

OVERVIEW of the Daf

1) Deconsecrating hekdesh

A Mishnah is cited that relates to what should be done with male and female animals found in the vicinity of Yerushalayim.

One of the rulings is challenged.

R' Oshaya explains the rationale behind the Mishnah's ruling.

This explanation is unsuccessfully challenged.

Another opinion is cited that supports the Gemara's present understanding of R' Meir's position.

R' Yochanan successfully challenged R' Oshaya's explanation and offers in its place an alternative explanation.

2) Animals found in the vicinity of Yerushalayim

The Mishnah cited earlier ruled that male animals found in the vicinity of Yerushalayim are assumed to be Olah offerings.

Numerous unsuccessful challenges to this ruling are presented.

The Mishnah cited earlier ruled that female animals found in the vicinity of Yerushalayim are assumed to be Shelamim offerings.

Numerous unsuccessful challenges to this ruling are presented.

3) Ma'aser sheni

A Baraisa rules that one may not use ma'aser sheni money to purchase an animal outside of Yerushalayim.

■

REVIEW and Remember

1. What type of sanctity cannot be deconsecrated?

2. How do we know, according to R' Meir, that kodshim kalim can be deconsecrated?

3. What is done with a male animal found in the vicinity of Yerushalayim?

4. What is done with a female animal found in the vicinity of Yerushalayim?

Distinctive INSIGHT

Why it is prohibited to purchase an animal outside Yerushalayim with money of ma'aser

תנו רבנן: אין לוקחים בהמה במעות מעשר שני

Rashi provides two reasons why it is prohibited to purchase an animal outside Yerushalayim with money from ma'aser. The first reason is based upon a verse in the Torah. The verse states (Devarim 14:25): "Tie the money in your hand, and go to the place which Hashem has chosen, etc." We see that the mitzvah is to spend money from ma'aser in Yerushalayim, and not outside the city. This reason teaches that this halacha is a Torah law. The second reason Rashi gives is that the rabbis ruled that although it is valid to purchase an animal with ma'aser money outside Yerushalayim, there is a concern that the animal may become weak and less valuable on its way traveling to Yerushalayim. This would cause a loss to ma'aser, so it was decreed to no longer be acceptable. Pnei Yehoshua immediately asks that if there is a source from the Torah to prohibit redemption of ma'aser money outside of Yerushalayim, why does Rashi provide a second reason based upon a rabbinic concern?

Pnei Yehoshua answers that the rule of the Torah would allow a person to purchase an animal and designate it for a shelamim offering and to bring it to Yerushalayim, as this is the main purpose of ma'aser money. The rabbis, however, enacted a precaution to prohibit this, due to a concern that the animal become weakened along the way. Tosafos (ד"ה אין לוקחין) notes that even according to the rabbinical enactment, purchase of an animal for the sake of an offering would be permitted in an emergency. For example, if the coins being brought to Yerushalayim are from Bavel, which cannot be used in Yerushalayim, it would be better for the person to purchase an animal for the sake of an offering and bring the animal to the Beis Hamikdash (see Bava Kamma 97b).

Pnei Yehoshua adds that Rashi may hold that it is outright permitted to purchase an animal for a shelamim with money of ma'aser, as we find in the Gemara in Bava Kamma (ibid.). Our Gemara prohibits a purchase of an animal if it is not intended for a shelamim. ■

HALACHAH Highlight

Sinning to save another person from a more severe violation

וכי אומרים לאדם עמוד וחטא בשביל שתזכה

Do we tell a person to sin in order to provide a benefit?

Mesores Hashas¹ asks why R' Yochanan questions the practice of one person transgressing a prohibition in order to benefit another person when the Gemara Eruvin (32b) states that a *chaver* should violate the minor prohibition against separating ma'aser from one pile for another pile that is in a different location rather than allow an *am ha'aretz* to eat produce that was not tithed. Rashash² points to the fact that Tosafos³ in Shabbos asks this question and suggests that the reason it is permitted for the *chaver* to violate a minor prohibition rather than allow the *am ha'aretz* to eat untithed produce is that the *chaver* was the one who was responsible for creating the circumstance in which the *am ha'aretz* would violate the prohibition. Since it was the *chaver* who caused the possible violation of the prohibition against eating untithed produce it is his responsibility to rectify the situation, even if it involves violating a minor prohibition.

Sefer Yad Dovid⁴ suggests that the cases in our Gemara and the Gemara in Eruvin are fundamentally different from one another. In Eruvin the *am ha'aretz* will violate a

prohibition if the *chaver* does not do something to save him from violating that prohibition. Since the violation of a prohibition is inevitable, it is better for the *chaver* to violate a minor prohibition rather than allow the *am ha'aretz* to violate a more serious prohibition. In our Gemara, however, there is no prohibition that will be violated. Losing an animal designated for use as a *korban* does not violate any prohibition. Even if we were to assume that a prohibition was violated when the owner lost the animal, the prohibition was already violated and there is nothing that can be done to rectify that violation. Therefore, what is to be gained by allowing the one who found the animal to violate a prohibition? Sefer Mishnah Halachos⁵ offers a similar resolution. In Eruvin the incentive for the *chaver* to violate a prohibition is to save a fellow Jew from transgressing a prohibition. In contrast, the incentive in our Gemara to violate a prohibition is merely to be able to offer an animal that was designated as a *korban*. Although there may be a mitzvah to assist in bringing an animal as a *korban* since there is no possible prohibition that would be violated there is no reason to permit someone to violate a prohibition to be able to bring a *korban*. ■

1. בגליון לסוגייתינו.

2. רש"י ד"ה וכי.

3. תוסי' מס' שבת ד. ד"ה וכי.

4. ספר יד דוד ד"ה תהי.

5. ספר משנה הלכות ד"ה ולולי המובא במתיבתא ילקוט

ביאורים נ"ה: היד דוד. ■

STORIES Off the Daf

A difficult choice

"וכי אומרים לאדם חטא..."

On today's daf we find a halachic principle: "Do we say to a person, 'Transgress a prohibition in order that the offering of this sacrifice should be put right?'" In the context of the daf, can one render an animal profane in order to merit correcting the offering of the sacrifice that had gone awry? In real terms, this means that we don't instruct a person to do even a small sin in order to "undo" the effect of some-

one else's wrong act. However, in the event that we have an opportunity to spare someone from unwittingly transgressing a major prohibition, it is right to assume the burden of the "lesser" sin.

A certain community had only enough money to either build a shul or a mikveh. Not surprisingly, an argument broke out regarding how to spend their collective funds. One group insisted that their first obligation was clearly a mikveh. If there was no mikveh in the city, it was quite likely that people would violate very serious prohibitions. A second group insisted that a shul comes first. They argued,

"Praying with a minyan is a daily obligation, aside from the obligation to hear the Torah readings. Not only that, but it is a communal obligation that surely is greater than having our own mikveh. There are other mikvaos not far away that the community can use."

The members of the community decided to take their dispute to the Chazon Ish, zt"l. He answered, "Build the mikveh. True, the people will not have a shul to daven in. However, it is worthwhile to forgo a shul in favor of a mikveh to ensure that people don't transgress *isurei kareis!*"¹ ■

1. פאר הדור, חלק ב', עמוד קנ"ח

