



OVERVIEW of the Daf

1) Rulings of this chapter (cont.)

The reason Rav stated that the halacha follows R' Yosi ben Hameshulam in addition to stating that the halacha follows the rulings in this chapter is explained.

The Beraisa that contains the opinion that disagrees with R' Shimon ben Gamliel's ruling is cited.

The Gemara inquires whether R' Shimon ben Gamliel meant that an animal would only be affectionate to another animal's offspring if it has already given birth or does he mean that an animal would never be compassionate to another's offspring.

The practical difference between these two approaches is explained.

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

2) A pig nursing from a ewe

Rabbah bar bar Chanah in the name of R' Yochanan rules that if one sees a pig nurse from a ewe that ewe is exempt from the bechor obligations and the pig is prohibited for consumption.

The Gemara challenges these rulings for a number of reasons.

The rationale behind R' Yochanan's rulings is explained.

This explanation is unsuccessfully challenged.

As part of this explanation the Gemara presents an inquiry of Achai Beribi cited by R' Yochanan about the halacha if one sees a pig nursing from a ewe.

After elaborating on the exact intent of the question the inquiry is left unresolved.

3) **MISHNAH:** The Mishnah discusses instances in which it is permitted to remove hair from a bechor.

4) Clarifying the Mishnah

Rav states that the halacha follows R' Yosi ben Hameshulam.

R' Huna was asked whether it is permitted to remove hair from the neck of an animal on Yom Tov if he will slaughter it.

R' Huna answered that it is permitted.

Support for this ruling is cited. ■

Distinctive INSIGHT

The ruling of R' Yose b. HaMeshulam and his reasoning

תולש לאו היינו גוזז

If a firstborn sheep developed a blemish it may be sheched, but it is still prohibited to shear the wool of this sheep. In the Mishnah, R' Yose b. HaMeshulam rules that a bechor which developed a blemish may have its wool torn out in the area of the shechita while preparing to shecht it. He also allows tearing out of any wool necessary in order to be able to inspect an area where a blemish has developed to determine if it is a permanent blemish or not. The Gemara rules that the halacha follows this opinion.

R' Obadiah of Bertinoro explains that shearing wool is with a tool, while tearing out wool is done by hand. Beirur Halacha (O.C. 498:12) explains that shearing is when the wool strands are cut, but the base of the strand and the root remain intact. Tearing is where the entire strand including its root is torn out.

The Gemara analyzes the reason for R' Yose's ruling. It may be that tearing out wool is not considered shearing, and this is why doing so to a bechor is allowed. This intentional act of tearing out wool would be prohibited on Yom Tov, because it is an act of detaching something from its source, which the Gemara states is a sub-category of harvesting (תולדה דקוצר), and is prohibited by the Torah. On the other hand, tearing out wool may be permitted because although this is a form of shearing, the intent is to prepare to shecht, and the removal of the wool is permitted because it is unintentional. Accordingly, this would be permitted on Yom Tov as well, because it is an unintentional act.

Tosafos (ד"ה היינו) points out that the opinion of R' Yose

Continued on page 2)

REVIEW and Remember

1. What is the point of dispute between Tanna Kamma and R' Shimon ben Gamliel?
2. What are the two ways to understand R' Shimon ben Gamliel's position?
3. Is it permitted to remove a bechor's hair before it is slaughtered?
4. Is it permitted to remove an animal's hair on its neck before slaughtering it on Yom Tov and if so, why?

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HALACHAH Highlight

The authority of a prophet to decide halachic matters

ואסור באכילה עד יבוא וירה צדק לכם

And it is prohibited for consumption until [Eliyahu] comes and rules justly for you

Rambam¹ rules that a prophet who states that God told him the halacha about a particular case or that the halacha follows a particular opinion is a false prophet and deserves to be strangled. The reason is that he is contradicting the Torah that declared that the Torah is not in Heaven. Tzafnas Pa'aneach² challenges this ruling from our Gemara. The Gemara discusses the case of a pig that is nursing from a ewe and R' Yochanan rules that one has to be stringent concerning the mother with regards to bechor and the pig is prohibited for consumption until "Eliyahu comes and rules justly for you." This clearly indicates that Eliyahu Ha-Navi does have the authority to issue halachic rulings.

Initially he suggests that perhaps in this case Eliyahu is not resolving halachic matters, he is merely informing us of facts about which we were uncertain. A prophet cannot inform us about halachic matters but he could reveal information that was unknown. He then asserts that the issue of Prophets deciding halachic matters is subject to debate. The Mishnah in Eduyos (8:7) presents a dispute regarding the role of Eliyahu. R' Shimon maintains that Eliyahu will resolve disputes whereas Chachamim contend that his role will be to make peace amongst people. The core of this dispute is whether Eliyahu is empowered to resolve halachic debates. R' Shimon maintains that Eliyahu is empowered to resolve debates but Chachamim disagree and assign him the task of making peace. Since Rambam rules in accordance with Chachamim³ it follows that he would also rule that a prophet who decides halachic matters is

(Insight...continued from page 1)

b. HaMeshulam is conceded by all parties to be the halacha (see 23b). Yet, according to the second suggested approach to explain his view, his ruling is based upon the halacha that an unintentional act is permitted. This, however, is the subject of a disagreement among Tannaim (later, 33b), with many being of the opinion that an intentional act is not permitted. Tosafos answers that the conclusion of the Gemara is that the actual reason for the leniency of R' Yose is that tearing out wool is not considered to be shearing, and this explanation is something which everyone can and does agree with. Alternatively, Tosafos answers that we have to understand the statement of the Gemara on 23b which stated that the halacha is according to R' Yose. There, Rav said that in this entire perek, we rule according to every Mishnah in which there is no disagreement, and our Mishnah is identified as one in which no one disagrees with R' Yose b. HaMeshulam. Although we have found that the issue of an unintentional act is disputed, nevertheless, in the Mishnah itself no one disagrees with the view that hair may be torn in preparation of the shechita. This therefore is considered a Mishnah in which there is no disagreement, and Rav's statement that the halacha follows this Mishnah is considered to apply to this Mishnah. ■

categorized as a false prophet. R' Shimon, however, rejects the notion that a prophet deciding halachic matters violates the principle that the Torah is not in Heaven and those Amoraim who allow for Eliyahu to resolve halachic matters follow R' Shimon's position. ■

1. רמב"ם פ"ט מהל' יסודי התורה ה"ד.
2. צפנת פענח על הרמב"ם שם.
3. רמב"ם פ"י"ב מהל' מלכים ה"ב. ■

STORIES Off the Daf

A Question of Need

כנגדו ביו"ט

Today's daf touches on the halachos of Yom Tov.

A certain man had only a few unbroken breads left; they were matzah, and when his child accidentally dropped the box, all of the matzos broke apart. Although most were almost complete, there was more than a fortieth missing, the shiur for a complete bread according to Rav Chaim Kanievsky, shlit" a.

This man had heard that one can

singe the edge of the matzos, which is a way of rebaking them and rendering them whole again. He wondered if this was really true. And even if it was, could he do this treatment on Yom Tov to secure whole breads for himself? Although we find on today's amud that meleches ochel nefesh is permitted on Yom Tov, rendering the matzos shleimos is hardly needed for ochel nefesh.

When these questions reached Rav Shlomo Zalman Auerbach, he ruled in an interesting manner. "I have heard of this method which some supposedly say renders a broken matzah whole again. I have never understood why this should work since the matzah is the same as it was be-

fore its edge was burnt. Yet if one holds that it does work and he wants to singe the matzah to transform it from a broken matzah to a whole matzah, it is possible that this is forbidden on Yom Tov. Although labor for ochel nefesh is permitted, this case, which is only to enable fulfilling a mitzvah, may be of lesser importance."

He continued, "I am similarly unsure whether one who wishes to bring better aravos for his lulav which already has kosher aravos may carry through the public domain to do so. Perhaps since this carrying is only for the sake of doing the mitzvah better it is forbidden to carry for this on Yom Tov as well!"¹ ■

1. שלחן שלמה, הלי יו"ט, ע"ב. ■