



Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h

Tzvi Gershon ben Yoel (Harvey Felsen) o”h

May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

1)MISTAKEN HEKDESH

(a)(mishnah): Beis Shammai say that if one makes something hekdesch by mistake, it is hekdesch;

(b)Beis Hillel say, it is not hekdesch.

(c)Beis Shammai say, if one said 'the black ox that will leave my house first, will be hekdesch', and a white ox left first, it is hekdesch;

(d)Beis Hillel say, it is not hekdesch.

(e)Beis Shammai say, if one said 'the gold coin that will be the first to come to my hand, will be hekdesch', and a silver coin came first to his hand, it is hekdesch;

(f)Beis Hillel say, it is not hekdesch.

(g)Beis Shammai say, if one said 'the barrel of wine which will be the first to come to my hand, will be hekdesch', and a barrel of oil came first, it is hekdesch;

(h)Beis Hillel say, that it is not hekdesch.

(i)(Gemora) question: what is the reason of Beis Shammai?

(j)answer #1: They learn initial hekdesch (making chulin into hekdesch) from final hekdesch (temurah,

trying to transfer the kedushah of a korban to a chulin animal. another answer will be given on 31b.)

1.Just like temurah imparts kedushah, even mistakenly (he did not know that both will be kodesh), also initial hekdesch.

2.Beis Hillel say that this applies only to temurah, not to initial hekdesch.

2)Beis Shammai's opinion about mistaken hekdesch

(a)rhetorical question: According to Beis Shammai, if one said 'at midday, this animal should be temurah of this animal', does it become kodesh right away?!

(b)answer: Surely, it is not hekdesch until midday!

(c)objection: Also in the mishnah, hekdesch should not take effect unlike the man's words (he said that he is makdish the black one that will leave first)!

(d)version #1 (our text, tosfos (33a)) answer (Rav Pappa): He meant, the first black ox to leave. (Beis Shammai say that this is hekdesch, not the white ox that left first.)

(e)question: He said 'the black ox.' doesn't the mishnah apply even if he only has one black ox? (surely, he meant the black ox, which will leave first!)



(f) answer: No, he has more than one.

(g) version #2 (rashi) answer (Rav Pappa) He intended for the first ox to leave, be it black or white.

(h) question: He said 'the black one'! Doesn't the mishnah discuss one who has several black oxen? (he meant 'the first of the black ones to leave'!)

(i) answer: No, he has only one. (end of version #2)

(j) Beis Hillel say, if that was his intention, he should have said 'the one that leaves ba'rishon.' (tosfos, rashi - 'rishon' connotes that the first one to leave will be black. rosh - he should not have mentioned 'from the house'.)

(k) question (Rava of Barnish): This is intended hekdesch, not mistaken hekdesch!

(l) answer (Rav Ashi): It is because his words can be misconstrued, it is called mistaken hekdesch.

(m) question: Beis Shammai hold that mistaken hekdesch is hekdesch!

1. (mishnah): If Reuven was a nazir and a chacham permitted his nezirus, and he had designated an animal for one of korbanos nazir, it may graze with the flock (i.e. it has no kedushah);

2. Beis Hillel (to Beis Shammai): Don't you agree that this is a case of mistaken hekdesch, and it has no kedushah!

3. inference: Beis Shammai hold that mistaken hekdesch has kedushah!

(n) answer: Beis Hillel misunderstood Beis Shammai:

1. Beis Hillel thought that Beis Shammai say that the ox is hekdesch because they hold that mistaken hekdesch has kedushah (birkas rosh - even if he did not intend for it. this is wrong);

2. Here, he did not err (he intended to be makdish the first). His only mistake was that he expected a black one to leave first.

(o) question: Beis Shammai hold that mistaken hekdesch is hekdesch!

1. (Mishnah): Six men (Reuven, Shimon...) were walking on the road; they saw a man walking towards them.

2. Reuven: I am a nazir if the man approaching us is So-and-So.

3. Shimon: I am a nazir if it is not So-and-So.

4. Levi: I am a nazir if one of you (Reuven and Shimon) is a nazir,'

5. Yehudah: I am a nazir if one of you (Reuven and Shimon) is not a nazir,'

6. Yisachar: I am a nazir if both of you are nezirim.

7. Zevulun: I am a nazir if all five of you are nezirim.

8. Beis Shammai says, all six of them are nezirim.

9. (summation of question): This is a mistaken hekdesch, and Beis Shammai says that they are all nezirim!

(p) response: Indeed, this Mishnah proves that Beis Shammai say that mistaken hekdesch is hekdesch (birkas rosh - even when his words were not fulfilled)



at all. we must say that he intended to be a nazir in any case.) our Mishnah is not a proof.

3)the case of the Mishnah

(a)answer #2 (to question 1:I - abaye): Our Mishnah does not discuss the morning (before the oxen have left), rather in the afternoon, after they have left.

1.He said 'the black ox that left first should be hekdesch.' people told him that a white ox left first.

2.The man: had I known this, I would not have said 'the black ox' (I.e. I intended to be makdish the first that left. I said black only because I thought that it was the black one.)

(b)objection (seifa): If he said 'the gold coin that will come first (to my hand)...' (this shows that he spoke before the event!)

(c)correction: The Mishnah should say 'that came first.'

(d)objection (seifa): If he said 'the barrel of wine that will come first...'

(e)correction: The Mishnah should say 'that came first.'

(f)(Rav Chisda): a black ox among white ones detracts. a white spot in a black ox is a sign of leprosy.

(g)question (Mishnah): If he said 'the black ox that left my house first is hekdesch...'

1.We are thinking that a person is makdish stingily.

2.According to Rav Chisda, the person is makdish generously (better than what he said)!

3.suggestion: Perhaps a person is makdish generously!

4.rejection (seifa): If he said 'the gold coin that will come first to my hand', and a silver coin came first, it is hekdesch.

5.counter-question: You hold that this shows that one is makdish stingily. the seifa disproves this!

i.(seifa): If he said 'the barrel of wine that will come...', and a barrel of oil came first, it is hekdesch.

ii.oil is worth more than wine!

6.answer: The Tanna discusses Galil, where oil is cheaper than wine.

(h)question: The reisha remains difficult for Rav Chisda. (if we do not say that white oxen are better, we can say that the Mishnah discusses Galil, and Beis Shammai say that a person makes hekdesch stingily.)

(i)answer: Rav Chisda referred only to oxen of karmenai (tosfos - a certain kingdom; rashi - regarding plowing).

(j)(Rav Chisda): Black oxen have the best hide. Red oxen have the best meat. White oxen are the best for plowing.

(k)objection Rav Chisda said that a black ox among white ones detracts!

(l)answer: He referred to oxen of Karmenai.

prepared by Rabbi Pesach Feldman of Kollel Iyun Hadaf,
Yerushalayim

daf@dafyomi.co.il, www.dafyomi.co.il