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Pesachim Daf 63

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**Tzvi Gershon Ben Yoel (Harvey Felsen) o”h**

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

Shall we [then] say that the ‘others’ hold: Slaughtering is legally significant only at the end, and [this is] in accordance with Rava, who said: There is still the controversy. Therefore if he put the circumcised before the uncircumcised, it operates in respect of the circumcised,<sup>1</sup> but it does not operate in respect of the uncircumcised; while if he put the uncircumcised before the circumcised, it operates in respect of the

uncircumcised, but it does not operate in respect of the circumcised?<sup>2</sup> — Said Rabbah, Not so: in truth the ‘others’ hold [that] slaughtering counts from beginning to end, but the case we discuss here is this: e.g., where he mentally determined [it] for both of them, [i.e.,] both for circumcised and for uncircumcised, and he verbally expressed [his intention] for uncircumcised, but he had no time to say, ‘for the circumcised’ before the slaughtering

<sup>1</sup> The slaughtering counts as having been performed for the circumcised.

<sup>2</sup> When a man would substitute an animal for another consecrated animal, both are holy, the former bearing the same holiness as that of the latter, and it must be offered as the same sacrifice. Now if he declares, ‘This animal be a substitute for an olah-offering’, ‘This (the same) animal be a substitute for a shelamim-offering’, Rabbi Meir rules that it is a substitute for the first only, for only his first words are regarded. Rabbi Yosi holds that his last words too are regarded, and therefore it is a substitute for both; hence it must be redeemed, and the redemption money expended on two animals, one for an olah-offering and another for a shelamim-offering. Now a problem is raised in the Gemara in Zevachim: What if he declares, ‘Half of this be a substitute for an olah-offering, and half be a substitute for a shelamim-offering’; does Rabbi Meir agree with Rabbi Yosi or not? Is Rabbi Meir’s reason in the former case because he regards the second statement as a change of mind, which is invalid, since by his first statement it has already become an olah-offering? But that is obviously inapplicable to the case in question, hence Rabbi Meir will agree. Or perhaps here too Rabbi Meir holds that since the sanctity of the olah-offering first takes possession of it, as it were, that of the shelamim-offering cannot operate? Abaye maintains that Rabbi Meir does agree in this case, but Rava holds that there is still the controversy. Thereupon Rava raised an objection to Abaye from this: If a man slaughters a sacrifice with the intention of eating as much as an olive without the permitted area and as much as an olive after the permitted time, Rabbi Yehudah disagrees with the Rabbis and rules as Rabbi Meir, that only his first statement is counted, hence it is not piggul, which applies to the second only, and kares is not incurred for eating it. For Rabbi Yehudah states this as a general rule: If the intention of an illegitimate time is expressed

before the intention of an illegitimate place, it is piggul, and kares is incurred for eating it, whether these two intentions are both expressed at the same service or at different services, because the first statement only is regarded. But the Rabbis maintain that his last words too count, so that if both are expressed at the same service there is a mixing of intentions, and it does not become piggul, for a sacrifice becomes piggul only when the blood has otherwise been properly sprinkled. This proves that the view that the first statement only is regarded is maintained even in respect of halves, for the sacrifice is large enough to permit us to assume that each wrongful intention was expressed with respect to a different part of it, and yet Rabbi Yehudah disagrees. To this Abaye answered, Do not think that the slaughtering counts only when it is completed, so that the two intentions come together at the same moment. On the contrary, the slaughtering counts from beginning to end, and in the passage quoted he cut one organ of the animal with the intention of eating it after time, and the second organ with the intention of eating it without the permitted area, Rabbi Meir holding that you can make an animal piggul even at one organ only. (Ritual slaughtering — shechitah — consists of cutting across the two organs of the throat, viz, the windpipe and the gullet.) This proves that Rava, who raised this objection, holds that in the views of Rabbi Meir and Rabbi Yehudah slaughtering counts only at the end. Hence the present passage too can be explained on that basis too. Thus: he must express his intention for whom he is slaughtering the Passover sacrifice at the end of the slaughtering, and at that moment there is insufficient time to mention both, and so only the first expression is regarded, the second being entirely disregarded. Therefore if he first mentions the circumcised, it is fit; while if he first mentions the uncircumcised, it is unfit.

was completed with [the expressed intention of] the uncircumcised [alone], and they differ in this: Rabbi Meir holds [that] we do not require his mouth and his heart [to be] the same [in intention];<sup>3</sup> while the Rabbis hold: We require his mouth and his heart [to be] the same.<sup>4</sup>

Yet does Rabbi Meir hold that we do not require his mouth and his heart [to be] the same, but the following contradicts it: He who intended saying '[Let this be] terumah,' but he said 'ma'aser' [instead], [or, 'let this be] ma'aser,' and he said 'terumah,' or, '[I swear] that I will not enter this house,' but he said, 'that [house],' or, '[I vow] that I will not benefit from this [person],' but he said 'from that [person],' he has said nothing,<sup>5</sup> unless his mouth and his heart are alike?<sup>6</sup> — Rather, said Abaye: The first clause means where he stated, '[I cut] the first organ for the circumcised and the second organ for the uncircumcised too,' so that at the second organ also circumcised too are included. [But] the second clause means where he stated '[I cut] the first organ for uncircumcised, the second organ for circumcised' so that at the first organ circumcised are not included. Now Rabbi Meir is consistent with his opinion, for he maintained, You can render [a sacrifice] piggul at half of that which makes it permitted; while the Rabbis are consistent with their view, for they maintain, You cannot render [a sacrifice]

<sup>3</sup> I.e., we merely regard the explicit intention. Hence since he mentioned the uncircumcised only, the sacrifice is unfit.

<sup>4</sup> I.e., both are regarded. Therefore the Mishnah states that if it is sacrificed for both, whatever the order, it is fit.

<sup>5</sup> I.e., his words are invalid.

<sup>6</sup> This is an anonymous Mishnah, and it is a general rule that such reflects Rabbi Meir's view.

<sup>7</sup> 'That which makes it permitted' (the mattir) here is the slaughtering; half of that etc., is the cutting of one organ. Rabbi Meir holds that the intention expressed at the cutting of the first organ determines the status of the sacrifice. Hence, if this intention was to eat it after time, it is piggul; while in the present case, since it was for the uncircumcised, it is disqualified. The Rabbis, however, hold that an illegitimate intention at the first organ cannot render it piggul, and in the same way an intention for uncircumcised at the first organ does not disqualify it.

piggul at half of that which makes it permitted.<sup>7</sup> (63a1 – 63a3)

MISHNAH: He who slaughters the pesach offering with chametz [in his possession]<sup>8</sup> violates a negative command. Rabbi Yehudah said: [also] the [evening] tamid too.<sup>9</sup> Rabbi Shimon said: [if he slaughters] the pesach offering [with chametz] on the fourteenth for its own purpose, he is liable [to punishment]; [if] for a different purpose, he is exempt,<sup>10</sup> but [for] all other sacrifices,<sup>11</sup> whether slaughtered for their own purpose or for a different purpose, he is exempt. [but if he slaughters the passover sacrifice with chametz] on the festival, if for its own purpose, he is exempt; if for a different purpose, he is liable;<sup>12</sup> but [for] all other sacrifices [slaughtered on the festival with chametz], whether for their own purpose or for another purpose, he is liable,<sup>13</sup> except [in the case of] a chatas-offering which he slaughtered for a different purpose.<sup>14</sup> (63a3)

GEMARA: Rabbi Shimon ben Lakish said: He is never liable unless there is chametz belonging to him who slaughters or to him who sprinkles [the blood] or to one of the members of the company, and providing that it [the chametz] is with him in the Temple Court. Rabbi Yochanan said: Even if it is not with him in the Temple Court. Where do they differ? Shall we say that they differ in whether

<sup>8</sup> I.e., before the chametz has been destroyed.

<sup>9</sup> I.e., if he slaughters the evening tamid of the fourteenth before the chametz is destroyed, he violates a negative command.

<sup>10</sup> In the former case the sacrifice is fit, hence the shechitah is duly regarded as shechitah. But in the latter the sacrifice is unfit; hence Rabbi Shimon does not regard the shechitah as shechitah, and the verse quoted on p. 317, n. 6. does not apply to it.

<sup>11</sup> Offered on Erev Pesach with chametz in his possession.

<sup>12</sup> For a pesach offering slaughtered at a time other than its own, viz., the fourteenth, is disqualified if sacrificed as a pesach offering, but fit if sacrificed as a shelamim-offering.

<sup>13</sup> Because they are fit.

<sup>14</sup> Because it is disqualified.

‘with’ [al] means ‘near,’ Rabbi Shimon ben Lakish holding, ‘with’ means near, while Rabbi Yochanan holds, We do not require ‘with’ [in the sense of] near,’ — but surely they have differed in this once [already]?<sup>15</sup> For we learned: If a man slaughters the todah-offering within [the Temple Court], while its bread is outside the wall, the bread is not sanctified.<sup>16</sup> What does ‘outside the wall’ mean? Rabbi Yochanan said: Outside the wall of Beis Pagi;<sup>17</sup> but [if] outside the wall of the Temple Court, it is sanctified, and we do not require ‘with’ [in the sense of] near. Rabbi Shimon ben Lakish said: Even if outside the wall of the Temple Court, it is not sanctified; which proves that we require ‘with’ [in the sense of] near! — Rather, they differ over a doubtful warning.<sup>18</sup> But in this too they have already differed once? For it was stated: [If a man declares, ‘I take] an oath that I will eat this loaf today,’ and the day passed and he did not eat it, — Rabbi Yochanan and Rabbi Shimon ben Lakish both maintain: He does not incur lashes. Rabbi Yochanan said: He does not incur lashes, because it is a negative injunction not involving an action, and every negative command not involving an action, we do not administer lashes for it; but a doubtful warning counts as a warning.<sup>19</sup> While Rabbi Shimon ben Lakish said: He does not incur lashes, because it is a doubtful warning, and a doubtful warning does not count as a warning; but as for a negative command not involving

an action, we administer lashes for it! - I will tell you: After all they differ in whether ‘with’ implies near, yet it is necessary.<sup>20</sup> For if they differed on the subject of chametz [alone], I would say: It is only there that Rabbi Yochanan maintains that we do not require ‘with’ [in the sense of] near, because it is a prohibited article, and wherever it is, it is; but in the matter of sanctifying the bread, it is not sanctified save within [the Temple Court], [hence] I would assume [that] he agrees with Rabbi Shimon ben Lakish, that if it is inside it is sanctified, and if not, it is not sanctified, by analogy with service vessels.<sup>21</sup> Thus this [latter case] is necessary. And if we were informed [of this] in the matter of sanctifying the bread, I would say: in this Rabbi Shimon ben Lakish maintains that we require ‘with’ [in the sense of] near, so that if it is inside it is sanctified, [and] if not, it is not sanctified. But in the matter of chametz [I would say that] he agrees with Rabbi Yochanan that we do not require ‘with’ [in the sense of] near, because it is a prohibited article, and wherever it is, it is. Hence they are [both] necessary. (63a4 – 63b2)

Rav Oshaya asked Rabbi Ammi: What if he who slaughters has none, but one of the members of the company has [chametz]?<sup>22</sup> — Said he to him: Is it then written, ‘You shall not slaughter [the blood of My sacrifice] with your leavened bread’? ‘You shall not slaughter [the blood of My

<sup>15</sup> Why then repeat the controversy here?

<sup>16</sup> The todah-offering was accompanied by forty loaves. These were verbally sanctified before the sacrifice was actually slaughtered, whereupon they acquired a monetary consecration, which means that they might not henceforth be eaten or put to use until the offering is sacrificed; while if they became defiled, they were redeemed and reverted to chullin. The slaughtering of the sacrifice conferred intrinsic (‘bodily’) sanctity upon them; they were more readily disqualified then, and if defiled they had to be burnt. In this connection too ‘with’ - “al” is written: then he shall offer with the sacrifice of the todah-offering unleavened cakes . . . with (al) cakes of leavened bread he shall present his offering. — ‘Not sanctified’ means not intrinsically sanctified.

<sup>17</sup> A fortified suburb of Jerusalem, which is the uttermost boundary of the town.

<sup>18</sup> Lashes, the punishment for violating a negative command, is imposed only if the offender has been duly warned before he

sinned. Now, if the chametz is in the Temple Court, he can be warned with the certainty that his proposed action is forbidden. But if it is not in the Temple Court, we are doubtful, as we do not know whether he has chametz at home, and thus it is a doubtful warning. Rabbi Shimon ben Lakish holds that such is not a valid warning, and lashes is not thereby incurred; while Rabbi Yochanan holds that it is a warning, and when we subsequently learn that he had chametz at home, he incurs lashes.

<sup>19</sup> For naturally until the last moment of the day only a doubtful warning can be given, as we do not know that he will permit the day to pass without eating it.

<sup>20</sup> For them to differ in both cases.

<sup>21</sup> These sanctify whatever is put into them, but only when they are in the Temple Court.

<sup>22</sup> Rish Lakish states it as an obvious thing, but Rav Oshaya was in doubt.

sacrifice] with leavened bread' is written. If so, he countered, [he is culpable] even if a person at the end of the world [possesses chametz]! — Said he to him, Scripture said: You shall not slaughter [the blood of My sacrifice with leavened bread]; neither shall [the sacrifice of the Pesach Festival] be left overnight unto the morning: [thus,] 'You shall not slaughter . . . with leavened bread' [applies to] those who are subject to 'it shall not be left overnight' on its account.<sup>23</sup>

Rav Pappa said: Therefore, the Kohen who burns the fat [on the altar] violates a negative command, since he is subject to the general [interdict of] leaving the eimurim overnight.<sup>24</sup> It was taught in accordance with Rav Pappa. He who slaughters the pesach sacrifice with chametz violates a negative command — When is that? When it belongs to the one who slaughters or to the one who sprinkles [the blood] or to one of the members of the company. If it belonged to someone at the end of the world, he is not tied to him.<sup>25</sup> And whether he slaughters or sprinkles or burns [the fat],<sup>26</sup> he is liable. But he who performs melikah on a bird on the fourteenth<sup>27</sup> does not violate anything.

But the following contradicts it: He who slaughters the pesach offering with chametz violates a negative command. Rabbi Yehudah said: The tamid too. Said they to him: They [the Sages] said [thus] of nothing except the pesach-offering alone. When is that? When either he who slaughters or he who sprinkles or one of the members of the company possesses [the chametz]. If a person at the end of the world possesses it, he is not tied to him. And whether he slaughters or he sprinkles or he performs melikah or he sprinkles [the blood of the bird], he is liable. But he who takes the handful of the meal-offering does

not violate a negative command. He who burns the eimurim does not violate a negative command. Now [the rulings on] melikah are contradictory, [and the rulings on] burning [the fat] are contradictory? — Then according to your reasoning, let that [Baraisa] itself present a difficulty to you. For it teaches, 'They said [this] of nothing except the pesach offering alone; and then it teaches, 'Whether he slaughters or he sprinkles or he performs melikah or he sprinkles [the blood of the bird]? [Say] rather, both are [according to] Rabbi Shimon; [the rulings on] melikah are not contradictory: here it refers to the fourteenth, while there it means during the Intermediate Days, and thus both the one and the other are [according to] Rabbi Shimon. [The rulings on] the burning [of fat] too are not contradictory: it is dependent on Tannaim. For some compare burning to slaughtering, while others do not compare [them]. (63b2 – 64a1)

#### INSIGHTS TO THE DAF

The Mishneh l'Melech (Hilchos Korban Pesach 1:5) inquires whether or not the prohibition of "Lo sishachet al chametz" -- "do not slaughter on chametz," applies if the korban already became invalid. For example, if one of the people who owned the korban acquired chametz after the slaughtering had been invalid for a certain reason, and the sprinkling of the blood was still done. Do we say that the Torah only made this prohibition regarding a kosher korban pesach, or is it even by an invalid korban pesach?

After first entertaining that this is an argument among various opinions in the Yerushalmi in our Mesechta (5:4), the Mishneh l'Melech later resolves that everyone agrees the prohibition is only applicable by a kosher korban pesach.

<sup>23</sup> And that obviously applies to its owners only.

<sup>24</sup> I.e., if he still has chametz when he burns the fat, even if none of the company has any.

<sup>25</sup> He has no connection with him, — or, he is not bound to take him into account, — is unaffected thereby.

<sup>26</sup> This supports Rav Pappa.

<sup>27</sup> While he still possesses chametz. The reference is to a bird offered as a sacrifice for a man lacking atonement; as stated earlier, it could be brought on the fourteenth after the afternoon tamid, i.e., when it is time for the pesach sacrifice to be slaughtered.

## DAILY MASHAL

### Counting the Minutes

Our Gemara discusses the concept of “al” being near the Temple, and how close one must be for its fulfillment. How close are we really?

The great Chassidic Rebbe, Reb Dov Ber of Radoshitz, was traveling across the Polish countryside. Night fell, the roads would soon be unsafe, and so he directed his wagon driver to stop at the first Jewish inn that they could find. In a short while, they had pulled up in front of a small Jewish tavern. The owner welcomed them in warmly, helped them with their bags, fed and watered their horse, and prepared for Reb Dov Ber a special room reserved for traveling rabbis and noblemen. After praying the evening prayer, Reb Dov Ber retired to his chambers and to bed, tired after the long day's journey. Soon the house was quiet, the fields outside still. Only the occasional barking of a lone farm dog broke the silence of the night. And yet . . . the clock on the wall -- it was ticking in the most amazing way; it wouldn't let Reb Dov Ber sleep. He tossed and turned in his bed. He got up and started pacing the room. Verses from the Books of the Prophets flooded his mind, songs of deliverance and hope. He tried to lie down again, but the clock kept ticking, until he was forced to rise from bed once more. Thus he spent the night, pacing the room in anxious anticipation.

In the morning, the tired but exhilarated rabbi approached the inn-keeper. "Where did you get that clock in the room?" he asked. "That clock? Well, several years ago another rabbi stayed in the room, Reb Yosef of Turchin, the son of that *tzaddik*, the Seer of Lublin. He came for only one night, but the weather turned bad and he was forced to stay for several days. In the end, he found that he did not have enough money to pay the bill, so he covered the difference by giving me that clock. He said

that he had inherited it from his father." "Now I understand why I couldn't sleep," said Reb Dov Ber. "Most clocks in the world only cause depression, for they count the hours that have passed -- another day lost, another opportunity gone by. But the clock of the holy Seer of Lublin counts the time that is coming -- another minute closer to the final redemption, another second nearer the age of universal peace."

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