



OVERVIEW of the Daf

1) Clarifying the dispute in the Mishnah (cont.)

R' Pappa's explanation of the dispute in the Mishnah between R' Yehudah and Chachamim is rejected for numerous reasons.

R' Yochanan offers an alternative explanation of the point of the dispute in the Mishnah.

2) **MISHNAH:** The Mishnah discusses piggul in the context of animal korbanos that are accompanied by bread.

3) The connection between the animal korban and its bread

One possible explanation for why piggul intent for an animal korban renders the bread piggul is suggested and rejected.

Another explanation is offered and accepted.

The reason two examples of this principle are necessary is explained.

R' Elazar inquires whether intent to eat some of the meat and some of the bread beyond the allotted time renders the bread piggul.

Rav answered that the loaf is piggul but the animal is not.

R' Elazar challenges this ruling.

R' Elazar's argument is unsuccessfully challenged.

A second version of this exchange between R' Elazar and Rav is recorded.

The difference between these two versions is explained.

R' Abba Zuti presents a third significantly different version of R' Elazar's inquiry.

4) **MISHNAH:** The Mishnah discusses how piggul affects the accompanying libations.

5) R' Meir's position

A Baraisa records R' Meir's position as well as a dissenting position.

Rava explains the rationale behind Rava's position.

Another Baraisa presents a similar disagreement.

Rava again clarifies R' Meir's position. ■

REVIEW and Remember

1. How does R' Yochanan explain R' Yehudah's position?
.....
2. Why is it necessary for the Mishnah to teach its principle with two examples?
.....
3. What is the difference between the two versions of the discussion?
.....
4. What is the point of dispute between R' Meir and Rabanan?
.....

Distinctive INSIGHT

Is the minchas nesachim part of the animal offering?

אמרו לו אפשר לשנותו לזבח אחר, אמר רבא קסבר ר' מאיר הוקבעו בשחיטה כלחמי תודה

The opinion of R' Meir in the Baraisa is that the minchas nesachim which accompanies an offering can be deemed piggul if it was intended to be eaten after its prescribed time limit, and the reason this is eligible for piggul is that it has a permitter—the blood of the offering. It is not yet allowed to place this minchah on the Altar until the blood of the offering is placed upon the Altar. The Chachamim responded to R' Meir and said that the minchas nesachim which is brought seems to be a different and somewhat independent entity, as it may be brought many days after the offering itself. We cannot, therefore, say that the blood of the offering permits this minchah, but rather that it permits itself. R' Meir clarified that although it is allowed to bring the minchah of an offering after many days, he was referring only to a case where the minchah was brought together with the offering. Here, the blood of the offering permits the minchah, and therefore piggul intent makes a difference.

The Chachamim argued with R' Meir in this regard, as well, and they point out that even if the minchah is brought together with the offering, the minchah is somewhat independent, as it may be brought for the sake of a different offering. This leads us to say that even if it is brought with any particular offering, the minchah permits itself. R' Meir answered that it is not permitted to change the designation of the minchah and to offer it for the sake of any other offering, because it is with the slaughter of that particular animal that the minchah becomes sanctified.

The Gri"z elaborates to explain this disagreement between R' Meir and the Chachamim. There are two issues which are being discussed. One is whether the minchas nesachim is part of the animal offering, or if this minchah is considered independent. Another issue is whether the minchas nesachim is an item "which has a permitter," which directly determines wheth-

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HALACHAH Highlight

Moving a donated paroches against the will of the donor

אפשר לשנותו לאשם אחר

It can be transferred to another Asham

The Gemara teaches that libations brought with one korban may be used for another korban. Tosafos¹ questions this ruling from the Gemara later on (79b) that teaches that libations may not be used for another korban unless we can apply the principle of **לב בית דין מתנה עליהם** – Beis Din stipulates that they may use it for other purposes. To suggest that our Gemara refers to a case where we could apply the principle of **לב בית דין** will not resolve this contradiction since our Gemara discusses the korbanos of an individual and the principle of **לב בית דין** is limited to communal korbanos, not korbanos brought by individuals. This qualification of the principle is cited in Mishnah Berurah² where he writes that we do not apply the principle of **לב בית דין** to a Sefer Torah that belongs to an individual.

There was once a person who donated a Sefer Torah to his local Beis HaKnesses and together with the Sefer Torah he donated a paroches to use on the Aron Kodesh. Some time later the gabbai wanted to move the paroches to the Beis HaMidrash and the donor protested that his intent was for it to be used for the Beis HaKnesses and not the Beis HaMidrash. The gabbai's response was that the principle of **לב בית דין** should empower him to change the use of the paroches if he chooses. Teshuvos Machazah Avrohom³ responded that the principle of **לב בית דין**

(Insight...continued from page 1)

er an intention of piggul will apply to it. Even if it is an item which does not have a permitter, if it is considered to be part of the animal offering it can become disqualified with an improper intent which is expressed in terms of the animal. R' Meir and Chachamim disagree in both of these areas. Chachamim hold that we do not consider the blood of the offering to be the permitter for the minchas nesachim, and we also do not consider the minchah to be a part of the offering itself, because it may be designated for a different offering altogether. The minchah would not become disqualified with an improper intention of the animal's offering. R' Meir holds that the minchah is part of the offering, as its designation may not be changed to a different offering. Furthermore, when the minchah is brought with the offering, it is considered as an item which has a permitter, and piggul would apply. ■

does not cover donations made by individuals and as such it would seem that the paroches must be returned to the Beis HaKnesses. There is, however, another possible principle that could be applied. In this case where the gabbai wants to actively change the use of the paroches the halacha will depend upon whether the custom of the town is that once items are donated they enter the jurisdiction of the gabbai to decide what to do with that item. If that is the custom the gabbai can move the paroches but if that is not the custom the gabbai may not move the paroches into the Beis HaMidrash against the wishes of the donor. ■

1. תוס' ד"ה אפשר.

2. מ"ב סי' קנ"ד ס"ק ל"ה.

3. שו"ת מחזה אברהם או"ח סי' ל"ב. ■

STORIES Off the Daf

Making a Change

”אפשר לשנותו לזבח אחר...”

A certain chassidic shul was forced to close for various reasons. This did not present a halachic problem since the neighborhood non-chassidic shul was very big but quite empty—exactly what eighty fiery chassidim needed. Since there were only fifteen or sixteen people who davened nusach Ashkenaz there, the chassidim wished to change the nusach hatefillah at the shul. After all, weren't they the clear majority?

But of course, the gabbaim of the shul, were not all thrilled with this proposition. Although most grudgingly agreed, one gabbai in particular protested. He claimed, “First of all, changing nusach is presuma-

bly against the will of the original donor of the shul and is therefore forbidden.”

When the Chelkas Yaakov, zt"l, was consulted regarding this question he explained that it was complex. “Although on the surface the rule **לב ב"ד מתנה**, as if beis din made their nusach conditional on their being a large amount of people davening the original nusach, applies here, a certain sage cited by Tosafos in Menachos 15 establishes that the principle of **לב ב"ד מתנה** does not apply to the donation of an individual.

He added, “Yet this proof is not conclusive since Tosafos is discussing a single person's sacrifice to which the intentions of beis din are largely irrelevant. But their intentions certainly affect a donation to the community, since this is a communal matter. The original donor's intention is also not a problem since he likely would not insist on Ashkenaz. It is clear that if he

would be flexible here, he will add the Torah and tefillah of another eighty people to his credit!

“Yet this is still not simple, since we can only rely on this principle if everyone in shul agrees to the switch. If not, there is a problem. The Magen Avraham rules that if someone protests it is forbidden to switch something used for a lesser holiness to a higher one, and our case is certainly no better.”

So he proposed a solution, “Now, if all of the gabbaim agree to switch, they are considered the community leaders regarding this shul and the change may be implemented. But in this case one of the gabbaim refuses. Therefore the chassidim must either convince him or make a compromise which is also in his best interests. After all, if the chassidim leave this is a loss for everyone!” ■

1. שו"ת חלקת יעקב, או"ח, סי' ל"ו. ■