Daf In Review – Weekly Chazarah

Maseches Bechoros, Daf לו – Daf מב

This week's Week In Review is being sent l'zecher nishmas R' Avrohom Abba ben R' Dov HaKohen, A"H vl'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

----------Daf לו---36----------

- **R' Illa'ah** said, if there is an animal which has not been established as a bechor and the owner who is a Kohen says it is a bechor but that it has a mum that came about on its own, he is believed.
    - **Q:** Is he teaching us the concept of "peh she'asar hu hapeh shehitir"? This is already taught in a Mishna that says that a woman who says, "I was married but I am now divorced" is believed because of "peh she'asar hu hapeh shehitir"!? **A:** We would think that the woman is believed in that case, because she could have simply not said anything and would have reached her desired result of being treated as an unmarried woman. However, in the case of the animal the Kohen can't say nothing, because he knows it is a bechor and needs an expert to examine the mum to make it mutar. Therefore, we would think that it is not a case of "peh she'asar hu hapeh shehitir". He therefore teaches that if that is the reason not to believe him it is not a valid reason, because there was no reason for him to lie like that, because he could have made a mum that is easily recognizable to all and eaten it without showing it to an expert.
        - **Q: Mar bar R' Ashi** asked, **Abaye** has said that we don't say "there was no reason to lie" when what was said goes against an accepted fact. Now, since it is an accepted fact that Kohanim make mumin on their bechoros, the logic of "there was no reason to lie" should not serve as a basis to believe him!? **A: Abaye** said that when the logic goes against a definite fact. In our case it is a *concern* that Kohanim inflict mumin in their bechoros, it is not a fact that they do.
- **R' Tzadok** was a Kohen and had a bechor. He gave it barley to eat in baskets made of peeled willows, and it split its lip on the basket. He went to **R' Yehoshua** and asked, shouldn't I be believed regarding this mum (that I did not intend to inflict it) since I am a chaver, and not an ahm haaretz? **R' Yehoshua** told him that he is believed. **R' Tzadok** then asked this same thing to **R' Gamliel**, who told him that here is no difference made between a chaver and an ahm haaretz and as a Kohen he is not believed. **R' Tzadok** said, "**R' Yehoshua** said we do make a difference!?" **R' Gamliel** said to wait until all have come into the Beis Medrash and then told **R' Tzadok** to ask the question. **R' Yehoshua** answered that we don't make a difference. **R' Gamliel** told **R' Yehoshua** to stand and explain his earlier ruling. **R' Yehoshua** said I retracted the ruling I gave to **R' Tzadok** earlier. **R' Gamliel** continued to darshen without allowing **R' Yehoshua** to sit down, and continued doing so until the people made him stop.

MISHNA

- A Kohen is believed to say that he showed a bechor to an expert who declared it a permanent mum (and mutar for shechita).

GEMARA

- **R' Yehuda in the name of Rav** said, a Kohen is believed to say "this bechor was given to me with this mum by a Yisrael" and need not prove that he did not inflict the mum. The reason is that people do not lie about something that is likely to be revealed.
    - **Q: R' Ashi** said, maybe we can prove this from our Mishna, where the Kohen is believed, presumably because it is something that is likely to be revealed!? **A:** The Mishna is different because a Kohen would not eat a bechor that did not have a confirmed mum. That is not a proof regarding the case of the animal that was given to him with a mum, because a Kohen is suspect of inflicting the mum himself.
    - **Q: R' Shizbi** asked, a Mishna says that if a person asks a second person who is not trusted regarding maaser, to purchase produce for him (the first person) from someone who is trusted not to buy from an ahm haaretz or from one who gives maaser from what he buys from an ahm haaretz, he is not believed. Now, this is a case of something that is likely to be revealed and yet we see he is not believed!? **A:** That

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case is different, because he can always claim that he thought the person he purchased from was trustworthy.

- **Q:** Maybe we can bring a proof to this concept from the end of this Mishna, which says that if the second person was instructed to buy the produce from a particular person, he is believed to say that he did so. Clearly, this is because he is afraid to lie since this is something that is likely to be revealed!? **A:** It may be that in that case he is afraid to lie, because the first person will surely follow-up to make sure that he did what was requested. However, in the case of the Kohen there is the possibility that noone will follow-up to ascertain that he is telling the truth.

- **R' Yirmiya bar Abba** asked, how does **R' Yehuda** know that the Kohen is believed to say this? I am the one who taught this ruling to **Gidal**, who then taught it to **R' Yehuda**. However, the ruling I taught was that a *Yisrael* is believed to say that he gave this bechor to the Kohen with the existing mum!
  - **Q:** It seems obvious that the Yisrael would be believed to say that!? **A:** This is needed for a case of where he gave the animal when it was small and it has since grown large. We would think that we can't be sure that he knows that it is the same animal. **R' Yirmiya bar Abba** therefore teaches that he is still believed.
  - In Sura they paskened like **R' Yirmiya bar Abba** and in Pumbedisa they paskened like **R' Yehuda**. The Gemara paskens even like **R' Yehuda**.
    - **Rafram**, who was from Pumbedisa, once caught a Kohen in a lie when the Kohen claimed that the bechor was given to him with the mum. Still, he did not change the Pumbedisa view of believing the Kohen and said this Kohen was especially brazen, but others are not.
  - There was a bechor that was a "seru'ah" (had one large eye and one small eye) that was brought to **R' Ashi** for a psak. Although he did not know whether the owner was a Kohen or a Yisrael he said that we can pasken based on this mum, because it is not of the type that can be inflicted by a person. **Ravina** asked **R' Ashi**, maybe the owner was a Yisrael and **R' Yehuda** has said that we do not pasken on a mum for a Yisrael if a Kohen is not there with him (for fear that if it is paskened as a permanent mum the Yisrael will keep the bechor for himself)!? **R' Ashi** said, the reason we normally would not do so is because we feel that the Yisrael would not eat kodashim outside the Azarah (which is why he is looking for a determination that the mum is a permanent one), but is suspect to steal from the Kohen. In our case, since it is a clear mum that all know is permanent, the only reason he came to ask the expert is to show honor to the expert. If a person is careful to show honor to the expert we can be sure that he is not one who will look to steal from the Kohen.

MISHNA

- All people (even the owner) are believed regarding the mum on an animal of maaser (to say that it was not intentionally inflicted).

GEMARA

- The reason he is believed is because if he wanted to he could have inflicted a mum in this maaser animal before it was separated as maaser.
  - **Q:** How could he know which animal would be the tenth one? **A:** Rather, the reason is, that if he wanted to he could have inflicted a mum in every one of his animals before separating the maaser.

MISHNA

- If a bechor has a blinded eye, or is missing a front leg, or has a broken back leg, this bechor can be shechted based on the psak of even 3 non-experts (it is an obvious mum). **R' Yose** says, even if there was a panel of 23 it could not be permitted for shechita without the psak of an expert.

GEMARA

- **R' Simlai and R' Yehuda Nesiah** both said in the name of **R' Yehoshua ben Levi** that with regard to a bechor born outside EY it may be permitted for shechita based on a psak of a panel of 3 non-experts.
    - **Rava** said, this is true when the mum is an obvious and unmistakable mum.
        - **Q:** This is already taught by our Mishna!? **A:** From the Mishna we would think that in chutz laaretz it is permitted even with a less obvious mum, and the reason the Mishna speaks of an obvious mum is to teach that **R' Yose** says it is assur even then.
    - **R' Yehuda in the name of R' Yirmiya bar Abba** said, either in the name of **Rav or Shmuel**, that when there is no expert, a bechor with an obvious mum can become mutar based on a psak of 3 non-experts. He is teaching that even with an obvious mum it may be paskened by non-experts only when there is no expert around.
    - **R' Chiya bar Avin in the name of R' Amram** said, when there is no expert, a bechor with an obvious mum can become mutar based on a psak of 3 non-experts, and when there is no expert a neder can be released based on a psak of 3 non-experts.
        - The ruling regarding bechor comes to exclude the view of **R' Yose**. The ruling regarding neder comes to exclude the view of **R' Yehuda** who says that there must be at least one expert on the panel.

R' YOSE OMER AFILU YEISH SHAM ESRIM USHLOSHA…

- **R' Chananel in the name of Rav** said that the halacha does not follow **R' Yose**.
    - **Q:** This is obvious, since we always pasken like the majority!? **A:** We would think that **R' Yose's** rulings are very thought out with reasons and therefore he should be followed.

----------Daf לז---37----------

MISHNA

- If one shechted a bechor and sold the meat and it was then determined that he never showed the bechor's mum to an expert, even if the buyer already ate some of the meat, the seller must return the entire purchase price to the buyer. Whatever was not eaten must be buried and the purchase price is returned.
- Similarly, if someone shechted a cow and sold it and it then became known that it was a treifa, whatever was eaten was eaten, and whatever was not eaten should be returned to the seller, and he must return the purchase price to the buyer. If the buyer did not eat the meat, but rather sold it to a goy or fed it to the dogs, the seller must only pay for the difference in price between kosher meat and treifa meat.

GEMARA

- A Braisa says, if someone sold meat and it was then found to be of a bechor that was never examined by an expert, or if he sold produce and it was found to be tevel, or wine and it was found to be yayin nesech, whatever was eaten was eaten, and the seller must return the purchase price to the buyer. **R' Shimon ben Elazar** said, if what was eaten is something that people find repulsive the money would have to be returned, but if it is something that people don't find repulsive only the amount of money above the value of the food would have to be returned. The following are the things that people find repulsive – neveilos, treifos, shekatzim, remasim. The following are things that people don't find repulsive – bechoros, tevel, and yayin nesech.
    - **Q:** In the case of the bechor why should the buyer be responsible for anything at all? He should be able to tell the seller that a bechor that was shechted without a psak from an expert must be buried, and if so, the buyer's eating of the meat caused the seller no loss at all!? **A:** The case is where the buyer purchased the part of the meat that had the mum, and the seller can therefore tell him – had you not eaten that meat I could have showed the mum postmortem to an expert and gotten a psak that it was mutar, in accordance with the view of **R' Yehuda**!
        - With regard to tevel the seller could say – had you not eaten it I would have taken maaser from it and made it mutar!
        - With regard to yayin nesech the case is where the wine was mixed with kosher wine, and follows the view of **R' Shimon ben Gamliel** who says that the mixture can be sold to a goy excluding the value of the yayin nesech that is in it.

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HADRAN ALACH PEREK KOL PESULEI HAMUKDASHIN!!!

PEREK AHL EILU MUMIN -- PEREK SHISHI

MISHNA

- A bechor may be shechted based on the following mumin – if the ear is nicked in the cartilage, but not if it was only nicked in the skin; if the ear was split even if nothing was missing; if there was a hole the size of a "karshina" bean; or if it was dried up. What is considered to be "dried up"? Anything that would not bleed if it was pierced. **R' Yose ben Hameshulem** says, it must be so dry that it crumbles when touched.

GEMARA

- **Q:** The pasuk says "piseyach oy iver" (lame or blind) are mumin of the bechor, so why do these others listed in the Mishna make it mutar as well? **A:** The pasuk of "ki yihiyeh bo mum" comes to include other mumin.
    - **Q:** Maybe say that "ki yihiyeh bo mum" is a klal and "piseyach oy iver" is a prat, which limits the klal to the prat!? **A:** The pasuk says "kol mum rah", which is another klal and makes it into a klal, prat uklal, in which case we include other things that are like the prat – just as the prat are clearly mumin that are exposed and are permanent, so too all mumin that are clearly mumin that are exposed and are permanent are included.
        - **Q:** Maybe instead say that just as the prat are clearly mumin that are exposed, prevent the area of the mum from doing its function, and are permanent, so too, the only other mumin that will be included are mumin that are clearly mumin that are exposed, prevent the area of the mum from doing its function, and are permanent!? We know this is not the case, because our Mishna includes the mum of the nicked ear even though that does not prevent the ear from being able to hear!? **A:** The pasuk of "kol mum rah" is an inclusionary phrase which comes to include even more mumin.
            - **Q:** If so we should even include mumin that are not exposed, and yet a Mishna says that they are not!? **A:** If the mum is hidden from view it is not considered to be a "mum rah".
            - **Q:** If so we should even include mumin that are not permanent, and yet our Mishna says that they are not!? **A:** The fact that a temporary mum does not allow it to be shechted is based on logic – if an animal of kodashim can't be redeemed based on such a mum as is taught by a Braisa, it can't be that a bechor can be shechted based on it. **A2:** If even a temporary mum would allow for shechita, what would be the purpose of the words "piseyach oy iver"?

NISDIKA AHF AHL PI SHELO CHASRA

- A Braisa says, a split of any size is a mum. A nick is a mum whether it happened from the Hands of Heaven or by human hands. [**Q:** Is that to suggest that a split that happened from the Hands of Heaven is not considered to be a mum? **A:** Rather, the Braisa should be read as saying – a split and a nick are a mum whether they happened from the Hands of Heaven or by human hands.] How large must a nick be? Large enough that a fingernail that passes over it would get caught.

NIKVAH MELO…

- A Braisa says, how large must a hole be to allow the bechor to be shechted? The size of a karshina bean. **R' Yose the son of R' Yehuda** says, the size of a lentil. What is considered to be "dried up"? Anything that would not bleed if it was pierced. **R' Yose ben Hameshulem** says, it must be so dry that it crumbles when touched.
    - A Braisa says, these views are actually very close to being the same thing.
        - **Q:** Which views? It can't be referring to the views of the **T"K** in his machlokes with **R' Yose ben Hameshulem**, because they are not near being the same thing!? **A:** Rather, it is the views of the **T"K and R' Yose the son of R' Yehuda**.
    - **Q:** A Braisa that discusses the piercing of the ear of an "eved ivri" seems to say that **R' Yose the son of R' Yehuda** holds that doing so makes the slave into a baal mum, which is why it may not be done to an

eved ivri that is a Kohen, and he also says that it may be done with a needle, which means that a hole even smaller than the size of a lentil is considered to be a mum!? **A: R' Chana bar Katina** said, in order to shecht a bechor he holds the hole must be the size of a lentil, but in order for it to be a mum to make it passul for the Mizbe'ach (or to make a Kohen passul for the Avodah) even a smaller hole would be sufficient.

- **R' Hoshaya** asked **R' Huna Rabbah**, does the Mishna mean the hole has to be large enough for a karshina to pass through it freely or does it mean that it has to be large enough for it to be wedged into it? He answered, I have not heard the answer to that, but I have heard a ruling that is similar to it. The ruling is based on a Mishna that discusses how much of a human skull must be missing in order for it to be considered as incomplete and therefore incapable of giving off tumah. The Mishna brings a machlokes between **B"S** who say it is the size of a drill, and **B"H** who are explained to say it is the size of a selah. The Gemara asked based on another Mishna that the hole of a drill and the size of a selah are one and the same!? **R' Chisda** answered that maybe we can say that the hole of the drill refers to a hole that it is a bit larger, because it refers to a hole that is large enough to allow the drill to pass through easily. [We see that when we say the hole in the ear of the bechor must be the size of a karshina, it means that it is large enough for the bean to pass through freely.] **R' Tachlifa** then said, don't say that "maybe" we should say this, rather it is certainly what is meant by "the hole of the drill", and you can rely on this like you can rely on **Chizkiya the father of Ikesh**, who said in a Braisa in the name of **R' Gamliel Hazakein**, any earthenware keili that does not have a hollow inside does not have separate outside, and therefore if the inside becomes tamei the outside becomes tamei as well, and if the outside becomes tamei the inside becomes tamei as well.

----------Daf לח---38----------

- The Gemara quoted a Braisa where **Chizkiya the father of Ikesh** said in the name of **R' Gamliel Hazakein**, any earthenware keili that does not have a hollow inside does not have a separate outside, and therefore if the inside becomes tamei the outside becomes tamei as well, and if the outside becomes tamei the inside becomes tamei as well.
    - **Q:** An earthenware keili only becomes tamei from the inside – if it has a hollow inside it can become tamei and if it doesn't it can't!? **A: R' Yitzchak bar Avin** said, what **Chizkiya** meant to say was that any type of earthenware keili that does not have a hollow interior, a comparable type of wooden keili does not have a separate outside, and therefore if the inside becomes tamei the outside becomes tamei as well, and if the outside becomes tamei the inside becomes tamei as well.
        - **Q:** Why does he make the comparison to the earthenware keili altogether? Why not simply say – any wooden keili that does not have a hollow inside does not have a separate outside? **A:** This teaches that if a wooden keili does have a hollow interior it is like an earthenware keili – if the inside becomes tamei the outside becomes tamei as well, and if the inside does not become tamei the outside does not become tamei at all.
            - **Q:** This is true regarding an earthenware keili, based on the pasuk of "tocho", but why would this be true for a wooden keili!? **A:** He was referring to tumah of liquids, which only has the ability to make keilim tamei D'Rabanan. The **Rabanan** treated even a wooden keili like an earthenware keili so that people realize the tumah is only D'Rbanan and that people not burn terumah or kodashim on account of such tumah.
                - **Q:** If so, even if it has no hollow inside we should say that the outside can become tamei without making the inside tamei so as to make sure that people realize it is only tamei D'Rabanan!? **A:** Since they made it clear with the differentiation in the case where there is a hollow inside, it becomes obvious that even when there is no hollow inside it is only D'Rabanan.
        - **Q:** The above suggests that a wooden keili without a hollow inside can become tamei even D'Oraisa. However, we have learned that a keili must be like a sack in order to become tamei – just as a sack can be carried with items in it and can be carried empty, the same must be true of the keili!? **A: Chizkiya** was referring to wooden keilim that can become tamei with tumas

medras. This would not be the same for an earthenware keili, because such a keili does not become tamei with tumas medras.

- The Gemara earlier asked regarding the Mishna that discusses the size of the hole that classifies a skull as being incomplete, that the views of **B"S** who say it is the size of a drill, and **B"H** who are explained to say it is the size of a selah , are one and the same. The Gemara answered one answer. **R' Pappa** now says that they are actually not the same size, because **B"S** is referring to a regular drill, and it is only the larger drill that is the size of a selah.
    - **Q:** That doesn't work according to the **Rabanan**, because they say that **B"S** was referring to a large drill!? Also, even according to **R' Meir** (who says he refers to a small drill) this cannot be right, because this would lead to a case of where **B"H** are more machmir than **B"S** and such cases are limited to a list we have, and this is not included on that list!? **A: R' Nachman** said, it is only the Nironis selah that is the same size as the hole of the drill. **B"H** was referring to a regular selah, which is smaller than the hole of a drill.

MISHNA

- If the "ris" of the bechor's eye was punctured, nicked, or split; if there is "dak" (cataracts) in its eye; if there is mixing in the eye; or if there is a "chilazon" growth, a snake growth, or a grape growth in its eye, the bechor becomes mutar for shechita.
    - What is a "mixing in the eye"? It is where the white breaks the barrier and enters the black of the eye. However, if the black breaks the barrier and goes into the white, it is not a mum.

GEMARA

- **R' Pappa** said, the "ris" is the eyelid.

DAK TIVALUL

- A Braisa says that a "dak" that looks sunken in is a mum, but one that looks raised is not.
    - **Q:** A Braisa says the reverse!? **A:** This Braisa is referring to a dak in the black of the eye and that Braisa is referring to a dak in the white of the eye.
        - **Q:** We have a rule that there are no mumin in the white of the eye!? **A:** Rather, one Braisa refers to a white dak and the other refers to a black dak. In fact, we find that **Rabbah bar bar Chana** said that **R' Yoshiya of Usha** told him that a black dak that looks sunken is a mum and one that looks raised is not, and a white dak that looks sunken is not a mum and one that looks raised is.

CHILAZON NACHASH V'EINAV

- **Q:** Does the Mishna mean to say that the "chilazon" mum is the same thing as the "nachash" mum, or does it mean that they are two different things and are both mumin? **A:** We have learned that **Rabbah bar bar Chana** said, **R' Yonason ben Elazar** told me that he heard from **R' Shimon ben Yose ben Likunya** that the chilazon is a mum that allows a bechor to be shechted, and it is the nachash mum that is spoken about by the **Chachomim**.

EIZEHU TIVALUL LAVAN HAPOSEIK ES HASIRAH

- Our Mishna follows **R' Yose** of a Braisa. The Braisa says, **R' Meir** says whether the white goes into the black or visa-versa it is a mum. **R' Yose** says, when the white goes into the black it is a mum, but the reverse is not, because there is no mum in the white of the eye.

MISHNA

- If there are white dots in the eye or if the eye waters excessively in a permanent fashion, it is a mum.
    - What are white dots that are considered to be permanent? Dots that have lasted for 80 days. **R' Chanina ben Antignas** says, we check it 3 times within the 80 days.
    - Excessive watering of the eye is considered permanent as follows: if the animal ate moist and dry food from a rain watered field, or if it ate moist and dry food from an irrigated field, or if it ate dry and then moist food, and was still not healed, it is not considered to be permanent. If it ate the moist food first and afterwards ate the dry food and this condition continues to exist, it is then considered to be permanent.

GEMARA

- Our Mishna follows the view of **R' Yehuda** in a Braisa, where he says that white dots are considered to be permanent when they have lasted for 80 days, and excessive watering of the eyes is considered to be permanent only when it eats moist food and then dry food from a rain-watered field for 3 months and the condition has still not healed.
    - **Q:** Our Mishna seems to say that produce of a rain-watered and of an irrigated field can serve as the basis for healing this condition, whereas **R' Yehuda** seems to say that only the produce of a rain-watered field can do so!? **A:** The Braisa is missing words, and it should say that **R' Yehuda** holds like the Mishna, that the produce of a rain-watered *and* of an irrigated field can serve as the basis for healing this condition.
    - **Q:** We find that **R' Idi bar Avin in the name of R' Yitzchak bar Ashyan** said that the animal is given moist food during Adar and Nissan and dry food during Elul and Tishrei, which is a total of 4 months, not 3 like the Braisa says!? **A:** We must say that he means Adar and half of Nissan, and Elul and half of Tishrei.
        - **Q:** Must it be given moist produce during the months when the produce is moist and dry during the months that the produce is dry or can it be given moist and dry during the months that produce is moist? **A:** We see from **R' Idi bar Avin in the name of R' Yitzchak bar Ashyan** that it must be moist in the moist months and dry in the dry months.
            - This is not a valid proof. He may mean that we must give the produce of Elul and Tishrei in Adar and Nisson.
    - **Q:** How much must be fed to the animal? **A: R' Yochanan in the name of R' Pinchas ben Aruva** said, the amount of a dried fig.
        - **Rava** said, in EY they asked whether this amount must only be given at the animal's first meal each day or must it be given at every meal? If we say only before the first meal, is it to be eaten before the meal or even after? Before the meal it should definitely help – like medicine, but what about after the meal? Must it be eaten before it drinks anything or after drinking? Before drinking it should definitely help – like it eats barley before drinking, but what about after drinking? Must it eat it when it is tied down or when it is free to walk around? When it is free it is certainly good for it, but what about when it is tied down? Must it eat it when it is alone or when it is with other animals? With other animals it is certainly good for it, but what about when it is alone? Must it eat it when it is in the city or out in the field? It is certainly good for it when it is out in the field, but what about when it is in the city? **R' Ashi** asked, if we say it must be eaten when out in the field, what about if it is in a garden that is close to the city? **TEIKU**.

R' CHANANYA BEN ANTIGNUS OMER…

- **R' Nachman bar Yitzchak** said, these 3 examinations must be made by dividing the 80 days into thirds.
- **R' Pinchas the brother of Shmuel** asked **Shmuel**, if the treatment was given and it didn't help (thereby proving that the mum is permanent), is it considered to be a mum retroactively or only from this point forward? The difference is whether one can be oiver for me'ilah for using the redemption money used to redeem a korbon with this condition before the 80 days have passed – if it is a mum retroactively then he is oiver me'ilah, but if it is only going forward then he is not oiver me'ilah. What is the halacha? **Shmuel** answered with a pasuk to show that he thought highly of his brother for asking such a sharp question, for which he had no answer.

----------Daf לט---39----------

MISHNA

- If the bechor's nose was punctured, nicked, or split, or if its lip was punctured, nicked, or split, the bechor becomes mutar for shechita.

GEMARA

- A Braisa says, if the nostrils were punctured one into the other – if the hole is on the outside it is a mum, but if it is on the inside it is not a mum.

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SIFASO SHENIKVA…

- **R' Pappa** said, this is only if it is on the outer edge of its lip.

MISHNA

- If the front gums were nicked or cut (it is a mum), and if the back gums were uprooted (it is a mum). **R' Chanina ben Antignas** says, we don't examine the gums from the point of the molars and within, and also not the gums underneath the molars themselves.

GEMARA

- A Braisa says, what are the molars? It is from the molars and within, and the area of the molars themselves are like the area further in. **R' Yehoshua ben Kefutzai** says, we only shecht a bechor for a mum on its front gums. **R' Chanina ben Antignas** said, we do not bother with the molars at all.
    - **Q:** What is the Braisa saying? Also, **R' Yehoshua** seems to be saying the same thing as the **T"K**!? **A:** The Braisa is missing words and should say – what are the inner gums? It is the area from the molars and within, and the area of the molars is considered like that area within. Now, this area is not considered a mum only if it is nicked or cut, but if it is uprooted we would shecht the bechor based on that. **R' Yehoshua ben Kefutzai** says, we only shecht a bechor for a mum on its front gums. Although we can't shecht a bechor even if its back gums are uprooted, it does make it passul to be brought as a korbon. **R' Chanina ben Antignas** said, we do not bother with the molars at all, and they would not even make the animal passul as a korbon.
- **Q: R' Achdevai bar Ami** asked, is there significance if an animal is missing an internal organ?
    - **Q:** He can't be asking for purposes of bechor or a korbon, because we learn from the pesukim that only exposed mumin count for them!? **A:** It certainly is not a mum to allow a bechor to be shechted or to allow a korbon to be redeemed. The question is whether it makes an animal passul to be brought on the Mizbe'ach – does the pasuk of "tamim" teach that a missing organ makes it passul or does the comparison of "tamim" to "kol mum" teach that that is only for external mumin? **A:** A Braisa says, the pasuk of "v'eis shtei haklayos" teaches that if it has only one kidney or 3 kidneys it is passul as a korbon. Another Braisa says that the pasuk of "yisirena" teaches to include an animal that has only one kidney. Maybe we can say that both Braisos hold there is no animal that when healthy has only one kidney and the machlokes is that one Braisa holds a missing internal organ makes it passul and the other holds that it does not!
        - **R' Chiya bar Yosef** said, it may be that all agree that there is such a thing as an animal that is only supposed to have one kidney, and all agree that a missing internal organ makes it passul. The Braisa that says it is valid is referring to an animal that only had one kidney all along and the Braisa that says it is passul is referring to an animal that had two kidneys and is now missing one.
            - **Q:** The first Braisa can't be referring to where it had two kidneys and lost one, because it also says that it is passul if it had 3 kidneys. Now, just as the case of 3 kidneys is where it was like that from birth, the case of one kidney must likewise be where it was like that from birth!? **A:** Rather, the machlokes must be whether we say that there is such a thing as an animal that is born with one kidney. The second Braisa says there is such a thing and the first Braisa holds there is no such thing and that the fact that it now has only one must mean that it lost one at some point.
        - **R' Yochanan** said, both Braisos hold that there is no animal that is supposed to have only one kidney, and they both hold that missing an internal organ is considered to be something that is missing. The first Braisa is discussing where it lost its kidney before the shechita and the second Braisa is discussing where it lost its kidney after the shechita.
            - **Q:** If it lost a kidney after the shechita, but before the kabbalah, would it be mutar to be offered? **R' Zeira in the name of Rav** darshened a pasuk to teach that such an animal could not be offered!? **A:** Rather, we can say that the first Braisa is discussing where it

lost its kidney before the kabbalah and the second Braisa is discussing where it lost its kidney after the kabbalah.

- **Q:** A Braisa regarding Korbon Pesach darshens the pasuk of "seh samim zachar ben shanah yihiyeh lachem" to teach that it must be complete and within its first year during all the Avodos – even the zrika!? **A:** This requirement is only regarding the requirement that the animal be within its first year. This makes sense, because **R' Yehoshua** says in a Braisa that if after the shechita the animal parts are lost and only a kezayis of meat or cheilev remain, one may still do zrika based on that. We see that it need not be complete at the zrika!
- **Q:** Is it possible that an animal can be within its first year at the shechita and in its second year at the other Avodos? **A: Rava** said, from here we see that we look at the hours (not just the days) when determining the age of korbanos.

- **Q:** Maybe we can say that this question is the subject of a machlokes among Tanna'im. A Braisa says, **R' Yehuda** says that the injuries of "ma'uch v'kasus v'nasuk v'karus" all refer even to injury of the beitzim. **R' Eliezer ben Yaakov** says it refers to injury of the eiver. **R' Yose** says "ma'uch v'kasus" refer even to the beitzim and "nasuk v'karus" refer to the eiver. It would seem that the machlokes is that **R' Yehuda** holds that something missing internally is considered to be significant, whereas **R' Eliezer ben Yaakov** holds that it is not! **A:** Based on this, what does **R' Yose** hold? Rather, the machlokes in the Braisa is regarding what is considered to be an exposed mum. **R' Yehuda** all these injuries to the beitzim are. **R' Eliezer ben Yaakov** says none of them are. **R' Yose** holds that "ma'uch v'kasus" are and "nasuk v'karus" are not.

MISHNA

- If the skin that covers the eiver of a male was nicked or the genitals of a female of a kodashim animal (it is a mum). If the tail is nicked in the bone (it is a mum) but not in the joint, or the tip of the tail is exposed to the bone, or there is an "etzbah" of flesh between the vertebrae of the tail (it is a mum).

GEMARA

- **R' Elazar** said, the Mishna refers only to where the skin covering the eiver was nicked, but not when it was removed. Also, it only refers to the skin covering the eiver, not to the eiver itself.
  - A Braisa says this as well.

NIFGIMA HAZANAV MIN HA'ETZEM…

- A Braisa says, the "etzbah" referred to by the **Chachomim** is ¼ of a tefach of an average man.
  - **Q:** With regard to what halacha was this said? **A: Rabbah** said, it refers to tzitzis, as stated in a Braisa. **A2: R' Huna the son of R' Yehoshua** said, it refers to the 2 amah measuring sticks that were kept in the Beis Hamikdash, regarding which a Mishna teaches that one was ½ etzbah larger than that of Moshe and the other was ½ etzbah larger than this first one. **A3: R' Nachman bar Yitzchak** (or **R' Huna bar Nosson**) said, it refers to our Mishna when it says that if there is an etzbah of flesh between the vertebrae of the tail it is a mum.

----------Daf מ---40----------

MISHNA

- If a bechor has no beitzim, or has only one beitza, it is a mum and the bechor may be shechted. **R' Yishmael** said, if it has two pouches (where the beitzim are normally located) then it definitely has two beitzim (and it is not a mum if we don't see one), but if it only has one pouch it means that it only has one beitza (and can therefore be shechted). **R' Akiva** said, if there are two pouches but only one beitza we don't assume that there is a second beitza. Rather, we sit the animal on its bottom and squeeze – if there is a second beitza this will cause it to emerge. It once happened that they did this and squeezed and nothing emerged and they shechted the bechor based on this. When they did so they found the second beitza attached to the loins. **R' Akiva** said this bechor

was still mutar to be shechted (since the beitza was not in its proper place), but **R' Yochanan ben Nuri** said it was assur (and the bechor was therefore assur b'hana'ah).

GEMARA

- **Q:** The Mishna says that when even one beitza is missing it is a mum, so it is obvious that when both are missing it is a mum!? **A:** The Mishna is missing words and should say as follows. If the bechor has two beitzim but they are both in one pouch, or if it has two pouches but only one beitza, this is considered to be a mum. **R' Yishmael** says, if it has two pouches it is certain that it has two beitzim, and if it only has one pouch it is as if it only has one beitza. **R' Akiva** says we can't make this assumption, rather we perform this test on the bechor.

UMAASEH SHEMI'EICH V'LO YATZAH…

- A Braisa says, **R' Yose** said, it once happened in Piran in the house of Menachem that they squeezed and nothing emerged and therefore shechted the bechor. When they did so they found the second beitza attached to the loins. **R' Akiva** said this bechor was still mutar to be shechted, but **R' Yochanan ben Nuri** said it was assur. **R' Akiva** asked **R' Yochanan ben Nuri** – how long will you continue to destroy the money of the Yidden!? **R' Yochanan ben Nuri** said to **R' Akiva** – how long will you continue to feed neveilos to Yidden!?
    - **Q:** It was shechted, so how can he call it a neveila!? **A:** He meant to say "treifos".
        - **Q:** This animal does not have the status of a treifa!? **A:** He meant to say – how long will you continue to permit Yidden to eat kodashim outside the Azarah.

MISHNA

- If a bechor has 5 legs or has only 3 legs (it is a mum); if its feet are round like those of a donkey (it is a mum); and the "shachul" and the "kasul" (are mumin).
    - What is a shachul? An animal with a dislocated hip.
    - Kasul is an animal which has one thigh higher than the other.

GEMARA

- **R' Huna** said, when the Mishna says that 5 or 3 legs is a mum (but not a treifa) that is when the extra or missing leg is a front leg. However, if it is a back leg it is even a treifa, because anything additional is like it is missing.
- **R' Pappa** said, when the Mishna discusses the feet being round as a mum, this is so even if the hooves are split.

V'HASHACHUL V'HAKASUL…

- A Braisa explains that shachul is an animal with a dislocated hip, and a kasul is an animal which has one thigh higher than the other.
- A Braisa explains that "saru'ah" is an animal with one leg larger than the other, and kalut is an animal whose hooves are not split – like the hooves of a donkey or horse.

MISHNA

- If the bone of its front leg or the bone of its back leg is broken, although it is not noticeable (it is a mum). All these mumin (listed until now) were listed by **Ayalah** in Yavneh and were agreed to by the **Chachomim**. He also added another 3, but the **Chachomim** said they did not hear of those 3 as being mumin. The 3 are: a bechor whose roundness of his eye is like that of a person; whose mouth is like that of a pig; and when the majority of the detached part of his tongue was removed. The later Beis Din did say that these are mumin as well.

GEMARA

- **Q:** When something is not noticeable it is not considered to be a mum, so how can the Mishna say that it is a mum!? **A: R' Pappa** said, the Mishna means that it is not noticeable when the animal stands straight, but it is noticeable when the animal walks (with a limp).

MUMIN EILU MANAH…

- **Q:** Is it not normal for an animal to have eyes that are round like those of a person? A Mishna says that **R' Meir** holds that if a woman miscarries something that looks like an animal she becomes tamei as if she miscarried a human baby. **Rabbah bar bar Chana in the name of R' Yochanan** explained that this is so because the eyes of

the animal are round like that of a human. We see this is normal!? **A: R' Yosef** said, **Rabbah bar bar Chana** was referring to the black of the eye, and **Ayalah** was referring to the eye socket.

UPIV DOMEH KISHEL CHAZIR

- **R' Pappa** said, this is even if the upper lip overlaps the lower lip without it being round.

V'SHENITAL ROV HAMIDABER SHEL LESHONO

- The Mishna follows **R' Yehuda** who says this view in a Braisa.

MISHNA

- It once happened that the lower jaw of a bechor overlapped its upper jaw. **R' Shimon ben Gamliel** asked the **Chachomim** and they said it is a mum.

GEMARA

- **Q:** Typically an example (i.e. "it once happened") is said after a ruling. What ruling is this going on? **A:** The previous Mishna said that **Ayalah** said when the mouth looks like that of a pig it is a mum and the **Rabanan** argued. This Mishna is teaching that they only argue when the upper lip overlaps the lower lip. However, when the lower lip overlaps the upper lip all agree that it is a mum.
- **Q:** A Mishna seems to say that this mum is only something that would make a Kohen passul, but would not apply to an animal!? **A: R' Pappa** said, our Mishna refers to where there is bone in the overlap of the lower lip, whereas the other Mishna refers to where there is no bone.

MISHNA

- If a goat had a "double ear" (one ear within another ear), the **Chachomim** said that if there is only one cartilage for both ears it is a mum, but if the second ear has no cartilage at all it is not a mum. **R' Chanina ben Gamliel** said, if a goat's tail looks like that of a pig, or if it does not have 3 vertebrae, it is a mum.

GEMARA

- A Braisa says, if the bechor's mouth is swollen or if its feet are swollen – if its due to air (or lack of space – Rashi) it is not a mum, but if it is due to an issue of the bone it is a mum. If its ears are doubled with only one cartilage it is a mum. If there are 2 cartilages, it is not a mum.

R' CHANINA BEN GAMLIEL OMER…

- **R' Pappa** said, it is a mum even if it is only round like a pig's tail, even if it is not thin like a pig's tail.

OY SHE'EIN BAH SHALOSH CHULYOS…

- **R' Huna** said, with regard to a goat – if the tail has 2 vertebrae it is a mum, but if it has 3 it is not a mum. With regard to a sheep – 3 is a mum, but 4 is not.
    - **Q:** A Braisa says that for a goat 1 is a mum, but 2 is not, and for a sheep 2 is a mum but 3 is not!? This is a **TEYUFTA** of **R' Huna**. **R' Huna's** mistake was that he thought that since the earlier part of the Mishna refers to a goat, the later part refers to a goat as well. However, the truth is that the later part refers to a sheep.

MISHNA

- **R' Chanina ben Antignas** said, an animal that has a "yabeles" (wart) on its eye (is considered a mum), and if the bone of its front leg or back leg is nicked, and if the bone in its mouth is split, and if one eye is larger than the other, and if one of its ears is visibly larger than the other (all these are cases of a mum). **R' Yehuda** says that if one of its beitzim is twice as large as the other it is a mum, but the **Chachomim** did not agree to that.

GEMARA

- **Q:** Is a yabeles a mum? A Mishna says that a bechor may not be shechted based on a yabeles but it does become passul from being valid to be offered on the Mizbe'ach!? How can the Mishna say it is not a mum when the Torah specifically says that it is!? **A:** Rather, our Mishna is talking about a yabeles on the eye and the other Mishna is talking about a yabeles on the body.

- **Q:** The pasuk doesn't specify where the yabeles is and yet says it is a mum, so why do we say it is only a mum when it is on the eye? **A:** The pasuk is referring to a wart that has a bone, because such a wart is a mum no matter where on the body it is. If the wart doesn't have a bone, then if it is on the eye it is a mum, and if it is somewhere else on the body it is not.
- **Q:** If it doesn't have a bone and is somewhere else on the body it is simply a piece of hanging flesh, and **R' Eliezer** says in a Mishna that an animal with hanging flesh does not become passul to go on the Mizbe'ach!? **A:** Rather, both Mishnayos are referring to a yabeles in the eye – our Mishna is talking about where it is on the black of the eye and the other Mishna is talking about where it is on the white of the eye (in which case it becomes passul as a korbon but may not be shechted based on it).
    - **Q:** We have learned that there are no mumin on the white of the eye!? **A:** Rather, the other Mishna is talking about where the yabeles is on the white of the eye but has hair growing from it, which makes it disgusting and therefore passul as a korbon. The Braisa that says it does not become passul as a korbon is talking about where it does not have hair coming from it.

EINO ACHAS GEDOLAH…

- A Braisa says, "large" means like that of a calf, and "small" means like that of a goose.

AZNO ACHAS GEDOLA…

- **Q:** According to the **Rabanan**, how small can the beitza be and still not be a mum? **A:** A Braisa says, **Others** say that even if it is the size of a bean it is valid for the Mizbe'ach.

MISHNA

- If the calf is a bechor and its tail doesn't reach the "arkov" joint, it is a mum. The **Chachomim** said, all calves grow in this way – as long as they are growing the tail lengthens.
    - What is the "arkov"? **R' Chanina ben Antignas** said, it is the arkuv in the middle of the thigh.

GEMARA

- A Braisa says, this refers to the upper joint, not the lower joint. It is the joint that is noticeable in a camel.

----------Daf מא---41----------

MISHNA

- On the basis of all of these mumin (listed previously in the perek) we may shecht a bechor, and passul kodashim may be redeemed based on them.

GEMARA

- **Q:** The earlier Mishna already stated "we may shecht a bechor on the basis of the following mumin", so what is this Mishna adding!? **A:** It is the latter part of the Mishna, regarding redemption of kodashim, that is needed.
    - **Q:** This is also obvious – if we may shecht a bechor on the basis of these we may surely redeem based on them!? **A:** Rather, since the earlier Mishna said that **Ayalah** added more to the list, but the **Rabanan** didn't agree with him, and the Mishna then quotes others who added to the list, the Mishna here teaches that we follow all these individuals' views and additions.

MISHNA

- The following mumin cause a bechor to become passul to be offered on the Mizbe'ach, but do not allow the bechor to be shechted for ordinary eating by the Kohen: white spots in the eye or severely watering eyes when the condition is only temporary; back gums that are nicked but not uprooted; an animal that has "garav"; an animal that has "yabeles"; an animal that has "chazazis"; an old animal; a sick animal; a smelly animal; an animal that was mezaneh with a person; an animal that killed a person, based on the testimony of a single witness or of the owner; a tumtum; or an androginas. Such an animal may not be shechted on the Mizbe'ach or outside the Azarah. **R' Yishmael** says, being an androginas (it has male and female organs) is the greatest mum (and it

therefore can be shechted, but not worked or shorn). The **Chachomim** say, a bechor that is an androginas is not a bechor at all and may even be worked and shorn.

GEMARA

- **Q:** "Garav" (a type of boil) is written in the pasuk as being a mum, so how can the Mishna say it is not a full mum!? Also, a Braisa says that "yalefes" written in the pasuk is the "Egyptian chazazis" (a type of boil) so how can the Mishna say that chazazis is not a full mum!? Now, we can answer that the "Egyptian chazazis" is different than a regular chazazis, and in that way answer for the Mishna. However, how do we answer for garav? **A:** Our Mishna is referring to a moist garav (which heals) and the one listed as a full mum in the pasuk refers to a dry one (which does not heal).
    - **Q:** A pasuk lists "the boils of Mitzrayim" and lists "cheres", which is a dry boil, and "garav", which we are saying is a moist boil, and the pasuk says that neither can be healed!? **A:** Rather, there are 3 types – the one mentioned in the pasuk as a full mum is dry inside and outside. The one in our Mishna is moist on the inside and outside. The pasuk that talks of the boils of Mitzrayim refers to where it is dry on the inside and moist on the outside.

V'HAZAKEIN V'HACHOLEH V'HAMEZUHAM

- A Braisa teaches, the pasuk says "*min* hatzon *min* hakvasim oy *min* ha'izim". The three words "min" are darshened to exclude an animal that is old, that is sick, and that is smelly.
    - All three must be taught. If we only were taught regarding an old animal we would say that is so because that condition can never be changed. If we were only taught regarding a sick animal we would say that is so because it is not a part of the animal's normal development. If we had taught regarding these two we would not know to exclude a smelly animal, since a smelly animal is otherwise perfectly healthy. Also, if we only were taught regarding a smelly animal we would say that is so because it is disgusting.

V'SHENEVDA BO AVEIRA…

- A Braisa says, the pasuk regarding korbanos says "*min* habeheima" to exclude an animal that was mezaneh with a person, "*min* habakar" to exclude an animal that was worshipped as avoda zara, "*min* hatzon" to exclude an animal that was designated for purpose of avoda zara, and "***u***min hatzon" to exclude an animal that gored and killed a person.
    - **Q:** These animals are chayuv misah, so why do we need the pasuk to teach that they are passul as a korbon? **A:** It is needed for when there is only a single witness or only the testimony of the owner that says they did one of these things.
- **Q:** It makes sense that a tumtum can't be offered as a bechor, because maybe it is a female, and can't be shechted outside the Azarah, because maybe it is a male. However, with regard to an androginas, it makes sense that it can't be offered on the Mizbe'ach, because it may be a female, but it should be allowed to be shechted outside the Azarah, because even if it is a male, the female organs should act as a "charutz" (cut) mum!? **A: Abaye** said, the pasuk says "oy charutz oy shavur" which compares the two and teaches that just as "shavur" is in the place of a bone so too charutz is only a mum if it is in the place of a bone.
    - **Rava** said, you can learn this from the fact that the Torah separately writes "garav" even though it too cuts through the skin. Therefore, it must be that "charutz" refers to a place of a bone.
    - **R' Yishmael** argues. He doesn't say like **Abaye**, because he says this comparison should not be made. He doesn't say like **Rava**, because he says that a cut in the flesh is only not a mum when it is not noticeable.

R' YISHMAEL OMER EIN LECHA MUM GADOL MIZEH

- **Q: Rava** asked, does **R' Yishmael** hold that an androginas is a definite bechor but is has a mum, or is he unsure whether it is a bechor and is saying that even if it is a bechor it already has a mum? The practical difference would be whether he would get malkus for working or shearing it, and whether it must be given to a Kohen. **A:** We are taught that **R' Illai in the name of R' Yishmael** said that an androginas is a bechor with a mum. We see that he holds it is a definite bechor!
    - The Gemara says this is not a valid proof. It may be that he means to say that if you say it is a bechor it already has a mum.

- **Q:** Maybe we can answer from a Braisa. The Braisa says, the pasuk regarding olah says "zachar" which teaches that a female may not be brought. The pasuk later again says "zachar", which teaches to exclude a tumtum and androginas. Now, the Tanna of this Braisa can't be the **T"K** of our Mishna, because he holds that an androginas is a safek and as such cannot be excluded by the pasuk! It can't be the **Rabanan** who are certain that an androginas is considered to be its own gender, because then it can be excluded from the first "zachar" and doesn't require another word, in the same way that they exclude it by bechor from only one pasuk!? Rather, it must be **R' Yishmael**, and it must be that he holds that an androginas is a male and the second "zachar" teaches that such a male may not be brought as a korbon! **A:** The Tanna may be the **Rabanan**, and they in fact require two pesukim to exclude regarding bechor, and they therefore likewise require two here as well.

----------Daf מב---42----------

VACHACHOMIM OMRIM EINO BECHOR…

- **R' Chisda** said, the machlokes is only regarding an androginas, but with regard to a tumtum all would agree that it is a safek and therefore has kedusha out of doubt.
  - **Q: Rava** asked, if so, a tumtum should have an "eirech" value, and yet a Braisa says that "hazachar" comes to exclude a tumtum and an androginas from eirech vows!? **A:** The word "tumtum" should be removed from the Braisa.
  - **Q:** The Braisa continues and says, we would think that he doesn't get the valuation of a man but should get the lower valuation of a woman. The pasuk therefore says "hazachar…ihm nekeiva", which teaches to exclude a tumtum and androginas. The Braisa clearly excludes a tumtum!? **A:** The word "tumtum" should be removed from the Braisa.
  - **Q:** A Braisa says, the pasuk regarding a shelamim says "ihm zachar ihm nekeiva", which teaches that only a definite male or female can be offered, but not a tumtum or androginas. We see that a tumtum is specifically excluded by the pasuk!? **A:** The word "tumtum" should be removed from the Braisa.
  - **Q:** A Braisa regarding an olah says "zachar" which teaches to exclude a female. The pasuk later again says "zachar", which comes to exclude a tumtum and androginas. The Braisa clearly excludes a tumtum!? **A:** The word "tumtum" should be removed from the Braisa.
  - **Q:** A Braisa regarding melika of a bird korbon lists a number of things that would make the bird passul for a korbon and would therefore make it neveila. Among the list is a tumtum. **R' Elazar** says that since the pesukim regarding bird korbanos do not say "zachar" or "nekeiva" we do not exclude a tumtum. We see that tumtum is considered to be its own gender, not like **R' Chisda** said!? **A:** The word "tumtum" should be removed from the Braisa.
  - **Q:** A Mishna regarding temurah clearly includes a tumtum in the list of animals that can't become kadosh! **A:** The word "tumtum" should be removed from the Mishna.
  - **Q:** A Braisa says, **R' Elazar** says there are 5 animals that cannot become kadosh, and lists tumtum as one of the 5. Here, you can't say to remove tumtum from the list, because that will leave only 4!? **A:** Remove tumtum from the list and instead insert an animal that was born as an orphan.
  - **Q:** Maybe we can say that whether a tumtum is a safek is actually a matter of machlokes among Tanna'im. A Braisa says, **R' Illai in the name of R' Yishmael** says that an androginas is a bechor but it has a definite mum. The **Chachomim** say that such an animal does not get kedusha of a bechor. **R' Shimon ben Yehuda in the name of R' Shimon** says, the pasuk says "hazachar" and whenever the pasuk says "zachar" it comes to exclude a tumtum and androginas. It seems that they argue in whether a tumtum is its own gender!? You can't say to remove tumtum from the Braisa, because then **R' Shimon ben Yehuda** is saying the same thing as the **Rabanan**!? Rather, it must be that they argue regarding tumtum – the **T"K** holds that the kedusha of bechor does not take effect on an androginas, but with regard to a tumtum they are unsure. **R' Shimon ben Yehuda** comes and says that a tumtum is its own gender and kedushas bechor definitely does not take effect on it! **A:** Really we can say that all agree that a tumtum is not its own gender, and the question is whether it is considered male or female. Now, when it urinates from the area of a man's organ all would agree that it is a male. The machlokes is when it

urinates from the area of the female organ – the **Rabanan** hold that we need to be concerned that it is a male and its organ is bent back to that area, whereas **R' Shimon ben Yehuda** holds we do not have to be concerned about that (the result is that the **Rabanan** have a case of tumtum which is a safek but **R' Shimon ben Yehuda** does not). **R' Shimon ben Yehuda** holds like **R' Illai** who said that if a firstborn animal urinates from the area of the female organ, it is chullin (because it is certainly a female).

- **R' Yochanan** wondered regarding the psak of **R' Illai** – how can he have ruled that way in contrary to the **T"K and R' Yishmael** (who hold that a tumtum is a safek)!?
    - **Q:** Why didn't **R' Yochanan** ask that he seems to rule contrary to the **Rabanan** of our Mishna as explained by **R' Chisda** who said that all agree that a tumtum is a safek? **A: R' Yochanan** did not agree with the explanation of **R' Chisda** and therefore held that the **Rabanan** hold a tumtum is not a safek.
        - **Q:** If so, **R' Yochanan** should realize that **R' Illai** ruled in accordance with the **Rabanan** of the Mishna!? **A:** He was asking, how can he have chosen to follow the view of one instead of the view of 2 (the **T"K and R' Yishmael**).
        - **R' Illai** holds like **Reis Lakish**, who says that the view that a tumtum is a safek is only for a human tumtum, since in humans the male and female organs are in the same area. However, in animals, where they are far apart, we can say with certainty that based on how it urinates it is either a male or a female.
            - **Q: R' Oshaya** asked, why are we not concerned that even when it urinates from the area of the female organ it may be a male with an organ that is bent back to that area? **A: Abaye** said, since that is unlikely it would only be a concern according to **R' Meir** who is concerned for the minority possibility.
            - **Q: Abaye bar Avin and R' Chananya bar Avin** both said that even according to the **Rabanan** who argue on **R' Meir** it may be that we say that since this animal has changed from the normal animal (in that it is a tumtum) it is changed from the norm and its male organ is bent back to the area of the female organ!? **A:** The Gemara says that there is an opinion that we need to be concerned for this (the **Rabanan** who argue on **R' Shimon ben Yehuda**) and there is an opinion that we need not be concerned for this (the view of **R' Shimon ben Yehuda** and **R' Illai** holds like him).
            - **Q:** Maybe we can say that whether we say that once something has changed it changes in other ways too, is actually the subject of a machlokes Tanna'im. A Braisa says, if a tumtum is mekadesh a woman it is an effective kiddushin. If a man is mekadesh a tumtum, the kiddushin is effective. A tumtum also does chalitza (if his brother died without children) and chalitza is done to his wife and yibum is done to his wife (if the tumtum died without children). Another Braisa says that we do chalitza to his wife, but not yibum. It was thought that all agree with **R' Akiva** who says that chalitza or yibum is not done to the wife of a "sris chama" (a man who is sterile from birth). Presumably, we can say that the machlokes is that the first Braisa says we don't say that just because he is different (in that he is a tumtum) we are concerned that he is different in other ways as well (and say that he is a sris chama), whereas the second Braisa says that we are concerned for that! **A:** It may be that all agree that once something is different we must be concerned that it is different in other ways as well. The machlokes is that the first Braisa holds like **R' Eliezer** (who says that chalitza and yibum are done to the wife of a sris chama) and the second Braisa holds like **R' Akiva**.

- **Q:** Who is the Tanna that holds like **R' Akiva** but also holds that chalitza is done to the wife of the tumtum? It can't be **R' Yehuda**, because he says in a Mishna that if a tumtum's cover (over his organ) is torn open and he is found to be a male he should not do chalitza, because he is a sris!? **A:** Rather, it is **R' Yose the son of R' Yehuda** who says in a Braisa that a tumtum should not do chalitza, because maybe his covering will be removed and he will be found to be a sris chama (we see that he doesn't say the tumtum is a definite sris chama).
    - **Q:** Why don't we consider the possibility that the tumtum will be found to be a female? **A:** He means that the covering may be removed and it will be found to be a female, and even if it is a male he may be a sris chama.
    - **Q:** They both say that the tumtum should not do chalitza, so what is the practical difference between their views? **A: Rava** said, it would be whether if the tumtum did chalitza and there were other brothers who wanted to do yibum (**R' Yehuda** holds his chalitza is meaningless and they can still do yibum), and whether the tumtum must do chalitza when he is the only surviving brother (according to **R' Yose** he would have to do chalitza).

HADRAN ALACH PEREK AHL EILU MUMIN!!!