishmael's exact position.

The practical significance of this question is explained.

Two unsuccessful attempts to resolve this matter are presented and the matter is left unresolved.

9) Clarifying the dispute

R' Chisda asserts that the dispute is limited to the androgynus but all opinions agree that a tumtum is questionable and is sanctified out of doubt.

Rava begins to challenge this assertion. ■

ment for korbanos and the sh'liach tzibbur replaces the kohen. Therefore, since the primary atonement of eating the korban could be achieved even by a blemished kohen so too the sh'liach tzibbur may also be blemished. Adnei Paz notes that this conclusion is not consistent with Chavos Yair's position about this matter. Chavos Yair⁴ writes that if another sh'liach tzibbur is available a blemished sh'liach tzibbur should be replaced. A person's limbs represent the throne, heavenly lights and one's soul. As such, if the sh'liach tzibbur's body is not complete the throne that he represents is also not complete. ■

1. מג"א סי' נ"ג סק"ח.
2. על המג"א שם.
3. תורת העולה פכ"ה דף נ"ב:.
4. שו"ת חות יאיר סי' קע"ו. ■

STORIES Off the Daf

A Single Flock

מן הצאן להוציא את

The Divrei Yisrael of Modzhitz, zt"l, explains the relationship between a segment from today's daf and our personal avodah. "In Bechoros 41 we find that the words 'מן הצאן'—implying some, but not all, sheep—excludes muktzah, which literally refers to an animal designated for idolatry.

"It is well known that the Jewish people are compared to sheep. Interestingly, the very word sheep has no plural form. Even if one discusses any amount of sheep, he still uses the same word for

one: 'צאן.' We learn this from the verse in Yeshayah, where the verse refers to two sheep as 'שתי צאן'.¹ And in Melachim we find that even one hundred sheep is 'מאה צאן'.² This peculiarity also exists regarding the word 'אדם'; this same word is used for one and many. Yisrael are called sheep. We are one entity, like one body. In addition, sheep stay together. But one who is 'מוקצה', set apart by removing himself from the community, is not part of the collective self-sacrifice of the Jewish nation."

The rebbe continued with another explanation: "The Gemara there learns a second drashah from the extra vav of 'ומן הצאן.' This extra vav teaches that an animal which gored someone to death is also disqualified to be used as a sacrifice.

The words of the Zohar are well known: vav always alludes to Torah. One reason for this is that the measurement of the luchos—which allude to all six hundred and thirteen mitzvos—was six tefachim cubed as we find in Bava Basra. An important attribute of sheep is that they are very docile when near other animals, a sign of humility. Similarly, one who learns Torah in an aspect of vav must not be a 'גנחן', one who gores others to death by his nasty words, embarrassing them in a manner which is tantamount to killing them. One who is filled with Torah must work very hard to attain humility. He cannot be like an animal which is proud of its horns and uses them to his fellow's detriment!"³ ■

1. ישעיה, ז' כ"א.
2. מלכים א', ה' ג'.
3. דברי ישראל, ויקרא. ■