



Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h
Tzvi Gershon ben Yoel (Harvey Felsen) o”h

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

Missing Testicles

The Mishna says that if a bechor has no testicles, or only one, it is a blemish. Rabbi Yishmael says that if has two sacks, it has two testicles, but if it has only one sack, it has only one testicle, and it is a blemish. Rabbi Akiva says that we can check the bechor by seating it on its backside, and pressing in the genital area. If there is a hidden testicle, this will make it appear. There was once a bechor which was checked this way, and no testicle appeared, but when it was slaughtered, the testicle was found in the flanks. Rabbi Akiva permitted it, while Rabbi Yochanan ben Nuri prohibited it.

The Gemora asks why the Mishna had to teach that a bechor without any testicle is blemished, if one missing only one is blemished. The Gemora emends the Mishna to say: If a bechor does not have two testicles [in two sacks, but both in one sack], or if it has only one testicle [but two sacks], these are blemishes.

Rabbi Yishmael says that if it has two sacks, it has two testicles, even if they are not both visible, but if it has one sack, there is only one testicle. Rabbi Akiva then says that even if there is only one sack, we must still check for a hidden sack with a testicle.

The Gemora cites a braisa which elaborates on the story related in the Mishna. Rabbi Yossi says that the story happened in Firan of the Menachem house. Rabbi Akiva permitted it, and Rabbi Yochanan ben Nuri prohibited it. Rabbi Akiva told Rabbi Yochanan that he was needlessly wasting a Jew’s money, and Rabbi Yochanan replied that he was feeding Jews a prohibited carcass. The Gemora explains

that Rabbi Yochanan really said that he was feeding Jews a sacrifice that was slaughtered outside the Bais Hamikdash, as he says that this bechor is not blemished. (40a)

Legs

The Mishna says that a bechor with five feet or three legs is blemished. If its feet are not split, like a donkey, or its thigh is out of its socket (shachul), or if one thigh is higher than the other (kasul), it is blemished.

Rav Huna explains that the Mishna is referring to an extra or missing foreleg, but if there is an extra or missing hind leg, the animal is a prohibited *tereifah*, as anything extra is akin to that component missing.

Rav Pappa explains that the blemish of feet that look like a donkey’s is not only if the foot is round and also not split. Even if the foot is split, if it is round like a donkey’s, it is a blemish.

The Gemora cites a braisa which explains that the blemish of shachul is a dislocated thigh, while the blemish of kasul is when one leg is in the flank, and one is above the flank.

The braisa lists the blemish of sarua (one leg longer than the other) and kalut (feet round like a donkey’s and horse’s). (40a)

Broken Limbs

The Mishna says that a broken hand or leg bone is a blemish, even if it the break isn’t anatomically discernible. (40a)

Additional Blemishes

The Mishna continues to say that Ayala listed the blemishes listed above, and the Sages agreed. He added on three more, which the Sages said they had not heard of:

1. A round eye, like a human's
2. A mouth like a pig's
3. Most of the talking part of the tongue is missing

A later court ruled that these three are also blemishes.

Rav Pappa explains that although the broken bone isn't anatomically discernible, it is discernible by the impaired functionality of the limbs. (40a)

Animal Eyes

The Gemora challenges Ayala's assumption, that a round eye is abnormal for an animal, from Rabbi Meir, who says that if a woman miscarries a fetus that looks like an animal, kosher or non-kosher, it is considered a bona fide birth, incurring all the standard purity and impurity periods.

Rabba bar bar Chana quotes Rabbi Yochanan explaining that this is due to the similarity of an animal's and human's eyeball. Rav Yosef resolves this by saying that an animal's eye's pupil is round like a human's, but its white part is a different shape. Ayala is saying that if the white is round like a human's, it is abnormal, and therefore a blemish. (40a)

Mouth and Tongue

Rav Pappa explains that the blemish of a mouth like a pig's is not only if it is both round and overlapping. As long as it overlaps like a pig's, it is a blemish.

The Gemora explains that the blemish of most of the talking tongue missing follows Rabbi Yehuda, who lists this as a blemish.

The Mishna relates a story of a bechor, whose lower lip protruded further than the upper one. When Rabban Shimon ben Gamliel asked the Sages, they said this was a blemish.

The Gemora asks what prompted the Mishna to relate this story, and explains that although the Sages dispute Ayala

about a protruding over lip, they agree that if the lower lip protrudes, it is a blemish. The Mishna therefore cites a story to support this statement.

The Gemora challenges this statement, from the Mishna, which lists a protruding upper or lower lip as a blemish for a person (kohen), as the verse requires that a kohen be "a man from the children of Aharon," implying that they look like others, with no extraordinary features. This implies that protruding lips are only a blemish for a person, but not for an animal, which has no similar requirement.

Rav Pappa answers that the Mishna here is referring to one whose lower jawbone protrudes, which is a blemish for an animal, while a person is disqualified even if just the flesh protrudes. (40a – 40b)

Double Ear

The Mishna says that if a goat has a double ear, the Sages say that if the two ears share one bone, is a blemish, but otherwise it is not. Rabbi Chanania ben Gamliel says that a goat's tail that looks like a pig's, or one that does not have three vertebrae, is a blemish. (40b)

Swollen Legs and Mouth

The Gemora cites a braisa which says that if an animal's mouth or legs are swollen, it is a blemish only if it is due to a larger bone, but not if due to extra air. If it has a double ear, it is a blemish only if they share one lobe, but not if each has its own lobe. (40b)

Tail

Rav Pappa explains that for a tail to be like a pig's, it need not be thin. As long as it is round, it is like a pig's, and considered a blemish.

Rav Huna says that a goat's tail with less than three vertebrae is a blemish, and a sheep's goat with less than four vertebrae is a blemish.

The Gemora rejects this from a braisa, which says that a goat is blemished if it has less than two, and a sheep is blemished if it has less than three.

The Gemora explains that Rav Huna was misled by the Mishna, which began by discussing a goat. Rav Huna therefore assumed that the end of the Mishna, which discussed the size of the tail, was still discussing a goat. From the braisa it is clear that the Mishna's discussion of the tail size was discussing a sheep.

The Mishna cites Rabbi Chanina ben Antignos listing these blemishes:

1. A wart in the eye
2. A nick in its hand or leg bone
3. A broken jawbone
4. One large eye, and one small eye
5. One large ear, and one small ear (40b)

Big and Small

The Mishna says that the size difference of the eye or ear must be visible, even without measuring. Rabbi Yehuda says that if one testicle is double the size of the other one, it is a blemish, but the Sages disagreed. (40b)

Warts

The Gemora challenges the classification of a wart as a bona fide blemish, from the Mishna which lists a wart as something which prohibits an animal from being offered as a sacrifice, but does not permit it to be slaughtered outside.

The Gemora notes that the verse itself lists a wart as a blemish, and therefore suggests that only a wart on the eye is a bona fide blemish.

The Gemora rejects this, as the verse lists a wart, without limiting it to one in the eye.

The Gemora answers that the verse is referring to a wart that has a bone in it, while the Mishnayos are referring to ones without a bone.

The Mishna here teaches that in the eye, it is a bona fide blemish, while the other Mishna teaches that anywhere else, it only makes it unfit for sacrifice.

The Gemora challenges this, as a wart without a bone anywhere else on the animal is just extra skin, which shouldn't even make it invalid for sacrifice, as Rabbi Eliezer says that extra skin makes a kohen unfit for service, but doesn't invalidate an animal for sacrifice.

The Gemora answers that both Mishnayos refer to warts in the eye, but this Mishna refers to one in the black area of the eye, while the Mishna which prohibits it from sacrifice refers to one in the white area of the eye.

The Gemora challenges this, as the white of the eye is not an area which can be blemished.

Raish Lakish answers that the wart that has hair growing on it is a blemish, while one without hair is not. (40b)

Eyes

The braisa says that the blemish of a large eye is when it is as large as a calf's, and the blemish of a small one is when it is as small as a goose's. (40b)

Testicles

The Gemora cites a braisa saying that Sages say that even if one of the testicles is only the size of a bean, it still is not a blemish. (40b)

Tail Length

The Mishna says that if a calf's tail does not reach its joint, it is a blemish. The Sages say that a calf normally grows with its tail starting that long, and then growing as the calf ages. Rabbi Chanina ben Antignos explains that the joint referred to is the one in the middle of the thigh.

The Gemora cites a braisa, which explains that it is the upper joint of the leg, which is the joint recognizable in a camel. (40b – 41a)

INSIGHTS TO THE DAF

Thigh

The Mishna (40a) lists a dislocated thigh as a blemish.

Rashi explains that the case of the Mishna must be where the sinews in the socket are still intact, as otherwise, it is not just a blemish, but the animal is a *tereifah*, and may not be eaten at all.

Tosfos (40a shenishmeta) challenges Rashi, as there is an opinion that says that any dislocated socket, even with the sinews intact, is a *tereifah*, yet the Mishna lists it as just a blemish.

Tosfos says that the Mishna is a case where the animal was born with its thigh dislocated, and therefore it is not a *tereifah*, regardless of the state of the sinews. The Gemora which talks about what type of dislocation makes the animal *tereifah* is referring to an animal that was born normally, but then subsequently had its thigh get dislocated.

Tosfos adds that the blemish of *sarua* listed in the braisa, which is one leg longer than the other, is also a case where the animal was born that way.

Rashi on the braisa seems to agree. The Rambam (Bias Hamikdash 7:9) does not list the case of one leg longer than the other.

The Chasam Sofer (YD 56) explains that the Rambam understood that the braisa was the same case as the Mishna's dislocated thigh, and therefore only listed this blemish.

Double Ear

The Mishna (40b) lists a doubled ear as a blemish, but distinguishes based on how many lobes there are.

Rashi explains that the Mishna deems the doubled ear a blemish only if both share one lobe, but if component of the doubled ear has its own lobe, it is not a blemish.

Rashi says that he does not know why this should be, as logically a doubled ear with its own lobe would seem more of a blemish than one that shares a lobe.

Rashi further states that the doubled ear is not like an extra leg, as that is more conspicuous.

The Rambam (Bias Mikdash 7:3) rules that the doubled ear is only a blemish if it has its own lobe, but not if it shares a lobe with the other ear. This ruling considers the doubled ear to be like an extra leg, and it is therefore only a blemish when it is a full extra ear.

The Kesef Mishneh says that the Rambam presumably had a different text in the Mishna.

Rabbi Akiva Eiger (Tosfos Rabbi Akiva Eiger on this Mishna) questions Rashi's ruling, and asks why the extra ear should be better than an extra leg.

He suggests that such an animal may not be blemished enough to slaughter outside, but would be unfit for sacrifice, due to its extra ear.

Balum

The Gemora cites a braisa which discusses one whose mouth or legs are *balum*, and states that if it is due to *revach* – *space*, it is not a blemish, but if it is due to *etzem* – *a bone*, it is a blemish. Rashi offers two readings of this braisa:

1. *Balum* means small (cramped), and the braisa is stating that if it is due to these organs not having room to grow, it is not a blemish, but if it is due to the bones they are on (jawbone, legs) being small, it is a blemish.
2. *Balum* means large, and the braisa refers to *ruach* – *wind*, instead of *revach*. The braisa is stating that if they are swollen since they've simply blown up, it is

not a blemish, as this will heal. If they are swollen due to an enlarged bone, they are a blemish.

The Rambam (*Bias Mikdash 7:7*) states that if they were inherently swollen, they are a blemish, but if they are simply temporarily blown up, they are not. This seems to follow Rashi's second option, but read the braisa to say that if it is due to *atzmo* – [*the organ*] *itself*, it is a blemish. Rashi himself quotes the text of the Tosefta that uses the word *atzmo* instead of *etzem*.

Warts in the Eye

The Gemora discusses the parameters of when a wart is a blemish, depending on whether it is on the flesh or the eye, has a bone or not, has hair or not, and where in the eye it is. If the wart is on the body and has a bone, it is a blemish for a person and an animal, but if it has no bone, it is a blemish for a person only. The Rishonim differ in the text of the Gemora, and the ultimate conclusion of the Gemora about warts in the eye.

Rashi -

If the wart is in the white of the eye and has no hair, it is not a blemish at all.

If the wart is in the white of the eye, but has hair, it is unfit for sacrifice, but not a bona fide blemish.

If the wart is in the black of the eye, it is a bona fide blemish.

Tosfos (40b ela) -

If the wart is in the white of the eye, it is never a blemish at all.

If the wart is in the black of the eye and has hair, it is a bona fide blemish.

If the wart is in the black of the eye, but has no hair, it is unfit for sacrifice, but not a bona fide blemish.

Rambam (Bias Mikdash 2:2) -

If the wart is in the white of the eye, and has hair, it is a bona fide blemish.

If the wart is in the white of the eye, but has no hair, it is unfit for sacrifice, but not a bona fide blemish.

See the Kesef Mishneh and Lechem Mishneh, who attempt to explain how the Rambam reaches this conclusion from the text of the Gemora.

DAILY MASHAL

The Torah – for Free

The Midrash says (*Bemidbar Rabah, parashah 1*) that the Torah was given in water, as we are told: “The sky also dripped, clouds also dripped water” because the Torah is offered for free to everyone, like water, about which we are told: “All who are thirsty, go to the water.” This means that even if sometimes we must pay for water, this is not their true worth because water is free for everyone but external circumstances prevent water from reaching a certain place and therefore we pay, but not for the water itself. This is hinted in the verse “All who are thirsty, go to the water” – “go to the water” and not “drink water” to tell us that if you go yourself, you won't have to pay for the water. But if you want the water to come to you, no one promises that that will be for free (*Yismach Yisrael 'al HaTorah, Yisro*, by the author of *Kaf HaChayim*).