



## OVERVIEW of the Daf

### 1) The dispute between Rabanan and R' Shimon (cont.)

The Gemara finishes citing a Baraisa in support of R' Yochanan's position that animals consecrated to the Altar are included in the requirement of "standing and evaluation".

R' Gidal in the name of Rav explains the rationale behind Reish Lakish's position.

The Gemara successfully challenges R' Yochanan's position.

R' Yehudah in the name of Rav explains the rationale behind R' Shimon's position that items consecrated for the altar are subject to the requirement of "standing and evaluation" but not items consecrated for Beis HaMikdash upkeep.

Rav's exposition is successfully challenged.

A Baraisa is cited to unsuccessfully challenge R' Yochanan's position.

In light of the Gemara's understanding of that Baraisa it seems as though the Baraisa refutes Reish Lakish's position.

Reish Lakish responds to this challenge but does not complete his defense.

Another version of the above-cited Baraisa is quoted and the same exchange occurs but in this second version Reish Lakish responds to all the challenges presented to his position.

R' Yirmiyah unsuccessfully challenges Reish Lakish's understanding of the Baraisa.

The Gemara clarifies the earlier ruling that one must bury an unblemished animal consecrated for Beis HaMikdash upkeep.

R' Yochanan's earlier explanation of the Baraisa is unsuccessfully challenged.

### 2) MISHNAH: The Mishnah enumerates items that must be buried and items that must be burned. ■

## REVIEW and Remember

1. Explain העמדה והערכה.
2. What items are subject to the requirement of העמדה והערכה?
3. What is done with unblemished animals sanctified for Beis HaMikdash upkeep?
4. What items must be buried?

## Distinctive INSIGHT

### Prohibited items which must be burned or buried

ואלו הן הנקברין

Sefer Chazon Nachum (7:4) notes that it seems out of place in our Massechta to find a Mishnah which discusses the halachos of which items must be destroyed with burial and which must be burned. Perhaps this Mishnah is a continuation of the previous Mishnah (32a) which taught that items which are consecrated for the Altar and those which are consecrated for the general upkeep of the Mikdash may not be exchanged for one another. Similarly, the Mishnah on our daf teaches that those items which must be destroyed with burial and those which must be burned should not have their processes exchanged.

Sefer Temuras Todah cites Rambam (Hilchos P'sulei HaMukdashim 19:11) who writes that among the items which must be buried are consecrated animals that have died, whether they were designated for the Altar or for the bedek habayis. Also included in this category are the miscarriages of a consecrated animal. We see from Rambam's listing that he learned that our Mishnah is a direct continuation of the earlier Mishnah. That Mishnah discussed consecrated animals that die, and our Mishnah teaches the general rule of burying items which are prohibited from benefit.

The Achronim discuss whether the requirement to bury items which are prohibited from benefit is a Torah law, or would the Torah allow a person to maintain an item as long as he does not benefit from it, but it is the rabbis who insisted that these items be buried as a precaution that they not be accidentally used?

Rashi writes that these items must be buried because they are prohibited from benefit. Sefer Nezer HaKodesh concludes that since Rashi did not clarify that it is the rabbis who enacted that these items be buried as a precaution, it seems that Rashi holds that it is the Torah which requires that these items be buried. Although there is no posuk as a source for this, perhaps this was taught as a halacha from Moshe at Sinai. Rambam explains in his Commentary to the Mishnah (7:4) that the source is דברי קבלה. This is also the view of Rabeinu Gershom.

Pnei Yehoshua writes (Responsa, O.C. #12) that the

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# HALACHAH Highlight

## Kindling Chanukah lights with basar b'cholov

ואלו הן הנקברין וכיו ובשר בחלב

*These are the things that are buried ... meat and milk*

Mishnah Berurah<sup>1</sup> rules that fat that became prohibited because it was cooked together with milk may not be used as fuel for the Chanukah lights. Sha'arei Teshuvah<sup>2</sup> references Sha'ar Ephraim who discusses another example of this question. Someone cooked butter in a *fleishig* meat pot that had been used to cook meat on that day - בן יומו. He rules that it is prohibited to use that butter for fuel for the Chanukah lights due to the fact that the butter is prohibited because it is *basar b'cholov*. Even though it is prohibited to benefit from the Chanukah lights and *mitzvos* are not even designed to provide a person with benefit - מצוות לאו ליהנות ניתנו, nevertheless, it is prohibited to use the butter. The reason butter with a *fleishig* taste or fat cooked with milk may not be used for the Chanukah lights is that the fulfillment of the *mitzvah* requires a specific measure of oil or fuel, and *basar b'cholov* is enumerated in our Mishnah as one of the items that must be buried and Chachamim maintain that the items that must be buried may not be burned. Since the *basar b'cholov* must be buried it is considered to be lacking that minimal measurement necessary for fulfillment of the *mitzvah*.

Other authorities contend that the principle that *mitzvos*

*(Insight...continued from page 1)*

requirement to bury items which are prohibited is only a rabbinic precaution, enacted in order to ensure that a person not end up using these things. He brings a proof from a Gemara in Avoda Zara (62b) where a person rented his boat to non-Jews who used it to transport wine. The renters paid with wheat. The boat's owner asked R' Chisda if the wheat was permitted, and R' Chisda ruled that he had to burn it and bury the wheat in a cemetery. The Gemara asks why the ruling was not to simply scatter the wheat, and the Gemara answers that scattering might result in someone using the wheat. We see that burying is a precaution, and not part of the *mitzvah* or a Torah requirement. ■

require a minimal measurement does not apply to Chanukah lights. It is only regarding *mitzvos* that require a tangible measurement, e.g. lulav, shofar and hadasim, that such a requirement exists but regarding Chanukah lights the obligation is to have oil that can burn for a minimal period of time. Since the *mitzvah* does not require a minimum quantity of oil, even oil that is prohibited for benefit may be used. The conclusion of the *Poskim* is that preferably one should not use oil that is prohibited for benefit for fuel for the Chanukah lights. בדיעבד, if one does not have any other fuel or if one already kindled the Chanukah lights with such oil the *mitzvah* was fulfilled and it is unnecessary to kindle the lights again<sup>3</sup>. ■

1. סי' תרע"ג סק"ב.

2. שם סק"א.

3. פסקי תשובות שם אות ג'. ■

# STORIES Off the Daf

## Broken Connections

הנשרפין אפרן מותר

The Brisker Rav, ז"ל, praised the erudition and sharpness of the author of Eretz HaTzvi, ז"ל, with the following story:

"When I was in Galicia, I would go out for a daily walk and various rabbanim and roshei yeshiva would accompany me. Each of these great sages prepared a chiddush or question in lomdus or halachah to say over during our walk. Interestingly, the Eretz HaTzvi would not say anything over. Instead, he would listen to what the others said and each

time a novel approach or question was broached, the Eretz HaTzvi would refer to a certain Tosafos—or several—that related to the subject at hand. At times, he would bring one that disagreed with a particular concept. At other times, an apparently irrelevant point in Tosafos would explain or answer a difficult question.

"The Tosafos that he referred to was exactly where he said and it came out precisely as he understood. His connections were never tenuous, they always fit exactly right."

This was very high praise from the Brisker Rav, who would often quote Rav Chaim Brisker, ז"ל, regarding a certain pitfall in Torah scholarship. "My father would say that it is very easy to slip while

trying to make connections between concepts in learning. He would give a humorous example to illustrate how connecting things which sound somewhat similar can have ridiculous results. 'A scholar can learn the Tosafos in Temurah 33 that states that one can use the ashes of what one must burn after he burns it because after he fulfills his *mitzvah* there is no reason to forbid using the object. But the Rashba in Kiddushin argues. He holds that the ashes are פנים חדשות, a new thing which no longer relates to what was burned before. A fool may learn from here that if one requires פנים חדשות to say sheva brachos he may do so if he brings some ashes to the bentching!"<sup>1</sup> ■

1. מפי ספרים וסופרים, ח"ב, ע' ד' ■