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Moshe Raphael ben Yehoshua (Morris Stadtmauer) o"ḥ

Tzvi Gershon ben Yoel (Harvey Felsen) o"ḥ

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Where is it Burned?

The Gemora asks: Where do the Rabbis say that these burned *chatas* sacrifices are burned?

The Gemora answers from a *braisa*. The *braisa* states: Where were they burned? They were burned to the north of Yerushalayim outside the three camps. Rabbi Yosi ha'Glili says: They were burned in a place where ashes from the altar were placed. [Rabbi Yosi agrees with the first opinion, and merely requires ashes from the altar to be placed there before the burning.]

Rava says: Who is the *Tanna* who argues on Rabbi Yosi ha'Glili? It is Rabbi Eliezer ben Yaakov. This is as the *braisa* states: *On the pouring of the ashes it should be burned*. This teaches that there must be ashes there. Rabbi Eliezer ben Yaakov says: This merely teaches that the area must be slanted (*able to have things poured on it so that the ashes will drip down*).

Abaye asked: Perhaps Rabbi Eliezer ben Yaakov is merely arguing that the area also must be slanted, but he agrees that ashes must be present? [You therefore have no proof that he argues on Rabbi Yosi.]

The *braisa* states: The one who burns the *chatas* makes clothes impure, but not the person who lights the fire nor the person who sets up the pyre. Who is considered someone who burns the *chatas*? This is someone who assists in the burning while it is already starting to burn (*as opposed to someone who merely lights the initial fire*). One might think

that even when it is reduced to ashes it makes one who deals with it cause clothes to become impure. This is why the verse states: *Them*. They cause people to make clothes impure, but not when they are reduced to ashes. Rabbi Shimon says: They cause people to make clothes impure, but when their meat is burned up they do not.

The Gemora asks: What is the difference between these opinions?

Rava answers: The difference between them is when it they have become charred, but not reduced to ashes. (106a)

WE SHALL RETURN TO YOU, TEVUL YOM

Mishna

If someone slaughtered and then offers sacrifices outside the Temple, he is liable for both slaughtering and offering. Rabbi Yosi ha'Glili says: If he slaughtered it inside the Temple and offered it outside the Temple, he is liable (see side of Gemora that this is the correct text). If he slaughtered and offered outside the Temple, he is exempt (from getting punished), as he is merely offered something that is invalid. They said to him: Even someone who slaughtered a sacrifice inside the Temple and offered it outside the Temple is offering something that is no longer valid (as it went outside the Temple)!

If someone *tamei* ate *kodesh* that was either *tahor* or *tamei*, he is liable. Rabbi Yosi ha'Glili says: If a *tamei* person ate something *tahor*, he is liable. If he ate something *tamei*, he is

exempt, as he only ate something that was *tamei*. They said to him: Even someone who is *tamei* who eats something *tahor* makes what he is eating *tamei* once he touches it (*before he eats it*). If someone *tahor* ate sacrifices that was *tamei*, he is exempt, as one is only liable for having eaten sacrificial food with a *tamei* body. (106a)

Scriptural Sources

The *Gemora* asks: It is understandable that one is punished for offering sacrifices outside the Temple, as the verse both warns against it and states a punishment for it. The punishment verse states: *And to the opening of the Tent of Meeting he did not bring it (...and that man will be cut off etc.)*. The warning verse states: *You should guard lest you should offer your olos etc.* This is based on Rabbi Avin's statement in the name of Rabbi Elozar that whenever the verse states either guard, lest, or "al" (meaning do not) it has the status of a negative prohibition. However, we only see a verse stating punishment regarding slaughtering outside the Temple. This is the verse: *And to the opening of the Tent of Meetingd he did not bring it (...and that man will be cut off etc.)*. Where do we see a verse that specifically warns about slaughtering sacrifices outside the Temple?

The *Gemora* answers: The verse states, *And they will not continue to slaughter etc. (in the fields)*.

The *Gemora* asks: Isn't this required to teach Rabbi Eliezer's lesson that if someone slaughters an animal to Markulis (*which is not normally worshipped in this fashion*) he is liable, as the verse states *And they will not continue to slaughter etc.* Rabbi Eliezer derives that this is referring to worshipping an idol in an abnormal fashion, as this type of service is already prohibited from the verse, *how do they serve etc. (...do not do so)*. It must be that this extra verse is teaching that one is always liable for slaughtering to an idol, even if it is not normally worshipped in this fashion.

Rabbah answers: The verse (*is as if it*) states, *And they will not slaughter*, and it states *and they will no longer*. (*The extra word regarding slaughter indicates that one is liable for slaughtering sacrifices outside the Temple.*)

The *Gemora* asks: Isn't this still required to teach the lesson of the following *braisa*? The *braisa* states: This verse (*And they will not slaughter etc.*) is only clearly discussing sacrifices that were dedicated and offered at a time when sacrificing on private altars was forbidden. The verse about their punishment is clear, as the verse states: *And to the opening of the Tent of Meeting he did not bring etc.* The verse of warning is also clear, as the verse states: *You should guard lest you should offer your olos etc.* Afterwards, the verse discusses sacrifices dedicated when private altars were permitted, but they were brought when private altars were forbidden. This is as the verse states: *In order that Bnei Yisroel should bring their sacrifice that they sacrifice on the face of the field etc.* This refers to sacrifices that had been permitted to be brought in the field. This teaches that if one sacrifices on a private altar when it is forbidden to do so, he is as if he is sacrificing on a field (*without intent towards Hashem*). *They will bring them to Hashem* is a positive mitzvah. Where do we see a negative commandment against sacrificing on a private altar when it is forbidden? The verse states: *And they will not continue to slaughter etc.* One might think one receives kares for doing so. The verse therefore states: *This will be a law forever for them for generations.* This indicates that there is a law regarding these negative and positive commandments, but not that one will receive kares. [*The verse is therefore required to teach a prohibition against slaughtering sacrifices at a time when it was forbidden to offer on a private altar, despite the fact that it was dedicated when it was permitted to do so. How can we use it as a general prohibition against slaughtering sacrifices outside the Temple?*]

Rather, Abaye answers: This can be derived from a *kal vachomer*. If in a case where there was no punishment stated (*when one dedicated a sacrifice when it was permitted to*

offer on a private altar), this verse warns against sacrificing it, certainly where the punishment was stated it should be considered as if there was a warning!

Ravina said to Rav Ashi: If so, the Torah should not have said a negative prohibition regarding forbidden fats, and we could derive its prohibition from neveilah (*improperly slaughtered animals*)! We would say that just as there is a warning against neveilah even though no punishment was clearly stated, certainly forbidden fats, where a punishment was clearly stated, should be considered to have a warning!

He came before Rava with this question. Rava said: There is no proof from *neveilah*, as one can say that *neveilah* is different, as it makes one *tamei*. One similarly cannot derive from *tamei sheratzim*, as they can make one *tamei* with a small amount. One similarly cannot derive from *tahor sheratzim*, as it is forbidden to eat even a small amount of them. One cannot derive from *orlah* or *kilai ha'kerem*, as they are forbidden from benefit. One cannot derive from *shemitah*, as it causes things that are exchanged for it to have the holiness of *shemitah*. One cannot derive from *terumah*, as it is never permitted (*as opposed to forbidden fats which are only forbidden by a domesticated animal, not an undomesticated animal*). Indeed, one cannot derive this from all of these topics, as they are never permitted.

Rava continued: If there is a difficulty with this logic, it is as follows. The *Mishna* says that the *pesach* sacrifice and circumcision are positive commandments. Why don't we derive their warning from leaving over sacrifices? If there is no punishment stated regarding leaving over sacrifices, yet there is a warning against it, certainly *pesach* and circumcision which have a punishment stated should be considered to have a warning!

Rav Ashi said: I said this before Rav Kahana and he replied that one cannot derive this from leaving over sacrifices, as one can ask that a person cannot fix leftover sacrifices, as

opposed to a delayed *pesach* that one can fix (*i.e. pesach sheini*).

The *Gemora* asks: (*This entire discussion is difficult!*) Is it even possible to derive a warning using a *kal vachomer*? Even the opinion that says one can punish using a *kal vachomer* holds one cannot warn through a *kal vachomer*!

Rather, it must be that the source is Rabbi Yochanan's teaching that we derive a *gezeirah shavah* of "*havah*." Just as a warning is stated regarding offering, so too it is considered as if it is stated regarding slaughtering (*outside the Temple*). (106a – 106b)

DAILY MASHAL

Fasting Without Repentance

The *parashah* of sacrifices offered outside the Temple appears in the Torah next to the *parashah* of Yom Kippur to hint that fasting atones like a sacrifice. A person who fasts but does not repent is like someone who offers a sacrifice outside the Temple (*Korban He'Ani*).