



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

Mishnah: Beis Shammai say: A consecration made in error is a valid consecration. Beis Hillel say: it is not hekdesch. What is the case? If one said, “The black ox that will leave my house first, will be hekdesch,” and a white ox emerged, Beis Shammai say: it is hekdesch; Beis Hillel say: it is not hekdesch.

If one said, “The gold dinar that will be the first to come to my hand, will be hekdesch,” and a silver coin came first to his hand, Beis Shammai say: it is hekdesch; Beis Hillel say: it is not hekdesch.

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, Beis Shammai say: it is hekdesch; Beis Hillel say: it is not hekdesch. (30b3 – 31a1)

The Mishnah had said: Beis Shammai say: A consecration [made in error is a valid consecration]. What is the reason of Beis Shammai? - They learn initial hekdesch (making chulin into hekdesch) from final hekdesch (temurah, trying to transfer the sanctity of a korban to a chulin animal). Just like temurah imparts kedushah, even mistakenly (he did not know that both will be sacred), also initial hekdesch (is effective) even in error.

¹ Rav Pappa rejects the explanation of Beis Shammai’s opinion given above, and says that even on Beis Shammai’s view, it is the black ox that emerges first which becomes sacred. In other words, we do not set aside his statement because a white ox emerged first, as ‘first’ may be understood as applying to the black oxen only.

Beis Hillel say: This applies only to temurah, but regarding the investing of initial hekdesch in error, we do not invest it.

And according to Beis Shammai, if one said, “This [animal] is to replace that [one] at midday,” would it become a temurah [immediately] from that moment, [certainly not!] but only when midday arrives will it be a temurah, and so here too, [surely, consecration should not take effect] until the condition [under which it was made] becomes realized? — Rav Pappa replied: The reason that [the word] ‘first’ was mentioned by him was [simply] to indicate that one [of his black oxen] which should emerge first.¹ — But the text says, ‘the black ox,’ and surely it contemplates the case where he may have only the one? — In the case considered, he is assumed to have two or three. Beis Hillel, however, contend that if this [was his intention] it should have said, ‘[The black ox] that leaves first.’²

Rava of Barneish said to Rav Ashi; Is this [called] consecration in error? It is surely intentional consecration?³ — [He replied:] Quite so, but [it is called consecration in error] because at first the expression he used gave a wrong impression.

² Why did he add, “from my house”? He must have meant that the black ox is sacred only if it emerges from his house before all other oxen.

³ For according to Rav Pappa, he intended to make the first black ox to emerge sacred.

Is it indeed Beis Shammai's opinion that consecration in error is not effective consecration? Have we not learned in a Mishnah: If a man, who vows to be a nazir, sets aside an animal [for the sacrifice], and [then] applies to the Sages [to be released from his vow] and they release him, [the animal] goes out and grazes with the flock.⁴ Beis Hillel said to Beis Shammai: Do you not admit that this is a case of consecration in error,⁵ and yet [the animal] goes out and grazes with the flock? – From here it follows [does it not] that Beis Shammai hold consecration in error to be effective? — No; Beis Hillel were mistaken. They took the reason for Beis Shammai's view to be that consecration in error is effective, but the latter replied that [the consecration is effective] not because it was consecration in error, but because at first the expression he used gave a wrong impression.⁶

But is it Beis Shammai's opinion that consecration in error is not effective? Come [then] and hear: If [some people] were walking along the road and [saw] someone coming towards them, and one said, "I declare myself a nazir if it is So-and-so," while another said, "I declare myself a nazir if it is not So-and-so," [and a third man,] "I declare myself a nazir if one of you is a nazir" [a fourth, "I declare myself a nazir] if neither of you is a nazir," [a fifth, "I declare myself a nazir] if both of you are nezirim," [and a sixth, "I declare myself a nazir] if all of you are nezirim," Beis Shammai say that all [six] of them are nezirim. Now this is a case of consecration in error,⁷ and yet [the Mishnah] teaches that all of them are nezirim? — From this it certainly

follows that Beis Shammai is of the opinion that consecration in error is effective, but not from the other.

Abaye said: You should not assume that [the declaration] was made in the morning. We speak here of a case where it was already midday, and he then said, "The black ox that left my house first [today] shall be sacred," and when informed that a white one left [first], he remarked, "Had I known that a white one left, I should not have said black." - But how can you say that it refers to what took place at midday, seeing that the text reads: The gold dinar that will be (in the future) the first to come to my hand? — Read, 'that has come.' [But the text also reads,] The barrel of wine that will come up? — Read, 'that has come.'

Rav Chisda said: Black [oxen] amongst white [ones] depreciate the herd.⁸ White [patches] on black [oxen] are a blemish.

We have learned: [If someone says,] "The black ox that is the first to leave my house [shall be sacred,]" and a white one emerges, Beis Shammai declare] it sacred. Now when a person consecrates, he does so stingily, and yet Beis Shammai say that [the white ox] is sacred? - Do you suggest then that a person consecrates generously? [If so, how can we explain the following clause: If he says,] "The gold dinar that comes into my hand first [shall be sacred,]" and a silver dinar came to his hand, Beis Shammai declare it sacred?⁹ — Do you submit, then, that a person consecrates stingily?

⁴ It is not sacred at all.

⁵ For when he consecrated the animal he believed himself liable, while his subsequent release showed that he was not.

⁶ He really meant that ox to be sacred, but appeared to be saying something else.

⁷ Since they become nezirim whether or not their conditions are fulfilled.

⁸ Because black oxen are inferior to white ones.

⁹ Thus he is satisfied to give a silver coin instead of a gold one, but had he consecrated generously, the silver would not become sacred.

[Consider then the following: If he says,] “The barrel of wine which will come to my hand first [shall be sacred],” and a barrel of oil comes first, Beis Shammai declare it sacred, and yet oil is superior to wine? — That raises no difficulty, for it was taught with reference to Galilee where wine is superior to oil. - But the first clause [of our Mishnah] seems to contradict Rav Chisda? — Rav Chisda will reply: My statement referred to Carmanian oxen.¹⁰

Rav Chisda also used to say: A black ox for its hide, a red one for its flesh, a white one for plowing. - But Rav Chisda said that black [oxen] amongst white ones depreciate the herd? — He said that with reference to Carmanian oxen. (31a1 – 31b3)

MISHNAH: If a man vows to be a nazir and then seeks release from a sage, but the sage declared it binding, he can reckon [the nezirus] from the time that the vow was made. If he seeks release from a sage and is released and has an animal set aside [for a sacrifice], it goes out to graze with [the rest of] the herd. Beis Hillel said to Beis Shammai: Do you not admit that here where the consecration is in error, [the animal] goes out to graze with the herd?¹¹ Beis Shammai replied: Do you not admit that if a man in error calls the ninth [animal], the tenth, or the tenth the ninth, or the eleventh the tenth, each becomes sacred? Beis Hillel retorted: It is not the rod that makes these sacred, for suppose that in error he placed the rod upon the eighth or upon the twelfth, would this have any effect? [The fact is] that Scripture which has declared the tenth to be sacred, has also declared sacred the ninth and the eleventh. (31b3 – 32a1)

¹⁰ Carmania, a province of Persia, the oxen of which were generally employed for plowing; the white oxen were more valuable.

DAILY MASHAL

The Mishnah stated: If one said, “The gold dinar that will be the first to come to my hand, will be hekdesch,” and a silver coin came first to his hand, Beis Shammai say: it is hekdesch; Beis Hillel say: it is not hekdesch.

It is never known what will come into one’s hand.

Once, Rabbi Avraham Kahaneman, President of the Ponovezher Yeshivah and son of the illustrious Ponovezher Rav, approached a wealthy widow for a donation to his Yeshivah. The woman happily wrote out a generous check and commented that she contributed to many such causes. Curious, R’ Kahaneman asked the woman which other causes she supported and she proceeded to list some of the world’s finest Yeshivos and organizations. R’ Kahaneman was amazed. He knew that the woman’s husband had died fifteen years earlier and that she had no one to advise her where to give her charity. “I hope you don’t mind my asking,” he said, “but how is it that you have been able to distribute your tzedakah so wisely without anyone advising you?” “it’s really quite simple,” replied the woman. “The money my husband left me is ‘kosher money’ — all of it was earned honestly and none of it was earned through chillul (desecration of) Shabbos. I forever pray that in this merit, my tzedakah should end up in the right hands. Thank G-d, Hashem continues to grant my request.”

¹¹ And so no consecration in error should be effective.