

OVERVIEW of the Daf

1) Clarifying the Mishnah (cont.)

The Gemara further clarifies its question why a second verse was necessary to exclude some of the cases mentioned in the Mishnah.

An explanation for why a second verse was necessary is suggested and the Gemara proceeds to explain why a second verse was needed for all the cases in the Mishnah's second list.

The necessity for the Mishnah to present the dispute between Tanna Kamma and R' Shimon in three cases is explained.

R' Ila'a in the name of Reish Lakish offers an explanation for R' Shimon's position.

This explanation is unsuccessfully challenged.

Rabbah suggests another explanation for R' Shimon's position.

This source is refuted.

Zeiri and R' Sheishes suggests emendations to the Mishnah.

The Gemara relates that Zeiri's emendation was incorporated into the Mishnah but the emendation of R' Sheishes was not.

2) A premature Asham offered outside the Beis HaMikdash

R' Chilkiyah bar Tuvi asserts that one who offers a premature Asham offered outside of the Beis HaMikdash not for its own sake is liable.

Two unsuccessful challenges to this assertion are now recorded. ■

REVIEW and Remember

1. Whose property is kodoshim kalim?
2. Why was it necessary for the Mishnah to present the dispute between Tanna Kamma and R' Shimon in three contexts?
3. Is one permitted to bring the Korban Pesach on a private bamah?
4. Who was successful at making an emendation to a Mishnah?

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In memory of

אבי מורי שמואל יצחק בן אריה, Shmuel Yitzchak Backenroth ZT"L,
 sponsored by his children

Distinctive INSIGHT

A person cannot prohibit something that is not his

אלא מוקצה ונעבד אין אדם אוסר דבר שאינו שלו

The Mishnah discussed a case where a person offers an animal outside the courtyard of the Mikdash, where these animals had previously been used for sin. One is not liable for the prohibition of bringing an offering outside the Mikdash in these cases. The reason for this exception is that the verse (Vayikra 17:4) notes that the halacha of bringing an animal outside the courtyard is only applicable where the animal was eligible to instead be brought in the Sanctuary. These animals, which were used for sin, are already disqualified for sanctification for the Mikdash.

Among the specific examples given in the Mishnah are where an animal was used for immoral purposes, either by a man or by a woman. Here, the animal was consecrated by its owner to be an offering, and the animal was eligible to be brought in the Mikdash. Subsequent to its being sanctified, the animal was used for immoral purposes. The verse excludes this case from the violation of an outside offering, because at this point the animal may no longer be used as an offering.

The other examples given in the Mishnah are that of animals which were designated for idolatrous worship, or an animal which was actually worshipped for idolatry. The Gemara on our daf questions the practical application of this case. If the case was where the owner took an animal which he had previously consecrated and then designated it for idolatry, the designation for idolatry would have no meaning, because a person has no legal power to declare an animal which does not belong to him to be for idolatrous purposes. The case also cannot be where the animal was first designated for idolatry, and the owner then declared that he wishes to offer it as an offering in the Mikdash, and he then offers it outside. In this case, the actions fail to be in violation of the halacha of an outside offering due to the first part of the verse (ibid.), as it could not possibly be valid for an inside offering. What, then, is the case of the Mishnah of an animal set aside for idolatry?

The Gemara explains that our Mishnah is the view of R' Yose HaGalili, who contends that kodoshim kalim remain

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 In memory of
 Colonel Henry Crown ob"m
 On the occasion of his yahrzeit

HALACHAH Highlight

Netilas yadayim with water used by another person

אין אדם אוסר דבר שאינו שלו

A person cannot prohibit something that it not his own

The Gemara teaches that a person does not have the capacity to prohibit something that is not his own. This issue is debated in Masseches Kilayim (7:4) but Shulchan Aruch's¹ conclusion is in accordance with our Gemara that one cannot prohibit something that is not his own.

Shulchan Aruch² writes that if someone did work with water or soaked his bread in water it may not be used for netilas yadayim. Mishnah Berurah³ explains that once a person uses water for some other purpose what remains is essentially waste water and thus may not be used for netilas yadayim. Birkei Yosef⁴ writes in the name of others that if Reuven were to soak his bread in Shimon's water the status of the water depends upon the dispute whether a person can prohibit something that is not his own. Accordingly, since Shulchan Aruch follows the lenient opinion, Shimon's water should remain fit for use for netilas yadayim.

Sha'arei Teshuva⁵ rejects this approach. The question of whether someone could prohibit property that is not his own is limited to cases involving intent. Can Reuven have intent about Shimon's property if the result of that intent would prohibit the object? However, in cases where objects become pro-

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within the possession of their owner. Therefore the case is where the animal was consecrated by its owner for kodoshim kalim, and the owner then designated the animal for idolatry. If the animal was later offered outside the courtyard he is exempt from an outside offering because the verse states "as an offering for God," and this animal is not eligible to be an offering in the Mikdash. ■

hibited because of something that physically happened to them all opinions would agree that the item becomes prohibited. Thus, if Reuven throws meat into Shimon's pot of boiling milk, it is prohibited according to all opinions. As such, when Reuven uses Shimon's water to soak his bread he has done something physical to Shimon's water and it may no longer be used for netilas yadayim. Rav Akiva Eiger⁶ agrees with the distinction made by Sha'arei Teshuva but questions its application to the case of the water. The reason water that was used may not be reused for netilas yadayim is that it becomes waste water. The decision to treat it as waste water is not a physical matter; it depends upon a person's intent, therefore, only the owner has the ability to make that decision and the water should remain usable for netilas yadayim. ■

1. שו"ע יו"ד סי' רצ"ו סעי' ד'.

2. שו"ע או"ח סי' ק"ס סעי' ב'.

3. מ"ב סק"ו.

4. ברכ"י שם אות ד'.

5. שערי תשובה שם סק"ד.

6. הגהות רעק"א שם. ■

STORIES Off the Daf

Withholding One's Blessings

"אמר להו משה לישראל..."

The Alter of Kelm, zt"l, discusses the awful consequences of being penny-pinching. "Miserliness is a reprehensible middah. Rabbeinu Yonah teaches that this defect is the source of all bad middos, since a person afflicted with it is liable to do any evil to avoid paying money.¹ One who is enthralled with making money will eventually fall into very low places. His greed will make it easy for him to lose touch with what is important, as Rabbeinu Tam writes in Sefer Hayashar.²

"Kayin was one of the first human beings and was clearly very spiritually

developed. He understood why we bring korbanos from his own intellect and he brought a sacrifice. In addition, Kayin knew that only Hevel's sacrifice was pleasing to Hashem.³

The Alter continued, "Nevertheless, despite all of his advantages, Kayin killed his brother. What caused this? His lack of open-handedness, since if he had been generous, his korban would have been accepted. Kayin reasoned that beauty in serving Hashem was unnecessary, since the main thing is one's intention. If what Hashem wants is what is in a person's heart, why waste resources?

"Although this is true regarding someone who has nothing or very little to give, it is an error for one who has more means to use this as an excuse. He should give what he has, in accordance with his means, to Hashem. It is only by

bringing the best we can that we show that we are willing to give anything we have for Hashem.

"This is the meaning of Moshe's words to Yisrael brought on today's daf: 'When you ascend to the land, sacrifice yashrus, not chovos.' This teaches that one should bring a sacrifice which is fitting, not a cheap offering that is below his means."

But the Bamidbar Yehudah, zt"l, explains differently. "Moshe was telling them the right way to approach Hashem. We must always focus on yashrus, what is righteous about the Jewish people. Never chovos, their sins or deficiencies."⁴ ■

1. חכמה ומוסר, ח"א, ע' ד'.

2. שם, ע' תכ"א.

3. שם, ח"ב, ע' קפ"א, וח"ד, ע' צ"ו.

4. במדבר יהודה, ח"א, ע' שס"ב. ■