

OVERVIEW of the Daf

1) **MISHNAH:** The Mishnah discusses consecrated animals that are blemished.

2) Inferences from the Mishnah

The Gemara draws an inference from the Mishnah that indicates that monetary sanctity exempts an animal from the laws of bechor and priestly gifts.

The Gemara draws another inference from the Mishnah that seems to support R' Eliezer's ruling that animals consecrated for Beis HaMikdash upkeep are prohibited for shearing and work.

This inference is rejected.

The Gemara analyzes the Mishnah's case of the offspring of a consecrated animal.

After concluding that the Mishnah refers to where the offspring was conceived and born before the mother's redemption the Gemara inquires whether the offspring may be redeemed even without a blemish.

A Baraisa is cited that proves that the offspring in this case may be redeemed even without a blemish.

It is inferred from this Baraisa that an unblemished male that is sanctified for its monetary value becomes physically sanctified.

3) Animals that were blemished and then consecrated

It is reported that R' Elazar taught that one is liable for slaughtering outside of the Beis HaMikdash an animal that was blemished before it was sanctified.

Four unsuccessful challenges to R' Elazar's derivation are recorded.

The reason an animal that was blemished and then consecrated is not subject to the laws of temurah is explained.

R' Yehudah in the name of Rav asserts that the Mishnah's ruling that an animal that was blemished and then consecrated may be redeemed if it dies follows the opinion of R' Shimon that items sanctified for Beis HaMikdash upkeep were not included in the requirement of "standing and evaluation."

The Gemara identifies the author of the dissenting opinion.

Chachamim's exposition is successfully challenged.

The position of those who disagree with R' Shimon in the previously-cited Mishnah is clarified. ■

Distinctive INSIGHT

A sanctified animal is exempt from the mitzvah of the firstborn

קסבר קדושת דמים מדחה מן הבכורה ומן המתנות

The Mishnah taught that if an animal which had a permanent blemish was then sanctified, and the animal was redeemed, the animal is subject to the mitzvos of the firstborn and the gifts for the kohen. Because it had a blemish before it was declared to be sanctified, the owner clearly had in mind that this animal was not meant to be used for an offering on the Altar, but it was only meant to be holy in regard to its monetary value. The Gemara notes that according to this Mishnah the obligation in the mitzvah of the firstborn only applies after the animal is redeemed, but the mitzvah would not be in effect while the animal is still in a state of being sanctified. This leads us to conclude that the author of the Mishnah holds that sanctification which only applies to the monetary status of an animal (קדושת דמים) is enough to exempt an animal from these mitzvos.

Rashi explains that when an animal is sanctified for its value it is exempt from the mitzvah of the firstborn just as it is exempt when it has intrinsic sanctity (קדושת הגוף). Later (15a), the Gemara derives this from the verse (Devarim 12:22) which discusses a sanctified animal which developed a blemish and was redeemed (פסולי המוקדשין), "it shall be eaten as one eats a deer or gazelle." An animal redeemed from being sanctified is exempt from the mitzvos of the firstborn and the gifts to the kohen just like a deer and gazelle which are exempt from these mitzvos.

Tosafos notes that the lesson which Rashi cites from the upcoming Gemara teaches that the mitzvah of the firstborn does not apply to an animal after it has been redeemed. If

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REVIEW and Remember

- Under what conditions are dead animals redeemed?
- What restrictions apply to an animal consecrated for Beis HaMikdash upkeep?
- Is it prohibited to offer a blemished animal as a korban on a private bamah?
- What is the point of dispute between R' Shimon and Chachamim?

HALACHAH Highlight

Selling a neveilah to a gentile

ואם מתו יפדו

And if they die they may be redeemed

Shulchan Aruch¹ rules that one may not sell food that is Biblically prohibited for consumption but it is permitted to sell food that is only Rabbinically prohibited for consumption. He then adds that if a hunter happens to catch a non-kosher creature he may sell it to a gentile. Rema adds that the same leniency applies to anyone who happens to have a neveilah or tereifah in his home. Shach³ in the name of Bach writes that it is only the person who happens to have possession of the non-kosher meat who may sell it to a gentile in order to prevent a loss. It is prohibited for a Jew to purchase the neveilah or tereifah that another Jew happens to have possession of in order to sell it to a gentile. Shach cites numerous proofs to this position. Taz⁴ disagrees and contends that even someone else may purchase the non-kosher food to sell it to a gentile.

Teshuvos Bar Liva'ai⁵ challenged Shach and Bach from our Gemara. The Gemara teaches that one who consecrated a blemished animal and it dies before it could be redeemed may redeem it after its death. Redeeming the animal involves selling the carcass to someone but why is it permitted to sell a neveilah, since selling a neveilah violates the prohibition against doing business with something that is Biblically prohibited for consumption? It must be that since hekdesch happened to possess the neveilah and could sell it, it is also permitted for someone else to purchase that nevei-

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we apply this rule to our case of an animal sanctified for its monetary value, we should also exempt the animal from this mitzvah even after it is redeemed. Yet, our Mishnah clearly only exempts the animal from this mitzvah before it is redeemed, but after it is redeemed it is obligated in the mitzvah.

Chazon Yechezkel and Zivchei Tzedek resolve this question which Tosafos raises against Rashi's explanation. The lesson from פסולי המוקדשין is that even after they are redeemed, some aspects of their having been sanctified still remain. The animals remain prohibited to be shorn or from doing work. At this point, they are treated just as a deer and gazelle and are exempt from the mitzvos of the firstborn and the gifts for the kohen. This therefore teaches us that an animal sanctified for its monetary value would also be exempt from these mitzvos, but only as long as it has not yet been redeemed, because this is when there is an aspect of sanctification which is still applicable. But, once the firstborn animal is redeemed it is not sanctified at all. ■

lah to feed it to dogs or gentiles. Teshuvos Eretz Tzvi⁶ rejects this refutation on the following grounds. Hekdesch is considered to be the property of all of Klal Yisroel and as such it is considered as if the neveilah happened to be found in every person's possession which allows every person to sell it to a gentile. ■

1. שו"ע יו"ד סי' קי"ז סעי' א'
2. רמ"א שם.
3. ש"ך שם סק"ח.
4. ט"ז שם סק"ב.
5. שו"ת בר ליואי סי' י"ט.
6. שו"ת ארץ צבי (תאומים) יו"ד סי' ל"ד ד"ה והנה התוי"ט. ■

STORIES Off the Daf

"For Pesach!"

הקדיש זכר לדמיו

Today's daf discusses the halachos of declaring something sanctified.

A homeowner had a faithful servant who procured all of his needs. When it came time to purchase the meat for leil haseder, the homeowner's instructions were quite unspecific about what he wanted. "Please take this money and procure meat for Pesach."

The servant was very excited to pur-

chase meat for the holiday. When he was buying the animal for the seder he joyously exclaimed, "For Pesach!"

To his surprise, the butcher rebuked him. "It is definitely forbidden to say 'For Pesach,' while purchasing or preparing meat for the seder. This sounds like an order to buy meat for the sacrifice, which is obviously forbidden since we do not have a beis hamikdash in which to bring the sacrifice."

The servant protested. "Who would think that I mean a sacrifice?"

When this question reached the Bach, zt"l, he forbade eating this meat. But the Taz, zt"l, argued. "The Gemara

only forbids this on account of what one said. Surely this does not mean that the meat is prohibited after the fact."¹

The Meiri said the same thing. "Although it is forbidden for one to say to his fellow, 'Buy me meat for Pesach,' after the fact, the meat is permitted. The reason it is permitted is simple: we presume that the person purchasing the animal or meat merely means that he wishes to use the animal for Yom Tov, not to designate it for a korban."²

1. בי"ח וט"ז באו"ח, סי' תס"ז
2. מאירי, בפסחים נ"ז. ■