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Pesachim Daf 73

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Daf Notes is currently being dedicated to the neshamah of

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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

If he slaughtered it for those who are not its eaters [etc.]. That is obvious: since it is [taught] there [that it is] unfit, he is liable here?¹ — Because the second clause teaches, he is not liable, the first clause teaches, he is liable. But that too is obvious: Since [the sacrifice] is fit there, he is not liable here? — Rather, because he teaches, if he slaughtered it for a different purpose on the Shabbos, he also teaches [about] those who are not its eaters. And what is the purpose of that itself? — [He states it] because he wishes to teach the controversy of Rabbi Eliezer and Rabbi Yehoshua. (73a1)

Rav Huna bar Chinena said to his son: When you go before Rabbi Zerika, ask him: According to the one who holds that he who causes damage through a wound is not liable, when we learned in the *Mishna*: if he slaughtered it for those who are not its eaters, he is liable, what positive value has he effected?² He answered: He effected that if they [the sacrificial parts] ascended [the top of the altar], they do not descend.³

The next question was: The *Mishna* states: If he slaughtered it, and it was found to possess a blemish, he is liable; what positive value has he effected? He answered: He effected something positive in the case of cataracts in the eye. This is in accordance with Rabbi Akiva, who maintained: If they [the eimurim] ascended, they do not descend.

The next question was: The *Mishna* states: If he slaughtered it and it was found to be a tereifah internally, he is not liable. We may infer from here that if it is in an exposed part, he is

liable; yet what has he effected? He answered: He effected its removal from the state of neveilah.

Ravina asked: As to what was taught in a *braisa*: If one inadvertently slaughtered on *Shabbos* a *chatas* offering outside the Courtyard as a sacrifice to an idol, he is liable to three *chatas* offerings. [*He is liable for: 1. violating the Shabbos; 2. slaughtering a consecrated animal outside the Courtyard; 3. slaughtering to idols.*] What has he effected? Rav Avira answered: Because he removes it from the status of a limb cut from a living animal. (73a1 – 73a2)

If he slaughtered it and it became known etc. Rav Huna said in the name of Rav: If an *asham* is put out to pasture (*i.e. in a case where its owner died*) and it was then slaughtered as a *korban* without specific intent for what *korban* it should be, it is valid (*as an olah, as this is its intended purpose*). The *Gemora* asks: This implies that it is only true if it was officially put out to pasture and removed from being an *asham*. Why should it depend on whether or not it was removed? The *Gemora* answers: When it is sacrificed immediately after atonement, it is preventively forbidden on account of when it is sacrificed like that even before atonement. And from where do you infer this? The *Gemora* proves this from that which we learned in a *Mishna*: 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 Yehoshua said: The proceeds

¹ For its unfitness renders his action a desecration of the Shabbos.

² The transgression of Shabbos must have a positive result to be considered transgressing Shabbos, or else it is considered ruining, which is only a Rabbinic prohibition!

³ Because the limbs of the *korban* may still stay on the *mizbe'ach* once they were put on, the person has effected a “kosher” development by slaughtering this *korban*, and is therefore considered as having transgressed Shabbos.

should be used by the owner to purchase an *olah* offering. The *Gemora* infers that it is only with its money (that an *olah* may be purchased), but not it itself, because he preventively forbids it when sacrificed after atonement on account of when it is sacrificed before atonement. This indeed proves it. (73a2 – 73a4)

Rav Chisda raised an objection against Rav Huna: If he slaughtered it and it became known that the owners had withdrawn their hands etc. Now it was taught regarding this: During the week in such circumstances it must be burnt immediately. Now it is well if you say that it requires uprooting:⁴ this is a pesach sacrifice, and since it has no owners, its disqualification is in itself, [and] for that reason it must be burnt immediately. But if you say that it does not require uprooting [then] from the beginning⁵ it is a shelamim-offering: On account of what [then] is its disqualification? [Presumably] on account of something extraneous, viz., that he slaughtered it after the evening tamid!⁶ [But] then it requires disfigurement? For it was taught, This is the general rule: Wherever its disqualification is in itself,⁷ it must be burnt immediately; [if it is] in the blood or in its owner,⁸ [the flesh] must become disfigured and [then] it goes out to the place of burning. — Rather, do not say, ‘if he slaughtered it without specifying its purpose, it is fit as an *olah*-offering,’ but say: If he slaughtered it for the purpose of an *olah*-offering, it is fit. (73a4 – 73b2)

This proves that it requires [express] uprooting. Then according to Rabbi Chiya bar Gamda, who said: It was thrown out from the mouth of the company and they said: [The

circumstances are] e.g., that its owners were tamei through a corpse and relegated to Pesach Sheini: [thus] only this requires uprooting, but in general uprooting is not required, what can be said? — Rather, said Rav Huna son of Rav Yehoshua, what are we discussing here? E.g., if he separated it [for a pesach sacrifice] before midday, and the owner died after midday, so that it was eligible and then rejected, and whatever was eligible and then rejected cannot be eligible again.⁹ — Is then our reasoning [required] for any but Rav,¹⁰ — surely Rav said: Live animals cannot be [permanently] rejected? Rather, said Rav Pappa, the author of this is Rabbi Eliezer, who maintained: Similarly, if he slaughters other [sacrifices] for the sake of the pesach sacrifice, they are unfit,] so that its disqualification is in itself.¹¹ But if it is [according to] Rabbi Eliezer, he would rule him liable to a chatas-offering, since Rabbi Eliezer rejects [the view that] he who errs in the matter of a mitzvah is exempt!¹² — Rav Yosef the son of Rav Sala Chasida explained it before Rav Pappa: The author of this is Yosef ben Chonai. For we learned, Yosef ben Chonai said: Those [other sacrifices] which are slaughtered for the purpose of a pesach sacrifice or for the purpose of a chatas-offering are unfit. This proves that its disqualification is in itself, and for that [reason] it must be burnt immediately; while in the matter of non-culpability¹³ he agrees with Rabbi Yehoshua.¹⁴ (73b2 – 73b3)

Rav Ashi said: Rab ruled in accordance with Rabbi Yishmael the son of Rabbi Yochanan ben Berokah. For it was taught, Rabbi Yishmael the son of Rabbi Yochanan ben Berokah said: If there was sufficient time in the day to ascertain whether the owners had withdrawn their hands or died or become

⁴ It does not change automatically.

⁵ I.e., immediately the owners die or withdraw their hands.

⁶ That is when he would actually slaughter it, thinking that it was still a pesach sacrifice, whereas as a shelamim-offering it must be slaughtered before.

⁷ Rashi explains that this refers, for example, to korbanos that are piggul, impure, nossar, or if it went out of its boundaries.

⁸ Rashi gives examples such as the blood having been spilled or the owner of a korban pesach dying, or the meat became tamei after the sprinkling of the blood.

⁹ The original version is to be retained, viz., that he slaughtered it without a specified purpose, express uprooting not being necessary. But the reason in the Baraisa is a different one, as stated. Thus: at midday the owner was

still alive and therefore it was immediately eligible for a pesach sacrifice offering; the owner's death disqualified it from that purpose, and he holds that it can never be eligible again in such circumstances.

¹⁰ This explanation is given only in order to reconcile Rav Huna's statement in Rav's name with the Baraisa.

¹¹ I.e., it does not require uprooting, so that it is automatically a shelamim-offering; hence by slaughtering it expressly for a pesach sacrifice he renders it intrinsically disqualified, and therefore on weekdays it must be burnt immediately.

¹² Hence in the Mishnah he should be liable for desecrating the Shabbos.

¹³ When one errs in a matter of a mitzvah.

¹⁴ That he is not culpable.

defiled, he is liable,¹⁵ and it [the sacrifice] must become disfigured and [then] go out to the place of burning. What is the reason? Is it not because it does not require uprooting?¹⁶ — What is the basis for this? Perhaps it is because he agrees with the Baraisa taught in the School of Rabbah bav Avuha, who said: Even piggul too requires disfigurement, because we learn the meaning of ‘iniquity’ from nossar.¹⁷ For if you should not say thus, where the owners become defiled, what can be said, for surely that certainly requires uprooting, for Rabbi Chiya bar Gamda said, it was thrown out from the mouth of the company and they said: [The circumstances are] e.g., that its owners were tamei through a corpse and relegated to Pesach Sheini? Hence it is clear as we answered at first: this is [in accordance with] Yosef ben Chonai. (73b3 – 73b4)

WE SHALL RETURN TO YOU, EILU DEVARIM

INSIGHTS TO THE DAF

The Gemora asks why our Mishna states that a korban pesach slaughtered on an Erev Pesach that falls on Shabbos for people who are not going to eat it is considered transgressing Shabbos. The Gemora answers that because the limbs of the korban may still stay on the mizbe’ach once they were put on, the person has effected a “kosher” development by slaughtering this korban, and is therefore considered as having transgressed Shabbos.

The Maharsha asks an obvious question. Why did the Gemora specifically ask about the case where the korban was slaughtered for people who are not going to eat it? Why didn’t it ask about someone who slaughtered the korban pesach with intent that it was another korban? The answer should apply to both cases, and this case is quoted earlier in the Mishna!

The Maharsha answers that someone who slaughters a korban pesach as a shelamim has at least insured that there

will not be a prohibition of nossar for a longer amount of time (two days and one night) than there would be for a korban pesach (the next morning). The Tzlach, however, argues with the Maharsha and says that when someone slaughters a korban that is ruled invalid, the prohibition of nossar does not even apply! The Sfas Emes explains that the Maharsha and Tzlach are not arguing (in this point). Everyone agrees that there is no prohibition liable to be punished with Kares for eating a korban that is invalid and is nossar. However, the laws of nossar still apply, and therefore the meat should not be left longer than the amount of time a kosher korban of this type would be allowed to be eaten. This means that one is allowed to leave the meat until the time when it would become nossar.

DAILY MASHAL

Rav Huna son of Rav Yehoshua said that whatever was eligible and then rejected cannot be eligible again. The Gemara in Yuma states that if it was rejected from the onset there is a logic to say that it can become eligible at a later time.

Rav Yosef Engel explains that a disqualification by kodashim is based upon its high level of sanctity, and accordingly, something with a higher degree of sanctity that becomes disqualified, that can degrade it to such a level where it cannot become eligible again. An animal which was eligible and already obtained an extraordinary level of sanctity where it was fit to be sacrificed upon the Altar, if it becomes disqualified, it plummets to a level where even if the disqualification is removed, it can never become eligible again; however, an animal which was holy, but it wasn’t fit to be offered on the Altar, if it becomes disqualified, it is not to such a degree that it cannot become eligible once again.

This can explain the Gemara which states that one who learned Torah and then departed from its ways hates Torah scholars more than someone who never learned at all.

¹⁵ For he should have satisfied himself on these things before slaughtering. Therefore he is regarded not as having erred in the fulfillment of a mitzvah but as an unwitting offender (shogeg); hence he is liable.

¹⁶ As above. Thus this supports Rav, who does not accept the view of the Baraisa quoted at the beginning of the page.

¹⁷ Though piggul is certainly intrinsically disqualified.