

OVERVIEW of the Daf

1) **MISHNAH:** The Mishnah identifies similarities between items consecrated for the altar and items consecrated for Beis HaMikdash upkeep. The Mishnah also discusses the halacha of a consecrated animal that dies.

2) Reconsecrating

R' Huna rules that reconsecrating an animal designated as a korban for a kohen cherem is ineffective.

On the second attempt the Gemara successfully refutes R' Huna's ruling.

Ulla reinterprets the pasuk cited by R' Huna.

Ulla's explanation of the pasuk is unsuccessfully challenged.

3) Pledging an olah for Beis HaMikdash upkeep

Ulla rules that consecrating an olah for Beis HaMikdash upkeep has limited effect.

This ruling is unsuccessfully challenged.

4) The dispute between Rabanan and R' Shimon

R' Yochanan and Reish Lakish disagree whether animals consecrated to the altar are included in the requirement of "standing and evaluation."

Two points of agreement between them are noted.

Reish Lakish's position that animals consecrated to the altar are not included in the requirement of "standing and evaluation" is unsuccessfully challenged.

A Beraisa is cited in favor of R' Yochanan's position.

REVIEW and Remember

1. What are some of the similarities between items sanctified for a korban and items sanctified for Beis HaMikdash upkeep?

2. Can a declaration of Kohen cherem take effect on an animal previously consecrated for a korban?

3. What is the effect of consecrating an Olah for Beis Hamikdash upkeep?

4. What is the point of dispute between R' Yochanan and Reish Lakish?

Distinctive INSIGHT

Cherem for the kohanim

אמר רב הונא קדשי מזבח שהתפיון לחרמי כהנים לא עשה כלום

Rav Huna states that an item which is consecrated for the Altar may not then be dedicated for cherem for kohanim. This is based upon the posuk (Vayikra 27:28) which teaches that "an item which is sanctified," which is understood to refer to something which is already consecrated, "it will be for God." The lesson is that such an item may only be for the Altar, and not for the kohanim.

The rule of R' Huna refers to the law of cherem, which is discussed in Arachin 28b. There, we find a disagreement regarding a dedication of cherem which is unspecified. Cherem is where a person dedicates of his property for either the kohanim, or it can be given to the general upkeep of the Mikdash (בדק הבית). Where the cherem is not specified, R' Yehudah b. Beseira holds that the property is given to the upkeep of the Mikdash, while the Sages say that it is to be given to the kohanim. In reference to the rule of R' Huna in our Gemara, Rashi says that R' Huna holds according to the view of the Sages, and that he is saying that if someone takes, for example, an animal which was set aside for an offering, and he states either specifically that he is giving it for kohanim, or even if he says plainly, "This is cherem," in either case his statement of cherem is meaningless.

Tosafos explains that Rashi knows that R' Huna holds according to the Sages in Arachin because the very posuk which R' Huna uses to teach that a consecrated item cannot be dedicated for cherem is the same posuk which R' Yehuda b. Beseira uses as the source for his halacha that unconsecrated items that are designated for cherem are given to the Mikdash. We see that R' Huna interprets the verse to be referring to an item which is already consecrated, while R' Yehuda b. Beseira understands that it is referring to an item which is not yet consecrated, but which is being designated as cherem. These two interpretations are not compatible. Rather, R' Huna holds according to the Sages who say that cher-

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לז"נ ר' אלימלך דב בן ר' דוד קליין ז"ל
ותנדב ע"י בנו ר' מאיר זאב ומשפחתו שיחי

HALACHAH Highlight

Changing a korban to a different designation

אין משני אותן מקדושה לקדושה

We do not change them from one type of sanctity to another type of sanctity

The Mishnah teaches that once an object is sanctified, whether for a korban or whether for Beis HaMikdash upkeep, one may not change it to another type of sanctity. The source for this restriction appears in the Gemara Arachin (29a) that cites the pasuk (Vayikra 27:26); "a firstborn that will be the first one born for God, a man shall not consecrate it". In other words, an animal that is sanctified with the sanctity of a bechor cannot be sanctified with another variety of sanctity. Toras Kohanim¹ expands this to other korbanos as well. A question that is asked is at what point one violates this prohibition. Is the prohibition violated as soon as one declares that the animal should have another designation or is the prohibition violated only when one actually treats the animal with the second designation? For example, one initially designated an animal as an olah that is slaughtered to the north and then designated the animal as a shelamim that can be slaughtered anywhere. Is the prohibition violated as soon as he declares it to be a shelamim or is the prohibition not violated until he slaughters the animal somewhere other than to the north?

Sefer HaChinuch² in his description of the prohibition uses the term אמר – and he said – which indicates that the prohibition is violated as soon as one declares that a korban should be a different designation. Since the prohibition is

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em is given to kohanim, which is derived from a different posuk, in Vayikra 27:21.

Rambam (Hilchos Arachin v'Charamin 6:1) rules that unspecified cherem is given to kohanim. Aruch HaShulchan HoAsid (Arachin 40:3-5) challenges this ruling, because the Gemara in Arachin (29a) directly rules according to R' Yehuda b. Beseira that unspecified cherem is given to the Mikdash, and the Gemara cites a ruling of R' Yehuda that such cherem is given to the Mikdash. Several approaches are proposed to resolve this ruling of Rambam.

Sefer Birkas HaZevach and Sefer Bnei Shmuel point out that our Mishnah in Temurah seems to hold that cherem is given to kohanim, and R' Huna in our Gemara agrees to this. Rambam relies upon this to arrive at his conclusion. ■

violated through one's declaration there are no lashes since there is no action involved. Chazon Ish³ is not convinced that the prohibition is violated through a mere declaration and points to the Rambam's wording to support his contention. Rambam⁴ writes that one should not "make" – יעשו – the bechor into an olah or shelamim. The emphasis on "making" indicates that the prohibition is violated when one does something rather than when one merely makes a declaration. ■

1. תורת כהנים פר' בחקתי פ"ח.
2. ספר החינוך מצוה שני"ו.
3. חזו"א בכורות סי' כ"ז אות ב' בא"ד שם אחד.
4. רמב"ם פ"ד מהלי תמורה הי"א. ■

STORIES Off the Daf

The Blessed People

שהתפיסון לחרמי כהנים

The Sefer HaChinuch, zt"l, explains why it is that if a person declares some of his property cherem, it must be given to the kohanim. "Our sages explain that if one says that something is 'חרם' without qualifying what it is, the item goes to the kohanim.

"The root of this mitzvah is that Yisrael are the nation that God chose

to serve Him from all other nations. Unlike the nations of the world, Jews are not under any angel or mazal; we are completely under God with no intermediary. As the verse states, 'כי חלק, 'ה' עמו יעקב חבל נחלתו When God took us out of Egypt it was with miracles that included the entire nation.

"Due to this special providence, when the Jews learn and fulfill the Torah as is fitting, God bestows upon us only good, and all curses and evils fall upon our enemies. It follows that if a Jew says that his property is 'חרם' which refers to a curse—this cannot

take effect as stated, since what we own is really God's. And He ensures that our property is blessed, not cursed. We cannot curse our property because everything we own is His.

"Nevertheless, if one declares that something of his is 'חרם,' it is clear that it should leave his domain as he obviously intended. Yet it must remain blessed, as is fitting for a Jew's property. Therefore, God made it the property of the kohanim which can never be redeemed."¹ ■

1. ספר החינוך, מצוה שני"ז. ■