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Zevachim Daf 16

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Daf Notes is currently being dedicated to the neshamot of

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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

Disqualifying a Non-Kohen

In the Academy of Rabbi Yishmael, they taught the following *braisa*: The service of a non-Kohen is invalidated from the following *kal vachomer*: If a Kohen with a blemish is permitted to eat from *kodshei kodashim*, yet, if he performs a service he invalidates it; is it not logical that a non-Kohen, who may not eat, certainly invalidates the service which he performs?!

The *Gemora* challenges this reasoning: As for a Kohen with a blemish, the reason (*that he invalidates a service*) may be because in his case, the Torah treats the man who offers the sacrifice on par with that which is offered!?

The *Gemora* answers: Then let a Kohen who is *tamei* prove it (*for he may not perform a service and he invalidates it, and an animal cannot become tamei while alive*).

The *Gemora* asks: Perhaps a person who is *tamei* is different, for he has the power to transmit *tumah* to others!?

The *Gemora* answers: Then let a Kohen with a blemish (*who cannot transmit his blemish to others, and yet, he invalidates the service*) prove it.

The *Gemora* notes: And thus the argument revolves - the nature of each one is not like that of the other; the nature common to both (*tzad hashaveh*) is that they are warned not to perform a service, and if they do serve, they invalidate the sacrifice; so will I include a non-Kohen, who is similarly

warned, and therefore we can say that if he performs a service, he invalidates it.

The *Gemora* asks: From where do we know that he is warned?

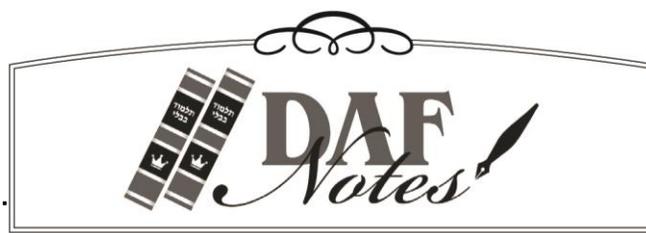
The *Gemora* answers: It is from the verse: *And a non-Kohen shall not approach you*.

The *Gemora* asks: But this derivation can be refuted: How can we compare a non-Kohen to a Kohen who is *tamei* and one with a blemish when they both share the following characteristic: they were not permitted to serve at a *bamah* (*private altar*)? [*A non-Kohen, on the other hand, may serve at a bamah!?*]

The *Gemora* answers: Instead of a Kohen who is *tamei* proving it, we shall say that an *onein* (*one whose close relative passed away and has not been buried yet*) can prove it.

The *Gemora* asks: As for an *onein*, the reason (*that he invalidates a service*) may be because he is forbidden to eat *ma’aser sheini* (*a tenth of one’s produce that he brings to Yerushalayim and eats there in the first, second, fourth and fifth years of the Shemitah cycle; it can also be redeemed with money and the money is brought up to Yerushalayim, where he purchases animals for korbanos*).

The *Gemora* answers: Then let a blemished Kohen prove it (*for he may not perform a service and he invalidates it, and he is not forbidden in ma’aser sheini*).



The *Gemora* notes: And thus the argument revolves - the nature of each one is not like that of the other; the nature common to both (*tzad hashaveh*) is that they are warned not to perform a service, and if they do serve, they invalidate the sacrifice; so will I include a non-Kohen, who is similarly warned, and therefore we can say that if he performs a service, he invalidates it.

The *Gemora* asks: But this derivation can be refuted: How can we compare a non-Kohen to a Kohen who is *tamei* and one with a blemish when they both share the following characteristic: they were not permitted to serve at a *bamah* (private altar)? [A non-Kohen, on the other hand, may serve at a *bamah*!]

Rav Sama the son of Rava challenged the question: And who tells you that an *onein* was forbidden to serve at a *bamah*; perhaps he was permitted!?

Rav Mesharshiya said: The service of a non-Kohen is invalidated from the following *kal vachomer*: If a Kohen who is sitting is permitted to eat from *kodashim*, yet, if he performs a service while sitting he invalidates it; is it not logical that a non-Kohen, who may not eat, certainly invalidates the service which he performs?!

The *Gemora* challenges this reasoning: As for a Kohen who is sitting, the reason (*that he invalidates a service*) may be because he is unfit to testify!?

The *Gemora* answers: The derivation is from a Torah scholar who is sitting (*who is permitted to testify – even while he is sitting*).

The *Gemora* asks: Then refute it as follows: As for the general category of one who sits, the reason may be because they are unfit to testify!?

The *Gemora* answers: Rav Mesharshiya maintains that a *kal vachomer* cannot be refuted from the fact that the general category is strict.

And should you say that a *kal vachomer* can be refuted in such a manner, then say that he derives it from one who sits and one of the others (*a Kohen who is tamei, an onein, or blemished*).

The *Gemora* asks: And how does Rav Mesharshiya know that one who is sitting may perform the service by a *bamah*?

The *Gemora* answers: It is written: *to stand before Hashem to serve Him* – it is only before Hashem that one must stand, but not by a *bamah*. (15b – 16a)

Disqualifying an Onein

The *Mishna* had stated that an *onein* who serves invalidates the sacrifice.

The *Gemora* asks: How do we know this?

The *Gemora* answers: It is because it is written: *And he (referring to the Kohen Gadol) need not leave the Sanctuary, and he shall not profane it*. We may infer from here that if another Kohen, when an *onein*, does not leave (*but rather, he continues to serve*), he does profane it.

Rabbi Elozar said: It is from the following verse: (*Aaron said to Moshe:*) Was it they (*Elozar and Issamar, who were oneinim on account of the death of their brothers – Nadav and Avihu*) who offered? It was I (*as a Kohen Gadol*) who offered. It therefore follows that had they offered it, it would be understandable why the *chatas* had been burned.

The *Gemora* explains that Rabbi Elozar did not derive this law from the verse, *And he (referring to the Kohen Gadol) need not leave the Sanctuary, and he shall not profane it*, for it does not say explicitly that if another Kohen, when an *onein*,



does not leave (*but rather, he continues to serve*), does profane it. [*Perhaps we would have needed the verse to teach us that although a Kohen Gadol, on account of his elevated status and sanctity, nevertheless, he does not invalidate the sacrifice when he serves while being an onein, but it was not necessary to teach that an ordinary Kohen would not invalidate it.*]

The Gemora explains why the other one did not derive this law from the verse, *And he (referring to the Kohen Gadol) need not leave the Sanctuary, and he shall not profane it*, for he maintains that it was burned on account of it becoming *tamei*.

In the Academy of Rabbi Yishmael, they taught the following *braisa*: The service of an *onein* is invalidated from the following *kal vachomer*: If a *Kohen* with a blemish is permitted to eat from *kodshei kodashim*, yet, if he performs a service he invalidates it; is it not logical that an *onein*, who may not eat, certainly invalidates the service which he performs?!

The Gemora challenges this reasoning: As for a *Kohen* with a blemish, the reason (*that he invalidates a service*) may be because in his case, the Torah treats the man who offers the sacrifice on par with that which is offered!?

The Gemora answers: Then let a non-*Kohen* prove it (*for he may not perform a service and he invalidates it*).

The Gemora asks: Perhaps a non-*Kohen* is different, for there is no remedy for him! [*An onein, however, will be fit on the next day.*]

The Gemora answers: Then let a *Kohen* with a blemish (*who has a remedy (by some blemishes), and yet, he invalidates the service*) prove it.

The Gemora notes: And thus the argument revolves - the nature of each one is not like that of the other; the nature

common to both (*tzad hashaveh*) is that they are warned not to perform a service, and if they do serve, they invalidate the sacrifice; so will I include an *onein*, who is similarly warned, and therefore we can say that if he performs a service, he invalidates it.

The Gemora asks: From where do we know that an *onein* is warned?

The Gemora answers: It is from the following verse: (*Aaron said to Moshe:*) Was it they (*Elozar and Issamar, who were oneinim on account of the death of their brothers – Nadav and Avihu*) who offered? It was I (*as a Kohen Gadol*) who offered. The Academy of Rabbi Yishmael maintains that the *chatas* was burned because Aaron and his son were *oneinim*.

The Gemora asks: But this derivation can be refuted: How can we compare an *onein* to a non-*Kohen* and one with a blemish when they both share the following characteristic: there is no exception to the general prohibition (*a Kohen Gadol, however, is an exception to the general rule of onein*)?

The Gemora answers: Then let a *Kohen* who is *tamei* prove it (*for although there is an exception to the rule of tumah, namely by a communal sacrifice, nevertheless, he may not perform a service and he invalidates it*).

The Gemora asks: Perhaps a person who is *tamei* is different, for he has the power to transmit *tumah* to others!?

The Gemora answers: Then let the others (*a blemished Kohen or a non-Kohen*) prove it.

The Gemora notes: And thus the argument revolves - the nature of each one is not like that of the other; the nature common to both (*tzad hashaveh*) is that they are warned not to perform a service, and if they do serve, they invalidate the sacrifice; so will I include a non-*Kohen*, who is similarly warned, and therefore we can say that if he performs a service, he invalidates it.



DAILY MASHAL

Kohanim have Four Functions

The *Gemora* asks: But this derivation can be refuted: How can we compare an *onein* to a non-Kohen and a Kohen who is *tamei* and one with a blemish when they all share the following characteristic: there is no exception to the general prohibition with respect to a *Kohen Gadol* regarding a private sacrifice (*however, a Kohen Gadol is an exception to the general rule of onein – even regarding a private sacrifice*)?

The *Gemora* answers: The general category of *tumah* is nevertheless permitted.

Rav Mesharshiya said: The service of an *onein* is invalidated from the following *kal vachomer*: If a Kohen who is sitting is permitted to eat from *kodashim*, yet, if he performs a service while sitting he invalidates it; is it not logical that an *onein*, who may not eat, certainly invalidates the service which he performs?!

The *Gemora* challenges this reasoning: As for a Kohen who is sitting, the reason (*that he invalidates a service*) may be because he is unfit to testify!?

The *Gemora* answers: The derivation is from a Torah scholar who is sitting (*who is permitted to testify – even while he is sitting*).

The *Gemora* asks: Then refute it as follows: As for the general category of one who sits, the reason may be because they are unfit to testify!?

The *Gemora* answers: Rav Mesharshiya maintains that a *kal vachomer* cannot be refuted from the fact that the general category is strict.

And should you say that a *kal vachomer* can be refuted in such a manner, then say that he derives it from one who sits and one of the others (*a Kohen who is tamei, blemished, or a non-Kohen*). (16a – 16b)

HaGaon Rav Chayim Kanievski points out that **all** the *Kohanim's* functions are mentioned in the verse “and the *kohanim*, the sons of Levi, will approach for Hashem...has chosen them **to serve Him and bless in the name of Hashem and according to their pronouncement will be every judgment and every affliction**” (Devarim 21:5): service in the Temple, *birkas kohanim*, every judgment – *kohanim* should participate in the Sanhedrin (Rambam, *Hilchos Sanhedrin*, 2:2), and every affliction – examining *nega'im*. The order is not accidental. Those with physical defects are disqualified from serving in the Temple; sitting is forbidden when serving and during *birkas kohanim*. A minor is disqualified for both functions and for the Sanhedrin but the examination of *nega'im* may be performed by all *kohanim*, even minors.