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פסחים דף נ"ג עמוד א'

אסור לו לאדם שיאמר בשר זה לפסח

PART A

The reasons for the אסור to say "בשר זה לפסח"

רב states that it is forbidden to say "בשר זה לפסח" ("this meat is for פסח"), for one thereby creates the appearance of being מקדיש the animal and eating it outside ירושלים.

From the fact that רב יהודה used the term בשר (meat) as opposed to בהמה (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 מקדיש the slaughtered meat?

⚡ The opinion of רש"י

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 רש"י, saying "בשר זה לפסח" does not create the appearance of קדושת הגוף, for such קדושה can only be bestowed whilst the animal is alive. Rather, the declaration of "בשר זה לפסח" 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.

רש"י takes this a step further: The גמ' relates that תודוס איש רומי instructed the אידן of רומי to eat a "גדי מקולס" on פסח, to commemorate the קרבן פסח. The חכמים reprimanded him, because this practice resembles eating קדשים outside ירושלים. Here too, רש"י explains that the "גדי מקולס" does not resemble קדושת הגוף, for such קדושה can only be bestowed during the animal's lifetime. Rather, the "גדי מקולס" resembles קדושת דמים.

¹ According to רש"י, the literal meaning of גדי מקולס is "helmeted kid" or "armoured kid". According to this explanation, the word מקולס is related to the term "קולסא 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. ר' רבי טרפון refers to the latter method of roasting as "גדי מקולס", being that it is reminiscent of a soldier who wears a helmet on his head and carries weapons at his side. [See דף ע"ד עמוד א' here and on תויו"ט פ"ז מ"א א'; see תויו"ט פ"ז מ"א א';]

The רמב"ם (see ביצה פ"ב מ"ז) translates גדי מקולס as "magnificent kid", being that this method of roasting looks (or is) magnificent. According to the רמב"ם, the word מקולס is related to the word "קילוס", which means praise.

⌘ The opinion of תוספות

רש"י (and other תוספות) raise a number of problems with the explanation of:

1. The גמ' explains why one should not say "בשר זה לפסח":
 "מפני שנראה כמקדיש בהמתו ואוכל קדשים בחוץ" – "because he appears as one who consecrates his animal and eats קדשים **outside** (ירושלים)".

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 ירושלים, but which may be eaten inside ירושלים. If so, it is clear that the reference is to קדושת הגוף – which may be eaten inside ירושלים, and not to קדושת דמים – which is prohibited even inside ירושלים! [It is also noteworthy that the גמ' states "מקדיש בהמתו" which implies consecration of a living animal, as opposed to "מקדיש בשרו" which implies its consecration after שחיטה.]

If the גמרא's intent was as per רש"י's explanation, then the גמ' should have avoided these problems by stating "מפני שנראה כמעילת קדשים" – "because it appears as מעילה (unlawful benefit of הקדש) of consecrated items"!

2. The גמ' quotes the words which the חכמים used in their rebuke of איש רומי:
 "שאתה קרוב להאכיל את ישראל קדשים בחוץ" – "because you are close to (i.e. you create the impression of) feeding Jews קדשים **outside** (ירושלים)".

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

If the גמרא's intent was as per רש"י's explanation, then the גמ' should have avoided these problems by stating "מפני שנראה כמעילת קדשים" – "because it appears as מעילה (unlawful benefit of הקדש) of consecrated items.

3. The גמרא (on עמוד ב') teaches that a "גדי מקולס" **looks** like a case of "לא התנדב כדרך המתנדבים" ("he did not donate in the manner of donors"); i.e. a case where the donor's declaration of הקדש was inherently flawed. The גמרא explains that רבי שמעון and רבי יוסי argue about the ramifications of such a declaration. רבי שמעון holds that such a declaration is ineffectual, and the item is not הקדש. Conversely, רבי יוסי interprets the declaration so that it is effectual in making the item הקדש, for he holds that "אין אדם מוציא דבריו לבטלה" – "a person does not make declarations for nothing". Accordingly, רבי שמעון permits the "גדי מקולס" of רומי, for it looks like nothing more than a case of "לא התנדב כדרך המתנדבים" – which is **not** הקדש according to רבי שמעון. Conversely, רבי יוסי forbids the "גדי מקולס" of רומי, being that it looks like a situation of "לא התנדב כדרך המתנדבים" – which **is** הקדש according to רבי יוסי.

The גמרא doesn't clarify why a "גדי מקולס" resembles a case of "לא התנדב כדרך המתנדבים". According to רש"י, the reason is that it **looks** as if the participants declared "בשר זה לפסח" sometime after the שחיטה, when it was already too late to bestow the animal with קדושת הגוף. Had this actually occurred, רבי שמעון would consider the statement to be ineffectual, whereas רבי יוסי would reinterpret it as a declaration of קדושת דמים. Therefore, רבי שמעון holds that a "גדי מקולס" is permissible, whereas רבי יוסי prohibits it because it **looks** like קדושת דמים.

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

the participants declared "בשר זה לפסח" at the outset. If so, why does רש"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 "בשר זה לפסח" **before** the שחיטה – which is "כדרך המתנדבים"!

Because of all these questions, תוספות argues with רש"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" of רומי looks like it was bestowed with קדושת הגוף 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 ביהמ"ק, it appears as if the participants declared "בשר זה לפסח על מנת לשוחטו בחוץ" – "this meat is for פסח on condition that it will be slaughtered outside the בית המקדש". Had this actually been stated, רבי שמעון would consider the statement to be ineffectual, whereas רבי יוסי 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:

- רש"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:

- רש"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 "בשר זה לפסח" between the reasons regarding the איסור of saying "בשר זה לפסח" נפק"מ

There are a number of נפק"מ (practical differences) between the explanations of רש"י and תוספות regarding the איסור of saying "בשר זה לפסח".

⌘ The first נפקא מינה – The opinion of רבי שמעון when one is near the בית המקדש

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

The obvious נפק"מ concerns a case where one eats a "גדי מקולס" near ירושלים, during the times of the ביהמ"ק. According to רש"י, this still resembles a situation of "לא התנדב כדרך המתנדבים", because it still looks as if the participants declared "בשר זה לפסח" after the שחיטה, when it was already too late to bestow it with קדושת הגוף. Therefore, רבי שמעון would allow one to eat a "גדי מקולס" near ירושלים. According to תוספות however, this case does not resemble a situation of "לא התנדב כדרך המתנדבים", for the "גדי מקולס" is so close to the ביהמ"ק that it looks like it was consecrated with the intention of offering it inside. Therefore, רבי שמעון would not allow one to eat a "גדי מקולס" near ירושלים.

The same נפק"מ applies with regards to declaring "בשר זה לפסח" near ירושלים, during the times of the ביהמ"ק. According to רש"י, this resembles a situation of "לא התנדב כדרך המתנדבים", for it appears as if the owner is consecrating the meat **after** the שחיטה, when it was already too late to bestow it with קדושת הגוף. Therefore, רבי שמעון would allow one to make such a declaration. According to תוספות however, this case does not resemble a situation of "לא התנדב כדרך המתנדבים", for it looks as if the owner already bestowed the meat with קדושת הגוף when the animal was still alive. Since the meat is so close to the ביהמ"ק, 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:

- רש"י:** Eating a "גדי מקולס" or declaring "בשר זה לפסח" is always permitted.
- תוספות:** Eating a "גדי מקולס" or declaring "בשר זה לפסח" is permitted only when one is distant (either in time or place) from the בית המקדש.

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

⌘ The second נפקא מינה – Meat of an ox, and other items

The רא"ש states that רש"י and תוספות argue about whether the איסור of declaring "בשר זה לפסח" applies to all meat. רש"י would prohibit one from making such a declaration with regards to **any** type of meat, inasmuch as **all** meat can be bestowed with קדושת דמים; i.e. the **value** of any meat can be set aside for **funding** a פסח. According to תוספות 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 קדושת הגוף of a פסח.

This point requires further analysis:

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

On the one hand, several **ראשונים** and **אחרונים** note that this ruling supports **רש"י**, for in teaching that **one may declare "this is for פסח"** 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'ו** 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 **חידוש** – 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 "בשר זה לפסח" creates the appearance of **קדושת דמים**. If so, the same **איסור** should apply to **any** item of value, inasmuch as the **value** of any item can be set aside for **funding** a **קרבת** **פסח**. **If so, why is it permissible to say "this item is for פסח"?**

Several answers:

1. The **ט"ז** (in **סי' תס"ט ס"ק ב'**) explains that the **איסור** of saying "this item is for פסח" applies only to an item which requires **שחיטה**², for only such an item is similar to the **קרבת פסח**. The **Alter Rebbe** (in **סי' תס"ט סעיף ב'**) elaborates and explains that when one says "this item is for פסח" with regards to a non-meat item, the thought of **קרבת פסח** will not even cross the observer's mind, for a non-meat item has absolutely no connection with **קרבת פסח**. 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 קרבנות".]

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 פסח" with regards to wheat than with regards to other non-meat items.]

Alternatively, the **בי"ח** explains that the **גמרא** focuses on wheat because it contains a **חידוש**; even though wheat is offered as a **קרבת מנחה** and therefore has somewhat of a connection with the **מזבח**, it is still permissible to say "this wheat is for פסח" being that it has absolutely no connection with the **קרבת פסח**.

2. The **רבה אליה** argues and explains (according to **רש"י**) that the **איסור** of saying "this item is for פסח" applies to **any** item, for it looks like it has been bestowed with **קדושת דמים**. If so, why is wheat an exception? The **רבה אליה** explains that wheat requires special protection to prevent it from becoming **חמץ**. Thus, when one says "this wheat is for פסח", 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, **רבינו 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 פסח". 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 **קרבת פסח**.

The **מאירי** agrees with this approach, but adds that there is no longer any problem with saying "this is for פסח" **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

² The **בי"ח** (in **סי' תס"ט**) 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 תוספות, many ראשונים and אחרונים note that the גמרא presents some difficulties. As explained above, תוספות 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 גמ' tell us that one may declare “this is for פסח” with regards to wheat, instead of teaching the bigger חידוש – 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 גמרא 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 גמרא 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', the goal of the גמרא 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 יו"ט of פסח, 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 יו"ט. And, according to תוספות, this is true with regards to all items other than a lamb or kid.

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

Although it is clear that one should לכתחילה not say “בשר זה לפסח”, the גמרא does not clearly specify whether the meat becomes אסור בדיעבד. Similarly, the גמרא does not specify whether a גדי מקולט prepared for the first night of פסח may be eaten afterwards³. This matter is vigorously debated amongst the אחרונים.

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

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

³ The גדי מקולט may certainly not be eaten on the first night of פסח, for it is this very act that creates the appearance of being מקדיש the meat.