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Who can Eat a Blemished Bechor?

The *Mishna* states that Beis Shammai holds that a *Yisroel* should not be invited to eat a blemished *bechor* with a *Kohen*. Beis Hillel, however, permits it, and even with an idolater.

The *Gemora* says that the *Mishna* follows Rabbi Akiva in the *braisa*, which cites a dispute about who can eat the meat of a *bechor* with a blemish. Beis Shammai says that only *Kohanim* can eat it. Beis Hillel says even non-*Kohanim* can eat it, and Rabbi Akiva says that even non-Jews can eat it.

The *Gemora* explains that Beis Shammai restrict it to *Kohanim* from the verse which states that “*their [the bechor’s] meat will be to you [the Kohanim], like the chest and thigh taken from the sacrifices,*” teaching that the meat of all *bechoros* may only be eaten by *Kohanim*, like the chest and thigh.

Beis Hillel say that this verse only applies to an unblemished *bechor’s* meat, but the meat of a blemished one may be eaten by all, as the verse says that “*impure and pure together*” may eat meat of a blemished sacrifice which was redeemed. Beis Hillel say that if someone impure, who is never allowed to eat meat of a sacrifice, may eat the meat of a blemished sacrifice, then surely a non-*Kohen*, who may eat the meat of the less severe *kodashim kalim*, may eat this meat.

Beis Shammai challenge this reasoning, as an impure *Kohen* is sometimes empowered to do the communal service, while a non-*Kohen* never may.

Beis Hillel say that we are only discussing eating, and in that area, someone impure is always more stringent.

Rabbi Akiva says that even non-Jews may eat the blemished *bechor*, as the verse compares it to a deer and gazelle. Just as a non-Jew may eat these animals, which can never be sacrifices, so they may eat the blemished sacrifice.

The *Gemora* explains that the first opinion in the *braisa* says that this comparison is used three times, and each time already teaches us something:

1. Rabbi Yitzchak and Rabbi Oshaya’s statement, about breeding such an animal
2. Rabbi Elozar Hakapar’s statement, to teach that regular (non-sacrifice) animals must be slaughtered
3. To exempt their first born from the sanctity of *bechor*

The *Gemora* cites another *braisa* in which Beis Shammai says that a *niddah* – woman impure due to menstruation, may not eat a blemished *bechor’s* meat, while Beis Hillel says she may.

The *Gemora* explains that Beis Shammai learn from the same verse cited earlier, which compares the meat of *bechor* to the chest and thigh. Just as a *niddah* may not eat the chest and thigh, so she may not eat the *bechor*.

Beis Hillel respond with the verse which allows both impure and pure to eat the blemished sacrifice, but Beis Shammai say this is limited to one whose impurity is not because of a bodily emission. To prove this distinction, Beis Shammai cites the case of a Pesach brought when the community is impure. Although it is impure, and impure people can eat it, those whose impurity is due to bodily emissions may not.

Beis Hillel responds that this distinction is limited to Pesach, where the verse refers only to *tamai lanefesh* – those impure

due to contact with a dead body, and not any other impure people. (32b – 33a)

Skinning

The *Gemora* cites a *braisa*, which lists situations where one may not skin an animal from its leg:

1. Yom Tov
2. A blemished *bechor*
3. A blemished sacrifice that was redeemed

The *Gemora* says we understand that it is prohibited on Yom Tov due to the unnecessary exertion involved, but why is it prohibited for a blemished *bechor* or sacrifice?

Rav Chisda says that the prohibition on a blemished *bechor* follows Beis Shammai, who restrict who may eat its meat, indicating that they consider it to still retain its sanctity. Therefore, one may not skin it this way, as it will destroy some of the meat.

Rav Chisda says that the prohibition on a blemished sacrifice follows Rabbi Elozar the son of Rabbi Shimon, who says that the meat of a blemished sacrifice still retains its sanctity, and therefore may not be destroyed.

The *Gemora* cites a *Mishna* to explain this position. The *Mishna* discusses one who has two *chatas* – sin offerings for one transgression, one blemished and one not. He should offer the unblemished one, and redeem the blemished one. If one slaughtered the blemished one before applying the blood of the unblemished one, it is permitted, but otherwise, it is prohibited, as it now is considered a *chatas* whose owners already fulfilled their atonement, which must die. Rabbi Elozar the son of Rabbi Shimon says that even if the blemished *chatas*'s meat has been cooked, and then the blood of the unblemished one was applied, it is prohibited, as it always retains its sanctity.

The *Gemora* explains that Rav Chisda did not say that both sections were either Beis Shammai or Rabbi Elozar the son of Rabbi Shimon, as either one of them may be limited to only their

case. Beis Shammai may only say that a *bechor* retains its sanctity after becoming blemished, as its sanctity took effect before it was even born. Rabbi Elozar the son of Rabbi Shimon may only say that a standard blemished sacrifice retains its sanctity after a blemish, as it has the power to pass its sanctity to another animal through redemption, while a *bechor* does not.

The *Gemora* asks how Rabbi Elozar the son of Rabbi Shimon can say that one may not skin the animal normally, if we rule that the meat may be weighed and sold in the regular marketplace. Even though this would be a disgrace for a sacrifice, we allow it to increase the redemption value, so we should similarly allow him to skin it, to increase the value.

The *Gemora* offers three answers:

1. Rav Mari the son of Rav Kahana says that the increase of value due to more hides being extracted would be offset by the decrease in value due to the loss of meat. Therefore, we prohibit it, due to the disgrace.
2. Ravina is quoted in *Eretz Yisroel* says skinning is very disgraceful, and would look like one is using the sacrifice for industrial use. Although it would increase the value, the disgrace is too large.
3. Rabbi Yosi bar Avin says that if it would be permitted, this would encourage people to raise herds from these animals, to get the hides. We therefore prohibit it, to encourage them to slaughter it right away, and avoid shearing and working them, which is prohibited. (33a – 33b)

A Bechor with too Much Blood

The *Mishna* discusses a *bechor* who has too much blood, and must be healed by bloodletting. Rabbi Yehudah says one may not let blood. The Sages says that he may let blood, but ensure that he does not make a blemish. If he did make a blemish, it may not be slaughtered based on that blemish. Rabbi Shimon says that one may let blood, even in a way that makes a blemish.

The *Gemora* cites a *braisa* about this case, listing the following positions:

1. Rabbi Meir: one may let blood, but only in a place that doesn't make a blemish.
2. Sages: one may let blood, even in a place that makes a blemish, but it may not be slaughtered based on that blemish.
3. Rabbi Shimon: it may even be slaughtered based on that blemish.
4. Rabbi Yehuda: Even if it will die otherwise, one may not let blood. (33b)

Terumah which may be Impure

Rabbi Elozar (or Rabbi Chiya) taught his son that the dispute in this case is analogous to the dispute in the case of a barrel of *terumah* which may be impure. The *Mishna* in that case lists the following positions:

1. Rabbi Eliezer: he should avoid it contacting impurity. If it is in an open area, he should hide it, and if it's open, he should cover it.
2. Rabbi Yehoshua: he should make it more accessible to impurity. If it is in a hidden area, he should take it out, and if it's covered, he should uncover it.
3. Rabban Gamliel: he should leave it alone, neither avoiding nor encouraging impurity

Rabbi Meir corresponds to Rabbi Eliezer, as he doesn't allow one to add a blemish to an animal sick with too much blood. The Sages correspond to Rabbi Yehoshua, as they allow one to make a blemish on this unusable animal. Rabbi Yehudah corresponds to Rabban Gamliel, as he prohibits doing anything to the animal.

The *Gemora* challenges these parallels on many counts, drawing many distinctions between the two cases and the different positions:

1. In the case of *bechor*, one would be actively creating a blemish, as opposed to the *terumah*, where the discussion is simply putting it in a situation that would make it more likely to become impure, a form of indirectly causing impurity. Perhaps Rabbi Meir and

Rabbi Yehudah only prohibit letting blood or making a blemish directly, but would agree with Rabbi Yehoshua about indirectly causing impurity.

2. In the case of *terumah*, we are not sure if it is impure, as opposed to *bechor*, which will definitely die without bloodletting. Perhaps Rabbi Eliezer and Rabban Gamliel only prohibit causing impurity to the *terumah*, as it may be perfectly pure, but would agree with the Sages about letting blood from an animal that will surely die otherwise. Similarly, the Sages may agree with Rabbi Eliezer in the case of *terumah*.
3. The dispute in both cases depends on the specific verses.

a. Making blemishes

All agree that one may not castrate a castrated animal, since the verse lists each method individually. They dispute whether one may put a blemish (by letting blood) on a blemished sacrifice (e.g., one that will die from too much blood). Rabbi Meir says that the verse which says *kol mum – any blemish will not be on a sacrifice* uses the extra word *kol* – all to include even one who blemishes a blemished sacrifice. The Sages say the end of this verse, which says that “*the sacrifice should be unblemished,*” limits this prohibition to an unblemished animal only. Rabbi Meir says that only excludes an animal which was blemished before being sanctified. The *Gemora* clarifies that all agree that such an animal never had any inherent sanctity, and therefore no verse is necessary, but Rabbi Meir says that the verse only excludes a blemished animal after redemption. Since one may not shear or work such an animal, we may have thought that one may not blemish it. The Sages say this extra word teaches that one may not even indirectly cause a blemish to a sacrifice.

b. Impure *terumah*

The verse says Hashem says “*I gave you the guarding of terumosai – my terumos,*”

referring to two types of *terumah*. Rabbi Eliezer says these are both pure and possibly impure *terumah*, both of which one must guard from impurity. Rabbi Yehoshua says that word is written with the same letters as *terumahi* – my *terumah*, referring to only one type of *terumah*, i.e., pure *terumah*, leaving no source to guarding possibly impure *terumah* from impurity. (33b – 34a)

INSIGHTS TO THE DAF

Logic vs. Equation

The *Gemora* discusses the debate between Beis Shammai and Beis Hillel about who may eat the meat of a blemished *bechor*. Beis Shammai says that only *Kohanim* may eat the meat, as the verse equates the meat of all *bechor*'s with the chest and thigh. Beis Hillel responds with a logical argument to allow a non-*Kohen* to eat the meat, from the fact that someone impure may eat it.

Tosfos (33a uvais) notes that all agree that fundamentally this verse, which refers to “their meat”, refers to the meat of a blemished and non-blemished *bechor*, and this is the source teaching that a *Kohen* receives both types of *bechor*'s. Even so, we say that a logical argument overrides the equation in the verse.

Tosfos explains that this is true only because the equation is intact as far as the meat of an unblemished *bechor*, and we can therefore accept both the equation and the logical argument. However, if the logical argument would render the equation irrelevant and incorrect, we disregard the argument, and follow the equation.

Deer and Gazelle

The *Gemora* enumerates the halachos we learn from the three times the verse compares a blemished sacrifice to *tzvi v'ayal* –

a deer and gazelle. One of the three is “Rabbi Yitzchak and Rabbi Oshaya”.

Rashi here says that he doesn't know what this is referring to.

Tosfos (33a chad) says that this refers to the *Gemora* in Makkos (22a), which states that if one breeds or leads a blemished sacrifice, he has transgressed the prohibitions of breeding or leading hybrids. Tosfos explains that the source for this is the verse, which compares this animal to both a deer and a gazelle, effectively making this one animal a hybrid of two species, and therefore applying the relevant prohibitions to it.

Blemishing a Bechor

The *Gemora* says that the *Tannaim* dispute whether one may blemish an already blemished *bechor*. Tosfos (33b ba'al mum) that even those who prohibit one from blemishing a blemished *bechor* allow one to blemish a *bechor* nowadays, as we have no Beis Hamikdash, and no way of offering it. However, Tosfos notes that even though we rule like Rabbi Shimon, who says that one may blemish a blemished *bechor*, we still prohibit blemishing a *bechor*, even nowadays, as a Rabbinic prohibition. The Rabbinic prohibition does not apply in the case of bloodletting, where the animal will otherwise die.

Which Two Terumahs?

The *Gemora* says that Rabbi Eliezer learns that one may not cause impurity to *terumah* that may be impure, since the verse states that “I have given to you the guarding of *terumosai* – my *terumos*.” The plural form of *terumosai* teaches that the guarding (from impurity) applies to two types of *terumah* – both pure *terumah*, and *terumah* which may be pure.

Tosfos (34a Achas) notes that the *Gemora* (Shabbos 25a) uses the same word's plural form to teach that the *Kohanim* may benefit from two types of *terumah*, both pure (by ingesting) and impure (by burning it as fuel), implying that the plural form refers to pure and impure, not to pure and possibly pure.



Tosfos answers that the word *terumosai* is referring to two parts of the verse that preceded it:

1. To you – this phrase give the *Kohanim* rights to the *terumah* mentioned. The plural form of the word *terumosai*, when applied to this phrase, teaches that the *Kohanim* are entitled to both types of *terumah*, and may consume them appropriately.

The Guarding – this phrase teaches that the *Kohanim* must guard the *terumah* from impurity. The plural form of the word *terumosai*, when applied to this phrase, teaches that the *Kohanim* must guard both types of *terumah*. The two types must therefore be pure and possibly pure.

DAILY MASHAL

The Donkey Was Captured

The *Mishna* recounts that Rabbi Tarfon declared an animal *treifah* wrongly and said “Your donkey has gone, Tarfon.” In other words, he’d have to sell his donkey to compensate the animal’s owner. HaGaon Rabbi Yitzchak Weiss zt”l said that there’s a hint here: A *talmid chacham* is compared to a donkey: “Yisachar is a strong donkey” (see Rashi, Bereishis 49:14). As he discovered that he erred, he was sorry that the title of *talmid chacham* was removed from him: “Your “donkey” has gone, Tarfon” (*Ma’yanah shel Mishnah*).