

לֹא צְרִיכָא, דְּאָף עַל גַּב דְּפְרִישׁ.

The Gemara answers: **No, it is necessary to state this halakha** in order to teach that even if one specified at the time of his vow that he is consecrating the animal as a thanks-offering on condition that it may be used as a Festival peace-offering as well, he nevertheless does not fulfill his obligation with it.

כְּדַבְעָא מִנִּיהּ רַבִּי שִׁמְעוֹן בֶּן לָקִישׁ מֵרַבִּי יוֹחָנָן: הָאֹמֵר "הָרִי עָלַי תּוֹדָה וְאֵצְא בָּהּ יְדֵי תְּגִיגָה", "הָרִינִי נָזִיר מְגִלָּה.

This teaching is similar to the question that Rabbi Shimon ben Lakish asked of Rabbi Yohanan: With regard to one who vows and says: It is incumbent upon me to bring a thanks-offering, and I will also fulfill my obligation to bring a Festival peace-offering with it; or if he says: **I am a nazirite,**

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וְאִגְלַח מִמַּעוֹת מַעֲשֵׂר שְׁנִי מִהוּ? אָמַר לִיה: נָדוּר וְאִינוּ יוֹצֵא, נָזִיר וְאִינוּ מְגִלָּה.

and I will shave my head, meaning I will purchase the nazirite offerings that are brought when a nazirite shaves himself, with second-tithe money, which I am obligated in any case to bring to Jerusalem, what is the halakha? Rabbi Yohanan said to him: With regard to the thanks-offering, he has vowed and must bring the offering, but he does not fulfill his obligation^h of the Festival peace-offering with it, as the latter offering must be brought from unconsecrated animals. Similarly, one who took the vow of naziriteship is a nazirite, but he may not shave^h his head and bring nazirite offerings purchased with second-tithe money.

הָהוּא גִבְרָא דְאָמַר לְהוּ: הָבוּ לִי אַרְבַּע מָאָה זָוִי לְפָלוּנִי, וְלְנָסִיב בְּרַתִּי. אָמַר רַב פַּפָּא: אַרְבַּע מָאָה – שְׁקִיל, וּבְרַתִּי, אִי בְעֵי – נָסִיב, אִי בְעֵי – לָא נָסִיב.

In relation to the previous case, in which one makes a conditional statement and only part of his statement is accepted, the Gemara relates a somewhat similar incident: A certain man said to those tending to him, in the form of a will: Give four hundred zuz to so-and-so, and let him marryⁿ my daughter.^h Rav Pappa said: The four hundred zuz he takes, but as for the benefactor's daughter, if he wishes, he may marry her, and if he wishes, he need not marry her.

טַעֲמָא דְאָמַר: הָבוּ לִי וְלְנָסִיב, אֲבָל אִי אָמַר לְנָסִיב וְהָבוּ לִי, אִי נָסִיב – שְׁקִיל, וְאִי לָא נָסִיב – לָא שְׁקִיל.

The Gemara comments: The reason is solely that he said it in this manner: Give him the money and let him marry my daughter, mentioning the gift before the condition. However, if he specified the condition first, by saying: Let him marry my daughter and give him the money, in that case, if he marries her, he takes the money, but if he does not marry her, he may not take it.

יְתִיב מְרִימָר וְקָאֵר לְהָא שְׁמַעְתָּא מְשַׁמְיָה דְנַפְשִׁיהּ. אָמַר לִיה רַבִּינָא לְמַרְיָמָא: אַתּוֹן הָבִי מַתְּנִיתוּ לָהּ, אֲנִי כְּדַבְעָא מִנִּיהּ רִישׁ לָקִישׁ מֵרַבִּי יוֹחָנָן מַתְּנִין לָהּ.

The Gemara relates: Mareimar^p sat and stated this halakha with regard to one who attaches a condition to his vow to bring a thanks-offering in his own name, without attributing it to the Sage who stated it. Ravina said to Mareimar: You teach this halakha in this manner, without attribution, whereas we teach it in the form of a question that Reish Lakish asked of Rabbi Yohanan.

NOTES

הָבוּ לִי...וְלְנָסִיב – Several different explanations were given for this halakha. According to the way the *Terumat HaDeshen* explains Rashi and *Tosafot*, they hold that the guiding principle in this case is: One is held accountable for his first expression, meaning that a person's first statement is viewed as the essential, binding one, while the second is viewed as subordinate (see *Meiri*). According to this understanding, both this halakha and Rabbi Yohanan's statement are based on the same principle; in that case, too, once a person vows to bring a thanks-offering, his words take immediate effect and he can no longer use the animal for any other purpose, whereas were he to reverse the order and state the condition first, his condition might be effective. According to a different approach, the person who received the money need not marry the benefactor's daughter due to the principle that conditions must be stipulated prior to the main transaction. In other words, as a matter of formality, conditions should be referred to before mentioning the main transaction; if the main transaction is

mentioned first, the condition attached to it is not binding (Rabbi Zerahya HaLevi).

Others hold that in this case the gift of the money is not conditional upon the recipient's marriage to the benefactor's daughter; rather, the same person gave a gift and offered his daughter's hand in marriage. Since there is no inherent connection between the two, the recipient may choose to do as he wishes (Rif; Rabbi Aharon HaLevi). Similarly, the *Meiri* explains that the order clarifies whether he intended to make two separate offers, or, when he mentions the marriage proposal first, he intended a single offer. According to these opinions, the connection between this halakha and that of Rabbi Yohanan is merely that in both cases a person said two things, only one of which is fulfilled. Some authorities emphasize other aspects of the case, including the significance of consecration, where speech alone has the force of an action; or the *halakhot* governing the testament of a dying person, whose words are viewed as established and already in effect (see *Rashba*, *Ra'avad's* comments on the *Rif*, and *Milhamot Hashem*).

HALAKHA

He has vowed, but does not fulfill his obligation – נָדוּר וְאִינוּ יוֹצֵא: If one says: It is incumbent upon me to bring a thanks-offering, which I will also use to fulfill my obligation to bring a Festival peace-offering, he must bring a thanks-offering, but he does not thereby fulfill his obligation with regard to a Festival peace-offering. Some hold that if he conditioned his consecration of the thanks-offering on fulfilling his obligation with regard to the Festival peace-offering, he does fulfill the latter obligation (*Ra'avad*; *Rashba*; *Rambam Sefer Korbanot, Hilkhot Hagiga* 2:14).

A nazirite, but he may not shave – נָזִיר וְאִינוּ מְגִלָּה: If one says: I am a nazirite on condition that I will shave with second-tithe money, he is a nazirite, but he must bring his offerings from animals bought with non-sacred money. Some say that if he stipulated a condition in the formal manner, e.g., he said: On condition that I shave, he may bring his offerings from second-tithe money (*Tosafot*; *Rambam Sefer Hafla'a, Hilkhot Nezirut* 8:14).

Give four hundred zuz to so-and-so and let him marry my daughter – הָבוּ לִי אַרְבַּע מָאָה זָוִי לְפָלוּנִי וְלְנָסִיב בְּרַתִּי: If a dying person ordered: Give four hundred zuz to so-and-so and let him marry my daughter, the recipient may do as he wishes and take the money without marrying the daughter. If, however, he said: Let him marry my daughter, and give him the money, this is considered a condition, and he receives the money only if he marries the daughter. The same applies if it is clear from his statement that he intended to link the two offers in the manner of a condition (*Shakh*). Consequently, one who says: Give a certain sum of money to my daughter that she should buy a garment for herself, and the daughter passed away, the money belongs to her heirs, as the condition was not stipulated in the formal manner (*Shulhan Arukh, Hoshen Mishpat* 253:12, and in the comment of the Rema).

PERSONALITIES

Mareimar – מְרִימָר: Mareimar was a sixth-generation Babylonian *amora*. Although little is known about his personality, it is known that Mareimar was a disciple-colleague of Mar Zutra and a colleague of Rav Ashi. Apparently he lived in Sura, and the Sages of Sura followed his rulings. He was the primary teacher of Ravina, one of the last *amora'im*. Following Rav Ashi's death, though not immediately, Mareimar took his place as head of the academy in Sura, and he and Ravina together continued redacting the Talmud. The term Mar prefixed to his name might indicate that he was affiliated with the family of the Exilarch. Mareimar's son, Rav Yehuda bar Mareimar, was an important Sage in the following generation.

תני תנא קמיה דרבי יצחק בר אבא:
 "ויקרב את העולה ויעשה כמשפט" –
 כמשפט עולת נדבה. למד על עולת
 חובה שטעונה סמיכה.

אמר ליה: דאמר לך מני – בית שמאי
 היא, דלא גמרי שלמי חובה משלמי
 נדבה. דאי בית הלל, כיון דגמרי שלמי
 חובה משלמי נדבה – עולת חובה נמי
 לא תפעי קרא, דגמרי מעולת נדבה.

וממאי דבית הלל שלמי חובה משלמי
 נדבה גמרי? דלמא מעולת חובה גמרי,
 ועולת חובה גופא בעיא קרא.

מאי שנא משלמי נדבה דלא גמרי –
 שכן מצויין, מעולת חובה נמי לא
 גמרי – שכן כליל.

(אלא) אתנא מביניא.

§ A *tanna* taught the following *baraita* before Rabbi Yitzhak bar Abba: The verse concerning the burnt-offering that Aaron was commanded to sacrifice for the inauguration of the Tabernacle: “And he brought the burnt-offering and sacrificed it according to regulation” (Leviticus 9:16), indicates that the *halakha* of an obligatory burnt-offering is similar to the regulation governing a gift burnt-offering. This teaches with regard to an obligatory burnt-offering that it too requires the person bringing the offering to place his hands on the head of the animal to be sacrificed.

Rabbi Yitzhak said to the *tanna*: He who told you that this *halakha* requires an explicit biblical source, in accordance with whose opinion did he say this? It is that of Beit Shammai, who do not learn the *halakha* of obligatory peace-offerings from that of gift peace-offerings by way of an analogy [*binyan av*], as they distinguish between the two with regard to the requirement of placing hands on the peace-offerings brought on a Festival. As, if it were the opinion of Beit Hillel, since they learn the *halakha* of obligatory peace-offerings from that of gift peace-offerings, there being no distinction between the two categories, then an obligatory burnt-offering should also not require a special verse to teach this *halakha*, as they can learn it from the *halakha* governing a gift burnt-offering by means of an analogy.

The Gemara asks: And from where may it be shown that Beit Hillel learn the *halakhot* of obligatory peace-offerings from those of gift peace-offerings? Perhaps they do not learn the *halakhot* of obligatory peace-offerings from those of gift peace-offerings. Rather, they learn the *halakha* governing obligatory peace-offerings from the *halakha* governing an obligatory burnt-offering: Just as an obligatory burnt-offering requires the one bringing the offering to place his hands on the animal to be sacrificed, so too do obligatory peace-offerings. And an obligatory burnt-offering itself requires an explicit verse from which to derive this *halakha*, and perhaps the verse cited above is the source: “And he brought the burnt-offering and sacrificed it according to regulation.”

The Gemara challenges this argument: What is different about obligatory peace-offerings such that Beit Hillel do not learn the *halakha* governing them from the *halakha* applying to gift peace-offerings? It is that gift peace-offerings are more common, and perhaps a different *halakha* applies to them. If so, they should also not learn the *halakha* governing obligatory peace-offerings from the *halakha* applying to an obligatory burnt-offering, as the latter is entirely burnt, unlike peace-offerings.

The Gemara answers: Rather, the *halakha* governing obligatory peace-offerings is derived from between the two of them.ⁿ The Torah explicitly states that one must place hands on the heads of both obligatory burnt-offerings and gift peace-offerings. It is possible to extend the same obligation to obligatory peace-offerings by combining the two sources, as follows: If one says that an obligatory burnt-offering is different from an obligatory peace-offering because it is entirely burnt, gift peace-offerings prove that this is not the critical factor; and if one counters that gift peace-offerings are different from obligatory peace-offerings because they are common, an obligatory burnt-offering proves that this is not crucial. Therefore, there is no proof from here with regard to Beit Hillel’s position, as they too might learn the *halakha* governing an obligatory burnt-offering from the verse: “And he brought the burnt-offering and sacrificed it according to regulation.”

NOTES

Is derived from between them – אתנא מביניא: The principle used here is that of a common factor [*ma hatzad*], a type of enhanced analogy [*binyan av*], according to which a third *halakha* is learned from two other *halakhot*. This method is used when it would not be possible to derive the third *halakha* from either of the other *halakhot* alone, because of an

unusual stringency that applies uniquely to each of the other *halakhot*. Since the stringency is not identical in the two *halakhot*, it is possible to put aside the unique feature in each of them and derive the *halakha* from between the two of them, using the common factor that they share to arrive at the third *halakha*.

Did not disagree with regard to the placing of hands – לֹא נִחְלְקוּ...עַל הַסְמִיכָה: In the Jerusalem Talmud an alternative version of the disagreement is cited, according to which Beit Shammai and Beit Hillel disagree about whether or not it is permitted to place hands not in the usual manner. Beit Shammai hold that one may place hands in an unusual manner, in this case before its proper time, whereas Beit Hillel disagree. Later authorities address the issue of whether placing hands in an unusual manner is referring to the time or the manner of the placement (see *Penei Yehoshua* and *Tziyyun LeNefesh Hayya*).

With regard to what did they disagree, with regard to the placing of hands – עַל מַה נִחְלְקוּ עַל הַסְמִיכָה: This appears to contradict the mishna, which seems to indicate that they disagree about placing hands on a Festival. Some explain that the mishna was worded in this way to emphasize the force of Beit Hillel's opinion: Not only do they require the placing of hands, but they even permit the ritual on a Festival (*Shitta Mekubbetzet*). In the *Tziyyun LeNefesh Hayya*, it is explained that the mishna records those peace-offerings that are subject to the dispute between Beit Shammai and Beit Hillel with regard to whether or not one must place his hands on the head of the animal to be sacrificed.

A certain Elder...was there, etc. – וְהָיָה שָׁם זָקֵן אֶחָד – In the Jerusalem Talmud a different account of this story is provided: After Hillel's concession gave Beit Shammai the upper hand, Hillel saw that the Temple was devoid of offerings, and he proclaimed harshly: May the houses of those who made the House of our God desolate be desolate themselves. At this point he brought his own sheep into the Temple so that it would not be devoid of offerings on the Festival.

HALAKHA

Immediately following placing hands is slaughter – תִּכְּףוּ לְסְמִיכָה שְׁחִיטָה: The ritual of placing one's hands on the head of the animal to be sacrificed must be performed as close as possible to the slaughtering of the animal, in accordance with the opinion of Beit Hillel (Rambam *Sefer Avoda, Hilkhot Ma'aseh HaKorbanot* 3:12).

Placing hands on the heads of offerings – סְמִיכָה קְמִיכָה: All offerings brought by an individual, whether obligatory offerings or gift-offerings, require that the owner's hands be placed on the head of the animal before it is slaughtered, with the exception of the firstborn-offering, the tithe-offering, and the Paschal lamb (Rambam *Sefer Avoda, Hilkhot Ma'aseh HaKorbanot* 3:6).

LANGUAGE

Buta – בוּטָא: Some relate this to the Greek name βᾶττος, *Battos*, meaning stammerer.

וְסָבְרֵי בֵּית שְׁמַאי שְׁלֵמֵי חוּבָה לֹא בָּעוּ סְמִיכָה? וְהִתְנַּא, אָמַר רַבִּי יוֹסִי: לֹא נִחְלְקוּ בֵּית שְׁמַאי וּבֵית הִלֵּל עַל הַסְמִיכָה עֲצָמָה שְׁצָרִיךְ, עַל מַה נִּחְלְקוּ – עַל "תִּכְּפוּ לְסְמִיכָה שְׁחִיטָה". שְׁבִית שְׁמַאי אוֹמְרִים: אֵינוּ צָרִיךְ, וּבֵית הִלֵּל אוֹמְרִים: צָרִיךְ.

The Gemara raises a question with regard to the *halakha* itself: **And do Beit Shammai hold that obligatory peace-offerings do not require placing of hands on the head of the animal? But isn't it taught in a *baraita*: Rabbi Yosei said: Beit Shammai and Beit Hillel did not disagree with regard to the placing of hands^N itself that it is required in the case of obligatory peace-offerings. With regard to what, then, did they disagree?** They disagreed with regard to the *halakha* that states that **immediately following placing hands on the head of an offering is its slaughter.**^H **As Beit Shammai say: It is not necessary to be particular in this regard, and the ceremony of placing hands on the animal's head may be performed even on the eve of the Festival, long before the animal is slaughtered. And Beit Hillel say: It is necessary, and therefore one who brings an offering on a Festival must place his hands on the animal's head on the Festival itself.**

הוּא דְאָמַר כִּי הָאֵי תַנָּא. דְתַנָּא, אָמַר רַבִּי יוֹסִי בְרַבִּי יְהוּדָה: לֹא נִחְלְקוּ בֵּית שְׁמַאי וּבֵית הִלֵּל עַל תִּכְּפוּ לְסְמִיכָה שְׁחִיטָה שְׁצָרִיךְ, עַל מַה נִּחְלְקוּ – עַל הַסְמִיכָה עֲצָמָה, שְׁבִית שְׁמַאי אוֹמְרִים: אֵינוּ צָרִיךְ, וּבֵית הִלֵּל אוֹמְרִים: צָרִיךְ.

The Gemara answers: The *tanna* of the mishna said what he said in accordance with the opinion of this *tanna*, as it is taught in a different *baraita*: **Rabbi Yosei, son of Rabbi Yehuda, said: Beit Shammai and Beit Hillel did not disagree with regard to the *halakha* that immediately following placing hands on the head of an offering is its slaughter, that it is necessary. With regard to what, then, did they disagree?** They disagreed with regard to the placing of hands^N itself on the head of obligatory peace-offerings. **Beit Shammai say: It is not necessary, and Beit Hillel say: It is necessary.**^H

תָּנוּ רַבָּנֵי: מֵעֵשָׂה בְהִלֵּל הִזְקֵן שְׁהָבִיא עוֹלָתוֹ לְעוֹרָה לְסְמוֹךְ עָלֶיהָ בַּיּוֹם טוֹב. חָבְרוּ עָלָיו תַּלְמִידֵי שְׁמַאי הִזְקֵן, אָמְרוּ לוֹ: מַה טִּיבָה שֶׁל בְּהֵמָה זוֹ? אָמַר לָהֶם: נִקְבָּה הִיא, וְלִזְבָּחֵי שְׁלָמִים הֵבֵאתֶיהָ. כְּשֶׁבֵשׁ לָהֶם בּוֹנֵבָה, וְהִלְכוּ לָהֶם.

§ The Gemara returns to the basic dispute between Beit Shammai and Beit Hillel. **The Sages taught in a *baraita*: There was an incident involving Hillel the Elder,^P who brought his burnt-offering to the Temple courtyard in order to place his hands on the animal's head on a Festival. The students of Shammai the Elder gathered around him and said to him: What is the nature of this animal that you are bringing? Hillel, being humble and meek, did not want to quarrel with them in the Temple and therefore concealed the truth from them for the sake of peace. He said to them: It is a female, and I have brought it as a peace-offering, as burnt-offerings are always male. He swung its tail for them so that they would not be able to properly discern whether the animal was male or female, and they departed.**

וְאוֹתוֹ הַיּוֹם גְּבֵרָה יָדָם שֶׁל בֵּית שְׁמַאי עַל בֵּית הִלֵּל, וּבִקְשׁוּ לְקַבֹּעַ הַלְכָה כְּמוֹתָן. וְהָיָה שָׁם זָקֵן אֶחָד מִתַּלְמִידֵי שְׁמַאי הִזְקֵן, וּבָבָא בֶן בוּטָא שָׂמוּ, שְׁהִיָּה יוֹדֵעַ שְׁהִלְכָה כְּבֵית הִלֵּל, וְשָׁלַח

On that day, when the incident became known, suggesting that even Hillel had accepted Shammai's view, **Beit Shammai gained the upper hand over Beit Hillel, and they sought to establish the *halakha* in this regard in accordance with their opinion. But a certain Elder of the disciples of Shammai the Elder was there,^N and Bava ben Buta^{LP} was his name, who knew that the *halakha* is in accordance with the opinion of Beit Hillel in this matter. And he sent for**

PERSONALITIES

Hillel the Elder – הִלֵּל הִזְקֵן: Hillel the Elder and Shammai were the last of the pairs of Sages who transmitted the Oral Torah to successive generations over a period of about two centuries; Hillel served as *Nasi* of the Sanhedrin while Shammai was the president of the court. Hillel and Shammai lived about one hundred years prior to the destruction of the Temple, at the beginning of Herod's reign. Hillel and Shammai founded two schools, Beit Hillel and Beit Shammai, which flourished for many years after their passing, but they themselves disagreed about only three or four issues. The main difference between Hillel and Shammai was one of personality. Hillel treated himself and others in an easygoing manner, avoiding conflict whenever possible. Shammai, by contrast, took a more severe approach, attempting to scrutinize people's motivations and habits.

Tradition has it that Hillel began as an impoverished student who took on menial labor in order to pay to attend the lectures of Shemaya and Avtalyon. The Gemara compares Hillel to Ezra the Scribe, crediting him with reestablishing Torah study at a period in history when it was utterly neglected (*Sukka* 20a). His disciples were praised as well. According to the Gemara, Hillel the Elder

had eighty students: Thirty of them were worthy that the Divine Presence should rest upon them as it rested upon Moses; thirty were worthy that the sun should stand still for them, as it did for Joshua bin Nun; and twenty were average. The greatest among Hillel's students was Yonatan ben Uzziel and the least among them was Rabban Yohanan ben Zakkai (*Sukka* 28a).

Bava ben Buta – בָּבָא בֶן בוּטָא: Bava ben Buta was one of Shammai's greatest students and a significant Sage of his time. Mentioned on several occasions as a distinguished pupil of Shammai, he was renowned in his generation for both his righteousness and his wisdom. Much has been told about his great humility and how he disregarded his own honor in order to establish peace between a man and his wife or for the sake of Heaven. Apparently, he served as a judge in Jerusalem and was famous for his knowledge of worldly affairs. It is said that when Herod killed a great number of Torah scholars, he had Bava ben Buta blinded but kept him alive so that he could take his counsel; it is further related that it was Bava ben Buta who advised Herod to rebuild the Temple in a magnificent manner.

NOTES

And he stood them in the courtyard – הָעֵמִידִין בְּעוֹרָה – See *Tosafot*, who point out that this did not take place in the Temple courtyard itself. In fact, in the version of the story that appears in the Jerusalem Talmud it is explicitly stated that the sheep were brought to the Temple Mount. It also relates that Bava ben Buta proclaimed that anyone who wanted a peace-offering should approach and place his hands on the head of the animal, and anyone who wanted burnt-offerings should also approach.

What is this placing of hands – מַה זֶה זִוּ סְמִיכָה: The early authorities point out that it seems that the disciple of Beit Shammai did not know for what purpose the animal had been brought, whether as a peace-offering or as a burnt-offering. Therefore, he commented only on the act of placing hands on the head of the animal, which he saw the disciple of Beit Hillel perform (*Tosafot* in tractate *Hagiga*; Rabbi Aharon HaLevi).

What is this silence – מַה זֶה שְׁתִּיקָה: Most commentators understand the answer: What is this silence, as a retort to the question: What is this placing of hands? In other words, he responded to the question: Why are you placing your hands on the head of the animal, with a corresponding query: Why do you not stay silent? However, some explain the question: What is this silence? slightly differently, that the disciple of Beit Hillel said: Why do you remain silent and not comment on something that is more severe according to your own approach, as this is a burnt-offering, which Beit Shammai claim may not be brought at all on a Festival (*Mishhat Aharon*)? The *Meiri* explains that he meant to say as follows: Do you think that I should remain silent and not reply? I can provide satisfactory answers to counter your challenge. He further explains that Abaye derived that a Torah scholar should not reply to a colleague's reprimand with a harsher response than what his colleague had said to him, from the allusion in the words of the disciple of Beit Hillel: I have the answers at hand, but I am holding my peace in order to avoid a quarrel.

Just as in a place where it is prohibited for a common person – מַה בְּמִקּוֹם שְׂאִסוּר לְהֵדְיוֹט: Several commentaries object: This *a fortiori* argument should be rejected based on the principle that it is sufficient if the conclusion inferred is like the source of the inference, i.e., one may not derive by way of an *a fortiori* argument more than is true of the source case itself. In this case, since only communal offerings may be sacrificed on Shabbat, the same should apply to Festivals as well (see *Penei Yehoshua* and *Tziyyun LeNefesh Hayya*). Some explain that the *a fortiori* argument should be understood as follows: Just as more prohibited labors are permitted on Shabbat on behalf of God than for ordinary people, the same should also apply to a Festival (*Shitta Mekubbetzet* and others).

LANGUAGE

A common person [hedyot] – הֵדְיוֹט: From the Greek ἰδιώτης, *hidyotēs*, meaning a common person who holds no official position. It therefore came to refer to a lay person as opposed to a priest, or in contrast to God.

וְהֵבִיא כָּל צֹאן קֶדָר שְׂבִירוֹ שְׁלִים וְהֵעֲמִידִין בְּעוֹרָה, וְאָמַר כָּל מִי שְׂרוּצָה לְסֻמוֹךְ – יָבֵא וְיִסְמוֹךְ. וְאוֹתוֹ הַיּוֹם גָּבְרָה יָדוֹן שֶׁל בֵּית הַלֵּל וְקִבְּעוּ הַלְבָּה כְּמוֹתָן, וְלֹא הָיָה שָׁם אָדָם שֶׁעָרַעַר בְּדָבָר כְּלוּם.

שׁוּב מֵעֵשָׂה בְּתִלְמִיד אֶחָד מִתְּלִמְיָדֵי בֵּית הַלֵּל שֶׁהֵבִיא עוֹלָתוֹ לְעוֹרָה לְסֻמוֹךְ עָלֶיהָ. מֵצִאוֹ תְּלִמְיָד אֶחָד מִתְּלִמְיָדֵי בֵּית שַׁמַּי. אָמַר לוֹ: מַה זֶה זִוּ סְמִיכָה? אָמַר לוֹ: מַה זֶה שְׁתִּיקָה? שֶׁתִּקּוּ בְּנוֹפֵה, וְהִלֵּךְ לוֹ.

אָמַר אַבְי: הִלְכָךְ, הַי אֲזוּרָבָא מְרַבְּנָן דְּאָמַר לִיה חֲבֵרָה מִלְתָּא – לָא לְהֵדְר לִיה מִלְתָּא טְפִי מִמַּאי דְּאָמַר לִיה חֲבֵרָה, דְּאִיהוּ אָמַר לִיה "מַה זֶה זִוּ סְמִיכָה" וְקָא מְהֵדְר לִיה: "מַה זֶה שְׁתִּיקָה".

תַּנְיָא: אָמְרוּ לָהֶם בֵּית הַלֵּל לְבֵית שַׁמַּי: וּמַה בְּמִקּוֹם שְׂאִסוּר לְהֵדְיוֹט – מוֹתֵר לְגַבּוּהַ, מִקּוֹם שְׂמוּתֵר לְהֵדְיוֹט – אֵינוּ דִּין שְׂמוּתֵר לְגַבּוּהַ? אָמְרוּ לָהֶם בֵּית שַׁמַּי: נְדָרִים וְנִדְבוֹת יוֹכִיחוּ, שְׂמוּתֵר לְהֵדְיוֹט וְאִסוּר לְגַבּוּהַ.

אָמְרוּ לָהֶם בֵּית הַלֵּל: מַה לְנִדְרִים וְנִדְבוֹת – שְׂאִין קָבוּעַ לָהֶם זְמַן, תֹּאמַר בְּעוֹלָת רֵאִיָּה – שְׂקָבוּעַ לָהּ זְמַן. אָמְרוּ לָהֶם בֵּית שַׁמַּי: אַף זֶה אֵין קָבוּעַ לָהּ זְמַן, דְּתַנּוּ: מִי שְׁלָא חָג בְּיוֹם טוֹב רֵאשׁוֹן שֶׁל חָג – חוּגְג וְהוֹלִיךְ כָּל הָרְגֵל כּוּלוֹ, וְיוֹם טוֹב הָאֲחֵרוֹן שֶׁל חָג.

and brought all the high-quality sheep of Kedar that were in Jerusalem, and he stood them in the Temple courtyardⁿ and said: Anyone who wishes to place his hands on the head of an animal should come and place his hands there. And on that day Beit Hillel gained the upper hand over Beit Shammai, and they established the *halakha* in this case in accordance with their opinion, and there was no one there who disputed the matter in any way.

And some time later there was another incident involving a certain disciple from among the disciples of Beit Hillel who brought his burnt-offering to the Temple courtyard in order to place his hands on the animal's head on a Festival. A certain disciple from among the disciples of Beit Shammai found him and said to him: What is this placing of hands?ⁿ Why do you place your hands on the animal's head and thereby violate the statement of Beit Shammai? He said to him: What is this silence?ⁿ Why do you not stay silent, as the *halakha* was not established in accordance with their opinion? He silenced him with a rebuke, and he, Beit Shammai's disciple, departed quietly.

Abaye said: Therefore, it is clear from here that a Torah scholar whose colleague says something reprimanding or insulting to him should not answer back with something more than his colleague had said to him, to avoid adding fuel to the fire, as in the above story the one said to the other: What is this placing of hands? and the latter responded to the former using the same language: What is this silence?

S With regard to the dispute concerning the sacrifice of burnt-offerings of appearance on a Festival, it is taught in a *baraita*: Beit Hillel said to Beit Shammai: Just as in a place where it is prohibited to slaughter for the sake of a common person [*hedyot*],^{nl} e.g., on Shabbat, it is permitted to slaughter offerings in the Temple for the Most High, such as the daily and additional offerings, then so too, with regard to a place where it is permitted to slaughter for the sake of a common person, e.g., on a Festival, is it not right that it should be permitted for the sake of the Most High? This argument should include burnt-offerings of appearance as well. Beit Shammai said to them: This is no proof. Vow-offerings and gift-offerings prove that this reasoning is not valid, as it is permitted to slaughter an animal on a Festival for a common person to eat, but it is prohibited to slaughter vow-offerings and gift-offerings on a Festival for the sake of the Most High.

Beit Hillel said to them: If vow-offerings and gift-offerings may not be slaughtered on a Festival, that is because they do not have a fixed time and there is no obligation to sacrifice them on a Festival in particular, but can you say the same with regard to a burnt-offering of appearance, which has a fixed time, the Festival itself? Beit Shammai said to them: It too has no fixed time, as we learned in a mishna: One who did not bring his Festival offering on the first Festival day of *Sukkot* may bring it throughout the entire Festival, including the last Festival day of *Sukkot*, on the Eighth Day of Assembly, as that day is regarded as part of *Sukkot* for this purpose.^h This shows that a burnt-offering of appearance need not be brought at a fixed time on the Festival either.

HALAKHA

The time of a Festival-offering – זְמַן קָרְבָּן חֲגִיגָה: One of the Festival, and on the last day of the Festival, the who did not bring his Festival-offering on the first day Eighth Day of Assembly (*Rambam Sefer Korbanot, Hilkhot of Sukkot* may bring it on one of the intermediate days *Hagiga* 1:7).

If the Festival passed and he did not bring his Festival-offering – עֵבֶר הַרְגֵל וְלֹא חָג – If the entire Festival passed and one did not bring the Festival-offering, he may no longer bring it (Rambam *Sefer Korbanot, Hilkhhot Hagiga* 1:6).

For you but not for gentiles – לְכֶם וְלֹא לְגוֹיִם – It is permitted to perform prohibited labors required for food preparation on a Festival for the sake of a Jew, but not on behalf of a gentile. An apostate Jew is considered a gentile for this purpose, as are Samaritans (*Mishna Berura*). As for Karaites, some prohibit preparing food on their behalf, while others permit it (*Magen Avraham; Shulhan Arukh, Oraḥ Hayyim* 512:1).

The preparation of the two loaves – מְלֵאכֶת שְׁתֵי הַלֶּחֶם – The baking and preparation of the two loaves brought on the festival of *Shavuot* override neither Shabbat nor the Festival. Rather, the two loaves must be entirely prepared prior to the onset of the Festival (Rambam *Sefer Avoda, Hilkhhot Temidin UMusafin* 8:8).

NOTES

For you but not for the Most High – לְכֶם וְלֹא לַגְבוּיָהּ – In the Jerusalem Talmud it is stated that Beit Hillel responded from the very same verse, claiming that the phrase “that alone may be done for you” teaches that the limitation of work on a Festival to the preparation of food applies only to regular people, but no such restriction is in effect with regard to work performed for the sake of God.

Your Master’s stove should be open – בֵּית רֶבֶךָ פְּתוּחָה – It seems that the Gemara infers Abba Shaul’s position that one may sacrifice vow-offerings and gift-offerings on a Festival from this expression, as the phrase: Your Master’s stove is open, indicates that it is completely open, without restriction (Rabbi Aharon HaLevi and others).

The baking of the two loaves – אֶפֶת שְׁתֵי הַלֶּחֶם – The question is raised: As the two loaves are prepared only for human consumption, and no part of them at all is brought on the altar, why should it not be permitted to bake them on the Festival *ab initio*, similar to all other baked foods? Some answer that although they are eaten by people, they are nevertheless prepared for the sake of the mitzva, and consequently, they are baked specifically for God (*Simhat Yom Tov*).

PERSONALITIES

Abba Shaul – אָבָא שָׂאוּל – Abba Shaul was a *tanna* who apparently lived during the time of the Second Temple. Indeed, many of his legal statements relate to remembrance of the Temple and its order of service. The designation Abba, meaning father, was bestowed as a sign of honor in early generations when the term Rabbi was not used. It is likely that Abba Shaul was among the students of Rabban Yohanan ben Zakkai, which means that he lived through the destruction of the Temple. Abba Shaul was said to be long in his generation, which suggests that he was both tall and well-respected. Many *halakhot* attributed to him form the basis of the practical *halakha* that was followed for generations, even though they are presented as the opinion of a single authority.

אָמְרוּ לָהֶם בֵּית הַלֵּל: אַף זוֹ קְבוּעַ לָהּ זְמַן דִּתְנִן: עֵבֶר הַרְגֵל וְלֹא חָג – אֵינוֹ חַיִּיב בְּאַחֲרֵיאוֹתוֹ.

Beit Hillel said to them: Although a burnt-offering of appearance need not be sacrificed on a particular day of the Festival, nevertheless it too has a fixed time, albeit a lengthier one. As we learned in a mishna: If the entire Festival passed and he did not bring his Festival-offering,^h he is not accountable for it. That is to say, he is not required to bring another offering, as the mitzva has already passed. This indicates that the offering is limited specifically to the Festival days, unlike vow-offerings and gift-offerings, which may be brought at any time.

אָמְרוּ לָהֶם בֵּית שְׁמַאי: וְהִלֵּא כָּבֵר נֹאמֵר “לְכֶם” – וְלֹא לַגְבוּיָהּ! אָמְרוּ לָהֶם בֵּית הַלֵּל: וְהִלֵּא כָּבֵר נֹאמֵר “לָהּ” – כָּל דְּלָהּ: אִם בֵּן מַה תִּלְמוּד לְזִמְר “לְכֶם” – לְכֶם וְלֹא לְגוֹיִם, לְכֶם וְלֹא לְכֹלֵבִים.

Beit Shammai said to Beit Hillel in support of their own position: But wasn’t it already stated in the verse: “Only that which every soul must eat, that alone may be done for you” (Exodus 12:16), which indicates that for you may food be prepared, but not for the Most High?^N Beit Hillel said to them: But wasn’t it already stated in the verse: “You shall observe it as a Festival to the Lord” (Leviticus 23:41), which teaches: Anything sacrificed to the Lord may be sacrificed? If so, what is the meaning when the verse states “for you”? It means for you, but not for gentiles;^h for you, but not for dogs.

אָבָא שָׂאוּל אֹמְרָה בְּלִשׁוֹן אַחֲרָת: וּמַה בְּמִקּוּם שְׂכִירְתֶךָ סְתוּמָה בֵּית רֶבֶךָ פְּתוּחָה, בְּמִקּוּם שְׂכִירְתֶךָ פְּתוּחָה – אֵינוֹ דִּין שְׂכִירְתֶךָ רֶבֶךָ פְּתוּחָה? וְכֵן בְּדִין שְׂלֵא יֵהָא שׁוּלְחָנְךָ מְלֵא וְשׁוּלְחָן רֶבֶךָ רִיקָן.

Abba Shaul^p stated the same disagreement in a different formulation, that Beit Hillel said to Beit Shammai as follows: Just as in a place where your stove is closed, i.e., on Shabbat, when a person may not cook for himself, your Master’s stove is open, as it is permitted to light a fire on the altar and sacrifice offerings upon it, so too, in a place where your stove is open, i.e., on a Festival, when one may cook food that he will eat, is it not right that your Master’s stove should be open?^N And it likewise stands to reason that your table should not be full while your Master’s table, the altar, remains empty.

בְּמַאי קָא מְפַלְגִי? מִרְ סָבֵר: נְדָרִים וְנִדְבוֹת קָרְבִין בְּיוֹם טוֹב, וּמִרְ סָבֵר: אֵין קָרְבִין בְּיוֹם טוֹב.

The Gemara asks: With regard to what do the *tanna* of the first *baraita* and Abba Shaul disagree in their different versions of Beit Hillel’s statement? The Gemara explains: One Sage, Abba Shaul, holds that according to Beit Hillel, even vow-offerings and gift-offerings may be sacrificed on a Festival, and therefore Beit Shammai could not cite as proof the fact that they may not be sacrificed, as they claim in the first *baraita*. And one Sage, the *tanna* of the first *baraita*, holds that according to Beit Hillel, vow-offerings and gift-offerings may not be sacrificed on a Festival, and therefore Beit Shammai could adduce this *halakha* in support of their opinion.

אָמַר רַב הוּנָא: לְדַבְרֵי הָאוֹמֵר נְדָרִים וְנִדְבוֹת אֵין קָרְבִין בְּיוֹם טוֹב, לֹא תִימָא מְדִאֹרֵייתָא מִחֻזָּא חֻזֵּי, וְרַבְּנִין הוּא דְגִגְרֵי בְּהוּ, גִּוְרִיָּה שְׂמָא יִשְׁהָה.

Rav Huna said: According to the statement of the one who says that vow-offerings and gift-offerings may not be sacrificed on a Festival, you should not say that by Torah law they are in fact fit to be sacrificed, and that it was the Sages who issued a decree about them that they should not be sacrificed on a Festival as a preventive measure, lest one delay sacrificing them until the Festival, when it is more convenient for him to bring them to the Temple, and thereby transgress the prohibition against delaying the fulfillment of one’s pledge.

אֶלָּא אֶפֶילוּ מְדִאֹרֵייתָא נִמְי לֹא חֻזֵּי. דְּהָא שְׁתֵּי הַלֶּחֶם דְּחֻבַּת הַיּוֹם גִּנְהוּ, וְלִיכָא לְמַגוּר שְׂמָא יִשְׁהָה, וְאֵינוּ דְּחֻבָּה לֹא אֶת הַשְּׁבֵת וְלֹא אֶת יוֹם טוֹב.

This is not the reason; rather, according to this opinion, they are not fit to be sacrificed on a Festival even by Torah law. As the two loaves^b brought on the festival of *Shavuot* are an obligation of that day, and there is no reason to issue a decree about them lest one come to delay their offering, since they may be brought only on that Festival, and yet their baking and preparation override neither Shabbat nor the Festival.^{HN} According to this view, anything that need not be performed on the Festival itself may not be done on the Festival.

BACKGROUND

The two loaves – שְׁתֵּי הַלֶּחֶם: Two loaves were brought as a communal offering on the festival of *Shavuot* (Leviticus 23:17). In contrast to most of the other meal-offerings, these loaves were leavened. Their shape resembles that of the shewbread, which was unleavened. Two lambs were brought as peace-offerings together with these two loaves. Both the loaves and the lambs were ceremonially waved. They were later divided up among the priests and eaten in the Temple courtyard.

NOTES

One may not sprinkle – לֹא זָרִיק: Sprinkling blood is not actually a prohibited labor, and if it is prohibited, it is by rabbinic decree. This leads to a difficulty, as there is a principle that the Sages did not apply their decrees in the Temple. It may be suggested that although it is prohibited only by rabbinic decree, the Sages allowed it in the Temple only for the sake of a mitzva, but not in cases where the mitzva is performed in an improper manner (Rabbi Aharon Halevi).

HALAKHA

Sprinkling the blood of the lambs of *Shavuot* – זְרִיקַת דָּם: If the peace-offering lambs of *Shavuot* were slaughtered not for their own purpose, or not at their proper time, the community has not fulfilled its obligation. Nevertheless, the blood should be sprinkled and the meat eaten. If this occurred on Shabbat, the blood should not be sprinkled, but if one transgressed and sprinkled it, the sacrificial parts of the animal may be sacrificed in the evening (Rambam *Sefer Korbanot, Hilkhot Pesulei HaMukdashin* 15:19).

Sprinkling the blood of an offering on Shabbat – זְרִיקַת דָּם: If the offering of an individual, which does not override Shabbat, was mistakenly slaughtered on Shabbat, its blood may not be sprinkled. If one transgressed and sprinkled the blood, whether intentionally or unwittingly, the owner of the offering has fulfilled his obligation, the sacrificial parts of the animal are burned in the evening, and the meat is eaten (Rambam *Sefer Korbanot, Hilkhot Shegagot* 2:14).

אֵיבְעִיָא לְהוּ: לְדַבְרֵי הָאוּמֵר נְדָרִים וְנִדְבוֹת אֵין קָרְבִין בְּיוֹם טוֹב, עֲבַר וְשִׁחַט מֵאִי? וְכֵא אָמַר: זֹרֵק אֶת הַדָּם עַל מִנְתְּ לְהַתִּיר בְּשׂוֹר בְּאִכְלָהּ. רַבָּה בַר רַב הוֹנָא אָמַר: זֹרֵק אֶת הַדָּם עַל מִנְתְּ לְהַקְטִיר אֵימורִין לְעֶרֶב.

מֵאִי בְּיַמֵּיהוּ? אֵיבָא בְּיַמֵּיהוּ נִטְמָא בְּשׂוֹר אוֹ שְׂאֵבֵד. לְרַבָּא לֹא זָרִיק, לְרַבָּה בַר רַב הוֹנָא זָרִיק.

מֵיִתְיָבִי: כְּבִשְׂי עֲצֵרַת שְׂשֻׁחָטָן שְׁלֵא לְשִׁמּוֹן, אוֹ שְׂשֻׁחָטָן בֵּין לְפָנֵי זְמַנָּה בֵּין לְאַחַר זְמַנָּה – הַדָּם יִזְרַק וְהַבֶּשֶׂר יֵאָכֵל. וְאִם הִיְתֵה שַׁבָּת – לֹא יִזְרַק, וְאִם זָרֵק –

S A dilemma was raised before the Sages: According to the statement of the one who says that vow-offerings and gift-offerings may not be sacrificed on a Festival, if one transgressed and slaughtered those vow-offerings and gift-offerings on a Festival, what is the *halakha*? Rava said: He sprinkles the blood of these offerings on the altar in order to allow the meat to be eaten on the Festival. Rabba bar Rav Huna, however, said: He sprinkles the blood in order to burn the sacrificial parts of the animal, including the fats and other portions that are brought upon the altar, in the evening.

The Gemara asks: What is the practical difference between the opinion of Rava and that of Rabba bar Rav Huna, since both agree that the blood is sprinkled? The Gemara answers: There is a practical difference between them in a case where the meat became ritually impure or was lost. According to Rava, who holds that the blood is sprinkled in order to permit the meat to be eaten, by rabbinic decree one may not sprinkleⁿ the blood, as this sprinkling is not required for the Festival. On the other hand, according to Rabba bar Rav Huna, who holds that the blood is sprinkled in order to burn the sacrificial parts upon the altar in the evening, he does sprinkle the blood, even though it does not enable him to eat the meat.

The Gemara raises an objection to the opinion of Rabba bar Rav Huna from the following *baraita*: With regard to the lambs of *Shavuot*, i.e., the two lambs sacrificed as peace-offerings that accompany the two loaves of bread brought on that Festival, if one slaughtered them not for their own purpose, i.e., at the time of slaughter his intent was to slaughter them as a different offering, or if he slaughtered them not at their proper time, whether before their time or after their time, the offerings themselves are valid, although the community has not fulfilled its obligation. What is to be done with them? The blood should be sprinkled^h and the meat should be eaten. And if the day he slaughtered the lambs was Shabbat, on which cooking or roasting the meat is prohibited, then since the sprinkling of the blood serves no purpose, neither with regard to their mitzva nor for any other matter, he may not sprinkle the blood.^h And if nevertheless he sprinkled the blood,

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NOTES

On condition that he burn the sacrificial parts in the evening – עַל מְנַת לְהַקְטִיר אֵימורִין לְעֶרֶב: The phrase: On condition, is problematic in this context, and in fact it is omitted in several versions of the text. According to the reading here, on condition seems to mean that he must sprinkle the blood on condition that the sacrificial parts are not burned on the altar until the evening (*Shitta Mekubbetzet*).

הוֹרְצָה, עַל מְנַת לְהַקְטִיר אֵימורִין לְעֶרֶב. "אִם זָרֵק", דִּיעֲבַד – אֵין, לְכַתְחֵלָה – לֹא. בְּשִׁלְמָא לְרַבָּא – נִחָא, אֲלֵא לְרַבָּה בַר רַב הוֹנָא קְשִׁיָא! קְשִׁיָא. וְאֵיבְעִית אֵימָא: שְׂאֵינִי שְׁבוֹת שַׁבָּת מְשֻׁבוֹת יוֹם טוֹב.

the offering is accepted on condition that he burn the sacrificial parts that are brought upon the altar in the eveningⁿ and not during the day. The wording of the *baraita* indicates that if the meat may not be eaten on that day, then only if he already sprinkled the blood, i.e., after the fact, yes, it is permitted; however, he may not sprinkle it *ab initio*. Granted, according to the opinion of Rava it works out well, but according to the opinion of Rabba bar Rav Huna, it is difficult. The Gemara comments: Indeed, it is difficult. And if you wish, say instead: A rabbinic decree concerning Shabbat is different from a rabbinic decree concerning a Festival, as the Sages were more stringent with regard to Shabbat than with regard to Festivals.