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Blood Exclusion

The *Mishnah* had stated that blood is excluded from the prohibition of *nossar* and *tumah*.

The *Gemara* asks: What is the source for this?

[Regarding the fact that blood is excluded from the laws of *me'ilah*, the *Gemara* offers three reasons.] Ulla says: It is written: *and I have assigned it for you (upon the Altar to provide for atonement)*. This teaches us that it shall be yours (and not subject to the laws of *me'ilah*).

In the academy of Rabbi Yishmael it was taught that it is written: *to provide for atonement*. This teaches us that it was given to provide for atonement and not subject to the laws of *me'ilah*.

Rabbi Yochanan says: It is written: *it is*. This teaches us that it has the same status before the atonement as it does after the atonement. Just as it is not subject to the laws of *me'ilah* after the atonement, it is not subject to the laws of *me'ilah* before the atonement.

The *Gemara* asks on Rabbi Yochanan: perhaps the reverse is true!? Just as it is subject to the laws of *me'ilah* before the atonement, it is not subject to the laws of *me'ilah* after the atonement!?

The *Gemara* answers: There is nothing that is subject to the laws of *me'ilah* once its function has been performed.

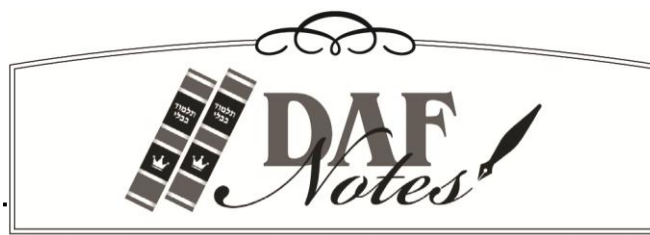
The *Gemara* asks: And is that true!? But there is *terumas hadeshen* (the removal of the ashes from the Altar in the morning; it is forbidden for benefit even after it was placed on the floor of the Courtyard)!?

The *Gemara* answers: That is because the *terumas hadeshen* and the priestly vestments (of the *Kohen Gadol* on *Yom Kippur*, which are forbidden for benefit after they are used) are two Scriptural verses which come for the same purpose, and wherever two verses come for the same purpose, they do not teach (their common law) to other cases.

The *Gemara* asks: That is well according to the Rabbis who maintain that, when the Torah writes: *and leave them there*, this teaches us that they must be permanently stored away; but according to the view of Rabbi Dosa, who holds that they are permitted to an ordinary *Kohen*, and it is only that the *Kohen Gadol* is prohibited from using them on another *Yom Kippur*, what is there to say?

The *Gemara* answers: That is because the *terumas hadeshen* and the *eglah arufah* (the law is that upon finding a corpse, and being unable to solve the murder, the leaders of the city closest to the corpse are required to bring a calf to an untilled valley, decapitate it, wash their hands over it, and then they must recite a verse, declaring publicly that they did not kill the person; the calf is then forbidden for benefit) are two Scriptural verses which come for the same purpose, and wherever two verses come for the same purpose, they do not teach (their common law) to other cases.

The *Gemara* asks: That is well according to the opinion that



they do not teach to other cases; but what can be said according to the view that they do teach to other cases?

The *Gemara* answers: Two exclusionary words are written: here it is written: *the calf that was decapitated*; while there it says: *and he shall place them*. [This teaches us that it is only in these cases that the substance is forbidden for benefit even after its function has been performed.]

The *Gemara* asks: Why do I need three verses in connection with blood (to exclude it from the laws of *me'ilah*)?

The *Gemara* answers: One verse excludes it from the laws of *me'ilah*, another from *nossar*, and a third from *tumah*. But, the *Gemara* notes: no verse is required for *piggul*, for we learned in a *Mishnah*: whatever has that which renders it permissible, whether for man or for the Altar - one is liable on its account for *piggul*, and blood is itself a permitter (it is therefore excluded from *piggul*). (46a1 – 46a3)

Tumah

Rabbi Yochanan said: Why is the punishment of *kares* for eating *shelamim* (while *tamei*) mentioned three times in the Torah? Once for a general statement (that there is a penalty of *kares* for one who eats from sacred food while *tamei*); once for a specification (that there is *kares* only for sacred food similar to the *shelamim*; i.e., sacrifices brought on the Altar); and once for things which are not edible (such as the wood on the altar, incense and frankincense). And according to Rabbi Shimon who holds that things which are not edible are not punishable by *kares* if eaten while *tamei*, we still require the extra *kares* to deduce that the inner *chatas* offerings are included; for we might have thought that since Rabbi Shimon holds that sacrifices which are not offered on the outer Altar, such as the *shelamim*, are not subject to the law of *piggul*, therefore they are also not subject to the laws of *tumah*; the Torah (by mentioning *kares* a third time) therefore teaches us that they are. (46a3 – 46b1)

Impure Blood

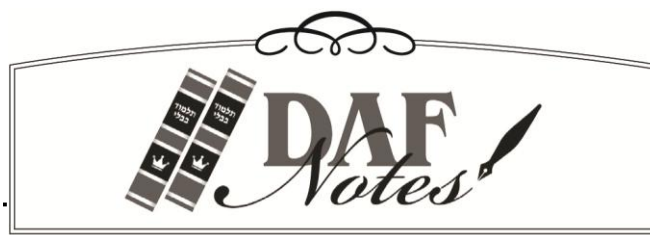
Rabbi Shimon had stated: One is liable (for *tumah*) for eating something that is usually eaten (but not for the wood, *levonah* and incense).

It was stated: Rabbi Yochanan and Rish Lakish, Rabbi Elozar and Rabbi Yosi son of Rabbi Chanina: one of the former pair and one of the latter pair maintained: The dispute in the *Mishnah* refers to *tumah* of the meat (the inedible items were *tamei*), but in the case where the one eating was *tamei*, all agree that he does not receive lashes for it. And the other pair maintained: Just as there is a dispute in the one case (where a *tahor* person ate inedible items that were *tamei*), so is there in the other (where the *tamei* person ate inedible *tahor* items). The *Gemara* notes the reason for this: Since the verse: *And the meat that touches any tamei thing* is applicable to it (even inedible things), then the verse: *while its tumah is on it* is applicable to it as well.

The above is how Rav Tavyumi related this discussion. Rav Kahana, however, related it is as follows: one of the former pair and one of the latter pair were referring to the final clause of the *Mishnah* (Rabbi Shimon's opinion; they agree according to the *Tanna Kamma* that there is lashes in all cases): One said that Rabbi Shimon's dispute refers to the case where the one eating was *tamei*, but in the case where the meat was *tamei*, all agree that he receives lashes. The other pair maintained: Just as there is a dispute in the one case (where the *tamei* person ate inedible *tahor* items), so is there in the other (where a *tahor* person ate inedible items that were *tamei*).

Rava noted: It is logical to say like the view that just as there is a dispute in the one case, so is there in the other. What is the reason for this? Since the verse: *while its tumah is on it* is not applicable to it, the verse: *And the meat that touches any tamei thing* is not applicable to it as well.

The *Gemara* asks: But surely the master said that the verse:



And the meat is coming to include the wood and the *levonah* (which are inedible)!?

The *Gemara* answers: That is a mere disqualification. (46b1 – 46b2)

Mishnah

A sacrifice is slaughtered for the sake of six things: For the sake of the offering, for the sake of the offerer, for the sake of Hashem, for the sake of the fires, for the sake of the aroma, for the sake of pleasing Hashem, and a *chatas* and an *asham* for the sake of the sin. Rabbi Yosi said: Even if one did not have in mind any of these purposes, it is valid, because it is a stipulation of *Beis Din* that the intent is determined only by the one performing the service. [It was therefore ruled that the one performing the service shall refrain from stating any intention, lest he err and state the wrong one – thus invalidating the sacrifice.] (46b3)

Intentions

Rav Yehudah said in the name of Rav: It is written: *olah*. This teaches us that an *olah* offering should be sacrificed for the sake of an *olah*, not for a *shelamim*. A fire offering intimates that it must be slaughtered for the sake of consumption by the fire of the Altar, excluding where it is slaughtered for the sake of roasting. An aroma intimates that it must be offered for the sake of producing an aroma; this excludes the roasting of limbs elsewhere and bringing them up on the Altar; therefore, one should not slaughter the sacrifice for such an intent.

Rav Yehudah said in the name of Rav: If one roasted limbs and then offered them up on to the Altar, they do not fulfill the requirements of producing an aroma.

Pleasing intimates that it must be for the sake of pleasing Hashem, and for Hashem means that it should be offered for the sake of He Who spoke and called the world into

existence. (46b3 – 46b4)

Rav Yehudah quoted Rav saying that if one slaughtered a *chatas* for the sake of an *olah*, it is invalid, but if he slaughtered it for the sake of *chulin* – non consecrated meat, it is valid. Rabbi Elozar says that Rav's statement is based on the verse which states that "they shall not profane the sacrifices of Bnei Yisroel," implying that actions of *chulin* will not profane the sacrifices, which overrides the logical argument.

Rabbah challenged this from our *Mishnah*: Rabbi Yosi said: Even if one did not have in mind any of these purposes, it is valid, because it is a stipulation of *Beis Din*. This implies that it is only valid because he had no intention in his mind at all; however, if he intended it for the sake of *chulin*, it would be invalid!?

Abaye responded to him: Perhaps if he had no intention at all, it is valid and provides acceptance, while if he intended it for the sake of *chulin*, it is valid but does not provide acceptance. (46b4)

INSIGHTS TO THE DAF

Can a Minor Put on an Adult's Tefillin?

Our *sugya* cites the disagreement of Rabbi Dosa and the *Chachamim* as to if an ordinary *Kohen* may don the garments that the *Kohen Gadol* served with on Yom Kippur, during the year. Rabbi Dosa believes he may but according to the *Chachamim*, "garments used for a severe sanctity should be used for a slight sanctity?" (Yoma 12b).

Some wanted to learn from this *Gemara* that a minor who puts on *tefillin* may not put on those of an adult as the *mitzvah* he performs when putting on *tefillin* is not like a *mitzvah* observed by an adult. If so, when the *tefillin* are given to a minor, they are brought down from a severe sanctity to a slight sanctity, like passing a *Kohen Gadol's* garments to an

ordinary *Kohen*.

Those maintaining this opinion add that the *Gemara* (Arachin 2b, Sukkah 45a) intentionally uses the phrasing: “a minor...his father **buys** for him *tefillin*” – “buys” because he mustn’t give him *tefillin* that have been used by an adult (and see Tosfos, Arachin, ibid, and *Hagahos Rash Taibesh*, ibid, at the end of the *Gemara*).

HaGaon Rav M. Sternbuch rejects this surprising *chidush* in his *Hilchos HaGera Uminhagav* (p. 78). In his opinion, changing an object from severe sanctity to slight sanctity should be avoided only in wearing clothes, such as a *Kohen’s* garments, as the garment’s name changes from “a *Kohen Gadol’s* garment” to “an ordinary *Kohen’s* garment”. But *tefillin* are not clothes. They are objects of a *mitzvah* and their name is not intrinsically connected to their user. After all, we cannot imagine that a minor mustn’t use a *lulav* that has been used by an adult lest he reduce the importance of the *lulav*: the fact that an adult used it does not make it “an adult’s *lulav*” and the same applies to *tefillin* (see also *Tefillin Bemidreshei Chazal UveMishnahs Chachmei HaDoros*, pp. 302-03).

Accordingly, we might suppose that the *talis* of an adult should not be given to a child. Indeed, *Mishnah Berurah* (15, S.K. 1) rules in the name of *Artzos HaChayim* that one mustn’t transfer *tzitzis* from an adult’s garment to a minor’s as the minor’s garment is obligated in the *mitzvah* only as a rabbinical decree. However, a *talis* is not itself a *mitzvah*, but *tzitzis* render a *talis* **fit to wear** and their **removal** for a minor reduces their former function.

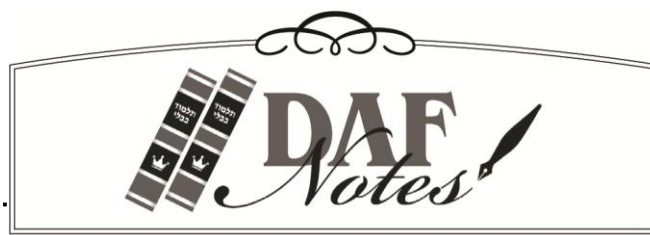
Saying Leshem Yichud: Opinions and Customs

Many *sidurim* feature the prayer *Lesheim yichud kudsha berich hu ushechinteh...’al yedei hahu tamir vne’lam besheim kol Yisrael* (“for the unification of Hashem and His Shechinah... by means of that hidden one in the name of all

Israel”) before putting on *tzitzis* and *tefillin*, before *Baruch sheamar*, the counting of the ‘Omer and the like. The phrase stems from the Kabbalists’ *sidurim* and according to Rabbi Elazar Felkeles zt”l (the outstanding pupil of the *Noda’ BiYehudah* and successor of his Rabbinical position) in his *Teshuvah Meiahavah* (Responsa, I, 90), it was introduced in about 5300. A fierce discussion arose in their era about saying it. The author of *Chavos Yair* zt”l (Responsa, 210), who was asked to explain it, humbly replied that he didn’t understand it. However, with the spread of the Chassidic movement, which adopted many Kabbalistic elements, saying *Lesheim yichud* has become widespread. The author of *Noda’ BiYehudah* zt”l (Responsa, 1st ed., Y.D. 93, and see 2nd ed., O.C. 107) strongly opposed saying it in the light of the era of the ill-famed Shabsai Tzevi and the consequent limitations imposed on learning Kabbalah (*Sukas Shalom, kelal* 2). Among his arguments, he lists the *sugya* of *stama lishmah*, as follows.

We have learned that *stama lishmah* – i.e., if the person slaughtering a sacrifice for an ‘olah did not say that it was for an ‘olah but kept quiet – it is not disqualified, as it is obvious that the sacrifice is offered for its purpose, even though not explicitly expressed. Not only that, but the *Gemara* explains that the *beis din* ruled that the *Kohen* should say nothing, lest he get confused and disqualify the sacrifice. Therefore, he writes, “so much more so in the intention of prayer and the *mitzvos*, which are complicated and bear so much suspicion of cutting away basic tenets, as we have seen in fact, it is simple that we should abolish having any such intentions at all and it suffices if he observes the *mitzvah* for the sake of the *mitzvah*.”

His words generated a stormy argument, not only between Chassidim and *Misnagdim* but among both camps themselves. Among the opinions, there stands out the famous reply of HaGaon Rabbi Chayim of Tchernovitz zt”l, author of *Beer Mayim Chayim* (at the end of his *Sha’ar HaTefilah*), who wondered about the comparison between *mitzvos* and *kodshim*: *stama lishmah* is because the sacrifice



has already been sanctified but regarding the observance of *mitzvos*, how do we know that *stama* is *lishmah*? (They only resemble a bill of divorce).

Avoiding confusion when concentrating on the holy names:

Concerning the suspicions of the *Noda' BiYehudah* about erring in the intentions of *mitzvos*, many remarked from the comments of Tosfos (2b, s.v. *Asnu*), who explain that there is a suspicion of confusion only regarding sacrifices as the *Kohen* might err in thinking that the *'olah* in front of him is *shelamim*. But concerning *mitzvos*, how can one get confused? Still, some explain that the *Noda BiYehudah's* suspicions related to those hidden intentions and unifications of Names that can be easily confused, as is apparent from his words (*Responsa Chesed LeAvraham*; *Responsa 'Arugas HaBosem*, O.C. 16, os 1, cited in *Hachanah Lemitzvah 'al yedei Dibur*).

Today the custom of most Chassidic communities is to say *Leshem yichud* before every *mitzvah*. On the other hand, the *sidur* of the author *Tanya* zt"l mentions it only before *Baruch sheamar*. One of the reasons given for such is that in his opinion, the *berachah* on a *mitzvah* includes everything intended by *Leshem yichud* but as there is no *berachah* on prayer, the author of *Tanya* had to precede *Baruch sheamar* with *Leshem yichud* (*Hachanah Lemitzvah*, *ibid*, 10). It is told that Rebbe Aharaon of Belz zt"l skipped saying *Leshem yichud* on one of the days of counting the *'Omer* and some claim that that was on 17 Iyar, the *yahrtzeit* of the *Noda' BiYehudah* (*ibid*, p. 117). *Poskim* who didn't belong to the Chassidic movement also mention saying *Leshem yichud*, such as *Chochmas Adam* (*kelal* 151:12) and in the preface *Or HaShanim* by the author of *HaPardes*. In his foreword to his *Shev Shema'atsa*, the author of *Ketzos HaChoshen* wrote that "it is fitting for everyone before every good deed and before learning to concentrate on *Leshem yichud*, etc., and in the name of all Israel, and accept on himself the *mitzvah* of 'You shall love your fellow as yourself.'" The *Malbim* (*Artzos HaChayim*, 28, S.K. 29) also writes: "All those who fear Hashem...have already made a custom to say it."

On the other hand, in most communities that pray according to the Ashkenazic rite the custom has spread not to say *Leshem yichud* according to the Vilna Gaon zt"l in *Ma'aseh Rav* (69), that one should say nothing before or after counting the *'Omer* aside from "May it be His will that the Temple be built", etc.

DAILY MASHAL

A Mishnah Against Foreign Thoughts

The *Minchas El'azar* of Munkatz zt"l writes: "I saw in a book that learning this *Mishnah* (a sacrifice is slaughtered for the sake of six things etc.) every day is a *segulah* and helps against foreign thoughts during prayer and the like (*Al HaTzadikim*, an appendix to *Seder HaDoros*).