

## **ואפילו<sup>1</sup> למאן דאמר אין כולה עולה – And even according to the one who maintains that the entire animal is not an עולה**

### **OVERVIEW**

The גמרא cited a מחלוקת when someone says רגלה של זו עולה. Others maintain that the entire animal does not become an עולה (only the רגל has the דין of an עולה).<sup>2</sup> תוספות explains what is to become of this animal.

התם (תמורה יא,ב) מפרש למאן דאמר דאין כולה עולה מה יעשה ממנה –

There in תמורה the גמרא explains; according to the מ"ד that if one says רגלה של זו עולה, the entire animal does not become an עולה, what should be done with this animal (whose foot [only] is an עולה, while the rest is חולין) –

וקאמר דימכרנה לצרכי עולות<sup>3</sup> חוץ מדמי הרגל שהקדיש<sup>4</sup> –

And the גמרא states that he should sell this animal to a person that needs עולות, and he will pay him for the value of the entire animal less the value of the foot which he was מקדיש.

ופריך היאך יפטר זה מעולתו הא הויא ליה עולה חסירה<sup>5</sup> –

And the גמרא there asks how will this buyer be exempt from his obligation of bringing a קרבן עולה; it will turn out that he is offering an עולה which is lacking a leg?!

ומשני כגון דאמר הרי עלי עולה כמו שאמצאנה<sup>6</sup> :

And the גמרא there answers; we are discussing a case where for instance the buyer said I am obligated to bring a קרבן עולה as I find it. He did not necessarily obligate himself to buy an entire animal, but as long as it is an עולה (partly his and partly the seller's) it is sufficient (as long as it is not a מום).

### **SUMMARY**

If one says רגלה של זו עולה (and we maintain that כולה בכולה) then he sells the cow to someone who obligated himself to bring an עולה as is.

### **THINKING IT OVER**

Why is it necessary for תוספות to explain this? It is not relevant to our גמרא!<sup>7</sup>

<sup>1</sup> This תוספות ד"ה וחזר should be inserted before the previous תוספות.

<sup>2</sup> See 'Thinking it over'.

<sup>3</sup> If another person obligated himself to offer an עולה, he can buy this animal for his קרבן עולה.

<sup>4</sup> The seller cannot charge him for the leg, since the leg belongs to הקדש, not to the seller. The buyer pays the value of an animal that has three legs.

<sup>5</sup> The leg is dedicated as an עולה for the seller; not the buyer. The buyer is offering an עולה minus a leg.

<sup>6</sup> The בד"ה באומר there פרש"י and refers you to הרי עלי עולה בחייה the גמרא says תמורה מסורת הש"ס. See (also) מהרש"א הארוך בקע"י.

<sup>7</sup> See אור חדש.