

דף יומי • בכורות • דף ל"ז

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

THE SUGYA

We start off this daf by wrapping up the sugya of who is qualified to permit a firstborn animal or to dissolve a vow. The Gemara clarifies the exact parameters of the machlokes between Rabbi Yehuda and the Rabbis regarding whether a Sage is required to be part of a three-man panel for hataras nedarim, and we bring a clear halachic ruling that the halacha does not follow Rabbi Yosei's stringent view. From there, we move into a new Mishnah in Perek Kol Pesulei HaMukdashin that deals with the dinim of a seller who mistakenly sells forbidden meat—such as an unpermitted bechor or a treifah—and how the financial restitution is calculated based on whether the buyers actually ate the meat and whether they derived any halachically recognized benefit from it.

In the second half of the daf, we are zocheh to begin a new Perek, "On Account of These Blemishes" (Perek Al Elu Mumim). This Perek is the central location in Shas for defining the specific physical blemishes (mumim) that permit a firstborn animal to be slaughtered and eaten outside the Beis HaMikdash. We begin with the first Mishnah of the Perek, which details various mumim in the ear of the animal, such as a split, a perforation, or dryness, and the Gemara begins its limud to find the Torah source showing that ear blemishes are indeed considered valid mumim despite not being explicitly written alongside "lame or blind" in the pesukim.

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

עמוד א' DAF 37A

EXPLANATION

לְאַפּוֹקֵי מִדְרָבִי יוֹסֵי,

The ruling that three laymen may permit a firstborn animal is **to the exclusion of the opinion of Rabbi Yosei** in our Mishnah, who holds that even a court of twenty-three cannot permit a firstborn without an expert.

EXPLANATION

שְׁלֹשָׁה מְפִירִין אֶת הַנֶּדֶר בְּמָקוֹם שֶׁאֵין חָכָם לְאַפּוֹקֵי מִדְרָבִי יְהוּדָה,

And the ruling that **three** laymen **may dissolve a vow in a place where there is no Sage** is **to the exclusion of the opinion of Rabbi Yehuda**,

BRAISA

דִּתְנִינָא: הַפֶּרֶת נְדָרִים בְּשִׁלְשָׁה, רַבִּי יְהוּדָה אוֹמֵר: אֶחָד מֵהֶם חָכָם.

as **it is taught** in a braisa: **The dissolution of vows** is done by **three** laymen; **Rabbi Yehuda** says: **At least one of them** must be a **Sage**.

QUESTION

במקום שאין חכם. כגון מאן?

The Gemara asks: When we say that a single Sage can dissolve a vow, or that laymen can only do so in a place where there is no Sage, like whom is considered such a Sage?

ANSWER

אמר רב נחמן: כגון אנא.

Rav Nachman said: Like me, who is an expert in these halachos.

QUESTION

רבי יהודה אומר: אחד מהן חכם, מכיל דהנה כל דהו?

The Gemara asks: Since Rabbi Yehuda says that one of them must be a Sage, is it implied that those other two can be anyone, even complete ignoramuses?

ANSWER

אמר רבינא: דמסברי ליה וסבר.

Ravina said: No, they must be people to whom we explain the halachos of vows and they understand them.

מִשְׁנָה MISHNAH

MISHNAH

רבי יוסי אומר: אפילו יש שם עשרים ושלשה כו'.

We learned in the Mishnah that Rabbi Yosei says: Even if there are twenty-three Sages there, etc., a firstborn may only be slaughtered on the word of an expert.

גְּמָרָא GEMARA

STATEMENT

אמר רב חננאל אמר רב: אין הלכה כרבי יוסי.

Rav Chananel said that Rav said: The halacha is not like Rabbi Yosei.

QUESTION

פשיטא, יחיד ורבים הלכה כרבים!

The Gemara asks: This is obvious! There is a rule that when there is a dispute between an individual and the many, the halacha is like the many, so why did Rav need to state this?

ANSWER

מהו דתימא נמוקו עמו? קא משמע לן.

The Gemara answers: **Lest you say** that Rabbi Yosei is different because **his reasoning is with him**, meaning his logic is always exceptionally deep, and we should follow him; therefore, Rav **comes to teach us** that the halacha still follows the Rabbis.

INFERENCE

תַּפְּשׁוּט מִהָא, דְּהָרַךְ קַמִּייתָא מִשְׁמִייה דְּשְׁמוּאֵל אֵיתָמַר, דְּאֵי מִשְׁמִייה דְּרַב — תַּרְתִּי לְמָה לִּי?

The Gemara suggests: Let us **resolve from this** our earlier dilemma as to who authored the statement that three laymen may permit a firstborn. Let us say **that that first statement was said in the name of Shmuel; for if it was said in the name of Rav, why do I need two** statements from him rejecting Rabbi Yosei?

ANSWER

חָדָא (מכלל) [מפלגלא] דְּחִבֵּירְתָּה אֵיתָמַר.

The Gemara rejects this: No, Rav could have said both, because **one statement was said by inference from the other**, and Rav himself only explicitly uttered one of them.

מִשְׁנָה MISHNAH

MISHNAH

מִתְנִי' הַשּׁוֹחֵט אֶת הַבְּכוֹר, וְנוֹדַע שֶׁלֹּא הִרְאָהוּ — מָה שֶּׁאָכְלוּ אָכְלוּ, וְיִחְזִיר לָהֶם הַדָּמִים,

MISHNAH: One who slaughters a firstborn animal and sells its meat, and it became known that he did not show it to an expert to permit it, **what the buyers ate, they ate**, but the seller must **return the money to them** because he sold them forbidden meat;

MISHNAH

וּמָה שֶׁלֹּא אָכְלוּ — הַבֶּשֶׂר יִקָּבֵר, וְיִחְזִיר אֶת הַדָּמִים.

and what they did not eat, the meat must be buried, and the seller must return the money for that meat as well.

MISHNAH

וְכֵן הַשּׁוֹחֵט אֶת הַפֶּהָרָה וּמִכְרָהּ, וְנוֹדַע שֶׁהִיא טְרֵפָה — מָה שֶּׁאָכְלוּ אָכְלוּ,

And likewise, one who slaughters a cow and sells it, and it became known that it is a treifah, what they ate, they ate, and he must return their money;

MISHNAH

וּמָה שֶׁלֹּא אָכְלוּ — הֵם יִחְזִירוּ לוֹ אֶת הַבֶּשֶׂר, וְהוּא יִחְזִיר לָהֶם אֶת הַדָּמִים.

and what they did not eat, they shall return the meat to him, and he shall return the money to them.

MISHNAH

מִכְרוּהוּ לְגוֹיִם, אוֹ הִטִּילוּהוּ לְכֻלָּבִים — יִשְׁלְמוּ דָמֵי טְרֵפָה.

If the buyers **sold it to non-Jews, or threw it to the dogs, they shall pay** the seller **the value of treifah** meat, and the seller refunds them the difference.

GEMARA

גְּמ' תִּנּוּ רַבָּנָן: הַמוֹכֵר בָּשָׂר לַחֲבִירוֹ וְנִמְצָא בָּשָׂר בְּכוֹר,

GEMARA: The Rabbis taught in a braisa: One who sells meat to his fellow and it is found to be the meat of a firstborn that was not permitted by an expert,

BRAISA

פִּירוֹת וְנִמְצָא טְבָלִים, יֵינֹ וְנִמְצָא יֵינֹ נֶסֶךְ — מָה שֶּׁאָכְלוּ אָכְלוּ, וְיִחַזֵּיר לָהֶם אֶת הַדָּמִים.

or produce and it is found to be tevel, or wine and it is found to be wine used for a libation to avodah zarah, what they ate, they ate, and he must return all the money to them.

BRAISA

רַבִּי שִׁמְעוֹן בֶּן אֶלְעָזָר אוֹמֵר: דְּבָרִים שֶׁהִנָּפֵשׁ קֶצֶה בָּהֶן — יִחַזֵּיר לָהֶן אֶת הַדָּמִים,

Rabbi Shimon ben Elazar says: For items that a person is repulsed by, he must return all the money to them because they had no enjoyment from eating it;

BRAISA

וְשֵׁאִין הִנָּפֵשׁ קֶצֶה בָּהֶם — יִנָּכֶה לָהֶם אֶת הַדָּמִים.

but for those that a person is not repulsed by, he deducts the value of their benefit from the money and returns the rest.

BRAISA

וְאֵלּוּ הֵן דְּבָרִים שֶׁהִנָּפֵשׁ קֶצֶה בָּהֶן: נְבִילוֹת וְטְרֵיפּוֹת, שְׂקָצִים וְרִמָּשִׁים.

And these are the items that a person is repulsed by: carcasses and treifos, detestable creatures and creeping things.

BRAISA

וְאֵלּוּ הֵן דְּבָרִים שֶׁאִין הִנָּפֵשׁ קֶצֶה בָּהֶן: בְּכוֹרוֹת, טְבָלִים וְיֵינֹ נֶסֶךְ.

And these are the items that a person is not repulsed by: firstborn animals, tevel, and wine used for a libation.

QUESTION

בְּכוֹר — וְלִימָא לִיה: מַאי אַפְסִידֶתָּהּ?

The Gemara asks: In the case of a **firstborn**, why does the buyer have to pay for his benefit? **Let him say to** the seller: **What loss did I cause you** by eating it? Since it was an unblemished firstborn, you could never have eaten it or benefited from it anyway!

ANSWER

לֹא צָרִיכָא, כְּגוֹן דְּזָבִין לִיה מִמָּקוֹם מוּמָא,

The Gemara answers: **No, it is necessary** in a case **where he sold him** meat from the place of a blemish,

EXPLANATION

דאָמער ליה: אי לאו דאָכַלְתָּ הָוָה מַחְזִינָא לִיה וְשָׂרִי נִיחָא לִיה, כָּרְבִי יְהוּדָה.

where the seller can say to him: If you had not eaten it, I would have shown it to a Sage and he would have permitted it for me, in accordance with Rabbi Yehuda who allows showing a blemish even after slaughtering.

EXPLANATION

טָבְלִים — הָוָה מַתְקִינָנָא לָהּ וְאָכְלָנָא לָהּ,

Similarly, regarding **tevel**, the seller can say: I would have fixed them by tithing and eaten them.

EXPLANATION

יֵין נֶסֶךְ — עַל יְדֵי תַעְרוּבָתָהּ, וּכְרָבָן שְׁמַעוֹן בֶּן גַּמְלִיאֵל.

And regarding **wine used for a libation**, this is a case where it was sold by way of a mixture with permitted wine, and in accordance with Rabban Shimon ben Gamliel.

PROOF

דִּתְנוּ: יֵין נֶסֶךְ שֶׁנָּפַל לְבוֹר — כּוּלּוֹ אָסוּר בִּהְנָאָהּ.

As we learned in a Mishnah: Wine used for a libation that fell into a cistern of kosher wine, all of it is forbidden for benefit.

PROOF

רָבָן שְׁמַעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר: יִמָּכַר כּוּלּוֹ לְגוֹיִם, חוּץ מִדְּמֵי יֵין נֶסֶךְ שָׁבוּ.

Rabban Shimon ben Gamliel says: All of it may be sold to non-Jews, except for the value of the wine used for a libation that is in it. Thus, the seller could have benefited from the mixture.

STATEMENT

הֲדָרְנוּ עֲלֶיךָ כָּל פְּסוּלֵי הַמוֹקֵדֶשִׁין.

May we return to you, "Kol Pesulei HaMukdashin".

מִשְׁנָה MISHNAH

MISHNAH

מִתְּנִי עַל אֵלוּ מוּמִין שׁוֹחֲטִין אֶת הַבְּכוֹר:

MISHNAH: On account of these blemishes we may slaughter a firstborn animal outside the Beis HaMikdash:

MISHNAH

נִפְגְּמָה אָזְנוֹ מִן הַחֲסָחוֹס, אֲבָל לֹא הָעוֹר,

If its ear was damaged in the cartilage, but not just in the skin;

MISHNAH

נִסְדָּקָה אַף עַל פִּי שְׁלֹא חֲסָרָה, נִימְכָה מְלֵא כְרָשִׁינָה, אוֹ שְׂיֻכְשָׁה.

or if the ear was split, even though it did not lose any substance; or if it was perforated the size of a vetch, or if it dried up.

MISHNAH

איזהו יבשה? כל שתנקב ואינה מוציאה טיפת דם.

What is considered dried up? Any ear that, if it is pierced, does not produce a drop of blood.

MISHNAH

רבי יוסי בן המשולם אומר: יבשה שתהא נפרקת.

Rabbi Yosei ben HaMeshullam says: It must be so dry that it crumbles.

גמרא GEMARA

QUESTION

גמ' אמאי? פסח ועור כתיב!

GEMARA: Why do these ear blemishes permit the animal? **Lame and blind are written** in the Torah as blemishes, but not ear blemishes!

ANSWER

כתיב נמי "כי יהיה בו מום",

The Gemara answers: **It is also written, "If there be in it a blemish"**, which is a general term.

QUESTION

ואימא: "כי יהיה בו מום" — כלל, "פסח או עור" — פרט,

The Gemara asks: **But say that "If there be in it a blemish"** is a generalization, "lame or blind" is a specification,

QUESTION

כלל ופרט אין בכלל אלא מה שבפרט; פסח ועור — אין, מידי אחרینא — לא!

and there is a rule: with a generalization and a specification, there is nothing in the generalization except that which is in the specification; so lame and blind, yes, they are blemishes, but any other thing, no!

ANSWER

"כל מום רע" — חזר וכלל,

The Gemara answers: The verse says "**any ill blemish**", so the Torah went back and generalized.

EXPLANATION

כלל ופרט וכלל — אי אתה דן אלא כעין הפרט;

Now we have a generalization, a specification, and a generalization, and you may only judge in accordance with the characteristics of the specification.

EXPLANATION

מה הפרט מפורש — מומין שפגלוי ואינן חוזרין, אף כל מומין שפגלוי ואינן חוזרין.

Just as the specification is explicit as referring to blemishes that are visible and do not heal, so too, all blemishes that are visible and do not heal are included.

QUESTION

ואימא: מה הפרט מפורש — מומין שפגלוי, ובוטל ממלאכתו, ואינו חוזר,

The Gemara asks: But say: Just as the specification is explicit as referring to blemishes that are visible, and cause it to be idle from its work, and do not heal,

QUESTION

אף כל — מומין שפגלוי, ובוטל ממלאכתו, ואינו חוזר.

so too, all included blemishes must be visible, cause it to be idle from its work, and not heal.

QUESTION

אלמה תנן: נפגמה אזנו מן החסחוס ולא מן העור?

If so, why did we learn in the Mishnah that its ear was damaged in the cartilage is a blemish? An ear blemish does not stop an animal from working!

ANSWER

כל מום רע ריבויא הוא,

The Gemara answers: The phrase "any ill blemish" is an inclusion, which expands the law to include all visible blemishes even if they do not stop it from working.

QUESTION

אי הכי, מומין שפסתר נמי?

The Gemara asks: If so, should hidden blemishes also be included?

QUESTION

אלמה תנן: חוטין החיצונות שנפגמו ונשנממו, והפנימיות שנעקרו —

Why did we learn in the Mishnah later that only the outer teeth that were damaged or worn down are blemishes, but the inner teeth that were uprooted are not, because they are hidden?

עמוד ב' DAF 37B

INFERENCE

נעקרו אין, נפגמו ונשנממו לא?

The Gemara infers from the Mishnah: If the internal gums were extracted, then yes, it is a blemish and we may slaughter the firstborn; but if they were merely damaged or chipped, no, it is not a blemish because it is a hidden blemish. Why should that be?

ANSWER

בְּעֵינָא "מום רע", וְלִיכָא!

The Gemara answers: **I require** that a blemish be an "ill blemish" to permit slaughtering, which means it must be exposed and degrading, **and** here, with a hidden blemish, **there is none** of that degradation.

QUESTION

אִי הָכִי, מוּם עוֹבֵר נִמְי!

The Gemara asks: **If so**, that the verse includes all blemishes under "any ill blemish" except hidden ones, then **a temporary blemish** should **also** permit slaughtering! **Why** then **did we learn** in our Mishnah that if the ear was damaged and lacking from the skin, it may not be slaughtered **because** it is a temporary blemish?

QUESTION

אֵלְמָה תִּנֵּן: וְלֹא מִן הָעוֹר?

Why indeed **did we learn** in the Mishnah: **And not** if the lack is **from the skin** of the ear, because it is a temporary blemish?

ANSWER

מוּם עוֹבֵר סְבָרָא הוּא,

The Gemara answers: Excluding **a temporary blemish** is based on logical **reasoning**:

ANSWER

הַשְׁתָּא מִיפְרָק לָא פְּרָקִינוּ עֲלוּיָהּ, מִשְׁחָט שְׁחָטִינוּ עֲלוּיָהּ?

Now, if **we do not even redeem** a regular consecrated offering **on account of it** when it has a temporary blemish, **would we slaughter** a firstborn outside the Beis HaMikdash, which is even stricter since it cannot be redeemed, **on account of it**?

PROOF

דִּתְנִינָא: "וְאִם כָּל בְּהֶמְהָ טְמֵאָה אֲשֶׁר לֹא יִקְרִיבוּ מִמֶּנָּה קֶרְבָּן לַיהוָה" — בְּבִעַלֵי מוּמִין הַפְּתוּב מְדַבֵּר.

As it is taught in a Braisa: The pasuk says, "And if it be any impure animal, of which they may not bring an offering to Hashem"—the verse is speaking of blemished kosher animals that are being redeemed.

PROOF

אִתָּהּ אוֹמֵר בְּבִעַלֵי מוּמִין שְׁנִפְדּוּ הַפְּתוּב מְדַבֵּר, אוֹ אֵינוּ אֵלָּא בְּבִהֶמְהָ טְמֵאָה מְמַשׁ?

The Braisa asks: **Do you say** that the verse is speaking of blemished animals that are redeemed, or is it only speaking of an actual impure animal like a donkey?

PROOF

כְּשֶׁהוּא אוֹמֵר "וְאִם בְּבִהֶמְהָ טְמֵאָה", הֲרִי בְּהֶמְהָ טְמֵאָה אָמֹר,

When it says later in the parsha, "And if it be of the impure animal," behold, an impure animal is already spoken of there.

PROOF

הָא מָה אֲנִי מְקַיֵּים "אֲשֶׁר לֹא יִקְרִיבוּ מִמֶּנָּה"? הֲוֵי אוֹמֵר: זֶה בְּעַלֵי מוּמִין שְׁנִפְדּוּ.

How then do I fulfill the words "of which they may not bring"? You must say: This refers to blemished animals that are redeemed.

PROOF

יכול יפדו על מום עובר?

The Braisa continues: I might have thought they may be redeemed on account of a temporary blemish.

PROOF

תלמוד לומר: "אשר לא יקריבו ממנה קרבן לה" — מי שאינה קריבה כל עיקר, נצתה זו שאינה קריבה היום אלא למחר.

Therefore, the verse teaches: "Of which they may not bring an offering to Hashem"—meaning that which is not fit to be offered at all because of a permanent blemish; excluding this animal with a temporary blemish, which is not fit to be offered today but will be fit tomorrow when it heals.

ANSWER

איבעית אימא: אם כן פסח ועור למה לי?

If you want, say another teretz: If so, that even a temporary blemish permits slaughtering, why do I need the Torah to specify "lame" and "blind"? It could have just said "any ill blemish." Rather, it teaches that only permanent blemishes like these are included.

משנה MISHNAH

MISHNAH

נסדקה אף על פי שלא חסרה.

We learned in the Mishnah: If the ear of the firstborn was split, even though it is not lacking any substance, it may be slaughtered.

גמרא GEMARA

BRAISA

תנו רבנן: הסדק — כל שהוא, הפגימה — בין בידי אדם בין בידי שמים.

The Rabbis taught in a Braisa: The split that is a blemish can be any size; the damage, i.e., a nick, is a blemish whether it was caused by the hand of man or by the hand of Heaven.

QUESTION

מכלל דסדק בידי שמים לא?

The Gemara asks: Is it to be inferred from the wording that a split caused by the hand of Heaven is not a blemish? That makes no sense, as it is still a visible blemish!

ANSWER

אֵלָא, סָדֵק וּפְגִימָה — בֵּין בִּידֵי שָׁמַיִם בֵּין בִּידֵי אָדָם.

Rather, the Braisa meant: Both a **split and damage** are blemishes, **whether** caused by the hand of Heaven or by the hand of man.

STATEMENT

וְכַמָּה נְשִׁיעוֹר פְּגִימָה? כַּדִּי שֶׁתִּחְגוֹר בָּהּ צִיפּוֹרָן.

And how much is the **measure of damage** to be a blemish? It must be **enough** that a **fingernail** will catch on it when passed over the ear.

מִשְׁנָה MISHNAH

MISHNAH

נִקְבָּה מֶלֶא וְכוּ'.

The Mishnah stated: If the ear **was pierced the full size of** a bitter vetch, etc.

גְּמָרָא GEMARA

BRAISA

תִּנּוּ רַבָּנֵן: כַּמָּה נִקְיַבַת הָאוֹזִין? מֶלֶא כַרְשִׁינָה.

The Rabbis taught in a Braisa: **How much is the piercing of the ear** to be a blemish? **The full size of** a karshina seed.

BRAISA

רַבִּי יוֹסִי בְּרַבִּי יְהוּדָה אוֹמֵר: בְּכַעֲדָשָׁה.

Rabbi Yosei son of Rabbi Yehuda says: It must be **like the size of** a lentil.

BRAISA

וְאִיזוֹ הִיא יֶבֶשָׁה? שְׁאֵם תִּינָקֵב וְאִינָה מוֹצִיָּאָה טִיפַת דָּם.

And which is a **dried** ear that is a blemish? One **that** if it is pierced, it does **not produce** even a drop of blood.

BRAISA

רַבִּי יוֹסֵן בֶּן הַמְּשׁוּלָם אוֹמֵר: יֶבֶשָׁה כַּדִּי שֶׁתֵּהָא נִפְרָקֶת.

Rabbi Yosei ben HaMeshullam says: **Dried** means it is so dry **that it would crumble** when touched.

STATEMENT

תָּנָא: קְרוּבִין דְּבִרְיָהּ לְהִיּוֹת שְׁוִין.

A Tanna taught: **Their words are close to being identical** in practice.

QUESTION

דְּבָרֵיהֶן דְּמֵאוּ? אֵילִימָא דְתַנָּא קָמָא וְרַבִּי יוֹסִי בֶן הַמְּשֻׁלָּם — טוּבָא אִיכָא!

The Gemara asks: **Whose words** are close? **If we say** the words of the Tanna Kamma and Rabbi Yosei ben HaMeshullam regarding a dried ear, **there is a big difference** between them!

ANSWER

אֵלָא דְתַנָּא קָמָא וְרַבִּי יוֹסִי בְּרַבִּי יְהוּדָה.

Rather, it refers to the words of the Tanna Kamma and Rabbi Yosei son of Rabbi Yehuda, as a karshina and a lentil are almost the same size.

QUESTION

כַּעֲדָשָׁה — אִין, בְּצִיר מִכַּעֲדָשָׁה — לֹא?

The Gemara asks on Rabbi Yosei son of Rabbi Yehuda: If it is the size of a **lentil**, **yes**, it is a blemish, but **less than a lentil**, **no**, it is not a blemish?

OBJECTION

וּרְמִינָהּ: "מִרְצָע" — אִין לִי אֵלָא מִרְצָע, מִנִּין לְרִבּוֹת הַסּוּל, וְהַסִּירָה, וְהַמַּחֲט, וְהַמְקָדָה, וְהַמְכַתֵּב?

And the Gemara **points out a contradiction** from a Braisa regarding a Hebrew slave: The Torah says "an awl"—I only know that one may use an awl; from where do we include a palm thorn, a thorn, a needle, a drill, and a stylus?

OBJECTION

תַּלְמוּד לֹוֹמֵר: "וְלָקַחְתָּ" — כָּל דָּבָר שֶׁנִּלְקַח בְּיָד, דְּבָרֵי רַבִּי יוֹסִי בְּרַבִּי יְהוּדָה.

Therefore the verse teaches: "And you shall take"—to include anything that is taken in the hand. These are the words of Rabbi Yosei son of Rabbi Yehuda.

OBJECTION

רַבִּי אוֹמֵר: "מִרְצָע" — מָה מִרְצָע מְיוֹחָד שֶׁל מֵתָכָת, אֲפֹ כָּל שֶׁל מֵתָכָת.

Rabbi Yehuda HaNasi says: "An awl"—just as an awl is uniquely made of metal, so too anything used must be of metal.

OBJECTION

וְקִתְנֵי סִיפָא: אָמַר רַבִּי, יוּדָן בְּרַבִּי הֵיָה דוֹרָשׁ: כְּשֶׁהֵן רוֹצְעִין, אֵאִין רוֹצְעִין אֵלָא בְּמִילָת.

And the latter clause teaches: Rabbi Yehuda HaNasi said, Yudan the son of Rabbi Yehuda would expound: When they pierce the slave's ear, they only pierce in the earlobe.

OBJECTION

וְחֻכָּמִים אוֹמְרִים: אִין עֶבֶד עֲבָרִי כֵהֵן נִרְצָע, מִפְּנֵי שֶׁנַּעֲשֶׂה בְּעַל מוּם.

And the Sages say: A Hebrew slave who is a Kohen is not pierced, because he would thereby become blemished and unfit for the Avodah.

OBJECTION

וְאִם תֹּאמַר: בְּמִילָת הֵיוּ רוֹצְעִין, הֵיאֵךְ עֶבֶד כֵהֵן נַעֲשֶׂה בְּעַל מוּם?

And if you say that they would pierce in the earlobe, how does a Kohen slave become blemished? A hole in the soft earlobe is not a blemish!

OBJECTION

הָאֵין רוֹצֵעִין אֶלָּא בְּגוֹבֵה שֶׁל אוֹזן.

Rather, they only pierce in the upper cartilage of the ear. Now, even a tiny needle hole in the cartilage would blemish him, which contradicts Rabbi Yosei's view that it requires a lentil-sized hole!

RESOLUTION

אָמַר רַב חָנָא בַּר קַטִּינָא: לָא קָשְׁיָא — כָּאן לְשִׁחוּט, כָּאן לְפִסּוּל.

Rav Chana bar Kattina said: This is not difficult. Here, requiring a lentil-size, is to permit slaughtering a firstborn outside the Mikdash; there, even a tiny hole, is to disqualify a Kohen from the Avodah.

EXPLANATION

מַאי כְּרִשְׁינָה? אָמַר רַב שֶׁרְבִיָּא: הִינְדָּא.

The Gemara asks: What is a karshina? Rav Sherevya said: It is hinda, a vetch seed.

QUESTION

בָּעָא מִינֵיהּ רַב הוֹשְׁעִיא מֶרַב הוּנָא רַבָּה:

Rav Oshaya asked of Rav Huna Rabbah:

QUESTION

כְּרִשְׁינָה הַנִּכְנָסֶת וְיוֹצֵאָה, אוֹ כְּרִשְׁינָה הָעוֹמֶדֶת?

Does the hole have to be large enough for a karshina that enters and exits easily, or a karshina that stands snugly in the hole?

ANSWER

אָמַר לוֹ: זוֹ לֹא שָׁמַעְתִּי, כִּיּוֹצֵא בָּהּ שָׁמַעְתִּי.

Rav Huna said to him: This I have not heard, but something similar to it I have heard.

PROOF

דִּתְנִן: הַשְּׁדֵּרָה וְהַגּוֹלְגוֹלָת שֶׁחֲסָרוּ, כַּמָּה חֲסָרוֹן בַּשְּׁדֵּרָה וְלֹא יִהְיֶה מִטְּמֵא בָּאֵהָל?

As we learned in a Mishnah: Regarding the spine or the skull that are lacking some bone, how much must the lack in the spine be so that it does not convey tumah in a tent as a complete spine?

PROOF

בֵּית שַׁמַּאי אוֹמְרִים: שְׁתֵּי חוּלִיּוֹת, וּבֵית הֵלֵל אוֹמְרִים: חוּלִיָּא אַחַת.

Beis Shammai say: Two vertebrae, and Beis Hillel say: One vertebra.

PROOF

וּבְגוֹלְגוֹלָת, בֵּית שַׁמַּאי אוֹמְרִים: כַּמְּלֵא מְקוֹדֶה, וּבֵית הֵלֵל אוֹמְרִים: כִּדֵּי שִׁינֵטֵל מִן הַחֵי וְיָמוּת.

And in the skull, Beis Shammai say: The full size of a drill hole, and Beis Hillel say: Enough that if it were removed from a living person, he would die.

PROOF

וַיִּתֵּיב רַב חֲסִידָא וְקָמִיבַעֲיָא לֵיהּ: "כַּדִּי שִׁינְטִיל מִן הַחַי" — וְכַמָּה?

And Rav Chisda sat and was raising a dilemma: "Enough that if it were removed from a living person"—and how much is that?

PROOF

אָמַר לֵיהּ רַב תַּחְלִיפָא בַּר אַבּוּדִימִי: הָכִי אָמַר שְׁמוּאֵל — כֶּסֶּלַעַ.

Rav Tachlifa bar Avudimi said to him: So said Shmuel—it is like the size of a sela coin.

STATEMENT

וְאִיתְמַר: רַב סַפְרָא אָמַר: שְׁמַעְתָּתָא אָמַר לֵיהּ, וְרַב שְׁמוּאֵל בַּר יְהוּדָה אָמַר: מִתְּנִיתָא אָמַר לֵיהּ, וְסִימְנִיהּ: תְּנִי רַב שְׁמוּאֵל בַּר יְהוּדָה.

And it was stated: Rav Safra said that Shmuel said it to him as a tradition, and Rav Shmuel bar Yehuda said that Shmuel said it to him as a Braisa; and your mnemonic is: Rav Shmuel bar Yehuda teaches Braisas.

STATEMENT

וְאָמַר לֵיהּ...:

And Rav Chisda said to him:...

OBJECTION

אִם כֵּן, עֲשִׂיתָה דְּבָרֵי בֵּית שְׁמַאי וְדְּבָרֵי בֵּית הַלֵּל אֶחָד!

If so, that Beis Hillel's measure is a sela, you have made the words of Beis Shammai and the words of Beis Hillel identical! How can that be?

PROOF

דִּתְנִן: מָאוּר שְׁלֹא נַעֲשָׂה בְּיַד אָדָם, שִׁיעוּרוֹ מְלֵא אֶגְרוֹף גָּדוֹל, וְזֶהוּ אֶגְרוֹפוֹ שֶׁל בֶּן אֲבָטִיחַ.

As we learned in a Mishnah: A light-hole that was not made by the hand of man, its measure to let tumah pass is the full size of a large fist, and this is the fist of Ben Avatiach.

PROOF

אָמַר רַבִּי יוֹסֵי: וַיִּשְׁנֻ כְּרָאשׁ גָּדוֹל שֶׁל אָדָם.

Rabbi Yosei said: And it is like the large head of a man.

OBJECTION

נַעֲשָׂה בְּיַד אָדָם, שִׁיעֲרוֹהוּ כְּמֵלֵא מְקַדָּח גָּדוֹל שֶׁל לְשָׁפָה, שֶׁהוּא כְּפוּנְדִּיּוֹן (שֶׁל) הָאִיטָלְקִי, וְכֶסֶּלַע נִירוֹנִית, וַיִּשְׁנֻ

But if the hole was made by the hand of man, they measured it like the full size of a large drill of the Temple Chamber, which is like an Italian pundeyon, and like a Neronian sela, and it is the same as Beis Shammai's drill-hole! So Beis Shammai

and Beis Hillel would have the same measure of a sela!

SUMMARY

The daf concludes the previous Perek by establishing that the halacha does not follow Rabbi Yosei's view that even twenty-three Sages cannot permit a bechor without an expert. We then learn a Mishnah and a supporting braisa regarding a merchant who sells forbidden food, such as an unpermitted bechor, tevel, or treifah meat. The Tanna Kamma and Rabbi Shimon ben Elazar argue over whether the seller must refund the entire purchase price or if he can deduct the value of the benefit the buyer received, depending on whether the food is something a person is naturally repulsed by (like treifah) or not (like tevel or bechor). Finally, we begin the sixth perek, learning the Mishnah's list of ear blemishes—such as a damaged cartilage, a split, a hole, or a dried-up ear—and the Gemara begins a detailed shakla v'tarya using the hermeneutical rules of klal u'prat to derive from the pesukim how ear blemishes are halachically included as valid mumim.

למעשה WHAT TO TAKE HOME

We see in the Gemara a beautiful yeshivish discussion about the halachos of a seller who accidentally sold something forbidden, like tevel or an unexamined bechor. Rabbi Shimon ben Elazar makes a deep chiddush: we have to look at the buyer's actual experience. If it is something the nefesh katzah bah, something a person is naturally repulsed by, like nevelah, the buyer gets a full refund because he had absolutely zero pleasure from the food. But if it is something like tevel, where there is no physical repulsion, the buyer must deduct the value of the benefit he received.

This is a massive yesod for our daily avodah. How often do we look at our spiritual failures, our aveiros, with a sense of "nefesh katzah"? When a Yid slips up, does he feel a deep, inner repulsion to the spiritual damage he just caused, or does he secretly still taste the sweetness of the world? The goal of a Yid is to reach a level of yiras Shamayim where sin itself becomes something our neshama is repulsed by, where we cannot stand the thought of being separated from Hashem even for a moment.

When we build this inner sensitivity, teshuvah becomes natural. We don't just regret the action; we are genuinely repulsed by the distance it created between us and Hashem. Mimeila, we run back to the Torah and mitzvos with a pure heart.

Today, when you encounter a temptation or a moment of nisayon, pause and remind yourself of the true nature of spiritual damage. Tell yourself: "This is not who I am; my neshama is completely repulsed by anything that distances me from Hashem."