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Pesachim Daf 90

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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

Ulla — others state, Rabbi Oshaya — said: Perhaps our Babylonian colleagues know the reason for this ruling. [Consider:] one set aside a lamb for his pesach-offering, and another set aside money for his pesach-offering: how can sanctification fall upon sanctification, that he teaches, ‘the money he holds is chullin.’¹ — Said Abaye: If Rabbi Oshaya had not related that [Mishnah]² to a case where he registers a harlot for his pesach-offering,³ and in accordance with Rebbe,⁴ I would have related it to sacrifices of lesser sanctity⁵ and in accordance with Rabbi Yosi HaGelili who maintained: sacrifices of lesser sanctity are their owner's property. But [on Rebbe's view] a man does not leave anything over [unconsecrated] in the pesach-offering, yet he certainly does leave over in the case of money, because when he set it aside [for a pesach-offering] in the first place, he did so with this intention.⁶ While this [the present Baraisa] is [the view of] Rebbe, and for that reason the money he holds is chullin, as a man certainly leaves over [something] of money

[unconsecrated]. Again, what Rabbi Oshaya explains as the view of Rebbe, I do not explain as [the view of] Rebbe, for a man does not leave over anything [unconsecrated] of the pesach-offering.⁷ But this [present Baraisa] cannot be established as agreeing with Rabbi Yosi, since it is taught there, ‘and he who sells his olah-offering and his shelamim-offering has effected nothing.’⁸ Now however that Rabbi Oshaya related that [Mishnah] to the case of a man who registers a harlot in his pesach-offering and in accordance with Rebbe, it follows that he holds that a man leaves [something unconsecrated] even in his pesach-offering [itself].⁹ What is [this statement] of Rabbi Oshaya [which is alluded to]? — For we learned: If he gave her [a harlot] consecrated animals as her hire, they are permitted [for the altar];¹⁰ [if he gave her] birds of chullin, they are forbidden.¹¹ Though [the reverse] would have been logical: if with consecrated animals, which a blemish disqualifies, yet [the

¹ Money consecrated for a sacrifice can revert to chullin only if an animal of chullin is bought with it, whereby the animal receives the sanctity of the money, which in turn loses it and becomes chullin. Here, however, the money was consecrated and given for an animal (or part of it, which is the same) which was already consecrated for a pesach-offering: how then can additional sanctity fall upon the animal, in the sense that the sanctity of the money is transferred to it, leaving the money chullin? — It cannot be answered that this refers to unconsecrated money, for in that case it is obvious.

² In reference to a man who gave a sanctified animal to a harlot, where it is implied that but for a certain verse this would disqualify the animal from being offered as a sacrifice. Though a man cannot render forbidden that which does not belong to him, we say there that he would do so, though since it is sanctified it is really not his.

³ In return for the ‘hire’ which he owes her.

⁴ Rebbe rules that if a man needs money e.g., for clothes, he may register other people with him for his pesach-offering and spend his money so acquired on clothes. Thus he holds that an animal sanctified for a pesach-offering is entirely his private property; consequently, he could also render it forbidden (but for the verse) by making it a harlot's hire.

⁵ Thus he gave the harlot an animal consecrated for a shelamim-offering.

⁶ I.e., when Rebbe permits the owner to spend the money on clothes etc., it is not because he holds that when a man consecrates an animal for a pesach-offering he leaves part of it unconsecrated, as it were, so that if a man gives him consecrated money for a share in the sacrifice the sanctity of the money is transferred to that unconsecrated portion of the animal, while the money itself thereby becomes chullin and can be expended on anything. The reason is on the contrary that when a man consecrates money for the pesach-offering he leaves that money partly unconsecrated, as it were, in the sense that it automatically reverts to chullin when he gives it in payment for a share in a sacrifice, and in fact, the money is technically to be regarded as a gift, not as payment at all; Hence the vendor can use it as he pleases.

⁷ Hence on Rebbe's view if he registers a harlot it does not prohibit it, since nothing at all of the animal is his in that sense.

⁸ Whereas on Rabbi Yosi's view that sacrifices of lesser sanctity are the owner's personal property, the sale of the shelamim-offering is valid.

⁹ Not only in the money set aside for the pesach-offering.

¹⁰ Since they were consecrated before he gave them to her, he cannot make them forbidden.

¹¹ To be offered henceforth as a sacrifice.

prohibition of] ‘hire’ or ‘exchange’¹² does not fall upon them;¹³ then with birds, which a blemish does not disqualify, is it not logical that [the prohibition of] ‘hire’ and ‘exchange’ does not fall upon them? Therefore it is stated, ‘for any vow,’ which includes birds. [But] now you might argue a kal vachomer in respect of consecrated animals: if with birds, though a blemish does not disqualify them, yet ‘hire’ and ‘exchange’ fall upon them, then with consecrated animals, which a blemish disqualifies, is it not logical that ‘hire’ and ‘exchange’ fall upon them? Therefore it is stated, ‘for any vow [neder]’, which excludes that which is [already] vowed [nadar].¹⁴ Now the reason is because the Divine Law wrote ‘vow’; but otherwise I would say: The prohibition of ‘hire’ falls upon consecrated animals: but surely a man cannot prohibit that which is not his? — Said Rabbi Oshaya: It refers to the case of a man registering a harlot for his pesach-offering, this being according to Rebbe. (89b3 – 90a3)

What is [this allusion to] Rebbe? — For it was taught, And if the household be too little from being for a lamb: sustain him with [the proceeds of] the lamb in his food requirements, but not in his requirements of [general] purchases. Rebbe said: In his requirements of [general] purchases too, so that if he has nothing [with which to purchase], he may register another in his pesach-offering and his chagigah,¹⁵ while the money he receives is chullin, for on this condition did the Jews consecrate their pesach-offerings. (90a3)

Rabbah and Rabbi Zeira [disagree]. One maintains: No one differs about fuel for roasting it, for since this makes the pesach-offering fit [to be eaten], it is as the pesach-offering itself.¹⁶ Their controversy is only about matzah and marror: the Rabbis hold: This is a different eating;¹⁷ while Rebbe holds: Since it is a requisite of the pesach-offering,¹⁸ it is as the pesach-offering itself. The other maintains: No one

disagrees about matzah and marror either, for it is written, [They shall eat the meat . . .] and matzah; with marror they shall eat it; hence since they are a requisite of the pesach-offering they are as the pesach-offering. Their controversy is only about buying a shirt with it [or] buying a cloak with it. The Rabbis hold: The Divine Law said, from being for a lamb [mi-heyos miseh]: devote it [hachayehu] to the lamb;¹⁹ while Rebbe holds: Sustain [hachayeh] yourself from [the proceeds of] the lamb. But according to Abaye, who said: ‘If Rabbi Oshaya had not related that [Mishnah] to a case where he registers a harlot in his pesach-offering, and in accordance with Rebbe, I would have related it to sacrifices of lesser sanctity, and in accordance with Rabbi Yosi HaGelili who maintained, Sacrifices of lesser sanctity are their owner’s property; but [on Rebbe’s view] a man does not leave anything over [unconsecrated] in the pesach-offering’; — surely it is explicitly stated, ‘for on this condition did the Jews consecrate their pesach-offerings?’²⁰ — Say: ‘for on this condition did the Jews consecrate the money for their pesach-offerings.’ (90a3 – 90a4)

MISHNAH. If a zav has experienced two discharges, one slaughters [the pesach-offering] on his behalf on his seventh [day]; if he has had three discharges, one slaughters on his behalf on his eighth [day].²¹ If a woman watches day by day, one slaughters on her behalf on her second day; if she saw [a discharge] on two days, one slaughters on her behalf on the third [day]. And as to a zavah,²² one slaughters on her behalf on the eighth [day]. (90a4 – 90a5)

GEMARA: Rav Yehudah said in Rav’s name: One slaughters and sprinkles on behalf of a tevul yom and one who lacks atonement, but one may not slaughter and sprinkle for a

¹² You shall not bring the hire of a harlot, or the exchange of a dog, into the house Hashem your God for any vow etc.

¹³ To make them forbidden.

¹⁴ The hire of a harlot cannot be vowed as a sacrifice; but a consecrated animal has already been vowed.

¹⁵ Of the fourteenth.

¹⁶ Hence one may certainly sell a share in the sacrifice for this purpose.

¹⁷ Hence he cannot buy it with the proceeds of the sacrifice.

¹⁸ Which must be eaten with matzah and marror.

¹⁹ Lit., ‘sustain the lamb’ — i.e., the money realized from the lamb must be expended on what is needed for the lamb, e.g., the matzah and marror which accompany it.

²⁰ This definitely implies a reservation in the sacrifice itself.

²¹ In both these cases they are fit to eat the pesach-offering in the evening; hence we slaughter it on their behalf.

²² Who had three discharges.

person tamei through a sheretz.²³ But Ulla maintained: One slaughters and sprinkles for a person tamei through a sheretz. According to Rav, wherein does a tevil yom differ? Because he is fit in the evening. But one tamei through a sheretz too is fit in the evening? — He lacks tevillah. Then a tevil yom too lacks the setting of the sun?²⁴ The sun goes down of its own accord.²⁵ Then one who lacks atonement too, surely lacks forgiveness?²⁶ — It means where his pair [of birds] are in his hand.²⁷ Then a person tamei through a sheretz too, surely the mikvah²⁸ stands before him? — He may neglect it. If so, he who lacks sacrifice too, perhaps he will neglect [to sacrifice]? — It means e.g., that he had delivered them [his birds] to the Beis din, this being in accordance with Rav Shemayah, who said: It is a presumption that the Beis din of Kohanim²⁹ do not rise from there until the money in the horn-shaped receptacles is finished.³⁰ Now according to Rav, by Scriptural law he³¹ is indeed fit, and it was the Rabbis who preventively forbade him;³² why then did Rav say: We defile one of them with a sheretz? — Rather [say] according to Rav he is not fit by Biblical law either, for it is written, If any man be tamei by reason of a corpse: does this not hold good [even] when his seventh day falls on Erev Pesach, which case is [tantamount to] tumah through a sheretz,³³ yet the Divine Law said, Let him be relegated [to Pesach Sheini]? [But] how do you know that it is so?³⁴ — He holds as Rabbi Yitzchak, who said: They³⁵ were tamei through an unattended corpse³⁶ whose seventh day fell on Erev Pesach, for it is said, and they could not keep the Pesach on that day: thus only on that day could they not keep it, but on the following day they could keep it,³⁷ yet the Divine Law said, Let them be put off.³⁸

We learned: If a zav has experienced two discharges, one slaughters [the pesach-offering] on his behalf on his seventh [day]; does that not mean where he had not performed tevillah, which proves [that] one slaughters and sprinkles for a person tamei through a sheretz?³⁹ No; it means where he has performed tevillah. If he has performed tevillah, what does it [the Mishnah] inform us? If he informs us this, that though he lacks the setting of the sun, the sun sets automatically. Reason too supports this [interpretation], since the second clause teaches: if he has had three discharges, one slaughters on his behalf on his eighth [day]. Now it is well if you agree that [the clause] 'If a zav has experienced two discharges, one slaughters [the pesach-offering] on his behalf on his seventh [day]' means where he has performed tevillah: then [the second clause] is necessary. You might argue: Only when he has had two discharges [do we slaughter for him] on his seventh [day], because he does not lack a positive act; but [in the case of] 'one who has had three discharges, on his eighth day,' where an action is wanting [in that] he lacks forgiveness,⁴⁰ it is not so. Therefore [the Mishnah] informs us that though he lacks forgiveness, we slaughter and sprinkle on his behalf. But if you say that [the clause, 'If a zav] has experienced two discharges, [one slaughters (the pesach-offering) on his behalf] on his seventh day,' means where he has not performed tevillah, what is the purpose of [teaching about] one who has had three discharges? Seeing that you say that one slaughters and sprinkles on behalf of one who had two discharges, and is in his seventh day, but has not performed tevillah, so that he is quite tamei; then how much the more does one slaughter

²³ Though he can perform tevillah and be fit in the evening.

²⁴ I.e., he too is not fit when the sacrifice is actually slaughtered.

²⁵ No action by himself is wanting.

²⁶ I.e., he is yet to bring his sacrifice, and thus he is on a par with a person tamei through a sheretz, who is to perform tevillah.

²⁷ For sacrificing, so we need not fear that he may omit to do so and the pesach-offering will have needlessly been slaughtered for him.

²⁸ For him to immerse himself.

²⁹ A special court in the Temple which dealt with priestly and sacrificial matters.

³⁰ The monies for the bird-offerings were placed daily in horn-shaped receptacles, and the priestly Beis din saw to it that these were expended on the day they were received. Hence there was no fear of neglect.

³¹ The person tamei through a sheretz.

³² This must be assumed, since he gives the reason because we fear that he may neglect his tevillah.

³³ Since both can be tahor in the evening.

³⁴ Since Scripture mentions a corpse, it may refer only to such tumah that is not the same as that acquired from a sheretz, viz., before the seventh day.

³⁵ The men who came to enquire of Moshe and Aaron.

³⁶ Lit., 'a corpse of a mitzvah' — i.e., the corpse of a person whose relatives are unknown; its burial is obligatory upon the first person who finds it.

³⁷ This is possible only if the following day was their eighth day.

³⁸ Though they can make themselves fit for the evening.

³⁹ For they are exactly alike.

⁴⁰ His sacrifice is yet to be offered.

and sprinkle for one who had three discharges, and is in his eighth day, and has performed tevillah on the seventh, so that his tumah is of a lighter nature! Hence it surely follows that [the law] that we slaughter on behalf of one who has had two discharges and is in [his] seventh [day] refers to the case where he has performed tevillah! — No. In truth I may tell you that he has not performed tevillah, and [yet] it is necessary. I might argue: Only on the seventh day [do we slaughter for him], since [it lies] in his own hand to make himself fit; but on the eighth day, when it is not in his power to offer the sacrifice, I might say, the Kohanim may neglect him. Hence we are informed [that it is] as Rav Shemayah [stated]. (90a5 – 90b4)

And as to a zavah, one slaughters etc. A teacher of Baraisos recited before Rav Adda bar Ahavah: And as to a zavah, one slaughters on her behalf on her seventh day. Said he to him: Is then a zavah on her seventh day fit?⁴¹ Even on the view that one slaughters and sprinkles for a person tamei through a sheretz, that is only for a person tamei through a sheretz, who is fit in the evening. But this one is not fit until the following day when she brings her atonement. Say [instead], 'on the eighth.' Then it is obvious?⁴² — You might say, since she lacks atonement, [one must] not slaughter [on her behalf]; hence he informs us [that it is] as Rav Shemayah [stated]. Ravina said: He [the Tanna] recited before him [about] a niddah, [thus]: And as to a niddah, one slaughters for her on the seventh [day]. Said he to him: Is then a niddah fit on the seventh [day]? Even on the view that one slaughters and sprinkles for a person tamei through a sheretz [that is] because he is fit in the evening. But a niddah performs tevillah in the evening of [i.e., following] the seventh day; [hence] she is not fit for eating [the pesach-offering] until the [evening after the] eighth, by when she has had the setting of the sun.⁴³ But say, 'on the eighth.' That is

⁴¹ To partake of the sacrifice in the evening.

⁴² Though the same is stated in the Mishnah, it might be included there for the sake of parallelism, though unnecessary in itself. But here it is taught as an independent statement.

⁴³ She must not eat of sacrifices until the setting of the sun after her tevillah. Since she performs tevillah in the evening, when the sun has already set, she must wait until the following evening.

⁴⁴ She does not require a sacrifice.

obvious: seeing that one slaughters and sprinkles for a zavah on the eighth day, though as yet she lacks atonement, need it be taught that one slaughters and sprinkles on behalf of a niddah, who does not lack atonement?⁴⁴ — He finds it necessary [to teach about] a niddah, [and] informs us this: only on the eighth, but not on the seventh, even as it was taught: All who are liable to tevillah,⁴⁵ their tevillah takes place by day;⁴⁶ a niddah and a woman who has given birth, their tevillah takes place at night.⁴⁷ For it was taught: You might think that she [a niddah] performs tevillah by day,⁴⁸ therefore it is stated, she shall be in her impurity seven days: let her be in her impurity full seven days.⁴⁹ And a woman who has given birth is compared to a niddah. (90b4 – 90b5)

DAILY MASHAL

Zose ti'h'yeh toras hamtzora" - This shall be the law of the leper - Rashi says that his remedy is to lower himself and be humble. He brought the skin affliction upon himself by being haughty and speaking disparagingly of others. Let him be humble and be healed. The word "ti'h'yeh" seems superfluous. Our Rabbis in numerous places in the gemara derive from the word form of being, "havayoh," that a situation must be or will be permanent, "b'havoyoso y'hei." Here too, his lowering himself is not sufficient if all it is, is a medium to heal himself of the affliction and then back to business as usual. "Ti'h'yeh," it must be permanent. (Shem miShmuel)

⁴⁵ E.g., a zav and a zavah, a metzora, and one defiled through a corpse.

⁴⁶ The seventh day from their defilement.

⁴⁷ The evening following the last day of their tumah. In this respect a niddah is more stringent than a zavah, who performs tevillah on the seventh day, and does not wait for the evening.

⁴⁸ Sc. the seventh, like a zavah.

⁴⁹ But if she performs tevillah on the seventh day itself, the period is diminished.