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Pesachim Daf 72

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Intentional or mistaken uprooting

The Gemora asks what the first case of the Mishna, when one slaughtered a Pesach as another sacrifice on Shabbos, is. It can't be one who did it accidentally, since that would imply that uprooting a sacrifice for another accidentally is effective, since otherwise he wouldn't be liable. Rather, it must be a case where he intentionally uprooted the sacrifice for another purpose. The Gemora then cites the second case, where one offered another sacrifice as a Pesach. If the animal isn't fit for a Pesach, he is liable, but if it is fit, Rabbi Eliezer says he is liable, and Rabbi Yehoshua says he isn't, since he made a mistake related to a mitzvah (offering the Pesach). The Gemora asks how Rabbi Yehoshua says this, if this is a case of one who intentionally uprooted the sacrifice, as he clearly didn't think he was doing a mitzvah. Rather, this case must be where he mistakenly offered it as a Pesach, making it different than the first case. Rabbi Avin answers that indeed the two cases are in fact different circumstances. Rav Yitzchak bar Yosef encountered Rabbi Avahu in a large crowd, and asked him what the scenarios of our Mishna are. He told him that the first case was intentional uprooting, while the second one was mistaken. He reviewed it from him 40 times, until he felt it was securely in his pocket. The Gemora challenges this reading of the Mishna from the dialogue between Rabbi Eliezer and Rabbi Yehoshua. Rabbi Eliezer argued that if the

Pesach, which one may sacrifice for its sake on Shabbos, makes one liable if he offers it for another sacrifice, surely another sacrifice, which one may *not* offer on Shabbos, makes one liable when he offers it for another sacrifice, even the Pesach. If the cases are different circumstances, how can Rabbi Eliezer learn from one to the other? Perhaps one is liable for changing the Pesach, since he did so intentionally, but he wouldn't be liable for changing the other sacrifice, since he did it mistakenly. The Gemora answers that Rabbi Eliezer doesn't distinguish between intentionally or mistakenly uprooting it. Even though Rabbi Yehoshua does, he responded with an answer that Rabbi Eliezer could also agree to.

When is one liable?

The Gemora continues discussing their dialogue. Rabbi Yehoshua responded that in the case of uprooting the Pesach, he changed it to something for which one is liable, while in the case of uprooting the other sacrifice, he changed it to the Pesach, for which one is not liable. Rabbi Eliezer challenged that distinction from the case of one who offered a sacrifice for the sake of the communal ones offered on Shabbos, who is liable, even though one is not liable for offering the communal sacrifices. Rabbi Yehoshua rejected this argument, since the communal sacrifices are limited, as only one set is offered, as opposed to the Pesach, which has no limit, as the whole nation offers it. This implies that Rabbi Yehoshua agrees that one is liable

if the mitzvah he got confused with has a limit. The Gemora challenges this from the case of doing a bris on a child on Shabbos, which is limited to the one child whose bris is on Shabbos. Nonetheless, Rabbi Yehoshua says that if one mistakenly did the bris on the boy whose bris was supposed to be on Friday, he isn't liable. Rabbi Ami answers that the case of the bris is where he still hadn't done the bris on the Shabbos baby, and therefore he still was involved in the mitzvah. However, the case of the Mishna is where the communal sacrifice was already offered, leaving no outstanding mitzvah. The Gemora challenges this from the statement of Rabbi Meir that one isn't liable even when mistakenly offering another sacrifice for the purpose of the communal one, as this would mean that Rabbi Meir says so even when the communal sacrifice was already offered. This would seem to contradict a braisa of Rabbi Chiya. Rabbi Chiya taught that Rabbi Meir said that both Rabbi Eliezer and Rabbi Yehoshua agree that one is liable if he mistakenly made a bris on Shabbos a Friday baby, but they differ when he mistakenly did it on a Sunday baby. The Gemora assumes that the reason for Rabbi Meir's statement is that in the first case he first did the bris on the Shabbos baby, while in the second one, he did not. The Gemora rejects this reading, as it is more logical for him to be exempt in the first case, where he at least fulfilled a mitzvah, as the baby he did the bris on is already old enough for one. In Rabbi Yanai's bais midrash they explained that the first case is where he did the bris on the Shabbos baby on Friday, and therefore there was no bris which overrode that Shabbos at all. He therefore is liable for any Shabbos violation, even if he did a mitzvah. However, Shabbos is always overridden by the communal sacrifices, and therefore Rabbi Meir says

that one isn't liable. Even though this Shabbos isn't overridden by the communal sacrifice once it was offered, every Shabbos in general are overridden by it. Rav Ashi asked Rav Kahana why we don't similarly say that Shabbos in general is overridden by a bris at the right time, and he answered that for this specific mohel, it isn't overridden, as opposed to the sacrifices, which are the whole nation's responsibility.

When is one exempt?

The Mishna cited the dispute of Rabbi Eliezer and Rabbi Yehoshua about one who offered another sacrifice for the purpose of the Pesach, and said that Rabbi Yehoshua only says that he isn't liable if the animal is fit for a Pesach. The Gemora says that the Mishna follows Rabbi Shimon's version of the dispute. The Gemora cites a braisa in which Rabbi Meir says that their dispute is in all cases, even if the animal isn't fit for a Pesach, and even if he offers it for the purpose of communal sacrifices, while Rabbi Shimon says it is only when the animal is fit for a Pesach.

Rabbi Meir

Rav Bibi says in the name of Rabbi Elazar that Rabbi Meir says that Rabbi Yehoshua exempts someone, even if he slaughtered a shlamim calf for the purpose of Pesach, even though it is a totally incorrect species. Rabbi Zaira challenged this from Rabbi Yochanan who said that Rabbi Meir agreed that one is liable if he slaughtered a blemished animal, since there is no room for such a mistake. Rav Bibi answered that there is no obligation to slaughter a blemished animal, but there is an obligation to slaughter the shlamim calf, leading the person to make a mistake in how he offered it.

Rava asked Rav Nachman whether Rabbi Meir says that one is exempt if he slaughtered an unsanctified animal for a Pesach, and Rav Nachman says that he is exempt. When he challenged him from Rabbi Yochanan's statement about a blemished animal, he answered that one doesn't mistake a blemished animal for a sacrifice, but one could mistake an unblemished regular animal for a sacrifice. He challenged this answer from the fact that Rabbi Meir exempts one who slaughtered a shlamim calf for a Pesach, even though one can't mistake a calf for a Pesach. He answered that in that case he is involved in the mitzvah of slaughtering the shlamim. Rabbi Meir exempts one who could mistake an animal for a sacrifice, even if it isn't a mitzvah, or one who was involved in a mitzvah, even if he couldn't mistake it for another sacrifice.

Mistake trying to do a mitzvah

Rabbi Zaira and Rabbi Shmuel bar Rav Yitzchak were sitting at the entrance to Rabbi Shmuel bar Rav Yitzchak's house. They quoted Raish Lakish who said that if one mistook a skewer with leftover nosar meat for one with sacrifice meat and he ate it, he is liable, since he didn't fulfill a mitzvah. They quoted Rabbi Yochanan saying that if one had relations with his wife when she was a nidah, he is liable, but if he did so with his *yevama* – *wife of his childless deceased brother*, he is exempt, since he was involved in a mitzvah. Some say that Rabbi Yochanan would definitely say that one is liable in the case of the skewer, since he didn't fulfill a mitzvah. Some say that he is only liable in the case of his wife, since he should have first asked if she was a nidah, but he would be exempt in the case of the skewer, since he had no reason to ask if it was nosar.

The Gemora asks why Rabbi Yochanan distinguishes between a wife and a yevama, as he is fulfilling a mitzvah in both cases. The Gemora answers that the case is when his wife is pregnant, making procreation impossible. The Gemora challenges this, as he still has an obligation to periodically make his wife happy with relations, and the Gemora answers that the case is that he has already fulfilled his obligation. The Gemora challenges this, as Rava says that one always fulfills a mitzvah by making his wife happy with relations, and the Gemora answers that the case is when it is close to the usual time of her menstruation, when he should separate from her. In the case of a yevama, he isn't familiar enough with her to ask if it is close to her usual time, and therefore he isn't liable.

The Gemora asks which opinion Rabbi Yochanan is following. The Gemora suggests it is Rabbi Yossi, who says that if one mistakenly carried his lulav to the street on the first day of Sukkos which was Shabbos, he is exempt. The Gemora rejects this, as in that case he was in a rush to fulfill the mitzvah before the day finished, but the mitzvah of yibum has no time limit. The Gemora suggests it is Rabbi Yehoshua's position about mistakenly offering a sacrifice as a Pesach or his position about mistakenly doing a bris on the wrong child on Shabbos, but also reject these, since one is in a rush to fulfill these mitzvos on time. The Gemora suggests it is Rabbi Yehoshua's position about one who mistakenly ate teruma, and then realized that he was a chalal – the child of a prohibited marriage of a kohen, who may not eat teruma. The Gemora cites a braisa in which Rabbi Eliezer says that he is liable, while Rabbi Yehoshua says he is exempt. The Gemora rejects this, since Rav Bibi bar Abaye says the braisa is a case of eating

chametz teruma on erev Pesach, in which case he was in a rush to fulfill the mitzvah in time. Alternatively, Rabbi Yehoshua only says this about eating teruma, which is considered a form of service done by kohanim. Rabbi Yehoshua says that service mistakenly by a chalal is valid, as the verse says that Hashem blesses *chailo* – his [the levi'im's] strength, and accepts their acts. The word *chailo* can be read *chalalo* – his *chalals*, teaching that Hashem even accepts their service. The Gemora cites a braisa to prove the eating teruma is considered service. The braisa says that once Rabbi Tarfon didn't go the bais midrash one night. In the morning, Rabban Gamliel asked him where he was, and he said he was performing the service. Rabban Gamliel said that was ridiculous, as there was no service now that the Bais Hamikdash was destroyed, but Rabbi Tarfon answered that the verse says that Hashem will give the kohanim a service of a gift, teaching that eating the kohen gifts, including teruma, is tantamount to service in the Bais Hamikdash.

INSIGHTS TO THE DAF

The Rambam (Hilchos Bias Mikdash 6:6) codifies the opinion of Rabbi Yehoshua that if a kohen who has done service in the Beis Hamikdash is found to be a chalal, his service is valid b'dieved. What about a chalal who does service knowing that he is a chalal? Is his service valid as well?

At first glance, the Gemora seems to solely be discussing a case that is b'dieved. It describes the case as “a kohen who is doing avoda and he is discovered to be a son of a divorcee or chalutza...(which means he is a chalal).” This implies that if he knowingly did avoda before hand, it is invalid. This inference is made by the Kesef Mishna (ibid.) as what seems to be the Gemara's explanation.

However, the Rambam rules that even such service is valid. The Kesef Mishna says that it must be that because there is no clear source to invalidate such service, it must be that it is valid. Why, then, did the braisa only give a case where it was b'dieved? Why didn't it say a greater leniency, that even if he performed the service knowing that he shouldn't, his service is valid? The Kesef Mishna answers that being that it is not normal that a kohen would serve knowing that he should not be serving, the braisa gave the most typical case where this teaching was relevant, which is if he would be in the middle of serving when he was found to be a chalal.