



## OVERVIEW of the Daf

### 1) An animal designated for worship (cont.)

R' Tuvi bar Masna in the name of R' Yoshaya suggests a source for the law of a designated animal.

Abaye challenges this exposition and R' Tuvi bar Masna clarifies the intent of his exposition.

Rava bar R' Ada provides the period during which an animal designated for worship is prohibited.

Two further clarifications of this law are recorded and it is clarified that they are not in conflict with one another.

Tangentially the Gemara discusses what led to Beiha's scholarship.

Another Baraisa that discusses the duration of time during which a designated animal is prohibited is cited and clarified.

### 2) Private eating

R' Pappa suggests a source for the ruling that an animal designated for idolatrous sacrifice or one that has been worshipped is permitted for private eating.

This exposition is unsuccessfully challenged.

### 3) MISHNAH: The Mishnah elaborates on the korban disqualification of the **אתנן זונה**.

### 4) "Even if there are one hundred"

The Mishnah's emphasis of even if there are one hundred is explained.

A Baraisa elaborates on the prohibition of the **אתנן זונה**.

The rulings of the Baraisa are clarified.

R' Elazar explains why these animals do not qualify as an **אתנן זונה** retroactively.

This explanation is unsuccessfully challenged.

R' Oshaya wonders what the law is if she sanctified the animal before rendering services.

A possible answer is suggested but it is explained why it is not compelling and the question is left unresolved.

Another Baraisa presents a ruling that contradicts the ruling of the previous Baraisa.

R' Chanan bar R' Chisda suggests a resolution.

This resolution is unsuccessfully challenged.

Rav and Levi debate the exact definition of the term **זונה** in this context.

The exchange between Rav and Levi concerning their respective derashos is recorded.

A number of related rulings from Abaye are presented.

Rava disagrees with these rulings of Abaye.

Abaye's opinion is unsuccessfully challenged from a Baraisa.

Rava's interpretation of the Baraisa is recorded.

The Gemara begins a second version of Abaye's defense from the challenge from the Baraisa. ■

## Distinctive INSIGHT

### *A tereifah does not participate in the ma'aser process*

והא מהכא נפקא כל אשר יעבור תחת השבט פרט לטרפה שאינה עוברת

The Baraisa teaches that a tereifa animal is exempt from the ma'aser process because it is unable to "pass under the rod." Several explanations are offered for this lesson.

Rashi explains that there are eighteen specific physical deformities and deficiencies which define an animal as being a tereifah. Among them is where the leg of an animal is severed above the knee. In this case, the animal would, of course, not be able to walk out of the corral door during the counting procedure for ma'aser. Therefore, it is this category of tereifah which the posuk excludes directly, and although this is only one category, we learn that all categories of tereifah are excluded as well.

In Menachos (6a), Rashi explains that all eighteen categories of tereifah are excluded directly from this posuk. A tereifah is an animal which cannot live due to its physical deficiency. Only a healthy animal is considered one which can pass under the rod, but an animal which is not viable is not included. The Gemara in Bechoros continues to learn from ma'aser that a tereifah is excluded from all other offerings as well.

Rashash (to Bechoros 58b) notes that the Gemara does not focus upon the word "יעבור—it shall pass" when it excludes tereifah, but it rather uses the word "תחת—under" to establish its rule. Based upon this analysis of the posuk, and referring to the view of R' Yehuda HaChassid, he points out that during the ma'aser process the owner should put his hand on top of each animal, and if the animal responds by lowering its head toward the ground, the animal is known to be healthy and kosher (see Darchei Moshe Y.D. 35:1). The Gemara is therefore teaching

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## REVIEW and Remember

1. What contributed to Beiha's scholarship?
2. Why does the Mishnah emphasize "even if there are a hundred"?
3. How does a gentile acquire property?
4. What is the point of dispute between Abaye and Rava?

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# HALACHAH Highlight

## Using candles manufactured for idolatrous worship

אין מוקצה אסור אלא עד שיעבדו

An animal designated for idolatrous sacrifice is not forbidden until they use it

The Gemara discusses an animal that was designated for idolatry and teaches that an animal designated to be offered to an idol does not become prohibited for the altar until an action is performed with that animal. Rashi<sup>1</sup> in his first explanation maintains that once an idolater does something with the animal for the sake of idolatry the animal becomes prohibited but when it was merely designated for idolatry it remains permitted for the altar. In his second explanation he asserts that as soon as the animal is designated for idolatry it is prohibited and it does not leave that prohibited state unless the idolatrous priest uses the animal for his private needs. Rashi concludes that he prefers the second explanation. Rambam<sup>2</sup> rules in accordance with Rashi's first explanation that an animal designated for idolatrous worship does not become prohibited until the idolatrous priest does something with the animal. Ra'avad<sup>3</sup> subscribes to Rashi's second explanation that the animal becomes prohibited immediately upon designation for idolatrous sacrifice.

Chasam Sofer<sup>4</sup> was asked about the permissibility of use in the Beis HaKnesses of candles that were manufactured for idolaters but had never been used for that purpose. Shulchan Aruch<sup>5</sup> prohibits the use of candles that were already used in an idolatrous house of worship that were extinguished but does not address the case of candles designated for use but never used. Seemingly, the matter should be subject to the debate cited above. According to Rashi's first explanation and Rambam the candles are permitted since they were merely designated for use for idolatry but had never been used for that purpose. According to

(Insight...continued from page 1)

that the posuk requires that each animal pass "under" the hand of its owner, and a tereifah is thereby excluded.

Sefer Ohel Moshe explains that the word "יעבור"—will pass" is written in the future tense. Animals eligible for the ma'aser process are those that could potentially pass out of the corral the next year as well, as it is the custom of farmers to count their cattle and sheep annually. A tereifah is not expected to live out the year, so it is excluded from this mitzvah due to this technicality.

Additionally, Sefer Ohel Moshe says that a tereifah does not pass through the door of the corral together with the rest of the flock, as it is generally a more frail and weak animal, and the farmer might be careful to keep the tereifah separate to protect it due to its weakened condition.

Tosafos in Chullin (136b) raises the question that if a tereifah is excluded because it cannot walk out of the corral, then we should also exclude a case where the leg is cut below the knee, although it is technically not a tereifah, because it too cannot walk. Tosafos in Bechoros (57a) says that where it is not a tereifah, it is considered able to pass through the door of the corral. ■

Rashi's second explanation and Ra'avad the candles are prohibited for use in the Beis HaKnesses since designation for idolatrous use immediately prohibits the item. However, it could be suggested that even Rashi's second explanation and Ra'avad would agree that the candles are permitted since the sale of these candles to a Jew nullifies its idolatrous status. Mishnah Berurah<sup>6</sup>, in fact, rules that if the candles were never used for idolatry they may be used in a Beis HaKnesses. ■

1. רש"י ד"ה עד שיעבדו.
2. רמב"ם פ"ד מהל' איסורי מזבח ה"ד.
3. ראב"ד שם.
4. שו"ת חת"ס או"ח סי' מ"ב.
5. שו"ע או"ח סי' קנ"ד סעי' י"א.
6. מ"ב שם ס"ק מ"ד. ■

# STORIES Off the Daf

## The Pledge

אמירתנו לגבוה כמסירתנו להדיוט

The Maggid of Dubno, zt"l, explained a statement on today's daf with one of his famous parables.

There was once a man who upset an important nobleman and needed to appease him with a gift. The trouble was that he didn't own anything fitting. After a bit of thought he decided to borrow something appropriate from a friend. The two drew up an appropriate document and he

took the gift to the nobleman. As expected, the nobleman was pacified by the gesture and all was well until it came time to give back the gift.

The owner of the item reminded the borrower that it was time for it to be returned. "I can't," he said. "I gave it as a gift to placate the nobleman."

"That's no problem," his friend replied. "I am just as happy to take money."

When the borrower explained that he had no money, the irritated owner summoned him to the nobleman. Not surprisingly, the nobleman insisted that the man find the money to repay the original owner, or suffer serious consequences.

The Maggid explained the relevance to our daf. "In Temurah in 29 we find אמירתנו לגבוה כמסירתנו להדיוט — When it comes to offerings, a verbal pledge is equivalent to the actual giving over of something ordinary. One who pledges something does so for a reason. Like the man who wishes to placate a nobleman but has nothing with which to do so, one who pledges is borrowing in a sense, since on High his pledge is considered to be action. He borrows on what will be given to appease God. When the time comes he is obligated to pay back what he borrowed or incur the wrath of the King!"<sup>1</sup> ■

1. משלי יעקב, כי תצא. ■