

## OVERVIEW of the Daf

### 1) Finger (cont.)

The Gemara explains why there were two measuring sticks in the Beis HaMikdash.

A third instance in which the measurement of a finger is significant is presented.

2) **MISHNAH:** The Mishnah discusses additional blemishes that permit the slaughter of a bechor.

### 3) Clarifying the Mishnah

The Gemara explains the necessity of the Mishnah's first ruling.

A Baraisa elaborates on some of the rulings of the Mishnah.

Two points in the Baraisa are clarified.

4) **MISHNAH:** The Mishnah discusses blemishes that relate to the bechor's legs.

### 5) the Mishnah

R' Huna clarifies the Mishnah's first ruling.

R' Pappa discusses the blemish of feet that are round like a donkey.

A Baraisa defines the terms כסול and שחול.

A related Baraisa is cited.

6) **MISHNAH:** The Mishnah discusses additional blemishes some of which are debated.

### 7) Clarifying the Mishnah

R' Pappa clarifies the case of a broken leg that is not discernible.

The Gemara unsuccessfully challenges the implication that animals do not have round eyes similar to a person.

The Gemara clarifies two of the blemishes mentioned by Ayala.

8) **MISHNAH:** The Mishnah recounts an incident that teaches that a bechor is blemished if its lower jaw overlaps its upper jaw.

### 9) Clarifying the Mishnah

The Gemara discusses what was previously discussed that led the Tanna to recount this episode.

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## REVIEW and Remember

1. Why were two measuring sticks needed in the Beis HaMikdash?  
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2. What are the three blemishes enumerated by Ayala?  
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3. What led R' Huna to err regarding the correct number of bones in a goat and lamb's vertebrae?  
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4. Is a small tail a blemish?  
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## Distinctive INSIGHT

*The workers did not want to be guilty of me'ilah*

כשהיו אומנין נוטלין בקטנה ומחזירין בגדולה שלא יבואו לידי מעילה

The Mishnah continues to list conditions which are blemishes in an animal. One of these conditions is if the bones in the tail are the measure of one finger's breadth from each other.

The Gemara describes the measurement of "a finger's breadth." There are four finger's breadths in a tefach. R' Huna b. R' Yehoshua tells us that there were two bars used in the Mikdash in order to measure, in addition to a standard bar of exactly one amah which was provided by Moshe Rabbeinu. One of these additional bars was made one-half finger breadth longer than the amah bar of Moshe Rabbeinu. A second additional bar was another half-finger breadth longer than the first bar, making it a full one finger-breadth longer than the bar of Moshe Rabbeinu. The Gemara tells us that when a worker would negotiate to do a job for the Mikdash, those responsible would negotiate to have the workers provide a certain length of construction done or a certain length of material provided at an agreed-upon price for each amah. The workers would agree to be paid using the smaller bar of measurement, but they would have to provide the finished product according to the amah using the larger bar of measurement. In this manner, the Mikdash would certainly not be undersold, and the serious sin of trespassing against the Mikdash (me'ilah) would be avoided. The bar of only one-half a finger breadth extra was used when measuring items of gold or silver, while the larger bar of a full finger-breadth addition was used when measuring other construction materials for the walls.

Tosafos (Menachos 98a) explains that the workers were not actually in danger of violating the sin of me'ilah because the halacha is that consecrated items can be redeemed using a peruta's-worth item, and any exchange with the workers would use this rule. The point of the Gemara is that the workers did not want to take advantage of the Mikdash even in the slightest, so they insisted on redeeming consecrated items only at full value.

Tosafos Yom Tov (Keilim 17:9) writes that even when the holiness of an item is redeemed with a minimal value, there is still a requirement for the actual full value to be paid to the Mikdash. Accordingly, the concept of me'ilah is used accurately in our Gemara, because the workers still had to pay or exchange the full amount of anything they used, and if they did not do so they would be guilty of me'ilah. Therefore, they used the larger measure of an amah when providing their finished products. Rashash, however, notes that this comment of Tosafos Yom Tov is difficult, because it is Torah law for the redemption to function with a peruta amount of value, and the added requirement to pay the full value is only rabbinic, so there really is no me'ilah. Tosafos seems to be correct in saying that the term "me'ilah" is a borrowed term in our context. ■

# HALACHAH Highlight

*Breaking a shidduch because the kallah's lower lip is blemished*

אבל שהתחתונה עודפת על העליונה הרי זה מום

*But when the lower lip overlaps the upper lip it is a blemish*

There was once a man who became engaged to a woman who lived far away. As was customary the agreement was that if either one of them breaks the shidduch that person will be obligated to pay a hefty penalty to the other party and will be subject to a ban. When the time for the wedding arrived the chosson immediately noticed that the kallah's lower lip was larger than her upper lip and protruded outwards. He decided that he could not go forward with the shidduch and inquired whether he is obligated to pay the penalty for breaking the shidduch.

Teshuvos Shvus Ya'akov<sup>1</sup> responded that in his opinion the chosson was not obligated to pay the penalty. The Gemara Kesubos (72b) teaches that any blemish that disqualifies a kohen from serving in the Beis HaMikdash is considered a blemish on a woman. It is clear from the Gemara there that even if kiddushin was performed before the chosson realized that his kallah possessed this blemish he may divorce her without having to pay the kesubah. Therefore, since an enlarged protruding lower lip is a blemish that disqualifies a kohen from serving in the Beis HaMikdash and allows for the slaughter of a bechor it is logical that it is a blemish for a woman and as such the chosson is not obligated to pay the penalty for breaking the shidduch. He notes, however, that his ruling is limited to the financial penalty but does not apply to the ban that is imposed on the party that breaks the shidduch. Regarding financial

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The assertion that it is a blemish for the lower lip to overlap the upper lip is unsuccessfully challenged.

10) **MISHNAH:** Blemishes involving the ear and tail are discussed.

11) **Clarifying the Mishnah**

A Baraisa elaborates on the blemish of a double ear.

R' Pappa clarifies the blemish of a goat's tail that resembles that of a pig.

R' Huna clarifies the number of bones in different animal's tails that constitute a blemish.

This ruling is successfully challenged.

The rationale for R' Huna's ruling is explained.

12) **MISHNAH:** Additional blemishes are discussed.

13) **Warts**

The Mishnah's implication that warts are a blemish is challenged.

Numerous unsuccessful attempts to resolve this difficulty are presented until the Gemara finally finds an acceptable resolution.

14) **Clarifying the Mishnah**

The Gemara clarifies the parameters of some of the blemishes mentioned in the Mishnah.

15) **MISHNAH:** Additional blemishes are described and the term ערקוב is defined. ■

matters the chosson cannot be forced to pay if there are grounds to exempt him from paying but the ban imposed on the party that breaks the shidduch is a matter of prohibition and the chosson must be concerned that he is subject to the ban. Although it can not be imposed on him he should take the necessary steps to be released from the ban. ■

1. שו"ת שבות יעקב ח"א סי' ק"ד. ■

# STORIES Off the Daf

*Balanced Vision*

עינו אחת גדולה ואחת קטנה

Chumros are not a simple matter at all. Rav Pinchas of Koretz, zt"l, points out that a person can easily get so wrapped up in chumros that he forgets about Hashem. His hyper-focus on the minutiae makes him forget the goal.<sup>1</sup>

As the Sichos HaRan, zt"l, pointed out two hundred years ago, there are those who spend inordinate amounts of time in the bathroom to ensure that they are clean for davening. Meanwhile, they are obses-

sively pursuing a goal that wastes a great deal of time and risk missing the zeman tefilah. Is this to the purpose when the only halachic requirement is that one check himself for a short time in the bathroom to ensure basic cleanliness before prayer?<sup>2</sup>

Although chumros can propel someone on a high spiritual level even higher, they can be counterproductive for someone not really on the level. The entire idea of "levels" can be confusing, though, since sometimes a person chooses the path of chumrah not from genuine piety, but because he wants others to see him as such.

The Chazon Ish, zt"l, was known for his chumros, yet he did not advocate tak-

ing on extra chumros unless one is on the level. Interestingly, he once illustrated this rather common imbalance of priorities with a statement on today's daf. "How can one who is not holding by them assume extra chumros? This can be compared to the statement in the Mishnah in Bechoros 40. There we find that having one eye bigger than the other is a halachic blemish. Similarly, one who acts like someone of great spiritual stature in certain regards but is not in others has a skewed view of reality. It would be better if he were to act in accordance with his real level!"<sup>3</sup> ■

1. אמרי פנחס

2. שיחות הר"ן

3. מעשה איש, ח"ד, ע"י ק"יג ■