

OVERVIEW of the Daf

1) Animals that were blemished and then consecrated (cont.)

The rationale behind the explanation of the Mishnah given by R' Yehudah in the name of Rav is explained.

This explanation is unsuccessfully challenged.

Another rationale behind this explanation of the Mishnah is suggested.

2) Animals that were consecrated and then blemished

A Beraisa is cited that is the source for the Mishnah's rulings regarding animals that were consecrated and then blemished.

A point in the Beraisa is clarified.

R' Pappa and Abaye discuss the derivation in the Beraisa.

Rava offers another resolution to R' Pappa's question.

Rava's explanation is unsuccessfully challenged.

A Beraisa is cited that is the source for the Mishnah's ruling that once the animal that was consecrated and then blemished is redeemed it may not be shorn or worked and its milk is prohibited.

An alternative exposition of one of these pesukim is presented.

The Gemara identifies the case in which the Mishnah prohibits the offspring of the redeemed animal.

The Gemara infers from the Mishnah that if the offspring were born before the mother was redeemed they would be sacred. The source for this ruling is identified.

3) Offspring born after the mother's redemption

The Gemara inquires about the status of offspring born after the mother's redemption.

R' Huna answers that they are placed in a cell and left to die.

R' Chanina's solution to this matter is cited by the scholars of Eretz Yisroel.

This solution is clarified.

The reason the offspring under discussion are prohibited is explained.

4) Designating the offspring as a korban

Ravina inquires whether the offspring may be designated as a different type of korban than the mother.

R' Sheishes answered that it may not be designated as a different korban.

R' Sheishes explained the reasoning behind his position and then a Beraisa is cited in support of this ruling.

The necessity for the summary statement in the Beraisa is explained. ■

*Today's Daf Digest is dedicated by
Rabbi & Mrs. Pinchus Eichenstein
in honor of the Bar-Mitzvah of their son
Yechezkel*

Distinctive INSIGHT

The milk of an animal which is ineligible for an offering

בשר ולא חלב

The Beraisa teaches us the rules regarding animals that become disqualified from eligibility for an offering - *pesulei hamukdashim*. Based upon the verse (Devarim 12:15), the Beraisa determines that such an animal must be redeemed, at which time it will be permitted "for slaughter, to you to eat meat." From this we learn that the animal is permitted "for slaughter," and not for being sheared, "for you to eat meat," and not for its milk.

The Rishonim have various approaches to explain that which is prohibited regarding the milk of this animal.

In the name of *יש מפרשים*, Tosafos (Me'ila 12b) says that it is the process of milking this animal that is prohibited, but the milk itself is permitted. This is similar to the halacha regarding the wool of the animal, where it is the process of shearing that is not allowed, but the wool is not prohibited. Therefore, if the animal would die, the wool and milk which can be retrieved without shearing or milking are permitted.

Tosafos disagrees with this view, proving that the halacha is the reverse, that it is the milking of the animal which is permitted, but the milk itself is prohibited. The verse which is the source of this law teaches that the meat of the animal may be eaten, and the implication is that the milk, on the other hand, may not be eaten.

Tosafos also quotes the view of the *יש מפרשים* to be that although the milk is prohibited to drink, it is permitted for benefit. This is based upon the verse which implies that meat of this redeemed animal may be eaten, but the milk may not be eaten. This suggests that the only problem is ingesting the milk, but not that benefit is also prohibited. Tosafos again disagrees, and shows that the milk is not only prohibited to eat, but that it is also restricted from any benefit.

Rabeinu Gershom (6b) writes that the reason the milk of this animal is prohibited is that taking the milk is a form of working the animal, which is not allowed. Sefer Melech Chosheiv explains that Rabeinu Gershom holds that "working an animal" in regard to *pesulei hamukdashim* applies even if the animal itself is passive, as when we take its milk, and this is unlike the definition of "working an animal" in the context of Shabbos, where work is only prohibited when the animal is active.

Minchas Chinuch (Mitzvah 441) notes that Rambam does not include a ruling in regard to the milk of *pesulei hamukdashim*. Gri"z (Temura 22b) explains that Rambam included this halacha in his general ruling (Hilchos Me'ilah 1:9) where he writes that no benefit may be derived from any of the *pesulei hamukdashim* until it is shechted. We may not use its wool or work the animal. This restriction would therefore include the animal's milk. ■

HALACHA Highlight

Breaking off a stone from the Kosel

לא אלימי למיתפס פדיון

Their sanctity is not strong enough to receive their redemption

Beis Yosef¹ quotes R"l Askandarni who maintains that one who breaks a stone off of the altar does not violate a Biblical prohibition unless it is done in a destructive manner. If, however, it is necessary to break a stone in order to repair the altar it is permitted. He cites as proof to his position the fact that the Chashmonaim broke the altar constructed by Ezra since it had become contaminated by the Greeks. Chasam Sofer² challenged this position from the Gemara in Avodah Zarah (52b) which teaches that once the Greeks defiled the altar it lost its sanctity altogether. This is derived from a pasuk in Yechezkel (7:22) that teaches that once the lawless people entered the Beis HaMikdash they defiled it. Therefore, the prohibition against breaking one of the stones of the altar was not in force since the Greeks had already defiled it. Chasam Sofer then notes that the prohibition against breaking one of the stones is not limited to the altar, rather anything that was sanctified may not be broken. As such even the stones of the walls of Yerushalayim and its towers may not be broken since they were constructed using sacred funds.

It would seem that according to Chasam Sofer there is no prohibition to break a stone from the Kosel Hama'aravi since the "lawless" ones already profaned it. Tzafnas Panei'ach³, however, asserts that the principle, once the "lawless" ones arrives

REVIEW and Remember

1. What is the source that disqualified korbanos are exempt from the laws of bechor?
2. What is the source that consecrated items are not redeemed to be fed to dogs?
3. What is done with the offspring of mothers who were already redeemed?
4. May an offspring of a blemished animal be designated as a different type of korban than its mother?

they defiled the sacred items, is limited to the first Beis HaMikdash whose sanctity was intense. Regarding the second Beis HaMikdash whose sanctity was not so intense, since it was lacking a number of sacred items, the principle does not apply and the sacred items did not lose their sanctity. As such the Kosel retains its sanctity and the prohibition against breaking one of the stones remains in force even after the destruction of the Beis HaMikdash. Proof that less sacred items have a more difficult time losing their sanctity is found in our Gemara that teaches that although redemption can remove sanctity from an item, the sanctity of the offspring of a korban cannot be redeemed through redemption since its sanctity is not as intense. ■

¹ בית יוסף יו"ד סי' רע"ו ד"ה יש בו.
² שו"ת חת"ס יו"ד סי' רס"ד ד"ה ואמרת.
³ צפנת פענח תרומות פ"א ה"ה. ■

STORIES off the Daf

Reclaiming the Bechor

"והעובד בהן אינו סופג את הארבעים..."

Today's daf discusses the halachos of a firstborn animal.

Although secular and Torah law sometimes share similar rulings, many times they are at odds. And when it comes to the overtly metaphysical aspects of Torah, non-Jews are understandably clueless. The Chazon Ish, zt"l, once said that the simple understanding of a person not immersed in Torah is often the very opposite of the halachah. For example, if one's animal caused damage to someone else's property, a person unfamiliar with Torah jurisprudence would say that the owner is not responsible. After all, why

should the owner pay for damage caused by his animal unless it was through his own gross negligence?

In one predominantly non-Jewish community, the local magistrates did not fine the Jewish owner of an animal that had caused damage to his non-Jewish neighbor's property a cent. They did decide, however, that the neighbor who had suffered the damage could seize the animal in lieu of payment. And this is precisely what the offended neighbor did. Unfortunately, the animal was a bechor.

When the Jew approached his neighbor and broached the issue, the non-Jew refused to sell the animal back to him for the market value. "I have witnesses that the damage caused to my property by your animal was more than he is worth. Now, although the law does not obligate you to pay me for the damage it is perfectly within my rights to seize the creature. If you want it back we can talk

about it, but I warn you that it is going to cost you..."

The forlorn owner—who was a kohen—wondered what he should do. Was he obligated to pay more than the value of the animal to the non-Jew? After all, it was not his fault the non-Jew had seized his animal.

When this question reached the Maharam of Rottenberg, zt"l, he ruled that the owner was not obligated to pay more than the animal's value. "This seems clear from the Talmudic principle regarding redeeming tefillin and the like from a non-Jew. Such religious objects should not be redeemed for more than their value, as we find in Gittin 45. Just as paying more than their value will encourage non-Jews to steal tefillin and the like, paying more for a bechor is also likely to be used to our disadvantage by non-Jews."¹ ■

¹ שו"ת מהר"ם מרוטנבורג, ח"ד, סי' ע"ח. ■

