

OVERVIEW of the Daf

1) Moist-dry fodder treatment (cont.)

Rav continues his presentation of questions related to this treatment and the inquiries are left unresolved.

2) White flecks

R' Nachman bar Yitzchok clarifies a detail related to examining a bechor with white flecks.

3) Moist-dry fodder treatment (cont.)

Pinchas the brother of Shmuel inquires about the status of a bechor that did not respond to the moist dry fodder treatment.

The practical implication of this inquiry is explained and the matter is left unresolved.

4) MISHNAH: The Mishnah discusses blemishes of the nose and lip.

5) Clarifying the Mishnah

A Baraisa is cited to clarify the Mishnah's statement related to blemishes of the nose.

R' Pappa clarifies the Mishnah's statement related to the lips.

6) MISHNAH: The Mishnah discusses blemishes of the mouth.

7) Blemishes of the mouth

A Baraisa is cited that relates to blemishes of the mouth.

The meaning of the Baraisa is clarified.

8) Missing organs

R' Achdavoï bar Ami inquires whether a missing internal organ is at all significant.

The significance of this inquiry is explained.

A Baraisa is cited that seems to present a dispute between Tannaim about this matter.

An alternative interpretation of the Baraisa is suggested.

This suggestion is rejected and another interpretation of

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REVIEW and Remember

1. How does not an earthenware utensil become tamei?
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2. Is it possible for a wooden utensil without a hollow interior to become Biblically tamei?
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3. What is the point of dispute between R' Meir and R' Yosi?
.....
4. How do we determine whether a bechor's watery eyes is a blemish?

Distinctive INSIGHT

The blemishes of the lip

שפמו שניקבה

The Mishnah continues to list physical conditions of an animal which are blemishes. One of them is if the lip becomes punctured, injured or cracked.

In the Gemara, Rav Pappa explains that these conditions are only blemishes when they appear on the "outside layer" of the lip. Rashi understands that this refers to the upper lip of the animal. Rambam describes blemishes of people and animals in Hilchos Bi'as Mikdash (7:7), where he explains that this refers to where the split or crack is on the outer edge of the lip, "from its outer crown and beyond," referring to a crack or split along the lip's length, and not its width. Mishnas Avraham points out that Rambam includes this in the category of the "six blemishes of the mouth," and not with the "three blemishes of the lips." The blemishes of the lips are among those which are unique to man (ibid. 8:8). Mishnas Avraham also notes that when describing blemishes of the lips, Rambam mentions that these issues apply even if only one of the lips is defective, whereas when describing the blemishes of the ear (ibid. 7:2) Rambam does not mention that the blemish is an issue even if only one of the ears is affected.

Mishnas Avraham explains that for an animal, these defects are viewed as a blemish of the mouth, rather than the lips. It is only in reference to man that we speak about lips as a separate entity, because man uses his lips to form and pronounce words. For an animal, the lips are just part of the mechanism it uses to eat, so the lips are just part of the mouth, rather than a separate entity. While it is obvious that these blemishes are an issue even if only one ear or one lip is damaged, Rambam felt this would be understood if these blemishes were a function of the lips themselves. Now that we view the lips of an animal as part of the mouth, Rambam felt it necessary to emphasize that the blemish disqualifies the animal even if only one lip is affected.

This definition of Rambam to categorize the lip as part of the mouth rather than as a limb in and of itself has a practical application, and that is regarding the shape and size of the blemish. Rambam understands that the split of the lip is when the split results in the lip appearing as two parts. This is where the split is lateral, across the lip, rather than along the width. Chazon Ish (25:5) explains that Rambam only uses this definition for the lip and not the ear. Mishnas Avraham notes that a cut or split of the ear is a blemish of the ear, so any form of cut is a problem. But a cut or split of the lip is a blemish of the mouth, so it is a disqualifying factor only when it is a bigger type of injury. ■

HALACHAH Highlight

Can someone be considered insane retroactively?

למפרע הוי מומא או מיכן ולהבא הוי מומא

Is it blemished retroactively or is it a blemish from this point forward?

Teshuvus Beis Ephraim¹ raised the following question regarding someone who had been declared insane. This assessment was reached in accordance with the Gemara in Chagigah (3b) that identifies three behaviors that are characteristic of one who is insane. The three behaviors are, walking around by one's self at night, sleeping in a cemetery and tearing one's clothing. R' Huna rules that one is not categorized as insane unless he performs all three acts in succession. Beis Ephraim wondered what happens once a person performs all three acts in succession. Do we conclude that we now realize he was insane when he performed the first of the acts that characterize one as insane or do we consider him insane only from the moment he performs the third act and onwards? The practical difference between these two approaches is the status of transactions he may have performed between the first insane act and the third insane act. If he is considered insane retroactively then the transactions that he performed subsequent to the first act are null and void. If, however, he is categorized as insane only from the time he performed the third insane act and onwards the earlier transactions that he performed remain valid.

He ruled that the person is considered insane retroactively. His reasoning is based on the Gemara's explanation for why it takes three different acts for one to be considered insane. The Gemara explains that any act in and of itself does

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the dispute is suggested.

R' Yochanan offers an alternative interpretation of the dispute.

The Gemara challenges and consequently revises this interpretation.

Support for this interpretation is presented.

An implication of the earlier Baraisa is unsuccessfully challenged.

It is suggested that R' Achdavoï bar Ami's inquiry is subject to a debate between Tannaim in a Baraisa.

This interpretation of the Baraisa is rejected in favor of another Baraisa.

9) MISHNAH: The Mishnah discusses blemishes of the genitals and tail.

10) Clarifying the Mishnah

The Mishnah's first rulings are clarified.

11) Finger

A Baraisa clarifies the size of a finger that is used as a standard of measurement.

Rabbah cites an example when the size of a finger is significant in halacha.

R' Huna the son of R' Yehushua cites another halacha where the size of a finger is relevant. ■

not prove that a person is insane since it is possible that he had a rational reason for performing that act. Only when he has performed all three acts that are characteristic of one who is insane do we decide definitively that he is insane. At that time we realize that he was indeed insane from the time he performed the first insane act. ■

¹ שו"ת בית אפרים אה"ע ח"ג סי' פ"ט ד"ה ואמנם בלא"ה נלע"ד.

STORIES Off the Daf

A Cure?

למפרע הוי מומא

Today's daf discusses the halachos of various blemishes that can affect a bechor.

The many advances of medicine generate interesting halachic questions in their wake. One kohen who had an unblemished bechor was thrilled when it got damaged. Since there were witnesses he felt sure that he would be able to use the animal at least. It was established to

be a clear blemish, which would certainly not heal itself. But when a friend visited and viewed the blemish he mentioned that although it was a bona fide blemish, it was also a condition that could be healed. This was not good news for the owner. Nevertheless, he did not want to do what was likely prohibited, so he allowed his friend to treat the animal. After a while the blemish was healed and the owner wondered whether he was forbidden from using it after all.

When this question reached the Maharit Algazi, zt"l, he ruled that if the blemish is cured, the animal's original

kedushas bechorah returns.¹

But when this question was brought to the Chazon Ish, zt"l, for adjudication, he disagreed. "From the moment the animal had a halachic blemish it was definitely permitted for the kohen to slaughter it. In light of this it is very difficult to understand the words of the Maharit Algazi. How can you say that it reverts to its original holiness if it could have been slaughtered in the interim? It seems clear that receiving a blemish removes the full holiness of a bechor which will not return."² ■

1. מהרי"ט אלגאזי, בכורות, דף ל"ח ע"ב
2. חז"א, בכורות, סי' כ"ה, סי"ק י"ט ■