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Disqualifying a Tereifah

Rav Shisha the son of Rav Idi attempts to explain the *Baraisa* (*that a verse is needed to disqualify a tereifah for an offering*) as follows: Let us derive that a *tereifah* can be offered as a sacrifice from the common characteristic from *cheilev* (*forbidden fats*) and blood, together with a bird slaughtered through *melikah* (*for they are all generally forbidden to a common person, but permitted for the sacrifice*). If you will argue that it cannot be proven from *melikah* since it is rendered forbidden to man only by that act which creates its sanctity, this can be refuted by *cheilev* and blood (*which is forbidden without any act of consecration; nevertheless, they are permitted as an offering, so too a tereifah should be*)! And if you will argue that it cannot be proven from *cheilev* and blood since they emanate from that which is permitted, this can be refuted by *melikah* (*which is completely forbidden; nevertheless, it is permitted as an offering, so too a tereifah should be*)! And so the argument repeats itself: the characteristic feature of this one is not like that of the other, and the characteristic feature of the other is not like that of this one. Their common characteristic is that each is forbidden to a common person, yet permitted to the Most High; so too I might derive that *tereifah* as well - although it is forbidden to a common person, it should be permitted to the Most High. [*That is why the verse, "from the cattle" is needed to exclude it.*]

The *Gemara* disagrees with this logic: *Tereifah* cannot be compared to these cases, for they have an express command that it shall be so. [*A bird may be offered only through*

melikah, and the cheilev and blood must be offered on the altar; a tereifah does not have to be offered at all!]

Rav Ashi explains the *Baraisa* as follows: One could reply that the initial *kal vachomer* is unsound. From where was it derived (*that a tereifah is disqualified*) at the outset? It was from the case of a blemished animal. But a blemished animal is different, since in that case the Torah equated the one who offers the sacrifice (*the Kohen*) with the animal being offered. [*A Kohen with a blemish cannot perform the sacrificial service; since this is not the halachah regarding tereifah (for a Kohen who is a tereifah may perform the service), perhaps an animal with a tereifah is not invalidated as a sacrifice. This is why a verse is necessary to invalidate it.*]

Rav Acha the Elder said to Rav Ashi: That which was born through Caesarean section can refute this logic, for in that case, the *Kohen* who offers the sacrifice is not equated with the animal being offered; nevertheless, such an animal is permitted to a common person and forbidden to the Most High (*so a tereifah should have the same halachah; why is a verse necessary?*)!

And if you will argue that it cannot be derived from an animal which was born through Caesarean section since it is not sanctified as a *bechor*, a blemished animal will refute that (*since it does become sanctified as a bechor*). And if you will argue that it cannot be derived from a blemished animal since the Torah equated the one who offers the sacrifice (*the Kohen*) with the animal being offered, an animal which was born through Caesarean section will refute that. And so the argument repeats itself: the characteristic feature of this one

is not like that of the other, and the characteristic feature of the other is not like that of this one. Their common characteristic is that each is permitted to a common person, yet forbidden to the Most High; so too I might derive that *tereifah* as well - since it is forbidden to a common person, it should certainly be forbidden to the Most High! [Why then is the verse, "from the cattle" needed to exclude it?]

The *Gemara* disagrees with this logic: *Tereifah* cannot be compared to these cases, for they have no exception to the general prohibition; will you say the same regarding a *tereifah* which does have an exception to its general prohibition?! [This is why a verse is necessary to exclude it.]

Rav Acha the son of Rava said to Rav Ashi: In what case does a *tereifah* have an exception to its general prohibition? If it's with respect to an *olah* bird where a *melikah* renders it permitted to the altar; a blemished bird is also permitted, for there is no requirement of flawlessness and masculinity regarding bird offerings! If it's with respect to a *chatas* bird where a *melikah* renders it permitted for consumption to the *Kohanim*; they receive it from the table of the Most High (and therefore they are regarded as offerings brought on the altar; accordingly, a verse to invalidate a *tereifah* should not be necessary)!?

The *Gemara* refutes the logic differently: *Tereifah* cannot be compared to these cases, for their defects are recognizable (*the blemished animal is clearly seen and one born through Caesarean section is heard about*); will you then say the same regarding a *tereifah* where its defect is not recognizable?! [That is why the verse, "from the cattle" is needed to exclude it.]

The *Gemara* asks: And is *tereifah* derived from here? Surely it is derived from the verse: *From the feast of Israel*, which teaches us that offerings are valid only from that which is permitted to Israel! Or perhaps it is derived from the verse: *Whatever shall pass under the rod*, which excludes a *tereifah*, since it cannot pass underneath it (*in a healthy manner*)!?

The *Gemara* answers: All three verses are necessary, for from the verse: *From the feast of Israel*, I would have excluded only those that were never fit for a sacrifice, but where it was once fit, I would say that it is valid as an offering. The Torah therefore states: *Whatever shall pass under the rod*. And had the Torah only stated the verse: *Whatever shall pass under the rod*, I would have excluded only those animals that first became a *tereifah* and subsequently consecrated, but where it was consecrated first and subsequently became a *tereifah*, since at the time when it was consecrated it was fit for a sacrifice, I would say that it is valid as an offering. Therefore all three verses are necessary. (6a1 – 6a3)

Mishnah

Regarding a sinner's *minchah* offering or any *minchah* offering that the *kemitzah* is performed by a non-*Kohen*, an *onein* (one whose close relative passed away and has not been buried yet), a *tevul yom* (one who was *tamei*, but has immersed himself in a *mikvah*; he is considered a *tevul yom* until nightfall), one who lacked the priestly vestments, a *mechusar kippurim* (one who was *tamei*, but has immersed himself in a *mikvah*, and has waited until nightfall; he is just lacking atonement until he brings his offerings the next day), one who did not wash his hands or feet, one who is uncircumcised, one who is *tamei*, someone who is sitting, someone who either is standing on vessels, an animal, or the feet of his friend, the sacrifice is invalid.

If a *Kohen* performed the *kemitzah* with his left hand, it is invalid. Ben Beseirah said: He may return the *komeitz* (to the vessel), and then perform the *kemitzah* again with his right hand.

If someone performed a *kemitzah*, and a pebble, grain of salt, or a small amount of frankincense came up in his hand, it is invalid. This is because they said: If the *komeitz* was too much or too little, it is invalid. Taking a heaped *komeitz* is regarded

as “too much,” and a *kemitzah* performed with the tips of his fingers is “too little.” (6a3 – 6a4)

Mentioning the Sinner’s Offering

The *Gemara* asks: why didn’t the *Mishnah* simply state that all *minchah* offerings performed by a non-*Kohen*, an *onein* etc. are invalid? Why mention the sinner’s *minchah*?

The *Gemara* answers: It is necessary for Rabbi Shimon (that even he agrees with the *halachah*), for it was taught in a *Baraisa*: Rabbi Shimon said: In truth, the sinner’s *minchah* should require oil and *levonah*, for we do not want the sinner to gain. Why then does it not require them? It is because we do not want his *minchah* to be elegant. And in truth, the *chatas* brought for eating *cheilev* (*forbidden fats*) should require libations, for we do not want the sinner to gain. Why then does it not require them? It is because we do not want his *minchah* to be elegant. Now I might have thought that since Rabbi Shimon stated the principle that we do not want his *minchah* to be elegant, it should be valid even where a disqualified person performed the *kemitzah*; the *Mishnah* informs us that this is not so.

The *Gemara* asks: If so, there too (regarding animal sacrifices), the *Mishnah* should have stated: Regarding a sinner’s sacrifice or any other sacrifice, if a non-*Kohen*, an *onein* received the blood etc, it is invalid!? Evidently, the expression ‘all of the offerings’ stated in that *Mishnah*, since it is not followed by the term ‘except,’ includes every offering; then, so too in our *Mishnah*, it stated ‘all of the offerings,’ and it is not followed by the term ‘except,’ it includes every offering (including the sinner’s *minchah*; so why was it necessary to state)!

The *Gemara* answers: It was necessary to state, for I might have thought that since we had established that the first *Mishnah* was not in accordance with Rabbi Shimon, the second *Mishnah* is also not in accordance with Rabbi

Shimon; we are therefore informed that this is not so (and our *Mishnah* is even according to Rabbi Shimon). (6a5 – 6b1)

Returning the Komeitz

Rav said: If a non-*Kohen* performed the *kemitzah*, he should return the flour to the vessel (so that the *kemitzah* may be performed by a proper *Kohen*).

The *Gemara* asks: But the *Mishnah* states that it’s invalid!?

The *Gemara* answers: It is invalid until it has been returned.

The *Gemara* asks: But isn’t that Ben Beseirah’s position!? [What, then, is the dispute mentioned in the *Mishnah*?]

The *Gemara* answers: If the *komeitz* is still in existence, there is no argument (they all agree that it should be returned to the vessel); the argument is where the *komeitz* is missing: The Rabbi hold that new flour cannot be brought from his house to refill the vessel; whereas Ben Beseirah maintains that this may be done.

The *Gemara* challenges this interpretation of the *Mishnah*: If so, why did Ben Beseirah say: He may return the *komeitz* (to the vessel), and then perform the *kemitzah* again with his right hand.? He should have said: He may either return the *komeitz* (to the vessel), or if the *komeitz* is missing – he may bring new flour from his house to refill the vessel and then perform the *kemitzah* again with his right hand!?

The *Gemara* answers by saying that Rav was only ruling according to Ben Beseirah (but according to the Rabbis, the *minchah* is invalidated when an improper *kemitzah* was performed).

The *Gemara* explains that Rav’s ruling is not obvious, for perhaps Ben Beseirah ruled in that manner only with respect to a case where the *Kohen* performed the *kemitzah* with his left hand, but he would rule that the *minchah* remains valid

when the *kemitzah* was performed through disqualified people; Rav informs us that this is not so.

The *Gemara* asks: why would we think that the “left hand” disqualification is different (*and treated more leniently*) than other disqualifications?

The *Gemara* answers: It is because we find that the left hand is valid for service on *Yom Kippur* (*when the Kohen Gadol holds the spoonful of ketores*).

The *Gemara* asks: But we find that slaughtering is valid by a non-*Kohen*!?

The *Gemara* answers: Slaughtering is not a service at all.

The *Gemara* asks: Is it not? Surely Rabbi Zeira said in the name of Rav that the slaughtering of the red heifer by a non-*Kohen* is invalid!?

The *Gemara* answers: The red heifer is different, because it is like the holy things designated for the Temple repair (*which is merely a monetary sanctity; it is therefore not regarded as a service*).

The *Gemara* asks: But can we not make a *kal vachomer*: If slaughtering is a service in the case of the holy things designated for the Temple repair (*the Gemara is retracting from its previously held position*), yet it is not a service in the case of holy things designated to the Altar!?

Rav Shisha the son of Rav Idi answered: Let it be compared to the examination of *tzara'as* afflictions, which is not a service, and yet requires a *Kohen*!

The *Gemara* asks: Why don't we derive from the law that a non-*Kohen* can do the service at a *bamah* (*private altar which was permitted during certain times before the construction of the Beis HaMikdash*)?

The *Gemara* notes: We cannot answer that we do not derive laws of the Temple from the laws of a private altar, for it was taught in a *Baraisa*: How do we know that sacrificial parts of a *korban* that left the Temple Courtyard remain on the altar (*and are not taken down although they are invalid*) if they were placed on it? We derive this from the fact that such limbs are valid for a private altar!

The *Gemara* answers: The *Tanna* of this *Baraisa* primarily relied on the teaching from the verse: *This is the law of the olah* to teach this law (*this is not really derived from a private altar*).

The *Gemara* challenges the explanation of Rav: Why would we think that Ben Beseirah would invalidate the *minchah* when the *kemitzah* was performed by other disqualified people? Was the following not taught in a *Baraisa*: Rabbi Yosi the son of Rabbi Yehudah and Rabbi Elozar the son of Rabbi Shimon said: Ben Beseirah ruled it valid even where the *kemitzah* was performed by other disqualified people! And furthermore, it has been taught in a *Baraisa*: It is written: *And he shall separate his handful from there* - that is, from the place where the feet of a non-*Kohen* may stand. Ben Beseirah said: From where do we know that if he took the *kemitzah* with his left hand, he should return it to the vessel and then take it out with the right hand? It is because it is written: *And he shall separate his handful from there* - that is, from the place from which he has already taken from. Now, since the verse does not specify (*the reasons why it was disqualified*), then it is all the same whether it was originally taken with the left hand or if it was taken by any one of those that were disqualified!?

The *Gemara* explains Rav differently: Rather, Rav is teaching us that if he had performed the *kemitzah* and had even sanctified it by placing it into the service vessel, it may nevertheless be put back again. This is not like the opinion of the following *Tannaim*; for it was taught in a *Baraisa*: Rabbi Yosi the son of Yasan and Rabbi Yehudah the baker said: This (*that Ben Beseirah allows him to return the komeitz to the*

vessel) is only where he had performed the *kemitzah* and had even sanctified it by placing it into the service vessel, but where he had already sanctified it by placing it into the service vessel, it is invalid.

Others said that Rav is teaching us that only if he had performed the *kemitzah*, it is valid; however, if he had also sanctified it by placing it into the service vessel, it is invalid. According to this, Rav agrees with the opinion of those *Tannaim* and rejects the view of the *Tanna Kamma*.

Rav Nachman asked: What do those *Tannaim* hold? If they hold that the taking of the *komeitz* by disqualified people is regarded as a service, then it should be invalid even if it had not been placed into a vessel? And if they maintain that the taking of the *komeitz* by disqualified people is not regarded as a service, then even if it had been placed into a vessel, what does it matter?

Then, however, Rav Nachman said, it is indeed regarded as a service, but the service is not complete until the *komeitz* has been placed into a vessel.

The *Gemara* asks: If so, even if he did not place the *komeitz* into a (new) service vessel (*the returning into the original vessel should not be allowed*), when he returns the *komeitz* to its place (*to the original vessel*), it should sanctify it, and it should be invalid (*for now the service has been completed by a disqualified person*)!?

Rabbi Yochanan answers: This proves that a vessel does not sanctify (*that which is placed into it*) unless there is intent (*and here, he did not intend to sanctify the *komeitz* when he returned it to its original vessel*). (6b1 – 7a1)

DAILY MASHAL

Sinner should not Gain

The *Gemara* cites a *Baraisa*: Rabbi Shimon said: In truth, the sinner's *minchah* should require oil and *levonah*, for we do

not want the sinner to gain. Why then does it not require them? It is because we do not want his *minchah* to be elegant.

The *Gemara* (Yoma 86b) states that repentance is so great that willful transgressions can be regarded as merits, providing that one is motivated to repent by love. The question is asked: How can that be? Isn't the sinner gaining?

The Maharsha answers: The *Gemara* does not mean that the sin itself converts into a merit; but rather, through his repentance out of love, he will merit performing other *mitzvos* and good deeds.

Reb Tzadok Hakohen answers: The sin does convert into a merit. This is because once a person has tasted the pleasure of a sin, it becomes more difficult for him to control himself and not sin again. If, after sinning, one can nevertheless restrain himself from transgressing again, he will merit that his sins are converted into merits.