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Yoma Daf 28

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Daf Notes is currently being dedicated to the neshamah of

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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

The *Gemora* cites an alternative version, and this is what Rabbi Zeira asked: Is there any service followed by another service, which would be invalidated if performed by a non-*Kohen*? [R' Zeira's question has reference to R' Yochanan's ruling, that a non-*Kohen* who arranges the wood pile on the Altar is liable to death. Against this, R' Zeira raises the objection that since it is followed by another service, i.e., the arranging of the two logs of wood, a non-*Kohen* should incur no penalty nor invalidate it by his performance of it.]

The *Gemora* challenges his statement: Surely there is the burning of the limbs and fats?

The *Gemora* answers: That is the end of the service of the day.

The *Gemora* asks: But what of the removal of the ashes?

The *Gemora* answers: It is the beginning of the service of the day, for Rabbi Yochanan said: If he has sanctified his hands (by washing) in the morning for the removal of the ashes, he need not sanctify (them) on the morning, for he has already sanctified them from the beginning of the service.

The *Gemora* notes: But the difficulty remains!?

The *Gemora* answers: If this statement was made, it was stated as follows: Rav Assi said in the name of Rabbi Yochanan: A non-*Kohen* who arranged the two logs of wood incurs the penalty (of death) because this is a concluding service.

¹ It was awarded to the winner of the first lot in order to make it more attractive.

Rava asked: If so, lots should be required for it!?

But it requires no lots? Surely it was taught: He who secures the privilege in respect of the separating of the ashes, secures also the privilege in respect of the arranging of the two logs of wood? This is what he means: It should have a separate lot for itself?

The [reason is] as we have already stated.¹

Are we to say that for a concluding service, and for the performance of which a non-*Kohen* incurs the penalty of death, a lot is required, but for one, for performance of which a non-*Kohen* does not incur such penalty, no lot is required — but there is the slaughtering [of the sacrificial animal]? — It is different with that slaughtering, because it is the beginning of the service of the day.

Shall we say that only a concluding service requires its own lot, but a service followed by another does not require it — but there is the burning of the members and the fat-pieces? — That is the concluding service of the day. — But there is the separating of the ashes? — Here [the lot is due] because of what happened. (27b3 – 28a2)

Mar Zutra and some say Rav Ashi said: We too have learnt thus: The administrator said to them: Go forth and see whether the time for the slaughtering of the morning sacrifice has arrived. But he does not teach anything about the time for the laying in order of the two logs of wood?² —

² Because it is considered a night service completing the arranging of the wood pile on the Altar.



He teaches only concerning such things as cannot be remedied again, but not concerning such for which there is a remedy. (28a2)

WE SHALL RETURN TO YOU, BARISHONAH

MISHNAH: The administrator (*known as the S'gan HaKohanim*) told the assembled *Kohanim*, "Go out and see if the time for slaughtering the morning *tamid* offering has arrived." If it arrived, the observer said, "Dawn!" (i.e. the sun is shining). Masya ben Shmuel (*who was administrator of the lots*) says (that it was not enough to see light in one place in the east; rather), "The entire eastern sky has lit up." - "As far as Chevron?" He said "Yes!" Why was this³ necessary? Because it once occurred that the light of the moon rose over the horizon close to morning and they thought that the east had lit up from the shine of the sun, so they slaughtered the *tamid* offering. When they realized that the slaughtering had been performed at night, they took it to the place of burning where invalidated offerings were burned.⁴ On *Yom Kippur* (*when the time for the tamid arrived*), they would then take the *Kohen Gadol* down to the *mikvah*. The *Mishna* states a rule: He who moves his bowels needs immersion, and he who urinates needs to sanctify his hands and feet. (28a3)

GEMARA: It was taught in a Baraisa: Rabbi Yishmael said: [the observer would say:] "The morning [star] shines." Rabbi Akiva said: "Dawn has risen." Nachuma ben Apakshion said: "It is dawn even in Chevron." Masya ben Shmuel, the administrator in charge of the lots, said: "The whole eastern sky has lit up – even as far as Chevron." Rabbi Yehudah ben Besirah said: "The whole eastern sky has lit up – even as far as Chevron, and all the people, each and every man, have gone forth to his work." - If that were the case, it would be too light!? — Rather: each to hire working men. (28b1)

³ To send an observer to the roof to witness the commencement of the day.

⁴ From then on, they instituted that a person should observe from the roof the arrival of dawn.

⁵ The afternoon prayer is by tradition ascribed to Yitzchak, but since he learned it from his father, Abraham receives here the credit for it.

Rav Safra said: The [afternoon] prayer of Avraham⁵ begins when the walls begin to grow dark (with shadows). Rav Yosef said: Shall we indeed learn [our laws] from Avraham?⁶ — Rava answered: A Tanna learned from Avraham and we should not learn from him! For it has been taught: And on the eighth day the flesh of his foreskin shall be circumcised, this passage teaches that the whole of the [eighth] day is proper for the circumcision, but the zealots perform their mitzvos as early as possible as it is said: And Avraham rose early in the morning. — Rather, said Rava, is it this that appeared difficult to Rav Yosef: For we have learned in a Mishnah: If Pesach eve falls on Shabbos eve, the pesach offering is to be slaughtered at six-and-a-half hours and offered up at seven-and-a-half hours. — But let it be slaughtered when the walls begin to grow dark! — What is the difficulty? Perhaps the walls of the Sanctuary begin to grow dark half an hour after the sixth hour because they were not exactly straight.⁷ Or [one might say]: It was different with Avraham who was well-versed in astrology. Or because he was an elder [zaken] sitting in the academy.

For Rabbi Chama the son of Rabbi Chanina said: Our ancestors were never left without academies. In Egypt they had an academy, as it is said: Go and gather the elders of Israel together; in the Wilderness they had an academy with them, as it is said: Gather to Me seventy men of the elders of Israel; our father Avraham was an elder and sat in the academy, as it is said: And Avraham was an elder well on in years; our father Yitzchak was an elder and sat in the academy, as it is said: And it came to pass when Yitzchak was an elder; our father Yaakov was an elder and sat in the academy, as it is said: Now the eyes of Israel were heavy with age;⁸ [even] Eliezer, the servant of Avraham was an elder and sat in the academy, as it is said: And Avraham said to his

⁶ For Avraham lived before the Torah was given and the Jewish people should follow the conduct of the prophets, who knew and practiced the Torah rather than that of Avraham.

⁷ It was narrower above than below and thus did not cast a shadow till later in the afternoon.

⁸ From incessant Torah study.

servant, the elder of his house, that controlled over all he had, which Rabbi Elozar explained to mean that he ruled over [knew, controlled] the Torah of his master. ‘Eliezer of Damascus’: Rabbi Elozar said, He was so called because he drew from the Torah of his master and gave drink to others. (28b1 – 28b2)

Rav said: Our father Avraham kept the whole Torah, as it is said: Because that Avraham hearkened to My voice [kept My charge, My commandments, My statutes, and My laws]. Rav Shimi bar Chiya said to Rav: Say, perhaps, that this refers to the seven Noahide commandments? — Surely there was also that of circumcision! Then say that it refers to the seven laws and circumcision [and not to the whole Torah]? — If that were so, why does Scripture say: ‘My commandments and My laws’?

Rava or Rav Ashi said: Avraham, our father, kept even the law concerning eruv tavshilin⁹ as it is said: ‘My laws’: one being the Written Law, the other the Oral Law. (28b2)

The Mishnah had stated: Masya ben Shmuel sais etc. and he said “Yes!”

Who was it that said ‘yes’? If you say that it was the man standing on the roof! Is he the dreamer and the interpreter?¹⁰ Should it, then, be he who is standing on the ground, from where would he know? — If you like, say it is he who stands on the ground, and if you like, say it is he who stands on the roof. If you want to say it is he who stands on the roof; he says: “The whole eastern sky has lit up,” and the one standing on the ground answers: “Even Chevron?”

⁹ Biblically, one may prepare food on a festival, which falls on Friday, for the Shabbos immediately following it. The Sages, however, prohibited this, unless one set aside a special dish for Shabbos beforehand.

¹⁰ It seems strange that one man should both ask the question and answer it.

¹¹ That is what I wanted to know.

¹² Can the light of the moon be confused with that of the sun?

¹³ To be dried.

¹⁴ On Pesach.

whereupon the former says: “YES.” If you like, say that it is he who stands on the ground: He (the one on the ground) says: “Did the whole eastern sky light up,” whereupon the other responds: “Even Chevron,” and the former answers: “Yes.”¹¹ (28b3)

The Mishnah had stated: Why was this necessary? etc. But can it be confused?¹² Has it not been taught: Rebbe says: The rising column of the moon is different from that of the sun. The light column of the moon rises straight like a stick, the light column of the sun [the dawn] diffuses here and there? — The school of Rabbi Yishmael taught: It was a cloudy day and the light diffused here and there. Rav Pappa said: We can infer from this that on a cloudy day the sun is felt all over. What is the practical difference? — In the spreading of skins,¹³ or, as Rava expounded: A woman should not knead dough¹⁴ either in the sun or in water heated by the sun. (28b3)

Rav Nachman said: The sultry heat of the sun¹⁵ is more intense than that of direct sunlight, and your mnemonic is a jar of vinegar;¹⁶ the blinding effects [of gazing at the sun through an opening in the clouds] is worse than the sun [on a clear day], and your mnemonic is drippings.¹⁷ Thoughts of sin are more injurious than the sin itself, and your mnemonic is the odor of (roasting) meat.¹⁸ The end of the summer is more trying than the summer itself, and your mnemonic is a hot oven.¹⁹ A fever in winter is more severe than in summer,

¹⁵ On a cloudy day.

¹⁶ Which emits a stronger smell through a small opening than when quite open.

¹⁷ Continual drippings on one's body is more painful than entering completely into a bath or rainy place.

¹⁸ The odor of roasting meat is more injurious to the digestive system even than the eating of the meat itself.

¹⁹ It is easy to kindle a fresh fire in a hot oven. By the end of summer, the atmosphere is very hot so that any additional hot weather makes it extremely intolerable.

and your mnemonic is a cold oven.²⁰ It is harder to relearn something which has been forgotten than to commit to memory a fresh thing, and your mnemonic is cement made out of old cement. (28b3 – 29a1)

INSIGHTS TO THE DAF

The Times for Davening Minchah

In Maseches Berachos (26b) we learn that the three tefillos: Shacharis, *Minchah* and Maariv, were instituted by the three Avos: Avraham, Yitzchak and Yaakov. R' Yehoshua ben Levi adds that they also correspond to the services of the Beis HaMikdash. Shacharis corresponds to the korban tamid offered in the morning. *Minchah* corresponds to the korban tamid offered in the afternoon. Maariv corresponds to the limbs of the korbanos, which could be offered on the Mizbei'ach any time during the night.

The Rishonim debate when is the best time to daven *Minchah*. The earliest possible time to daven *Minchah* is from one half hour after noon (see Shaar HaTzion 233 s.k. 8 who questions whether this half hour is calculated in *sha'os zemaniyos*. See also *Ishei Yisroel* ch. 27, s.k. 5). The latest possible time is *shekia* (sunset). The period in the interim in which it is permitted to daven is divided in two. The first half is called *Minchah Gedola*, and the second half is called *Minchah Ketana*. Although according to Torah law the afternoon Tamid could be offered any time in the afternoon, our Sages enacted that it should be offered at three and a half hours after noon, and no earlier. This was because the voluntary *nedarim* and *nedavos* korbanos could not be offered before the afternoon Tamid. In order to allow people time to offer their korbanos, the Tamid was pushed off until later.

Minchah Ketana: According to the Rambam (Hilchos Tefilla 3:2), if one davens *Minchah Ketana* he fulfills his obligation

²⁰ It requires a great deal of wood and effort to warm up the cold oven in the cold days of winter. Thus must a fever be very severe to afflict one on a cold day.

only *b'dieved*. *L'chatchila* he should daven later in the afternoon, when the Korban Tamid was actually offered in the Beis HaMikdash. Even *b'dieved* one fulfills his obligation with *Minchah Ketana* only because on erev Pesach the Korban Tamid was offered earlier, to allow time for people to bring their Korban Pesach after the Tamid. (In contrast to *nedarim* and *nedavos*, the Korban Pesach could only be offered after the afternoon Tamid). Many other Rishonim follow this opinion, and the Shulchan Aruch also rules this way: "If a person davened *Minchah* from one half hour after noon, he fulfilled his obligation. Ideally, the time for *Minchah* is from nine and a half hours after dawn" (O.C. 233:1). However, the Rosh (Teshuvos 4:9) and other Rishonim (see Biur HaGra) argue that one may daven *Minchah Ketana* even *l'chatchila*, since according to the original Torah boundaries of the mitzva, the afternoon Tamid could be offered any time in the afternoon.

The Pnei Yehoshua (Shabbos 9b s.v. *Hai samuch*) suggests a proof for this opinion from our sugya. Here we find that Avraham Avinu, who fulfilled the entire Torah even before it was given, davened *Minchah* half an hour after noon, when the shadows first began to move towards the east. If Avraham Avinu davened *Minchah* then, certainly we may also *l'chatchila*.

The Pnei Yehoshua then rejects this proof based on two arguments. Firstly, even the Rambam agrees that according to Torah law the afternoon Tamid could be offered during *Minchah Gedola*. It was only a Rabbinic enactment to postpone the korban. Since the Sages had not yet passed this enactment in Avraham Avinu's time, it was not binding upon him. It was even preferable for him to daven early, since *zrizim makdimim l'mitzvos* – the enthusiastic hurry to perform mitzvos. Now that the enactment has been passed and the korban is postponed in the Beis HaMikdash, we must also postpone our *Minchah* prayers.



Davening together with Klal Yisroel: Secondly, the Pnei Yehoshua adds that *Minchah* Ketana is preferable since it is the time that most of Klal Yisroel daven. The Gemara tells us that in addition to the advantage of davening with a minyan, there is also an advantage to davening at the same time that others daven (see Berachos 8a). This was certainly not applicable to Avraham Avinu, who was the only one to daven to Hashem (see Sefas Emes on our sugya).

L'chatchila and b'dieved: The Aruch HaShulchan (ibid, 12) adds that the term *l'chatchila* and *b'dieved* in the context of *Minchah* Gedola do not have the same implication as they do in other areas of halacha. Usually, when we say that a person fulfills a mitzva *b'dieved*, we mean that he was wrong for doing it that way, but now that he has fulfilled his obligation, he need not repeat it. In this context, however, we do not mean to say that one is wrong for davening *Minchah* early. We simply mean to say that it is preferable to daven *Minchah* Ketana if possible. However, if a person has good reason to daven early he may certainly do so. For example, one is not meant to eat a large meal before davening *Minchah*. If he wishes to daven *Minchah* Gedola in order to eat a large meal afterwards, he may. It is interesting to note that the Rishonim cited above discuss only whether *Minchah* Katana is preferable, or if *Minchah* Gedola is also acceptable *l'chatchila*. None of them suggest that *Minchah* Gedola is in fact preferable to *Minchah* Katana. Yet the Teshuvos HaRif (320) writes that *Minchah* Gedola is *l'chatchila*, but if one failed to daven then he may also daven *Minchah* Katana. R' Zeev HaLevi, a contemporary of the Noda B'Yehuda and author of *Chidushei V'Klalos HaRaza* (Kerias Shema 9:5) also reaches this conclusion.

DAILY MASHAL

The Avos Kept the Mitzvos

Our *Gemora* says that Avraham Avinu kept the entire Torah. This implies that all the Avos kept the Torah.

The question the commentators ask is how Yaakov married two sisters when this is clearly in violation of the Torah.

The Ramban on Chumash gives several answers to this question. One answer he suggests is that the Avos only kept the Torah in Eretz Yisroel. The Ramban bases himself on a Sifri which implies the main place to do Mitzvos is Eretz Yisroel. Therefore, the Ramban concludes the Avos only kept the Mitzvos in the environment which is most conducive for their performance. Another answer the Ramban offers is the Avos only kept Shabbos. Shabbos, Chazal teach, is equal to all of the Mitzvos. Therefore, it is as if the Avos kept the entire Torah.

The Maharsha gives a different answer. He explains that Rachel and Leah had the status of converts. A convert is considered like a newborn and is not considered to be related to his previous family. It was therefore permitted for Yaakov to marry two sisters because they were not Halachically considered sisters.

There is a problem with this answer however. Although it is permissible from a Torah standpoint for a Jew to marry two sisters who are converts, it is rabbinically prohibited. This is in order to prevent converts from thinking that since things that used to be prohibited to them are now permitted, their level of kedusha actually decreased. Therefore, as a rule anything that was forbidden to them as idolaters remain forbidden even after they convert.

The Maharsha answers this problem by saying that Rachel and Leah were only half-sisters. They did not have the same mother. Gentiles are only considered related through their mother and not through their father. Consequently, even as gentiles, Rachel and Leah were not considered related.