

OVERVIEW of the Daf

1) **HALACHAH 4: MISHNAH:** The Mishnah addresses the issue of what is done with property that was sanctified, some of which is fit to be offered as a korban.

2) Clarifying the Mishnah

R' Yochanan explains that the Mishnah's mention of "items suitable for communal offerings" refers to ketores.

The rationale behind Ben Azzai's ruling concerning ketores is explained.

3) Unspecified consecrations

A Mishnah in Temurah is cited that teaches, among other things, that unspecified consecrations are used for maintenance of the Beis HaMikdash.

R' Chananyah states that the Mishnah reflects the opinion of R' Li'ezer. R' Yochanan explains R' Li'ezer's reasoning.

4) The dispute between R' Eliezer and R' Yehoshua in the Mishnah

Three different explanations, two of which are stated in the name of Rav, are presented regarding the dispute between R' Eliezer and R' Yehoshua.

5) An unblemished animal redeemed from Temple maintenance

It is quoted in the name of Rav and R' Yochanan that an unblemished animal redeemed from Temple maintenance is unconsecrated.

The Gemara attempts to support this ruling and seemingly succeeds with the second attempt.

6) Designating a female for an Olah, Pesach or Asham

A Baraisa records different opinions regarding the status of a female designated as a Korban Olah, Pesach or Asham.

R' Yochanan explains the last two opinions cited in the name of R' Shimon.

R' Yochanan notes that R' Shimon ben Yehudah and R' Yehoshua from the Mishnah maintain the same position, i.e., a female sanctified as an Olah achieves only monetary sanctity.

The Gemara resumes its citation of the Baraisa with a statement of Rabbi stating his disagreement with R' Shimon.

The point of dispute between Rabbi and R' Shimon is explained.

7) Clarifying R' Yehoshua's opinion

R' Z'eira in the name of R' Shimon ben Lakish explains the reasoning behind R' Yehoshua's ruling in the Mishnah, that animals consecrated without specification become endowed with the sanctity of an Olah.

This explanation is unsuccessfully challenged.

8) Clarifying R' Eliezer's opinion

R' Avahu, in the name of R' Shimon ben Lakish, explains the reasoning behind R' Eliezer's position. R' Elazar's position is challenged. ■

Distinctive INSIGHT

Consecrated animals to be used for offerings

רבי אליעזר אומר זכרים ימכרו לצרכי עולות וכו'

The Gemara teaches that the basis for the opinion of Rabbi Eliezer is from a verse which describes a person who consecrates the contents of his house. The Torah rules that the property is 'קדש לה' which is indicative of the property having the status of **קדשי בדק הבית**.

The Amoraim dispute the context of the **מחלוקת** between Rabbi Eliezer, who holds that consecration is for **בדק הבית**, and Rabbi Yehoshua, who holds that the consecration of the animals is for the Altar. Some say that the debate is only in a case where a person consecrates all his possessions, property as well as livestock, but if he would only consecrate his animals only, even Rabbi Eliezer would concur that the intent of the person was to have them be used for offerings on the Altar. Others maintain that the **מחלוקת** is specifically in a case where the person consecrated his flock, but if he was **מקדש** all his possessions, even Rabbi Yehoshua would agree that they are for **בדק הבית**. This second approach is based upon the Gemara in Temurah (31b) where we find that a person generally does not divide his **הקדש** intent. Therefore, when he consecrates all his property, which includes items which certainly cannot be brought on the Altar, we therefore say that even the animals were meant to be for **בדק הבית** as well.

Rashi and Tosafos (Temurah 31b) explain that the fact that the male animals must be sold to be used as offerings is based upon the Gemara (Temurah 33b) which concludes that any unblemished animal which is consecrated for the Mikdash must be used for the Altar (for an offering), even if the animal was donated as **בדק הבית**. Rambam (ה' ערכין וחרימים פ"ה ה"ז) seems to understand this differently. He begins with the ruling that unspecified donations to the Mikdash are to be used for **בדק הבית**, and he learns that this is based upon the verse (Vayikra 27:9) which states that animals given for the Mikdash are to be holy (a general term). Earlier, in Halachah 5, Rambam discusses the specific law of consecrating unblemished animals, but he does not ascribe this law to the verse mentioned later in Halachah 7.

The Gri"z on Rambam (ה' תמורה פ"ד ה"א) explains that Rambam holds that one may pledge funds for **בדק הבית** by referring to an animal which is unblemished, or even one which is already holy (i.e. a **חטאת**). This is why, according to Rebbe Eliezer, the animal is sold and used for an offering, but the money is used for **בדק הבית**. ■

HALACHAH Highlight

An erroneous tzedakah pledge

מנין אפילו נקיבות ת"ל בבקר לרבות את הנקיבות. ופירש התקלין חדתין וז"ל מנין אפילו נקיבות. שיבואו הדמים לעולות. עכ"ל

How do we know to include female animals? The Pasuk says "with cattle" to include even females. The Tiklin Chaditin explains, "How do we know to include females that the money should also used for olos?"

It is obvious from the Gemara that were it not for the exposition from the pasuk, the female animal sanctified as an Olah would have no sanctity whatsoever¹. The reason for this halachah is that it is a case of הקדש בטעות—mistaken sanctification, and the declaration has no validity². An exception to this rule would be a case where, upon inquiry, the person states that had he known that his declaration would be invalid he would have made a declaration that would be binding. [An example of this type of case is a person who committed to offer a Korban Mincha from barley. Under examination the person declares, "Had I known that a Korban Mincha could not be brought from barley I would have pledged to bring a korban from wheat³.] In this type of error there is a dispute amongst the Poskim whether he is obligated to follow his intention⁴ or perhaps he is exempt from any responsibility whatsoever⁵.

There is a similar dispute regarding tzedakah. A person pledges to give the money he has in his pocket to tzedakah, thinking he had ten dollars and discovers that he had twenty dollars in his pocket. Everyone agree that he does not have to give the twenty dollars to tzedakah since his initial pledge was a

REVIEW and Remember

1. Explain the dispute between R' Eliezer and R' Yehoshua in the Mishnah.
2. What halachos apply to unspecified consecrations that do not apply things consecrated for the mizbeach?
3. What are the three opinions regarding a female consecrated as an Olah?
4. Why does the word בבקר not include blemished animals?

mistake⁶. There is, however, a dispute⁷ whether he must give ten dollars which was his original intent. ■

1. עי' נזיר דף ט' ופסחים נ"ג ב' ועוד
2. בנזיר ט' ע"ב
3. שם
4. שלרמב"ם (בהלכות מעשה הקרבנות פי"ז ה"ט) בכה"ג התחייב מנחת חיטים ועי"ש בכס"מ ומהר"י קורקוס
5. כן דעת הראב"ד שם
6. הרמ"א ביו"ד סימן רנ"ח ס"ב
7. שכן דעת הש"ך שם ס"ק ה' [ומ"מ כתב שכשגמר בלבו שהכסף שהוציא לא יהיה לצדקה "עד שיוציאנה", והוציא אחר בפיו, דשניהם אינם כלום. עכ"ד. והערך השולחן (שם בהג"ה בס"ט) תמה עליו מפני שהבין שכונת הש"ך במש"כ "עד שיוציאנה" דר"ל עד שיוציאנה מכיסו. ודו"ק.] ומאידך הט"ז דם ס"ק ב', הבין כפשוטו הרמ"א וז"ל ואינו כלום. אפילו אותו שהתכוין עליו א"צ ליתן דומיא דפת חיטין ושעורין. עכ"ל. ועע"ש בעה"ש, ובדרך אמונה בהלכות מתנות עניים פ"ח ■

STORIES Off the Daf

The power of speech

ולמה סתם האיש הזה שהוא כאומר לא יהיה אלא לבד"ה

As we see from today's daf, we are able to "create" the sanctity of an animal through simply calling a particular animal kodesh, through our power of speech. The Beis Avrohom, zt"l, explains that this same power of speech can be used for consecrating ourselves to Hashem, by making a stated resolution to be more holy. This power extends to our fellow Jews as well. The Chazon Ish, zt"l, once said that although people know

that life and death are in the hands of the tongue, it is usually only the power of the negative that they really feel the stab of an inconsiderate word, or the character assassination of leshon hara. But what about speech as a force for life? Sometimes what we say can literally bring someone back to a life of sanctity, and help them get on the right track again. This is why we have to weigh what we say with extreme caution. What we say is literally life and death!

Rav Aharon Bakshet, zt"l, was in Kelm for Yom Kippur and he saw the Alter of Kelm, zt"l, awake the whole night, seemingly deep in thought. After the fast, he approached the Alter and

asked why he had not slept the whole night. The Alter explained: "I have to guide the community. On Yom Kippur I spend the whole night thinking about what the individuals under my care need to be told to further their spiritual development. I also consider how each person should be approached to help them grow. I consider how I should rebuke, and how I should encourage them. This review process is a very difficult task, so I always do it on the night of Yom Kippur. I thereby incorporate the merit of the holiest day of the year in my words as I speak to each and every one the whole year long!" ■

