



## OVERVIEW of the Daf

### 1) The dispute between R' Meir and R' Yosi

R' Yitzchok bar Yosef in the name of R' Yochanan explains the point of dispute between R' Meir and R' Yosi.

A Baraisa presents another dispute between R' Meir and R' Yosi that relates to the dispute in the Mishnah.

The Gemara clarifies that the opinion of Rabanan is part of R' Yosi's statement in the Baraisa.

Another related Baraisa is cited and clarified.

A third related Baraisa is cited and the novelty of the Baraisa is identified.

### 2) An animal owned by partners

R' Yochanan rules that if an animal is owned by partners and one partner sanctified his portion and then purchased the other half and sanctified it the animal is consecrated but cannot be brought as a korban and its temurah has the same status.

Three inferences from these rulings are noted.

### 3) Different sanctities

Abaye presents a number of halachos related to declaring an animal partly one korban and partly another korban and ends with a related question that remains unresolved.

**4) MISHNAH:** The Mishnah discusses the proper manner for a temurah declaration to be effective and when it is possible to deconsecrate a sacred animal onto a non-sacred animal.

### 5) The definition of the term תחת

The Gemara challenges the Mishnah's implication that the term תחת means "in place of."

Abaye explains that the term תחת can have more than one meaning. ■

## REVIEW and Remember

1. According to R' Yitzchok bar Yosef in the name of R' Yochanan, what is the point of dispute between R' Meir and R' Yosi?

2. What is done with an animal that is half-olah and half-shelamim?

3. What three halachos are derived from R' Yochanan's ruling?

4. What is the meaning of the word תחת?

## Distinctive INSIGHT

*All agree that the designation of ma'aser does not apply*  
 הכל מודים היכא דאמר חציה עולה וחציה מעשר דברי הכל עולה קריבה

Earlier, a Baraisa taught that if someone declares about his animal that "half of it should be an olah and the other half should be a shelamim," the animal becomes sanctified according to his specifications. However, the procedure of olah and shelamim differ so that the animal cannot be brought to satisfy either process without interfering with the other, so it may not be offered at all. The Gemara identifies that the author of this Baraisa is R' Yose, who says that the initial and final words of the owner are applied to the animal. R' Meir, however, is of the opinion that we only consider the first designation stated by the owner, as we find that he says that an animal is an olah in the case where a person says that half of his animal should be an olah and half should be a chattas.

In our Gemara, Abaye reports that even R' Yose would agree that in a case where someone says that "half of the animal should be an olah and half of it should be ma'aser," we only follow the first part of what a person says, and the animal is brought as an olah. Rashi explains that the reason for this is that the designation of an animal as ma'aser is only done by counting the tenth one through as the animal exits out of a corral, but not by simply saying "this animal" or "half of this animal" shall be ma'aser.

Tosafos raises two questions against Rashi's commentary. First of all, according to Rashi the animal would not be ma'aser even if the owner declared the entire animal to be ma'aser, because the designation is not being done by the counting process. Yet, the Gemara seems to imply that the problem here is that the owner sanctified half of the animal as an olah, and this is why the remaining part cannot become ma'aser. Furthermore, the Gemara asks what would the halacha be where a person says that half of his animal will be a temurah and half will be ma'aser, and that perhaps it would be deemed ma'aser. However, according to Rashi, it certainly cannot become ma'aser through such a statement, because it is not using the

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 By Rabbi and Mrs. Avrohom Shimon Moller  
 In loving memory of their father  
 ר' זאב שמשון בן ר' רפאל, ע"ה

# HALACHAH Highlight

## A voluntary chattas

בהמה חציה עולה וחציה חטאת

The animal should be half olah and half chattas

Rambam<sup>1</sup> writes that a chattas and ashm are only brought following a transgression and cannot be brought voluntarily, whether as a neder or a nedavah. Therefore, if someone declares, "It is incumbent upon me to offer a chattas or ashm (neder)" or, "This animal is a chattas or ashm (nedavah)" his statements are not binding. Sha'ar HaMelech<sup>2</sup> cites authorities who contend that the ruling that a chattas or ashm cannot be brought voluntarily means that it cannot be offered on the altar as a korban but the animal does become sanctified with the sanctity of that korban and the animal will have to be left to die. This is evident from our Gemara. The Gemara cites a Baraisa in which R' Meir and R' Yosi dispute the halacha when one declares an animal to be half-olah and half-chattas. According to R' Meir the animal is offered as an olah whereas according to R' Yosi it is left to die. If however, he mentioned chattas before mentioning olah all opinions would agree that the animal is left to die. It is evident that the dispute relates to the fact that the person declared two different sanctities onto the same animal but if he had declared the animal to be only a chattas all opinions would agree that the animal should be left to die. No one would maintain that the animal is not

(Insight...continued from page 1)

counting process.

Therefore, Tosafos in the name of R"l explains that the case is where a person is counting his animals as they exit the corral, and as the tenth one is approaching to depart he declares that half of it should now be an olah and one half should be for ma'aser. Here, all agree that the animal is completely an olah, as the designation of olah applies due to his verbal statement, and this is stronger than the status of ma'aser which only applies with the animal being counted while passing through the door of the corral. R' Yose only says that an animal is both an olah and shelamim because both are determined with verbal statements, but here the designation is stronger than that of ma'aser. ■

sanctified altogether since one cannot voluntarily offer a chattas; rather the sanctity takes effect and the animal is left to die.

The halacha that a chattas and ashm cannot be brought voluntarily has practical significance as well. Tur<sup>3</sup> records a declaration one should say after reading the parshiyos of the different korbanos which expresses the desire that one's recitation should be considered as though he offered the actual korban. Tur adds that this sentence should not be recited after reading the pesukim that relate to the Chatas since a Chatas cannot be brought voluntarily. ■

1. רמב"ם פי"ד מה' מעשה קרבנות ה"ח.

2. שער המלך שם.

3. טור אר"ח סי' א'.

# STORIES Off the Daf

## Inefficacious Immersion

בהמה של שני שותפין

A certain kosher restaurant was the property of a Jew and his non-Jewish partner. When the Jew eventually obtained sole ownership of the kosher restaurant, he wondered whether he was required to immerse all the metal and glass vessels in the mikveh. Although he had immersed these vessels when they had purchased the restaurant, he was unsure whether they required an additional immersion now that he had acquired them from the

non-Jew.

When this question reached the Mishnah Halachos, zt"l, he ruled that the Jew was obligated to immerse all the vessels. "You had no obligation to immerse the vessels when they were partially owned by your non-Jewish partner. This is clear from the Gemara in Temurah 26. There we find that if two partners jointly own an animal and one partner sanctified his half, procured the second half of the animal and sanctified it as well, the animal is not fit to be sacrificed. Rashi explains that since when the first half was sanctified the animal could not be sacrificed because the other partner did not allow this, the animal remains unfit to

be sacrificed even when it is entirely sanctified.

"Similarly, when the non-Jew owned half these vessels, it was unnecessary to immerse them. Now that solely the Jew owns them they require immersion."

The Issur V'Heter Ha'Aruch explains why vessels jointly owned by a Jew and a non-Jew do not require immersion. "We immerse vessels purchased from a non-Jew as a kind of geirus. If the vessels are immersed while owned by a Jew and a non-Jew, they remain defiled despite this immersion."<sup>1</sup> ■

1. שו"ת משנה הלכות, חייב, סי' ל"ג