

## OVERVIEW of the Daf

### 1) Consecrating a blemished animal (cont.)

Rava concludes his explanation why one may have thought he could use a blemished goat for the goat sent to Azazel.

### 2) Tanna Kamma and R' Yosi the son of R' Yehudah

The reason is presented why R' Yosi the son of R' Yehudah maintains that one who uses a blemished animal as a korban also violates the prohibition against receiving the blood of a blemished korban in a sacred utensil.

The exchange between Tanna Kamma and R' Yosi the son of R' Yehudah is recorded.

A second version of this exchange is presented.

### 3) Consecrating a blemished animal (cont.)

Reish Lakish suggests that the prohibition against consecrating a blemished animal should be limited to an unblemished animal that became blemished.

R' Chiya bar Yosef unsuccessfully challenges this suggestion.

R' Yochanan rejects Reish Lakish's response to R' Chiya bar Yosef which leads R' Yochanan and Reish Lakish into a discussion about this matter.

Rava asserts that according to R' Yochanan even if one consecrates a blemished animal so that it should be sold and the proceeds used for nesachim he should receive lashes.

A Baraisa is cited that supports this conclusion.

The point of dispute in the Baraisa is explained.

The necessity for the word ארתו is explained.

### 4) Placing limbs of a blemished korban on the altar

Rava and Abaye disagree whether one who places limbs from a blemished korban on the altar is subject to lashes.

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## REVIEW and Remember

1. What is the point of dispute between Tanna Kamma and R' Yosi the son of R' Yehudah?

2. What is the rationale to differentiate between sanctifying a blemished animal and a palm tree?

3. What is לאו שבכללות?

4. Under what conditions is a Kohen permitted to sell a live unblemished bechor?

## Distinctive INSIGHT

Lashes for violating one of multiple prohibitions derived from one source – לאו שבכללות

אין לוקין על לאו שבכללות

The Gemara brings a disagreement regarding the punishment for placing limbs of a blemished animal on the Altar. The posuk states (Vayikra 22:22), "There shall not be any blemish in it...you shall not offer these to God, and you shall not place any of them as a fire-offering on the Altar to God." The Gemara (6b) taught that the various phrases in this verse teach different laws, among them is that it is prohibited to place all of the limbs of a blemished animal as well as placing some of the parts of a blemished animal on the Altar. Our Gemara states one is in violation of two prohibitions if all the limbs of a blemished animal are placed on the Altar, because burning all of the limbs necessarily includes burning parts of the animal, which is a prohibition in and of itself.

This is an example of a condition called לאו שבכללות, where several negative commandments are derived from the same phrase. Here, both of these prohibitions are learned from the same phrase, "do not place them upon the fire," Abaye holds that lashes are not meted out when both sins are committed together. Rashi explains that this means that we do not administer two sets of lashes, but we do give one of the sets of lashes. The Gemara in Pesachim (41b) presents two views of Abaye and his view regarding lashes for a negative commandment which is one of multiple violations learned from a single source. The first approach to Abaye is that when several sins are learned from one phrase, and these sins are violated simultaneously, only one set of lashes is given. The other view of Abaye is that no lashes at all are given in this case, because lashes are applied only when the Torah specifies and focuses upon a single act and prohibits it. The classic example of this is where the Torah assigns the punishment of lashes for one who muzzles his animal as it threshes grain. That verse (Devarim 25:4) features only one prohibition and one set of lashes. However, when multiple sins are derived from one verse, no lashes are applied to any of the derived sins. The discussion in our Gemara follows the first view of Abaye.

Tosafos notes that Rashi's approach in explaining Abaye in accordance with the first approach in Pesachim is evident from the later discussion in our Gemara. Shitta Mikubetzes explains that Tosafos is referring to the Baraisa that one who places all the limbs of a blemished animal on the Altar is liable for five sets of lashes. The Gemara asks that according to Abaye there should be only four sets, because there is no additional set of lashes for "placing a portion of the limbs on the Altar."

Rambam (Isurei Mizbe'ach 1:4) rules that one set of lashes is given in cases of לאו שבכללות. Bircas HaZevach cites our Gemara and the explanation of Rashi and Tosafos as his source. ■

# HALACHAH Highlight

## Transporting bodies for burial when the local cemetery is full

בעל מום מעיקרא זילא מילתא

Consecrating a blemished animal is degrading

The community of Brezhov had a cemetery that was within the *techum* of the city. The cemetery became full so they had to find another place to bury the dead. The community purchased a plot of land near the city to become the new cemetery. After the purchase the local mayor gave them a plot of land near the old cemetery which was further away. The community members were uncertain whether they are permitted to bury the deceased in the new cemetery that is closer to the city or if they were obligated to bury the deceased in the plot of land that the mayor gave them. The basis of their concern is Shulchan Aruch's ruling<sup>1</sup> that prohibits transporting a body to bury out of town when there are cemetery plots available in town. The rationale for the prohibition is that it is demeaning to the deceased who are buried in town since it seems as though this deceased does not want to be buried near them. Similarly, perhaps it is prohibited to bury the new deceased at a distance from the old cemetery if it is possible to bury them near the old cemetery

Teshuvah Maharsham<sup>3</sup> explained that Shulchan Aruch's prohibition applies only when one takes a body from a city that has graves available to a distant city since that is demeaning to the bodies that are already buried. In this case, however, the reason to not bury the bodies near the old cemetery is to bury them closer to town and also to bury the deceased faster. Since the deceased will anyways not be buried in the old cemetery Shulchan Aruch's ruling does not apply. He cites

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Abaye's position that one does not receive lashes for a generalized prohibition is successfully challenged.

Another version of this challenge is recorded.

5) **MISHNAH:** The Mishnah presents a discussion regarding which animals kohanim or yisroelim may make into a *temurah*.

6) **The kohen's monetary right to a live unblemished korban**

A Mishnah is cited that discusses when a kohen may sell a *bechor*.

R' Nachman in the name of Rabbah bar Avuha asserts that the allowance for a kohen to sell a *bechor* is limited to nowadays when the animal belongs to the kohen but not when the *Beis HaMikdash* stood and the *bechor* would be offered as a *korban*.

This assertion is unsuccessfully challenged. ■

our Gemara as proof to this principle. The Gemara rules that one receives lashes for sanctifying a blemished animal as a *korban* even though one does not receive lashes for sanctifying a palm tree as a *korban*. The reason to differentiate is that animals are something that is brought as a *korban*, therefore, sanctifying one that is blemished is considered offensive. In contrast, trees are not brought as a *korban* so it is not as offensive to sanctify it as a *korban*. This establishes the principle that an act is offensive when there is a way to perform the same act in a non-offensive manner but when there is no alternative it is not categorized as offensive. Therefore, since the deceased will not be buried in the old cemetery they may choose the location that is most convenient. ■

1. שריע יוי"ד סי' שסי"ג סעי' ב'.

2. שייך שם סק"ד.

3. שו"ת מהרש"ם ח"ג סי' קי"א. ■

# STORIES Off the Daf

## A Temporary Blemish

ומעוד וכתות ונתוק וכתות לא תקריבו

Rav Chaim of Sanz, zt"l, said that anyone who had the opportunity but did not meet the Rav of Tchechnov, zt"l, will have to account for this in the next world. He was a novel *tzaddik*; unique since the *Baal Shem Tov*, zt"l.

The Rav of Tchechnov taught a very practical lesson from a halachic principle brought on today's *daf*. "Our sages ex-

plain from the verse that only a sacrifice which is unblemished may be offered on the altar." The *rebbe* began to weep as he said, "It would appear that we do not fulfill the *mitzvah* of self-sacrifice while saying *shema yisrael* each day. Clearly if a person sins he is likened to a blemished sacrifice which is not accepted on high."

But a moment later the *rebbe* strengthened himself and joyously exclaimed, "But a temporary blemish does not disqualify a sacrifice. Clearly, when it comes to a Jew, a sin is no more than a temporary blemish since he can do

*teshuvah*. In *Kiddushin* we find that if a wicked person marries a woman on condition that he is righteous, there is a doubt whether the marriage takes effect. Perhaps he repented for a moment, in which case he was a *tzaddik* and they are married. We see that one who repents is immediately considered to be a *tzaddik*."

The *Meor Einayim*, zt"l, writes similarly, that one who does not believe that he can become a *baal teshuvah* by doing *teshuvah* in an instant hasn't yet done a true *teshuvah*!<sup>1</sup> ■

1. יגדיל תורה, ח"ג, ע' שצ"ד ■