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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

Rovea and Nirva

The *Mishnah* had stated: If one offered up outside a *rovea* (*an animal which has performed an act of bestiality*), a *nirva* (*an animal on which an act of bestiality has been performed*) etc., he is not liable on its account.

The *Gemara* asks: Can this not be derived from "*the entrance to the Tent of Meeting*"? [*Why is it necessary to cite a different verse?*]

The *Gemara* says: It is well regarding *rovea* and *nirva*, for they can be disqualified in a case where one consecrated them and afterwards they committed sodomy (*and then they would not be excluded from the text of "the entrance to the Tent of Meeting," for we might have said that as long as they were once fit to be offered at the Tent of Meeting, one would be liable for offering them outside, even though they are not presently fit*); however, how can we answer the cases of an animal set aside (*to be used as a sacrifice for idolatry*), or one that has been worshiped? One is not capable of forbidding that which does not belong to him (*so why is a new verse necessary; they must have been forbidden for the altar even before they were consecrated*)!?

The *Gemara* answers: The *Mishnah* is referring to *kodashim kalim* sacrifices, and it is in accordance with Rabbi Yosi HaGelili, who maintains that such sacrificial animals are regarded as the owner's property (*and a person may render them forbidden even after they were consecrated*). For it was taught in a Baraisa: It is written: "*If he will commit a treachery against Hashem (by lying to his fellow)*." This includes *kodshim kalim*, which are considered his money; these are the words of Rabbi Yosi HaGelili.

Therefore, [the second proof-text is required for] rovea and nirva, because immorality is involved. [It is required for] an animal set aside (*to be used as a sacrifice for idolatry*), or one that has been worshiped, for kodashim kalim. The harlot's payment, the payment of a dog exchange, kil'ayim, and an animal born through the caesarean section, in the case of the young of consecrated animals [sacrifices]; [because] he holds: The offerings of sacred animals are sacred from birth. (113b3 – 114a2)

Necessary Cases

The *Mishnah* had stated: A blemished animal etc. an animal and its offspring etc. [*If one offered up outside a blemished animal, whether it was a permanent blemish or a temporary blemish, he is not liable. Rabbi Shimon says: If it was a permanent blemish, he is not liable; a temporary blemish, he transgresses a negative prohibition. If one offered up outside turtledoves before their time has arrived or young pigeons after their time has passed, he is not liable. Rabbi Shimon says: Young pigeons after their time has passed, he is not liable, but turtledoves before their time has arrived, he transgresses a negative prohibition (since they will eventually become fit for the altar). An animal and its offspring (which cannot be slaughtered on the same day), or an animal before its time, he is not liable. Rabbi Shimon says: He transgresses a negative prohibition. But the Sages say: Where there is no kares there is no prohibition either.*]

L'zecher Nishmas HaRav Raphael Dov ben HaRav Yosef Yechezkel Marcus O"H

The *Gemara* explains why it was necessary to state this dispute in three cases separately: If it would have just stated the case regarding blemishes, I would have thought that the Sages ruled that he is exempt for the animal is repulsive; however, the turtledoves before their time has arrived, which are not repulsive, perhaps they would admit to Rabbi Shimon (*that one who offers them outside has indeed violated a negative prohibition*). And if t would have just stated the case regarding the turtledoves before their time has arrived, I would have thought that Rabbi Shimon ruled that one is liable, for they were not eligible and later rejected; however, the blemished animals, which were initially eligible and later rejected, perhaps he would admit to the Sages (*that one is completely exempt for offering them outside*). And if it would have stated both these cases, I would have thought that it (*the reason why the Sages exempt the offerer*) is because the animals are inherently disqualified; however, regarding the case of the animal and its offspring, where the disqualification comes from elsewhere, perhaps they would admit to Rabbi Shimon (*that one who offers them outside has indeed violated a negative prohibition*). Therefore, they were all necessary to state. (114a2)

Rabbi Shimon's Reason

The *Mishnah* had stated: because Rabbi Shimon used to say that whatever will be fit at a later time, one transgresses on its account a negative prohibition, but does not incur *kares*.

The *Gemara* cites Rabbi Shimon's reason. It is written (*Moshe was discussing the initial fourteen years after the Jewish people entered the Land of Israel*): *You shall not do everything that we do here this day*. Moshe said to the Jewish people: When you enter *Eretz Yisroel* (*while they were conquering and dividing the Land*), you shall offer proper (*voluntary*) sacrifices, but you shall not offer obligatory offerings. It emerges that Gilgal (*where they were located initially*) in relationship to Shiloh was premature, and Moshe said to them, *You shall not do* (*proving that there is a prohibition against offering sacrifices before their time have arrived*).

Rabbi Yirmiyah asked Rabbi Zeira: If so, a violator (*one who offered premature sacrifices – even inside the Temple*) should incur lashes as well!? Why did Rabbi Zeira say that it has been downgraded to a mere positive commandment?

The *Gemara* answers: It is only according to the sages that he has violated a mere positive commandment; according to Rabbi Shimon, however, he will incur lashes.

Rav Nachman bar Yitzchak answers: Offering sacrifices inside at Gilgal, was like outside in comparison with Shiloh. [*Since obligatory sacrifices might not be offered anyplace but Shiloh, bringing them In Gilgal is likened to bringing them outside of Shiloh; it emerges that the negative prohibition is only with respect to slaughtering premature sacrifices outside, but not in connection with slaughtering them inside.*]

Rabbah cites a different source for Rabbi Shimon: It was taught in a *braisa*: How do we know that one who slaughters his *pesach* offering at a private *bamah* when *bamos* were prohibited, violates a negative prohibition? It is because it is written: *You may not sacrifice the pesach offering within one of your cities*. You might think that it is also like this when *bamos* were permitted; therefore it is written: *within one of your cities*. I have told you this prohibition only when all of Israel enter one city (*when they all converge to one city to offer the sacrifice*). Now when is it like this? If we say it is referring to after midday (*on the fourteenth of Nisan*); then let him even incur *kares* as well (*for it is fit to be offered on the altar*)!? It must surely be referring to before midday (*indicating that there is a prohibition against offering premature sacrifices*).

The *Gemara* rejects the proof: In truth it means after midday, but it is referring to the times when *bamos* were permitted (*and it teaches us that obligatory offerings, such as the pesach sacrifice, cannot be offered at Gilgal, Nov or Giveon*).

The *Gemara* asks: But surely the *braisa* states explicitly that it is referring to the times when *bamos* were prohibited!?

The *Gemara* answers: It means that the *bamah* was forbidden for that sacrifice (*because the pesach offering is an obligatory one*); but it is permitted for another (*any voluntary offerings*). (114a2 – 114b2)

The *Mishnah* had stated: Before their time etc. - Are these then subject to asham-offerings? —Ze'iri answers: Include a metzora amongst them.

The *Mishnah* had stated: Their olos and their shelamim. - And are these (individuals) subject to shelamim-offerings? — Rav Sheishes said: Learn a nazir [in the Mishnah].

According to Ze'iri, the Tannaim [explicitly] included it: according to Rav Sheishes, the Tannaim did not include it. (114b2)

INSIGHTS TO THE DAF

Premature Sacrifices

The *Mishnah* discusses various cases of premature sacrifices and cites a dispute between the Sages and Rabbi Shimon whether there is a violation of slaughtering outside the Temple when at the moment it is unfit to be brought as a sacrifice inside. The implication is that if one were to consecrate an animal that is premature (either before the eighth day or the day that the mother was slaughtered) or a bird that is premature (turtledoves before they mature), tlhe *hekdesh* status would be binding.

Tosfos (d.h. heter) questions this because the *Gemara* says that only the night before the eighth day can one consecrate it, which implies that before that time, the sanctity wouldn't take effect. Tosfos concludes that although there is a prohibition to consecrate an animal that is premature, the sanctity would indeed take effect. Tosfos writes that even according to Rava in Temurah 4b who says that when the Torah says not to do something it is generally not binding, this would be an exception to the rule - the one who consecrated it would be in violation even though the sanctity will take effect.

The Minchas Chinuch (293) says that the Rambam seems to concur with Tosfos on this point. The Rambam (Ma'aseh Korbanos 18:10) compares consecrating an animal before the eighth day to consecrating a blemished animal. Therefore, just as by consecrating a blemished animal the status is binding, so too consecrating a premature sacrifice, the status is binding. [Others assume that according to the Rambam, the hekdesh isn't binding.]

However, Rashi in Bechoros 21b (d.h. lei'lif) understands that the sanctity isn't binding at all. The Shitah Mikubetzes (zevachim 12a) also writes that before the night of the eighth day, the sanctity will not be binding.

He questions how the sanctity can be binding on a fetus; it should be no better than premature sacrifices!? The Shitah Mikubetzes answers that sanctity of the fetus is binding together with the mother, or that the disqualification of premature sacrifices only begins at a time when it is fit to be sacrificed - at birth.

DAILY MASHAL

A Tzadik Falls Seven Times and Gets Up

The Gerer Rebbe zt"l, author of *Beis Yisrael*, said that his father zt"l, author of *Imrei Emes*, explained the *Toras Kohanim* (*Tzav*), that Moshe erected and dismantled all the **seven** sanctuaries that rose and were dismantled, as referring to the *mishkan* in the desert, in Gilgal, in Nov, in Givon, in Shiloh and the two Temples. "And I say that Moshe effected that even if in later generations people will fall and become weak in Hashem's service, they will be able to rise again and again: 'A *tzadik* falls **seven** times and gets up' – never despair!" (*Peer Yisrael,* III, 97).