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Designating Ma’aser Sheini Money

The *Mishna* had stated: He should not bring the bread from the wheat of *ma’aser sheini*; rather, it should be from the money of *ma’aser sheini* (the produce that is *ma’aser sheini* can be redeemed onto money which is then brought to *Yerushalayim* to be used to buy food and eat it there).

Rav Nachman and Rav Chisda maintained that this was taught only regarding the wheat of *ma’aser sheini* itself (the original produce); however, the wheat that was purchased with the money of *ma’aser sheini* may be used for the bread for the *todah*.

Rabbi Yirmiyah told Rabbi Zeira the same teaching. Rabbi Zeira told him that he held that the *todah* breads cannot be brought even with the wheat that was purchased with the money of *ma’aser sheini*.

Rabbi Zeira said: I will say my reason for this, and I will say your reason. Your reason is as follows: That a *todah* may be purchased with *ma’aser sheini* money is derived from a *shelamim*. And that a *shelamim* may be purchased with *ma’aser sheini* money is derived through a *gezeirah shavah* of ‘*sham, sham*’ – ‘there, there’ from *ma’aser sheini*. And just as a *shelamim* is not something which is inherently *ma’aser sheini* (but rather, it is purchased with *ma’aser sheini* money), so too a *todah* (and the bread) cannot be inherently *ma’aser sheini* (and that is why the *ma’aser sheini* produce itself cannot be used for the breads), but the wheat that was purchased with the money of *ma’aser sheini* is not inherently *ma’aser sheini* (and therefore it may be used for the breads).

Rabbi Zeira continues: I will tell you my reasoning. That a *todah* may be purchased with *ma’aser sheini* money is derived from a *shelamim*. And that a *shelamim* may be purchased with *ma’aser sheini* money is derived through a *gezeirah shavah* of ‘*sham, sham*’ – ‘there, there’ from *ma’aser sheini*. Just as a *shelamim* is not an item of *ma’aser sheini* (as it is not produce), so too a *todah* is not an item of *ma’aser sheini*. This excludes wheat that is purchased with *ma’aser sheini* money (that it should not be used for the breads of the *todah*), as wheat is an item of *ma’aser sheini*.

Rabbi Ami says: If someone designates *ma’aser sheini* money to buy a *shelamim* sacrifice, the *shelamim* does not acquire it. [The designation takes no effect, and he may use the money for other purposes.] Why? This is because the holiness of a *shelamim* cannot override the already present holiness of *ma’aser sheini*.

The *Gemora* asks on this from a *Mishna* which states: If someone buys (with *ma’aser sheini* money) an undomesticated animal (a *chayah*) for a *shelamim* sacrifice (which since a *chayah* cannot be offered on the altar, it does not acquire physical sanctity; rather, it acquires monetary sanctity), and a domesticated animal for mere eating (not as a sacrifice; where this is not the preferred method; one should use the money to purchase animals for the sake of *shelamim* offerings), the hides do not become deconsecrated. [In general, when something is purchased with *ma’aser sheini* money, the food portion of it acquires the sanctity of *ma’aser sheini*; anything which accompanies it, such as the hides or a wine barrel does not have any sanctity at all. Here it is taught that the hides of the animals bought for meat of gratification retain *ma’aser sheini* sanctity and cannot be used for mundane use, but rather have a law of *ma’aser sheini*. This is because he acted improperly. The hides of the undomesticated animals also retain sanctity.] Does this

mean to say that the hides acquire the sanctity of *shelamim*? [We therefore see, unlike Rabbi Ami, that the sanctity of *shelamim* can take effect on *ma'aser sheini* money which was designated for the purchase of *shelamim*. The Gemora is assuming that the entire animal becomes consecrated for the purchase of *shelamim*.]

Rav answers: In truth, the *shelamim* does not acquire the money. What does the *braisa* mean when it says that the hides do not become deconsecrated? It means that this animal is not in the category of being able to become deconsecrated (for it never acquired a *shelamim* sanctity at all). Why? Rabbah states: This is because it is like buying an ox for plowing (with *ma'aser sheini* money which is forbidden because it must be spent on food; accordingly, the entire animal – including its hide retains the sanctity of *ma'aser sheini*).

It was taught: If someone designates *ma'aser sheini* money to buy a *shelamim* sacrifice, Rabbi Yochanan says that this takes effect, while Rabbi Elozar says that the *shelamim* does not acquire it.

The Gemora notes: Everyone agrees that the *shelamim* acquires it according to Rabbi Yehudah who holds that *ma'aser sheini* is money that belongs to the person (and he may use it to betroth a woman). Their argument is according to Rabbi Meir who says that *ma'aser sheini* money belongs to the Most High. The one who says that the *shelamim* does not acquire it holds like Rabbi Meir (that it is money that is already sacred, and it cannot be changed to a *shelamim* sanctity). The one who holds that the *shelamim* does acquire it understands that being that *ma'aser sheini* money is supposed to be used primarily for bringing a *shelamim*, when a person dedicating the money for a *shelamim*, it indeed acquires it.

The Gemora asks a question on Rabbi Elozar from a *braisa* which states: If someone designates *ma'aser sheini* money to buy a *shelamim* sacrifice, when he redeems this money (onto other money) he adds two fifths: one for *kodesh* (since it has the sanctity of a *shelamim*) and one for *ma'aser sheini*. [This shows

that the sanctity of *shelamim* indeed takes effect, as an extra fifth is added!]

The Gemora answers: This *braisa* is not according to everyone, but rather is only according to Rabbi Yehudah (who regards *ma'aser sheini* as being the personal property of a person, and that is why the *shelamim* sanctity can take effect). (81b – 82a)

Mishna

How do we know that if someone says, “I accept upon myself to bring a *todah*” that he must only bring it from *chullin* (not *ma'aser sheini*) money? The verse states: *And you will slaughter a pesach sacrifice to Hashem, your God, flocks and cattle.* Doesn't a *pesach* sacrifice need to be brought only from lambs or goats? Why does it say *flocks and cattle*? It must be that this teaches us to compare anything brought from flocks or cattle to a *pesach* sacrifice. Just as a *pesach* sacrifice is obligatory and it can only be brought from regular funds, so too any obligatory sacrifice can only be brought from *chullin*. Therefore, if someone says, “I accept upon myself to bring a *todah/shelamim*,” he must bring it from *chullin*. One must always bring libations from *chullin* (even if the offering comes from *ma'aser*; this is because *ma'aser* money can only be used for foods that are eaten, and the libations are poured entirely on the altar). (82a)

Pesach from Chullin funds

The Gemora asks: How do we know that a *pesach* itself must be brought from *chullin*?

The Gemora cites a *braisa*: Rabbi Eliezer says that the *pesach* sacrifice is stated regarding Egypt and regarding the obligation to bring it in future generations Just as in Egypt it was brought from *chullin*, so too every year it must be brought using *chullin* funds. Rabbi Akiva asked him: Can we derive what should be done in future generations from a situation where it was not possible for them to bring it from *ma'aser sheini* money? [They did not bring it in Egypt from *ma'aser sheini* because they did not yet take *ma'aser sheini*! It was not a specific law but rather impossibility, and therefore should not be used to teach about



future years when it is possible!] Rabbi Eliezer answered: Even though in Egypt it was indeed impossible, it is a great proof, and we should therefore learn from it.

Rabbi Akiva then argued differently: How can the comparison be made? The *pesach* sacrifice in Egypt did not require blood applications or placing its sacrificial limbs on an altar (*for there was no altar; and since it was unlike a shelamim in this regard, perhaps it was also unlike the shelamim with respect to using ma'aser sheini money*). This is as opposed to the *pesach* brought in future generations, which requires the application of its blood and its sacrificial limbs are placed on the altar (*and therefore it possibly could be brought with ma'aser sheini money*).

Rabbi Eliezer replied: The verse states: *And you will perform this service during this month*. This indicates that all such *pesach* sacrifices brought every year should be compared to the *pesach* sacrifice of Egypt.

The *Gemora* asks: If Rabbi Akiva understood that one cannot derive the *halachah* for a possible case from what we find by an impossible one (*Egypt*), then let him just maintain this position (*and not answer Rabbi Eliezer again*). If he retracted his opinion, but he does not derive from the *pesach* of Egypt because of its unique difference between it and a *shelamim*, the *pesach* sacrifice brought in the Wilderness will prove otherwise (*where there was blood applications and its sacrificial limbs were placed on the altar, and still they were only brought from chullin!*)

The *Gemora* answers: Rabbi Akiva's second argument was stated according to Rabbi Eliezer's position that one can derive a possibility from an impossibility. He told Rabbi Eliezer that while I maintain that one cannot derive the *halachah* for a possible case from what we find by an impossible one, this argument should even prove according to your position that one cannot derive from the *pesach* of Egypt. Rabbi Eliezer responded with the verse stated above (*and you will perform this service etc.*).

The *Gemora* asks: Why didn't Rabbi Eliezer give a better response that the *pesach* sacrifice brought in the Wilderness did have blood applications and its sacrificial limbs were placed on the altar, but was not brought from *ma'aser sheini* money?

The *Gemora* answers: His answer was based on Rabbi Akiva's position. Rabbi Eliezer said that while I understand that one may derive the *halachah* for a possible case from what we find by an impossible one, and as for that refutation (that the *pesach* in Egypt was different), I respond that the *pesach* brought in the Wilderness proves that it nevertheless must come from *chullin*; but even according to you, who maintains that one cannot derive the *halachah* for a possible case from what we find by an impossible one, you should admit to me due to the verse, *and you will perform this service etc.*

The *Gemora* asks: Why isn't Rabbi Akiva's argument that we one cannot derive the *halachah* for a possible case from what we find by an impossible one still valid even after the verse, *and you will etc.*? [*Rashi explains that this strong logic should tell us that Rabbi Akiva should maintain that this verse should be interpreted in another fashion, as it is not explicitly teaching Rabbi Eliezer's derivation.*]

Rav Sheishes answers: Rabbi Eliezer could say that one cannot ask such questions on comparisons made with a *hekeish* (*which is based upon a tradition from Sinai*).

In the study house it was asked: How could this comparison from *pesach* (*Egypt*) to *pesach* (*generations*) then teach another comparison from *pesach* (*generations*) to *todah*? [Something which is derived through a *hekesh* cannot then turn around and teach something else through a *hekesh* when it comes to *kodashim!*?]

The *Gemora* answers: Being that the first comparison is from *pesach* to *pesach*, it is all considered one subject of *pesach* that ends up comparing to *todah*.

The *Gemora* asks: How does Rabbi Akiva know that one brings a *pesach* sacrifice only from *chullin* funds?

The Gemora answers (*the actual answer will be given below - on the next daf*): He derives it from a teaching similar to that of Shmuel in the name of Rabbi Eliezer. The verse states: *This is the law of the olah, of the minchah, and of the chatas, and of the asham, and of the inauguration offering, and of the shelamim.* Sacrifices are compared to an *olah* with regard to a utensil: just as an *olah* requires a utensil, so all sacrifices require a utensil.

The Gemora interjects: What utensil is he referring to? It cannot mean a basin (*to accept the blood*), for in respect of a communal *shelamim* as well it is written: *And Moshe took half of the blood, and put it in basins!* Rather, it is referring to a knife (*and not any other sharp implement*). And how do we know that a knife is necessary to slaughter an *olah* itself? It is because it is written: *And Avraham stretched forth his hand, and took the knife to slaughter his son;* and there, it (*Yitzchak*) was an *olah*, as it is written: *And he offered it up for an olah instead of his son.*

Offerings are compared to a *minchah* with regard to the following: just as a *minchah* offering may be eaten only by male *Kohanim*, so all (*other offerings, where the Torah does not specify its eligible eaters*) may be eaten only by male *Kohanim*. The Gemora notes that there are other Scriptural verses which teach us that *chatas, asham* and communal *shelamim* offerings may be eaten only by male *Kohanim*. The Gemora concludes that the source for these *halachos* is a matter of *Tannaic* dispute. (82a – 83a)

INSIGHTS TO THE DAF

Gifts for the poor on Purim from *ma'aser sheini* funds

A most meaningful ruling concerning the *halachos* of charity stems from our *Mishna*. The Maharil needed this *halachah* when he was asked (Responsa, 56) about gifts for the poor on Purim: “Can a person observe the mitzvah of gifts to the poor by giving them *ma'aser sheini* funds”. The source of the question lies in the doubt whether Chazal’s ruling to give gifts to the poor on Purim is defined as a mitzvah of charity, which is an obligation to **give** money, or if the main point of the ruling is to gladden the poor by means of money.

Are gifts for the poor only to gladden them? If it is an obligation to give, one cannot exempt one monetary obligation with another but both debts must be paid separately. But if the main point of the ruling is to gladden the poor, what does it matter how he gladdened them, with *ma'aser sheini* funds or with ordinary money? The main thing is that he gladdened them. The Maharil decides according to the first opinion, that it is an obligation to give and therefore the mitzvah of gifts to the poor should be observed only with ordinary money as we learn in our *Mishna* about someone donating sacrifices: “**anything offered for an obligation must come only from a mundane source**”.

Indeed, *Magen Avraham* (O.C. 694, S.K. 1) mentions that in the light of the Maharil’s statement, one should give the two gifts which one is obligated by *halachah* to give to the poor from ordinary money but if one wants to add on, “he may add from *ma'aser sheini* funds” as that money is no longer defined as an obligation, and *Mishna Berurah* rules likewise (ibid, S.K. 3, and see Responsa *Pnei Yehoshua*, 1, 2).

This principle, that one cannot dispense two obligations with the same action, is mentioned by *poskim* in many contexts but we shall focus on a somewhat complicated case mentioned by the Maharil (118).

One who vows to fast on a public fast day: It is obvious that one who accepts on himself to fast on a certain day and it later turns out that that day is a public fast has not fulfilled his vow as he was obliged to fast anyway and by his vow he intended to accept a fast on a day on which he is allowed to eat.

He who vows to fast 40 days, including a public fast day: A person once vowed to fast from morning till night for 40 days and later realized that the 40 days included a public fast. Apparently, he must again fast the 40 days he vowed as “anything which comes as an obligation must come only from a mundane source” and one cannot dispense two obligations with one action.

A 40-day fast: uninterrupted affliction: However, the Maharil decided that this is not so as someone who accepts on himself a 40-day fast intends to purify himself by means of the affliction, and not necessarily to abstain from 40 permitted days of eating. Therefore, he fulfilled his vow as he arrived at a state of affliction caused by a 40-day fast, and the *halachah* was so ruled (*Shulchan Aruch*, O.C. 568:11 and see *ibid* in *Magen Avraham* and *Mishna Berurah*).

A woman who vowed to visit the graves of *tzadikim*: The Maharil was asked about a different case (*ibid*). A woman vowed that she would visit the graves of *tzadikim* in Regensburg. After a while she had to go there for personal reasons and while she was there, she visited the graves. But afterwards she worried that, as she made the long way there for her own needs and not to pray at the graves, perhaps she had not fulfilled her vow.

The trouble and effort are not included in the vow: The Maharil replied that as her vow did not include the trouble and effort to get to the graves but only to pray at their graves, she fulfilled her obligation, and the *halachah* was so ruled (*ibid*, *s'if* 10).

DAILY MASHAL

Avraham: the first kohen gadol

Our *Gemora* explains that we learn from an *'olah* that a sacrifice must be slaughtered with a knife like Yitzchak's ram, which was slaughtered in his stead and was an *'olah*, as we are told: "...and he offered it as an *'olah* instead of his son" (Bereishis 22:13) and Avraham slaughtered it with a knife: "and he took the knife" (*maacheles*). The *parashah* of the *'Akeidah* is well known but it is surprising to discover that commentators addressed it as a sacrifice in every sense, as follows.

Why is Mount Moriah so called? We find the first referring to the *'Akeidah* as a regular sacrifice in the Midrash (*Pesikta Rabasi*, *parashah* 40, s.v. *Davar acher Bachodesh*) which states that Avraham said, "Master of the worlds, am I kosher to offer it? Am I a *kohen*?" Shem, Noach's son, was a *kohen gadol* and fit to offer it. Hashem said to him, "When you reach the place, I shall sanctify you and make you a *kohen*". The Midrash further

explains that Avraham's becoming a *kohen* is one of the reasons for the name of the Temple Mount as Mount Moriah as there Avraham exchanged (*heimir*) Shem's position in the *kehunah*.

Avraham was in mourning and could not sprinkle Yitzchak's blood: Some also relate to the *halachah* of an *onen* (a mourner before the burial). We learnt in the *Mishna* (Zevachim 98b) that an *onen* must not offer a sacrifice. Some asked that since Yitzchak would have been slaughtered and Avraham would be an *onen*, the *'Akeidah* could not take place according to all the halachos of a sacrifice. How could Avraham sprinkle his blood on the altar?

Still, the author of *Or Sameiach* zt"l (printed in the monthly *Kol Torah*, 1st year, §11) replied that the question has no basis as Avraham was appointed as a *kohen gadol* (as explained in *Pirkei deRabbi Eli'ezer*, Ch. 31, "and as a *kohen gadol* he offered his *minchah*") and, as such, was not disqualified to serve as an *onen* as this prohibition only applies to a *kohen hedyot*.

A *kohen gadol* without the eight garments? Also concerning the garments which Avraham didn't wear, some mention that, apparently, if Avraham was a *kohen*, his service should have been disqualified as we have learnt (Zevachim 17b) that a *kohen* without his garments is unfit to serve. *Pardes Yosef* (Bereishis, I, 114) cites a solution according to Tosfos (Kidushin 36b, s.v. *Chutz*), who state that only someone who was commanded to wear them is disqualified without them. Therefore, Avraham, who was not commanded to don them, was not disqualified.

Sacrifices at the site of the Temple are like sacrifices on the altar: Commentators regarded the *'Akeidah* as a sacrifice with all its halachic details for a good reason. Although many of the halachos of the sacrifices were stated only for sacrifices offered on the altar in the Temple and not for sacrifices offered on a *bamah*, sacrifices offered at the *site* of the Temple have the same halachos as sacrifices on the altar, and the *'Akeidah* took place at the site of the Temple (see *Masas Yad* by HaGaon Rav Y.D. Ilan, *parshas Bereishis*, who proves so from our *sugya*, and see *Zichron Even Tziyon*, p. 467, in the name of HaGaon Rav M. Ziemba zt"l).