

33.7.1

31a → (משנה א) 31b (אין מועילין בהן)

1. וְעָשׂוּ לִי מִקְדָּשׁ וְשִׁכְנִיתִי בְּתוֹכָם: שמות כה, ח

- I קדשי בדק הבית which do not apply to קדשי מזבח: משנה א
- a תמורה: they can generate תמורה
- i Challenge: תמורה do not generate עופות ומנחות
- 1 Answer: בהמה referent is
- 2 Challenge: תמורה, קדושת מזבח, which have וולד קדשים, cannot generate תמורה
- (a) Answer: וולד עושה תמורה – ר' יהודה could follow
- 3 Challenge: תמורה itself, which has קדושת מזבח, cannot generate תמורה
- (a) Answer: our referent is the base קרבן, not its "offspring"
- (i) Note: once we've answered this way, the וולד question need not be answered by associating only with ר"י
- b attach פגול, נותר וטמא פגול
- c אסורים: still retain קדושה חזקתו and their young and milk are
- d שחוט חזקתו: culpability for חזקתו
- e Use for payment: may not use קדשי מזבח to pay workers (who are working in מקדש)
- i Per: v. 1 – may use "ל" to make מקדש
- II קדשי מזבח which do not apply to קדשי בדק הבית: משנה ב
- a Default: the default of הקדש is בדק הבית
- i Observation: this is contra ר' יהושע (in dispute with ר"א re status of animals who are part of the estate of הקדש – ז:ז)
- 1 בדק הבית: all goes to male צרכי עולה; female צרכי שלמים; funds to צרכי שלמים
- 2 בדק הבית: male צרכי שלמים are used for עולות; female צרכי שלמים sold to עולות; funds used for עולות
- ii note: this interpretation of the משנה is contra ר"א's (per ר"א) – ר"א/ר' יהושע are in agreement if the flock is all males
- 1 reason: a person wouldn't ignore the opportunity of קדושת מזבח in favor of בדק הבית
- 2 dispute: only in case where the flock is mixed (m/f)
- 3 ר"א: a person doesn't split his נדר; since the females can't be עולות → males also not עולות
- 4 ר' יהושע: a person will split his נדר
- iii (alternate version of ר"א, per ר"א: if he only was מקדשי animals, ר"א agrees that it goes on מזבח)
- 1 reason: a person wouldn't ignore the opportunity of קדושת מזבח in favor of בדק הבית
- 2 dispute: only in case where the flock is mixed (animals/property)
- 3 ר"א: a person doesn't split his נדר; since the property can't be עולות → animals also not עולות
- 4 ר' יהושע: a person will split his נדר
- iv analysis of two versions: end of ר"א's ruling – "proceeds go with rest of property to בדק הבית"
- 1 this only works: according to 2nd version;
- 2 but: to 1st version, should read "בדק הבית" ("rest of property" is not the cause)
- (a) answer: we have a ברייתא with that version
- b Omniversality: בדק הבית may apply to anything
- i extra phrase: extends to shavings and sawdust of wood בדק הבית
- c מעילה: attaches to the byproducts of בדק הבית
- i extra phrase: extends to milk and eggs of מוקדשין
- 1 per: מעילה ג:ה – no מעילה הנאה (מדרבנן) but מעילה does not attach (מה"ת)
- 2 but: (ibid) re: בדק הבית, if he is מקדיש a chicken, מעילה attaches to the egg; if he is מקדיש a jenny, מעילה attaches to her milk
- (a) note: even according to authority that מעילה attaches to הקדש – only byproducts that are fit for מזבח, but if not fit – no מעילה attaches (unlike בדק הבית, where such distinctions are meaningless)
- d owners get no benefit from בדק הבית: הנאה