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Mishna

In both cases, however, the animal may be eaten. (28a)

Any animal that is forbidden to be brought on the altar prohibits other animals in a mixture – even in any amount. Examples would be an animal that sodomized a person or with an animal that had been sodomized by a person, or if it was set aside to be a sacrifice for idolatry, or if it was worshipped as an idol, or if it was exchanged for the services of a harlot, or if it was exchanged for a dog, or if it was an offspring of a cross between animals of two different species, or if it was a *tereifah*, or if it was born from Caesarean section. **[In all these cases, they are now unfit for being offered on the altar, if the forbidden animal is not recognized. In all the cases mentioned in the Mishna, it may always be that it will not be possible to recognize the forbidden one, except in the case of tereifah which is always recognizable. Yet here too the case could be where an animal was pierced by a thorn (which does not render it a tereifah) became intermingled with one that was attacked by a wolf (and we cannot distinguish between the two), or it is referring to a case where it became intermingled with the offspring of a tereifah, and it is in accordance with Rabbi Eliezer, who holds that the offspring of a tereifah cannot be offered at the altar.]**

What is meant by “set aside” (for idolatry)? That which has been set aside for idolatrous use; it (the animal itself) is forbidden (for the altar), but that which is upon it (such as its ornaments) is permitted. And what is meant by “worshipped”? That which has been used for idolatry; both it (the animal itself) and that which is upon it, are forbidden.

Necessity of the Various Mishnayos

It has been said in the *Mishna*: Any animal that is forbidden to be brought on the altar prohibits other animals in a mixture – even in any amount. Now the *Mishna* is teaching us that the animals which are forbidden for the altar are not nullified by the majority (of the permitted animals).

The *Gemora* asks: But have we not learned this in a *Mishna* elsewhere (*Zevachim 71a*)? All sacrifices that became mixed up with *chataos* that must be left to die (there are five such examples: the offspring of a chatas, a chatas of which its owner has died, the temurah of a chatas, a chatas of which its owner has already received atonement for his original chatas got lost, and one that was over a year old) or oxen that were supposed to be stoned by *Beis Din* (for it killed a person), even if only one chatas became intermingled with ten thousand of those (forbidden) animals, all of these animals should be put to death. And the *Gemora* there explained the *Mishna* to mean as follows: All sacrifices that became intermingled with *chataos* that must be left to die or oxen that were destined to be stoned by *Beis Din*, even if there was only one of these types of animals in the mix, all of these animals should be put to death. [What is the necessity for the Tanna to teach the same concept in two different places?]

The *Gemora* answers: It is necessary, for if only the *Mishna* there would be stated, I would think that the ruling of the *Mishna* is due to the fact that the animals are forbidden from



benefit. However, if they are animals that are forbidden to be offered as sacrifices but permitted for benefit, one would think that if they are mixed up with a majority of ordinary animals, they should all be permitted to be offered. Our *Mishna* therefore informs us that this is not so.

The *Gemora* asks: But the *Mishna* there also states cases of animals that are not forbidden from benefit!? For it was taught: If valid offerings became intermingled with an animal that sodomized a person or with an animal that had been sodomized by a person (also based on the account of one witness or the owner), the animals should be put out to graze until they develop a blemish and then they should be sold, (as a redemption; they cannot be sold as is, for *kodashim* cannot be sold; they cannot be sacrificed because it might be a disqualified animal; they cannot be used for private purposes, for it might be *kodashim*). He should bring a sacrifice with the proceeds that is equivalent to the value of the best animal in the group (as this might have been the sacrifice).

Rav Kahana: I recited this discussion in the presence of Rav Shimi bar Ashi and he said to me: Our *Mishna* deals with *chullin* (animals that became intermingled, and afterwards, they were designated as offerings), and the *Mishna* there deals with consecrated animals (at the time that they became intermingled). And it was necessary to teach both cases, for if we had been taught only the case of consecrated animals, we might have thought that the reason (they are not nullified there) was because it is repulsive (to offer them), whereas in the case of *chullin* (here), we might have thought that the forbidden animals may be nullified (in a mere majority, and when they are consecrated later, there is no prohibition, for they have been nullified already; the *Tanna* therefore needs to inform us that even in this case, the animals are not nullified).

The *Gemora* asks: But even regarding *chullin*, have we not also learned this in a *Mishna* (that they do not become nullified), for we learned as follows: These are forbidden (for

benefit) and prohibit others in any amount: (a barrel of libation wine (became mixed with permitted barrels and we cannot recognize which is the forbidden one), an idol, the birds of a *metzora* (a person with a certain skin disease which makes him tamei; in order to become pure, he is required to bring two birds – one is slaughtered and the other is set free), hides pierced near the heart, the hair of a *nazir*, the firstborn donkey, meat cooked with milk (that became mixed with many other pieces of meat), an ox that is to be stoned, an *eglah arufah* (the law is that upon finding a corpse, and being unable to solve the murder, the leaders of the city closest to the corpse are required to bring a calf to an untilled valley, decapitate it, wash their hands over it, and then they must recite a verse, declaring publicly that they did not kill the person), unconsecrated animals that were slaughtered in the Temple Courtyard and the he-goat which is sent to Azazel - these are forbidden and prohibit in any amount.

The *Gemora* answers: It was necessary to teach both, for if we had been informed only of the *Mishna* there, we might have thought that the reason they are not nullified was because the cases mentioned are prohibited for benefit, but here (where the forbidden animals are permitted for benefit), we might have thought they are nullified (in a mere majority); and if only the *Mishna* here was taught, we might have thought that the reason was because it is repulsive to use these animals for the altar (and that is why they are not nullified), but for private use, we might have thought that even things which are forbidden for benefit are nullified; the *Mishna* (there) therefore informs us that this is not so. (28a)

Scriptural Sources

The *Mishna* had stated: an animal that sodomized a person or with an animal that had been sodomized by a person.

The *Gemora* asks: From where do we derive that these animals are forbidden for the altar?



The *Gemora* cites a *braisa*: It is written: *from the animal*, which excludes (*since the word 'from' is restrictive*) an animal that sodomized a person and an animal that had been sodomized by a person.

The *braisa* asks: But can we not derive this from the following *kal vachomer*: If a blemished animal with which no sinful act has been done is forbidden for the altar, how much more so should an animal with which no sinful act has been committed, be forbidden for the altar?

The *braisa* answers: The law concerning one who plows with an ox and a donkey together proves your logic incorrect, since a sinful act has been committed with it, and yet it is allowed for the altar!

The *braisa* continues by saying that the case of plowing with an ox and donkey together is, however, different, since the animals are not liable to death (*and that is why they are not forbidden for the altar*), whereas in the cases of an animal that sodomized a person and an animal that had been sodomized by a person the punishment of death is incurred.

The *braisa* continues by demonstrating why a verse is still necessary: Then take away the argument that you adduced, and say that you can rely upon the above analogy for the case of an animal with which a sinful act has been committed according to the testimony of two witnesses, but from where do we learn the case where a sinful act had been committed according to the testimony of only one witness, or where the owners admitted (*and in such a case, the animals are not liable to death*)? [*The verse is necessary for these cases.*]

Rabbi Shimon said: I will argue as follows (*that even in such cases, a verse is not necessary*): If in the case of a blemished animal, where the testimony of two witnesses does not disqualify the animal from being eaten, the testimony of one witness disqualifies it from being offered on the altar, then in the cases of an animal that sodomized a person and an animal that had been sodomized by a person, where the

testimony of two witnesses disqualifies the animal from being eaten, how much more so should the testimony of one witness disqualify the animal from being offered on the altar? The Torah therefore states '*from the animal*' to exclude the cases of an animal that sodomized a person and an animal that had been sodomized by a person.

The *Gemora* asks: But have you not just derived this from an analogy (*why is the verse necessary*)?

Rav Ashi answers: It is because there is an objection to the basis of the *kal vachomer* argument (*as follows*): The case of a blemished animal is different, since its blemish is visible (*and that is why it is deemed unfit for the altar*). Can you, however, say the same regarding the case of an animal that sodomized a person and an animal that had been sodomized by a person, whose blemish is not visible? And perhaps, since its blemish is not visible, it should be fit for the altar. The Torah therefore states: *From the animals* to exclude the cases of an animal that sodomized a person and an animal that had been sodomized by a person.

The *braisa* continues: '*From the cattle*' excludes an animal that had been worshipped.

The *Gemora* asks: But can we not derive this from the following *kal vachomer*: If in the cases of a harlot's wage and the exchange of a dog, whose coverings are permitted (*for use*), they (*the animals themselves*) are forbidden for the altar; in the case of the animal which has been worshipped, whose coverings are forbidden, how much more so should the animal itself be forbidden for the altar?

The *braisa* proposes a *kal vachomer* with a different conclusion: Or perhaps the reverse is true: If in the case of a harlot's wage and the exchange of a dog, which themselves are forbidden for the altar, yet their coverings are permitted; in the case of the animal which has been worshipped, which is permitted for the altar, how much more so should its coverings be permitted?

The *Gemora* asks: If so, you have negated the Scriptural verse: *You shall not covet the silver and gold that is on them and take them for yourself?*

The *braisa* answers: I will explain the verse as follows: *You shall not covet the silver and gold that is on them*, as referring to something without life, but in the case of a living being (i.e., an animal), since it is permitted (for the altar), its coverings should also be permitted; the verse therefore states: *from the cattle*, in order to exclude the case of that which was worshipped.

Rabbi Chanania demurred: The reason then is because the Scriptural verse made an exclusion, but if it had not, the coverings would be permitted. But is it not written: And you shall destroy their names, implying everything made in their name (including their coverings)?

The *Gemora* answers: That is for the purpose of giving an idol a derogatory name. When they call a place Beis Galia, we should call it Beis Karia (as in an outhouse); Penei Hamolech should be called Penei Kelev (face of a dog); Ein Kol should be called Ein Kotz (eye of the thorn).

The *Gemora* asks: And why not reverse the exclusions by saying that 'from the animals' excludes an animal that had been worshipped, and 'from the animal' excludes the cases of an animal that sodomized a person and an animal that had been sodomized by a person?

The *Gemora* answers: In each case we exclude something which is associated with the subject of the text. Regarding animals, it is written: And if a man lies with an animal, he shall be put to death (so we see the word 'animal' in the context of sodomy), and regarding cattle it is written: They changed their Glory with the likeness of an ox that eats grass (so we see the word 'cattle' in the context of idolatry).

The *braisa* continues: 'From the flock' excludes an animal that was designated for idolatry, and 'and from the flock' excludes an ox that gored (a person to death) from the altar.

Rabbi Shimon said: If the Torah excludes the case of *rovea* (when an animal sodomized a person), what need is there for the exclusion of *noge'ach* (the goading ox)? And if the Torah excludes the case of *noge'ach*, what need is there for the exclusion of the case of *rovea*? [They both have the same halachah that if two witnesses testify regarding the animal, it is liable to death, so seemingly, one case can be derived from the other!?!]

The *Gemora* answers: It is because there is a law applying to *rovea* which does not apply to *noge'ach*, and there is a law that applies to *noge'ach* which does not apply to *rovea*. The *Gemora* explains: There is a stringency regarding *rovea* that the unintentional act is on a par with the willful one (for an animal that was sodomized by a person is coerced into participating, and it is nevertheless subject to death), unlike the case of *noge'ach*. And there is a stringency regarding *noge'ach* that the owner of the ox pays *kofer* (after an ox gores people three times it is warned, and if it does it again, the owner pays *kofer* to the victim's heirs), unlike the case of *rovea*. There is therefore a necessity for the Torah to mention both exclusions.

And the following *Tanna* derives these (exclusions) from here, as it has been taught in the following *braisa*: If one consecrated them, they are like offerings in which a temporary blemish occurred before their consecration, and which require a permanent blemish in order to redeem them (they cannot be offered as a *korban*, but they need a blemish for redemption); and they are forbidden (this is the interpretation of the *Gemora* after it states that it is as if there are missing words in the *braisa*) since it says: [You may not offer them] because their corruption is in them, there is a blemish in them. And it was taught in Rabbi Yishmael's academy: Whenever the verse says "corruption," it refers to illicit relations and idolatry. It indicates illicit relations, as the

verse regarding the generation of the flood says: *For all flesh has corrupted its way on the land*. It refers to idolatry, as the verse says: *Lest you corrupt, and you will make an image for yourself etc*. Therefore we will say that wherever a blemish disqualifies, so too illicit relations and idolatry disqualifies, and wherever a blemish does not disqualify, so too illicit relations and idolatry does not disqualify.

The *Gemora* asks: And how does the *Tanna* of the academy of Rabbi Yishmael expound the verses: *from animals, from the cattle, and from the flock?*

The *Gemora* answers: These terms are required by him in order to exclude the following cases: A sick, old or foul-smelling animal.

The *Gemora* asks: And how does the *Tanna Kamma* derive the cases of a sick, old and foul-smelling animal (*as being forbidden for the altar*)?

The *Gemora* answers: He derives these from the verses: *from the flock, from the sheep, or from the goats*.

The *Gemora* notes that the *Tanna* of the academy of Rabbi Yishmael does not expound these verses, for it is the way of the Torah to speak in such a manner. (28a – 28b)

DAILY MASHAL

Pans of Korach's Assembly

The *Mishna* states that animals that were involved during the commission of a sin are deemed ineligible to be brought as an offering. If so, the same concept should apply to that which Elozar HaKohen did, in stripping away the *Ketores* pans of those who had offered an invalid *Ketores*, and using that metal to coat the Altar. How could *Ketores* pans, used by those who questioned Hashem's word and campaigned against Moshe's authority be used for the Altar?

The *TaZ* (649:3) cites the *Levush* who says that one may not even use such things (that a sin was done with) for a *mitzvah*. For this reason one may not use a grafted *esrog* on *Succos*, since grafting is prohibited. In fact, the *Magen Avrohom* (147:5) cites the *Tosefta* (*Megilah* 2) which states that objects made for non-*Hekdesh* purposes may not be used for *Hekdesh*.

However, the *Magen Avrohom* continues by pointing out that it is only while the object is in its originally designed form that it remains forbidden to use for *Hekdesh*. If, however, that form is changed, then it becomes permitted. This is apparent from the conversion of the women's mirrors for use as part of the *Kiyor*. Since here as well, the *Ketores* pans were thinned out and used as sheet metal to coat the Altar, the change to their form made them permissible to use.