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Mishna

If one designates a female animal for an *asham*, it must be left to graze until it develops a blemish. It is then sold and the owner brings an *asham* with its money. If, however, he has already offered his *asham*, it is sold and the proceeds are put into the chest for voluntary communal offerings. Rabbi Shimon says: It is sold without even waiting for a blemish. [A female *asham* is not fit for anything; it is therefore regarded as possessing a genuine blemish, and accordingly, it never acquired physical sanctity. This is unlike the case of a female *olah*, where Rabbi Shimon requires an actual blemish, because the name of an *olah* is on it, for an *olah* bird can be a female.] (19b)

Physical Sanctity

The *Gemora* asks: But why do we need to wait until the *asham* develops a blemish? Let it be sold, for since it is not fit for anything, that in itself constitutes a blemish (and therefore, it never acquired physical sanctity)?

Rav Yehudah said in the name of Rav: The reason is because we say the following: Since monetary consecration rests upon it, there also rests upon it physical sanctity. [It still cannot be offered, but it is consecrated enough that it requires a blemish in order to redeem it.]

Rava said: This proves that if a person dedicated a male ram specifically so that it should only have monetary sanctity (that he will purchase an *olah* or an *asham* with it), it in fact acquires physical sanctity (and it is offered as an *olah*).

It has been stated: If one dedicated a male animal specifically so that it should only have monetary sanctity, Rav Kahana says: It acquires physical sanctity, whereas Rava says that it does not acquire physical sanctity. Rava, however, retracted his opinion in

favor of that of Rav Kahana, on account of the explanation given above by Rav Yehudah in the name of Rav.

The *Mishna* had stated: Rabbi Shimon says: It is sold without even waiting for a blemish.

Rabbi Chiya bar Avin asked Rabbi Yochanan: But why do we not say that since monetary consecration rests upon it, there also rests upon it physical sanctity?

The *Gemora* answers: Rabbi Shimon follows the opinion he expresses elsewhere, where he says that wherever an animal is not fit for offering, physical sanctity does not rest on it. [Accordingly, a female for an *asham* does not acquire any physical sanctity, for the *asham* cannot be a female; however, in the case where one dedicated a male ram specifically so that it should only have monetary sanctity, physical sanctity can descend upon it, for it may be offered as a sacrifice.] For it has been taught in a *braisa*: If an *asham*, which should be in its first year is brought when its in its second year, or an *asham* which should be in its second year is brought when its in its first year, the offering is valid, but the owners of the sacrifices are not credited as having fulfilled their obligation. Rabbi Shimon, however, says: They do not acquire physical sanctity at all. [Since, due to their age, they are not fit for their sacrificial purpose, they are not holy at all, so too regarding an animal which is of the wrong gender, it is not holy at all.]

The *Gemora* asks: But is there not the case of a premature animal, which is not fit for offering, and yet Rabbi Shimon holds that it is holy? [If one slaughtered an animal and its offspring on the same day, both being consecrated animals, outside the Courtyard, Rabbi Shimon said that the one who slaughtered the second has transgressed a negative command, for Rabbi Shimon used to say that whatever will be fit at a later time, one transgresses on its account a negative prohibition, but does not incur kares. This

prohibition is only applicable if the animal possesses physical sanctity.]

The *Gemora* answers: The case of a premature animal is different, because since it is fit tomorrow, it acquires physical sanctity today.

The *Gemora* counters: If this is so, the same argument should be applicable in the case of the *asham* offering which should be in its second year and it was brought when it was still in its first year; [we should say that] it will be fit next year (so it should be sanctified even now)?

Rather, the *Gemora* offers a different reason for Rabbi Shimon's opinion regarding the case of a premature animal: It is because we derive it from the case of a firstborn, as it has been taught in a *braisa*: Rabbi Shimon the son of Yehudah in the name of Rabbi Shimon: An animal, though premature, can enter the pen to be tithed, for it is like the case of a firstborn: Just as a firstborn is sanctified (from when it leaves the womb) before its time (that it is eligible to be sacrificed), and is sacrificed when its time becomes due, so too a tithing animal can be sanctified before its time, and offered up after its time becomes due.

[An animal must possess physical sanctity in order to make a *temurah*. Even if the animal cannot be offered as a sacrifice, it still possesses physical sanctity if it needs a blemish in order to be sold. An animal that doesn't need a blemish to be sold is one that only has monetary sanctity, and it therefore cannot effect a *temurah*.] The *Gemora* cites a *braisa*: If one consecrates a female animal for his *olah*, or for his *pesach* sacrifice, or for his *asham*, the animal can effect *temurah*. [This is because he holds that in each one of these cases, the animal needs to develop a blemish in order to be sold.] Rabbi Shimon says: The female animal designated for his *olah* effects *temurah*, but that which he designated for his *pesach* sacrifice or *asham* cannot effect *temurah*, since no animal can effect *temurah* except that which is sent to graze until a blemish develops. [R' Shimon maintains that it is only the *olah* which acquires physical sanctity, and that is because there can be a female *olah* by a bird. Accordingly, the female designated for an *olah*, needs a blemish in order to be sold; a *Pesach* sacrifice and an *asham*, however, do not require a blemish to be sold, and since it does not possess physical sanctity, it cannot effect *temurah*.] Rebbe said: I do not approve of the opinion of Rabbi Shimon with reference to a *pesach* sacrifice, since a surplus *pesach* is offered as

a *shelamim* (it therefore must develop a blemish before being sold; accordingly, it can effect *temurah*).

The *Gemora* asks: And why does he not say that he does not approve of the opinion of Rabbi Shimon with reference to an *asham*, since a surplus *asham* is offered as an *olah* (and therefore, it too, must develop a blemish before being sold, and accordingly, it can effect *temurah*)!?

The *Gemora* answers that Rebbe holds the opinion of the Rabbis who say that the surpluses of *asham* offerings go to voluntary communal offerings, and communal offerings cannot effect *temurah*.

The *Gemora* analyzes the opinion of Rabbi Shimon: Now it is assumed that the reason why Rabbi Shimon holds that a female designated as an *olah* can effect *temurah* is because the female possesses the name of an *olah* in the case of a poor man who brings an *olah* of a bird. Accordingly, the *Gemora* asks that if a cow was designated by a *Kohen Gadol* for his sacrificial bullock (his *chatas* that is offered on *Yom Kippur*, which must be a female), it should acquire physical sanctity (and effect *temurah* as well), since we have the case of the *chatas* cow (the *parah adumah* – red heifer)!?

The *Gemora* answers: The red heifer is different, because it is like the holy things designated for the Temple repair (which is merely a monetary sanctity), and a dedication for Temple repairs cannot effect *temurah*.

The *Gemora* asks: Then if an individual designates a he-goat instead of a she-goat (for his *chatas*), let it acquire physical sanctity (and effect *temurah* as well), since we find elsewhere the case of a *Nasi* (who, if he sins, must bring a he-goat for his *chatas*); and alternatively, if a *Nasi* designates a she-goat instead of a he-goat (for his *chatas*), let it acquire physical sanctity (and effect *temurah* as well), since elsewhere an individual brings a she-goat?

The *Gemora* answers: These are two separate people. [The individual and a *Nasi* are two different people, and therefore we do not draw a comparison between them, for it is impossible for one to bring the other one's offering, whereas here, an individual can designate a female animal for his *olah* and it can acquire physical sanctity and effect *temurah*, because if he, the same person,

wished, he could renounce his property in order to become a poor man and thus be able legally to bring a female bird for his olah.]

The *Gemora* counters: But if he sinned before he was a *Nasi*, (and after becoming a *Nasi*) he designated a he-goat in place of a she-goat, let it acquire physical sanctity (and effect *temurah* as well), since if he sinned now, (after being appointed as the *Nasi*) he brings a he-goat?

The *Gemora* answers: He did not sin (after becoming a *Nasi*), and he therefore was never required to bring a he-goat (and therefore the he-goat which he designated cannot attain physical sanctity).

The *Gemora* asks: If so, here as well, he is not one who brings an *olah* of a bird?

The *Gemora* answers: Rabbi Shimon holds like the opinion of Rabbi Elozar ben Azaryah, for we have learned in a *Mishna*: If someone says, "It is incumbent upon me to offer an *olah* sacrifice," he may bring a lamb. Rabbi Elozar ben Azaryah says: He may bring a pigeon or dove. [Accordingly, when one who consecrates a female animal for an *olah*, it can acquire physical sanctity, for he could have brought a (female) bird for an *olah*.]

We have learned elsewhere in a *Mishna*: A person dedicated all of his possessions to *hekdesh*, and among them were male and female animals that were fitting to be used as sacrifices. Rabbi Eliezer says: The males should be sold to be brought as *olah* offerings, and the females should be sold to be offered as *shelamim*, and the money from the sale goes to the Temple repairs along with the rest of his possessions. [R' Eliezer maintains that dedications are usually for Temple repairs, even of things that are fit for the altar. Nevertheless, the law is that whatever is suitable for the altar must be offered to the altar.] Rabbi Yehoshua says: The males themselves should be brought as *olah* offerings, and the females should be sold to people who will offer them as *shelamim*. The money from the sale should be used to buy *olah* offerings. The other possessions are *hekdesh*. [R' Yehoshua holds that one does not ignore animals fit for the altar and dedicate them for Temple repairs. Consequently, we assume that they were dedicated for the altar and they themselves are offered up.]

Rabbi Chiya bar Abba said to Rabbi Yochanan: According to the opinion of Rabbi Yehoshua, who said that the males are themselves

offered as *olah* offerings (which means that we assume that his intent was to consecrate the animals as *olah* offerings), how can the females be offered as *shelamim*, seeing that their status is coming from a rejected source of sanctity? [Since the males are offered as *olah* offerings and the proceeds from the sale of the female animals are used for *olah* offerings as well, presumably he holds that he dedicated them all for *olos*. But a female animal consecrated as an *olah* must be left to graze, as stated above. Accordingly, he asks that if its sanctity has been rejected, how then can they be offered as *shelamim*?]

The *Gemora* cites another version (of the same question): Rabbi Chiya bar Abba said to Rabbi Yochanan: According to the opinion of Rabbi Yehoshua, who said that the males are themselves offered as *olah* offerings, which means that we assume that his intent was to consecrate the animals with a physical sanctity; if so, why are the females sold for *shelamim*? Should they not be required to graze?

Rabbi Yochanan said to him: Rabbi Yehoshua agrees with Rabbi Shimon who says that wherever an animal is not fit for offering, physical sanctity does not rest on it, for we have learned in the *Mishna*: Rabbi Shimon says: It (a female animal which was designated as an *asham*) is sold without even waiting for a blemish. And we explained his reasoning to be that since the female animal is not fit for an *asham*, it is not subject to physical sanctity. Here too, since a female animal is not fit for an *olah*, it is not subject to physical sanctity.

The *Gemora* asks: But doesn't Rabbi Shimon's teaching refer only to a case where one designates a female animal for an *asham*, for the mother does not possess the name of an *asham*, whereas in the case of a female designated for an *olah*, where the mother does possess the name of an *olah*, even Rabbi Shimon agrees (that it can receive physical sanctity, and it cannot be sold without developing a blemish first)? Furthermore, we have heard from Rabbi Shimon that a female animal designated for his *olah* effects *temurah*!?

Rabbi Yochanan replied to him: Rabbi Yehoshua will agree with the other *Tanna* who quotes Rabbi Shimon, for it has been taught in a *braisa*: Rabbi Shimon ben Yehudah reported in the name of Rabbi Shimon: He cannot effect *temurah* (when he designates a female animal) even for his *olah*. (19b – 20b)

Mishna

The (*female*) *temurah* of an *asham* (which can only be a male), the offspring of a *temurah*, their offspring and the offspring of their offspring until the end of time, are to be left to graze until they develop a blemish. They are then sold and the proceeds are applied (by the Temple treasury) for voluntary communal offerings. Rabbi Eliezer says: Let them die (for he holds that an *asham* has the same law as a *chatas* in this respect). Rabbi Elozar says: Let him buy (personal) *olah* offerings with the proceeds. [R' Elozar agrees with the *Tanna Kamma* that the animal must be left to graze until it develops a blemish and then it is sold. He disagrees, however, and maintains that the proceeds do not go for communal offerings, rather, the owner himself uses the proceeds for his own personal *olah* donations.]

An *asham*, whose owner had died or he received atonement through another one, is sent out to graze until it develops a blemish and they should then be sold, with the proceeds used for voluntary communal offerings. Rabbi Eliezer said: It should be left to die (for it is likened to a *chatas*). Rabbi Elozar said: The proceeds should be used by the owner to purchase an *olah* offering.

The *Mishna* asks: But isn't the voluntary communal offerings the same as an *olah* offering? What then is the difference between the opinion of Rabbi Elozar and that of the Sages? The difference is as follows: When the *olah* offering comes as an obligation, he (the owner) lays his hands on it (the *mitzvah* of *semichah*) and he brings libations and the libations must be provided by him, and if he is a *Kohen*, the privilege of performing the service and its hide belong to him; whereas when he brings a voluntary communal offering, he does not lay his hand on it, he does not bring libations with it, the libations are provided by the communal funds, and although he is a *Kohen*, the privilege of performing the service and its hide belong to the members of the *mishmar* (the *Kohanim* officiating in that particular week). (20b)

Temurah and Offspring of an Asham

The *Gemora* explains why it is necessary for the *Mishna* to state both cases. [There are two cases in the *Mishna* where the *Tannaim* disagree: The case of the *temurah* of an *asham* and the one where the owners of the *asham* die, or had procured atonement by another animal. R' Eliezer says that they must die

(like a *chatas*) and the Rabbis say that they are left to graze.] For if we had been taught the case of the *asham* (whose owners had died or procured atonement through another animal), we might have thought that there Rabbi Eliezer says that they must die because the Rabbis decreed the case of 'after atonement' (where there is now only one animal before us) in virtue of having prohibited 'before atonement' (and both animals are before us; for if, in the case where he already received atonement from a different animal, we would allow the proceeds from the one remaining animal to go towards an *olah*, he might say that in the case where he did not receive atonement and both animals are before us – that the proceeds from one of the two remaining animals to go towards an *olah*, which is against the law, for before he has achieved atonement the proceeds cannot be used to purchase an *olah*, for the animal had been designated for an *asham*, and it is for this reason that, according to Rabbi Eliezer, the animal is left to die even after atonement has taken place), but in the case of the *temurah* of an *asham* or the offspring of a *temurah*, I might have thought that he agrees with the Rabbis (that the proceeds of both animals should be used to purchase *olah* offerings, for even 'before atonement,' they could not have been offered for an *asham*). And if we had been taught there (by the case of the *temurah* of an *asham* and the offspring of an *asham*), I might have thought that the Rabbis say there that the proceeds of both animals should be used to purchase *olah* offerings (for there is nothing to be concerned about – even before atonement), but in the case of an *asham* (whose owners have obtained atonement), I might have thought that they agree with Rabbi Eliezer (that it should be left to die, as a decree for the case when it was before atonement); it was therefore necessary for the *Mishna* to mention both cases.

Rav Nachman said in the name of Rabbah bar Avuha: The dispute (between R' Eliezer and the Rabbis regarding the offspring of the *temurah* of an *asham*) applies only after atonement has taken place (with the first *asham* that he consecrated), but before atonement (and the first one was lost), all the *Tannaim* agree that (the offspring of the *temurah* itself) can be offered as an *asham*.

Rava said: There are two arguments against this opinion. Firstly, a man cannot obtain atonement with something which he obtained as the result of a transgression (and since its mother was a *temurah*, one cannot obtain atonement through its offspring). And, secondly, Rabbi Chiya taught a *braisa* in support of Rabbi Yehoshua ben Levi that the first generation offspring is offered but the second

generation is not offered (and since a *temurah* is regarded as the first generation, its offspring is regarded as second generation)!?

Rather, if the statement was made, it was made as follows: Rav Nachman said in the name of Rabbah bar Avuha: The dispute (between R' Eliezer and the Rabbis regarding the offspring of the *temurah* of an *asham*) applies only before atonement has taken place, but after atonement has taken place, all the *Tannaim* agree that (the offspring of the *temurah* itself) can be offered as an *olah*. (20b)

DAILY MASHAL

Sinner should not Gain

The *Gemora* cites a *braisa*: Rabbi Shimon said: In truth, the sinner's *minchah* should require oil and *levonah*, for we do not want the sinner to gain. Why then does it not require them? It is because we do not want his *minchah* to be elegant.

The *Gemora* (Yoma 86b) states that repentance is so great that willful transgressions can be regarded as merits, providing that one is motivated to repent by love. The question is asked: How can that be? Isn't the sinner gaining?

The Maharsha answers: The *Gemora* does not mean that the sin itself converts into a merit; but rather, through his repentance out of love, he will merit performing other *mitzvos* and good deeds.

Reb Tzadok Hakohen answers: The sin does convert into a merit. This is because once a person has tasted the pleasure of a sin, it becomes more difficult for him to control himself and not sin again. If, after sinning, one can nevertheless restrain himself from transgressing again, he will merit that his sins are converted into merits.

A mitzvah resulting from a transgression: When and why

A well-known rule concerning *mitzvos* states that a "mitzvah resulting from a transgression" is not considered a mitzvah. Therefore, a person who takes up a stolen *lulav* for the mitzvah of

the four species does not fulfill his obligation as the mitzvah comes about by means of the sin of thievery.

In our *Gemara* we become familiar with a new rule: "a person is not atoned with something resulting from a transgression". Learning the *Gemara*, one wants to know if it means the famous rule but this time it is formulated differently or, perhaps, we now have another rule.

A person is not atoned with something resulting from a transgression: Our *Gemara* mentions this rule about someone who sanctified an *asham* sacrifice because of a sin he committed and later tried to exchange the *asham* for another animal. Our *Gemara* explains that though the Torah commands that "it and its *temurah* will be holy" and therefore the laws applying to the first sacrifice take effect on the *temurah*, one mustn't use this *temurah* as an *asham* to atone for transgressions as "a person is not atoned with something resulting from a transgression", and the *temurah* became a sacrifice by means of a transgression.

If, indeed, this rule is identical to the well-known rule that a mitzvah resulting from a transgression is not considered a mitzvah, logic would decree that every sacrifice sanctified by a *temurah* should not be offered on the altar as its sanctification came about by means of a transgression. But Rashi explains (s.v. *Ba'aveirah*) that this halachah only pertains to the *temurah* of an *asham* which serves to atone for sins but the *temurah* of *shelamim* or an '*olah*' are offered on the altar, as we have learnt in previous mishnayos, because they don't serve to atone.

Why, indeed, aren't they considered a mitzvah resulting from a transgression? The Acharonim explain that a mitzvah resulting from a transgression is a mitzvah whose perpetrator could not perform it if not for the transgression. He who steals a *lulav* could not have taken up this *lulav* if he had not stolen it. But he who exchanges a sacrifice could have sanctified the *temurah* animal directly. He resembles a person in grief for a deceased relative, who tore his garment on Shabbos, who fulfilled the mitzvah (Yerushalmi, Shabbos 13:3, cited by the Rashba, Shabbos 105b) because he could have torn his garment after Shabbos. His transgression is severe but doesn't disqualify the mitzvah to tear his garment (see Responsa Rabbi 'Azriel Hildesheimer, I, *shonos*, 3, and *Sefer Ha'Ikarim* by HaGaon Rav S. Eiger zt"l, II, p. 416).