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Bechoros Daf 25

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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 did Rav say this? Didn't Rav Chiya bar Ashi say in the name of Rav: The [cloth] stopper of the brewery boiler¹ must not be squeezed in on a festival day?¹ — In that case even Rabbi Shimon would agree. For Abaye and Rava both said: Rabbi Shimon admits where it is a case of 'let his head be cut off, but let him not die',² that it is forbidden.

But didn't Rav Chiya bar Ashi report in the name of Rav: The halachah is in accordance with Rabbi Yehudah,³ and Rav Chanan bar Ami reported in the name of Shmuel: The halachah is in accordance with Rabbi Shimon, and Rav Chiya bar Avin taught without naming the authority as follows: Rav says: The halachah is in accordance with Rabbi Yehudah, whereas Shmuel says: The halachah is in accordance with Rabbi Shimon? — Indeed Rav holds that a forbidden act which was produced without intent is prohibited [on a festival day] and that tearing is not [considered] the same as shearing,⁴ and the reason why it is permitted on a festival day is because it is detaching a thing from its place of growth in an unusual manner.⁵

But is not tearing [considered] the same as shearing? Has it not been taught: If one plucks a large feather from the wing [of a bird] and cuts off [its head], and smooths⁶ it, he is obligated to

bring three chatas offerings. And Rish Lakish explained: He is guilty for the act of plucking it, because it comes under the category of shearing; he is guilty for the act of cutting, because it comes under the category of severing; and he is guilty for the act of smoothing, because it comes under the category of scraping?⁷ — [Plucking] a wing is different, for that is the usual thing.⁸

Now since Rav holds in accordance with Rabbi Yosi ben ha-Meshullam, then Rabbi Yosi ben ha-Meshullam holds in accordance with Rav.⁹ But does Rabbi Yosi ben ha-Meshullam hold that a forbidden act [which was produced] without intent is forbidden? Has it not been taught: If two hairs [of a red heifer] are red at the roots but black at the top, Rabbi Yosi ben ha-Meshullam says: He may shear with scissors without fear? — The case of a red heifer is different, for it does not belong to a class [of animals] that are sheared.¹⁰

But has it not been taught: [Scripture says]: You shall do no work with the firstborn of your ox nor shear the firstborn of your flock. From this I can gather only that working an ox and shearing sheep are forbidden. From where will you deduce that the expression used in connection with an ox applies equally to

¹ For fear of breaking the law against squeezing and wringing on the Sabbath or Festival; evidently, even an unintended act is forbidden, like Rabbi Yehudah maintains!?

² A dialectic term denoting the unavoidable result of an act. And here, since he closes the boiler with the stopper, it is inevitable that there should be squeezing and therefore even Rabbi Shimon, who elsewhere holds that an unintentional forbidden act is not prohibited, admits in such an instance that it is prohibited.

³ Who prohibits an unintentional act.

⁴ And therefore Rav declared that the ruling was according to Rabbi Yosi ben ha-Meshullam in connection with a firstborn.

⁵ For it is not usual to tear or pluck wool, except to shear it.

⁶ Tearing the hair from the windpipe and smoothing it away from the sides.

⁷ We see, therefore, that plucking or tearing is considered the same as shearing.

⁸ Whereas it is not a usual thing to shear it, and consequently plucking is considered the same as shearing. But plucking or tearing wool is not a usual thing and therefore it is not considered the same as shearing.

⁹ That a forbidden act which was produced unintentionally, is forbidden.

¹⁰ For cows have no wool and consequently shearing is not prohibited. But one can still maintain that a forbidden act produced without intent is forbidden.

sheep and the expression used in connection with sheep applies equally to an ox? The text states: You shall not work nor shear the firstborn of your flock! — Rather [say] the case of a red heifer is different, for it is an offering for the Temple repair.¹¹

But hasn't Rabbi Eliezer said: Offerings for Temple repair are forbidden in respect of shearing and work? — It is a Rabbinic enactment. But is there not still a Rabbinic prohibition?¹² — The case of a red heifer is different, as it is a rare occurrence.¹³

But why not redeem the red heifer, bring it to a state of chullin [in order] to shear it and then again consecrate it? — Its price is high.¹⁴ But why not act here as Shmuel taught, for Shmuel said: A dedicated object worth a maneh which has been redeemed for the value of a perutah is considered redeemed? — Shmuel's teaching refers only to a case where it has been done, but does he teach that it is directly permissible!

If you wish I may say: Rav holds with Rabbi Yosi ben. ha-Meshullam but Rabb Yosi ben ha-Meshullam does not hold with Rav [that unintentional results caused by forbidden acts are prohibited].

The Mishnah had stated: And tears the hair provided however he does not remove the wool from its place.

Rav Ashi reported in the name of Rish Lakish: They have taught this only with regard to tearing with the hand but with an

instrument it is forbidden. But doesn't [the Mishnah] state: He makes a place with a butcher's hatchet on both sides? — Read: For the butcher's hatchet.

The Mishnah had stated: And similarly if one tears the hair to show the place of the blemish.

It was queried: Does it mean that this is directly permitted¹⁵ or only condoned if it had been done?¹⁶ — Rabbi Yirmitah said: Come and hear: If wool is entangled in the ear,¹⁷ Rabbi Yosi ben ha-Meshullam says: He tears it and shows its blemish. Deduce from here therefore that it means a direct permission. This stands proved.

Rav Mari said: We have also learned: And similarly if one tears the hair to show the place of the blemish. What does the expression 'and similarly' indicate? If it is to tell us that he must not remove it from its place, since if he slaughters, where the slaughtering proves his intention,¹⁸ [you still say] that he must not remove its wool, can there be any question as regards showing the place of the blemish? Must you not therefore admit that it¹⁹ refers to the 'tearing'.²⁰ Deduce from this therefore that it is directly permissible. It stands proved.

MISHNAH: If [a portion of] the hair of a blemished firstborn was torn away and he placed it in the window,²¹ and subsequently slaughtered the animal. Akavya ben Mahalalel allows²² it, whereas the Sages declare it forbidden;²³ these are the words

¹¹ And not for the altar and therefore shearing is permissible.

¹² Why therefore does the Baraisa state above that he need not fear?

¹³ And for cases which occurred rarely the Rabbis did not enact their prohibitions.

¹⁴ And it is therefore not easy to find the money with which to redeem it.

¹⁵ The expression 'and similarly' will then refer to the passage stating that it is permissible to tear on both sides for slaughtering and that just as it is allowed to do this, so there is a direct permission to tear the hair in order to show the blemish to the Sage, so that he may pronounce on the nature of the defect of the firstborn.

¹⁶ And the expression 'and similarly' refers therefore to the passage in the Mishnah stating that the wool must not be removed and that just as in the case of slaughtering the wool must not be removed, so when the blemish is shown to a Sage, the same rule applies. But this does not imply direct permission to tear the hair of the firstborn to show its blemish.

¹⁷ There being a blemish in that part of the body.

¹⁸ That he does not do this for the sake of the wool, and still you say that it must not be removed. It should certainly therefore be so in the case where he tears the hair to show the blemish, since there is nothing to prove his intention, for the blemish is not visible to everybody.

¹⁹ The expression 'and similarly'.

²⁰ That it is permissible in the first instance, even as it is in the first clause in our Mishnah.

²¹ As the hair i.e., the wool, is forbidden to be used while the animal is alive, because it is the wool of an animal disqualified for the altar.

²² The use of the wool by the Kohen, for just as the slaughtering renders permissible the flesh, skin and the wool attached to the animal, so the part that becomes detached is also allowed to be used.

²³ For if you permit the use of wool plucked when the animal is alive, one may be led to detain the firstborn in order to benefit from its wool, and

of Rabbi Yehudah. Rabbi Yosi said to him: Akavya ben Mahalalel did not allow in this case, but it is in the case where the hair of a blemished firstborn which was torn away and he placed it in the window, and the animal died subsequently,²⁴ that Akavya ben Mahalalel allows, whereas the Sages declare it forbidden. Where the wool of a firstborn is loosely connected [with the skin],²⁵ that part which appears [on a level] with [the rest of] the wool²⁶ is permitted, whereas that which does not appear [on a level] with [the rest of] the wool²⁷ is forbidden.

GEMARA: [Akavya ben Mahalalel did not allow in this case]. Is it to be deduced then that the wool is forbidden? If in the case of a dead [firstborn]²⁸ [the wool torn away] is allowed [to be used], is there any question that in the case where it is slaughtered, [the wool torn away is allowed]? What is meant then is: Not in this case does Akavya allow and the Sages declare it forbidden,²⁹ but where he slaughtered it, all unanimously allow [the use of the wool]. They only differ in connection with the case of a dead [firstborn].

Rav Assi reported in the name of Rish Lakish: The difference of opinion relates to a case where the expert had permitted the firstborn,³⁰ one authority maintaining that we enact a prohibition as a precaution lest he should come to detain it,³¹

this may eventually bring about a breaking of the law with reference to working and shearing.

²⁴ But not slaughtered.

²⁵ I.e., it is entangled with the remaining wool and has not fallen.

²⁶ When it is slaughtered and sheared, it does not seem to be removed very much from the other wool.

²⁷ Where it is separated from the remainder of the wool in a marked degree. It is therefore considered as if it became detached while the animal was alive.

²⁸ Where the wool attached to it is forbidden to be used, as it requires burial.

²⁹ I.e., in this case there is no dispute.

³⁰ Before the wool was torn away.

³¹ So that he can avail himself of its wool from time to time and in so doing he may come to break the law regarding working and shearing it.

³² The expert having permitted its slaughter, we hold that he will not keep the animal.

while the other authority maintains that we do not enact such a prohibition;³² but where the expert had not yet permitted it, all unanimously hold [that the wool] is forbidden.³³

Rav Sheishes raised an objection: Blemished sacrifices [which became mixed up] with other sacrifices are forbidden whatever they may be;³⁴ Rabbi Yosi however says: The case must be examined. And we raised the point: What does Rabbi Yosi mean by the statement 'It must be examined'? You can hardly say that it refers to the blemished animal which is then to be taken away; for we should then infer that the first Tanna quoted above does not hold this?³⁵ And Rav Nachman answered in the name of Rabbah bar Avuha: We are dealing here with the wool of a blemished firstborn [torn away while alive], which became mixed up with the wool of chullin.³⁶ And who is the first Tanna quoted above? Rabbi Yehudah [in our Mishnah] who said that where he slaughtered it the Rabbis declared it forbidden;³⁷ whereas Rabbi Yosi adheres to his own view that if he slaughtered it the Rabbis allowed. And it states: 'It shall be examined'. Now what does this expression 'it shall be examined' mean? Does it not mean that the examination is by the expert to see whether it possesses a permanent blemish [and then slaughtering it, will make everything permissible to be used] or a transitory blemish?³⁸ — Said Rava: No. The expression 'it shall

³³ For it is like an unblemished firstborn, and in such a case even Akavya agrees, for if the wool is allowed to be used, he will keep the animal until a blemish appears on it, thus preventing its sacrifice on the altar.

³⁴ No matter how few in number, so that even if one blemished animal became mixed up with a thousand. all are rendered unfit for sacrificial purposes.

³⁵ Surely not! For if the blemished animal can be recognized, what further doubt can there be?

³⁶ Unconsecrated animals, and we are not dealing here at all, with living animals.

³⁷ And there is no remedy in slaughtering it.

³⁸ According to Rabbi Yosi slaughtering the animal makes the wool permissible to be used even according to the Rabbis. Therefore, just as according to Rabbi Yosi, the Rabbis allow the use of the wool when the animal is slaughtered, whether the expert had permitted the firstborn or not, for Rabbi Yosi says that the animal has yet to be examined, similarly Akavya with regard to a dead firstborn makes no distinction whether the expert had permitted it or not, for Akavya makes no distinction between a case of slaughtering it and that of a dead firstborn. Hence we see that even

be examined' means that an examination is made if the expert had permitted [the firstborn] before the wool was torn away; in that case [the wool] is allowed, but if not, then it is not [allowed].

When Ravin went up [from Bavel to Eretz Yisroel], he reported the dictum of Rav Nachman before Rabbi Yirmiyah. The latter said: The foolish Babylonians because they dwell in a dark country report an obscure tradition. Have they not heard what Rabbi Chiya bar Abba reported in the name of Rabbi Yochanan: The difference of opinion³⁹ relates to a case where he searched and did not find the blemished animal, and they differ on the principle on which Rabbi Meir and the Rabbis differ? For we have learned: Rabbi Meir used to say: Everything which has a presumption of tumah continues for ever in that status,⁴⁰ until the tumah is revealed, whereas the Sages say: He digs until he reaches a rock or unbroken ground, [after which there is no further uncleanness]. But Rav Assi says: The difference of opinion relates to a case where he searched and found [a blemished animal],⁴¹ and they differ on the principle on which Rebbe and Rabban Shimon ben Gamliel differ. For it has been taught: If one enters a field in which a grave was lost he becomes tamei. If a grave is found in it, he is tahor, for I maintain that the grave found is the identical one which was lost; these are the words of Rebbe, whereas Rabban Shimon ben Gamliel says: The entire field must be searched.

Why doesn't Rav Assi concur with [the interpretation of] Rabbi Chiya bar Abba? — He can reply [as follows]: This would indeed

without the expert permitting the firstborn, there is yet a difference of opinion.

³⁹ The first Tanna quoted above and Rabbi Yosi differing in regard to living blemished sacrifices that became mixed up with others.

⁴⁰ If the lost grave is not found, though the whole field had been searched, similarly here, if the blemished animal cannot be identified, according to the first Tanna, all the animals are forbidden.

⁴¹ For we fear, according to the first Tanna quoted above, lest the blemished animal found was really another, and, therefore, all the animals require examination, whereas Rabbi Yosi maintains that making a search is adequate and, having discovered a blemished animal, we presume that it is the one which became mixed up with the rest.

hold good with regard to tumah,⁴² for one can say that a raven or a mouse came and took it. But in the case of a blemished animal, where could it have gone?⁴³ And the other authority [Rabbi Chiya]? — He will reply: One can say that it was a transitory blemish.⁴⁴ And Rabbi Chiya bar Abba — what is his reason for not accepting the explanation of Rav Assi? — He can answer to you [in this manner]: This indeed holds good⁴⁵ with regard to a field in which a grave was lost, for just as it is possible for this man to bury there, so it is for another. But in the case of dedicated animals,⁴⁶ once they have been examined, is it a usual thing that a blemish should occur in them?⁴⁷ And the other [authority]? — [He answers]: Since animals attack each other, blemishes frequently occur even after an examination.

An objection was raised: If one plucks wool from an unblemished firstborn, although there appeared on it subsequently a blemish and he slaughtered it, [the wool] is forbidden to be used. Now, the reason why [the wool] is forbidden is because the animal was unblemished but if it were blemished [the wool] would have been allowed [to be used], although the expert did not permit the firstborn? — [Explain this as follows]: As long as the expert has not permitted it, the Tanna [in the Baraisa] describes it as an unblemished [firstborn].

⁴² The Rabbis maintaining that he digs until he reaches a rock etc. and this is sufficient, for although he does not find it, one may say that it was removed.

⁴³ Therefore Rabbi Yosi might not permit here, as the blemished animal is undoubtedly among them.

⁴⁴ And it healed up, and therefore he was not able to trace the blemished sacrifice.

⁴⁵ Rabbi Shimon maintaining that a search should be made of the entire field.

⁴⁶ Where a blemished animal sacrifice became mixed up with others and it was found.

⁴⁷ And in such circumstances, the first Tanna mentioned above would not have prohibited.