



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

Pesach from Chullin funds

The *Gemora* asks: How does Rabbi Akiva know that one brings a *pesach* sacrifice only from *chullin* funds?

The *Gemora* answers: He derives it from a teaching similar to that of Shmuel in the name of Rabbi Eliezer. The verse states: *This is the law of the olah, of the minchah, and of the chatas, and of the asham, and of the inauguration offering, and of the shelamim.* Sacrifices are compared to an *olah* with regard to a utensil: just as an *olah* requires a utensil, so all sacrifices require a utensil.

The *Gemora* interjects: What utensil is he referring to? It cannot mean a basin (*to accept the blood*), for in respect of a communal *shelamim* as well it is written: *And Moshe took half of the blood, and put it in basins!* Rather, it is referring to a knife (*and not any other sharp implement*). And how do we know that a knife is necessary to slaughter an *olah* itself? It is because it is written: *And Avraham stretched forth his hand, and took the knife to slaughter his son; and there, it (Yitzchak) was an olah, as it is written: And he offered it up for an olah instead of his son.*

Offerings are compared to a *minchah* with regard to the following: just as a *minchah* offering may be eaten only by male *Kohanim*, so all (*other offerings, where the Torah does not specify its eligible eaters*) may be eaten only by male *Kohanim*. The *Gemora* notes that there are other Scriptural verses which teach us that *chatas*, *asham* and communal *shelamim* offerings may be eaten only by male *Kohanim*. The *Gemora* concludes that the source for these *halachos* is a matter of *Tannaic* dispute.

Just as a *chatas* sanctifies through absorption, so all sacrifices sanctify through absorption.

Just as an *asham* - the fetus and after-birth (*amniotic sac*) inside it are not sanctified (*for an asham must be a male*), so all sacrifices, the fetus and after-birth inside them are not sanctified (*and the kidneys and the fats of the fetus are not burned on the Altar*). He holds that the offspring of sacrifices become sanctified when they come into existence (*after they are born, and not from the time of conception*), and that we derive what is possible (*a fetus from other sacrifices*) from what is not possible (*such as a fetus of an asham*).

Just as the inauguration offering - the remainder of it (*the nossar*) was burned, and there were no living animals among its remainder (*for one, by a communal offering, cannot designate another animal in case the first one was lost*), so all sacrifices, their remainder (*nossar*) is burned, but living animals are regarded as remainder (*and are not burned*).

Just as there are parts of the *shelamim* that render *piggul* (*the blood*), and parts that are rendered *piggul* (*the meat*), so too all sacrifices where there are parts that render *piggul* (*the blood*), and parts that are rendered *piggul* (*the law of piggul applies*).

A *braisa* was taught in the name of Rabbi Akiva: Just as a *minchah* sanctifies through absorption, so all sacrifices sanctify through absorption.

The *Gemora* explains why it was necessary to derive this law from *chatas* and from *minchah*.

The *braisa* continues: Just as a *chatas* comes only from *chullin*, and by day, and its service must be performed with the *Kohen's* right hand; so every sacrifice comes only from *chullin*, and by day, and its service must be performed with the *Kohen's* right hand.

The *Gemora* asks: And how do we know that a *chatas* comes only from *chullin*?



Rav Chisda said: It is written: *And Aaron shall bring near the bull chatas that is his.* 'That is his' teaches us that it must be from the funds of the *Kohen Gadol*, and not from *ma'aser sheini* funds.

The *Gemora* asks: Isn't the *halachah* that all sacrifices must be offered by day derived from the verse, '*in the day He commanded*'?

The *Gemora* answers: Indeed, this fact was unnecessarily mentioned.

The *Gemora* asks: Isn't the *halachah* that all services must be performed with the *Kohen's* right hand derived from that which Rabbah bar bar Chanah taught in the name of Rish Lakish? For Rabbah bar bar Chanah taught in the name of Rish Lakish: Wherever it is stated in the Torah '*finger*' or '*Kohen,*' its service must be performed with the right hand.

The *Gemora* answers: Indeed, this fact was unnecessarily mentioned.

The *braisa* continues: It is written '*asham*' in that verse to teach that just as the bones of the *asham* are permitted (*to be used for making utensils*), so too are all other bones.

The *Gemora* asks: And Rabbi Akiva (*who derives that all offerings must come from chullin funds from chatas*), what does he do with the verse: You shall slaughter a *pesach* (*which our Mishna used to teach that all offerings must come from chullin funds*)?

The *Gemora* answers: He uses it for Rav Nachman's teaching, for Rav Nachman said in the name of Rabbah bar Avuha: How do we know that the leftover of a *pesach* offering (*if an animal designated for a pesach sacrifice was lost, so its owners registered for another animal, and then the first was found after the second was sacrificed*) is offered as a *shelamim*? It is because it is written: *And you shall slaughter the pesach offering to Hashem, your God, of the flock and of the cattle.* Now surely the *pesach* offering comes only from lambs or from goats (*why is cattle mentioned*)? We learn from here that the residual of the *pesach* offering is to be used for something which comes from the flock and from the cattle (*males and females*); and what is it? It is a *shelamim*.

The *Gemora* asks: Isn't this *halachah* derived from a teaching taught by Shmuel's father? For it is written: *And if from the flock is his sacrifice for a shelamim sacrifice to Hashem* teaches that whatever comes from the flock (*a pesach offering*) must be for a sacrifice of a *shelamim*.

The *Gemora* asks further: Isn't this *halachah* derived from the following *braisa*? For it is written: *Lamb*; this is to include the *pesach* offering, in respect of its fat tail (*that it's burned on the Altar*). *If a lamb*; it is coming to include a *pesach* offering more than a year old, and a *shelamim* which comes because of a *pesach* offering (*the chagigah which is brought with the pesach offering on the fourteenth of Nissan*) - in respect of all the *halachos* of a *shelamim*, viz., that they require *semichah* (*the laying of the hands on the head of the animal*), libations, and the waving of the breast and thigh. And *if a goat*; it interrupts the subject and teaches us that a goat does not require the burning of the fat tail on the Altar.

The *Gemora* answers: Rather, these three verses teaches us the following: One refers to a *pesach* sacrifice, whose time to offer it has passed (*the fourteenth of Nissan has passed*) and whose year has passed (*it is offered as a shelamim*); and one is required for a *pesach* sacrifice, whose time to offer it has passed but whose year has not passed (*it is offered as a shelamim*); and the third is required for a *pesach* sacrifice, whose time to offer it has passed but whose year has not passed (*it is still fit for the pesach sacrifice, but nevertheless, if it is offered for the sake of a shelamim, it is valid*). The *Gemora* explains why each of these are necessary (*and why we could not derive one from the others*). (82b – 83b)

WE SHALL RETURN TO YOU, HATODAH HAYESAH BA'AH

Mishna

The grain for all communal and private offerings can be brought from *Eretz Yisroel* or from outside of it, from the new produce or the old, except for the *omer* and the *shte'i halechem*, which comes only from the new produce and from *Eretz Yisroel*. All *minchah* offerings must come only from the choicest flour. The most superior flour is from Machnis and Zitcha. The next best is from Aforayim in the valley. The grain was valid if it came from anywhere (*in Eretz Yisroel*), but they brought from these places (*for the flour was the best*). (83b)



Omer and Shte Halechem from the New Crop

The *Gemora* notes that the *Mishna* is not in accordance with the following *Tanna*, for it was taught in a *braisa*: If the *omer* was brought from the old produce it is valid; and if the *shte halechem* were brought from the old produce they are valid, except that the *mitzvah* has not been duly performed.

The *Gemora* cites the Scriptural sources for these *halachos*: By the *omer*, it is written: *You shall offer the minchah of your first grain*. This (*you shall offer*) implies that it is valid, even it was from the old produce stored in the attic. By the *shte halechem*, it is written: *From your dwelling places you shall bring two loaves*. *From your dwelling places* implies that it is valid, even it was from the old produce stored in the attic.

The *Gemora* asks: But this verse was used already (*to teach that the shte halechem must come from Eretz Yisroel!*)?

The *Gemora* answers: *You shall bring* implies that it is valid, even it was from the old produce stored in the attic.

The *Gemora* asks: But isn't this verse required to teach us that every other offering (*of chametz*) that you make of a similar kind (*the chametz breads of the todah*) shall be like this (*the shte halechem*) (*just as there it was an issaron of flour for each loaf, so too here it should be an issaron for each loaf*)?

The *Gemora* answers: If it was meant for this only, the verse should have read: *you (in singular) shall bring*; why does it say: *you (in plural) shall bring*? You can therefore learn both *halachos*.

The *Gemora* asks: Does the verse not state that the *omer* and *shte halechem* should be first?

The *Gemora* answers: It is a *mitzvah* to use the new produce.

The *Gemora* asks: Does the verse not state that the *shte halechem* should be new (*and by the fact that there are two verses, that should teach us that it is essential*)?

The *Gemora* answers: That is required for that which was taught in the following *braisa*: Rabbi Nassan and Rabbi Akiva said: If the *shte halechem* came from the old produce they are valid. How then am I to interpret the expression 'new'? It teaches us that they shall be the first of all *minchah* offerings (*even if they come from the old produce*). (83b)

INSIGHTS TO THE DAF

Omer and Shte Halechem from the Old Crop

The *Mishna* says that the only two offerings that MUST be from new grain and from *Eretz Yisroel* are the *omer* and *shte halechem*. The *Gemora* says that the *Mishna* is against the *Tanna* of the *braisa* who allows that there is a *mitzvah* to bring the *omer* and *shte halechem* from new grain, but if they are brought from the old grain, they are valid.

There are a few conclusions that we can draw from this *Gemora*. 1. All agree that ideally the *omer* and *shte halechem* should be from the new grain. 2. The dispute between the *braisa* and the *Mishna* is whether the *omer* and *shte halechem* brought from old grain would be a valid *korban (braisa)*, or invalid (*Mishna*). 3. There is no distinction between the *omer* and *shte halechem*; if one is valid from old grain then the other is also valid.

These seemingly obvious conclusions make the Rambam very difficult to understand. The Rambam writes about this law in three places. In *Hilchos Issurei Mizbei'ach* (6:15) he copies the language of the *Mishna* implying that both *omer* and *shte halechem* MUST be from new grain of *Eretz Yisroel*. However, in *Hilchos Temidin U'musafin*, in the context of *shte halechem* (8:2) the Rambam writes that the *shte halechem* would be valid when brought from old grain. Yet, one *perek* earlier in the context of *korban omer*, the Rambam writes (7:8) that the *omer* must be brought from *Eretz Yisroel* but makes no mention of the requirement of being from the new grain.

Furthermore, the Ra'avad makes a strange comment on the Rambam who permits the *shte halechem* to be brought from old

grain when no new grain is available - הלכה זו בהפך. It is very unclear what is bothering the Ra'avad. Perhaps the Ra'avad understands that it is more likely to permit grain from outside *Eretz Yisroel* since we hold that there is an prohibition against eating from the new crop even outside *Eretz Yisroel*, rather than permit using old grain.

The Kesef Mishna struggles with the Rambam and suggests (2nd approach) that the *Mishna* holds that both *omer* and *shte'i halechem l'chatchilah* (preferably) must be brought from new grain, but *b'dieved (after the fact)* can be brought from old grain. The *Tanna* of the *braisa* holds that there is a distinction between *omer* and *shte'i halechem* - *shte'i halechem* even *l'chatchilah* can be brought from old grain and is only a *mitzvah min ha'muvchar* to be brought from new grain, whereas *omer l'chatchilah* must be brought from new grain.

This approach understands that there is a difference between the terms "*mitzvah*" and "*l'chatchilah*". The term *mitzvah* implies that it is ideal but not necessary, whereas the term *l'chatchilah* implies that it is necessary but not essential to the validity of the *korban*. Therefore the Rambam would hold that we rule according to the *braisa* that the *omer l'chatchilah* must be brought from new grain, whereas *shte'i halechem*, it is only ideal but can be brought from old grain. According to this approach, the *Tanna* of the *Mishna* can hold that both the *omer* and *shte'i halechem l'chatchilah* must be brought from new grain, and only *b'dieved* can be brought from old grain - the Rambam paskens like the *Mishna*.

This is also the approach of the Maha'ri Kurkos. There are three levels: *mitzvah min hamuvchar*, *l'chatchilah* and *b'dieved*. The only argument between the *braisa* and the *Mishna* is whether the law of bringing from new grain is *l'chatchilah* or just ideal, but all agree that if no new grain is available, it can be brought from old grain.

In the question and answer of the *Gemora*, the *Gemora* asks on the *braisa* how we permit the *omer* and *shte'i halechem* from old grain - what do we do with the verse of 'first,' to which the *Gemora* answers that it is only preferable. The *Gemora* then asks what about the verse by *shte'i halechem* which says 'new,' implying new grain, and answers that it is coming for something else. When the *Gemora* initially asks from the verse of ראשית it isn't clear if the *Gemora* is asking from the verse by the *omer* - ראשית קצירכם, or from the verse by *shte'i halechem* - קרבן ראשית תקריב. According to the

approach of the Kesef Mishna, the *Gemora* which asks from ראשית and answers that it is only preferable has to be speaking about the *shte'i halechem* which *l'chatchilah* can be brought from old grain, but *omer* is not just preferable; it must *l'chatchilah* be brought from new grain.

Similarly, Tosafos (bottom of page) seems to understand that the question is from *shte'i halechem* because Tosafos understands that החדש is emphasizing what we learn from ראשית and the repetition should make it essential. However, according to the Kesef Mishna the repetition should only tell you *l'chatchilah* (since the first time is preferable), which is not like Tosafos who understands that the repetition is to tell you that it is essential. Rashi in the k'sav yad explains that the question from ראשית is both by *shte'i halechem* and *omer*, to which the *Gemora* is answering that it is only preferable - against the approach of the Kesef Mishna.

Tosafos d.h. masninin, is quoted by the Ma'ahri Kurkos on the Rambam as holding that the *Mishna* permits both the *omer* and *shte'i halechem* to be brought *b'dieved* from old grain, implying that the *braisa* holds that even *l'chatchilah* it can be brought from old grain, just not preferable (which is like his approach and the Kesef Mishna approach in the Rambam). However, he seems to have a completely different version in Tosafos. According to our version, Tosafos seems to be saying the opposite. Tosafos says that the language of the *Mishna* החדש מן החדש אלא מן אינן באין אלא מן החדש does NOT imply just *l'chatchilah*, which is against the *braisa* that holds it is only *lichtachila*. Tosafos seems to hold like Rashi (k'sav yad) that there are only two categories: 1. preferable = *l'chatchilah*, 2. *b'dieved*.