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Mixed-up Lambs

Rabbah bar bar Chanah related the following *braisa* before Rav: If the lambs (*less than a year old*) of *Shavuos* were slaughtered for the sake of rams (*more than a year old*), they are valid, but they do not count towards the fulfillment of their obligation. [The commentators explain that this is regarded as “*shelo lishma*” – “not for its own sake,” for the lambs offered on *Shavuos* are *shelamim*, and he mistakenly thought they were rams – which are brought on *Shavuos* as *olos*.]

Rav said to him: They certainly count towards the fulfillment of their obligation.

Rav Chisda said: Rav’s view (*that they count towards their obligation*) is reasonable in the case where he thought that they (*the lambs*) were rams and he slaughtered them for the sake of **lambs**, for then the lambs were in fact slaughtered as lambs; but when he thought that they (*the lambs*) were rams and he slaughtered them for the sake of **rams** (*they do not count towards their obligation*), for even a mistaken uprooting is considered an uprooting.

Rabbah, however, said: A mistaken uprooting is not considered an uprooting.

Rabbah said: I can object against my own teaching from the following *Mishna*: *Kohanim* who purposely make a *korban piggul* (*a korban whose avodah was done with the intention that it would be eaten after its designated time*) must pay the owner for the damage (*a new animal*). This implies that if they did so unwittingly they are exempt. And in connection with this, it was taught in a *braisa*: It is nevertheless rendered *piggul*. Now, what was the precise circumstance for this inadvertence? If the *Kohen* knew that the offering was a *chatas* (*which is eaten for a day*

and a night) and he thought that it was a *shelamim* (*which is eaten for two days and a night, and that is why he intended that it should be eaten beyond its time*), then surely he was not acting unwittingly but deliberately! We must say, therefore, that he thought that it (*a chatas offering*) was a *shelamim* and slaughtered it with the intention that it should be eaten as a *shelamim*, and yet it has been taught: It is nevertheless rendered *piggul*. This proves that a mistaken uprooting is considered an uprooting!?

Abaye answered: In truth the case was that the *Kohen* knew that the offering was a *chatas* and he thought that it was a *shelamim*, and yet it is regarded as “acting unwittingly,” for he believed that it was permitted to have such an intention.

Rabbi Zeira challenged Rabbah from the following *braisa*: Rabbi Shimon said: All *minchah* offerings whose *kemitzah* was taken not for its sake are valid and count towards the obligation of their owners. This is because the *minchah* offerings are different from animal sacrifices, for when one performs a *kemitzah* of a *machavas* offering (*the loaves are hard, for they were fried on a shallow, flat griddle, and the fire burns off the oil*) for the sake of a *marcheshes* offering (*the loaves are soft, for they are fried in a deep pan, and the fire doesn’t burn off the oil*), its preparation proves that it is a *machavas* offering. If one performs a *kemitzah* of a dry *minchah* offering for the sake of *minchah* offering mingled with oil, its preparation proves that it is a dry *minchah* offering (*and he holds that when the product proves that the intention is false, the korban is valid*). But regarding animal sacrifices it is not so, for there is the same slaughtering for all, the same receiving of the blood for all, and the same sprinkling for all.

Now, what are the circumstances (of one who performs a *kemitzah* of a *machavas* offering for the sake of a *marcheshes* offering)? If the *Kohen* knew that it was in fact a *machavas* offering, and yet, when he took the *komeitz*, he performed it for the sake of a *marcheshes*, then what significance is there in the fact that its preparation proves that it is a *machavas* offering? He has deliberately uprooted the offering, has he not? We must say, therefore, that he thought that it was a *marcheshes* offering, and when he took the *komeitz*, he performed it for the sake of a *marcheshes*, but he was mistaken (for in fact, it was a *machavas* offering). Now, it is in this case only (where Rabbi Shimon rules that it counts towards the obligation of their owners), since its preparation proved the true nature of the offering, but in all other cases we would say that a mistaken uprooting is considered an uprooting!?

Abaye answered him: In truth the case was that the *Kohen* knew that the offering was a *machavas* and yet, he performed the *kemitzah* for the sake of a *marcheshes*, and as for the question: what significance is there in the fact that its preparation proves that it is a *machavas* offering, (why, he has deliberately uprooted the offering), I can answer that Rabbah is consistent with his view, for Rabbah has said that Rabbi Shimon declares a wrongful intention which is not clearly recognizable (as being senseless) capable of invalidating an offering, but a wrongful intention which is recognizable (as being senseless), the Torah declares it incapable of invalidating an offering. (49a)

Mishna

The daily (*tamid*) offerings are not essential to the *mussaf* offerings, and the *mussaf* offerings are not essential to the *tamid* offerings; and furthermore, the *mussaf* offerings are not essential to each other.

Even though they did not offer the lamb (for the *tamid* offering) in the morning, they may still offer it in the afternoon. Rabbi Shimon said: When is this? It is only when they had acted under forced circumstances or in error, but if they acted deliberately and did not offer the lamb in the morning they may not offer it in the afternoon (as a penalty).

If they did not burn the incense (*ketores*) in the morning (half a *maneh* – the usual portion for the morning), they may still burn it (half a *maneh* – the usual portion for the afternoon) in the afternoon. Rabbi Shimon said: They would burn the entire measure (a complete *maneh*) in the afternoon, for the golden altar was inaugurated only by the (full portion of the) incense of spices,

The *olah* (outside) altar is inaugurated only by the *tamid* offering of the morning; the *Shulchan* (table) is inaugurated only by the *lechem hapanim* (showbread) on *Shabbos*; and the *Menorah* is inaugurated only by the kindling of the seven lamps in the afternoon. (49a)

Tamid and Mussaf Offerings

Rabbi Chiya bar Avin inquired of Rav Chisda: If the community did not have enough animals to offer the *tamid* offerings as well as the *mussaf* offerings, which take precedence?

The *Gemora* clarifies the inquiry: What are the circumstances? If you say that the reference is to the *tamid* offerings required for that day and the *mussaf* offerings also for that day, then surely it is obvious that the *tamid* offerings take precedence, for they are more frequent (as they are offered every day) and holy (as the Festival adds holiness to it – Rashi, in his first explanation)!? We must therefore say that the reference is to the *tamid* offerings required for the next day and the *mussaf* offerings required for that day. Shall we say that the *tamid* offerings take precedence for they are more frequent, or the *mussaf* offerings, since they are holy?

He replied: But you have learned the answer to this question in our *Mishna*: The daily (*tamid*) offerings are not essential to the *mussaf* offerings, and the *mussaf* offerings are not essential to the *tamid* offerings; and furthermore, the *mussaf* offerings are not essential to each other. Now, what are the circumstances? If you say that there were enough animals available for both obligations, and the *Mishna* is ruling regarding precedence (that either one can be first), surely it has been taught (otherwise) in a *braisa*: From where do we know that no offering should be sacrificed prior to the *tamid* offering of the morning? It is because it is written: *And he shall arrange the olah upon the*

altar, and Rava stated: “*The olah*” implies the first *olah* (of the day – the morning tamid; this teaches us that it is the first korban brought each day)!? Rather, then, it must be referring to a case where there were not enough animals for the two kinds of offerings. Now, if both are required for that day, how can we rule that either of them may be offered? Surely that which is more frequent and holy takes precedence!? We must say, therefore, that the *tamid* offering is required for the next day, and yet it states that they are not essential for each other. This proves that today’s *mussaf* offering and tomorrow’s *tamid* offering have equal status!

Abaye said to him: In truth, the *Mishna*’s case is where there were enough animals available for both obligations, and the *Mishna* is ruling regarding precedence (that either one can be first), and as for your objection that no offering should be sacrificed prior to the *tamid* offering of the morning, I can answer that it is only a recommendation (that it be done in that matter, but it is valid even if a *korban* is offered before the *tamid*).

The *Gemora* attempts to resolve the inquiry from the following *Mishna*: There must never be less than six examined lambs (to ensure that there are no blemishes) in the chamber of lambs, sufficient for *Shabbos* and the two days of *Rosh Hashanah*. [When the three fall on consecutive days, six lambs would be required for the *tamid* offerings, for perhaps they would not be able to obtain new lambs on these days.] Now what are the circumstances? If you say that there were enough animals available for the *tamid* and the *mussaf* offerings, then surely many more animals would be necessary (to be placed in the chamber)!? It must be referring to a case where there were not enough animals. By the fact that six animals are placed in the chamber for the next day’s *tamid* offerings and not for today’s *mussaf* offerings, this proves that the *tamid* offerings take precedence.

The *Gemora* deflects the proof: This is not so, for actually there were lambs available for all the offerings, but the *Mishna* was saying that there must never be less than six lambs examined four days before the slaughtering in the chamber of lambs –

they needed to be examined four days before the slaughtering. [This was only necessary for the *tamid* offerings.] And the *Tanna* who holds like that is Ben Bag Bag, for Ben Bag Bag said in a *braisa*: From where do we know that the lamb used for the *tamid* offering must be examined four days before the slaughtering? It is because it is written (regarding the *tamid* offering): *You shall guard, to offer it to Me in its appointed time*, and it is written (regarding the *pesach* sacrifice): *And it shall be yours for a guarding until the fourteenth day of the month*: just as in the latter case the lamb was examined four days before the slaughtering, so too in the former case, the lamb must be examined four days before the slaughtering.

Ravina asked Rav Ashi: Why did they only set aside six lambs? Surely seven are necessary, for one must consider the lamb for the morning *tamid* offering on Tuesday (following *Rosh Hashanah*, for they would not have ample time to find a lamb and examine it)!?

Rav Ashi responds: And according to your reasoning, wouldn’t eight be necessary, for one must also consider the lamb for the afternoon *tamid* offering on Friday!?

Ravina answers: This is no difficulty, for the *Mishna* is referring to the amount of lambs needed after the Friday afternoon *tamid* was already offered.

But, the *Gemora* returns to its question: Shouldn’t there be seven!?

The *Gemora* answers: The *Tanna* is not referring to that specific case; rather, there is a general requirement to always have six lambs prepared. (49a – 50a)

INSIGHTS TO THE DAF

Two mitzvos to be observed: Which should be preferred?

Varied and interesting cases were presented to the *poskim* throughout the generations, who were asked to express their

opinion about preference between two *mitzvos*. In tractate Zevachim (Vol. 223) we addressed the case of a person faced with two *mitzvos*, a frequent one and “a holier one” and the poskim decided that he could choose whichever he wants as the *Gemora* does not decide this doubt. Here we address the disagreement of the poskim about two *mitzvos* whose timing is not identical and where there is a possibility to observe only one of them.

Should one skip a lighter *mitzvah* to perform a severe one? The Radbaz (Responsa, IV, 13) was presented with a question by a person imprisoned who had no possibility to pray with the congregation. After much entreating, the authorities consented to allow the prisoner one day to pray with the congregation. Rabanim asked the Radbaz in his name which day he should choose. The Radbaz replied that he should immediately leave prison and not wait for any special date, such as *Yom Kippur*, as the rule is that “we do not skip over *mitzvos*”: “...we do not mind if the *mitzvah* he encounters first is slight or severe as we do not know the reward for *mitzvos*. The matter is very simple to me.”

The Radbaz’s reply reached the Chacham Tzvi (Responsa, 106), who disagreed, relying on our *Gemora*, as follows. Our *Gemora* wonders how one should behave on Shabbos if there is a lack of sacrifices in the Temple. Should they be sacrificed as *musafim* or should they be kept for Sunday’s *temidim*? Apparently, our *Gemora* contradicts the Radbaz’s opinion as according to him, what is the doubt? It is obvious that one should perform the first *mitzvah* encountered and offer the *musaf* on Shabbos as “we do not skip over *mitzvos*”. The Chacham Tzvi contends that it is evident that if the two *mitzvos* facing us are not identical, one should disregard the slighter one and wait to observe the more difficult one.

An individual can disappear; the public is always present: This firm proof from our sugya, presented against the Radbaz’s opinion, is nicely solved in Leket HaKemach (cited in *Baer Heiteiv*, O.C. 90, S.K. 11; see *ibid*). The rule that “we do not skip over *mitzvos*” is based on the fact that a person cannot be sure that in the next moment he will still be able to observe *mitzvos*. Who knows what can happen? Therefore “do not skip over

mitzvos” but immediately observe the first *mitzvah* you encounter. We can therefore distinguish between a *mitzvah* incumbent on an individual and a *mitzvah* incumbent on the public. An individual must worry lest he will not live till he waits to observe the greater *mitzvah* and he must rush to observe what is incumbent on him now. On the other hand, the public never dies and we need not worry lest a public *mitzvah* not be observed. Therefore, our *Gemora*, which deals with offering public sacrifices, considers an option to wait for tomorrow’s tamid without concern for someone’s death, as there will surely be a kohen to sacrifice them.

We can also resolve the Radbaz’s opinion in a completely different way. We have assumed that on Shabbos the *mitzvah* to sacrifice the *musaf* is an immediate *mitzvah* while the *mitzvah* of tomorrow’s tamid is a future *mitzvah* and therefore we asked about the Radbaz, who rules out disregarding an immediate *mitzvah* for the sake of observing a future *mitzvah*. However, sacrificing tomorrow’s tamid could be considered an immediate *mitzvah* too. We were commanded about the tamid: “You shall guard (the sacrifice) to offer Me in its time”. In other words, even before the time comes, we must guard the tamid and prepare for its being sacrificed, as our sugya explains, that one should examine the tamid four days earlier. Therefore, today we are already faced with the *mitzvah* of tomorrow’s tamid; hence the *Gemora* relates to sacrificing the *musaf* and sacrificing the tamid as two *mitzvos* identical in their timing (*Hagahos* Rabbi Eliezer Moshe Horvitz zt”l on Sukkah 25b; see *ibid*, that he proves from that sugya in favor of Radbaz, and see *Avi ‘Ezri*, Hilchos Tefillah, 3:11, and *Sefas Emes*, Zevachim 89a; according to his explanation, this consideration exists within the four days of examining the sacrifice; according to the first solution, however, the topic of our sugya is relevant also for a tamid to be sacrificed far in the future).

The mitzvah of inaugurating the altar

When the Greeks conquered Yerushalayim, they defiled the Temple and the altar with idolatry. When they were defeated, the Hasmoneans concealed the stones of the altar and built a new one in Kislev („Avodah Zarah 52b). The Maharsha (Shabbos 21b) says that the holiday is therefore called Chanukah (“inauguration”) as they had the merit to build and inaugurate

a new altar. Our *Mishna* explains that one must inaugurate new objects of the Temple by serving with them and the outer altar must be inaugurated by sacrificing the morning *tamid* on it. If this was not done, the afternoon *tamid* must not be sacrificed on it until it is inaugurated by the morning *tamid*.

A *mitzvah* without special characteristics is not counted: If we examine the works of the Rishonim which count the *mitzvos*, we find that some counted the inauguration of the altar as a *mitzvah* (*Behag*, Minyan HaParashayos, os 4) but many left it out. The author of *Megilas Ester* (shoresh 3) explains their opinion for two reasons. Firstly, he contends, how do we know that the inauguration of the altar is a *mitzvah*? It could be that we only have a prohibition not to offer sacrifices on a new altar except for the morning *tamid*. Even if the inauguration of the altar is a *mitzvah*, it should not be counted among the 613 *mitzvos* as this *mitzvah* has no special characteristics. Since we do not offer a special sacrifice to inaugurate the altar but the Torah says that its inauguration must only be by means of the *tamid*, is this in any way a new *mitzvah*?

To sum up the issue, Rabbi Yerucham Perla (on Rav Sa'adyah Gaon's work, *parshah* 49) states that the inauguration of the altar is not an essential prohibition or *mitzvah* with its own content but the Torah says that the altar will not be fit for its task if these and other instructions won't be observed.

If Mashiach comes on the eve of Pesach: Rabbi Avraham Pardo zt"l wondered (cited in Responsa *Yosef Ometz*, 6): If Mashiach comes on the eve of Pesach and the altar will be built in the afternoon after the time to sacrifice the morning *tamid*, would the *pesach* offering not be sacrificed because the altar has not been inaugurated? Indeed, if we follow the opinion that an altar which has not been inaugurated is not an altar at all, the *pesach* should not be sacrificed. But Rabbi Pardo disagreed and in his opinion the altar's being fit does not depend on the *mitzvah* to inaugurate it. Therefore, offering the *pesach*, which is a positive *mitzvah* involving *kareis*, pushes aside the *mitzvah* of inaugurating the altar. Other Acharonim believed likewise (see *Sefer HaMaftaiach* on Rambam, Hilchos *Temidin Umusafin*, 1:12, that the Netziv and Aroch HaShulchan wrote similarly, and

see Avi 'Ezri, *ibid*, who innovates that according to Rambam, the halachah is only **not** to start with the afternoon *tamid* but any other sacrifice can inaugurate the altar).

We have addressed the definition of this *mitzvah*/prohibition and its implications and the issue as to if the inauguration of the altar constitutes a condition for its becoming fit for use. But the Chazon Ish (Menachos 30:3-5) says that we have not yet fully apprehended the *mitzvah*. To understand his statement properly, we must first emphasize that *kli shareis* are inaugurated by their service (Yoma 12b, etc.). In other words, an object in the Temple is sanctified when a kohen serves with it in the Temple with the aim to sanctify it. Therefore, we must clarify if the halachah of inaugurating the altar with the morning *tamid* stems from the altar's task as a *kli shareis* which should be inaugurated with its establishment like any new *kli shareis* or if, to inaugurate the altar as a *kli shareis*, there is no need to sacrifice the morning *tamid* but it suffices with any sacrifice, whereas the halachah of inaugurating the altar with the morning *tamid* stems from its being an object which completes the Temple's structure and when a new Temple is built, the altar should be inaugurated in this way.

The Chazon Ish mentions a certain case which expresses the difference between the two aspects. What about an altar which became disqualified when one of its horns was ruined and later fixed. Obviously, it needs inauguration as a *kli shareis* as when it became disqualified it stopped being such. But if inauguration with a morning *tamid* relates to inauguration in a new Temple, then it suffices to inaugurate it with any sacrifice (see Mikdash Yechezkel on our sugya).

Why doesn't Chanukah last nine days? We conclude with our first topic. The Chasam Sofer zt"l raises a question on the Maharsha's connecting Chanukah with the altar's inauguration. If the assumption is correct, asks the Chasam Sofer, let's examine the order of events in the Temple and we'll discover that, apparently, Chazal should have instituted to celebrate Chanukah for nine days! The Chasam Sofer assumes that all of the inauguration took place on one day, and wonders: on the morning of 24th Kislev the altar was inaugurated with the *tamid*

and in the afternoon the *menorah* was lit. If Chanukah is so named mainly because of the inauguration of the altar, why don't we celebrate it also on the 24th, when the altar was inaugurated? (And if the altar was inaugurated on the 25th, the menorah was lit in the afternoon before the 26th and why do we light candles on the 25th?)

The mitzvah to examine the tamid

A special halachah is analogous to the *pesach* and *tamid* sacrifices: *bikur*. Both sacrifices must be examined, lest they have a defect, four days before they are sacrificed. But it wasn't explicit as to if one should examine the sacrifice on each of the four days or if it suffices to examine it only on the first day. Minchas Avraham mentions that the Rishonim disagreed (see Rashi, Pesachim 96a, s.v. *Lemishmeres*, and Rambam, Hilchos *Temidin*, 1:9). We can understand their disagreement by presenting the following enquiry concerning the nature of the *mitzvah*.

The *bikur* of the *tamid*: for examination or for watching? We could regard the halachah of *bikur* four days before the sacrifice as repeated examinations meant to assure its entirety. On the other hand, we could regard this halachah as a requirement to watch the sacrifice. If the purpose of *bikur* is to examine the sacrifice, it makes sense that just as one must examine it four days beforehand, one must also examine it three days earlier. Maharal wrote (*Gur Aryeh*, *parshas Bo*, 12:6) that on the third day before offering one may find what one didn't see on the fourth day, etc. However, if by this *mitzvah* the Torah instructed that one should preserve the sacrifice and prepare it four days beforehand, it suffices with one examination four days previously.

The implications of this enquiry are also revealed in a basic question asked by the author of *Shaagas Aryeh* zt"l (in *Turei Even* on Megillah 29a). He asked if the *mitzvah* of *bikur* is fulfilled with an animal that has not yet been sanctified as a sacrifice. In other words, may one examine it and, four days later, sanctify and sacrifice it? Or must one sanctify it before the four days? After a long discussion he proves from Rashi and Tosfos that one may observe the *mitzvah* of *bikur* before sanctifying the sacrifice. If we want to apply this issue in the light

of our enquiry, we find that if *bikur* is meant to reveal any possible defect, what difference does it make if the animal was sanctified? The main thing is that the owner examined it for four days and found no defect. However, if the Torah wants the animal to be watched as a sacrifice four days beforehand, it could be that it should also be sanctified, and if not, it is unfit to be sacrificed (see *Minchas Avraham* on our sugya).

DAILY MASHAL

A Box of Beans

Rabbi Meir says, and so the *halachah* was ruled, that a person must pronounce 100 *berachos* each day. The Ya'vetz, in his *siddur Beis Ya'akov* (after *ma'ariv*), advises to start to count the *berachos* at the beginning of the night and warns that this *mitzvah* is fulfilled only with the full quota of 100 *brachos* and no less. Therefore he wrote that everyone should keep a box at home and after each *berachah*, put in a bean till he collects 100. He adds that these *berachos* can save a person from the 100 curses mentioned in Devarim.

A Segulah for the Fear of Heaven

A *chasid* who sought a *segulah* for the fear of Heaven turned to his Rebbe, the *Imrei Emes* zt"l. The Rebbe replied, "Saying 100 *berachos* each day is a sure *segulah* for the fear of Heaven as the Torah says "and now, Israel, what does Hashem your L-rd ask of you" and *Chazal* in our *sugya* learnt therefrom the obligation to pronounce 100 *berachos*. And how does the verse continue? "...but to fear Hashem..." (*Likutei Yitzchak Tzvi*).