

4a.4.3

12a (משנה ו) → 13a (סיום הפרק)

וְאִישׁ כִּי יִקְדַּשׁ אֶת בֵּיתוֹ קֹדֶשׁ לַה' וְהִעָרִיכוּ הֶהָהָן בֵּין טוֹב וּבֵין רָע פֶּאֶשֶׁר יַעֲרִיף אֹתוֹ הֶהָהָן כֵּן יִקּוּם: וּיקרא כז, יד	(1)
וְאִם הַמְקֻדָּשׁ יִגָּאֵל אֶת בֵּיתוֹ וְיִסֵּף חֲמִישִׁית כֶּסֶף עָרְכָּף עָלָיו וְהָיָה לוֹ: וּיקרא כז, טו	(2)
דָּבָר אֶל אֹהֲלוֹ וְאֶל בְּנָיו וְאֶל כָּל בְּנֵי יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵהֶם אִישׁ אִישׁ מִבֵּית יִשְׂרָאֵל וּמִן הַגֵּר בְּיִשְׂרָאֵל אֲשֶׁר יִקְרִיב קָרְבָּנוֹ לְכָל נְדָוֵיהֶם וְלִכְל נְדָבוֹתָם אֲשֶׁר יִקְרִיבוּ לַה' לְעֹלָה: לְרִצְוֹנְכֶם תָּמִים זָכָר בַּבֶּקֶר בַּכֶּשֶׁבִים וּבַעֲזִים: וּיקרא כז, יח-יט	(3)
וְאִם כָּל בְּהֵמָה קִמְאָה אֲשֶׁר לֹא יִקְרִיבוּ מִמֶּנָּה קָרְבָּן לַה' וְהִעָמִיד אֶת הַבְּהֵמָה לְפָנָי הֶהָהָן: וּיקרא כז, יא	(4)
וְהִעָרִיף הֶהָהָן אֹתָהּ בֵּין טוֹב וּבֵין רָע כְּעָרְכָּף הֶהָהָן כֵּן יִהְיֶה: וּיקרא כז, יב	(5)

- I. משה ו (in printed version – (הלכה ד – how to pay workers from estate of someone who was מקדיש his property
- i. (note: as per above, ר' יוחנן interpreted that the “items” referred to were טורות
 1. Modification (ר' הושעיה): it could have been a member of בית אבטינס (→ prepared with כלי שרת)
 - b. ד"ע: if the estate included items that are fit for the מזבח, use them directly to pay אומנים
 - c. ד"ע: that is not the proper method
 - i. Reason (תלמוד): we do not transfer קדושה onto labor, rather onto coins
 - ii. Rather: take the items from the estate to the value of the debt and “redeem” them on מעות הקדש
 1. Note: these coins had already been made mundane by transfer on to the building, as per above
 2. Then: we give those (now mundane) items to the workers as their pay
 3. And then: we re-purchase the items from the אומנים from the new הלשכה
- II. משנה ז (in printed version – continuation of (הלכה ד – if someone was מקדיש his property and there were animals fit for מזבח
- a. ד"א: males are sold to those who need עולות; females -to those who need שלמים – funds go (with rest) to בדיק הבית
 - b. ד"א: males are offered as עולות, females sold to those who need שלמים; use funds for עולות (rest→בדיק הבית)
 - i. ד"ע: prefers ר"א's approach, as it is consistent
 - ii. ר' הושעיה heard that we rule like ר"א if the קדש was explicit; if סתם – we rule like הושעיה
- III. Discussion: assessing the dispute between ר"א ור"י
- a. ר"א's “advantages” listed - including that סתם הקדשות לבדיק הבית – must be authored by ר"א
 - i. ר"א's source is v. 1, as v. 2 already addresses his house, v. 1 must refer to נכסים
 - b. (version 1, דב זעורה): dispute is only if he was מקדיש נכסיו, but if he specified בהמה, all agree it goes to מזבח
 - c. (version 2, דב בא, ר'): dispute is only if he was מקדיש his flock; if he was מקדיש נכסיו, all agree it goes to בדיק הבית
 - i. Challenge: aren't בהמות (which are included) fit for מזבח?
 - ii. Answer: he could have said that; by his סתם הקדש, we assume he meant that it should go to בדיק הבית
 - d. ד"א: dispute is in both cases – מקדיש his flock and נכסיו
 - e. Related discussions: re valid and invalid forms of הקדש
 - i. ד"א: if he was פודה an animal of בדיק הבית while תמים, the byproducts (e.g. milk) are מותר
 1. Support: תמורה states that – the offspring and milk are permitted
 2. Block (ר' חסדא): perhaps that is a case where they became בע"מ after פדיון → permitted
 - a. Support: חולין יב – byproducts are אסור after פדיון
 - ii. חולין תמימים become קדשי בדיק הבית. ד"א יוסה
 1. Proof: else, how could קדושת מזבח attach? (plus: proof from rule מזבח לגבי תמימים – ימכרו לגבי מזבח)
 - iii. that were sanctified for male קרבן – the status attaches (for purposes of עבודה ועבודה)
 1. Status of female sanctified for male קרבן ואשם פסח ועולה, – and its ability to generate תמורה
- i. ד"א: in all three case, תמורה is effective
 - ii. ד"א (version 1): only in case of עולה
 1. rationale: since נקבה can come as עולת העוף יוחנן
 - iii. ד"א (version 2): in no cases is it valid
 1. rationale – even if it is the right type (ram), if it is too old, invalid – certainly if wrong type
 2. ד"א (not קדוה) and ד"א (in our משנה) agree that קדש נקבה for עולה –is (קדוה) דמים
 - a. Argument: if ר' הושעיה held that it was הקדש הגוף, it would have to graze, get a מום etc.
 3. ד"א disagrees with ר"א about פסח, as it can come as שלמים (valid נקבה) → should be valid תמורה
 - a. Challenge: why doesn't רבי disagree about אשם, which can become עולה?
 - b. Answer: the actual פסח would be offered as שלמים; but אשם would be sold for עולה
 4. Analysis of dispute: whether such a קדש is דמים (→ תמורה no) or הקדש הגוף (→ תמורה valid)

- g. *Source*: for יהושע 'ר's position – v. 3 – all goes לעולה; לבקר extends to נקבות
- i. *Challenge*: the verse explicitly states זכר
 - ii. *Answer*: just as we read תמים and extend to בע"מ
- h. *Suggestion*: their dispute comes down to שיבטא דכרכדא (numerous interpretations...)
- IV. *משנה י* (in printed editions – הלכה ח - בבלי in הלכה ט - continuation of ד הלכה ז) – status of הקדש נכסים with items fit for מזבח (wine, oil, birds)
- a. *ד"א בן שמוע* should be sold for those who require that same thing, funds used for עולות; rest goes to בדק הבית
 - i. *Source* (ר' יוחנן): v. 3 – every animal donated become עולה; בקר excludes birds
 1. *Challenge*: above, ר' יוחנן explained ר"ש's opinion (מפריש נקבה לעולה עושה תמורה) since there is עולת העוף
 - a. *But*: here he rules that מקדיש נכסיו which includes עופות – they have no קדושת הגוף
 - b. *Answer*: anything that cannot be brought as is nor its redemption money – only has קדושת דמים
 - i. *And*: these birds cannot be brought (per v. 3), nor redeemed (אין פדיון לעוף)
 - ii. *Explanation*: of ר"ש (version 2) above – (if he designates נקבה for any of them, תמורה is ineffective)
 1. *Source*: v. 4 – must be טמאה for its own purpose (טמאה already mentioned)
 - a. *Challenge*: why would the תורה then instruct והעריך...והעמיד (vv. 4-5)?
 2. *Rather*: v. 4 interpreted as something which has no possible offering (unlike בעוף נקבה)
 - a. *Challenge*: again, why would there be העמדה והערכה?
- V. *משנה יא* (in printed editions – הלכה ה - בבלי in הלכה ט - continuation of ד הלכה ז) Price setting in מקדש
- a. *Every 30 days*: they would adjust the price of materials used for קרבנות (animals, grains etc.)
 - b. *If*: someone agreed to provide (e.g.) flour at a higher price and it dropped – owes greater amount
 - i. *But*: if he agreed to the lower price and it went up – must pay higher amount
 - c. *Reason*: הקדש is always “on top”
 - i. *If*: the flour got wormy or the wine went sour, that is the supplier's loss
 - d. *Payment*: he does not get paid until the מזבח accepts the offering
 - i. *בריייתא* (ר"ש): he is paid immediately, as the כהנים are diligent and zealous