

19.02.14

55a (כל היכא דאיכא איסורא התם קנסינן) → 56b (תנן התם: בהמה שנמצאת מירושלים)

I Continued investigation into ר"מ's approach to מעילה

- a משנה (שקלים ז:ד) – if an animal is found near ירושלים (within 10 miles in any direction) – males are עולות, females – שלמים
- i Challenge: males could also be שלמים
- ii Answer (ר' יאשיה): case is where the finder wants to “fix” the animal by donating money for its intended purpose
- 1 And: משנה teaches that he should also donate money for an עולה (if male)
 - 2 And: this only works according to ר"מ – that we can take animal “out of הקדש” deliberately (הקדש במזיד מתחלל)
 - 3 Challenge: קדושת הגוף isn't מתחלל as per: there is no מועל אחר מועל except for בהמה תמימה and כלי שרת (examples)
 - (a) Answer: ruling re: מועל אחר מועל is authored by יהודה ר'
 - (b) Note: ר"מ's approach informs us about ר"מ's:
 - (i) קדושת הגוף – but not קדש ד' יהודה →
 - (ii) קדושת הגוף – but not הקדש מתחלל במזיד ד' מ' →
 - (c) answer: distinction made – בשוגג, the person doesn't intend to take it “out” of state of הקדש (→ doesn't work)
 - (i) however: במזיד – he intends to move it from הקדש → חולין – should work
 - 4 Challenge (to ר' יאשיה): we only know that ר"מ allows for חילול בקדש"ק – but not in re: קדשים קלים (and the found animal may be שלמים)
 - (a) Answer: קדש"ק – if קדש"ק can become חולין, certainly קדש"ק
 - 5 Challenge (to ר' יוחנן by ר' יאשיה): since when do we advise someone to sin in order to “fix” something? (בהמה)
 - (a) Rather: we wait until it becomes a בעל מום, then bring 2 animals (עולה ושלמים) and a donated animal על תנאי
- b Revisiting: משנה שקלים –
- i עולה זכרים
- 1 challenge: it may be a תודה
 - (a) answer: bring a תודה as well (and it's attendant loaves)
 - (i) cannot be אשם: regular אשם is 2 years old – this one was a yearling; other אשמות are uncommon
 - (ii) cannot be פסח: people are careful with it in its season; out-of-season, it is a שלמים
 - (iii) may be בכור or בהמה מעשר בהמה; but we're eating it after it's מום בעל מום, just like those
 - ii תוקנות: bring שלמים
 - 1 challenge: may be תודה
 - (a) answer: bring a תודה as well (and it's attendant loaves)
 - (b) cannot be: חטאת, since a חטאת is a yearling, and this one was a 2-year old
 - (i) and: not likely that it's a “lapsed” חטאת (past its year) – uncommon
 - (ii) however: if it was found to be a yearling – it dies as שאבדה חטאת שאבדה
- II Buying an animal with מעות מעשר שני (outside of ירושלים) (which is prohibited – but post-facto...)
- a בשוגג – money is returned (seller is forced to return money to buyer)
- b במזיד – it's taken up to ירושלים and eaten there
- i ר' יהודה: this is only true if he originally bought it to be used as שלמים
- 1 but: if he intended to take the מעות מעשר שני out of their sanctified status – in either case, it is returned
 - 2 challenge: ר' יהודה ruled that מעות מע"ש, given במזיד for מעות קידושין – the מעות קידושין are valid
 - 3 answer: woman knows that מעות מע"ש don't become חולין when she gets them and she intends to take them to י-ם
 - (a) challenge: everyone knows that בהמה טמאה, slaves and real estate cannot be a vehicle for מע"ש, yet if someone buys any of those with מעות מע"ש – even inside ירושלים, he must take out the same amount of money and “redeem” the money he put out for those items
 - 4 rather: our משנה is referring to an אשה חברה (scholarly woman) who is familiar with the הלכה
- ii revisiting ruling about בהמה טמאה etc.: why spend a corresponding amount – why not have the money returned and the sale reverted (as we do with בהמה טהורה במזיד outside of ירושלים)
- 1 answer (שמאל): case is where seller disappeared
 - (a) Implication: if the seller is around, he is the one to “lose”, since he enable the violation and the substance of the violation is currently in his possession