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Pesachim Daf 77

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May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

Shall we say that all of them<sup>1</sup> are derived from mo'ed [‘appointed time’]? How do we know it? For our Rabbis taught: And Moshe declared to the children of Israel the appointed times of Hashem. For what purpose is this stated?<sup>2</sup> Because we have learnt only of the tamid offering and the Pesach-offering [that they override the Shabbos and tumah], since ‘in its appointed time’ is stated in connection with them,<sup>3</sup> ‘in its appointed time’ [implying] even on the Shabbos, ‘in its appointed time’ implying even in tumah. From where do we know it of other public sacrifices? Because it is said: These shall you offer to Hashem in your appointed time.<sup>4</sup> From where do we know to include the omer — and that which is offered with it, and the two loaves and that which is offered with them? Therefore it is stated, ‘And Moshe declared to the children of Israel the appointed times of Hashem’: the Torah fixed it as one appointed season for all of them. (77a1 – 77a2)

Now, what is the purpose of all these?<sup>5</sup> — They are necessary. For if the Divine Law wrote it of the tamid offering [alone], I would say: The tamid offering [overrides the Shabbos and tumah] because it is constant and entirely burnt, but the Pesach-offering is not so; hence we are informed [otherwise]. While if the Divine Law wrote it of the pesach-offering, [I would argue that] the pesach-offering [must be offered under all circumstances] because it involves

the penalty of kares, but [as for] the continual offering, for [neglect of] which there is no penalty of kares, I would say that it is not [so]; hence we are informed [otherwise]. Again, if the Divine Law wrote it of these two, I would say: These alone [override Shabbos and tumah, since they] possess a stringent feature, the tamid offering being constant and entirely [burnt], the pesach-offering involving the penalty of kares; but [as for] other public sacrifices, I would say, It is not so. [Hence] the Divine Law wrote, ‘These shall you offer to Hashem in your appointed times.’ While if the Divine Law [merely] wrote, ‘These shall you offer to Hashem in your appointed times,’ I would argue: [It refers only to] other public sacrifices, which come to make atonement,<sup>6</sup> but [the sacrifices accompanying] the omer and the two loaves, which do not come to make atonement but are merely in order to permit [the new harvest] are not so; hence we are informed [otherwise]. Again, if the Divine Law wrote [about] the omer and the two loaves alone, I would have said: On the contrary, it [applies only to] the omer and the two loaves which are more important, because they come to permit; but these others are not so. Hence we are informed [otherwise]. (77a2)

Now it was assumed that all hold that tumah is [merely] overridden in the case of a community, hence the *tzitz* [the *tzitz*] is required to effect acceptance.<sup>7</sup> For there is no [other] Tanna whom you know to maintain [that] tumah is permitted

<sup>1</sup> I.e., those mentioned in the Mishnah that may be offered in tumah.

<sup>2</sup> Seeing that all the Festivals are individually treated in that chapter.

<sup>3</sup> ‘In its appointed time’ implies that the sacrifice must be offered in all circumstances, as explained in the text.

<sup>4</sup> This verse ends the section dealing with the public additional sacrifices on Rosh Chodesh, the Shabbos and Festivals, and its effect is that the whole section is to be so understood as though ‘in its appointed season’ were explicitly written in connection with each.

<sup>5</sup> Scripture could have written ‘appointed season’ in connection with one only, and the rest would follow.

<sup>6</sup> The mussaf sacrifices make atonement for the transgression of affirmative precepts

<sup>7</sup> I.e., though tumah is not a concern when the whole community is tumah, Scripture does not mean that the normal interdict of tumah is completely abrogated, so that it is permitted, but merely that the interdict is overridden in favor of the community. Now it is stated: And it (the head plate) shall be upon Aaron's forehead, and Aaron shall bear (i.e., atone for) the iniquity committed in the holy things (sc. sacrifices) . . . and it shall always be upon his forehead, that they may be accepted before Hashem (i.e., that these sacrifices shall be fit). ‘The iniquity’ is understood to refer to a case where a sacrifice accidentally

in the case of a community<sup>8</sup> but Rabbi Yehudah. For it was taught: The *tzitz*, whether it is on his [the Kohen Gadol's] forehead<sup>9</sup> or it is not on his forehead, effects acceptance; these are the words of Rabbi Shimon. Rabbi Yehudah maintained: If it is still on his forehead, it effects acceptance; if it is not still on his forehead, it does not effect acceptance. Said Rabbi Shimon to him: Let the Kohen Gadol on Yom Kippur prove it, for it is not on his forehead, and [yet] it effects acceptance!<sup>10</sup> — Leave Yom Kippur, replied he, because tumah is permitted in the case of a community. From there it follows that Rabbi Shimon holds: Tumah is overridden in the case of a community. Again, [it was assumed that all hold,] the *tzitz* does not effect acceptance for [the tumah of] eatables,<sup>11</sup> for there is no Tanna whom you know to maintain [that] the *tzitz* effects acceptance for [the tumah of] eatables save Rabbi Eliezer. For it was taught, Rabbi Eliezer said: The *tzitz* effects acceptance for [the tumah of] eatables; Rabbi Yosi said: The *tzitz* does not effect acceptance for the tumah of eatables.<sup>12</sup> [Accordingly,] shall we say that our Mishnah<sup>13</sup> does not agree with Rabbi Yehoshua? For it was taught, And you shall offer your olah-offerings, the meat, and the blood.' Rabbi Yehoshua said: If there is no blood there is no meat, and if there is no meat there is no blood.<sup>14</sup> Rabbi Eliezer said: The blood [is fit] even if there is no meat, because it is said, And the blood of your sacrifices shall be poured out [against the altar of Hashem your God]. Then how do I interpret, 'and you shall offer your olah-offering, the meat and the blood?' [It is] to teach you: just as the blood requires throwing,<sup>15</sup> so does the meat require throwing:<sup>16</sup> hence say, there was a small passage-way between the stairway and the altar.<sup>17</sup>

became tumah, and the headplate atones for it, so that it remains fit. Since we hold that even in the case of a community tumah is merely overridden, but not actually permitted, the head plate is required to effect acceptance even then.

<sup>8</sup> So that the acceptance of the headplate is not required at all.

<sup>9</sup> When the sacrifice accidentally becomes tamei.

<sup>10</sup> On that day he put aside all his usual vestments, which included the *tzitz*, and wore simple linen garments. Yet if the community was tamei he still offered the sacrifices, and the *tzitz* 'made them acceptable'.

<sup>11</sup> I.e., if the flesh or the part of the meal-offering which is eaten is defiled, the sacrifice cannot be proceeded with, the *tzitz* effecting acceptance only if the blood or the handful which is burnt on the altar is defiled.

<sup>12</sup> These two assumption are the necessary premises for the question which follows.

Now [according to] Rabbi Yehoshua too, surely it is written, 'and the blood of your sacrifices shall be poured out?' — He can answer you: surely in connection with that is written, and you shall eat the meat.<sup>18</sup> Then what is the purpose of these two verses?<sup>19</sup> — One refers to the olah-offering and one refers to a shelamim-offering, and both are necessary. For if the Divine Law wrote it in connection with an olah-offering, I would say: It is [only with] the olah-offering which is stringent — because it is entirely [burnt]; but as for the shelamim-offering which is not stringent — I would say that it is not so. Again, if the Divine Law wrote [it of] a shelamim-offering I would say: on the contrary [the reason is] because it has two forms of consumption;<sup>20</sup> but [as for] the olah-offering, where there are not two forms of consumption,<sup>21</sup> I would say that it is not so. Hence we are informed [otherwise].

Now [according to] Rabbi Eliezer too, surely it is written, 'and you shall eat the meat?' — He can answer you: He utilizes that [to teach] that the meat is not permitted for eating until the blood is sprinkled. If so, say that the whole verse comes for this [purpose], then how do we know [that] the blood [is fit] even if there is no meat? — He can answer you: If so, let the Divine Law [first] write 'you shall eat the meat,' and then, 'and the blood of your sacrifices shall be poured out,' as is written in the beginning [of the verse], 'and you shall offer your olah-offerings, the meat and the blood?' Why then does [Scripture] place 'the blood of your sacrifices' first? Hence infer from it [that] the blood [is fit] even if there is no meat, and infer from it also that the meat is not permitted for

<sup>13</sup> Which states that the omer, the two loaves, etc., may be offered in tumah, although the *tzitz* does not effect acceptance on the eatable parts of these offerings.

<sup>14</sup> I. e., if either is defiled, the other is unfit for its purpose.

<sup>15</sup> I.e., dashing against the altar.

<sup>16</sup> On to the altar.

<sup>17</sup> Consequently, a Kohen standing at the top of the ramp could not place the meat on the altar but had to throw it.

<sup>18</sup> This proves that the meat too must be fit for eating.

<sup>19</sup> According to Rabbi Yehoshua, since both teach that the blood and the meat are interdependent.

<sup>20</sup> The fat portions are consumed ('eaten') on the altar while the meat is consumed partly by Kohanim and partly by its owners.

<sup>21</sup> As its entirety is consumed on the altar.

eating until the blood is sprinkled.<sup>22</sup> And Rabbi Yehoshua? — [That] the meat is not permitted for eating until the blood is sprinkled follows with a kal vachomer: if the eimurim, which when not available<sup>23</sup> are not indispensable [to the eating of the meat] , yet when available are indispensable;<sup>24</sup> then the blood, which if not available is indispensable, if available how much the more is it indispensable! And Rabbi Eliezer? [Even] a law which can be inferred with a kal vachomer, the Torah takes the trouble of writing it. And Rabbi Yehoshua? — Wherever we can interpret, we do interpret.<sup>25</sup>

Shall we now say that our Mishnah is not in accordance with Rabbi Yehoshua, for since he says that we require both,<sup>26</sup> while the *tzitz* does not effect acceptance for [the tumah of] eatables, how can it come in tumah?<sup>27</sup> — You may even say [that it agrees with] Rabbi Yehoshua, but Rabbi Yehoshua holds: The *tzitz* effects acceptance for those that ascend.<sup>28</sup> That is well of sacrifices, where there are objects which ascend [sc. eimurim]; but what can be said of the omer and the two loaves, where there are no objects to ascend [the altar]? — I will tell you: Rabbi Yehoshua too said that we require both only in the case of sacrifices; [but] he did not say [it] in the case of minchah-offerings.

Yet did he not say [it] in the case of minchah-offerings? Surely we learnt: If the remainder of it<sup>29</sup> became tamei, [or] if the remainder of it was lost;<sup>30</sup> according to the view of Rabbi Eliezer<sup>31</sup> it [the handful] is fit;<sup>32</sup> according to the view of Rabbi Yehoshua,<sup>33</sup> it is unfit!<sup>34</sup> It is according to his view, yet not entirely so.<sup>21</sup> [Thus]: according to the view of Rabbi Yehoshua, that we require both, yet not entirely so, for

whereas Rabbi Yehoshua ruled [thus] in the case of sacrifices, but he did not rule [thus] in the case of minchah-offerings, this Tanna holds [that it is so] even in the case of minchah-offerings.

Now who is this Tanna that agrees with him but is more stringent than he? Moreover, it was taught, Rabbi Yosi said: I agree with the words of Rabbi Eliezer in respect to minchah-offerings and [animal] sacrifices, and with the words of Rabbi Yehoshua in respect to [animal] sacrifices and minchah-offerings. ‘The words of Rabbi Eliezer in respect to [animal] sacrifices,’ for he used to say: The blood [is fit] even if there is no meat; ‘and the words of Rabbi Yehoshua in respect to sacrifices,’ for he used to say: If there is no blood there is no meat, and if there is no meat there is no blood. ‘The words of Rabbi Eliezer in respect to minchah-offerings’: for he used to say: the handful [is fit] even if there is no remainder [for consumption]; ‘and the words of Rabbi Yehoshua in respect to minchah-offerings,’ for he used to say: if there is no handful there is no remainder, [and] if there is no remainder there is no handful? — Rather Rabbi Yehoshua holds: The *tzitz* effects acceptance for [the tumah of] the objects which ascend [the altar] and for eatables. If so, why [do you say,] ‘according to the view of Rabbi Yehoshua it is unfit?’<sup>35</sup> [That refers] to what is lost or burnt.<sup>36</sup> Then according to whom does he teach, ‘[if the remainder] was defiled’? according to Rabbi Eliezer? [But] that is obvious; seeing that you say that [even when it is] lost or burnt, where they are [now] non-existent, Rabbi Eliezer declares [the handful] fit, need it [be stated] where it is defiled, when it is in existence! Hence it is obviously [taught] according to Rabbi Yehoshua, yet he

<sup>22</sup> The reversed order intimating this additional teaching.

<sup>23</sup> If lots or tamei.

<sup>24</sup> The meat may not be eaten until the eimurim are burnt on the altar.

<sup>25</sup> The principle that Scripture writes explicitly what can be inferred with a kal vachomer holds good only when the verse cannot be employed for any other purpose.

<sup>26</sup> The blood and the meat.

<sup>27</sup> Sc. the objects enumerated in the Mishnah. For on the one hand, acceptance is required, while on the other there cannot be acceptance for eatables, and according to Rabbi Yehoshua the eatables and the blood, or in the case of the meal-offering, the handful, are interdependent.

<sup>28</sup> The altar, sc. the eimurim; i.e., providing that as much as an olive of the eimurim ascends the altar, the *tzitz* effects acceptance for its tumah, and the blood too can be sprinkled.

<sup>29</sup> Of the meal-offering, after the handful was removed. This remainder would normally be eaten by the Kohanim.

<sup>30</sup> In both cases before the handful was burnt on the altar.

<sup>31</sup> That the blood is fit for sprinkling even if the meat is not available; the handful of a meal-offering is the equivalent of the blood of an animal sacrifice, while the remainder is the equivalent of the meat.

<sup>32</sup> For burning on the altar, and the owner thus discharges his obligation and need not bring another minchah-offering.

<sup>33</sup> That the blood and the meat are interdependent.

<sup>34</sup> Thus Rabbi Yehoshua requires both in the case of minchah-offerings too.

<sup>35</sup> Surely the *tzitz* effects acceptance, i.e., makes the handful fit for burning on the altar, even if the remainder is tamei?

<sup>36</sup> If the remainder is lost or burnt the handful is unfit for the head plate effects acceptance only for tumah.

teaches [that] it is unfit? Furthermore, it was taught, Rabbi Yehoshua said: [In the case of] all the sacrifices of the Torah, whether the meat became tamei while the fat has remained [tahor], or the fat became tamei while the meat has remained [tahor], he [the Kohen] sprinkles the blood, but not if both were defiled. This proves that Rabbi Yehoshua holds that the *tzitz* does not effect acceptance either for [the tumah of] the objects which ascend [the altar] or for the eatables!<sup>37</sup> — Rather [explain it thus:] after all our Mishnah is [the view of] Rabbi Yehoshua, yet there is no difficulty: here it means in the first place; there it means if it was done [offered]. Rabbi Yehoshua said [that both are required] only in the first place, but not if it was done.<sup>38</sup> And from where do you know that Rabbi Yehoshua draws a distinction between [what is required] in the first place and what was done? — Because it was taught: If the meat became tamei, or disqualified,<sup>39</sup> or it passed without the curtains, — Rabbi Eliezer said: He must sprinkle [the blood]; Rabbi Yehoshua maintained: He must not sprinkle [the blood]. Yet Rabbi Yehoshua admits that if he does sprinkle [it], it is accepted. But surely this explanation is not acceptable: firstly, because ‘it is unfit’<sup>40</sup> implies [even] where it was done. Moreover, five things may come [in tumah] implies [even] in the first place!<sup>41</sup> — Rather, there is no difficulty: here the reference is to an individual; there [in the Mishnah] the reference is to a community. (77a2 – 78a1)

#### INSIGHTS TO THE DAF

The Gemora says that the word “b’moadeichem” -- “in their times” discussing the other Yomim Tovim teaches that all of the korbanos tzibur push aside Shabbos, not just the korban tamid and korban pesach.

The Maharsha points out that our Gemora should not be taken literally. It is clear that all korbanos of sukkos and pesach would be brought on shabbos even without a verse of “b’moadeichem.” This is because regarding both sukkos and pesach the verse says that their korbanos should be

brought “for seven days.” Being that there is no such thing as seven days without shabbos, it is clear that these verses are telling us that these korbanos push aside Shabbos. It must be, the Maharsha explains, that “b’moadeichem” is necessary for other days such as Yom Kippur, Rosh Hashanah, Shevuos, and Rosh Chodesh.

#### ***The Kohen Gadol’s Garments***

Among the eight garments worn by the Kohen Gadol was the *Tzitz HaZahav*, the golden plate bearing Hashem’s Name. The possuk states, “It will be on the brow of Aharon. And Aharon will bear the sin of the [impure] korbanos that Bnei Yisrael will offer” (Shemos 28:38). Our Sages learn from here that the Tzitz atones for impure korbanos that are offered in the Beis HaMikdash (see above, 16b). The Tannaim debate whether the Tzitz atones only for those korbanos offered while the Kohen Gadol wears it, or even for those offered when he is not wearing it. The Rambam (Bias Mikdash 4:8) rules according to R’ Yehuda, that the Tzitz only atones so long as it is being worn.

Two points remain to be clarified. First, need the Kohen Gadol wear all eight garments in order for the Tzitz to be effective, or does it atone even if he wears it without the other garments? Second, need the Kohen Gadol be inside the Beis HaMikdash for the Tzitz to be effective, or may he wear it even outside the Beis HaMikdash and still atone for impure korbanos? As we shall see, the answers to these two questions are intertwined.

The sefer VeShav HaKohen (beginning of Maseches Erchin) cites from the Talmud Yerushalmi (Chagiga 4:4) that the Kohen Gadol must wear all eight garments in order for the Tzitz to atone.

The Dvar Avraham (II, 22) draws from this Yerushalmi to develop an important insight into the Rambam’s understanding of the Kohen Gadol’s garments. The Rambam

<sup>37</sup> Sc. the meat. For if the *tzitz* does effect acceptance, why is it unfit?

<sup>38</sup> I.e., Rabbi Yehoshua holds that in the first place both are required; nevertheless, if only the blood was clean and it was sprinkled, though it should not have been, it is fit. Our Mishnah too means where it was done.

<sup>39</sup> By the touch of a tevil yom.

<sup>40</sup> In the ruling of Rabbi Yehoshua where the remainder became tamei.

<sup>41</sup> So that our Mishnah could still not be in accordance with Rabbi Yehoshua.

(Kilayim 10:32) writes: “Kohanim who wear their priestly garments while not serving, even if they are in the Beis HaMikdash, must be flogged for wearing their belt, which is made of shaatnez. They are only permitted to wear this belt while they serve.” The Torah tells us that the belt must be made of wool and linen. While the Kohanim serve, the mitzva to wear this belt takes precedence over the prohibition against shaatnez. When they are not serving, there is no mitzva to wear the belt, and they therefore transgress the prohibition of shaatnez.

The Raavad and other Rishonim (see Kesef Mishna) argue against the Rambam, and insist that as long as the Kohanim are inside the Beis HaMikdash, they may wear their belts, even when they are not serving. The Raavad also asks why the Rambam finds fault only in wearing the belt of the standard Kohanim. The Kohen Gadol’s garments, the Ephod and Choshen, are also made from shaatnez.

According to the Rambam, the Kohen Gadol should also take off these garments when he is finished serving. Yet the Tosefta (cited in Radvaz, *ibid*) says that the Kohen Gadol could wear his special garments as long as he was in the Beis HaMikdash, even when he was not serving. This would seem to be a proof against the Rambam.

The Dvar Avraham explains based on the Yerushalmi, that even when the Kohen Gadol did not serve, he still needed to wear his eight garments in order that the Tzitz could atone for impure korbanos. Yet, the Tosefta says that the Kohen Gadol could not wear his garments outside the Beis HaMikdash. Presumably this is due to the issue of shaatnez, as the Rambam explained.

Why cannot we apply the same reasoning, and say that the Kohen Gadol may wear his shaatnez garments wherever he goes, in order to make the Tzitz effective? It must be that outside the Beis HaMikdash, the Tzitz is anyways ineffective, and therefore there is no reason to wear the shaatnez garments.

#### DAILY MASHAL

The *Gemora* states that something which may be derived through a *kal vachomer* (literally translated as *light and heavy, or lenient and stringent; an a fortiori argument; it is one of the thirteen principles of biblical hermeneutics; it employs the following reasoning: if a specific stringency applies in a usually lenient case, it must certainly apply in a more serious case*), the Torah may anyway take the trouble to write it explicitly.

The Bnei Yissoschar explains the reasoning for this: A *kal vachomer* is based upon logic. One might say that the reason this *halacha* (derived through a *kal vachomer*) is correct is because it is understandable to me; it makes sense. The Torah therefore goes out of its way to write it explicitly in order to teach us that the *halacha* is correct because the Torah said so; regardless of whether it is understood or not.

The Ra”n in *Nedarim* (3a) notes that this concept is applicable by a *hekesh* (when the *halachos* from one topic are derived from another one) as well. The *Gemora* in *Bava Metzia* (61a) states that it also applies to a *gezeirah shavah* (one of the thirteen principles of Biblical hermeneutics; it links two similar words from dissimilar verses in the Torah).

According to the explanation of the Bnei Yissoschar, we could say that the concept should only apply to a *kal vachomer*, for that is based upon logic. The Torah would not find it necessary to state explicitly a *halacha* which is derived through a *hekesh* or *gezeirah shavah*, for they are not based upon logic at all, and it would be superfluous to write it.

The *Yad Malachei* writes that if the Torah does explicitly write a *halacha* which was derived through one of the thirteen principles of Biblical hermeneutics, we must treat it more stringently than an ordinary *halacha*. This is comparable to a Rabbinical prohibition, which has a slight support from something written in the Torah. *Tosfos* in *Eruvin* (31b) rules that such a prohibition is stricter than an ordinary one, which does not have any Scriptural support.