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Pesachim Daf 98

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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

**MISHNAH:** If a man sets aside a female or a two-year old male for his Pesach offering, it must be left to graze until it develops a blemish, and then be sold, and its money is spent on a voluntary sacrifice, for a shelamim. [By separating it for a Pesach offering, he has designated it as such, and since it is disqualified, it is regarded as a rejected sacrifice, which cannot be offered itself, but must be redeemed and the money used for a sacrifice.] If a man separates his Pesach offering and dies, his son after him must not bring it as a Pesach offering, but as a shelamim. (97b2 – 98a1)

Rav Huna the son of Rabbi Yehoshua notes: This indicates that the Tanna of the Mishna holds three things. He holds that live animals can be permanently rejected from being able to be brought as sacrifices. He also holds that if originally (*at the time of its designation*), it is not fit, it is permanently rejected. He also holds that even if the animal was originally invested only with a monetary sanctity (*it cannot be intrinsically holy due to the other half being owned by someone else*), it permanently rejects the animal from being brought as a sacrifice. (98a1)

Our Rabbis taught: If a man separates his pesach-offering and dies, — If his son is registered with him, he must bring it as a

pesach-offering; [if] his son is not registered with him, he must bring it as a shelamim-offering on the sixteenth [of Nissan]. - Only on the sixteenth, but not on the fifteenth? He holds: vows and voluntary offerings may not be offered on a Festival.<sup>1</sup> - Now when did the father die? Shall we say that he died before midday [then how is it stated], ‘if his son is registered with him he must bring it as a shelamim-offering’? — But surely aninus [bereavement] has previously fallen upon him!<sup>2</sup> Again, if he died after midday, ‘[if] his son is not registered with him, he must bring it as a shelamim-offering’? - But midday has fixed it?<sup>3</sup> Said Rava: In truth it is meant where he died before midday, and what does ‘he must bring it as a pesach-offering’ mean? He must bring it for the second pesach.<sup>4</sup>

Abaye said: It is taught disjunctively: If he died after midday, [and] his son is registered with him, he must bring it for the sake of a pesach-offering. If he died before midday, [and] his son is not registered with him, he must bring it as a shelamim-offering.

Rav Sheravya said: In truth it means where he died after midday, the case being e.g., where his father was in a dying condition at midday.<sup>5</sup>

<sup>1</sup> So they cannot be offered on the Festival itself.

<sup>2</sup> Before the obligation of the pesach-offering, which commences at midday. It is stated above that the pesach-offering must not be sacrificed on behalf of an oinen by himself, whereas the present passage implies that he brings it himself, even when he is not registered with others.

<sup>3</sup> As a pesach-offering, and since it cannot be sacrificed as such it remains rejected and cannot be offered itself.

<sup>4</sup> If he did not keep the first through his bereavement.

<sup>5</sup> Hence if his son was registered with him, he must bring it as a pesach-offering, since that obligation preceded his bereavement. But if his son was not registered with him, he



Rav Ashi said: In truth it means that he died after midday, this being in accordance with Rabbi Shimon, who maintained: Live animals cannot be [permanently] rejected.<sup>6</sup>

Ravina said: [It means] e.g., where he set it aside after midday and its owner died after midday, and he holds: [only] midday establishes it.<sup>7</sup> (98a1 – 98a2)

MISHNAH: If a pesach-offering became mixed up with other sacrifices, all must be left to graze until they become unfit [through a blemish], then be sold, and for the price of the best one must purchase [an animal] of each denomination, and he forfeits the extra cost from his pocket.<sup>8</sup> If it became mixed up with bechor-offerings<sup>9</sup> - Rabbi Shimon said: if [the pesach-offering belonged to] a company of Kohanim, they eat [all on that night].<sup>10</sup> (98a2 – 98a3)

must bring it as a shelamim-offering, for since his father was already in a dying condition, midday did not establish it as a pesach-offering.

<sup>6</sup> Save when they become actually unfit, e.g., if they receive a blemish or are given as a harlot's hire.

<sup>7</sup> But not the rest of the time allotted for its slaughtering. Hence it has not been established and therefore it cannot be rejected. Consequently, if his son was not registered with him, he must bring it as a shelamim-offering.

<sup>8</sup> Thus: if three lambs of unequal value, one dedicated for a pesach-offering, another for an ashram-offering, and the third for an olah-offering, became mixed up, they must all be sold. Since the best may have been any of the three sacrifices, he must buy an animal for each sacrifice at the cost of the best; naturally he will need more than they realized, and he must make that up himself.

<sup>9</sup> Which are offered in the same way as pesach-offerings, viz., the blood of both is sprinkled in the same way, and neither require the waving of the breast and shoulder, nor laying of the hands, nor libations.

<sup>10</sup> Stipulating at the time of slaughtering: 'Whichever is the pesach-offering, we sacrifice it as such, and whichever is the bechor, we offer it as such'.

<sup>11</sup> This difficulty arises on Rabbi Shimon's ruling. A bechor may be eaten two days and the night in between, whereas the pesach-offering may be eaten only on the first night. Thus if it is

GEMARA: But he brings sacrifices to the place of unfitness?<sup>11</sup> - Rabbi Shimon is consistent with his view, for he maintains: One may bring sacrifices to the place of unfitness.<sup>12</sup> For we learned: If an ashram-offering was mixed up with a shelamim-offering, — Rabbi Shimon said: They must be slaughtered at the north [side of the altar]<sup>13</sup> and eaten in accordance with [the laws of] the more stringent of them.<sup>14</sup> Said they to him: One may not bring sacrifices to the place of unfitness.<sup>15</sup> Now according to the Rabbis, what do we do?<sup>16</sup> -Said Rava: We wait until they receive a blemish. Then he brings a choice animal and declares: 'Wherever the pesach-offering may be, let it[sanctity] be transferred to this one,'<sup>17</sup> and he eats them in accordance with the laws of a blemished bechor.<sup>18</sup> (98b1)

MISHNAH: If a company lost their pesach sacrifice and instructed one [of their number], 'go and seek it, and

not eaten by morning he must burn it as nossar, whereas it is actually still fit.

<sup>12</sup> In such a case, rather than let them graze until they receive a blemish, which is the only alternative.

<sup>13</sup> The side prescribed for the slaughtering of an ashram-offering. Shelamim-offerings could be slaughtered on any side of the Temple Court.

<sup>14</sup> I.e., as ashram-offerings, viz., during one day and a night only, within the Temple precincts, and by male Kohanim. — A shelamim-offering is eaten two days and one night, anywhere in Jerusalem, and by Israelites as well as Kohanim.

<sup>15</sup> But they must be left to graze until blemished.

<sup>16</sup> When a pesach-offering is mixed up with a bechor. When it is mixed up with an olah-offering or ashram-offering, or when a shelamim-offering is mixed up with an ashram-offering, the expedient stated in the Mishnah is possible. But a bechor, even when blemished, cannot be redeemed in the sense that it becomes chullin but must be eaten by a Kohen with its blemish; while on the other hand when a pesach-offering receives a blemish, it must be redeemed and may not be eaten otherwise.

<sup>17</sup> Thus whichever is the pesach-offering is redeemed.

<sup>18</sup> These are: it may not be slaughtered or sold in the ordinary manner, nor weighed with the ordinary weights. These restrictions do not apply to a redeemed pesach-offering, and would not apply here if he knew which it was.

slaughter it on our behalf<sup>19</sup>; and he went, found, and slaughtered it, while they [also] took an animal and slaughtered [it]: if his was slaughtered first, he eats of his and

they eat with him,<sup>19</sup> while if theirs was first slaughtered, they eat of theirs,<sup>20</sup> while he eats of his.<sup>21</sup> But if it is unknown which of them was first slaughtered, or if they slaughtered both of them at the same time, he eats of his, but they may not eat with him;<sup>22</sup> while theirs goes forth to the place of burning,<sup>23</sup> and they are exempt from observing the Second Pesach.<sup>24</sup>

If he said to them, if I delay, go forth and slaughter on my behalf,<sup>25</sup> [and] then he went and found and slaughtered [it], while they took [another] and slaughtered [it], if theirs was slaughtered first, they eat of theirs while he eats with them,<sup>26</sup> while if his was slaughtered first, he eats of his and they eat of theirs.<sup>27</sup> But if it is unknown which of them was slaughtered first, or if they slaughtered both of them at the same time, they eat of theirs, but he may not eat with them, while his own goes forth to the place of burning, and he is exempt from observing the Second Pesach.

<sup>19</sup> By instructing him to slaughter it on their behalf they become registered for his and cannot register for another after the first was slaughtered. Hence their own is unfit and must be burnt.

<sup>20</sup> By slaughtering their own first they ipso facto cancelled their registration for the original, which is permissible.

<sup>21</sup> But not of theirs, since he had not registered with them.

<sup>22</sup> Lest their own was slaughtered first, whereby they had cancelled their registration for his.

<sup>23</sup> For his may have been slaughtered first.

<sup>24</sup> Because they were certainly registered for one animal at the First Pesach, while the eating is not indispensable.

<sup>25</sup> But they did not instruct him to slaughter the lost animal on their behalf.

<sup>26</sup> While his own must be burnt, for according to his instructions he was now registered for theirs; hence his is unfit, having none registered for it.

<sup>27</sup> For they were not registered for his, since they had not instructed him to slaughter it on their behalf.

If he instructed them, and they instructed him,<sup>28</sup> they must all eat of the first [to be slaughtered],<sup>29</sup> and if it is unknown which of them was slaughtered first, both go forth to the place of burning.<sup>30</sup> If he did not instruct them and they did not instruct him,<sup>31</sup> they are not responsible for each other.<sup>32</sup>

If the pesach sacrifices of two companies become mixed up, these take possession of one [animal] and those take possession of one. One member of these joins those, and one member of those joins these, and they declare thus:<sup>33</sup> if this pesach sacrifice is ours, your hands are withdrawn from your own and you are registered for ours; while if this pesach sacrifice is yours,<sup>34</sup> our hands are withdrawn from ours and we are registered for yours.<sup>35</sup> Similarly, if there are five companies consisting of five members each or of ten each, they draw one from each company to themselves and make the foregoing declaration.<sup>36</sup> If the pesach sacrifices belonging to two [single individuals] become mixed up, each takes possession of one [animal]; this one registers a stranger with himself and that one registers a stranger with himself.<sup>37</sup> The former goes over to the latter sacrifice and the latter goes over to the

<sup>28</sup> He instructed them to slaughter on his behalf if he delayed, and they instructed him to slaughter on their behalf if he found the lost animal.

<sup>29</sup> For which they are all automatically registered now.

<sup>30</sup> Each must thus go forth lest it was slaughtered last and had none registered for it.

<sup>31</sup> To slaughter on each other's behalf.

<sup>32</sup> Each party eats of its own, whatever the order of their slaughtering.

<sup>33</sup> Each company declares thus to the newcomer.

<sup>34</sup> I.e., it belongs to your first company.

<sup>35</sup> One of each company must join the other, for otherwise each company would have to withdraw en masse from their own, if it had been taken by the second, thus leaving it momentarily entirely without owners, and this is forbidden.

<sup>36</sup> Each company consists of four new members and one original member. The latter (or all the original members, where each company consisted of more than five) makes the foregoing declaration to each new member in turn.

<sup>37</sup> Thus there are now two registered persons for each sacrifice.

former sacrifice, and they [i.e., each owner] declare thus: if this pesach sacrifice is mine, your hands are withdrawn from your own and you are registered for mine; while if this pesach sacrifice is yours, my hands are withdrawn from mine and I am registered for yours.<sup>38</sup> (98b1 – 98b3)

GEMARA: Our Rabbis taught: if he instructed them and they instructed him, they must [all] eat of the first. If he did not instruct them and they did not instruct him, they are not responsible for each other.<sup>39</sup> Hence the Sages said: Silence is better for the wise, and how much more so for fools, as it is said, Even a fool, when he holds his shelamim, is counted wise. (98b3 – 99a1)

#### INSIGHT TO THE DAF

A korban bechor can normally be eaten for two days and one night. However, in the case above (4.), it can only be eaten for one day and one night, as it might be a pesach. Rabbi Shimon says that this is still a viable solution, even though it will mean turning perfectly good korban meat inedible before its time (as the pesach cannot be eaten past morning or possibly even chatzos). The Rabbanan indeed say that this is the reason that Rabbi Shimon's solution is incorrect, because one may not bring a korban and have its meat turn into nosar before it is supposed to be nosar. This is known as the concept "Ain mevi'in kodshim l'beis ha'psul." Are there any other reasons to invoke this rule, or is it only when the korban will be eaten for less time?

Tosfos in Yoma (29a-b, DH "Ela Afilu") understands that there is a Gemora that holds that there are other reasons to invoke this rule. The Gemora discusses a case where a leftover korban pesach, which turns into a shelamim, would have to be brought as possibly having the status of a korban bechor. The Gemora asks, this cannot be, as "Ain

mevi'in kodshim l'beis ha'psul." What does this mean? Both korbanos are eaten for two days and one night!

Tosfos explains that the Gemora is concerned about the number of people who can eat the korban. In a shelamim, even regular Jews may eat the korban. A korban bechor can only be eaten by kohanim. Accordingly, this is lessening the amount of people who can eat the korban, making it more likely to become nosar. Here, too, the Gemara is asking that we should invoke the rule not to bring kodshim to becoming nosar. [See also Rashi in Bechoros 61b, DH "Ain mevi'in."]

<sup>38</sup> The general reasoning is the same as in the previous cases.

<sup>39</sup> Thus in the first case one animal must be destroyed, whatever happens, while in the second both are eaten.