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Semichah

The *Mishna* had stated that an inheritor performs *semichah* on the sacrifice (*brings the libations and can effect temurah by substituting another animal for this one*).

Rav Chananyah recited the following *braisa* in the presence of Rava: The inheritor does not perform *semichah* (*on his father’s offering*), and the inheritor cannot effect *temurah* (*by substituting another animal for his father’s offering*).

Rava asked him from our *Mishna*: An inheritor performs *semichah* on the sacrifice, brings the libations and can effect *temurah*.

Rav Chananyah asked him: Shall I then reverse it (*the braisa – in order for it to conform with the Mishna*)?

Rava replied: No, for the *braisa* is in accordance with the view of Rabbi Yehudah. For it was taught in a *braisa*: The inheritor performs *semichah*, and he effects *temurah*. Rabbi Yehudah says: The inheritor does not perform *semichah*, and the inheritor cannot effect *temurah*.

The *Gemora* explains their reasoning:

Verse	Rabbi Yehudah	Sages
On his offering (#1)	But not on his father’s offering	But not on an idolater’s offering
On his offering (#2)	But not on an idolater’s offering	But not on his friend’s offering
On his offering (#3)	But not on his friend’s offering	All owners perform the <i>semichah</i>
	Either he does not hold that all owners perform <i>semichah</i> , or alternatively, he holds of it, but he learns idolater and friend from the same verse	
	And just as by the end of sanctification, the inheritor does not perform <i>semichah</i> , so too by the beginning of sanctification, he may not effect <i>temurah</i>	And just as by the beginning of sanctification, the inheritor can effect <i>temurah</i> , so too by the end of sanctification, he performs <i>semichah</i>
Substitute, he will substitute	Includes a woman in the laws of <i>temurah</i>	An inheritor may effect <i>temurah</i>
And if (he will substitute)	He doesn’t expound anything from this	Includes a woman in the laws of <i>temurah</i>

Everyone performs *semichah* except for a deaf-mute, a deranged person, a minor, a blind person, an idolater, a Canaanite slave, an agent and a woman. *Semichah* is regarded as a remnant of a *mitzvah*. It is performed by placing one's two hands on the head of the animal. In the place where the animal is slaughtered, that is where *semichah* is performed. Immediately after the *semichah* is the slaughtering.

The *Gemora* asks: It is understood why a deaf-mute, a deranged person and a minor cannot perform *semichah* – for they lack the proper intellect; an idolater cannot perform *semichah*, for it is written: *the sons of Israel perform semichah*, which teaches us that idolaters do not perform *semichah*; but why is a blind person excluded?

Rav Chisda and Rav Yitzchak bar Avdimi argue about this: One says that it is derived through 'leaning,' 'leaning' from the elders of the congregation (*just as a blind elder does not perform semichah, for a blind person is excluded from being a member of Sanhedrin, so too a blind person is excluded from performing any semichah*), and the other says that it is derived through 'leaning,' 'leaning' from the *olas re'iyah* (*the olah one brings when he comes to the Courtyard on the three festivals*). The *Gemora* explains why each opinion does not hold of the other.

The *Gemora* cites the Scriptural source for the rulings that a slave, agent and woman do not perform *semichah*.

The *Gemora* cites a *braisa*: *and he shall lean his hand upon the head of an olah, and acceptance shall be gained for him, to atone for him. Semichah, leaning, does not atone, because one only gains atonement when the blood of the sacrifice is thrown, as it is said for it is the blood that, through the soul, atones. When it is said and he shall lean.... and acceptance shall be gained, it means that if one views semichah as the residue of a mitzvah, which means that he does not view semichah as an actual commandment, and he did not do the semichah, it is considered as if it did not effect atonement, although in reality it did effect atonement. [This means that although one does gain atonement for his transgression through the sacrifice, he has not fulfilled the commandment of Hashem in the best*

possible manner.] This is taught regarding the "waving" requirement as well.

The *Gemora* cites a *braisa* which teaches us that *semichah* must be performed on the head of the animal – not on its neck, not on its back and not on its breast.

The *Gemora* rules that it cannot be performed on the side of the animal's head. It cannot be done with a cloth wrapped around his hands, for this is regarded as an interposition.

Rish Lakish cites the source for the law that the *semichah* must be performed with both hands. (93a – 93b)

INSIGHTS TO THE DAF

Educating a minor for a mitzvah by means of a transgression

Our mishnah says that "everyone must lean (their hands on an offering before slaughtering), aside from a deaf-mute person, an unbalanced person and a minor".

How does a minor have a sacrifice? But does this halachah have any pertinence? How could a deaf-mute person, an unbalanced person or a minor have their own sacrifices? About a deaf or an unbalanced person, it could be that they dedicated an animal to *hekdesh* before their present state but how could a minor have a sacrifice? He is not obliged to bring sacrifices just as he is not obligated in any mitzvah and even if he sanctifies a sacrifice, his word has no validity (Nidah 45b).

The Acharonim took great trouble to find a case where a minor brings a sacrifice. *Tosfos Chadashim* (on the Mishnah) wrote that, as explained in the previous mishnah, he who inherits a sacrifice must perform the mitzvah of leaning his hands on it. Therefore, it could be that a minor inherited a sacrifice. The Rashash suggests a possibility of a minor who became a *metzora*, for whom his father may bring a sacrifice (Nedarim 35b, and see *Toras HaKodesh* by HaGaon Rav M. Ilan zt"l, I, 55, for a discussion of the Rashash's suggestion).

The author of *Minchas Chinuch* (mitzvah 115) suggests an interesting solution and innovates a great *chiddush*. The vows of a 12-year-old boy are valid, and as for the halachah, he may sanctify a sacrifice from the Torah (see Nazir 29b and Rambam, *Hilchos Nedarim* 11:4). Therefore, our mishnah, which asserts that minors are exempt from leaning, concerns a 12-year-old who vowed a sacrifice.

The minor should lean, though it is forbidden: *Minchas Chinuch* continues that though a minor is exempt from leaning, he should lean his hands on the head of the sacrifice because his father teaches him to do so, as his father is obligated to educate him for mitzvos. The great *chiddush* is that non-obligatory leaning the hands on a sacrifice is forbidden as it is “work with *kodshim*”. We must understand how the father may teach his son to commit a transgression to educate him for the mitzvah.

A major principle in the halachos of education: *Minchas Chinuch* explains that we learn a great principle in the halachos of education from Tosfos (Pesachim 88a, s.v. *Seh labayis*): a prohibition stemming from the minor’s age does not prevent the father from educating him for a mitzvah. Only someone who was enumerated for a *pesach* sacrifice before its slaughtering may eat it while a minor cannot be counted for the sacrifice (according to those who hold that “a sheep for a family” is not a mitzvah *d’oraisa*). Still, Tosfos write that his father feeds him the *pesach* sacrifice because of the mitzvah of education. We thus learn that where there is no possibility to educate a minor in a mitzvah without incurring a prohibition, he should be educated with the prohibition!

Minchas Chinuch emphasizes (see end of mitzvah 7) that this not all-encompassing permission to transgress prohibitions to educate minors for mitzvos. Only prohibitions stemming from the minor’s age, such as his being prevented from leaning on a sacrifice or his being counted for the *pesach* sacrifice, are pushed away before mitzvos that his father must educate him for (see Avi ‘Ezri, *Hilchos Korban Pesach* 5:7, os 2).

Hagaon Rav S. Birnbaum zt”l, son-in-law of HaGaon Rabbi Akiva Eiger zt”l, remarks in his *Rachash Leivav* (42) that the idea of the

Minchas Chinuch, that our mishnah concerns a 12-year-old who vowed a sacrifice, harbors a difficult question. After all, a 12-year-old’s vows are valid because he is considered mature (*ben da’as*) regarding vows whereas our *sugya* says that a minor mustn’t lean because he doesn’t have *da’as*... Apparently, a minor who is mature enough to vow and understand his vows has enough intelligence to lean.

DAILY MASHAL

First He Should Sacrifice His Body

An uncircumcised person must not enter the ‘*azarah*. Therefore, he sends his sacrifices through a *shliach* (representative, Pesachim 62a). As we have learnt that a *shliach* does not lean his hands on the head of a sacrifice, the uncircumcised person’s sacrifice is offered without *semichah*. The Chasam Sofer zt”l said: This is what the Torah meant: “A person who will offer **from you** a sacrifice” (Vayikra 1:2). One who brings an offering from **himself** i.e. he who observes the mitzvah of circumcision (see Zohar, I, 93) “shall bring it near to the entrance of the *ohel mo’ed*” – he will be allowed to offer his sacrifice by himself with no need for a representative and then he can also observe “and he shall lean his hand on the head of the ‘*olah*” (*‘Alim Literufah*, 361).