



Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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**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

### **What Counts for a K'zayis?**

Rish Lakish and Rabbi Yochanan dispute whether one is liable for sacrificing outside of the Temple a piece of a sacrifice, which is less than a *zayis* – olive size of meat, but is attached to a bone which makes the whole piece a *zayis*. Rabbi Yochanan says one is liable, since whatever is attached to what must be offered (i.e., meat) is considered part of it, while Rish Lakish says one is not, since the attached bone is not considered part of the meat.

Rava asked whether one is liable for sacrificing outside of the Temple the head of a turtledove sacrifice, which is not a *k'zayis*, but which has salt on it, which adds up to a *k'zayis*.

Rava from Parzakia asked Rava whether this was not the same case as Rish Lakish and Rabbi Yochanan's dispute, since the head is sacrificed, and it has salt attached to it.

Rava said that he is unsure of the ruling in his case according to both Rish Lakish and Rabbi Yochanan. Perhaps even Rabbi Yochanan counts the bone toward the *k'zayis* only because the bone is part of the same animal, but would not count salt toward the head, as it is a separate item. Perhaps Rish Lakish does not count the bone toward the *k'zayis* only because there is no requirement to return the bone if it fell off the pyre, but would count the salt, since there is a requirement to return the salt if it fell off. The *Gemara* leaves this unresolved. (107b4 – 108a1)

### **How Invalid?**

In the *Mishnah*, Rabbi Yosi HaGelili says that if one who slaughters a sacrifice outside and then offers it, he is not liable for the offering, since it became invalid at the time of slaughter. The Sages say that although it is invalid, he is liable, just like

one who slaughtered inside and then offered outside, even though it is invalid once it has gone outside.

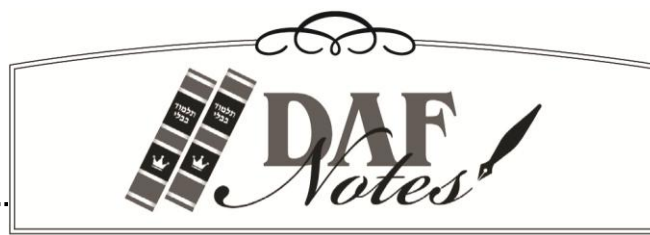
The *Gemara* cites two defenses of Rabbi Yosi HaGelili's position from the challenge of the Sages. Rebbe says that the cases are different, since a sacrifice that was taken outside after slaughter was valid at one point, as opposed to one that was slaughtered outside, which was never valid. Rabbi Elazar the son of Rabbi Shimon says that they are different, since a sacrifice that was taken outside after slaughter is accepted by the altar, and therefore if it was placed on the altar it is not removed. However, a sacrifice that was slaughtered outside is not accepted by the altar, so even if it was placed on the altar, it is removed.

What is the practical difference between them? The *Gemara* lists two cases, in which the sacrifice was never valid, but which is accepted by the altar. In both, if one sacrificed it outside, Rebbe says that he would not be liable according to Rabbi Yosi HaGelili, while Rabbi Elazar the son of Rabbi Shimon says that he would be liable.

1. One who slaughtered inside at night (Z'eiri)
2. One who received the blood of the sacrifice in an unsanctified vessel (Rabbah) (108a1 – 108a2))

### **What's Impure, and which was First?**

In the *Mishnah*, the Sages say that someone who is impure who eats a sacrifice, whether pure or impure, is punished by *kares* – being cut off. Rabbi Yosi HaGelili says that if he eats an impure sacrifice, he is not liable. The Sages challenge Rabbi Yosi HaGelili, since an impure person who eats a pure sacrifice has made it impure before eating it, and yet is still liable.



The *Gemara* asks how Rabbi Yosi HaGelili responds to this challenge.

Rava says that Rabbi Yosi HaGelili only says that one is not liable if the sacrifice became impure before the person did, since then the prohibition of an impure person does not apply to the pre-existing non-*kares* prohibition of eating an impure sacrifice. Therefore, when someone impure eats a pure sacrifice, even though the sacrifice becomes impure, he was impure first, and Rabbi Yosi HaGelili agrees he is liable. The Sages say that even if the sacrifice was impure first, the prohibition of the impure person applies, since the new prohibition includes pure sacrifices, which were previously permitted.

The *Gemara* asks why Rabbi Yosi HaGelili does not agree that the new prohibition applies, since it is more severe, as it is punishable by *kares*.

Rav Ashi says that the prohibition of eating an impure sacrifice is also more severe, since it cannot be removed by immersing in a *mikvah*, which does remove the impurity of the person. (108a2 – 108a3)

### **Mishnah**

The *Mishnah* says that slaughtering outside and sacrificing outside each have a unique stringency.

### **Slaughtering**

If one slaughters a sacrifice outside for the purpose of a person eating it, he is liable, but if he sacrifices it for the sake of a person, he is not liable for the prohibition of offering outside (*but he is liable for the prohibition of idolatry*).

### **Sacrificing**

If two people slaughter outside together, they are not liable, but if two people put the sacrifice on the altar outside together, they are liable.

The *Mishnah* says that if one places part of the sacrifice on the altar outside, and then placed another part on, Rabbi Shimon says he is liable for each act, while Rabbi Yosi says he is only liable once.

The *Mishnah* says that one is only liable if he offers the sacrifice on an altar, while Rabbi Shimon says he is liable even for sacrificing it on a boulder or rock. (108a3)

### **Scriptural Verses**

Why is offering up to a man [without] different, that it is not liable? [Presumably] because 'to Hashem' is written! Then in the case of slaughtering too, surely "to Hashem" is written? — There it is different, because Scripture said: 'A man, a man'. - 'A man, a man' is written in connection with offering up too? — That is required for teaching that when two men offer up a limb, they are liable. - If so, [say that] here too it is required for teaching that if two men hold the knife and slaughter, they are liable? — There it is different, because Scripture said: that [man]: [this implies,] one, but not two. - If so, 'that [man]' is written in connection with offering up too? — That is required in order to exclude one who acts in ignorance, under constraint, or in error. - If so, there too it is required in order to exclude one who acts in ignorance, under constraint, or in error? — 'That' is written twice. - Then what is the purpose of 'to Hashem'? — It is to exclude the goat that is sent away.<sup>1</sup>

The chart below summarizes the verses and what they teach.

<sup>1</sup> The *Gemara* explains the textual sources for the stringencies of slaughtering and sacrificing. The verse about sacrificing says that the person did not bring it to the sanctuary to offer it to Hashem, implying that he is instead sacrificing it outside to Hashem, but not for the sake of someone else. Although this phrase is used when discussing one who slaughters outside, the verse about slaughtering also says "*Ish Ish – any man who sacrifices*," with the extra word *ish* including one who slaughters for the sake of a person. The similar phrase used describing sacrificing includes two who

sacrifice together. Since the verse says refers to the person sacrificing as *ha'ish hahu – that man*, it limits the *kares* to only one person who slaughters, excluding two who slaughter together. Although the same phrase is used to describe one who sacrifices outside, that excludes one who sacrificed by accident, under false assumption, or in an unavoidable situation. The word *hahu* is used multiple times in the section of slaughtering, leaving one to exclude two who slaughtered.

Verse	Case	Teaches	Why?
<i>Hahu</i>	Slaughter	Exclude: accident, mistake, unavoidable	Simple implication
	Sacrifice		
<i>Hahu</i> #2	Slaughter	Exclude: two who do together	Extra verse
	(Sacrifice	Nothing	Not present)
<i>Ish Ish</i>	Sacrifice	Include: two who do together	
	Slaughter	Include: done for a person	Hahu excludes two together
<i>To Hashem</i>	Sacrifice	Exclude: done for a person	
	Slaughter	Exclude: the goat to Azazel	<i>ish ish</i> includes "for a person"

(108a3 – 108b1)

The Mishnah had stated: Offering up is more stringent etc.

Our Rabbis taught in a Baraisa: 'A man, a man': why this [repetition]? To include two who take hold of a limb and offer it up, [and it teaches] that they are liable. For I might argue, is not [the reverse] logical: if two who hold a knife and slaughter are not liable, though when one slaughters to a man he is liable; is it not logical that when two take hold [of a limb and offer it up]

<sup>2</sup> The *Gemara* cites a *Baraisa* which discusses these sources further. Rabbi Shimon says that the verse *ish ish* in the section of sacrificing includes two who sacrifice a limb together. Without this verse, we would have assumed they certainly are not liable. Although slaughtering is more severe, since one who sacrifices for the sake of a person is liable, two who sacrifice outside are still not liable, then certainly sacrificing, in which one is not liable when done for a person, should not make two who do it together liable. Therefore, the verse must include two who sacrifice together. Rabbi Yosi says that two who sacrifice are not liable, as the verse says *ha'ish hahu* – that man, excluding more than one person. The verse which says *ish ish* is simply speaking in the vernacular, and is not extraneous.

The *Gemara* explains that Rabbi Shimon says that the word *hahu* excludes one who sacrifices mistakenly, accidentally, or

they are not liable, seeing that one who offers up to a man is not liable? Therefore, 'a man, a man' is stated; these are the words of Rabbi Shimon. Rabbi Yosi said: 'That [man]' implies one but not two. - If so, why is 'a man, a man' stated? — [Because] Scripture employs the language of men. - And Rabbi Shimon? — He requires that for excluding one who acts in ignorance, under constraint, or in error. - And Rabbi Yosi? — [He infers that] from *ha-hu* [being written instead of] *hu*. - And Rabbi Shimon? — He does not attribute any particular significance to *ha-hu* [as opposed to] *hu*. - Now, according to Rabbi Yosi, since [in] this 'ish ish' the Torah employs the language of men, in the other *ish ish* too, [we must say that] the Torah employs the language of men; from where then does he know that one who slaughters to a man is liable? — He infers it from: it shall be considered as blood for that man, he has spilled blood [this implies,] even one who slaughters to a man.<sup>2</sup> (108b1 – 108b2)

### ***All or Some?***

The *Gemara* discusses the dispute between Rabbi Shimon and Rabbi Yosi about multiple offerings of the sacrifice on the altar. Rish Lakish says that their dispute is about offering multiple limbs separately. The verse says that the person did not bring the sacrifice to the sanctuary to "offer it" – i.e., all of it, excluding one who offered part of it. Rabbi Yosi says that the entity referred to in the verse is the whole animal, and therefore any offering of less than that is not liable, even if it is a whole limb. Rabbi Shimon says it refers to each limb, requiring only that the limb be intact. However, they both agree that one is not liable for offering part of a limb.

unavoidably. Rabbi Yosi says that the word could have been written *hu* – *him*, and therefore teaches two things, one from its presence, and one from the form *hahu*. It therefore excludes both one who sacrifices mistakenly, accidentally, or unavoidably, and also two who sacrifice together. Rabbi Shimon does not consider the form *hahu* to be extra, and therefore only learns one thing from the presence of the word.

Finally, the *Gemara* says that Rabbi Yosi, who does not consider *ish ish* to be extra, learns that one who slaughters for the sake of a person is liable from the verse which says that this slaughtering outside is considered like spilled blood for *ha'ish hahu* – that man. Since the verse refers to an *ish* – a man, this includes one who slaughters for a man.

Rabbi Yochanan says that they agree that the verse is referring to each limb, and one is therefore liable for offering each limb. Their dispute is about parts of a limb of a sacrifice slaughtered inside the Temple. Rabbi Shimon says that one is liable for offering this part (*since even this part must be returned to the pyre of the altar in the Temple if it fell off*), while Rabbi Yosi says that one is not liable.

The *Gemara* says that Rish Lakish and Rabbi Yochanan disagree with Ulla, who says that the dispute of Rabbi Yosi and Rabbi Shimon is only on part of a limb of a sacrifice slaughtered outside. Ulla says that all agree that one is liable for offering part of a limb of a sacrifice slaughtered inside, but they differ about part of a limb of one slaughtered outside.

Another version cites Ulla saying (like Rabbi Yochanan) that they agree that one is not liable for offering part of a limb of a sacrifice slaughtered outside, and only differ about offering part of a limb of one slaughtered inside.

The *Gemara* concludes by saying that Shmuel's father (*Avuha d'Shmuel*) disagrees with the first version of Ulla, since he says that our ruling of returning even part of a limb that fell off the pyre of the altar is not consistent with Rabbi Yosi's opinion. This statement implies that Rabbi Yosi disputes Rabbi Shimon in the case of offering part of a limb of a sacrifice slaughtered inside, unlike Ulla's first version, which said that all agreed that one was liable in this case.

Below is a chart of the different positions on the dispute of Rabbi Yosi and Rabbi Shimon:

Case	Opinion	Rabbi Shimon	Rabbi Yosi
Full limb	Rish Lakish	Liable	Not liable
	Rabbi Yochanan	Liable	
Partial limb (slaughtered outside)	Rish Lakish	Not liable	
	Rabbi Yochanan		

Partial limb (slaughtered inside)	Avuha d'Shmuel		
	Ulla	Liable	Not liable
	Rish Lakish	Not liable	
	Rabbi Yochanan	Liable	Not liable
	Ulla	Liable	
	Avuha d'Shmuel	Liable	Not Liable

(108b3 – 108b4)

### Altar Necessary?

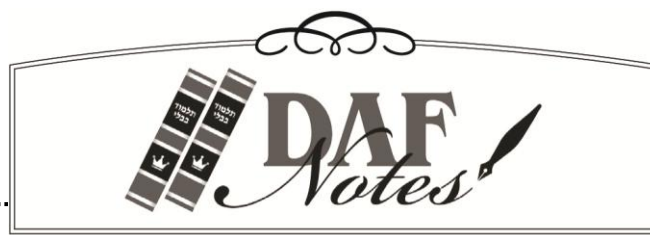
The *Gemara* discusses the dispute between Rabbi Shimon and Rabbi Yosi whether one is only liable when sacrificing on an altar. Rav Huna says that Rabbi Yosi says sacrificing is only done on an altar, as the verse says that after the flood, Noach built an altar and offered his sacrifices on it. Rabbi Yochanan says that Rabbi Shimon's source for saying that a sacrifice does not need an altar is from Manoach, who offered a kid goat on a boulder.

The *Gemara* explains that Rabbi Shimon says that Noach built an altar simply to have a high place for his sacrifice, while Rabbi Yosi says that Manoach's sacrifice on the boulder was an exception.

The *Gemara* offers another possibility for Rabbi Shimon's position, based on a *Baraisa*. The *Baraisa* states that the verse refers to the altar which is at the door to the sanctuary, implying that only in at the sanctuary is there a need for an altar, but if one offered on a boulder or rock outside, he is liable. The *Gemara* says that the *Baraisa*, which is referring to the time when one may sacrifice outside, should conclude that one has fulfilled his obligation when sacrificing on a boulder or rock outside.

The *Gemara* answers that the conclusion of the *Baraisa* means that therefore, when one is not allowed to sacrifice outside, if he does so he is liable, even on a rock or boulder. (108b4)

Rabbi Yosi the son of Rabbi Chanina asks whether a private altar needs corners, a ramp, and base, and square dimensions like the



altar in the Temple. Rabbi Yirmiyah answers by citing a *Baraisa* that says these are necessary for the communal altar, but not for a private altar. (108b4 – 108b5)

### INSIGHTS TO THE DAF

#### ***Acceptable or not?***

The *Gemara* cites two options for a response of Rabbi Yosi HaGelili to the challenge of the Sages. Rebbe says that a sacrifice that was slaughtered inside was valid at one point, making it better than one which was slaughtered outside. Rabbi Elazar the son of Rabbi Shimon says that a sacrifice that was slaughtered inside and left is accepted by the altar, and is not removed if placed on it, making it better than one which was slaughtered outside.

The *Gemara* offers two cases which would be a difference between the two responses – a sacrifice slaughtered at night, or whose blood was received in an unsanctified vessel. In those cases, the sacrifice was never valid, but it is accepted on the altar if placed.

Tosfos (108a Shechitas) notes that this reasoning follows the opinion of Rabbi Shimon, who says that these cases are accepted on the altar when placed there. Rabbi Yehudah disagrees, and says that even if these sacrifices were placed on the altar, they must be removed, and therefore, these would be considered invalid by Rabbi Yosi HaGelili according to both responses.

Tosfos notes that the *Gemara* could have listed the case of one who slaughters an animal with the intent to eat it in the wrong place or the wrong time, which Rabbi Yehudah agrees is accepted by the altar when placed on it.

#### ***Whole or Part?***

The *Mishnah* cited the dispute between Rabbi Yosi and Rabbi Shimon whether one who sacrificed in two steps is liable for both or only one. According to Rish Lakish, the dispute is whether the word *oso* – it refers to the whole animal or to each limb.

Rashi explains that whichever unit the verse is referring to (*animal or limb*), one is liable only when completing that unit, and not for each part leading up to it. Therefore, if one sacrificed the unit in steps, he is only liable for the last step.

Tosfos (108b Aval) says that one is liable only for the first step. At that point, the unit is intact, and he is sacrificing part of an intact unit. Once that step is done, the following steps are sacrificing part of a partial unit, which is not liable.

The *Gemara* cites a version of Ulla, who says that the dispute is only about a sacrifice that was slaughtered outside, and then sacrificed in pieces. Rabbi Yosi says that one is liable for each piece sacrificed. Rashi explains that according to Rabbi Yosi, the verse that refers to *oso* – it is referring to a unit of a *k'zayis* – olive size of meat, and stating that if one sacrificed less than that size, he is not liable.

Tosfos (108b Lo) explains that although the standard rule is that one is never liable for any prohibition on less than a *k'zayis*, we needed an explicit verse to mandate a *k'zayis*. Since even less than a *k'zayis* that fell off the pyre of the altar must be returned, we may have thought that one is liable for sacrificing less than a *k'zayis*, so the verse had to teach us that one is not.

### DAILY MASHAL

#### ***The Difference Between Ha'alaah and Haktarah***

Our *Mishnah* says that “one who slaughters and **offers** (*ma'aleh*) a sacrifice outside the Temple is punishable”. HaGaon Rav Yaakov Kaminitzki zt”l asked why the *Mishnah* doesn't use the expression *maktir* instead of *ma'aleh*. He explains that *haktarah* means offering something for its scent. For this reason the expression *maktir* should be applied only to someone who offers a sacrifice on the altar for a sweet scent for Hashem but someone who offers a sacrifice outside the Temple does the opposite of Hashem's will and is not *maktir*. (*Emes LeYa'akov*, Vayikra).