

דף יומי • פכורות • דף ל"ה

Daf Yomi • The Full Daf • Elucidated Talmud • Navy & Gold Edition • with Rashi

THE SUGYA

We start off on our daf with a very important yeshivish discussion about damage that isn't physically visible, known as hezek she'eino nikar. The Gemara is bothered by why a son is exempt from paying if his father caused this kind of damage and then died. We learn that mid'Oraisa, invisible damage isn't halachically considered damage at all, and the whole chiyuv to pay is only a knas mid'Rabbanan. Mimeila, the Rabbis only penalized the father himself, but they didn't extend this penalty to his son.

Next, the Mishnah brings us into the sugya of causing a blemish in a firstborn animal (bechor). We learn about a fascinating incident with a Roman officer who slit a bechor's ear, and another case where children playing in the field accidentally severed a lamb's tail. The Tanna uses these cases to establish a major klal in hilchos bechoros: if a blemish is made without the owner's da'as or intent, it is muttar to slaughter the animal on that blemish, but if there was any implicit ratzon or intent, it is strictly assur.

All introductions, summaries, and contextual notes are the editor's commentary and are not part of the original text.

דף יומי DAF 35A

STATEMENT

טימא טהרות ומת — לא קנסו בנו אחריו.

If one **rendered impure the ritually pure items** of another and died, the Sages **did not penalize his son after him** by requiring him to pay for the damage.

QUESTION

מאי טעמא?

What is the reason for this? Why is the son exempt?

ANSWER

היזק שאינו ניכר לא שמייה היזק, קנסא דרבנן — לדידיה קנסו רבנן, לבריה לא קנסו רבנן.

The reason is that **damage that is not evident**, meaning there is no visible physical change in the object, **is not called damage** by Torah law. The obligation to pay is only **a Rabbinic penalty** because the owner suffered a loss; and **the Sages penalized him** himself, but **the Sages did not penalize his son** after his death.

משנה MISHNAH

MISHNAH

מתני' מעשה בזכר של רחלים זקן, ושערו מדולדל, וראהו קסטור אחד ואמר: מה טיבו של זה?

MISHNAH: There was an incident involving an old male sheep (a ram) whose hair was long and dangling because it was a firstborn and could not be sheared, and a certain Roman quaestor saw it and said: What is the status of this animal that you let it grow so old and do not shear or slaughter it?

MISHNAH

אמרו לו: בכור הוא, ואינו נשחט אלא אם כן היה בו מום.

They said to him: It is a firstborn offering, and it may not be slaughtered unless there is a blemish in it.

MISHNAH

נטל (פיגום) [פיגיום] וצרם אֵזְנוֹ, וכא מעשה לפני חכמים והתירו,

The quaestor took a dagger and slit its ear. And the incident came before the Sages for a ruling, and they permitted it for slaughter, since the blemish was made by a non-Jew without the owner's prompting.

MISHNAH

ואחר שהתירו הלה וצירם באזני בכורות אחרים ואסרו.

And after they permitted it, the quaestor went and slit the ears of other firstborns, and the Sages prohibited them, because now it was done with the owners' implicit satisfaction.

MISHNAH

פעם אחת היו תינוקות משחקין בשדה, וקשרו זנבי טלאים זה בזה, ונפסקה זנבו של אחד מהם, והרי הוא בכור, וכא מעשה לפני חכמים והתירו.

Another time, children were playing in the field, and they tied the tails of lambs to one another, and the tail of one of them was severed, and it was a firstborn. And the incident came before the Sages and they permitted it, since the children did it unintentionally.

MISHNAH

ראו שהתירו, הלכו וקשרו זנבות בכורות אחרים, ואסרו.

When the people saw that they permitted it, they went and tied the tails of other firstborns to get them blemished, and the Sages prohibited them.

MISHNAH

זה הכלל: כל שהוא לדעתו — אסור, שלא לדעתו — מותר.

This is the general rule: Any blemish that is caused with his intent is prohibited; but if it is caused without his intent, it is permitted.

גמרא GEMARA

GEMARA

גמ' פעם אחרת היה כו'. וצריכא,

GEMARA: The Mishnah taught: **Another time, children were playing etc. And** the Gemara notes that it is **necessary** to teach both the case of the Roman quaestor and the case of the children.

EXPLANATION

דאי אשמועינן גוי — דלא אתי למיסרה, אבל קטן דאתי למיסרה — אימא לא.

For if it had taught us only the case of the **gentile**, we would say that the Sages permitted it because he will not come to make a habit of it, since the laws of firstborns do not apply to him. But regarding a Jewish **minor**, who might come to make a habit of it when he grows up, I would say the Sages should **not** permit it, even the first time.

EXPLANATION

ואי אשמועינן קטן, משום דלא אתי לאיחלופי בגדול, אבל גוי דאתי לאיחלופי בגדול — אימא לא. צריכא.

And if it had taught us only the case of the **minor**, we would say the Sages permitted it because he will not be confused with an adult Jew, so people won't learn to blemish intentionally. But regarding a **gentile**, who might be confused with an adult Jew, I would say the Sages should **not** permit it. Therefore, both cases are **necessary**.

STATEMENT

אמר רב חסדא אמר רב קטינא: לא שנו אלא דאמרו ליה "אכלא אם כן היתה בו מום",

Rav Chisda said that Rav Katina said: They only taught that the firstborn is permitted where they said to him, "unless there was a blemish in it," which implies a blemish that occurred on its own.

STATEMENT

אבל אם אמרו ליה "אם נעשה בו מום" — כמאן דאמרו ליה "זיל עביד ביה מומא" דמי.

But if they said to him, "if a blemish is made in it," which implies human action, it is considered as if they said to him, "Go and make a blemish in it," and the animal is prohibited.

OBJECTION

אמר רבא: מפדי ממילא הוא, מה לי "היתה", מה לי "נעשה"?

Rava said: Now, since both expressions actually imply that the blemish occurred by itself, what is the difference to me if they said "there was," and what is the difference to me if they said "was made"?

RESOLUTION

אלא "נעשה" נמי ממילא הוא, ולא שנא.

Rather, "was made" also means it occurred by itself, and there is no difference between them; in both cases, the animal is permitted.

QUESTION

זה הכלל: כל שהוא לדעת — אסור. לאיתווי מאי?

The Mishnah stated: This is the general rule: Any blemish that is caused with intent is prohibited. What does this come to include?

ANSWER

לְאִיתוּי גֵרָמָא.

It comes **to include an indirect action** (grama), teaching that causing a blemish indirectly is also forbidden.

ANSWER

שְׁלֹא לְדַעַת — לְאִיתוּי מְסִיחַ לְפִי תוּמוֹ.

And the second part of the rule, "**without intent** is permitted," comes **to include** a case where a gentile acts based on a Jew **speaking offhandedly**, without intending to prompt the gentile to make a blemish.

מִשְׁנָה MISHNAH

MISHNAH

מִתְנִי הָיָה בְּכוֹר רֹדֵפוֹ, בָּעָטוּ, וְעָשָׂה בּוֹ מוֹם — הָרִי זֶה שׁוֹחֲטִין עָלָיו.

MISHNAH: If a **firstborn** animal was pursuing him, and he kicked it and caused a blemish in it, behold, they may **slaughter** the animal **on account of** this blemish.

גְּמָרָא GEMARA

STATEMENT

גְּמ' אָמַר רַב פָּפָא: לֹא שָׁנוּ אֶלָּא שֶׁבָּעָטוּ בְּשַׁעַת רְדִיפָּה, אֲבָל לְאַחַר רְדִיפָּה — לֹא.

GEMARA: Rav Pappa said: They only taught this where he kicked it at the time of the pursuit, but after the pursuit, **no**, it is prohibited because we suspect he intended to blemish it.

QUESTION

פְּשִׁיטָא!

The Gemara asks: Isn't this **obvious**? Why would we permit it after the danger has passed?

ANSWER

מָהוּ דְּתִימָא: צַעְרִיהּ הוּא דְּמִדְכָּר, קָא מְשַׁמַּע לָן.

The Gemara answers: **Lest you say** that **he is merely remembering his pain** and kicked it out of anger, and not to blemish it, therefore Rav Pappa **comes to teach us** that we assume he did it to cause a blemish.

STATEMENT

אִיכָא דְאָמְרִי, אָמַר רַב פָּפָא: לֹא תִימָא בְּשַׁעַת רְדִיפָּה — אֵין, אֲבָל שְׁלֹא בְּשַׁעַת רְדִיפָּה — לֹא, אֶלָּא אַפִּילוּ לְאַחַר רְדִיפָּה נָמִי.

There are those who say a different version: Rav Pappa said: Do not say that at the time of pursuit, yes, it is permitted, but not at the time of pursuit, no. Rather, even after the pursuit, it is also permitted.

EXPLANATION

מאי טעמא? צעריה [הוא] דמדכר.

What is the reason? He is remembering his pain, so we attribute the kick to his anger and not to an intention to blemish the animal.

STATEMENT

אמר רב יהודה: מותר להטיל מום בבכור קודם שיצא לאויר העולם.

Rav Yehuda said: It is permitted to cause a blemish in a firstborn before it emerges into the airspace of the world, since the sanctity of the firstborn does not take effect until birth.

STATEMENT

אמר רבא: גדיא באודניה, אימרא בשפותיה.

Rava said: This applies to a kid-goat by slitting its ear, which is the first part to emerge, and to a lamb by slitting its lips, which emerge first.

STATEMENT

איפא דאמרי: אימרא נמי באודניה, אימור דרר צדעיו נפק.

There are those who say: A lamb also can be blemished in its ear, for we can say that it emerged sideways, with its ears coming out first.

STATEMENT

אמר רבא: אכל ולא מיחזי, פעי ומיחזי — הוי מום.

Rava said: If a blemish in the mouth is such that when the animal eats it is not visible, but when it cries out it is visible, it is considered a blemish.

QUESTION

מאי קא משמע לן? תנינא: החוטין החיצונות — שנפגמו וּשְׁנַגְּמוּ, הפנימיות — שנעקרו.

The Gemara asks: What is this coming to teach us? We already learned this in a Mishnah: The outer teeth that are chipped or worn down, or the inner teeth that are uprooted, are blemishes.

QUESTION

מאי טעמא? לאו משום דכי פעי מיחזי!?

What is the reason that uprooted inner teeth are a blemish? Is it not because when it cries out, they are visible? Thus, Rava's rule is already in the Mishnah!

ANSWER

אמר רב פפא: רבא נמי טעמא דמתניתין מפרש, מאי טעמא נעקרו הוי מום — משום דכי פעי מיחזי.

Rav Pappa said: Rava is also merely explaining the reason of our Mishnah: What is the reason that when they are uprooted it is a blemish? It is because when it cries out, it is visible.

MISHNAH

מִתְּנִי כָּל הַמוֹמִין הָרְאוּיִין לְבֹא בְּיַד אָדָם, רוֹעֵי יִשְׂרָאֵל נֶאֱמָנִין, רוֹעִים כְּהֻנִּים אֵינָן נֶאֱמָנִין.

MISHNAH: Regarding all blemishes that are capable of being caused by human hands, Jewish shepherds are trusted to testify that they occurred naturally, but shepherds who are Kohanim are not trusted, because they have a personal interest in permitting the animal.

MISHNAH

רַבֵּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר: נֶאֱמָן הוּא עַל שֶׁל חֲבִירוֹ, וְאֵין נֶאֱמָן עַל שֶׁל עַצְמוֹ.

Rabban Shimon ben Gamliel says: A Kohen is trusted regarding his fellow's firstborn, but he is not trusted regarding his own.

MISHNAH

רַבִּי מֵאִיר אוֹמֵר: הֶחָשׂוֹד עַל הַדָּבָר, לֹא דָנוּ וְלֹא מְעִידוֹ.

Rabbi Meir says: One who is suspected of a matter may neither judge it nor testify about it, even regarding others.

גמרא GEMARA

GEMARA

גַּמְ' רַבִּי יוֹחָנָן וְרַבִּי אֶלְעָזָר, חֵד אָמַר: "רוֹעֵי יִשְׂרָאֵל" בִּי כְהֻנִּים — נֶאֱמָנִין, לְלִגְמָא לֹא חִיִּישִׁין.

GEMARA: Rabbi Yochanan and Rabbi Elazar differed in their interpretation. One said: "Jewish shepherds" who work in the house of Kohanim are trusted, and we do not fear that they will lie just to get a drink or a small favor from the Kohen.

EXPLANATION

רוֹעֵי כְהֻנִּים בִּי יִשְׂרָאֵל — אֵין נֶאֱמָנִין, מִימָר אָמַר: כִּיּוֹן דָּקָא טְרַחֲנָא בֵּיהּ, לֹא שָׁבִיק לְדִידֵי וְיַהֲיֵי לְאַחֲרֵינִי.

But shepherds who are Kohanim working in the house of a Yisrael are not trusted, because the Kohen says to himself: Since I am taking trouble with it, the owner will not leave me and give it to others; so he has a personal interest.

EXPLANATION

וְהוּא הַדִּין כְּהוֹן לְכַהֵן, דְּחִיִּישִׁין לְגוּמְלִין.

And the same law applies to a Kohen testifying for another Kohen, as we fear they will reciprocate favors for each other.

EXPLANATION

וְאַתָּא רַבֵּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל לְמִימָר: נֶאֱמָן הוּא עַל שֶׁל חֲבִירוֹ, וְאֵינּוּ נֶאֱמָן עַל שֶׁל עַצְמוֹ.

And Rabban Shimon ben Gamliel comes to say: He is trusted regarding his fellow's animal, but he is not trusted regarding his own.

EXPLANATION

וַאֲתָא רַבִּי מַעִיר לְמִימַר: הֶחָשׁוּד עַל הַדָּבָר לֹא דָנוּ וְלֹא מְעִידוּ.

And Rabbi Meir comes to say: One who is suspected of a matter may neither judge it nor testify about it.

EXPLANATION

וְחֵד אָמַר: "רוֹעֵי יִשְׂרָאֵל" וְהֵן כֹּהֲנִים — נֶאֱמָנִין,

And the other Sage said: "Jewish shepherds" means even if they themselves are Kohanim, they are trusted if they are hired shepherds,

עמוד ב' DAF 35B

EXPLANATION

מִימַר אָמַר: לֹא שָׁבִיק צוֹרֵבָא מִרְבָּנָא וְיַהֲיִב לְדִידֵי.

The Israelite shepherd would say to himself: My employer will not forsake a Torah scholar who is a priest and give the blemished firstborn to me, an unlearned shepherd. Therefore, he has no incentive to lie.

EXPLANATION

"רוֹעֵי כֹהֲנִים" וְהֵן יִשְׂרָאֵל — אֵינָן נֶאֱמָנִין, דְּחִיּוּשֵׁינָא לְלִגְימָא.

But if the first tanna meant "priest-shepherds" to mean and they are Israelites in the employ of a priest, then they are not believed to testify, as we are concerned about a swallow—meaning, we worry they might lie to curry favor so that their employer will give them a portion of the firstborn to eat.

EXPLANATION

וְכָל שֶׁפֶן פֶּהֶן לְכַהֵן, דְּחִיּוּשֵׁינָא לְגוּמְלִין, וְחִיּוּשֵׁינָא לְלִגְימָא.

And all the more so is the testimony of one priest for another priest not believed, as we are concerned about reciprocal favors—that they will scratch each other's backs—and we are concerned about a swallow of the meat.

EXPLANATION

וַאֲתָא רַבִּן שִׁמְעוֹן לְמִימַר: נֶאֱמָן עַל שְׁל חֲבִירוֹ, וְאֵינָא נֶאֱמָן עַל שְׁל עַצְמוֹ.

And Rabban Shimon ben Gamliel comes to say that a priest is believed regarding the firstborn of his fellow priest, but he is not believed regarding his own firstborn.

EXPLANATION

וַאֲתָא רַבִּי מַעִיר לְמִימַר: הֶחָשׁוּד עַל הַדָּבָר, לֹא דָנוּ וְלֹא מְעִידוּ.

And Rabbi Meir comes to say: One who is suspect regarding a matter may neither judge it nor testify about it, even for someone else.

QUESTION

בְּשִׁלְמָא לְמַאן דְּאָמַר: רוֹעֵי יִשְׂרָאֵל וְהֵן כֹּהֲנִים נֶאֱמָנִין — הֲיֵינוּ דְּאֲתָא רַבִּי מַעִיר לְמִימַר: הֶחָשׁוּד
עַל הַדָּבָר לֹא דָנוּ וְלֹא מְעִידוּ.

The Gemara asks: **Granted according to the one who says** that the first tanna's case of "Israelite shepherds" means they are in an Israelite's house **and they are priests**, and the first tanna says they **are believed; that is why Rabbi Meir comes to say** that **one who is suspect regarding a matter may neither judge it nor testify about it**, to argue and say that a priest is suspect and cannot testify even for an Israelite.

QUESTION

אָלָא לְמַאן דְּאָמַר: רוּעֵי כֹהֲנִים בִּי יִשְׂרָאֵל אֵין נֶאֱמָנִין — מַאי אָתָּא רַבִּי מֵאִיר לְאַשְׁמוּעִינוּ? הֲיִינוּ תְנָא קָמָא!

But according to the one who says that the first tanna's case of "priest-shepherds" means they are in the house of an Israelite and they are not believed, what does Rabbi Meir come to teach us? That is the exact same ruling as the first tanna himself!

ANSWER

אִיכָּא בִּינֵיהוּ דְּרַבִּי יְהוֹשֻׁעַ בֶּן קֶפּוּסָאִי,

The Gemara answers: **There is** a practical difference **between them** regarding the ruling of Rabbi Yehoshua ben Kefusai.

PROOF

דִּתְנִינָא: רַבִּי יְהוֹשֻׁעַ בֶּן קֶפּוּסָאִי אוֹמֵר: בְּכוֹר בִּי כֹהֵן צָרִיךְ שְׁנַיִם מִן הַשּׁוּק לְהַעֲדֵיד עָלָיו.

As it is taught in a baraisa: Rabbi Yehoshua ben Kefusai says: A firstborn animal in the house of a priest requires two independent people **from the marketplace to testify about it** that the blemish was not caused intentionally. This implies that even other priests from the marketplace are kosher to testify.

PROOF

רַבֵּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר: אֶפְּלוּ בְנוֹ, אֶפְּלוּ בִתּוֹ.

Rabban Shimon ben Gamliel says: Even his son, and even his daughter, who are members of his household, may testify.

PROOF

רַבִּי יוֹסֵי אוֹמֵר: אֶפְּלוּ עֲשָׂרָה וְהֵן בְּנֵי בֵּיתוֹ אֵין מְעִידִין עָלָיו.

Rabbi Yosei says: Even ten people, if they are members of his household, may not testify about it. Now, the first tanna of our Mishnah agrees with Rabbi Yehoshua ben Kefusai that an outside priest is kosher, whereas Rabbi Meir holds that no priest is kosher to testify.

QUESTION

כַּמָּאן אָזְלָא הָא דְּאָמַר רַב חֲסֵדָא אָמַר רַב קֵטִינָא: סָפֵק בְּכוֹר שְׁנוּלָד בִּי יִשְׂרָאֵל, צָרִיךְ שְׁנַיִם מִן הַשּׁוּק לְהַעֲדֵיד עָלָיו?

The Gemara asks: **In accordance with whose** opinion goes that which Rav Chisda said that Rav Ketina said: An animal of doubtful firstborn status that was born in the house of an Israelite requires two independent people **from the marketplace to testify about it** that its blemish occurred naturally?

ANSWER

כַּמָּאן? כְּרַבִּי יְהוֹשֻׁעַ בֶּן קֶפּוּסָאִי.

In accordance with whom is this? It is like Rabbi Yehoshua ben Kefusai, who requires independent witnesses for a firstborn in a priest's house; so too, Rav Ketina requires them for a doubtful firstborn in an Israelite's house.

STATEMENT

רב נחמן אמר: בעלים מעידין עליו,

Rav Nachman argued and said: The owners themselves may testify about it, because an Israelite is not suspected of intentionally blemishing a firstborn.

INFERENCE

דאי לא תימא הכי, מעשר לרבי מאיר מי מעיד עליו?

For if you do not say so, but rather suspect everyone, then regarding animal tithe, according to Rabbi Meir, who can testify about it? Since Rabbi Meir holds that anyone suspect in a matter cannot testify, if Israelites were suspect, no one could ever testify on animal tithe!

OBJECTION

מעשר ודאי מהימן, דאי בעי שדי ביה מומא בכוליה עדריה.

The Gemara rejects this: Regarding animal tithe, the owner is certainly believed, because if he wanted, he could have cast a blemish on his entire flock before tithing them, which is permitted. Since he didn't do that, he is not suspected of doing so now.

EXPLANATION

אלא ספק בכור, לרבי מאיר מי מעיד עליו?

Rather, Rav Nachman's kasha must be: Regarding a doubtful firstborn, according to Rabbi Meir, who can testify about it? Since both priests and Israelites stand to benefit, who is kosher to testify?

OBJECTION

וכי תימא, הכי נמי דלית ליה תקנתא,

And if you say: Indeed, so it is, that it has no remedy and can never be slaughtered because no one is kosher to testify,

REFUTATION

והתנן, שהיה רבי יוסי אומר: כל שחליפיו ביד כהן פטור מן המתנות, ורבי מאיר מחייב!

but didn't we learn in a Mishnah that Rabbi Yosei would say: Any doubtful firstborn whose replacement is in the hand of a priest is exempt from the priestly gifts, and Rabbi Meir obligates him to give the gifts? This proves Rabbi Meir holds a doubtful firstborn is permitted to be eaten, which means there must be a way to testify on its blemish!

RESOLUTION

אלא שמע מינה: בעלים מעידין עליו, כהנים הוא דחשידי אמומי, ישראל לא חשידי אמומי.

Rather, learn from this: The owners may testify about it. It is only priests who are suspected regarding blemishes, but Israelites are not suspected regarding blemishes.

RULING

איתמר: רב נחמן אמר: הלכה פרבן שמעון בן גמליאל,

It was stated: Rav Nachman says: The halacha is like Rabban Shimon ben Gamliel, that a priest is believed to testify on another priest's firstborn.

RULING

רבא אָמַר: הָלָכָה כְּרַבִּי יוֹסֵי.

Rava says: The halacha is like Rabbi Yosei, that household members are not believed.

QUESTION

וּמִי אָמַר רַבָּא הֵכִי? וְהָאֹמַר רַבָּא: בְּעָלִים עוֹמְדִים עִמָּנוּ בַּחוּץ, נִכְנָס שְׁלָם וְיָצָא חָבוּל — מֵעֵידִין עָלָיו!

The Gemara asks: **And did Rava really say this? But didn't Rava say:** If the owners were standing with us outside, and the animal entered whole and came out injured, they may testify about it? This implies that even the owners themselves are believed in such a case, which contradicts Rabbi Yosei!

ANSWER

אִימָא: כָּל בְּעָלִים עוֹמְדִים, וְלֹא חִיִּישִׁינוּ.

The Gemara answers: **Say** that Rava meant: **As long as the owners were standing** outside, we know they did not do it, **and we are not concerned** that they had someone else do it.

QUESTION

אִי הֵכִי מֵאִי לְמִימָרָא?

The Gemara asks: **If so, what is there to say?** Isn't that obvious?

ANSWER

מִהוּ דְתִימָא: נִיחוּשׁ לְחֻשְׁדָּא, קָא מְשַׁמַּע לָן.

The Gemara answers: **Lest you say:** Let us worry about suspicion that they planned it beforehand, **therefore he comes to teach us** that we do not worry.

RULING

וְהִלְכְתָּא כְּרַבִּין שְׁמַעוֹן בֶּן גַּמְלִיאֵל, וְדוֹקָא בְּנוֹ וּבִתּוֹ, אֲבָל אִשְׁתּוֹ לָא. מֵאִי טַעְמָא? אִשְׁתּוֹ כְּגוּפוֹ דְּמִי.

The Gemara concludes: **And the halacha is like Rabban Shimon ben Gamliel**, and specifically his son and his daughter may testify, **but his wife may not.** What is the reason? A man's wife is like his own body, and she is disqualified just like him.

QUESTION

אָמַר לִיהִי רַב פַּפָּא לְאַבֵּי: לְרַבִּי מַעִיר דְּאֹמַר הֶחָשׁוּד עַל הַדְּבָר לֹא דָנוּ וְלֹא מַעִידוֹ,

Rav Pappa said to Abaye: According to Rabbi Meir, who says: One who is suspect regarding a matter may neither judge it nor testify about it,

QUESTION

וְקָאֹמַר רַבִּי מַעִיר הֶחָשׁוּד לְדְבָר אֶחָד חָשׁוּד לְכָל הַתּוֹרָה כּוּלָּהּ,

and Rabbi Meir also says: One who is suspect regarding one matter is suspect regarding the entire Torah,

QUESTION

כֹּהֲנִים הָכִי נָמִי דְּלֹא דִּינִי דִּינָא? וְהִכְתִּיב "וְעַל פִּיהֶם יִהְיֶה כָּל רִיב וְכָל נִגַּע"!

is it indeed so that priests may not judge any lawsuit? But isn't it written: "And by their word shall be every dispute and every plague"? How could Rabbi Meir disqualify all priests from judging?

SUMMARY

The Gemara analyzes the cases of the Roman officer and the children, explaining why both examples are absolutely necessary to teach us the boundaries of what is considered "without intent." We then learn about a case where a firstborn animal is chasing someone; if he kicks it in self-defense and causes a blemish, the halacha depends on whether he did it during the pursuit or afterward, with the Gemara presenting a machlokes about whether we attribute a post-pursuit kick to his lingering anger or to an intent to blemish. Finally, Rav Yehuda teaches a major chiddush that one may blemish a bechor before it actually enters the airspace of the world, since the kedusha of a firstborn does not take effect until birth, and Rava clarifies how this applies practically to different animals based on which limbs emerge first.

לְמַעֲשֶׂה WHAT TO TAKE HOME

The beautiful yeshivish shakla v'tarya on our daf brings us to a fascinating discussion about a firstborn animal that is chasing a person. The Mishnah teaches that if the animal was pursuing you and you kicked it, thereby causing a blemish, the blemish is kosher and you can slaughter the animal on it. But Rav Pappa brings a deep sevara in the Gemara: what if you kicked it after the pursuit was already over? One lashon in the Gemara says this is forbidden, but the second lashon says it is muttar. Why? Because "tza'arei d'midchar", you are still remembering the pain and the fear of being chased, so the kick was an act of self-defense and emotional reaction, not a calculated, underhanded scheme to blemish the animal.

Think about the deep yesod the Torah is revealing to us here. When a person is in pain, when they are feeling cornered, hurt, or overwhelmed by the struggles of life, their reactions are viewed differently by Shamayim. Hashem understands the "tza'arei d'midchar." He knows that when you are hurting, your patience might wear thin, your tefillah might lack focus, or you might speak sharply. Hashem does not judge a person in their moment of pain the same way He judges them when everything is calm and smooth.

But there is a second side to this avodah, and it is how we look at other Yidden. If Hashem has such rachmanus on a person who is reacting out of pain, how much more so must we have that same empathy! When a friend, a spouse, or a coworker snaps at you or acts coldly, don't be so quick to judge them or assume they have bad intentions. Lichoira, they are going through a hard time. They are remembering their own pain, carrying a heavy pack, or dealing with a hidden tzar.

Today, when someone reacts to you with irritation or impatience, do not kick back. Take a deep breath and tell yourself: "They must be in pain right now." Be nosei b'ol with them, judge them l'kaf zechus, and show them the soft, forgiving heart that Hashem shows to us.