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לשותים דף נ"ג עמוד א'

**אסור לו לאדם שיאמרبشر זה לפסח**

## PART A

## בשר זה לפסח" איסור to say

”פסח זה לפסח“ states that it is forbidden to say “**בשר יהודה אמר רב**”, for one thereby creates the appearance of being  **מקדיש** the animal and eating it outside.

From the fact that **רביה** used the term **בשר** (meat) as opposed to **רביה** (animal), it is clear that he refers to slaughtered meat. This raises the question: An animal can only be designated as a **קרבן** whilst still alive. If so, how does saying "בשר זה לפסח" create the impression of being the slaughtered meat?

## **¶ The opinion of רשי**

In explaining the approach of רש"י, it is important to note the two types of **הקדש**:

**קדושת הגוף:** This refers to any object whose **body** or substance has been consecrated for use in the **בית המקדש**; for example, a living animal which is consecrated as a **קרבן**.

**קדושת דמים:** This refers to any object whose **value** has been consecrated to finance something in the **בית המקדש**; for example, meat whose value has been consecrated to finance a **קרבן**.

According to קדושת הגוף, saying "בשר זה לפסח" does not create the appearance of קדושה, for such can only be bestowed whilst the animal is alive. Rather, the declaration of קדושה creates the appearance of קדושת דמים; of consecrating its value for the purpose of funding a קרבן פסח. Thus, when the meat is subsequently eaten, it appears as if its קדושת דמים has been violated.

רומי of אידן instructed the to eat a גמי תודוס איש רומי relates that חכמים קרבן פסח on פסח, to commemorate the practice resembles eating outside ירושלים קדשים "גדי מקולס" Here too, explains that the "גדי מקולס" does not resemble קדושה הוגף, for such can only be bestowed during the animal's lifetime. Rather, the "גדי מקולס" resembles קדושת דמים.

<sup>1</sup> According to רשי, the literal meaning of גדי מוקולס is “helmeted kid” or “armoured kid”. According to this explanation, the word מוקולס is related to the term קילטס דנחשא, which means “copper helmet”.

The explanation: The **קרבן פסח** must be roasted whole on a spit. However, being that the feet and entrails are by necessity already detached from the rest of the animal before roasting, there is a **מחלוקת** (on **דף ע"ד עמוד א'**) regarding the correct method of roasting them. According to **ר' יוסי הגלילי**, the feet and entrails are placed inside the stomach cavity for the duration of the roasting. According to **ר' עקיבא**, the feet and entrails are placed along the animal's exterior; wrapped around its head and draped along its side. This refers to the latter method of roasting as **"զדי מוקול"**, being that it is reminiscent of a soldier who wears a helmet on his head and carries weapons at his side. [See **רש"י** here and on **דף ע"ד עמוד ב'**; see also **תיז'ט פ"ז מ"א**.]

The word **מְקֻלָּט** translates as “**magnificent kid**”, being that this method of roasting looks (or is) magnificent. According to the **רַמֶּבֶץ**, the word **מְקֻלָּט** is related to the word **קָלֹטֶשׁ**, which means praise.

## ❖ The opinion of Tosafot

Tosafot (and other Rishonim) raise a number of problems with the explanation of Rashi:

1. The gemara explains why one should not say "בשר זה לפסח" גמ' – "because he appears as one who consecrates his animal and eats קדשים outside (Jerusalem)".

This sentence indicates that the declaration of "בשר זה לפסח" makes it appear as if the meat belongs to the category of קדשים which may not be eaten outside Jerusalem, but which may be eaten inside Jerusalem. If so, it is clear that the reference is to קדושת הגוף – which may be eaten inside Jerusalem, and not to קדושת דמים – which is prohibited even inside Jerusalem! It is also noteworthy that the gemara states "מקדיש בהמתו" גמ' which implies consecration of a living animal, as opposed to "מקדיש בשרו" which implies its consecration after its death.

If the gemara's intent was as per Rashi's explanation, then the gemara should have avoided these problems by stating מעיליה שנראה כמעילת קדשים – "because it appears as (unlawful benefit of consecrated items) of consecrated items"!

2. The gemara quotes the words which the Chachamim used in their rebuke of Rashi: תודוס איש רומי quotes the words which the Chachamim used in their rebuke of Rashi: "שהתה קרובה להabil את ישראל קדשים בחוץ" – "because you are close to (i.e. you create the impression of) feeding Jews קדשים outside".

Here too, the wording of this phrase indicates that the phrase "גדי מקולס" resembles the category of קדשים which may not be eaten outside Jerusalem, but which may be eaten inside Jerusalem. In that case, it is clear that the reference is to קדושת הגוף – which may be eaten inside Jerusalem, and not to קדושת דמים – which is prohibited even inside Jerusalem!

If the gemara's intent was as per Rashi's explanation, then the gemara should have avoided these problems by stating מעיליה שנראה כמעילת קדשים – "because it appears as (unlawful benefit of consecrated items) of consecrated items".

3. The gemara teaches that a case of "גדי מקולס" looks like a case of "he did not donate in the manner of donors"; i.e. a case where the donor's declaration of the kashrut was inherently flawed. The gemara explains that Rabbi Yosei and Rabbi Shmuel argue about the ramifications of such a declaration. Rabbi Shmuel holds that such a declaration is ineffectual, and the item is not kashrut. Conversely, Rabbi Yosei interprets the declaration so that it is effectual in making the item kashrut, for he holds that "a person does not make declarations for nothing". Accordingly, Rabbi Shmuel permits the declaration of "גדי מקולס", for it looks like nothing more than a case of "not according to the manner of donors". Conversely, Rabbi Yosei forbids the declaration of "גדי מקולס", being that it looks like a situation of "the declaration is according to the manner of donors".

The gemara doesn't clarify why a case of "גדי מקולס" resembles a case of "he did not donate in the manner of donors". According to Rashi, the reason is that it looks as if the participants declared "בשר זה לפסח" sometime after the death of the animal, when it was already too late to bestow the animal with קדושת הגוף. Had this actually occurred, Rabbi Shmuel would consider the statement to be ineffectual, whereas Rabbi Yosei would reinterpret it as a declaration of קדושת דמים. Therefore, Rabbi Shmuel holds that a case of "גדי מקולס" is permissible, whereas Rabbi Yosei prohibits it because it looks like קדושת דמים.

Now, it is important to note that the bystander merely sees a case of "גדי מקולס"; he certainly does not hear the participants declare "בשר זה לפסח". Nonetheless, as far as he is concerned, "the conclusion proves the outset". In other words, since the lamb or kid was roasted just like a sacrifice, this proves – at least in the mind of the observer – that



the participants declared "בשר זה לפסח" at the outset. If so, why does רשי"י explain that it looks as if the participants declared "בשר זה לפסח" only **after** the **שחיטה**, when it just as easily looks as if they made such a declaration **before** the **שחיטה**? In fact, it makes less sense to assume that the participants declared "בשר זה לפסח" **after** the **שחיטה** – which is "שלא כדרך המתנדבים", than to assume that the participants declared **before** the **שחיטה** – which is "כדרך המתנדבים"!

Because of all these questions, תוספות argues with רשי"י and presents a different approach. According to תוספות, when one says "בשר זה לפסח", it appears as if he **already** bestowed the meat with קדושת הגוף whilst the animal was still alive. Similarly, when one eats a "גדי מקולס" on the night of פסח, it looks as if he already bestowed it with קדושת הגוף whilst it was still alive.

Since תוספות holds that a "גדי מקולס" looks like it was bestowed with whilst alive, why does it look like a case of "לא התנדב כדרך המתנדבים"? The explanation is that since רומי is so distant from the ביצה מקולס, it appears as if the participants declared "בשר זה לפסח על מנת לשוחטו בחוץ". Had this actually been stated, רבי יוסי would consider the statement to be ineffectual, whereas רבי שמעון would reinterpret it a manner which bestows it with קדושת הגוף. Therefore, רבי שמעון holds that a "גדי מקולס" is permissible, whereas רבי יוסי prohibits it because it **looks** like קדושת הגוף.

## Summary

Declaring "בשר זה לפסח" is forbidden because:

- רשי"י:** It appears as if he is **currently** consecrating the meat, and his words are construed as a declaration קדושת דמים.
- תוספות:** It appears as if he **already** consecrated the meat when the animal was alive, and his words are understood as a declaration of קדושת הגוף.

Eating "גדי מקולס" is forbidden because:

- רשי"י:** It appears as if he consecrated the meat **after** the **שחיטה**, bestowing it with קדושת דמים.
- תוספות:** It appears as if he consecrated the meat **before** the **שחיטה**, bestowing it with קדושת הגוף.



## PART B

### **The reason between the reasons regarding the saying of "בשר זה לפסח"**

There are a number of practical differences (tosfosot) between the explanations of רשי"י and נפק"מ regarding the reason of saying "בשר זה לפסח".

#### **in the Temple – נפק"מ when one is near the**

As explained above, רבי שמעון permits the declaration "גדי מוקולס" because it looks like nothing more than an inherently flawed declaration ("לא התנדב בדרך המתנדבים") – which is ineffectual according to רבי שמעון. Yet, the declaration didn't clarify why a declaration of "גדי מוקולס" resembles a case of "לא התנדב בדרך המתנדבים". According to רשי"י, the reason is that it appears as if the participants declared "בשר זה לפסח" sometime after the **shechita**, when it was already too late to bestow the meat. Conversely, Tosfos holds that since the declaration "גדי מוקולס" is so distant from the **shechita**, it appears as if it was consecrated (before) the **shechita** with the intention of offering it outside ירושלים.

The obvious concerns a case where one eats a declaration "גדי מוקולס" near ירושלים during the times of the **ביהמ"ק**. According to רשי"י, this still resembles a situation of "לא התנדב בדרך המתנדבים", because it still looks as if the participants declared "בשר זה לפסח" after the **shechita**, when it was already too late to bestow it with **kedushat ha-guf**. Therefore, רבי שמעון would allow one to eat a declaration "גדי מוקולס" near ירושלים. According to רשי"י however, this case does not resemble a situation of "לא התנדב בדרך המתנדבים", for the declaration "גדי מוקולס" is so close to the **shechita** that it looks like it was consecrated with the intention of offering it inside. Therefore, רבי שמעון would allow one to eat a declaration "גדי מוקולס" near ירושלים.

The same applies with regards to declaring "בשר זה לפסח" near ירושלים during the times of the **ביהמ"ק**. According to רשי"י, this resembles a situation of "לא התנדב בדרך המתנדבים", for it appears as if the owner is consecrating the meat **after** the **shechita**, when it was already too late to bestow it with **kedushat ha-guf**. Therefore, רבי שמעון would allow one to make such a declaration. According to Tosfos however, this case does not resemble a situation of "לא התנדב בדרך המתנדבים", for it looks as if the owner already bestowed the meat with **kedushat ha-guf** when the animal was still alive. Since the meat is so close to the **shechita**, it looks as if it was consecrated with the intention of offering it inside, and רבי שמעון would therefore agree that such a declaration should not be made.

In summary, the opinion of ר' שמעון is that:

**רשי"י:** Eating a declaration "בשר זה לפסח" or "גדי מוקולס" is always permitted.

**תוספות:** Eating a declaration "בשר זה לפסח" or "גדי מוקולס" is permitted only when one is distant (either in time or place) from the **Temple**.

It should be noted that the introduced the opinion of רבי שמעון only after it presented a scenario which occurred at distance from the **Temple**; i.e. the case of **תודוס איש רומי**. This matches the opinion of Tosfos perfectly.

#### **The second reason – נפק"מ when one is far from the**

"בשר זה לפסח" states that **ר' באש** and **תוספות רשי"י** argue about whether the declaration of "בשר זה לפסח" applies to all meat. רשי"י would prohibit one from making such a declaration with regards to **any** type of meat, inasmuch as **all** meat can be bestowed with **kedushat demim**; i.e. the **value** of any meat can be set aside for **funding** a **korban pesach**. According to Tosfos however, such a declaration is prohibited only with regards to the meat of a kid or a lamb, for only they can be bestowed with the **kedushat ha-guf** of a **korban pesach**.

This point requires further analysis:

The goes on to say that declaring "this wheat is for **pesach**" is permissible, for it is evident that the owner does not mean that he is (or was) **mekidish** the wheat for the sake of the **pesach**, but rather, that he is merely guarding the wheat for the sake of the **pesach**.

On the one hand, several  **אחרונים** note that this ruling supports **רש"י**, for in teaching that **one may declare** “this is for פָּסַח” when referring to wheat, the **גמרא** implies that one may not make such a declaration when referring to **any** type of meat. For, were it permissible to make such a declaration with regards to meat other than that of a lamb or kid, the **גמ'** would not have bothered to teach us that such a declaration is permissible with regards to wheat, and it would have instead taught the bigger **חדש** – that such a declaration is permissible even with regards to meat other than that of a lamb or kid.

On the other hand, this ruling of the **גמרא** presents an obvious difficulty for **רש"י** who holds that the declaration of קידוש דמים “בשר זה לפסח” creates the appearance of קידוש. If so, the same should apply to **any** item of value, inasmuch as the **value** of any item can be set aside for **funding** a קרבן פָּסַח. If so, why is it permissible to say “this item is for פָּסַח”?

Several answers:

1. The **ס"י** **תס"ט ס"ק ב'** (in ט"ז) explains that the **of saying “this item is for”** applies only to an item which requires **שחיטה**<sup>2</sup>, for only such an item is similar to the **קרבן פָּסַח**. The Alter Rebbe (**ס"י** **תס"ט סעיף ב'**) elaborates and explains that when one says “this item is for פָּסַח” with regards to a non-meat item, the thought of **קרבן פָּסַח** will not even cross the observer’s mind, for a non-meat item has absolutely no connection with **קרבן פָּסַח**. Rather, the observer will assume that the owner simply meant to set aside the non-meat item for use on the **יו"ט** of **פסח**. [This explanation perfectly matches **רש"י**’s remarks regarding wheat, which he prefaces with the comment “לא דמו מידי לקדשים”; “it (wheat) is not at all similar to **קדשות**.”]

According to this explanation, why does the **גמרא** focus specifically on wheat, when the same דין applies to all non-meat items? The **פרי חדש** answers that the **גמרא** mentions wheat merely as an **example** of a non-meat item. [Why was specifically wheat chosen as an example? Perhaps, this is because it is more common for a person to say “this is for פָּסַח” with regards to wheat than with regards to other non-meat items.]

Alternatively, the **גמרא ב"ח** explains that the **focuses on wheat** because it contains a **חו"ש**; even though wheat is offered as a **קרבן מנחה** and therefore has somewhat of a connection with the **מצוות**, it is still permissible to say “this wheat is for פָּסַח” being that it has absolutely no connection with the **קרבן פָּסַח**.

2. The **אליה רבבה** argues and explains (according to **רש"י**) that the **of saying “this item is for פָּסַח”** applies to **any** item, for it looks like it has been bestowed with **קדושת דמים**. If so, why is wheat an exception? The **אליה רבבה** explains that wheat requires special protection to prevent it from becoming  **חמץ**. Thus, when one says “this wheat is for פָּסַח”, the observer will view this as a statement regarding the special protection that wheat requires, and not as a declaration of **קדושת דמים**.

In fact, **ריבינו דוד** goes so far as to say that the **גמרא** neglected mentioning non-meat items simply because it was so **obvious** to the **גמרא** that one may not say “this item is for פָּסַח”. Only with the regards to meat was it necessary for the **גמרא** to specify the **איסור** explicitly, for one would have otherwise thought that saying “בשר זה לפסח” looks as if one is setting the meat aside merely for the **יו"ט** of **פסח**, and not for the **קרבן פָּסַח**.

The **מאירי** agrees with this approach, but adds that there is no longer any problem with saying “this is for פָּסַח” **nowadays**, because over the generations, **אידן** have become very particular about protecting **all** **פסח** items from  **חמץ**. Thus, when one says “this item is for

<sup>2</sup> The **ס"י** **תס"ט** (in ב"ח) takes this a step further, and he holds that the **איסור** applies only to **בשר בהמה** (meat of an animal) as opposed to **בשר עוף** (meat of a bird).

פסח”, the observer will view this as a statement regarding the special protection which the item will be afforded, and not as a declaration of קדושת דמים.

As for the opinion of גמרא many **אחרונים** note that the presents some difficulties. As explained above, holds that one may declare “**בשר זה לפסח**” with regards to all meat other than that of a lamb or a kid, being that they cannot be bestowed with the קדושת הגוף of a קרבן פסח. If so:

1. Why does the tell us that **one may declare “this is for פסח”** with regards to wheat, instead of teaching the bigger – **חידיש** – that one may make such a declaration with regards to all meat other than that of a lamb or kid?
2. Furthermore, why does the find it necessary to explain why **one may say “this wheat is for פסח”, when the reason** appears simple enough – that wheat simply cannot be bestowed with the קדושת הגוף of a קרבן פסח?

Several answers:

1. The **תפארת שמואל** answers the first question as follows: The mentions wheat merely as an **example** of **all** items – including meat other than that of a kid or a lamb. [Why was specifically wheat chosen as an example? Perhaps this is because it is more common for a person to say “this is for פסח” with regards to wheat, than with regards to other items. Thus, the **גמרא** preferred to use the most common case (wheat) as an example, and not the most novel case (meat other than that of a kid or lamb).]
2. The **תפארת שמואל** does not clearly answer the second question. Perhaps the answer is as follows: According to **תוס' רשי**, the goal of the reason is to negate the idea **that saying “this item is for פסח” creates the impression of קדושת דמים** (as is, in fact, the opinion of **רש"י**). Therefore, the **גמרא** explains that the observer will most likely assume the owner to have meant that he is setting aside the item for use on the **פסח יי"ט**, and not as a declaration of קדושת דמים. This is the **גמ'**s intent when it says that one may declare “**this wheat is for פסח**” because he appears to be saying merely that he is guarding the wheat for the sake of **יי"ט**. And, according to **תוספות**, this is true with regards to all items other than a lamb or kid.

### ❖ The third “בדיעבד” – נפקא מינה (after the fact)

Although it is clear that one should not say **בשר זה לפסח**, the does not clearly specify whether the meat becomes **גמרא איסור בידיעבד**. Similarly, the does not specify whether a **גדי מוקולס** prepared for the first night of **פסח** may be eaten afterwards<sup>3</sup>. This matter is vigorously debated amongst the **אחרונים**.

The words of the Alter Rebbe (in **ס"י תס"ט טעיף ב'**) imply that this matter is subject (amongst other things) to the between **תוספות רשי** and **תוספות רשי**; according to **רשי**, there is more grounds for the meat to be **מותר בדיעבד**, whereas according to **תוספות רשי**, there is more grounds for the meat to be **איסור בדיעבד**. However, the Alter Rebbe does not explain why this is so.

**Perhaps** the explanation for this can be gleaned from the **ס"י תס"ט** (in **יד אפרים**) who notes that **קדושת דמים** can be redeemed with money, whereas **קדושת הגוף** cannot. Thus, there is more grounds for the meat to be according to **רשי**, for the observer thinks that the meat has been bestowed with **קדושת דמים** which can be uprooted through redemption. Conversely, there is more grounds for the meat to be according to **תוספות רשי**, for the observer thinks that the meat has been bestowed with **קדושת הגוף** which cannot be uprooted through redemption.

<sup>3</sup> The **גדי מוקולס** may certainly not be eaten on the first night of **פסח**, for it is this very act that creates the appearance of being **מקדים** the meat.