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Zevachim Daf 69

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Daf Notes is currently being dedicated to the neshamot of

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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

Service with the Left Hand

Rav had said: Service done with one’s left hand, or at night, does not contaminate with *tumah* through the throat. [When one eats the carcass of a kosher bird, his garments become *tamei*.] If the service is done by a non-Kohen or with a knife, it contaminates with *tumah* through the throat. Rabbi Yochanan disagreed and said: If the service is done by a non-Kohen, it does not contaminate with *tumah* through the throat. If the service (*melikah*) is done with a knife, it does contaminate with *tumah* through the throat.

The *Gemora* attempts to bring proof to Rabbi Yochanan from our *Mishna*: This is the rule: Any bird that is invalidated in the Holy (after being brought to the Courtyard) does not contaminate with *tumah* through the throat. Now, according to Rabbi Yochanan, the word “any” will be coming to include the case where a non-Kohen performed the *melikah*; however, according to Rav, what is it coming to include?

The *Gemora* responds: And according to you, what is the latter part of the *Mishna* coming to include, when it states: Any bird that is not invalidated in the Holy?

Rather, it must be said that the first part of the *Mishna* is including the case where he slaughtered a consecrated bird inside the Courtyard (that it does not contaminate with *tumah* through the throat), and the last part of the *Mishna* will be including the case where he performed *melikah* on an unconsecrated bird outside the Courtyard (that it does contaminate with *tumah* through the throat).

The *Gemora* cites a *braisa* supporting Rabbi Yochanan: If a non-Kohen performed the *melikah*, or if a disqualified person performed it; or if it was *piggul*, *nossar* or *tamei*, it does not contaminate with *tumah* through the throat. (68b – 69a)

Kemitzah and Melikah of a non-Kohen

Rabbi Yitzchak said: I heard two teachings: One was regarding the *kemitzah* of a non-Kohen, and the other pertained to the *melikah* of a non-Kohen; regarding one the ruling was that it should be taken off the altar (if it was placed there), and regarding the other one it was taught that it does not need to be taken down. I, however, do not know which ruling was for which case.

Chizkiyah said: It is logical that in the case of the *kemitzah* it goes down, while in the case of *melikah* it does not go down. Why is *melikah* different? It is because it was valid at a private altar.

But, the *Gemora* asks, *kemitzah* as well was valid at a private altar!?

The *Gemora* notes that you cannot answer that that Chizkiyah is in accordance with the opinion that there were no *minchah* offerings at a private altar, for if so, there were no bird offerings there as well. For Rav Sheishes said: According to the view that there were *minchah* offerings at the private altars, there were bird offerings there as well; according to the view that there were no *minchah* offerings, there were no bird offerings either. What is the reason for this? It is written: Animal offerings, which implies that there



weren't *minchah* offerings; and accordingly, it implies that there weren't bird offerings as well.

The *Gemora* answers: There was no consecration of a *minchah* offering in a service vessels at the private altar (and that is why there is no proof regarding a *minchah* of a non-Kohen by a private altar, for in the *Beis HaMikdash*, the *minchah* was sacred, and perhaps it would not be valid if the *kemitzah* was performed by a non-Kohen). (69a)

Neveilah and Tereifah

The *Gemora* cites a *braisa*: You might think that *melikah*, which is performed inside (with his left hand or at night), contaminate garments with *tumah* through the throat; therefore it states: *neveilah*.

But, the *Gemora* asks, this too is *neveilah* (for a proper *melikah* was not performed with it)!

Rather, the *braisa* should read: *tereifah* (an animal that possesses a fatal defect).

The *braisa* continues: Just as a *tereifah* does not permit the forbidden, so too everything (will make a bird a *neveilah*) which does not permit the forbidden. Thus a *melikah* (even one which is invalid), which is performed inside the Courtyard, is excluded. Since it permits the forbidden (for when the bird was alive, it could not be offered on the altar; now that a *melikah* has been done, if it is offered on the altar, it remains there), it does not contaminate garments with *tumah* through the throat. And similarly, we may include cases of *melikah* (Mnemonic: Ket"z Chefet"z) on sacrifices outside the Courtyard, and *melikah* on unconsecrated birds - both within the Courtyard and without: since they do not permit the forbidden, they contaminate garments with *tumah* through the throat.

It was taught in another *braisa*: You might think that the slaughtering of unconsecrated birds within the Courtyard

and that of sacrifices both within and without contaminate with *tumah* through the throat; therefore it states: *neveilah*.

But, the *Gemora* asks, this too is *neveilah* (for a proper *melikah* was not performed with it)!

Rather, the *braisa* should read: *tereifah* (an animal that possesses a fatal defect).

The *braisa* continues: Just as a *tereifah* is the same (that, even if it is slaughtered, it is forbidden to eat) inside the Courtyard and without, so too everything (will make a bird a *neveilah*) which is the same within and without (are included in this law). Thus, the *shechitah* of unconsecrated birds inside the Courtyard and that of sacrifices both within and without - since they are not the same inside as outside, they will not contaminate garments with *tumah* through the throat.

The *Gemora* asks: As for unconsecrated birds, it is well - that it is not the same within as without (for when they are slaughtered outside the Courtyard, they will not contaminate with *tumah* through the throat even when the bird is *tereifah*, and therefore a slaughtering of an unconsecrated bird inside can also not contaminate with *tumah* through the throat, for they must be the same in both places to possess this *tumah*); but regarding consecrated birds, they are unfit in both cases (and they should be regarded as *neveilah*)!

Rava said: Since *shechitah* outside the Courtyard is effective in that one would be liable to *kares* (for slaughtering a sacrifice outside of the courtyard); shall it not be effective in purifying it from the *tumah* of *neveilah*?

The *Gemora* asks: We have found regarding consecrated birds slaughtered outside (that it does not contaminate); how do we know regarding consecrated birds slaughtered inside?



The *Gemora* answers: It is because of the principle that “it is not the same inside as outside” (*tumah through the throat only applies when it has the same effect inside and outside*).

The *Gemora* asks: If so, when one performs *melikah* on sacrifices outside, they as well should not contaminate, since inside is not the same as outside (*for inside, it has been purified from tumas neveilah*)!?

Rav Shimi bar Ashi said: You derive that which does not make it valid from that which does not make it valid, but you do not derive that which does not make it valid from that which does make it valid.

If he performed *melikah* and it was found to be *tereifah* - Rabbi Meir says: It does not contaminate with *tumah* through the throat. Rabbi Yehudah says: It does contaminate with *tumah* through the throat. [*They also argue regarding the shechitah of an unconsecrated animal which was found to be a tereifah.*]

Rabbi Meir explains his viewpoint based upon the following *kal vachomer*: If the *neveilah* of an animal, which transmits *tumah* by contact or carrying, its *shechitah* purifies a *tereifah* from its *tumah*; then, the *neveilah* of a bird, which does not transmit *tumah* by contact or carrying, its *shechitah* should definitely purify a *tereifah* from its *tumah*! And just as we find that its *shechitah* renders it fit for consumption and purifies a *tereifah*, so also shall the *melikah*, which renders it fit for consumption, purifies a *tereifah* from its *tumah*.

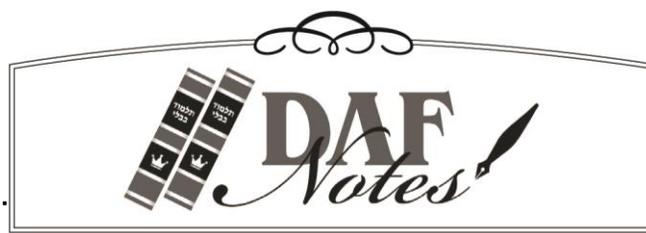
Rabbi Yosi says: It is sufficient for it (*the bird neveilah*) to be like the *neveilah* of an animal, where only a *shechitah* will purify it from its *tumah* but not the *melikah*. [*This is because we cannot derive something from a kal vachomer and make it have greater power than where we are deriving from. This principle is known as “da’yo” -- “it is enough (to derive that they should have the same law).”*]

The *Gemora* asks: Now, does Rabbi Meir not accept the principle of *da’yo*!? Surely the principle of *da’yo* is biblical? This is indicated by the following *braisa*: What is an example of the *kal vachomer* derivation? The verse states: *And Hashem said to Moshe, “and if her father would surely spit in her face she would be embarrassed for seven days.”* One would think this means that if she would be humiliated (*confined*) for seven days for such behavior towards her father, she should be humiliated for fourteen days for such behavior towards Hashem! However, we say that it is enough to derive from the source that this should share the same law (*and therefore she should only be confined for seven days*). [*This shows da’yo is a Biblical principle, and this is why Miriam only had to be outside the camp for seven days.*]

Rabbi Yosi the son of Rabbi Avin answers: Rabbi Meir usually does use the rule of *da’yo*. Our case is different, as the verse states: This is the law of the animal and of the bird. Now, in which law is an animal similar to a bird and a bird to animal? An animal transmits *tumah* through contact and carrying, whereas a bird does not contaminate through contact or carrying; a bird contaminates garments through the throat, whereas an animal does not contaminate garments through the throat. [*So they are not the same!?*] Rather, it is to tell you: Just as in the case of an animal, that which makes it fit for consumption purifies a *tereifah* from its *tumah*, so in the case of a bird, that which makes it fit for consumption (*melikah*) purifies a *tereifah* from its *tumah*.

The *Gemora* asks: Then what is Rabbi Yehudah’s reason?

Rabbah said: Rabbi Yehudah found a text, and interpreted it: *neveilah* and *tereifah* (*is written by neveilah of a kosher bird*). Rabbi Yehudah said: Why is ‘*tereifah*’ stated? If a ‘*tereifah*’ can live (*which, is a matter disputed in a Gemora elsewhere*), then surely it will not transmit *tumah* until it dies, and ‘*neveilah*’ is already stated; and if a ‘*tereifah*’ cannot live, it is included in *neveilah*!? Rather, it is to include a *tereifah* which one slaughtered, and the verse teaches us that it contaminates with *tumah* (*through the throat*).



Rav Shizvi said to him: But then, what about that which is written: *And the cheilev (forbidden fats) of neveilah, and the cheilev of tereifah (may be used for any other use, but you shall not eat it)*; there too let us argue: Why is *tereifah* stated? If a '*tereifah*' can live (*which, is a matter disputed in a Gemora elsewhere*), then surely it will not transmit *tumah* until it dies, and '*neveilah*' is already stated; and if a '*tereifah*' cannot live, it is included in *neveilah*!? Rather, it is to include a *tereifah* which one slaughtered, and the verse teaches us that its *cheilev* is *tahor*. Now, if this is the case, it follows that the animal itself is *tamei*! But surely Rav Yehudah said in the name of Rav, and others say that it was taught in a *braisa*: *And if there shall die from the animals*. The word "from" indicates that some animals (*which are neveilos*) contaminate, and some animals do not. And which is it (*that does not contaminate*)? A *tereifah* which was slaughtered! [Evidently, it is not a matter of dispute that a *tereifah* which is slaughtered does not contaminate at all!?]

Rather, when the Torah writes *tereifah (by cheilev)*, it is necessary in order to exclude the *cheilev* of a non-kosher animal, for we say as follows: Only animals in whose species there is *tereifah (will the cheilev contaminate)*; a non-kosher animal is excluded, since there is no (*halachic tereifah*) in its species. Then here too (*by the neveilah of a bird*) say that *tereifah* excludes a non-kosher bird, since there is no *tereifah* in its species? [Accordingly, Rabbi Yehudah cannot derive from this verse that a *tereifah* bird which is slaughtered contaminates through the throat!?]

The *Gemora* answers: The exclusion of a non-kosher bird, in Rabbi Yehudah's opinion, is derived from *neveilah* (and therefore the word *tereifah* is still extra to teach his exposition), for it was taught in a *braisa*: Rabbi Yehudah said: You might think that the *neveilah* of a non-kosher bird contaminates garments through the throat. Therefore it states: *Neveilah or tereifah he shall not eat*. Only a bird that is prohibited on account of "do not eat *neveilah*" (*is included in this type of tumah*); this excludes a non-kosher bird, since

its prohibition is not on account of "do not eat *neveilah*," but rather, on account of "do not eat a non-kosher bird." (69a – 70a)

DAILY MASHAL

Hashem's Kal Vachomer

Why did Hashem respond to Moshe through a *kal vachomer (and not any other way)*?

The Baal Shem Tov answers that Moshe Rabbeinu *davened* to Hashem to heal Miriam by saying: "*Keil na, refa na lah*" – Please Hashem, heal her now. It is known that the thirteen principles of biblical hermeneutics correspond to the Thirteen Attributes of Mercy. The first of the biblical hermeneutics is a *kal vachomer*. It corresponds to "*Keil*" of the Thirteen Attributes of Mercy. Since Moshe opened his *tefillah* with "*Keil*," Hashem responded with a *kal vachomer*.

And if her Father Spat in her Face

HaGaon Rav M.M. Krenkel zt"l expressed a wonderful idea about the story of Miriam described in our *sugya*: The Midrash (*quoted by Rashi on Shemos 2:1*) relates that when Pharaoh decreed for every newborn son to be thrown into the Nile, Miriam's father Amram left his wife Yocheved and all the Israelites followed suit. Miriam, though, protested to Amram that his decree was worse than Pharaoh's: "Pharaoh issued a decree against the sons but you issued a decree against both sons and daughters!" Miriam thought she was justified in admonishing her father as, in her opinion, he had transgressed the Torah: after all, according to Beis Shamai, a person has fulfilled the *mitzvah* to be fruitful and multiply only if he begets two sons and, at that time, Moshe had not yet been born. Still, when many years later Miriam complained about Moshe because he isolated himself from his wife, she was also punished for upbraiding her father as Moshe already had two sons, Gershom and Eliezer.