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**TALMUDIC METHODOLOGY**

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**Shiur #06: Expanding Partial *Hekdesh* to the Entire Animal**

The *gemara* in *Temura* (10a) cites an intriguing position of R. Yossi. Typically, when a person designates an animal for *hekdesh*/*korban*, the entire animal acquires the *hekdesh* status. If a person is *makdish* only ONE LIMB of the animal, most *Tana'im* claim that at best, THAT limb becomes *hekdesh*; the rest of the animal remains unchanged. In contrast, R. Yossi claims that the ENTIRE animal acquires *hekdesh* status through a mechanism known as *hitpashtut* – literally, the *hekdesh* status "spreads" or "percolates" throughout the entire animal.

The simple understanding of *hitpashtut* suggests a TWO STAGED process. The PERSON DIRECTLY installs *hekdesh* status upon the designated limb, and SECONDARILY the *hekdesh* status permeates the entire animal. This follows the literal reading of the term *hitpashtut*. However, many *halakhot* and applications of this halakha suggest a very different mechanism at work. Even though the person formally limits his ACTUAL declaration to one limb, it is halakhically CONSIDERED AS IF he has designated *hekdesh* status to the entire animal. By relating to one part of the animal, he has, in effect, halakhically addressed the entire animal.

Perhaps the strongest proof that *hitpashtut* entails a full ACT OF DESIGNATION emerges from R. Yossi's extension to cases of *temura*. The aforementioned *mishna* discusses the process of *temura* by which *hekdesh* status is (illegally) transferred to a different animal. Theoretically, a limb can receive secondarily extended *hekdesh* status. Yet R. Yossi allows TRANSFERRING *hekdesh* (*Temura*) from a full animal to an animal limb through the application of *hitpashtut*. It is difficult to envision the two step model of *hitpashtut* here. Classic *hekdesh* scenarios allow for two-step *hitpashtut*: initially the LIMB receives *kedusha*, and subsequently the *kedusha* permeates the entire animal. However, ported *temura hekdesh* status (*Temura*) cannot “fasten itself” to a limb. Therefore, the second stage of *hekdesh* permeating cannot occur because no initial binding of *hekdesh* to a limb develops through the *Temura* porting process. By applying *hitpashtut* to *temura*, R. Yossi was probably asserting a more ambitious *hitpashtut* model – a *hekdesh* declaration directed at a body part is considered an act upon the entire animal. This model of *hitpashtut* may apply to *Temura*. Just as a partial *hekdesh* declaration applies to the entire integrated animal similarly a partial “porting” applies to the entire animal.

This would also explain the *gemara*'s readiness to extend *hitpashtut* to the act of *kiddushin*. The *gemara* describes a case in which a man married “half a woman” by stipulating that he intends to marry "*chetzyei'ch*" (“half of you”). The *gemara* (*Kiddushin* 7a) asserts the option of *hitpashtut* to allow the *kiddushin* to spread throughout the entire woman, rejecting the option only because of a technicality. Similar to *temura* and ported *hekdesh*, *kiddushin* status cannot bind itself to “half a woman;” a specific *derasha* (*Kiddushin* 7a) limits *kiddushin* status to COMPLETE people. If the initial partial status cannot evolve, the secondary permeation cannot follow! Evidently, the *hitpashtut* model that R. Yossi introduces includes (at the very least) the ability to extend a limited declaration and consider it a broader declaration. Even though the man only designated *kiddushin* on half the woman, it is considered as if he declared *kiddushin* upon the entire woman.

To restate the above: The concept of *hitpashtut* can theoretically be explained as a two-staged expansion of the halakhic status imposed on part of the animal. However, the application to *kiddushin*, as well as the extension to *temura*, indicates that at the very least a secondary model of *hitpashtut* exists. Perhaps *hitpashtut* re-engineers the original statement. Although the person only declared a leg of the animal to be *hekdesh*, the notion of *hitpashtut* renders his statement as a comprehensive one about the entire animal. Regarding *hekdesh* denomination, an animal is considered indivisible; any declaration about part of the animal is considered a declaration about the ENTIRE animal. This model allows applying *hitpashtut* to many different spheres; just as a partial *hekdesh* declaration can be stretched to apply to the entire item, partial *kiddushin* declarations or partial *temura* declarations can similarly be stretched to apply to the entire target items (the woman in the case of *kiddushin* and the animal in the case of *temura*).

The Mikdash Dovid (Kuntrus Kodshim) asserts an interesting case to help determine whether *hitpashtut* extends the act of *hekdesh* declaration or merely allows for stage two expansion of *kedusha* upon the other part of the animal. He questions whether *hitpashtut* would apply to a *chatat* declaration or only to the *olah* declaration about which the paradigm was originally stated. Unlike an *olah*, which is designated as “generic” *hekdesh*, a *chatat* must be designated on behalf of a particular sin. Even if the *chatat* state spread to the entire animal, the undeclared part was never assigned to atone for a PARTICULAR sin. If *hitpashtut* merely enables the spread of generic *chatat* status to the entire animal, perhaps it does not enable a specific sin-assignment upon the non-declared part. Alternatively, if *hitpashtut* DOES stretch the declarative act to include the entire animal, it would operate upon a *chatat*; through *hitpashtut*, it is considered as if the ENTIRE animal was declared a *chatat* for the particular sin.

An additional question to help gauge the mechanism of *hitpashtut* was advanced by R. Menachem Zemba (*Zera Avraham* 11:28). Generally, any personal pleasure derived from *hekdesh* violates the prohibition of *me'ila*. A landmark Ramban in *Bava Batra* (79a) claims that *me'ila* is only violated by benefitting from verbally assigned *hekdesh*. Items which become *hekdesh* AUTOMATICALLY without human declaration or assignment do not carry the *me'ila* prohibition. For example, water that flowed into a *hekdesh* well is legally owned by *hekdesh*. However, since it was never verbally declared as *hekdesh*, but rather acquired that status automatically, it is not forbidden as a *me'ila issur*. This is an outstanding *chiddush* about the nature of *me'ila* and presents two different models of *hekdesh*.

Assuming the Ramban is correct, would illegally derived benefit from the non-declared part of the animal constitute *me'ila*? Formally, *hitpashtut* has rendered the entire animal *hekdesh*, but did the non-declared part become *hekdesh* automatically or through an extended act of declaration? If *hitpashtut* extends the declarative act to include the entire animal, the prohibition of *me'ila* would indeed apply to the entire animal. If, however, *hitpashtut* causes automatic flow of the *hekdesh* status to the non-declared part of the animal, perhaps the Rambam would not acknowledge *me'ila* prohibition on this part of the animal.