

OVERVIEW of the Daf

1) Eating from a blemished bechor (cont.)

The reason Beis Hillel rejects Beis Shammai's source that only kohanim may eat from a blemished bechor is explained.

This explanation is unsuccessfully challenged.

The rationale behind R' Akiva's position cited in the Baraisa is explained.

The reason Tanna Kamma rejects this explanation is recorded.

A Baraisa teaches that Beis Shammai and Beis Hillel disagree whether a niddah may eat from a blemished bechor.

The debate between Beis Shammai and Beis Hillel concerning Beis Shammai's source is recorded.

2) Skinning from the feet

A Baraisa teaches that one may not skin an animal from its feet on Yom Tov nor may one skin a bechor or a disqualified korban from its feet.

R' Chisda explains why one may not skin a bechor or a disqualified korban from its feet.

The Gemara further elaborates on R' Chisda's explanation of the Baraisa.

The rationale behind the position of R' Elazar the son of R' Shimon is unsuccessfully challenged.

Two other explanations are presented regarding the restriction against skinning a bechor or disqualified korban from the feet.

3) MISHNAH: The Mishnah discusses administering a procedure to an ill bechor that may result in permanently blemishing the animal.

4) Blemishing an animal while administering a procedure

A Baraisa further elaborates on the issue of administering

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REVIEW and Remember

1. Is it permitted for a niddah to eat from a blemished bechor?
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2. Why is it prohibited to skin a blemished bechor from its feet?
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3. Is one permitted to treat a bechor if the procedure will wound the animal?
.....
4. What is the point of dispute between R' Meir and Rabanan?
.....

Distinctive INSIGHT

What is to be done with terumah which is doubtfully impure
בי יהושע אומר אם היתה מונחת במקום המוצנע יניחנה במקום התורפה, אם היתה מכוסה יגלנה

The Mishnah and a Baraisa discussed a bechor of an animal which has become ill, citing disagreements regarding how to treat the animal if doing so might result in causing a blemish. R' Meir says that we may puncture it to let blood, but only in a manner whereby no blemish will be made. Chachamim hold that treatment may be administered even if doing so will cause a blemish. Ultimately, if a blemish happens, the animal may not be shechted due to it, and we must wait until a different blemish occurs before shechting it. R' Shimon allows the animal to be shechted even due to a blemish caused by treatment.

The Gemara cites another example of a discussion with similar opinions. The Mishnah (Terumos 8:8) discusses terumah and how to handle it when a doubt has arisen regarding whether it has become tamei. Rashi explains that now that the terumah is possibly t'meiah, it may not be eaten, but it may not be incinerated either. Therefore, R' Eliezer says that if the terumah is in a place which is exposed to tum'ah, it should be moved to a more secure place. R' Yehoshua says that even if the terumah is in a place which is safe and secure from tum'ah, it may be moved to a place which is exposed to tum'ah. The Gemara notes that the Chachamim in the Mishnah in Bechoros who allow the bechor to be treated even if it might be blemished would agree with the view of R' Yehoshua in Terumos, who allows the terumah to be put in a position where it might become t'meiah. R' Meir who prohibits any risk to be taken with the ill bechor would agree with the view of R' Eliezer in Terumos who says that the terumah must be guarded and protected, even though this will result in the terumah remaining unavailable for benefit.

Rashi explains that the suggestion of R' Yehoshua is that we want the terumah which is only doubtfully t'meiah to become certainly t'meiah, and then we would be able to incinerate it. If it was oil, it could be burned, and if it was wine it could be burned by being sprinkled over a fire.

A third opinion in the Mishnah in Terumos is that of R' Gamliel, who says that the terumah which is doubtfully t'meiah should be left where it is. If it is in a safe and secure place, it should not be moved to a place of possible tum'ah contamination. This is the view accepted according to halacha. He also says that if it is in an insecure place, it should also be left where it is. The question is whether it must be left where it is, or if one would be allowed to move it to a more secure place. Mahar"i Kurkos (Hilchos Terumos 12:3) writes that it is perhaps better that it be certainly t'meiah and be disposed of properly, rather than remain in a state of doubt where some mishap may occur with it. ■

HALACHAH Highlight

Cooking meat and milk that was already cooked

הכל מודים במחמץ אחר מחמץ שהוא חייב

All agree that processing a leavened Minchah after another person processed that leavened Minchah is liable

The Gemara teaches that one who is involved in making a Korban Mincha become leavened is liable even if it already leavened. Similarly, one who performs an act that makes an animal sterile is liable even if the animal is already sterile. Later authorities¹ discuss whether the same principle applies in other circumstances as well. One example of this type of dispute relates to cooking meat and milk together that have already been cooked together. Elya Rabba² cites an issue raised by Sha'ar Ephraim concerning fuel for the Chanukah lights. Someone once cooked butter in a *ben-yomo* fleishig pot which rendered the butter prohibited due to the meat taste the pot infused into the butter. May that butter be used as fuel for the Chanukah lights since the purpose of mitzvos is not for benefit – מצות לאו להנות ניתנו – or not? Elya Rabba argued that it should anyway be prohibited to use the butter for the Chanukah lights since one may not cook meat and milk together even if they were already cooked together. He bases his assertion on the ruling that on Shabbos one may not cook food that was already cooked³.

Rav Akiva Eiger⁴ infers from a ruling issued by Issur V'heter that there is no prohibition to cook meat and milk that was already cooked together. Issur V'heter rules that a

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a procedure to an animal that is ill.

The dispute in this Baraisa is connected to another similar dispute concerning a barrel of terumah.

This parallel is rejected on a number of grounds.

5) Repeating a prohibited act

R' Chiya bar Abba in the name of R' Yochanan notes two cases where a person performs a prohibited act after it was already performed and is liable and then explains why inflicting a wound on a wounded bechor is subject to debate.

The exchange between R' Meir and Rabanan about this matter is recorded. ■

piece of meat that was soaked in milk may not be cooked since meat soaked in milk is only Rabbinically prohibited and if it was cooked it would become Biblically prohibited. The implication of this ruling is that if meat and milk were already cooked together it would be permitted to cook them together again. Chasam Sofer⁵ also agrees that it is only with regards to Shabbos that one is liable for cooking something that was already cooked. His rationale is that the prohibition on Shabbos is to perform a *מלאכת מחשבת* and cooking, even a food that was already cooked, is a *מלאכת מחשבת*. It is not clear that the same principle should apply to cooking meat and milk together. ■

1. עי מנחת חינוך מצוה תל"ז אות ז.
2. אליה רבה סי' תרע"ג סק"א.
3. עי שרייע אר"ח סי' שיי"ח סעי' ד'.
4. הגהות רעק"א לשרייע יו"ד סי' פ"ז סעי' א'.
5. שו"ת חת"ס יו"ד סי' פ"ב ד"ה אעוררהו. ■

STORIES Off the Daf

The Lesser of Two Evils

אכילת זר עדיף

On today's daf we find a discussion of a situation where one must determine the lesser of two evils.

A soldier's life is very hard. He must follow orders immediately without question. Although today, many armies take into account the requirements of one's religion, it was not always so. In the Russian Czar's army, a soldier was required to do what he was told or be executed for rebellion.

One soldier was required to chop a certain amount of wood on Shabbos, during the day. When he received the order,

late on Friday, he did his utmost to complete all other tasks so that he could chop the wood before Shabbos. Unfortunately, he was only able to get away immediately before *bein hashemashos*. By the time he got to the wood, it was already *bein hashemashos* and he wondered what to do. Should he chop the wood now? Obviously, a *melachah* performed during *bein hashemashos* is less serious than one done after *bein hashemashos*. On the other hand, if he waited until Shabbos day he would be working because he was being forced. If he were to begin right now he would be acting of his own volition.¹

When this question reached the Chofetz Chaim, ז"ל, he ruled that it is potentially problematic, since it is true that on Friday night he is not yet an *אונס* and may be considered as one who acts of his

own volition.

Interestingly, the *Minchas Chinuch*, ז"ל, comes to a similar conclusion. "If a non-Jew threatens to kill a Jew if he doesn't eat a *neveilah* in the privacy of his own home and the Jew can redirect the non-Jew's demand to a lesser prohibition, it is unclear whether he may do so. Although the Jew will have violated a lesser prohibition, since he persuaded the non-Jew to demand the second option, it may be that eating is likened to eating it for himself. The Jew wasn't originally forced to eat the other forbidden food; in a sense, it could be considered as though he chose it for himself!"² ■

1. ביאור הלכה, ס' שד"מ, ד"ה מצומצמתי
2. מנחת חינוך, מצוה רצ"ו, ס"ק י"א