

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h

Tzvi Gershon ben Yoel (Harvey Felsen) o”h

May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Mishna

There are two oaths which become four. [Two kinds of oaths of utterance are mentioned explicitly in the Torah. It is written: If a person swears, pronouncing with his lips to do evil or to do good. “Evil” refers to a negative oath, such as, “I will not eat.” “Good” refers to a positive oath, such as, “I will eat.” Both of those oaths concern the future. (In case he inadvertently fails to adhere to them, an offering must be brought.) The Sages derive from the verse two further kinds of oaths not mentioned expressly, concerning past actions, e.g., “I swear that I ate,” or, “I swear that I did not eat.”]

There are two laws concerning the awareness of *tumah* (impurity) which become four. [A person who became *tamei*, but forgot it and entered the Sanctuary or ate sacrificial food; when he recognizes his transgression, he is subject to bring an offering. The Mishna uses the expression ‘awareness,’ because a person is liable to an offering only if he was initially aware of being *tamei*, but later forgot it. The Sages derived another two cases of *tumah*, namely, if he remembers that he is *tamei*, but he was not aware that he was entering the Sanctuary, or he did not know that it was sacrificial food.]

There are two laws concerning carrying on *Shabbos* which become four. [Transfers from a private domain to a public domain are prohibited on *Shabbos*. There are two cases of this: A man standing outside extends his hand inside a private domain, and takes an object from there, bringing it into the public domain. Or, a man was standing inside a private domain and picked up an object from its place; he is liable if he places that object into a public domain. Two

other types of transfer are derived from the verses: A man standing inside extends his hand into a public domain, and takes an object from there, bringing it into the private domain. Or, a man was standing in a public domain and picked up an object from its place; he is liable if he places that object into a private domain.]

There are two types of *tzara’as* (a group of skin conditions, for which the Torah decrees *tumah*) which become four. [The Gemora will explain the different shades and colors which are *tamei*.]

When there was awareness in the beginning (*that he was tamei*) and in the end, but concealment between, a fluctuating offering (known as a *korban olah v’yoreid* – there are certain sins which require a *korban chatas*, he either brings an animal, bird or flour offering depending upon his monetary resources) is to be brought. If there was awareness in the beginning (*he knew that he became tamei*), but not in the end, the goat whose blood is sprinkled in the Holy of Holies (on *Yom Kippur*) and the Day of Atonement suspend his punishment (and protects him from suffering in the meantime) until he becomes aware of it; then (*when he becomes aware of it*) he brings the fluctuating offering.

If there was no awareness in the beginning (*he never knew that he became tamei*), but there was awareness in the end, the goat offered up on the Outer Altar (on *Yom Kippur*) and the Day of Atonement atone, for it is written (regarding the goat offered up on the Outer Altar): beside the sin offering of atonement (the goat brought on the Inside Altar) - both



atone for similar kinds of sin: Just as the inner goat atones only for a sin which involves awareness (*in the beginning but not at the end*), so too the outer one atones only for sins which involves awareness (*awareness in the end but not in the beginning; this accomplishes a complete atonement, for there will never come about later "an awareness in the beginning," and there is no possibility of bringing any other korban*).

Where there was no awareness either in the beginning or in the end (*he never knew that he became tamei at all*), the goats offered up on the Festivals and *Rosh Chodesh* provide atonement; these are the words of Rabbi Yehudah. Rabbi Shimon says: The Festival goats atone, but not the goats of *Rosh Chodesh*. For what do the goats of *Rosh Chodesh* atone? They are for a person who was *tahor* who inadvertently ate sacrificial food that was *tamei* (*even though it is not a sin where the transgressor is subject to kares*). Rabbi Meir says: All the goats atone equally for impurity with respect to the Sanctuary and sacrificial food. Rabbi Shimon used to say: The *Rosh Chodesh* goats atone for *tahor* people who ate sacrificial food which became *tamei*; those of the Festivals atone for those who had no awareness either in the beginning or in the end. The *Yom Kippur* goats atone for those who had no awareness in the beginning but became aware afterwards. They said to him: Is it permitted to sacrifice one goat instead of the other (*in a case where it was lost on Yom Kippur and they used a different one; later it was found; may it be used for Rosh Chodesh or the Festivals*)? He said to them: Yes it can. They said to him: Since they do not atone for the same things (*and were not designated for the same sins*), how can one take the place of the other? He replied: They are all brought to atone for *tumah* connected with the Sanctuary and its sacrificial food.

Rabbi Shimon ben Yehudah said in the name of Rabbi Shimon: The *Rosh Chodesh* goats atone for *tahor* people who ate sacrificial food which became *tamei*; those of the Festivals surpass them, for they atone for *tahor* people who

ate sacrificial food which became *tamei*, and for those who had no awareness either in the beginning or in the end. The *Yom Kippur* goats surpass them, for they atone for *tahor* people who ate sacrificial food which became *tamei*, and for those who had no awareness either in the beginning or in the end, and for those who had no awareness in the beginning but became aware afterwards. They said to him: Is it permitted to sacrifice one goat instead of the other? He said to them: Yes it can. They said to him: It is understandable that the *Yom Kippur* goats can be brought on *Rosh Chodesh* (or on the Festivals, for they were designated to atone for the same sins that the *Rosh Chodesh* and festival goats atone for); but how can the *Rosh Chodesh* goats be brought on *Yom Kippur* to atone for an atonement that is not its own? He replied: They are all brought to atone for *tumah* connected with the Sanctuary and its sacrificial food.

For deliberate transgression of the laws of *tumah* connected with the Temple and its holy food, the inner goat of *Yom Kippur* and *Yom Kippur* atone. For other transgressions of the laws of the Torah, light or grave, willful or unwittingly, known or unknown, positive commandments or prohibitive ones, those punishable by *kares* and those punishable by death imposed by the court - the goat sent to *Azazel* atones. This applies for *Yisroelim*, for *Kohanim* and for the Anointed *Kohen*. What then is the difference between *Yisroelim*, *Kohanim* and the Anointed *Kohen*? It is only that the bull (*that the Kohen Gadol brings, and not the two goats*) atones for the *Kohanim* for *tumah* connected with the Sanctuary and its sacrificial food. Rabbi Shimon says: Just as the blood of the goat that is sprinkled within atones for *Yisroelim*, so too the blood of the bull atones for the *Kohanim*; and just as the confession of sins over the goat sent to *Azazel* atones for *Yisroelim*, so too the confession over the bull atones for the *Kohanim*. (2a – 2b)

INSIGHTS TO THE DAF

May non-Jews enter the Temple Mount?

Now that we know that the Torah's prohibition to enter the site of the Temple and the penalty of *kares* are valid in our era, we should examine the *halachah* pertaining to gentiles.

The *Mishna* in Keilim 1:8 explains that non-Jews must not enter further than the *cheil* (the fence around the Temple) – i.e., the area of the Temple Mount (except for the cubits adjacent to the surrounding wall) – and Rambam (*Hilchos Bias HaMikdash*, 3:5) rules accordingly, that “at the *cheil* gentiles should be sent away.”

The halachos of defilement are only for Jews: The Torah does not apply halachos of defilement (*tumah*) to non-Jews (Nazir 61b; Rambam, *Hilchos Tumas HaMeis*, 1:13), just as animals do not become *tamei*. As a result, the Torah's prohibition that *temeiim* must not enter the site of the Temple refers only to Jews. Nonetheless, *Chazal* decreed *tumah* on gentiles and the *Mishna* therefore explains that they must not penetrate the *cheil*.

May a non-Jew enter the Temple Mount? Some explain (*Magid Meireishis* in *Kuntres Derech HaKodesh*) that though non-Jews are allowed to enter the site of the Temple, we are commanded by *Chazal* to prevent their entry, as Rambam states: “gentiles should be **sent away**.” Still, the Maharit (cited in *Derech HaKodesh* by Rav C.A. Alfandari) indicates that *Chazal* also actually forbade them to enter the site of the Temple (*Chazon Nachum* on Keilim 1:6).

How the Greeks defiled the oil of the Temple: Every year on Chanukah we praise Hashem for the miracle of the single sealed jug of pure oil found remaining from all the other oil defiled by the Greeks. Apparently, since non-Jews are never *tamei*, we must understand how they managed to defile the oil.

Tosfos (Shabos 21b, s.v. *Shehayah*, and see Maharsha, *ibid*) indicate that the decree to apply *tumah* to gentiles could

have been very early, even before the Mishnaic era, whereas the *Re'eim* (on the *Semag* at the beginning of *Hilchos Chanukah*) remarks that the Greeks defiled all the oil when they entered the Temple because of their garments which were *tamei*.

Buying water from a well on the Temple Mount: *Sdei Chemed* (*Ma'areches Vav, Kelal 26, os 33*) refers to the question of the Jerusalemites as to if they may buy water from Arabs who draw it from a well on the Temple Mount, as they suspected that their demand for water caused the Arabs to go there. He replied that as the water-drawers stay on the Mount all day anyway, there is no prohibition to buy the water. On the contrary, the demand for water causes them to leave the site of the Temple when they bring water to the Jews.

Inserting fingers in the Western Wall: Over three years ago we treated the topic of putting one's fingers in the cracks of the Western Wall. In that article we cited the Aderes (*Mishkenos L'Abir Ya'akov*, II) who forbids such for fear of entering the site of the Temple while being *tamei*. On the other hand, some believe (Maharil Diskin, cited *ibid*, etc.) that the walls of the Temple Mount were never sanctified and that there is no prohibition (see *sefer Meoros HaDaf HaYomi*, Vol. II, p. 249).

Permission by the Avnei Nezer: Still, it is interesting to note that the Sochatchover Rebbe zt"l, author of *Avnei Nezer* (*Responsa Avnei Nezer, Y.D.*, II, 450-51), writes that even if the walls were consecrated, there is no prohibition to put one's fingers therein because of two halachos: (a) The prohibition to enter refers to the normal manner of entry whereas entry in an unusual fashion is allowed; (b) the prohibition to enter is only for the ways of access to the Temple. Putting a finger in a hole in a wall is not considered a normal manner of entry and is therefore allowed and even if we say that it is a form of entry, that place cannot be reached from inside the Temple and is not regarded as entering a sanctified place (see other reasons *ibid*).



Entering the Temple Mount

In our *Mishna* Rabbi Meir says, "All the goats serve to atone for the defilement of the Temple and its holy objects." In other words, all the goats of the additional sacrifices (*musafim*) served to atone for prohibitions of defilement committed in the Temple by eating *kodoshim* (parts of sacrifices) while being defiled (*tamei*) or by entering the Temple when being *tamei*.

Does the sanctity of the site of the Temple depend on the Temple's existence? A defiled person (*tamei*) who enters the site of the Temple transgresses a prohibition of the Torah and is punished with *kareis*. According to Rambam (*Hilchos Beis HaBechirah*, 6:16) and many Rishonim (Tosfos, Yevamos 82b, s.v. *Yerushah*; *Rash* on Shevi"as 6:1; *Semag*, 'asin 163; *Yereiim Hashalem*, 277; Ritva, Megillah 10b and Shevuos 2b; *Sefer HaChinuch*, mitzvos 184, 362 and 363), the prohibition and the resulting *kares* are still valid after the Temple's destruction as "the first sanctification sanctified the place in its time and for the future." In other words, the site of the Temple was consecrated forever with an unconditional sanctity, independent of the existence of the Temple.

Raavad (ibid) disagrees and believes that once the Temple was destroyed and the gentiles conquered the Temple Mount, its sanctity was rescinded.

Some hold that even according to Raavad, it could be that only the punishment of *kares* was revoked whereas the Torah prohibition to enter remains (see Responsa *Binyan Tziyon*, 2, and Responsa *Mishpat Kohen*, 96). Even if not so, all agree that *Chazal* decreed that we mustn't enter the site of the Temple after its destruction because of two reasons: (a) so that when the Temple will be rebuilt, everyone should remember that a *tamei* must not enter; (b) to preserve the respect for the Temple. Indeed, leading authorities testified that after the destruction of the Temple Jews were always careful to avoid entering the site as the prohibition to enter

is also **valid in our era** from the Torah (*d'oraisa*) and those who enter are punished with *kares* (Rabeinu Ovadyah Bartenura in his letter from Eretz Israel of 5248; Maharam Chagiz in *Parashas Mas'ei*; and see *Binyan Tziyon*, that that is the ruling of all the *poskim*).

Rambam's letter that caused a sensation: A letter sent by Rambam during his visit in *Eretz Yisroel* (printed in *Sefer Chareidim*, 65) aroused a great commotion when he wrote that on coming to Yerushalayim, he prayed in the "great and holy house." Some interpreted this as meaning a synagogue built on the site of the Temple – a contradiction to his ruling that one mustn't enter there in our era. Still, *poskim* reject the attempt to present the letter as proof that Rambam changed his ruling, and proved that he referred to a large synagogue called Midrash Shlomo, located near the Temple Mount, whose windows faced the whole area of the site of the Temple (see Responsa *Minchas Yitzchak*, V, 1, and Responsa *Tzitz Eli'ezer*, X, 1, and XI, 15, in the name of HaGaon Rav Y. Chai Zarihan).

DAILY MASHAL

Montefiore's visit to the Temple Mount

136 years ago, in 5627 (1867), Sir Moses Montefiore visited Eretz Israel, accompanied by his private secretary, Dr Levi. To the great surprise of the Yerushalayim community, the two entered the Temple Mount with a special permit issued by the Sultan in Istanbul, attained by the Pashah of Yerushalayim who had been well paid by Montefiore's aides. The Jerusalemites were shocked and HaGaon Rav Yosef Moshe of Lissa, the son of the author of *Nesivos HaMishpat* and *Chavos Da'as*, even blew a shofar in the streets and excommunicated Montefiore. Being deeply religious, the latter rushed to the rabbis and scholars of Yerushalayim and apologized, claiming that he had acted sincerely, having been misled by a certain rabbi that Raavad's opinion was accepted as *halachah*. He then accepted certain orders of *teshuvah* and the commotion subsided (Responsa *Tzitz Eli'ezer*, XI, 15:5).