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Bechoros Daf 38

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

But with regard to a rinsing vessel, where there is no inside, is it susceptible of becoming tamei according to the biblical law?¹ For we do not require [in order that a vessel may become tamei] that it should resemble a sack that is [to say], As a sack is handled either fully or empty, so anything [in order to receive tumah] must be in a condition to be handled either full or empty? — It refers to those [articles] which are fit to be used as seats. If this be so, then why not also declare an earthen vessel tamei [rabbinically]? — Midras² is not employed with an earthen vessel, [for fear of breaking it].

Rav Pappa says:³ The Mishnah above states distinctly a ‘large auger’, from which we can deduce that an ordinary auger is smaller than a sela’.⁴ This would indeed hold good according to the view of Rabbi Meir⁵ but according to the view of the Rabbis, what answer would you give? For we have learned: To what kind of auger did Beis Shammai refer? To a small one, belonging to doctors.⁶ The Sages said however: They refer to the large [carpenter’s] auger kept in the Temple cell.

¹ That there should be need to take a precaution in case a tamei liquid comes in contact with it. Moreover, it states above that if the case were one of biblical tumah etc. The objection therefore arises that where it is not capable of containing there can be no tumah biblically!

² Causing tumah by treading, lying or sitting on it.

³ The difficulty you raised above concerning Beis Shammai and Beis Hillel apparently holding the same view, can be solved in the following manner.

⁴ And Beis Shammai in connection with the passage above referring to the loss in the skull mean by the term ‘auger’ the ordinary one, which is smaller than a sela. Therefore the measurements of the two schools are not alike.

⁵ Who explains below that a physician’s auger is meant in the statement referring to the size of the shrinkage in the skull. This is less

But is it satisfactory even according to the view of Rabbi Meir? Would this not then be a case where the ruling of Beis Shammai would be lenient⁷ and the ruling of Beis Hillel severer; and [as regards examples of this kind of ruling] what we have learned⁸ we accept and what we have not learned in the Mishnah we do not accept! — Said Rav Nachman: A Neronian sela is distinctly mentioned above. A Neronian sela is as large as a large auger, but an ordinary sela is even smaller than an ordinary auger.⁹

MISHNAH: One whose ris [eyelid] is perforated, nipped or slit, or if it has a cataract or an intermingling, chilazon [snail-shaped], nachash [snake-shaped] and a [berry-shaped] growth on the eye, [is disqualified]. What does tevallul (intermingling) mean? The white of the eye breaking through the ring and encroaching on the black, but if the black breaks through the ring and invades the white, it is not a

than a sela, and thus there is a difference between Beis Shammai and Beis Hillel.

⁶ With which the head is bored when a wound has to be examined.

⁷ For Beis Shammai would then hold that a smaller portion is required in order to free the skull from tumah of ohel, whereas Beis Hillel would demand a greater decrease.

⁸ Where only six cases are enumerated in which Beis Shammai are more lenient in their rulings than Beis Hillel.

⁹ Therefore Beis Shammai, requiring a shrinkage in the skull of the size of an auger before it can be exempt from the impurity of overshadowing would be severer in their ruling than Beis Hillel, who only require the decrease of the size of an ordinary sela, which is even less than the size of an ordinary auger.

[disqualifying] blemish, [because there are no disqualifying blemishes as regards the white of the eye].¹⁰

GEMARA: What is the meaning of the ris? Rav Pappa said: The eyelid.

The Mishnah had stated: Or if it has a cataract or an intermingling. Our Rabbis taught: A cataract which causes the eye to sink is a [disqualifying] blemish, but if it is floating, it is not a disqualifying blemish. But has not the opposite been taught? — This offers no difficulty. One statement refers to the black part of the eye, and the other case to the white.¹¹ But surely blemishes in the white of the eye do not disqualify! One statement then refers to a white spot, and the other to a black spot. For Rabbah bar Bar Chanah said: Rabbi Oshayah of Usha told me: A black spot which causes the eye to sink is a [disqualifying] blemish, but if it is floating it is not a [disqualifying] blemish. A white spot if it causes the eye to sink is not a disqualifying blemish, but if it is floating, it is a disqualifying blemish. And a mnemonic¹² for this is, barka.¹³

The Mishnah had stated: Chilazon [snail-shaped], nachash [snake-shaped] and a [berry-shaped] growth on the eye. A query was put forward: Does [the Mishnah mean that] chilazon is the same thing as nachash or does it mean chilazon or nachash? — Come and hear: For Rabbah bar Bar Chanah said: Rabbi Yochanan ben Elozar told me: A certain old man [a Kohen] lived in our quarter whose name was Rabbi Shimon ben Yosi ben Lekunia. Never had I passed in front of him.¹⁴ Once, however, I passed in front of him. He said to me: Sit down my son, sit. This¹⁵ chilazon is a

¹⁰ For only the black part is looked upon as the eye.

¹¹ The first impression was that the passage referred to the two parts of the eye.

¹² By which to remember which of the two affections of the eye is considered a blemish.

¹³ An affection of the eye-sight occasioned by lightning which is white and cataract and similarly the floating white spot in the eye is a disqualifying blemish.

permanent blemish, in consequence of which [the animal] may be slaughtered and this is what the Sages called nachash. And although the Sages have said: A man must not examine his own [animals] to discover their blemishes, yet he is allowed to teach the rule to his pupils and the pupils are permitted to examine. But surely it is not so! For didn't Rabbi Abba say that Rav Huna reported in the name of Rav: Wherever a scholar comes before us and teaches a [new] rule, if he enunciated it before a practical case arose for the application of the rule, then we listen to him, but if not, we do not listen to him?¹⁶ — He too came to us and taught it before the case arose.

The Mishnah had stated: What does tevallul (intermingling) mean? The white of the eye breaking through the ring and encroaching on the black. Whose opinion does this¹⁷ represent? — It is that of Rabbi Yosi. For it was taught: If the white of the eye encroaches on the black or if the black encroaches on the white, it is a disqualifying blemish. This is the view of Rabbi Meir. Rabbi Yosi says: If the white encroaches on the black it is a blemish, whereas if the black of the eye encroaches on the white, it is not a blemish, for blemishes do not disqualify in the white of the eye. Said Rav: What is the reason of Rabbi Yosi? Scripture says: Their eyes stand forth from fatness. [The white of the eye] is called the fat of the eye, but not simply their eyes. And what is the reason of Rabbi Meir? — What is the meaning of tevallul? — Anything which disturbs [mebalbel] the action of the eye. MISHNAH: Chavarvar [white spots] on the cornea and water constantly dripping from the eye, [are disqualifying blemishes]. What do we mean by a permanent chavarvar? If it remained for a period of eighty days.¹⁸ Rabbi Chanina ben

¹⁴ He being a great man of his generation.

¹⁵ He possessed a bechor which had a chilazon.

¹⁶ Since it is on account of the case that he is induced to pronounce the new rule. And here also how can we listen to him when he says that the animal has a permanent blemish?

¹⁷ The Mishnah which states that a blemish does not disqualify the white part of the eye.

¹⁸ Without diminishing from what it was originally.

Antigonus said: We must examine it three times in the eighty days.¹⁹ And the following are cases of constant dripping from the eye [and how to test its permanency]: if it ate [for a cure] fresh [fodder] and dry [fodder] from a field sufficiently watered by rain, or fresh [fodder] and dry [fodder] from a field requiring artificial irrigation, [it is a permanent blemish, if not cured]. If it ate dry [fodder] first and then fresh [fodder] it is not a blemish. Unless it eats dry [fodder] after the fresh.

GEMARA: What opinion does our Mishnah²⁰ represent? — It is that of Rabbi Yehudah. For it has been taught: A permanent chavarvar must remain for forty days, and water constantly dripping [from the eye] must remain so for eighty days. This is the view of Rabbi Meir. But Rabbi Yehudah says: A permanent chavarvar must remain for eighty days. And the following are cases of permanent chavarvar [and how to test their permanency]: if it ate fresh [fodder] with dry [fodder] from a field sufficiently watered by rain, but not fresh [fodder] and dry from a field requiring irrigation. Or if it ate dry [fodder] followed by fresh, it is not a blemish, unless it ate dry [fodder] after fresh. And this [treatment] must last for three months.

The Gemara asks: But haven't we learned both [kinds of fields]: If it ate fresh [fodder] and dry [fodder] from a field sufficiently watered by rain, or if it ate fresh [fodder] and dry [fodder] from a field requiring irrigation?²¹ — It is as if there are missing words in the Mishnah and it should read thus: If it ate the fresh [fodder] and dry [fodder] from a field sufficiently watered by rain, it is a blemish. [If it ate] from a field requiring irrigation, it is not a blemish, [even if it did not become cured]. [And even in the case of a field] watered by

¹⁹ And failing this examination, even if the white spots are found on the eightieth day, they are not considered a blemish, as probably during this period the defect disappeared and has now returned. This defect would, therefore, be a natural thing.

²⁰ Which says that a permanent chavarvar must remain so for eighty days.

rain, if it ate dry [fodder] and afterwards fresh it is not a blemish, unless it ate dry [fodder] after fresh.

'And this treatment must last for three months.' But surely this is not so! Hasn't Rav Idi bar Avin reported in the name of Rav Yitzchak bar Ashian: [In] Adar and Nisan [it is given] fresh [fodder], in Elul and Tishrei dry [fodder]? — Read rather as follows: [In] Adar and a half of Nisan fresh [fodder], [in] Elul and half of Tishrei dry.

The following query was put forward: [Does the Mishnah mean that] the fresh [fodder] [given to the bechor to eat for a cure] must be in the period of fresh [fodder]²² and, similarly, the dry in the period of dry,²³ or [does the Mishnah mean that] we give it to eat fresh [fodder] together with dry in the period of fresh [fodder]? — Come and hear: For Rav Idi bar Avin reported in the name of Rav Yitzchak bar Ashian: [In] Adar and Nisan [it is given] fresh [fodder] and [in] Elul and Tishrei dry. It may be, however, that this passage means that the [dry] produce of Elul and Tishrei is given to the animal to eat in Adar and Nisan.²⁴

And how much [of this] do we give it to eat daily? — Rabbi Yochanan reported in the name of Rabbi Pinchas ben Aruva: The size of a dry fig.

Rava said: In the West (Eretz Yisroel) it was asked: Does the amount mentioned refer only to the animal's first meal, or to every single meal? If you say that the first meal is meant, then the question arises, has it to be given before the meal or after the meal. — [The treatment] before a meal certainly does the animal good, like medicine.

²¹ How then can you say that the Mishnah is the view of Rabbi Yehudah?

²² I.e., in Adar and Nisan.

²³ I.e., in Elul and Tishrei, and we do not slaughter the bechor until the 'whole summer has passed; thus the animal is tested with both foods.

²⁴ There is consequently no proof here that the foods must be given at the particular periods of their growth.