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Offerings Outside the Temple

Rava cites a *gezeirah shavah* of "there," "there," in the name of Rabbi Yonah which derives the prohibition of slaughtering outside the Temple from the prohibition of offering outside the Temple; for just as by offering – the Torah did not punish without prohibiting it with a negative commandment, so too regarding slaughtering – the Torah did not punish without prohibiting it with a negative commandment.

The *Gemara* asks: We have found the source for liability regarding sacrifices fit to be burned inside that were offered up outside; where, however, is the source that one is liable (to *kares*) for offering outside sacrifices that were meant to be burned outside (for he slaughtered it outside with such an intention)?

Rav Kahana answers: Scripture said: And you shall say to them [which means,] you shall say concerning those just mentioned. - To this Rava demurred: Is it then written: 'concerning them': Surely 'to them' is written?

The *Gemara* answers: It is derived from the *Baraisa* which is taught in the Academy of Rabbi Yishmael: It is written: *and to them you shall say*, which combines the verses (regarding the offering outside and the slaughtering outside; *this teaches us that one is liable for offering outside a sacrifice that had been slaughtered outside*).

Rabbi Yochanan said: This is derived through a *gezeirah shavah* of "bringing," bringing." Just as slaughtering outside – the Torah

is referring to those sacrifices that were meant to be burned outside, so too regarding the offering outside – the Torah is referring to those sacrifices that were meant to be burned outside (*this teaches us that one is liable for offering outside a sacrifice that had been slaughtered outside*).

Rav Bibi asked from a *Mishnah* which taught that there are thirty-six cases in the Torah where one can be liable for *kares*; and according to that which was stated above, there are in fact thirty-seven, for there are two cases of offering up sacrifices outside the Temple (*one where it was slaughtered inside, and one where it was slaughtered outside*)!?

The *Gemara* states that this indeed is a difficulty. (107a1 – 107a2)

The *Mishnah* below states: One who throws part of the blood on an altar outside of the Temple is liable to *kares*.

The *Gemara* cites a *Baraisa* which teaches the Scriptural source for this: *It will be considered as blood for that man, he has spilled blood*. This includes sprinkling blood (*in the prohibition of offering a korban outside the Temple*); these are the words of Rabbi Yishmael. Rabbi Akiva says: *Or a sacrifice*. This includes one who does sprinkling.

And how does Rabbi Yishmael employ this [phrase] 'or a sacrifice'? — To divide.¹ And from where does Rabbi Akiva know to divide? — He infers it from: and he will not bring it [to the door of the tent of meeting]. - And Rabbi Yishmael? — He

¹ To show that one is liable for offering up without either an olah or any other sacrifice. Without 'or' you would assume that liability is incurred only for offering up both.

requires that [‘it’] [for teaching:] One is culpable for [offering up] the whole [animal], but not for [offering up] an incomplete one. - And Rabbi Akiva? — He infers it from [the phrase] ‘to sacrifice it’. - And Rabbi Yishmael? — One [‘it’] is in respect of those [sacrifices] which should be burned inside, which were made incomplete and offered up outside; the other is in respect of those which should be burned outside, which one made incomplete and offered up outside. And it was taught like so in a Baraisa: Rabbi Yishmael said: You might think that if it became incomplete and offered up outside what should be burned inside, he is culpable; therefore it says: ‘to sacrifice it’: one is culpable for [offering up] a whole [animal], but not for [offering up] an incomplete one. - And Rabbi Akiva? — He holds that if it became incomplete and offered up outside what should be burned inside, he is culpable. - And Rabbi Akiva: How does he employ this [phrase]: ‘it will be considered as blood’? — It includes the shechitah of a bird. - And Rabbi Yishmael? — He deduces it from: or who will slaughter. - And Rabbi Akiva? — He can answer you: He requires that [to teach]: One is culpable for slaughtering [shechitah], but not for melikah. - And Rabbi Yishmael? — He infers it from: This is the matter [that Hashem has commanded]. For it was taught in a Baraisa: Who will slaughter [an ox etc.]: I know it only of slaughtering an animal; how do I know [that] if one slaughters a bird [he is culpable]? Because it says: or who will slaughter. You might think that I also include one who performs melikah, and that is indeed logical: if one is culpable for shechitah [of a bird], though this is not its correct procedure inside; is it not logical that one is culpable for melikah [outside], seeing that that is its correct procedure inside? Therefore, it states: ‘This is the matter [etc.]’. - And Rabbi Akiva? — He can answer you: that is required for a gezerah shavah.

The chart below summarizes the verses and what they teach.

verse	Rabbi Yishmael	Rabbi Akiva
<i>Or a sacrifice</i>	Separate <i>olah</i> and <i>shelamim</i> (one is liable for each one alone)	Liability for one who throws part of the blood on an altar outside

He will not bring it	Only liable for offering a complete thing	Separate <i>olah</i> and <i>shelamim</i>
To render it	Only liable for offering a complete thing (he needs two verses –for animals slaughtered inside the Temple, and for those slaughtered outside	Only liable for offering a complete thing (he maintains that one is liable for offering an incomplete thing if it was slaughtered inside)
<i>It will be considered as blood</i>	Liability for one who throws part of the blood on an altar outside	Liability for one who slaughters a sacrificial bird outside
Or who will slaughter	Liability for one who slaughters a sacrificial bird outside	One is not liable for performing <i>melikah</i> on a sacrificial bird outside
This is the matter	One is not liable for performing <i>melikah</i> on a sacrificial bird outside	Needed for a <i>gezeirah shavah</i> that vows do not need to be annulled by experts

(107a2 – 107a4)

The *Mishnah* below states: One who performs *kemitzah* on a *minchah* offering, or one who receives the blood outside of the Temple is not liable.

The *Gemara* asks: How is this known?

The *Gemara* retorts: And why should you think that he should be liable? It cannot be derived from the slaughtering, for there is a law that applies by slaughtering, and not by the other *avodos*; namely, that if the *pesach* offering is slaughtered for the

sake of people that are not able to partake of it, it is disqualified. [Since we see that slaughtering is stricter than the other avodos regarding this halachah, perhaps it is stricter with respect to the laws of "outside the Temple" as well.] It cannot be derived from the law of sprinkling the blood, for there is a law that applies by sprinkling, and not by the other avodos; namely, that if it is performed by a non-Kohen he is liable to death. [Since we see that sprinkling the blood is stricter than the other avodos regarding this halachah, perhaps it is stricter with respect to the laws of "outside the Temple" as well.]

The Gemara explains why it cannot be derived from both of them combined, for if so, let it not be stated in connection with sprinkling, for it can be derived from both slaughtering and offering up combined, as follows: Let it (*the liability for throwing the blood outside*) be derived from slaughtering. On that you can counter by saying that there is a law that applies by slaughtering, and not by the other avodos; namely, that if the pesach offering is slaughtered for the sake of people that are not able to partake of it, it is disqualified. [Since we see that slaughtering is stricter than the other avodos regarding this halachah, perhaps it is stricter with respect to the laws of "outside the Temple" as well.] It cannot be derived from the law of offering up, for the law regarding offering up is stricter; namely that it applies to a minchah offering as well. Then derive it from both combined? Rather, it is for that reason that a text is written concerning the sprinkling of the blood outside to intimate that you may not derive from both combined. [Accordingly, kemitzah or receiving the blood outside cannot be liable based upon such a derivation, and therefore a verse is not necessary to teach their exemption.] (107a5 – 107b1)

Rabbi Avahu said: If one slaughtered a sacrifice outside of the Temple and sprinkled its blood there, according to Rabbi Yishmael, he is liable to one chatas, whereas according to Rabbi Akiva, he is liable to two.

Abaye said: Even according to Rabbi Akiva's opinion, he is only liable to one chatas, because it is written: There you shall do all that I command you; the Torah regarded them as one service.

If one sprinkled the blood outside and offered it up there, according to Rabbi Yishmael, he is liable to chatas offerings, whereas according to Rabbi Akiva, he is liable to only one.

Abaye said: Even according to Rabbi Akiva's opinion, he is liable to two, for that is the reason that the Torah divided them by saying, there you shall offer-up . . . and there thou shall do.

If one slaughtered, sprinkled, and offered it up outside the Temple, all agree that he is liable to two. (107b1 – 107b2)

The Gemara cites a Baraisa which teaches us the following two halachos:

- One is not liable for slaughtering an olah in the South of the Courtyard.
- One is liable for slaughtering a sacrifice, even if he does so in the Levite Camp.

[The Baraisa according to Shitah Mekubetzes; based on the text found in Toras Kohanim]: [Who will slaughter it] in the camp: You might think that [even] one who slaughters an olah in the South is culpable; therefore, it is stated: or who slaughters it outside the camp. Now, if [only] 'outside the camp' was stated, you might think that there is culpability only if done outside the three camps, from where is it known even if it was done in the Levite Camp? Therefore, it states: 'in the camp.' Now, if [only] 'in the camp' was stated, you might think that [even] one who slaughters an olah in the South is culpable; therefore, it is stated: or who slaughters it outside the camp. Just as outside the camp is distinguished in that it is not eligible for the slaughtering of any sacrifices, so 'in the camp' means in a place which is not eligible for the slaughtering of any sacrifice: hence the South [side of the Temple court] is excluded, for though it is not fit for the slaughtering of Kodshei Kodashim, it is eligible for the slaughtering of Kodashim Kalim. (107b2)

Ulla said: One who slaughters on the roof of the Heichal is liable, since it is not fit for the slaughtering of any sacrifice.

If so, let Scripture write: 'in the camp and outside the camp', and 'and to the entrance of the Tent of Meeting' will not be

necessary; what is the purpose of '[and has not brought it] to the entrance of the Tent of Meeting': surely it is to exclude the roof? Now according to Rava, if that is so, let [Scripture] write: 'to the entrance of the Tent of Meeting' [only]: what is the purpose of 'in the camp' and 'outside the camp'? Surely that is to include the roof?

Rav Mari said that a Scriptural verse teaches us that one is liable if the entire animal is inside, while its neck is outside. - If its neck is outside, it is obvious [that one is culpable]; [for] to what does the Torah object? to slaughtering outside; and this is slaughtering without! — Rather, it includes [the case where] the entire body of the animal is outside, while its neck is inside. (107b3)

It was stated: One who offers up a sacrifice nowadays, Rabbi Yochanan maintains that he is liable, whereas Rish Lakish holds that he is not liable. Rabbi Yochanan says that he is liable, for he holds that the initial sanctity of the Temple was sanctified for its time and for all future time. Rish Lakish, however, said that he is not liable, for he maintains that the initial sanctity of the Temple was sanctified for its time, but not for all future time.

The *Gemara* asks: Shall we say that they differ in the same dispute as that of Rabbi Eliezer and Rabbi Yehoshua? For it was taught in a *Mishnah*: Rabbi Eliezer said: I heard that when they were building the Temple, they made curtains for the Sanctuary and hangings for the courtyards (*temporary partitions until the walls were constructed*), except that for the Sanctuary they built the wall outside those curtains, and in the courtyard they built the walls from inside. Rabbi Yehoshua said: I heard that one may offer sacrifices on the site of the Temple even after its destruction, and that the *Kohanim* may eat the *kodshei kodashim* (*sacrifices of a higher sanctity; they may only be eaten inside the Courtyard*) even though there are no curtains, and we may eat *kodshim kalim* and *ma'aser sheni* in Yerushalayim even though there is no wall surrounding the city, because the first sanctification of Yerushalayim and the Temple was sanctified for that time and for the future.

The *Gemara* assumes that Rabbi Eliezer, the first *Tanna* of the *Mishnah*, disagrees with Rabbi Yehoshua and maintains that after the destruction of the first Temple, there was no sanctity there, and that is why it was necessary to hang the curtains there; the hanging of the curtains re-sanctified the Temple, thus permitting the offering of sacrifices.

Ravina said to Rav Ashi: From where [does this follow]? Perhaps all agree that the first sanctity sanctified it for that time and for the future, and one master (Rabbi Eliezer) reported what he had heard, while the other master (Rabbi Yehoshua) reported what he had heard. And should you say. What was the purpose of curtains, according to Rabbi Eliezer? Simply for privacy (*to prevent people from peering inside while the Kohanim were performing the service*). (107b4 – 107b5)

INSIGHTS TO THE DAF

The Chosen City

The *Gemara* analyzes Rabbi Yishmael's opinion: If he maintains that the initial sanctity of the Beis HaMikdash was sanctified for its time and for all future time, then it should even be permitted for a *bechor* to be brought as a sacrifice and be eaten in Yerushalayim? And if he holds that the initial sanctity of the Beis HaMikdash was sanctified for its time but not for all future time (*and therefore nowadays there is no sanctity*), then his inquiry (*regarding ma'aser sheini*) should have been relevant to a *bechor* as well (*if a bechor was slaughtered while the Beis HaMikdash was in existence, and then it was destroyed, may it be eaten in Yerushalayim*)? [Why was the *halachah* of *bechor* obvious to Rabbi Yishmael, but not the *halachah* regarding *ma'aser sheini*?]

Ravina answers: In truth, Rabbi Yishmael holds that the initial sanctity of the Beis HaMikdash was sanctified for its time but not for all future time, and here the reference is to the following case: The blood from a *bechor* was sprinkled before the destruction of the Beis HaMikdash, and then it was destroyed, and the meat was still present (*and ready to be eaten*). Rabbi Yishmael compares the meat of the *bechor* to its blood: when

the blood may be sprinkled on the Altar, the meat may be eaten as well (*but since now there is no Altar and the blood cannot be sprinkled, the meat may not be eaten either*). And then he compares *ma'aser sheini* to *bechor*.

Tosfos (in Megillah 10a) cites the opinion of Rabbeinu Chaim that even if one maintains that the initial sanctification of the Beis HaMikdash was not for all time and it would be forbidden to offer sacrifices on the site of the Temple Altar, one is nonetheless prohibited from offering a sacrifice on a private altar.

Rashi disagrees and holds that if the sanctity of the Beis HaMikdash ceased by its destruction, it would be permitted to offer sacrifices on a private altar nowadays.

The commentators ask on Rabbeinu Chaim: If the sanctity ceased after the destruction, why would it be forbidden to offer sacrifices on a private altar? After the destruction of Shiloh, *bamos* became permitted, so why not after the destruction of the Beis HaMikdash?

Minchas Chinuch (254:7) writes that although Yerushalayim has lost its sanctity in regards to offering sacrifices and eating *kodoshim*, the city remains the “chosen place” and the third Beis HaMikdash will be built there. This is why private altars are still forbidden. This is the distinction between Shiloh and Yerushalayim. Shiloh was not the chosen city and when the Tabernacle was destroyed, there was no vestige of sanctity left in the city and *bamos* became permitted. Minchas Chinuch states that this is the explanation as to why we are still subject to a prohibition of fearing the *Mikdash* nowadays, since it is still the chosen place although it has not retained its sanctity.

DAILY MASHAL

The Hidden Holy Ark

Why Rambam included a historical fact in his halachos: It is pertinent to add the statement of Mahari Emdin zt”l in his commentary on Rambam’s *Hilchos Beis HaBechirah* (printed in

Sefer HaLikutim on Rambam, Frenkel edition). Rambam mentions (ibid, 4:1) that the Ark of the Covenant, which lay in the *kodesh hakodoshim*, was concealed in Yoshayah’s era “in crooked, twisting tunnels” and was missing in the Second Temple. In his *Yad Hachazakah* Rambam only dealt with halachah and not with history. We should clarify what moved him to mention this historical fact among rulings treating the sanctity of the land and the Temple.

The Ark of the Covenant is the source of the sanctity of the Temple and Yerushalayim: Rabbi Yaakov Emdin explains that the hidden Ark is the source of the place’s sanctity and induces the presence of the Shechinah. Had the Ark been exiled to Babylonia, like the other objects of the Temple, the sanctity of the place would have disappeared. Therefore Rambam mentions that the Ark is hidden to give a reason as to why the Shechinah did not leave the Temple and Yerushalayim. (In this article we addressed the “first sanctification” by those who came from Egypt. According to Rambam, the sanctification by those who came from Babylonia – the second sanctification – did not apply to all the halachos as the entire people did not come to Eretz Israel; see Rambam, *Hilchos Terumos*, 1:26. Nonetheless, regarding the halachos of *kilayim* and *’orlah*, the sanctification by those who came from Babylonia took effect till today and these halachos are in effect from the Torah; see a lengthy discussion in *Derech Emunah*, ibid, S.K. 58, regarding the opinions of Rambam and other Rishonim).