

OVERVIEW of the Daf

1) Defining the term מעילתו (cont.)

The Gemara explains why the term מעילתו means different things in different contexts.

2) Surcharge

R' Menashya bar Gadda inquires whether one could use the surcharges to fund his original Asham obligation.

Instead of answering the question the Gemara inquires whether one can achieve atonement from a monetary gain of hekdesh.

After numerous unsuccessful attempts the Gemara finally demonstrates that this is permitted.

R' Elazar asks the same question that was just resolved.

R' Yochanan, R' Elazar's rebbi, expresses astonishment that R' Elazar had not heard his ruling that this practice is permitted.

Tangentially, the Gemara cites two additional instances in which R' Elazar posed an inquiry and R' Yochanan expressed surprise at the inquiry since he had already taught the answer to the inquiry.

3) Minimal value for the korbanos of those who are "lacking atonement"

R' Yochanan in the name of R' Shimon ben Yochai explains why the Torah did not assign a minimal value to the korbanos of those who are "lacking atonement."

Abaye and Rava each challenge this rationale and the questions are left unresolved.

4) MISHNAH: The Mishnah discusses the halacha that a chattas designated for one transgression cannot be used for another transgression.

5) Using a chattas for another transgression

A Beraisa is cited that provides the source for the halacha that a chattas designated for one transgression may not be used for another transgression.

The last exposition of the Beraisa is explained.

6) MISHNAH: The Mishnah discusses the allowance to use money designated for one korban olah v'yored for a different level korban olah v'yored.

7) Using funds for another korban olah v'yored

A Beraisa provides the sources for the rulings in the Mishnah.

The necessity for the Torah to write the term מחטאתו two times in addition to the necessity for the term על חטאתו is explained. ■

Distinctive INSIGHT

Disqualified due to monetary sanctity

ושמע מינה יש דיחוי בדמים

R' Yochanan ruled that if an animal is owned by two partners and one of the partners consecrated his portion of the animal, and he then bought the other part and consecrated it as well, although the entire animal is sanctified, it may not be brought as an offering. The Gemara notes that this leads to three distinct conclusions. One is that an animal which is "sanctified by its monetary value", as it is ineligible to be brought as an offering, may not be reintroduced and later be reconsidered as an offering. There are three basic approaches in the Rishonim to explain the condition referred to here as "sanctified by its value."

Rashi (Kiddushin 7b) explains that "monetary value sanctification" refers to the fact that when the first partner consecrated his share of the animal, the animal was certainly not fit to be brought as an offering, because we do not bring only portions of animals for an offering. Obviously, the intent of this partner was to donate the value of his portion of the animal to the Mikdash. Nevertheless, we say that this animal has been introduced for consideration for the Altar with the effect that it is ineligible at this point, and it may not be reconsidered later even when the remaining portion of it is also sanctified.

The Rishonim (Tosafos, Zevachim 12a) question the explanation of Rashi, because the Gemara notes that another distinct insight of R' Yochanan is that an animal can be disqualified "from the origin (מעיקרא)". Yet, according to Rashi, the animal's ineligibility due to its being sanctified for monetary purposes only is specifically because from the onset, it may not be brought as an offering as a partial animal. This, however, seems to overlap with the disqualification of monetary value.

Rabeinu Chaim (Tosafos, ibid.) explains that even an animal which was clearly only sanctified for its monetary value can cause another animal to be sanctified if the temurah declaration is used, and the second animal will then be disqualified to be used as an offering. Tosafos brings a support to R' Chaim from our Gemara, although Tosafos concludes with a number of questions against the explanation of R' Chaim.

Rabeinu Chananel (also cited in Tosafos, ibid.) explains that the lesson is that even the monetary value of a portion of an animal cannot be used to purchase an offering. This is derived from the words of R' Yochanan who says that the portion owned by the partner "cannot be brought as an offering". Tosafos uses this approach to explain the Gemara in Pesachim (98a) which says that if someone designates a female animal for his Pesach offering (which can only be brought from a male), it must be brought as a shelamim. The Gemara uses the rule of "monetary disqualification" in that context, indicating that even the value cannot be used for a Pesach. ■

HALACHA Highlight

Ones from fulfilling a pledge

הפריש לכשבה או לשעירה

If one set aside money for a female lamb or kid

There was once a person who was deathly ill and he pledged that if he will recover from his illness he will donate a certain amount to tzedaka every month. He recovered fully from his illness but after a period of time realized that he would not be able to fulfill his pledge since he did not have the means to continue to give that pledged amount every month. He asked the author of Teshuvos Nishal Dovid whether he could be released from his vow (מתיר נדרו). Nishal Dovid¹ initially discussed the issue of whether it is permitted in general for one to be released from his vow in this type of circumstance. He cited Teshuvos Binyomin Zev who ruled that if Reuven took a vow not to benefit from Shimon for Shimon's benefit, Reuven cannot be released from that vow unless it is done with Shimon's knowledge. Similarly, this person cannot be released from his vow unless he has God's approval. This ruling is codified in Rema² as well.

Consequently, the only release from this vow is the fact that he does not have the funds to pay his pledge. Whether the inability to fulfill a vow exempts one from having to fulfill the vow can be proven from our Mishnah. The Mishnah addresses one who was obligated to offer a Variable Offering and since he was wealthy designated an animal as his korban. Before the animal was offered he lost a significant portion of his wealth and

REVIEW and Remember

1. Explain: אדם מתכפר בשבח הקדש

2. What three principles does the Gemara derive from R' Yochanan's teaching regarding an animal that one of the partners sanctified before purchasing the other half of the animal?

3. What is the source that a Chatas can not be redirected as another Chatas?

4. Why does the Torah utilize the phrases על חטאתו and מחטאתו

the Mishnah rules that he should bring a bird Chatas and if he lost even more of his wealth he may use flour for his korban. Rashi³ explains that when he downgrades, the extra money that he saves is unconsecrated funds. A similar ruling in Shulchan Aruch⁴ also indicates that if a person pledged funds and then lost his wealth he is exempt from fulfilling that pledge since becoming poor is an oness. In his conclusion he writes that since it is an oness that prevents him from fulfilling his pledge he should be released from his vow since oness is certainly grounds to release someone from a pledge. ■

¹ שו"ת נשאל דוד יו"ד סי' כ"ד.
² רמ"א יו"ד סי' רכ"ח סעי' מ"ה.
³ רש"י ד"ה הפריש.
⁴ שו"ע יו"ד סי' רל"ב סעי' ט"ז. ■

STORIES off the Daf

The Halachah in the Heavenly Court

"חטאת חלב שנתן..."

Today's daf discusses various sacrifices brought for atonement.

A certain person stirred the fire on Shabbos; he had forgotten that it was Shabbos for a moment and was unsure how to atone for his lapse. Should he fast? Or perhaps giving charity would be better?

When this question reached the author of the Tashbatz Katan, ז"ל, he ruled clearly. "A person who profaned Shabbos through negligence—whether

he moved a lamp, carried without an eiruv, or any other melachah—should give the value of a chattas to charity. In this manner, he will atone for his sin, just as when the Beis HaMikdash stood, he would have spent the same money for a sacrifice which would have atoned for his sin. In addition, the custom is for one who has violated Shabbos to fast the next day."¹

The Chidah, ז"ל, teaches that there is another way to atone for sins. "A talmid chacham who uses every spare moment to learn Torah does not require any of the four chilukei kaparah, since his Torah atones for him."²

The Bnei Yisaschar, ז"ל, discusses this view of the Chidah. "The Chidah writes that one who learns Torah lish-

mah can rely on his Torah atoning for him. This is somewhat difficult to reconcile with the Gemara which states that various sins require a different atonement—be it teshuvah, Yom Kippur, suffering or death. Since Torah is not mentioned, we must wonder what the Chidah's source was for his novel statement.

He concluded, "Nevertheless, since the Chidah wrote this, it is clear that he had proofs that were reliable, and that this is the halachah in the heavenly court!"³ ■

¹ תשב"ץ קטן, סי' ס"ח
² דברים אחדים, דרוש ז', דף כ"ה
³ בני יששכר, מאמרי תשרי, מאמר ד', אות מ', בהגהה ■

