

OVERVIEW of the Daf

1) **MISHNAH:** A dispute is presented regarding the circumstances under which it is permitted to examine a בכור on Yom Tov.

2) Clarifying the dispute

The Gemara clarifies that the Mishnah refers to a case where a bechor developed a temporary blemish before Yom Tov and then developed a permanent blemish on Yom Tov. One may have thought that even according to R' Yehudah it should not be considered muktzah because of the presence of the temporary blemish.

3) Examining a bechor on Yom Tov

A Baraisa records a dispute regarding an unblemished bechor that falls into a pit on Yom Tov.

Rabbah bar R' Huna rules that one may examine a bechor that was born blemished.

R' Nachman disagreed with this ruling.

Abaye offers proof to Rabba bar R' Huna's ruling.

Another Baraisa is cited that refutes Abaye's proof and the Gemara declares that the earlier Baraisa is corrupt.

The Gemara demonstrates that the Mishnah reads well according to the second Baraisa.

4) Muktza

Hillel asked Rava regarding an object that was fit at the beginning of Shabbos, became unfit and then fit again. Is that object now muktza?

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Distinctive INSIGHT

Muktzah for part of the day

בעא מיניה רב הלל מרבה יש מוקצה לחצי שבת או אין מוקצה לחצי שבת

Rashba (שו"ת ח"ג סי' רסח) was asked a fascinating question regarding a oil lamp that was lit on Shabbos for the sake of a person who was dangerously ill or for a woman who gave birth. Would it be permitted to handle and move the capsule which was used to hold the oil and flame once it has become extinguished? This container was not expected to be used for a flame as Shabbos began, and while it was lit and it supported the light for the life-and-death situation it was certainly not permitted to be moved unnecessarily. Now that it no longer holds the flame, does its status revert back to being permitted, or do we say יש מוקצה לחצי שבת thus rendering the container muktzah for the rest of that Shabbos?

Rashba writes that the underlying problem of muktzah is when an item is off-limits during בין השמשות as Shabbos begins. This occurs, for example, when a flame is lit in a vessel, and, as a result is consciously "pushed away" from other usage for the entire Shabbos. However, in the case in question the vessel was not off-limits as Shabbos entered. Even when it is lit for the sake of aiding a sick person, it is still intended to be moved as needed. Here, the issue is "muktzah for part of Shabbos," which remains an unresolved issue in the Gemara. Yet the sugya seems to indicate that muktzah for part of Shabbos is not a problem. The simple reading of the Baraisa brought as a proof to this indicates that a בכור born blemished on Yom Tov is permitted, which is true assuming muktzah for part of the day is not muktzah. Although Abaye responds to this point and establishes the case to be where a panel of judges are waiting as the animal is born, this is not the simple understanding of the case.

In conclusion, muktzah is דרבנן and a case of ספק would allow us to be lenient. Therefore, the vessel does not remain muktzah, and it may be moved once the flame lit for the sick person becomes extinguished. ■

REVIEW and Remember

1. What is the reason to prohibit examining the blemishes on a bechor on Yom Tov?
2. According to the Gemara's conclusion, what is the dispute between R' Yehudah and R' Shimon?
3. Under what conditions may a bechor be examined on Yom Tov?
4. Under what conditions does the question of muktzah for part of a Shabbos arise?

HALACHAH Highlight

Rendering legal decisions on Yom Tov

ר' שמעון אומר כל שאין מומו ניכר מבעוד יום אין זה מן המוכן
R' Shimon says: Any blemish that was not recognizable before Yom Tov, [the animal] is not considered prepared.

Rashi¹ explains that the prohibition is not an issue of muktzah because R' Shimon does not subscribe to the restrictions of muktzah. The reason for the restriction is that when the chacham declares that the animal is blemished it appears as if, through his ruling, he is making the animal usable (מתקן) which is prohibited on Yom Tov. There is, however, a seemingly contradictory ruling on this matter. If some prohibited food –איסור– became mixed with permitted food - היתר, either on Shabbos or before Shabbos but one did not become aware of the mixture until Shabbos, one is permitted to ask a Talmid Chacham to determine whether the mixture has the necessary ratio of 60:1 to nullify the prohibited substance and if so he is permitted to declare the mixture permitted. Why, on the one hand, is it prohibited for a kohen to render a decision regarding the blemished bechor and yet it is permitted for a Chacham to render a decision regarding a potentially prohibited mixture?

The Terumas HaDeshen² resolves this contradiction by differentiating between the mechanism of permitting a blemished bechor and the mechanism of permitted a mixture of

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Rava responded that it is muktza.

Rava's ruling is unsuccessfully challenged.

According to a second version of this discussion Rava ruled that it is not muktza.

The Gemara makes an unsuccessful attempt to demonstrate that there is muktzah for part of Shabbos.

R' Zeira begins an attempt to demonstrate from the process of cooking beans that there is no muktzah for part of Shabbos. ■

איסור and היתר. When rendering a decision regarding איסור all that is required is knowledge of the facts of the question and knowledge of halacha. Permitting a blemished bechor, on the other hand, requires the pronouncement of a Chacham or a Beis Din. In that way, issuing a decision concerning a bechor is a more formal declaration than a decision rendered for היתר³. The Taz⁴ offers an alternative resolution. He suggests that the reason issuing a ruling for a bechor is prohibited is that it carries with it a preexisting prohibition (חזקת איסור) as opposed to the mixture which has never been declared prohibited, so the ruling only maintains its status as a permitted item. ■

1. ד"ה אין זה מן המוכן
2. שו"ת תרומת הדשן סי' נ"ד
3. ע' מ"ב סי' תצ"ח סק"נ שהובא דברי התה"ד
4. ט"ז שם סק"ט וע' שם שיש חומרא לפי דבריו במקום דיש חזקת איסור
5. ע' מחה"ש למג"א סי' שכ"ג ס"ק י"ד ד"ה אבל מותר ■

STORIES Off the Daf

Ignoring the blemish

אין רואין מומין ביו"ט

On today's daf we find that an expert may not establish that a first-born animal is ritually unfit on Yom Tov. This can be understood metaphorically as well. The Jewish people are called Hashem's firstborn child, "בני בכורי ישראל". On the "good day," at a time when a Jew who has fallen into sin feels inspired to change, it is best that an "expert," a scholar and tzaddik, refrains from focusing on the sinner's flaws. To do so could provoke strong resistance instead of contrition and teshuvah.

Rav Aharon of Belz, zt"l, once hired

a certain workman to do some repairs in his home. While the man was busy at his job, the Rebbe overheard others in the room say in an undertone, "This Jew works on Shabbos!"

The Belzer Rebbe immediately retorted, "Impossible! And if he did work on Shabbos, it must have been because he thought it was Friday!"

He then turned to the workman who had heard the whole exchange and said, "Isn't that right? You got confused and thought that it was Friday?"

The worker remained silent.

The Rebbe again said softly, "You must have mixed up the date and thought it was Friday, correct?"

But the worker still wouldn't answer. For the third time, the Rebbe pleaded, "Didn't you really believe it was Friday

and not the holy Shabbos?"

At the Rebbe's final, exquisitely gentle insistence, the Jewish laborer mouthed, "Yes," and then burst into tears! The man became a shomer Shabbos from that moment.

Similarly, Rav Shach, zt"l, was once in a taxi with Rav Shraga Grossbard, zt"l.

When Rav Shraga asked the driver if he was a shomer Shabbos, Rav Shach immediately cut him off.

"How can you ask a Jew if he is shomer Shabbos? Of course he is shomer Shabbos!" he exclaimed.

Some time later, Rav Grossbard was in the same taxi and the driver recognized him. The man turned toward the Rav and said, "Don't you remember me? The day that I heard the Rav say I must be a shomer Shabbos, I became one!" ■