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Where is it Burned?

The *Gemara* asks: Where do the Rabbis say that these burned *chatas* sacrifices are burned?

The *Gemara* answers from a *Baraisa*. The *Baraisa* states: Where were they burned? They were burned to the north of Yerushalayim outside the three camps. Rabbi Yosi ha'Glili says: They were burned in a place where ashes from the altar were placed. [*Rabbi Yosi agrees with the first opinion, and merely requires ashes from the altar to be placed there before the burning.*]

Rava says: Who is the *Tanna* who argues on Rabbi Yosi ha'Glili? It is Rabbi Eliezer ben Yaakov. This is as the *Baraisa* states: *On the pouring of the ashes it should be burned*. This teaches that there must be ashes there. Rabbi Eliezer ben Yaakov says: This merely teaches that the area must be slanted (*able to have things poured on it so that the ashes will drip down*).

Abaye asked: Perhaps Rabbi Eliezer ben Yaakov is merely arguing that the area also must be slanted, but he agrees that ashes must be present? [*You therefore have no proof that he argues on Rabbi Yosi.*]

The *Baraisa* states: The one who burns the *chatas* makes clothes impure, but not the person who lights the fire nor the person who sets up the pyre. Who is considered someone who burns the *chatas*? This is someone who assists in the burning while it is already starting to burn (*as opposed to someone who merely lights the initial fire*). One might think

that even when it is reduced to ashes it makes one who deals with it cause clothes to become impure. This is why the verse states: *Them*. They cause people to make clothes impure, but not when they are reduced to ashes. Rabbi Shimon says: They cause people to make clothes impure, but when their meat is burned up they do not.

The *Gemara* asks: What is the difference between these opinions?

Rava answers: The difference between them is when it they have become charred, but not reduced to ashes. (106a1 – 106a2)

WE SHALL RETURN TO YOU, TEVUL YOM

Mishnah

If someone slaughtered and then offers sacrifices outside the Temple, he is liable for both slaughtering and offering. Rabbi Yosi ha'Glili says: If he slaughtered it inside the Temple and offered it outside the Temple, he is liable (*see side of Gemara that this is the correct text*). If he slaughtered and offered outside the Temple, he is exempt (*from getting punished*), as he is merely offered something that is invalid. They said to him: Even someone who slaughtered a sacrifice inside the Temple and offered it outside the Temple is offering something that is no longer valid (*as it went outside the Temple*)!

If someone *tamei* ate *kodesh* that was either *tahor* or *tamei*, he is liable. Rabbi Yosi ha'Glili says: If a *tamei* person ate

something *tahor*, he is liable. If he ate something *tamei*, he is exempt, as he only ate something that was *tamei*. They said to him: Even someone who is *tamei* who eats something *tahor* makes what he is eating *tamei* once he touches it (*before he eats it*). If someone *tahor* ate sacrifices that was *tamei*, he is exempt, as one is only liable for having eaten sacrificial food with a *tamei* body. (106a4 – 106a5)

Scriptural Sources

The *Gemara* asks: It is understandable that one is punished for offering sacrifices outside the Temple, as the verse both warns against it and states a punishment for it. The punishment verse states: *And to the opening of the Tent of Meeting he did not bring it (...and that man will be cut off etc.)*. The warning verse states: *You should guard lest you should offer your olos etc.* This is based on Rabbi Avin's statement in the name of Rabbi Elozar that whenever the verse states either guard, lest, or "al" (*meaning do not*) it has the status of a negative prohibition. However, we only see a verse stating punishment regarding slaughtering outside the Temple. This is the verse: *And to the opening of the Tent of Meeting he did not bring it (...and that man will be cut off etc.)*. Where do we see a verse that specifically warns about slaughtering sacrifices outside the Temple?

The *Gemara* answers: The verse states: *And they will not continue to slaughter etc. (in the fields)*.

The *Gemara* asks: Isn't this required to teach Rabbi Eliezer's lesson that if someone slaughters an animal to Markulis (*which is not normally worshipped in this fashion*) he is liable, as the verse states: *And they will not continue to slaughter etc.* Rabbi Eliezer derives that this is referring to worshipping an idol in an abnormal fashion, as this type of service is already prohibited from the verse, *how do they serve etc. (...do not do so)*. It must be that this extra verse is teaching that one is always liable for slaughtering to an idol, even if it is not normally worshipped in this fashion.

Rabbah answers: The verse (*is as if it*) states, *And they will not slaughter*, and it states *and they will no longer*. (*The extra word regarding slaughter indicates that one is liable for slaughtering sacrifices outside the Temple.*)

The *Gemara* asks: Isn't this still required to teach the lesson of the following *Baraisa*? The *Baraisa* states: This verse (*And they will not slaughter etc.*) is only clearly discussing sacrifices that were dedicated and offered at a time when sacrificing on private altars was forbidden. The verse about their punishment is clear, as the verse states: *And to the opening of the Tent of Meeting he did not bring etc.* The verse of warning is also clear, as the verse states: *You should guard lest you should offer your olos etc.* Afterwards, the verse discusses sacrifices dedicated when private altars were permitted, but they were brought when private altars were forbidden. This is as the verse states: *In order that Bnei Yisroel should bring their sacrifice that they sacrifice on the face of the field etc.* This refers to sacrifices that had been permitted to be brought in the field. This teaches that if one sacrifices on a private altar when it is forbidden to do so, he is as if he is sacrificing on a field (*without intent towards Hashem*). *They will bring them to Hashem* is a positive mitzvah. Where do we see a negative commandment against sacrificing on a private altar when it is forbidden? The verse states: *And they will not continue to slaughter etc.* One might think one receives kares for doing so. The verse therefore states: *This will be a law forever for them for generations*. This indicates that there is a law regarding these negative and positive commandments, but not that one will receive kares. [*The verse is therefore required to teach a prohibition against slaughtering sacrifices at a time when it was forbidden to offer on a private altar, despite the fact that it was dedicated when it was permitted to do so. How can we use it as a general prohibition against slaughtering sacrifices outside the Temple?*] (106a5 – 106b1)

Rather, Abaye answers: This can be derived from a *kal vachomer*. If in a case where there was no punishment stated (*when one dedicated a sacrifice when it was permitted to*



offer on a private altar), this verse warns against sacrificing it, certainly where the punishment was stated it should be considered as if there was a warning!

Ravina said to Rav Ashi: If so, the Torah should not have said a negative prohibition regarding forbidden fats, and we could derive its prohibition from *neveilah* (*improperly slaughtered animals*)! We would say that just as there is a warning against *neveilah* even though no punishment was clearly stated, certainly forbidden fats, where a punishment was clearly stated, should be considered to have a warning!

He came before Rava with this question. Rava said: There is no proof from *neveilah*, as one can say that *neveilah* is different, as it makes one *tamei*. One similarly cannot derive from *tamei sheratzim*, as they can make one *tamei* with a small amount. One similarly cannot derive from *tahor sheratzim*, as it is forbidden to eat even a small amount of them. One cannot derive from *orlah* or *kilai ha'kerem*, as they are forbidden from benefit. One cannot derive from *shemitah*, as it causes things that are exchanged for it to have the holiness of *shemitah*. One cannot derive from *terumah*, as it is never permitted (*as opposed to forbidden fats which are only forbidden by a domesticated animal, not an undomesticated animal*). Indeed, one cannot derive this from all of these topics, as they are never permitted. (106b1 – 106b3)

Rava continued: If there is a difficulty with this logic, it is as follows. The *Mishnah* says that the *pesach* sacrifice and circumcision are positive commandments. Why don't we derive their warning from leaving over sacrifices? If there is no punishment stated regarding leaving over sacrifices, yet there is a warning against it, certainly *pesach* and circumcision which have a punishment stated should be considered to have a warning!

Rav Ashi said: I said this before Rav Kahana and he replied that one cannot derive this from leaving over sacrifices, as one can ask that a person cannot fix leftover sacrifices, as

opposed to a delayed *pesach* that one can fix (*i.e. pesach sheini*). (106b3)

The *Gemara* asks: (*This entire discussion is difficult!*) Is it even possible to derive a warning using a *kal vachomer*? Even the opinion that says one can punish using a *kal vachomer* holds one cannot warn through a *kal vachomer*!

Rather, it must be that the source is Rabbi Yochanan's teaching that we derive a *gezeirah shavah* of "*havah*." Just as regarding offering, the Torah did not punish without prohibiting with a negative commandment, so too regarding slaughtering (*outside the Temple*), the Torah did not punish without prohibiting with a negative commandment. (106b3 – 106b4)

DAILY MASHAL

Fasting Without Repentance

The *parashah* of sacrifices offered outside the Temple appears in the Torah next to the *parashah* of Yom Kippur to hint that fasting atones like a sacrifice. A person who fasts but does not repent is like someone who offers a sacrifice outside the Temple (*Korban He'Ani*).