

21 Kislev 5778  
Dec. 9, 2017



Shevuos Daf 11

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Daf Notes is currently being dedicated to the neshamot of

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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

### ***The Sanctity of the Ketores***

Rabbah asks: If this is true (that “ketores” -- “incense” is “kedushas damim” -- “has monetary sanctity,” but not “kedushas ha’guf” -- “physical sanctity”), it should not become disqualified when touched by a *tevil yom* (one who was tamei, but has immersed himself in a mikvah; he is considered a *tevil yom* until nightfall)! However, it was taught in a *braisa*: Once the *ketores* is put in the mortar, it becomes disqualified if touched by a *tevil yom*! [Evidently, the mortar is regarded as a sacred service vessel – which invests the *ketores* with a physical sanctity!?] And if you will answer that all things that have monetary sanctity may also become disqualified when touched by a *tevil yom*, there is a *Mishna* that contradicts this. The *Mishna* states: One commits *me’ilah* (one who has unintentionally benefited from *hekdesh* or removed it from the ownership of the *Beis Hamikdash* has committed the transgression of *me’ilah*, and as a penalty, he would be required to pay the value of the object plus an additional fifth of the value; he also brings a *korban asham*) if he uses a flour offering after it is dedicated. Once it is consecrated by being placed into a sacred service vessel, it is now able to become disqualified from a *tevil yom* or a *mechusar kippurim* (one who was tamei, but has immersed himself in a mikvah, and has waited until nightfall; he is just lacking atonement until he brings his offerings the next day), and through being left overnight. This implies that the flour offering can only become disqualified when touched by a *tevil yom* if it is put into a vessel (and has *kedushas ha’guf*), not when it is merely dedicated!?

Rav Chisda counters: If you will maintain that when *ketores* is placed into a mortar, it is invested with a physical sanctity, then, should it not become disqualified if it stays out

overnight? Did we not learn in a *Mishna*: A *kometz* (the scoopful of flour removed from the *minchah* by the Kohen which gets burned on the Altar), frankincense, *ketores*, the flour offering of *Kohanim* (which is completely burned), the flour offering of a *Kohen Gadol* (brought twice a day, half in the morning and half at night), and the flour offering of libations are subject to the laws of *me’ilah* once they are dedicated. Once they are placed into a sacred service vessel, they can now become disqualified by being touched by a *tevil yom* or a *mechusar kippurim*, and through being left overnight. This implies that if these things are put into a vessel they can become disqualified through being left overnight, not if they have not been put in a vessel (but if there is physical sanctity immediately after it has been placed in the mortar, it should become disqualified if left overnight)!?

Rabbah said to him: *Ketores* is different, as it retains its appearance the entire year. [Accordingly, even though it has physical sanctity, it does not become disqualified through being left overnight as do other things.] (11a)

### ***The Court’s Stipulation***

The *Gemora* asks: Even if there is reasoning behind this, where has the sanctity in them departed (the leftover *ketores* and the unnecessary animals for the daily offerings)?

Rabbah answers: The mind of *Beis Din* makes a condition on these things. If they are needed, they are needed. If not, they should be considered to only have monetary sanctity (and thus can be redeemed).



Abaye asked Rabbah: Don't you yourself say that if a person dedicated a male ram specifically so that it should only have monetary sanctity, it in fact acquires physical sanctity? [*How can Beis Din's condition be better than the person's specific pledge, which is ineffective? The leftover animals should automatically acquire physical sanctity!?*]

The Gemora answers: In a case where he said that the proceeds of the ram should be used to buy an olah sacrifice, it is indeed an ineffective condition (*for the animal itself is fit to be used as an olah*). However, if he said that the proceeds of the ram should be used to buy libations (*and a ram is clearly not intrinsically linked to libations*), it is an effective condition. [*And since by the leftover animals, the stipulation is that the money should go to the Temple treasury to be used to plate the Holy of Holies, and not for the purchase of an olah, the condition is effective.*]

Abaye challenges Rabbah from a braisa. The braisa states: If a bull and goat designated as Yom Kippur sacrifices became lost and others had been designated and offered instead of them, or if a goat designated as a korban to atone for communal idolatry got lost and another was designated and offered instead of it, the original animals must be left to die (*as this is a halachah l'Moshe mi'Sinai concerning a korban chatas*). These are the words of Rabbi Yehudah. Rabbi Elozar and Rabbi Shimon say: They should be set out to graze until they develop a blemish, and they should then be sold, with the proceeds used for voluntary communal offerings. This is because a communal chatas is not left to die. But according to Rabbah, why don't we say that the mind of Beis Din makes a condition on these animals as well (*that if they are lost they can be redeemed*)?

Rabbah answered: Are you asking a question from animals getting lost? This is not a common case, and therefore the condition of Beis Din does not cover this scenario.

Abaye asks on this: A red heifer is an uncommon sacrifice, and yet the braisa states that a red heifer can be redeemed if it becomes disqualified in any way. If it dies, it can be redeemed.

If it is slaughtered (*in an incorrect location*), it can be redeemed. If one finds a nicer cow than the one they currently have, the first one can be redeemed. Once it is slaughtered on its wood pyre (*on the Mount of Olives*), it can never be redeemed. [*According to what we answered above, Beis din's stipulation should not apply by an uncommon case; so why do we allow this cow to be redeemed in a case where a nicer one was found?*]

The Gemora answers: A red heifer is different, as it is consecrated for the upkeep of the Temple (*as it is not a sacrifice offered inside the Beis Hamikdash*).

The Gemora asks: How can it be redeemed if it dies or is slaughtered? Doesn't every redemption require a "standing and assessing" before it is redeemed (*and a dead cow cannot stand*)?

The Gemora answers: This is according to the opinion of Rabbi Shimon who says that this only applies to items consecrated for the Altar, not items consecrated for the upkeep of the Temple.

The Gemora asks: If this is according to Rabbi Shimon, how can the braisa state that if it is slaughtered on its wood pyre, it cannot be redeemed? Another braisa states that Rabbi Shimon says that a red heifer can transmit tumah as a food (*if it first came in contact with a sheretz*), being that it was fit to be eaten (*as will be explained*). And Rish Lakish states that Rabbi Shimon understands that the red heifer can even be redeemed on its pyre (*if a nicer one was found; Rabbi Shimon holds a general rule of kol ha'omed - anything destined for a specific action is considered as if the action were already done, and therefore we can consider the cow as if it was redeemed already*). [*Accordingly, how can our braisa be authored by Rabbi Shimon when he clearly states that the cow can be redeemed from its pyre?*]

Rather, the Gemora answers: This is unlike Rabbi Shimon. The laws of a red heifer are different, as they are very expensive.



[This is why Beis Din includes any occurrence in its conditions regarding a red heifer, even if they are uncommon.]

The master had stated: If it dies, it can be redeemed.

The Gemora asks: Do we redeem consecrated items in order to feed them to the dogs (*what else can be done with it*)?

Rav Mesharshiya says: We redeem it to use the hide.

The Gemora asks: Do Beis Din make this condition just for the sake of the hide?

Rav Kahana answers: From a camel comes an ear. [In other words, if a person manages to save something from what is otherwise a loss, he feels consoled that he at least saved something.]

The Gemora asks a question (on Rabbah) from our Mishna. They said to him: Is it permitted to sacrifice one goat instead of the other (in a case where it was lost on Yom Kippur and they used a different one; later it was found; may it be used for Rosh Chodesh or the Festivals)? He said to them: Yes it can. They said to him: Since they do not atone for the same things (and were not designated for the same sins), how can one take the place of the other? He replied: They are all brought to atone for tumah connected with the Sanctuary and its sacrificial food. Now, why couldn't Rabbi Shimon answer that we say that Beis Din makes a condition on them (that they may be offered at a different time)?

The Gemora answers: Are you asking this question on Rabbi Shimon? He does not hold of the concept that Beis Din makes such conditions! This is as Rav Iddi bar Avin said in the name of Rav Amram in the name of Rabbi Yochanan: The daily offerings (those purchased with the half-shekel contributions from this year) which were not necessary for the community (for extra lambs were bought just in case the others had a blemish) cannot be redeemed when they are unblemished according to Rabbi Shimon. According to the Chachamim, however, they can be redeemed. (11a - 11b)

## INSIGHTS TO THE DAF

### Considered as if it's Done

Rashi explains that Rabbi Shimon holds a general rule of *kol ha'omed* - anything destined for a specific action is considered as if the action were already done. Tosfos (Bava Kamma 76b v'halo zrika) narrows the scope of Rabbi Shimon's rule to cases where the subsequent action is mandated – a *mitzvah*. In that case, since the action not just may be performed, but is supposed to be performed, we can act as if it's already done.

The halachah rules like the Chachamim. The Aruch Hashulchan infers from this topic a number of halachic conclusions. One of them is in the halachos of a shofar. The Gemora states that a shofar that is cracked is unfit. There is debate in the Rishonim on what extent of a crack invalidates a shofar, both for vertical and horizontal cracks. The Rosh (R"H 3:6) cites an opinion that any sized vertical crack (i.e., along the pathway of the air flow), no matter how small, invalidates the shofar, since the more it is blown, the larger the crack will become. The Aruch Hashulchan (O"H 586:15) states that this opinion does not invalidate it from the Torah, since we rule like the Chachamim. Rabbi Shimon can hold that a shofar that will become fully cracked is considered currently cracked, as part of his general opinion of *kol ha'omed*. The Chachamim, however, do not agree with this rule, and therefore would not consider the shofar already cracked. Since we do not rule like Rabbi Shimon, the invalidation must be on a Rabbinic level, lest we use a fully cracked shofar. [According to Tosfos's limitation of Rabbi Shimon, it is debatable if Rabbi Shimon would apply *kol ha'omed* to a cracked shofar. There is no mitzvah of cracking the shofar, per se, but there is a mitzvah to blow in it, which would crack it further.]