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An Asham for Another Sacrifice

The *Mishnah* stated that one is not liable for slaughtering an *asham* – *guilt offering* outside of the Bais Hamikdash before the owner was ready, since it is not fit for sacrifice inside.

Rav Chilkiyah bar Tuvi says that this is true only if he sacrificed it for its sake, since it is not yet fit for that purpose. However, if he sacrificed it for the sake of another type of sacrifice (e.g., *olah* – *burnt offering*), he is liable, since it would be valid inside for that purpose.

The *Gemara* explains that we don't apply the same reasoning to one who sacrifices it outside as an *asham*, arguing that it would have been fit if it was offered as another type of sacrifice inside, since it would need a formal change of status to change it to a different sacrifice.

Rav Huna challenges this statement, asking how a sacrifice can be unfit when offered for its own sake, as it should be ultimately done, but fit when offered for the sake of another sacrifice.

The *Gemara* attempts to answer this challenge with the example of a *pesach* sacrifice during the rest of the year, which is invalid when offered as a *pesach*, and valid when offered as another sacrifice.

The *Gemara* deflects this, since a *pesach* during the rest of the year is legally considered a *shelamim*, and not a *pesach*. (114b2 – 115a1)

The *Gemara* attempts to support Rav Chilkiyah from a *Baraisa*. The *Baraisa* says that we may have thought that one is not liable for sacrificing outside:

1. An *olah* before the owner is ready to bring it
2. The *asham* of a *nazir*
3. The *asham* of a *metzora* – *leper*

Therefore, the verse states that one is liable for sacrificing an ox, sheep, or goat. The list of these three animals includes these sacrifices.

The *Gemara* notes that the *Baraisa* does not list a *chatas* along with the *asham*. If the *Baraisa* is referring to an *asham* sacrificed when the owner is ready, it should have included a *chatas*, since one would be liable for both. The *Baraisa* must therefore be discussing an *asham* sacrificed before the owner is ready. If it is sacrificed for its sake, one is not liable. Therefore, the *Baraisa* must be referring to slaughtering it for the sake of another sacrifice. Since it says that one is liable, this supports Rav Chilkiyah.

The *Gemara* deflects this, saying that the *Baraisa* is referring to one who sacrificed the *asham* once the owner was ready, but not for its sake. The *Baraisa* does not list *chatas*, since it follows Rabbi Eliezer, who says that an *asham* and *chatas* are equivalent in being invalid when offered for the sake of another sacrifice. Since they are equivalent, the *Baraisa* listed only *asham*, with the understanding that *chatas* is also included, as *asham* derives from it. One is liable since it would be fit when offered inside for its sake.

The *Gemara* attempts to support Rav Chilkiyah from another *Baraisa*. The *Baraisa* says that we may have thought that one is liable for sacrificing outside:

1. An *olah* which itself is not yet ready (i.e., not 8 days old)
2. A *chatas*, which is not yet ready
3. A *chatas*, whose owner is not yet ready

The verse states that one is liable for sacrificing outside, since he did not bring it “to the door of the Mishkan,” teaching that one is only liable for a sacrifice that would be valid inside, excluding these cases.

The *Gemara* notes that this *Baraisa* omits an *asham*, implying that one *would* be liable for offering it outside. If the *Baraisa* is referring to one who sacrificed it for its sake, it should include an *asham* as well, since it is not valid as an *asham* before the animal or person is ready. Therefore, the *Baraisa* must be referring to sacrificing it for another sacrifice’s sake, proving Rav Chilkiyah’s position that one is liable for such a sacrifice outside.

The *Gemara* deflects this, saying the *Baraisa* follows Rabbi Eliezer, who says an *asham* is equivalent to a *chatas*. Therefore, the *Baraisa* is including *asham* when it lists *chatas*, since it derives from *chatas*.

The *Gemara* attempts to support Rav Chilkiyah: For when Rav Dimi arrived, he cited a *Baraisa* taught in the Academy of Rabbi Liva’i: I may have thought to exclude (from obligation) one who sacrificed outside an *olah* whose owner is not yet ready, or the *asham* of a *nazir* or *metzora* (that was disqualified), and the *Baraisa* infers (from a verse) that one is liable, but I do not know how he infers it. – Ravina said: [The reference is:] ‘an ox’, in all cases; ‘a sheep’, in all cases; ‘a goat’, in all cases. [But he omits a *chatas*! If the *Baraisa* is referring to an *asham* sacrificed when the owner is ready, it should have included a *chatas*, since one would be liable for both. The *Baraisa* must therefore be discussing an *asham* sacrificed before the owner is ready. If it is sacrificed for its

sake, one is not liable. Therefore, the *Baraisa* must be referring to slaughtering it for the sake of another sacrifice. Since it says that one is liable, this supports Rav Chilkiyah.] - What difficulty is this? Perhaps [it is to be explained] as you stated [in the previous discussion – that it is referring to a sacrifice slaughtered not for its own sake in its proper time, and it is in accordance with Rabbi Eliezer]?

Rav Nachman says that we cannot say that this *Baraisa* is discussing an *asham* whose owner is ready, as we suggested about the first *Baraisa*, due to the way we resolve a contradiction between this *Baraisa* and another *Baraisa* of Rabbi Levi. The *Baraisa* of Rabbi Levi says that if one slaughtered an *asham* of a *nazir* or *metzora* not for its sake, it is valid, but did not fulfill their obligation. If the owners were not yet ready, or if the animals were two years old (*instead of the mandated age of one year old*), they are invalid. This contradicts the *Baraisa* of Rabbi Liva’i, which implied that an *asham* of a *nazir* or *metzora* whose owner is not fit is still valid, and therefore one is liable for slaughtering it outside.

Rav Dimi answered the contradiction by saying that Rabbi Liva’i is referring to one who slaughtered the *asham* for another sacrifice’s sake, for which it is valid, while Rabbi Levi is referring to slaughtering it for its sake, which is invalid. Rabbi Liva’i’s *Baraisa* therefore must be discussing one who slaughtered the *asham* before the owner was ready, but not for its sake, supporting Rav Chilkiyah’s position that one is liable.

Rav Ashi said that our *Mishnah* seems to contradict the first *Baraisa* about the ruling for one who sacrifices outside an *asham* of a *nazir* or *metzora* who are not yet ready.

Rav Ashi answered that the *Mishnah*, which says one is not liable, refers to slaughtering it for its sake, which is not valid, while the *Baraisa*, which says one is liable, refers to slaughtering it for another sacrifice’s sake, which is valid.



The *Gemara* suggests that this resolution refutes Rav Huna's challenge.

The *Gemara* deflects this, saying that Rav Huna would resolve this contradiction by saying the *Baraisa* refers to a case where one set aside two animals for an *asham*, with one as a reserve, in case one gets lost. In such a case, once the first animal is offered, the second is left to graze until it has a blemish, and then sold, with the proceeds used to buy an *olah*. Therefore, one of these two is already considered an *olah*, and is valid if slaughtered as an *olah*. This is as Rav Huna said in the name of Rav: For Rav Huna said in the name of Rav: If an *asham* is put out to pasture (i.e. in a case where its owner died) and it was then slaughtered as a *korban* without specific intent for what *korban* it should be, it is valid (as an *olah*, as this is its intended purpose). (114b2 – 115b1)

Sacrificing what Outside?

The *Mishnah* listed items for which one is not liable for sacrificing outside. The *Gemara* cites a *Baraisa* which explains the source for these exclusions. The verse punishing one for sacrificing outside uses the example of offering an *olah*. From this we learn that one is only liable for sacrificing things like an *olah*, i.e., fit for offering on the altar, excluding these items, which are not offered on the altar:

1. The meat of non *olah* sacrifices
2. Leftovers of the *omer* barley offering offered on the second day of *Pesach*
3. The two loaves of bread offered on *Shavuos*
4. The show bread taken off the table every *Shabbos*
5. Leftovers of *minchah* offerings

Since the verse describes one who “raises up” a sacrifice, this limits it to a form of sacrifice that is the end of the process, like placing on the altar. This excludes other stages of sacrificing, such as:

1. Pouring oil on the *minchah*
2. Mixing it together
3. Crushing it

4. Salting sacrifices
5. Waving the *minchah*
6. Bringing the *minchah* to the altar's corner
7. Placing the show bread on the table
8. Tending to the lights of the menorah
9. Taking the *kometz* – *handful* from the *minchah*
10. Receiving the blood (115b1)

Pre-Mishkan Times

The *Mishnah* said that before the Mishkan was established, the firstborn performed the service.

Rav Huna bar Rav Ketina was sitting before Rav Chisda, who read the verse which states “and he [Moshe] sent the lads of Bnei Yisroel,” referring to the firstborns.

Rav Huna said that Rav Assi said that this was the end of the service by the firstborn, since by the time the Torah was given, Nadav and Avihu, the *Kohanim*, were given the job of the service.

Rav Chisda planned to challenge this from our *Mishnah*, which states that the first born performed the service until the time of the Mishkan, but he then heard him quote Rav Adda bar Ahavah saying that the *olah* offered in the Sinai desert (before the Mishkan) did not require skinning and dismembering.

He then decided to challenge both statements from one *Baraisa*, which states that before the Mishkan was established:

1. Private altars were permitted
2. The firstborn performed the service
3. Sacrifices could be offered from all animals or birds, domesticated or wild, male or female, blemished or whole, but only pure ones
4. All sacrifices were *olah* ones

The *Baraisa* continues, saying that the *olah* offered in the Sinai desert before the Mishkan required skinning and dismembering. The *Baraisa* concludes by saying that all of these exceptions to the regular rules of service apply nowadays to non-Jews.

This *Baraisa* thus challenges both Rav Huna's statement that the firstborn did not perform the service at the time of the *matan torah* - giving of the Torah, and his statement that the *olah* before the Mishkan did not need skinning and dismembering.

The *Gemara* answers that there is a dispute of *Tannaim* about these points.

The *Gemara* cites a *Baraisa* about the verse in which Hashem tells Moshe at the time of the Giving of the Torah that "the *Kohanim* who come close to Hashem should separate." Rabbi Yehoshua ben Karchah says this refers to the firstborn, while Rebbe says it refers to Nadav and Avihu. Rav Huna follows Rebbe, while the *Baraisa* cited by Rav Chisda follows Rabbi Yehoshua ben Karchah.

The *Gemara* says that according to Rebbe we can understand what Moshe meant when he told Aharon after Nadav and Avihu's death that "this is what Hashem said, 'with the ones close to Me, I will become sanctified,'" as he was referring to the verse in the *Baraisa*. Since Nadav and Avihu came too close, Hashem followed through on the second part of the verse, which states, "lest Hahem break them." However, according to Rabbi Yehoshua ben Karchah, what prior statement of Hashem was Moshe referring to?

The *Gemara* answers that Hashem had stated, "He will meet *Bnei Yisroel* in the Mishkan, and it will be sanctified *bichvodi* – in my honor". The last word can be read instead as *bimchubadai* – through those who are His honored ones, hinting that Hashem would become sanctified through the death of righteous people. Moshe had not understood this verse at the time, but when Nadav and Avihu died, he told

Aaron that his sons died to sanctify Hashem's name. When Aaron understood that his sons had become so close to Hashem, he was silent, and was rewarded for his silence.

The *Gemara* cites the verse which refers to Aaron as *dom – silent*, and associates this with the verse of Dovid, who said be silent to Hashem "v'hischolel lo – even if he presents you with corpses [*chalalim*]."

The *Gemara* also associates this with the verse of Shlomo, who said that there is a time for speech and a time for silence, as sometimes one is rewarded for speech, but sometimes one is rewarded for silence.

The *Gemara* says that this understanding of Nadav and Avihu's death follows Rav Chiya bar Abba quoting Rabbi Yochanan, who says that the verse which says that Hashem is awesome *mimikdashecha* – from Your holy place can be read *mimukadeshecha* – from those who are Your holiest. The verse means that when Hashem metes out strict justice to His holy ones, He is more feared, praised, and exalted among everyone, as was illustrated in the case of Nadav and Avihu's death.

The *Gemara* says that the second challenge about the rules of an *olah* before the Mishkan can also be resolved, since it is also a dispute of *Tannaim*.

The *Gemara* cites a *Baraisa* about the timeline of all the rules given in the Torah. Rabbi Yishmael says that the general rules were taught at Mount Sinai, but the full details were only taught in the Mishkan, while Rabbi Akiva says that the general rules and the details were taught at Mount Sinai, repeated in the Mishkan, and repeated again in the plains of Moav before entering *Eretz Yisroel*. (115b1 – 115b4)

The *Gemara* now returns to the *Baraisa*, discussing its statements in more detail. The *Baraisa* said that all animals and birds were valid as sacrifices. Rav Huna says the source is the verse which states that after the flood Noach built an

altar and offered on it from “all pure *beheima* - animals and birds.” The word *beheimah* includes both domesticated and wild animals, so this verse includes domesticated and wild animals and birds, male or female, blemished or whole, but not any missing a limb. (115b4 – 116a1)

INSIGHTS TO THE DAF

The Firstborn vs. the Kohanim

The *Gemara* relates a dialogue between Rav Huna bar Rav Ketina and Rav Chisda. Rashi and Tosfos differ on the details of this dialogue.

The *Gemara* begins by stating that Rav Huna was sitting in front of Rav Chisda, and he read the verse which states that Moshe sent the lads of *Bnei Yisroel* (i.e., the firstborn). Rashi says that the one reading the verse was Rav Chisda, while Tosfos (115b v’yasiv) says that it was Rav Huna.

The *Gemara* continues, saying that he said that Rav Assi said, “and they stopped”, and Rav Chisda considered challenging this statement from the *Mishnah*, which says that the service was performed by the firstborn until the Mishkan was established.

Rashi and Tosfos offer various explanations of what “they stopped” means, and how it is inconsistent with our *Mishnah*. Rashi offers two explanations:

1. The firstborn performed the service that day, but then stopped, at which time the *Kohanim* took over. This was well before the establishment of the Mishkan, contradicting our *Mishnah*.
2. The verse should be paused at this point. Rav Huna was saying that the continuation of the verse, which says, “and they offered sacrifices,” is not connected to the mention of the firstborn, but rather refers to the *Kohanim*. The beginning of the verse simply means that Moshe sent the firstborn to oversee the sacrifices, but not to actually offer

them. According to this reading, the firstborn never performed the service, contradicting the *Mishnah*.

Tosfos (115b Amar) suggests that the dialogue was that Rav Huna said that Rav Assi agreed with the simple reading of the verse, implying that the firstborn performed the service, but “they [the Sages] stopped” Rav Assi from saying this, since they did not perform the service. This therefore contradicts the *Mishnah*.

The *Gemara* discusses the death of Nadav and Avihu. The *Gemara* explains that if the *Kohanim* referred to at the time of the Giving of the Torah do not refer to them, then the prior statement indicating that they would die was Hashem’s saying that the Mishkan will be sanctified bichvodi – in my honor.

The *Gemara* says that Moshe did not understand the import of this statement until Nadav and Avihu died. Tosfos (115b Remazo) explains, based on the Medrash, that Moshe understood that it meant that one of Hashem’s honored would die, but he thought it would be Moshe or Aaron. When he saw that it was Nadav and Avihu, he told Aaron that it seems that they were even greater than Moshe or Aaron.

The *Gemara* continues to say that Aaron was rewarded for his silence when his sons died. Tosfos (115b v’kibel) cites the *Toras Kohanim* which says that the reward was the fact that the next portion of the Torah, detailing the prohibition of performing the service when intoxicated, was said only to Aharon. Tosfos explains, based on the Sifri that all commandments from Hashem were first told to Moshe, even when the verse says that Hashem spoke to Aaron. However, the reward was that Hashem did not tell Moshe to tell of the *Bnei Yisroel* equally, but rather to first tell Aaron.



DAILY MASHAL

Noach and the Flood

Noach, seems at first glance quite contradictory. On the one hand, the Torah itself explicitly testifies that he was perfectly righteous, and he alone merited to be saved from the destruction which befell his contemporaries. Everyone alive today is descended from him and exists only in his merit. On the other hand, Rashi points out that some Sages question how pious Noach truly was. They point out that the verse emphasizes that he was righteous in his generation, which can be read as implying that if he had lived in another generation, such as that of Avrohom Avinu, he wouldn't have been considered unique or special in any way. This is difficult to understand. If the Torah explicitly praises Noach, why do Chazal minimize his greatness, and why do they specifically compare him to Avrohom? Furthermore, if he was indeed so righteous, why wasn't he simply told to escape to *Eretz Yisroel*, which according to one opinion in our *Gemara* was miraculously protected and spared from the flood, until the waters subsided?

Reb Oizer Alpert cites the Zohar to answer these apparent contradictions. The Zohar questions why the Haftorah (Yeshaya 54:9) refers to the flood as the floodwaters of Noach. Since Noach was the righteous *tzaddik* who was spared from the destruction, why is the flood named for him, implying that he was somehow responsible for it? The Zohar answers that Hashem commanded Noach to make an Ark to save him and his family from the impending flood. During the 120 years that Noach was busy doing so, he neglected to pray for his contemporaries to repent their sins and be spared, and as a result, he was held accountable for the flood which may have been prevented through his prayers.

The Zohar HaKadosh teaches us that although Noach was personally righteous, he was content with his own individual piety to save himself and his family without being properly concerned about the welfare of his contemporaries. The

Medrash compares Noach to a captain who saved himself while allowing his boat and its passengers to drown. With this insight, we can now appreciate that Noach's spiritual level was indeed complex and somewhat contradictory. He withstood the tremendous temptations to join the rest of his sinful generation and remained uniquely pious, yet at the same time he could have done much more on behalf of others.

Rav Moshe Shternbuch writes that this explains why Noach was forced to endure such a difficult and exhausting year in the Ark instead of living peacefully with his family in the land of Israel. Even though Noach was deemed sufficiently righteous to be saved and to repopulate the earth, he was simultaneously found lacking in the area of feeling compassion for others. In order to teach him this lesson, Hashem required him to spend the duration of the flood engaged in continuous *chesed*, feeding the various animals around the clock, each with its own unique menu and eating time.

Still, although it is important to do acts of kindness for others, the Meshech Chochmah points out that one might assume that he nevertheless loses out in the process, as the time and energy that he dedicates to others come at the expense of investing them in his own growth and development. However, he quotes a Medrash (Bereishis Rabbah 36:3) which points out that precisely the opposite is in fact the case. Although Noach is initially introduced as a perfectly righteous man, his lifelong focus on himself caused him to fall and be transformed into a man of the earth (9:20). In contrast, Moshe Rabbeinu, who dedicated his entire life to the welfare of others, was originally described (Shemos 2:19) as an Egyptian man who was forced into exile – but through his efforts on behalf of *Klal Yisroel* he elevated him to the pinnacle of perfection and was called (Devorim 33:1) a man of G-d, teaching us that a person never loses out by doing *chesed* for others.