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Pesachim Daf 71

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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 say that [the following] supports him? [For it was taught]; And you shall be altogether [ach] joyful: this is to include the night of the last day of the Festival for rejoicing.¹ You say, the night of the last day of the Festival; yet perhaps it is not so, but the night of the first day of the Festival?² Therefore ‘ach’ is stated, dividing it.³ Now what is the reason?⁴ Is it not because he has nothing with which to rejoice!⁵ — No: [it is] as it states the reason: Why do you prefer to include the night of the last day of the Festival and to exclude the night of the first day of the Festival? I include the night of the last day of the Festival, because there is rejoicing before it, while I exclude the night of the first day of the Festival, seeing that there is no rejoicing before it.⁶

Rav Yosef raised an objection: The chagigah of the fourteenth, one discharges with it [his duty] on account of rejoicing [the eating of the shalmei simchah], but one does not discharge with it [his duty] on account of chagigah. [Yet] why so? Surely we require slaughtering to be at the time of rejoicing [the eating of the shalmei simchah],

which is lacking [here]?⁷ — Said Rav Idi bar Avin: It is meant where he delayed and slaughtered it [on the fifteenth]. Rav Ashi observed: This too is logical, for if you should not say thus, who taught this teaching? Ben Teima? But [according to] Ben Teima, surely he has disqualified it through keeping it overnight!⁸ (71a1 – 71a2)

Rava objected: [The reciting of] hallel and rejoicing [the eating of the shalmei simchah] are [observed] eight [days].⁹ Now if you say [that] we require the slaughtering at the time of rejoicing [the eating of the shalmei simchah], then there are many occasions when only seven are found, e.g., if the first day of the Festival falls on the Shabbos?¹⁰ Said Rav Huna son of Rav Yehudah: He rejoices with the male goats of the Festivals.¹¹ Said Rava: Of this there are two refutations: firstly, because the male goats of the Festivals can be eaten raw [on the Shabbos], but cannot be eaten roasted,¹² and there is no rejoicing [the eating of the shalmei simchah] in [eating] raw [meat]; moreover, the Kohanim eat it; and with what do the

¹ I.e., the night of the eighth day. Rashi: It cannot mean the eighth day itself, since ‘seven’ is twice specified.

² Perhaps one must eat of the shelamim-offering then? And since sacrifices cannot be slaughtered at night, it would be necessary to slaughter it on the eve of the Festival.

³ Ach is always interpreted as a limitation; hence it excludes the first night.

⁴ That you include the last night and exclude the first; why not reverse it?

⁵ Since the sacrifice is not to be offered until the following morning. Thus this supports Ulla's statement that the shelamim-offering of rejoicing cannot be offered on the eve of the Festival.

⁶ It is more logical to assume that a continuation of rejoicing already begun is included than that the rejoicing must commence before the time actually prescribed.

⁷ He understood it to mean that it was actually slaughtered on the fourteenth.

⁸ Since he holds that the chagigah of the fourteenth may be eaten only a day and a night. I.e., not after the night of the fifteenth, like the pesach sacrifice. Hence he must have slaughtered it on the fifteenth.

⁹ The reference is to the Festival of Sukkos.

¹⁰ When the shelamim-offering may not be slaughtered.

¹¹ These were public sacrifices, and therefore slaughtered even on the Shabbos.

¹² Though they are slaughtered on the Shabbos, their roasting or cooking does not override the Shabbos.

Israelites rejoice? Rather, said Rav Pappa: He rejoices with clean garments and old wine. (71a2 – 71a3)

When Ravin came, he said in Rabbi Elozar's name: Shelamim-offerings which one slaughtered on Erev Sukkos, he discharges with them [his duty] on account of rejoicing [the eating of the shalmei simchah], but he cannot discharge with them [his duty] on account of chagigah. 'He discharges [his duty] on account of rejoicing [the eating of the shalmei simchah],' [for] we do not require the slaughtering at the time of rejoicing [the eating of the shalmei simchah]. 'But not on account of chagigah'; this is an obligatory [sacrifice], and every obligatory [sacrifice] comes from nothing but chullin. An objection is raised: 'And you shall be altogether' [ach] joyful:' this is to include the night of the last day of the Festival [Sukkos] for rejoicing [the eating of the shalmei simchah]. You say, to include the light of the last day of the Festival; yet perhaps it is not so, but it is to include the night of the first day of the Festival? Therefore 'ach' is stated, dividing it. Now what is the reason? Is it not because he has no meat with which to rejoice! — No: [it is] as it was taught. Why do you prefer to include the night of the last day of the Festival and to exclude the night of the first day of the Festival? I include the night of the last day of the Festival, because there is rejoicing [the eating of the shalmei simchah] before it; while I exclude the night of the first day of the Festival, because there is no rejoicing [the eating of the shalmei simchah] before it. (71a3)

Rav Kahana said: How do we know that the eimurim of the chagigah of the fifteenth are disqualified through being kept overnight?¹³ Because it is said: neither shall the fat of My chagigah offering remain all night until morning; and in proximity to 'the first' [is stated],¹⁴ to intimate that this 'morning' means the first morning.¹⁵ To this Rav Yosef demurred: [Thus] the reason is that 'first is written, but if 'first' were not written I would say, what does 'morning' mean? the second morning; [but] is there a case where the meat is disqualified from the evening, whereas the eimurim [are fit] until morning?¹⁶ Said Abaye to him, Yet why not? Surely there is the pesach offering according to Rabbi Elozar ben Azaryah, where the meat is disqualified from midnight, whereas the eimurim [are fit] until morning? — Said Rava, This is Rav Yosef's difficulty: is there a case where the Tanna does not require 'first' in respect of the meat, whereas Rav Kahana requires 'first' in respect of the eimurim?¹⁷ What is this [allusion]? — For it was taught: Neither shall any of the meat which you sacrificed the first day at evening, remain all night until the morning: this teaches concerning the chagigah of the fourteenth, that it may be eaten two days and one night.¹⁸ Yet perhaps it is not so, but [only] one day and one night?¹⁹ When it [Scripture] says, 'the first day,' the second morning²⁰ is meant.²¹ Yet perhaps it is not so, but the first morning [is meant], and to what do I relate [the case of] the chagigah which may be eaten two days and one night? [To all other chagigos] excepting this? When [Scripture] says of it, But if [the sacrifice of his offering be] a vow, or a freewill-offering, it teaches concerning the chagigah of

¹³ Though its meat may be eaten the whole of the following day too.

¹⁴ The first (E.V. 'choicest') of the fruits etc. Here, however, it is read with 'morning', as explained in the text.

¹⁵ I.e., the fat is not to remain until the first morning after the offering is sacrificed.

¹⁶ Surely not, for the meat may be eaten only on the day it is slaughtered and on the following, but not the night after it!

¹⁷ The sanctity of eimurim, which are burnt on the altar, is naturally greater than that of the meat, which is eaten, and accordingly the former becomes unfit more easily than the latter. Yet we see that the

Tanna assumes that morning written in connection with the meat must mean the first 'morning' without having recourse to 'reishis' - 'first'; why then does Rav Kahana require the proximity of 'reishis' - 'first' in order to establish that 'morning' written in connection with the eimurim means the first morning?

¹⁸ Understanding 'morning' to refer to the sixteenth of Nissan.

¹⁹ Relating 'morning' to the fifteenth.

²⁰ After it is slaughtered, i.e., the morning of the sixteenth.

²¹ Lit., 'said'. For 'the first day' implies that it may be eaten the whole of the first day after it is slaughtered.

the fourteenth that it may be eaten for two days and one night.²² (71a3 – 71b1)

The Master said: ‘Yet perhaps it is not so, but the first morning [is meant]’. But you have [already] said, ‘When it [Scripture] says. “the first day” the second morning is meant’? — This is what he means: Yet perhaps it is not so, but the Torah speaks of two chagigos, one the chagigah of the fourteenth, and one the chagigah of the fifteenth, and the former [must not remain] until its morning, while the latter [must not remain] until its morning?²³ Then he argues, as to our general ruling [that there is] a chagigah which is eaten two days and one night. If so, in which [case does] ‘if, a vow or a freewill-offering’ [hold good]? If the chagigah of the fourteenth, surely a day and a night is written in connection with it; if the chagigah of the fifteenth, surely a day and a night is written in connection with it? But this is in respect of the chagigah of the fifteenth, while the whole of the other verse is in respect of the chagigah of the fourteenth [only,] [and thus] it teaches concerning the chagigah of the fourteenth that it may be eaten two days and one night. Thus the reason is that ‘on the first day until the morning’ is written, so that what does ‘morning’ mean? the second morning; hence wherever ‘morning’ is written without qualification, it

²² The verse continues: it shall be eaten on the day he offered his sacrifice and on the next day. Thus two days are allotted, which ‘if a vow’ is regarded as superfluous, and therefore is interpreted as an extension to include the present case.

²³ I.e., the former must not remain until the morning of the fifteenth, while the latter must not remain until the morning of the sixteenth. Then the verse would be translated thus: ‘neither shall any of the meat . . . which you sacrificed . . . at evening’ — sc. of the chagigah of the fourteenth — ‘remain all night’, which naturally means until the morning of the fifteenth; while that ‘which you sacrificed the first day’, i.e., on the fifteenth, must not remain . . . until the morning’ viz., of the sixteenth.

²⁴ Lit., ‘not for its name’ — e.g., as a shelamim-offering.

²⁵ For having desecrated the Shabbos unintentionally, as he thought that just as it is permitted for its own purposes, it is permitted for another purpose.

²⁶ I.e., the animals had been consecrated for other sacrifices.

²⁷ For a pesach sacrifice, e.g., if they are females or two-years old.

means the first morning, even if ‘first’ is not written in connection with it. (71b1 – 71b2)

MISHNAH: If the pesach sacrifice was slaughtered for a different purpose²⁴ on the Shabbos, he [the slaughterer] is liable to a chatas-offering on its account,²⁵ while all other sacrifices which he slaughtered as a pesach sacrifice,²⁶ if they are not eligible,²⁷ he is culpable; while if they are eligible, — Rabbi Eliezer rules him liable to a chatas-offering, while Rabbi Yehoshua rules him not culpable.²⁸ Said Rabbi Eliezer to him: if the pesach sacrifice, which is permitted for its own purpose, yet when he changes its purpose he is culpable; then [other] sacrifices, which are forbidden [even] for their own purpose,²⁹ if he changes their purpose is it not logical that he is culpable! Rabbi Yehoshua answered him, not so. If you say [thus] of the pesach sacrifice, [he is culpable] because he changed it for something that is forbidden; will you say [the same] of [other] sacrifices, where he changed them for something that is permitted?³⁰ Said Rabbi Eliezer to him, let the public sacrifices prove it, which are permitted for their own sake,³¹ yet he who slaughters [other sacrifices] in their name is culpable. Rabbi Yehoshua answered him: not so. If you say [thus] of public sacrifices, [that is] because they have a limit;³² will you say [the same] of the pesach

²⁸ Rabbi Eliezer holds that even when a man performs a forbidden action while thinking that he is doing a mitzvah, he is culpable. Rabbi Yehoshua, however maintains that if the action actually performed is a mitzvah, even a slight one, he is not liable, as he is regarded not as having unwittingly desecrated the Shabbos, but as having erred in a religious matter. This applies to the present case, for he did offer a sacrifice, and Rabbi Yehoshua ruled previously that all sacrifices, including the pesach sacrifice, even if slaughtered for a different purpose, are nevertheless fit. But in the first case he definitely did not perform a religious action, since all know that a female etc. is not eligible for a pesach sacrifice, and therefore both agree that he is culpable.

²⁹ On the Shabbos.

³⁰ I.e., he slaughtered them as a pesach sacrifice, which is actually permitted.

³¹ The tamid-offering and the additional offerings of Shabbos and Festivals override the Shabbos.

³² Only a few animals are slaughtered as public sacrifices, and it is easy to avoid the mistake. Therefore when a man slaughters an animal

sacrifice, which has no limit?³³ Rabbi Meir said: he too who slaughters [other sacrifices] in the name of public sacrifice is not liable. If he slaughtered it³⁴ for those who are not its eaters,³⁵ or for those who were not registered, for uncircumcised or for tamei [people], he is culpable; [if he slaughtered it] for its eaters and for those who are not its eaters, for those who are registered for it and for those who are not registered for it, for circumcised and for uncircumcised, for tamei and for tahor [people], he is not liable.³⁶ If he slaughtered it, and it was found to possess a blemish, he is liable. If he slaughtered it and it was found to be a tereifah internally, he is not liable.³⁷ If he slaughtered it, and [then] it became known that its owners had withdrawn their hands from it,³⁸ or that they had died, or that they had become tamei, he is not culpable, because he slaughtered with permission.³⁹ (71b2) – 71b4)

INSIGHTS TO THE DAF

The Gemora states that while there is an obligation of “happiness” on the night of Shemini Ateres, there is no obligation on the day of Shemini Atzeres. Does this apply today when there is no Beis Hamikdash? Do we say that there is no obligation to drink wine etc. on the last day?

The Poskim do not mention that the last day is any different than any other day of yom tov (or chol ha’moed) where there is an obligation to be “happy.” One possible reason for this is that our Gemora is only referring to the happiness of eating meat of korbanos, which is clearly what is referred to by the Torah. When the verse excludes

consecrated for a different purpose as a public sacrifice, he cannot be regarded as having erred in a religious act but as one who unwittingly desecrated the Shabbos.

³³ An enormous number of animals were slaughtered — seemingly limitless. Hence his error is pardonable, and he is regarded as having erred in a religious duty.

³⁴ The pesach sacrifice offering, on the Shabbos.

³⁵ Such who could not eat of it; e.g., sick or old people.

³⁶ In the former case the offering is unfit; hence his act constitutes desecration of the Shabbos; but in the latter case the offering is valid

³⁷ A chatas-offering is incurred only when a person intends doing what he does, but is unaware that in the circumstances it is forbidden; he is

happiness regarding korbanos, it does not necessarily exclude other kinds of happiness which are substituted for korbanos, such as drinking wine. This is indicated in our Gemora by Rav Papa, who says that if Yisroelim cannot eat meat of korbanos it is possible that they are obligated to have happiness by drinking wine and wearing nice clothes.

Indeed, the Avnei Nezer (Orach Chaim #423) makes a distinction regarding the first night of Yom Tov that although one cannot eat from a chagiga that was slaughtered on yom tov, and he therefore does not have to eat other korbanos either, he still should be obligated to drink wine. It therefore is possible that the Poskim do not differentiate because they hold the Gemora was only referring to happiness of korbanos.

DAILY MASHAL

If Not for the Torah

The Gemara tells us that if not for those who study Torah by day and by night, the Heavens and earth would not continue to exist, as the possuk says, “If not for My covenant by day and by night, I would not have made the statutes of Heaven and earth” (Yermiyahu 33:25). Elsewhere, the Gemara brings this as an answer to those who would challenge the Torah scholars, and ask what benefit they bring to the world. Torah study is the most crucial occupation of man. If not for the Torah students, all of creation would be for naught (Sanhedrin 99b).

then technically called shogeg, an unwitting offender, but if he did not intend doing it at all, he is called onus, the victim of an unforeseen accident, and is not liable. Now an external examination of the animal would have revealed its blemish; his neglect to do this renders him shogeg, as though he had known that it was blemished, but thought it permitted. But he could not have known here that it was tereifah; therefore he is regarded as onus, and is not culpable.

³⁸ I.e., they had re-registered for a different animal before this was slaughtered.

³⁹ He could not have known of this, and therefore he too is regarded as onus.