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Menachos Daf 5

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Improper Intent is Still Valid

The *Gemora* asks a question on Rav from a *braisa*. The *braisa* states: An *asham metzora* that was slaughtered without proper intent, or if its blood was not put on the *metzora's* large digits (*right thumb, big toe*) it is considered an *olah* for the altar, it requires libations, and another *asham* is required to permit it. [However, it is considered a valid sacrifice, unlike Rav's statement that it is totally invalid.] This is a refutation on Rav.

Rabbi Shimon ben Lakish says: If the *omer* flour offering had *kemitzah* done to it without proper intent, it is valid. However, its leftovers cannot be eaten (*as they are forbidden because they are considered "chadash" – "new grain" which is forbidden to be eaten*) until a proper *omer* is brought and permits it.

The *Gemora* asks: How can it be brought? Doesn't the verse say: *From what is given to drink to Bnei Yisroel (indicating that sacrifices must be from things that are permitted for Jews to eat under normal circumstances)?*

Rav Adda bar Ahavah answers: Rabbi Shimon ben Lakish understands that being that it is permitted because the *omer* will be brought that day, it is not considered something that is forbidden.

Rav Adda the son of Rav Yitzchak asked a question from a *braisa*. The *braisa* states: There are bird sacrifices that have different qualities than flour sacrifices, and flour sacrifices that have different laws than bird sacrifices. Bird sacrifices are different in that they can be brought with a partner, they are brought to allow people to eat sacrifices, and they are permitted as sacrifices even though they would normally be forbidden to eat (*as they are killed through melikah, which would normally make*

the bird forbidden to eat as it would be ruled a neveilah). This is as opposed to flour sacrifices that do not have any of these laws. Flour sacrifices are different than bird sacrifices as they require a vessel, waving, being brought to the altar, and are brought by the public. This is as opposed to bird sacrifices that do not have any of these laws. If Rabbi Shimon ben Lakish is correct, flour sacrifices also can be from something that is normally forbidden, namely the *omer*!?

The *Gemora* answers: Being that the sacrifice is not deemed unfit because it will be permitted that day, it is not considered forbidden. (*Rashi explains that it is as if the other omer has already been brought.*)

Rav Sheishes asked a question from a *braisa*. The *braisa* states: If the oil was put on the *metzora* before the blood, he should fill up the *log* of oil again, and put the oil on after the blood. If he applied the oil on the big digits of the *metzora* before sprinkling the blood seven times on the *Paroches*, he should fill up the *log* of oil again, and apply the oil after sprinkling the blood. If we say that something that will be done that day is considered to have already be done, why does the oil have to be applied on the *metzora* again? Whatever he did is as if it has already been done, and therefore the placing of the oil should be ruled as valid!?

Rav Pappa answers: The laws regarding a *metzora* are different, as the verse states that it must be done exactly as stated. This is as the verse states: *This should be the Torah of the metzora.*

Rav Pappa asked a question from a *braisa*, which states: If a *metzora* brought his *chatas* before his *asham*, a person should not stir the blood until the *asham* is brought. Rather, he should let the sacrifice stay overnight (*until it becomes invalid*) and then



bring it to the place where it is burned. [Why can't the blood be stirred and the sacrifice be ruled valid? The *asham* should be as if it has already been done, and therefore the *chatas* should be ruled as valid!?!]

The *Gemora* asked: Didn't Rav Pappa himself say that the laws of a *metzora* cannot be used to question this subject because there is a special verse stating everything must be done in the exact order that it is listed?

The *Gemora* answers: Rather, Rav Pappa is bothered by the following question. The verse regarding a *metzora* should seemingly be relative only to the service of a sacrifice, and slaughtering is not considered a service. Accordingly, why can't someone stir the blood in order for the *chatas* to remain valid?

Rather, Rav Pappa says: Rish Lakish's reason must be that the sunrise on the day that the *omer* is supposed to be brought already permits the new grain (*not the omer*). This is as Rish Lakish and Rabbi Yochanan both say: When the Beis Hamikdash is extant, the sunrise itself (*on the day the omer is supposed to be brought*) permits the new grain.

The *Gemora* comments: We know this is the position of Rish Lakish, although he never clearly stated this, based on a different law that he stated. The *Mishna* states: One cannot bring an offering of *bikkurim* (*new fruits*) or the flour offering accompanying animal sacrifices until the *omer* is brought. If one does so, the sacrifice is invalid. He should not bring it before the *shtei ha'lechem* is brought. If he does (*bring it between the date of the omer and the shtei ha'lechem*), it is valid. Rav Yitzchak says in the name of Rish Lakish: This first law is only if the sacrifice was brought on the fourteenth or fifteenth of *Nissan*. If it was brought on the sixteenth, it is valid. This indicates that Rish Lakish argues that the sunrise on the sixteenth of *Nissan* (*the day the omer is brought*) is enough to permit new grains.

Rava says: If the *omer* flour offering had *kemitzah* done to it without proper intent, it is valid. Its leftovers can be eaten, and it does not require a proper *omer* to be brought in order to allow it to be eaten. This is because improper intentions can invalidate

a sacrifice only by someone who is fitting to serve, with something that is fit to be served, and in a place where it is fitting for it to be offered. Someone who is fit to serve excludes a blemished *Kohen*. Something that is fit to be served refers to the *omer* which is a novel offering, as it is technically forbidden food until it is served. In a place where it is fit to be served refers to a place that is fitting to serve, excluding the altar if it was chipped.

The *braisa* states: When the verse states, *from the cattle*, it is excluding a *tereifah*. One might think this could be derived from a *kal vachomer*. If an animal with a blemish is permitted to a regular person but it is forbidden to bring as a sacrifice, certainly a *tereifah* that is forbidden to a regular person is forbidden to be brought as a sacrifice. However, blood and forbidden fats show this *kal vachomer* is incorrect, as they are forbidden to a regular person but are brought on the altar. On the other hand, one can say that blood and forbidden fats come from a permitted animal, as opposed to a *tereifah* which is totally forbidden and therefore should not be permitted as a sacrifice. However, *melikah* can show that this *kal vachomer* is incorrect, as a regular bird that has *melikah* is forbidden to a regular person, but permitted to the altar (*and Kohanim*). On the other hand, the holiness of a bird sacrifice excludes it from other people, as opposed to a *tereifah* which is excluded because it is simply a *tereifah*. (*The verse is therefore still needed.*) You might reply, when the verse states, *from the cattle* it is excluding a *tereifah*.

The *Gemora* asks: What does the *braisa* mean when it concludes with "you might reply"? [*This indicates there is yet another possible question on the necessity of this verse, but it too has an answer. What is that question?*]

Rav says: One could say it means that the *omer* should prove this *kal vachomer* is not required, as it is forbidden to a regular person (*as chadash*), but is permitted to be brought as a sacrifice. [*Certainly a tereifah which is forbidden to be eaten by a regular person is clearly forbidden to be brought as a sacrifice!*]



The *Gemora* asks: An *omer* is a great *mitzvah*, as it permits all the new crop of grain!

The *Gemora* answers: On the *Shemittah* year it is not required to permit anything (*as nothing was planted that year, and there is therefore no new grain*).

The *Gemora* replies: It is required to permit the grains that grew by themselves!

The *Gemora* answers: Rav holds like Rabbi Akiva, who says that these grains that grew by themselves are forbidden on *Shemittah*.

Rav Acha bar Abba said to Rav Ashi: One could still ask according to Rabbi Akiva that the *omer* permits the new crop of grain outside of *Eretz Yisroel* (*where there is no prohibition to plant during Shemittah*). Even if one will say that the prohibition of *chadash* outside of *Eretz Yisroel* is not a Torah law, it still permits the Torah prohibition regarding the grains of the *omer* themselves!

Rav Acha from Difti asked Ravina: If so, one could say a *tereifah* could also be brought and it will permit the Torah prohibition against it (*through its being offered as a sacrifice*)!

Rather, one should reply (*to dispel this question*): The *omer* is different, as its *mitzvah* is that it should be brought to permit the new grain (*as opposed to a sacrifice, where one does not have to bring an animal that is a tereifah*).

Rish Lakish answers: The intent of “you might reply etc.” is regarding the person making the *ketores*, which is forbidden for a regular person but can be done for the offering of *ketores*.

The *Gemora* asks: One cannot prove anything from a man who makes the *ketores* (*as he clearly cannot be brought as an offering on the altar*)!

Rather, he means: The intent of “you might reply etc.” is regarding the making of the *ketores*, which is forbidden for a regular person but can be done for the offering of *ketores*.

The *Gemora* answers: This is the *mitzvah* of the *ketores* (*that it should be made in this fashion, as opposed to a sacrifice, where one does not have to bring an animal that is a tereifah*).

Mar the son of Ravina says: It is possible to answer that the intent of “you might reply etc.” is regarding *Shabbos*, as one cannot slaughter on *Shabbos* but they may do so for the sacrifices of the day (*the tamid and musaf*).

The *Gemora* replies: We see that *Shabbos* is also pushed aside for a regular person if he must perform a circumcision.

The *Gemora* answers: This is not a need of a regular person, but rather a *mitzvah*!

The *braisa* replies to this question by answering: The *mitzvah* is to bring the *tamid* and *musaf* on *Shabbos* (*as opposed to a sacrifice, where one does not have to bring an animal that is a tereifah*).

Rav Adda bar Ahavah says: It is possible to answer that the intent of “you might reply etc.” is regarding *kilayim* (*shatnez*), as one cannot wear *kilayim* but they may do so if wearing the priestly garments (*which contained kilayim*).

The *Gemora* replies: We see that *kilayim* is also pushed aside for a regular person if he must perform the *mitzvah* of *tzitzis*.

The *Gemora* answers: This is not a need of a regular person, but rather a *mitzvah*!

The *braisa* replies to this question by answering: The *mitzvah* is to have priestly garments that contain *shatnez* (*as opposed to a sacrifice, where one does not have to bring an animal that is a tereifah*). (5a – 5b)

INSIGHTS TO THE DAF

Disqualified Person with Intention

If he is a Kohen, who is unfit for service, such as one who is blemished, his intentions (while performing a service) cannot invalidate the offering. The source for Rava's ruling is the *Mishna* in Zevachim (32a), which states: If any disqualified person accepted the blood with a thought of beyond its time or outside of its place, if there is still lifeblood from the animal, a valid *Kohen* should accept it (*and do a proper sprinkling in the right place*). This is because their service and their intent does not have the capability of invalidating the sacrifice.

Rashi writes that this halachah is based upon the verse: *He who offers it should not have a wrongful intention*. [Rashi maintains that one who offers a sacrifice not for its own sake transgresses this prohibition.]

The Rambam provides a different reason: It is because the law of piggul is that piggul does not effect the sacrifice unless all the services (besides the wrongful intent) are performed in their correct manner. Since an unfit person performed the service, piggul cannot take effect. [*It is unclear how this will explain the halachah when one who is unfit for service offers the sacrifice not for its own sake; there is no law that all the other services must be performed correctly!?*]

From that which is allowed to Jews: the basic rule of the halachos of sacrifices

In our *sugya* we become familiar with a basic rule in the *halachos* of sacrifices: "from the drinks of Jews – from that which is allowed to Jews". This rule is learnt from the verse "...and one sheep from the flock from the two hundred from the drink of Israel for the *minchah* and the *'olah* and the *shelamim* to atone for them" (Yechezkel 45:15). Accordingly, one mustn't offer sacrifices from food unfit for Jews. Therefore, a *tereifah* animal is unfit to be sacrificed as it may not be eaten and the same applies to other forbidden foods. In this article we shall

investigate an essential and interesting enquiry about the criteria of this rule and a number of its implications.

As the rule of "from that which is allowed to Jews" is based on a comparison between the altar and the Jews – anything fit for Jews is fit for the altar and vice versa – the Acharonim (see *Neos Ya'akov*, 8, and *Kehilos Ya'akov* on our *sugya*) wondered about the essence of this comparison and arrived at two possibilities. On the one hand, we can understand that it is unfit that a person should sacrifice a food that he himself doesn't eat. On the other hand, we can explain that that reason for which the Torah forbade a certain food for Jews is the reason why it should not be sacrificed. We can learn about the profound difference between the two explanations from the halachah of *terumah* wine.

Terumah wine: The Rishonim (Zevachim 88b) disagreed as to if *terumah* wine, allowed only for *Kohanim*, is considered the "drink of Jews" and may be offered on the altar. According to Rashi (s.v. *Menachos unesachim*), it should not be offered on the altar as though it is allowed for *Kohanim*, it is not considered "drink of Jews" as it is not allowed for all Jews. On the other hand, Tosfos (s.v. *Min hameduma'*) wonder why it is not considered the "drink of Jews" as it is allowed for *Kohanim*.

HaGaon Rav A.N. Garbuz mentions in his *Minchas Avraham* that we can attribute the disagreement of Rashi and Tosfos to our enquiry. If the "drink of Jews" means that a person must not sacrifice a food that he himself doesn't eat, we can understand Rashi's opinion, that it is unfit for a non-*Kohen* to offer *terumah* wine which he himself may not drink. On the other hand, if the "drink of Jews" means that the same reason for which the food is forbidden to a Jew also forbids that food for the altar, in our case, where the *terumah* is forbidden to non-*Kohanim* but allowed to *Kohanim*, there is no logic to say that that reason which prevents a non-*Kohen* from eating the *terumah* should prevent its being offered on the altar. After all, is the altar less holy than the *Kohanim* who may eat it? (See further, *ibid*, that he explains in the name of the Acharonim that the Amoraim disagreed about this opinion in Chulin 90b, whether *gid*

hanasheh is burnt on the altar). We shall now address two proofs, one for each side of the enquiry.

Libation with exposed water: *Chazal* (Terumos 8:4,6; Rambam, *Hilchos Rotzeiach Ushmiras HaNefesh*) forbade drinking exposed water because of the danger lest a snake drank therefrom and put its venom therein. If we want to decide if such water should be forbidden for libation, we find thus: if the rule of “drinks of Jews” determines that one mustn’t offer food on the altar that one does not eat, then one mustn’t offer exposed water. But if the rule of the “drinks of Jews” means that the reason why the food is forbidden to Jews is the reason for forbidding it for the altar, we cannot forbid exposed water for libation because the reason for forbidding it is the danger, which has nothing to do with the altar.

The *Mishna* in *Sukkah* (48b) explains that one mustn’t offer exposed water on the altar and the *Yerushalmi* (*ibid*, 4:7) explains that this stems from the rule of the “drinks of the Jews”! We thus see that the prohibition of the “drinks of the Jews” is based on the fact that it is unfit for a person to offer something that he himself cannot eat. (The *Acharonim* [see *Responsa ‘Ein Yitzchak, O.C. 24*] emphasize that *Rashi* and *Tosfos* [*Sukkah, ibid*] mentioned another reason to forbid libation with exposed water as in their opinion, the prohibition of the “drinks of the Jews” does not suffice to disqualify exposed water for the altar).

The sacrifices of Adam and his sons: The *Acharonim* discuss another proof from Adam, Kayin and Hevel who offered sacrifices. Till Noach left the ark, it was forbidden to eat meat (*Sanhedrin* 59b). Now, if the prohibition of the “drinks of the Jews” is because a person must not sacrifice anything that he is forbidden to eat, how could they offer sacrifices? We thus see that the source of the prohibition of the “drinks of the Jews” is that the reason why the food is forbidden to Jews is also the reason forbidding it for the altar. As meat was not forbidden for **Jews** but only for Noachides, Adam and his sons could sacrifice animals.

This proof was rejected in a few ways and here are two of them. The author of *‘Oneg Yom Tov* (in the preface, in the *hagahah*) explains that we mustn’t define the prohibition to eat meat till Noach’s era as an ordinary prohibition of eating but till Noach left the ark, Hashem forbade people to kill animals for food – one creature was not allowed to kill another. Thus meat was not considered inferior food for Adam but, on the contrary, a type of food that Adam was unfit to eat but which surely could be offered to Hashem. On the other hand, *Pardes Yosef* (*Bereishis* 8:20) mentions that the halachah forbidding to sacrifice a forbidden food was not conveyed to Noachides at all but only to Jews (see *Keli Chemdah*, *Bereishis, os 3*, and *Margaliyos HaYam*, *Sanhedrin, ibid*; see *Minchas Chinuch*, *mitzvah 299, os 21-22*, who inclines to say that even food that is forbidden by rabbinical decree is disqualified by the Torah for the altar because of the “drinks of the Jews” apparently, because he adopts the first opinion; see *ibid*, that he leaves the issue as needing research).

DAILY MASHAL

Three Times Are Enough

HaGaon Rav Yechezkel Avramski zt”l attended an engagement party. The *chasan* spoke about this *Gemora*, which deals with the *nazir*’s haircut and that he can cut his hair for one of his three sacrifices but the guests interrupted him with song, as is customary, once and twice. When this happened for the third time, Rav Avramski sat the *chasan* down and announced: “for one of the three, he fulfilled his obligation” (*Peninei Rabeinu Yechezkel*, II, 21).