



OVERVIEW of the Daf

1) Hearsay

R' Assi and R' Ashi debate whether hearsay testimony regarding the origin of a blemish is acceptable.

R' Assi unsuccessfully challenges R' Ashi's lenient position.

A related incident is cited and then the Gemara rules that hearsay testimony is acceptable for a bechor.

2) Establishing a bechor

R' Ila rules that someone who declares an animal a bechor but adds that it is blemished is believed.

The necessity for this ruling is explained.

Mar bar R' Ashi unsuccessfully challenges this ruling.

Ravina repeated this teaching with attribution and Rava Zuti informed him that the teaching originated with R' Ila.

3) Suspecting a kohen to inflict a blemish on a bechor

The Gemara recounts an incident related to the issue of suspecting a kohen to inflict a blemish on a bechor.

4) MISHNAH: The Mishnah rules that a kohen is believed to declare that a bechor was examined and determined to be blemished.

5) Reliability of a kohen

R' Yehudah in the name of Rav rules that a kohen is believed to say that he received the bechor already blemished.

R' Ashi suggests a proof to this ruling but it is rejected.

R' Shizvi unsuccessfully challenges this ruling from a Mishnah in Demai.

It is suggested that the end of that same Mishnah in Demai is a proof for R' Yehudah's ruling but this suggestion is rejected.

R' Yirmiyah bar Abba asserts that the ruling is that a yisroel is believed that he gave a blemished bechor to a kohen.

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REVIEW and Remember

1. Explain הפה שאסר הוא הפה שהתיר.
2. Is there a distinction between a chaver and an am ha'aretz regarding the halachos of bechor?
3. Do we change halachic assumptions due to the behavior of an individual?
4. When are three laymen empowered to authorize the slaughter of a blemished bechor?

Today's Daf Digest is dedicated
 By Dr. and Mrs. Moshe Nitekman
 In loving memory of their mother
 מרת מאשא ליבא בת ר' נחמי, ע"ה

Distinctive INSIGHT

Standing up for what is right

ואמרו לחוצפית המתורגמן עמוד ועמוד

Rebbe Tzakok was a kohen. He was in possession of an unblemished bechor. He placed barley before it in a basket made from branches of willow leaves, which are thin and sharp pieces. As a result of eating from this basket, the lip of the animal became split, which was a blemish. R' Tzadok knew that although he did not mean to cause this blemish, kohanim are generally suspect to cause blemishes purposefully, and they may not eat the bechor when a blemish occurs under their watch. R' Tzadok came to R' Yehoshua for a ruling, asking whether there was a difference between a kohen who is an am ha'aretz, who is suspect, and a chaver, or talmid chacham, who perhaps may be trusted.

R' Yehoshua told R' Tzadok that we do make such a distinction, and the animal was permitted in this case. R' Tzadok then asked Rabban Gamliel for a ruling, and he ruled that we do not make any distinctions, and all kohanim are treated as being suspect. In this case, the animal would not be permitted. When Rabban Gamliel heard that R' Yehoshua had ruled otherwise, he arranged to confront R' Yehoshua in front of the entire yeshiva. Although R' Yehoshua agreed to accept the ruling of Rabban Gamliel, Rabban Gamliel still insisted upon ridiculing R' Yehoshua by having him remain standing during the entire lengthy session, until the students rose to defend R' Yehoshua by demanding that Chutzpis, the spokesman of Rabban Gamliel, interrupt the shiur and remain silent.

Hagahos Ya'avetz asks several questions about this incident. Why did Rabban Gamliel remain upset after R' Yehoshua agreed to accept his ruling? Why did R' Yehoshua originally disagree with R' Gamliel, and why did he change his view and then agree? What was the response of the students? Was standing during the session appropriate, and if so, why didn't everyone stand?

R' Yehoshua was a posek, but he should not have issued a ruling without consulting with R' Gamliel, the President of the yeshiva. This is why R' Tzadok went to R' Gamliel even after receiving a ruling from R' Yehoshua. R' Yehoshua realized he should not have ruled by himself, and he changed his mind in deference to the President. When he was asked to stand, the students thought that R' Gamliel was honoring R' Yehoshua by designating him as one who was worthy to be his special student, who should stand before his rebbe. When R' Yehoshua remained standing a long time, the students realized that this was a punitive act, and not one of honor, and they interfered in honor of R' Yehoshua. ■

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 לע"נ ר' חיים יצחק בן מרדכי יהודה הלוי
 Henry Erdfrucht, a"h

HALACHAH Highlight

Changing a principle because of the behavior of an individual האי הוא דחציף כולי עלמא לא חציפי

This one is impudent but everyone else is not impudent

Shulchan Aruch¹ rules that a woman who declares that her husband died is believed and may remarry. The reason is that the severity of the consequence is so severe, because if her testimony were untrue she would have to divorce both husbands and if she has children with the second husband they would be mamzerim, we are confident she would not lie about the matter. However, if her husband died childless subjecting her to yibum and she then reports that her yavam died, she is not believed. The reason is that the prohibition of marrying someone other than her yavam is not perceived as a stringent prohibition and there is a concern that she would take the risk and lie to avoid marrying her yavam. Beis Shmuel² asserts that since Rabbeinu Gershon issued a cherem against the practice of marrying more than one wife, a man who reports that his wife died is not believed since as a single witness he can not change the presumption that he was prohibited to marry another woman and there is a concern that he may lie since people do not consider the prohibition to be so severe.

Pischei Teshuvah³ cites opinions that disagree and maintain that a husband is believed to claim that his wife died. The reason is that people do not lie about matters that will eventually become known. Sefer Olas Noach⁴ also subscribes to the lenient position and asserts that Rabbeinu Gershom's ban was not enacted in circumstances of doubt since there is no way that Rabbeinu Gershom intended that a man should be unable to marry. He then mentions that there was once an incident in which a man was permitted to remarry based on the testimony of a single witness and some time later his first wife returned. He asserts that an exceptional case does not change the halacha. He cites our Gemara as proof that halacha does not change for an exceptional case. The Gemara reports that someone took advantage of Rafram and

(Insight...continued from page 1)

The necessity for this ruling is explained.

After citing different opinions about the matter the Gemara rules that a kohen is also believed as stated by R' Yehudah.

A related incident is recounted.

A second incident is retold and clarified.

6) MISHNAH: The Mishnah rules that everyone is believed to testify regarding the blemishes of a maaser animal.

7) Explaining the Mishnah

The rationale behind the Mishnah's ruling is explained.

8) MISHNAH: The Mishnah presents a dispute whether experts are required to confirm a permanent blemish when the blemish is obvious.

9) Authorizing the slaughter of a bechor outside of Eretz Yisroel (cont.)

A ruling is cited that a bechor outside of Eretz Yisroel is slaughtered by the declaration of three laymen.

Rava adds that this ruling is limited to obvious blemishes.

The novelty of this qualification is explained.

10) Obvious blemishes

R' Yehudah in the name of others rules that three laymen may authorize the slaughter of a bechor if there is no expert.

The novelty of this qualification is explained.

R' Chiya bar Avin in the name of R' Amram rules that three laymen may authorize the slaughter of a bechor or release a vow when there is no Torah scholar available.

The Gemara begins to explain the first part of this statement. ■

attempted to fool him regarding a blemish on a bechor and even when Rafram discovered the ruse he did not change his opinion that kohanim are not suspected of inflicting a blemish on a bechor. This clearly establishes the principle that one person's deviant behavior does not change a principle that is based on the behavior of the majority of people. ■

1. שרייע אהייע סי קנייח סעי א'.

2. בית שמואל שם סק"א.

3. פתיש שם סי' א' סייק י"ד. ספר עולת נח אהייע סי' י"ח היתר ג'.

STORIES Off the Daf

The Protectors

המתן עד שיכנסו בעלי תריסין

Rashi explains on today's daf that "baalei trisin" are talmidei chachamim.

Rav Nosson Lobart, zt"l, explains this in an interesting manner. "This can be understood if we consider the words of the Tanna d'Veil Eliyahu: 'Even if one has only learned chumash and he comports himself with derech erez, a guardian angel is given over to him to protect him. But one who

learned Tanach, Mishnah, Midrash, halachos, and aggados and serves talmidei chachamim is protected by God Himself.'¹ In light of this, baalei trisin means those who are afforded the best protection."

But the Ein Eliyahu, zt"l, explains this differently. "This can be understood in context of the mishnah in Avos: תשובה ומעשים י. טובים כתרסין בפני הפורעניות. As we find in Taanis, at times an entire city is protected in the merit of one great scholar. For this reason, talmidei chachamim are called ba'alei trisin: they shield others from suffering."²

When Rav Eliezer Gordon, zt"l, was

appointed to be a rav, his father-in-law—who had been supporting them—was devastated. When his daughter explained that he should be happy since he would no longer have the extra burden of supporting them, he responded in a prescient manner. "Who knows who is supporting whom? It appears as though I am supporting you since I am paying money each month; but who can tell who is really holding up the other?" Within a short time after the couple moved, the father-in-law suddenly passed away. ■

1. תנא דבי אליהו רבה, פ"יח

2. מובא בספר ליקוטי בתר ליקוטי, חט"ז, ע' רס"ו

3. כן שמעתי ■