



דף ב.

ומתקינין לו כהן אחר תחתיו

The Mishna says that the *Kohen Gadol* must leave his house seven days before Yom Kippur and take up residence in a certain room in the Bais Hamikdash (called the *Lishkas Parhedrin*) in preparation for Yom Kippur.¹

The Mishna says that as a precaution they would "prepare" a replacement *Kohen Gadol* before Yom Kippur for the sake of serving as the *Kohen Gadol* on Yom Kippur in the event the presiding *Kohen Gadol* becomes *tamei* (and is thereby disqualified from performing *avodah* - service in the Bais Hamikdash).

The Gemara 3b says that the mitzvah of פרישה (seclusion for seven days before Yom Kippur) is not מעכב - not essential to the validity of the *avodah* (i.e., failure of the *Kohen Gadol* to sequester himself does not invalidate the Yom Kippur *avodah*). The Gemara also says that the substitute *Kohen Gadol* is not required to observe פרישה. [This is because we do not burden the substitute Kohen with this obligation since it is not מעכב.]

Question: What is the meaning of, "a replacement *Kohen Gadol* was prepared?" Since the Gemara (3b) says that the replacement Kohen does not require the seven-day פרישה, what type of "preparation" is actually required?

Several answers:

(a) The Tosfos Yeshanim points out that a *Kohen Hedyot* (an ordinary Kohen) wears only four priestly garments, called *bigdei Kohen Hedyot*, whereas a *Kohen Gadol* must wear eight priestly garments (called בגדי זהב - gold vestments).² Thus, they had to prepare a customized set of *bigdei zahav* for the replacement Kohen in case he will be summoned on Yom Kippur to serve as the *Kohen Gadol*. The replacement *Kohen Gadol* cannot simply don the vestments of the original *Kohen Gadol* because Rav says (Zevachim 18b) it is essential that a Kohen wear properly fitted garments; if a Kohen performs *avodah* with garments that do not fit properly, his *avodah* is disqualified.³

(b) The Tosfos HoRosh suggests that the Mishna merely means that they would designate a specific Kohen and tell him to be prepared to replace the reigning original Kohen without delay.

(c) Alternatively, he suggests that in truth no special preparations were necessary. A substitute *Kohen Gadol* was designated merely as a tactic to motivate the *Kohen Gadol* to be extra careful to avoid *tumah*, as no one is eager to have a rival replace him (עבדין ליה צרה) דמזדרין טפי (Gemara 13a).⁴

2] As mentioned above, the Tosfos Yeshanim says that they prepared a new set of *bigdei zahav* for the substitute *Kohen Gadol*.

- On Yom Kippur, before entering the *kodesh hakodashim*, the *Kohen Gadol* removed his *bigdei zahav* and donned a set of four linen vestments, called *bigdei lavan* (white/linen vestments).

Ostensibly, the reason the Tosfos Yeshanim speaks only of a new set of *bigdei zahav* for the replacement *Kohen Gadol*, and does not speak of having to prepare a set of *bigdei lavan* is that the replacement *Kohen Gadol* could don his own vestments (that he wore while he was a *Kohen Hedyot*) when he serves inside the *kodesh hakodashim*, for those garments are [essentially] the same as the *bigdei lavan* needed for the Yom Kippur service.

- The Gemara on 12a,b cites an opinion that says there was a difference with respect to the *avnet* (belt), for the *avnet* of the *Kohen Hedyot* was made of wool and linen, whereas the *avnet* of the *Kohen Gadol's bigdei lavan* was made of pure linen.

Question: According to this view, in addition to a new set of *bigdei zahav*, they should have had to prepare an *avnet* as well.

The *SeferChonen Deah*, in answer to this question cites the Rambam⁵ who indicates that there was a standard length (thirty-two amos) for all *avnetim* (belts); each *Kohen* would wrap the *avnet* around his waist as many times as necessary. Accordingly, the substitute *Kohen* could use the linen belt of the original *Kohen Gadol* in the event he is installed in his place.

- The Mishna LaMelech⁶ and Panim Yafos⁷ assert that the *bigdei lavan* that the *Kohen Gadol* wore on Yom Kippur when performing the *avodah* inside the קודש הקדשים (holy of holies) required specific sanctification. Upon manufacturing the *bigdei lavan* they had to be designated for that special purpose. According to these authorities it was necessary to prepare a set of four *bigdei lavan* for the substitute *Kohen* [in addition to a set of *bigdei zahav*] because the vestments that he wore year-round do not have sufficient sanctity to be used for the Yom

Kippur *avodah* in the *Kodesh hakodashim*.⁸

דף ג:

ר"י יליף לה ממילואים ור"ל יליף לה מסיני

The Gemara cites two possible sources for the obligation of פרישת כהן גדול (sequestering the *Kohen Gadol*) seven days before Yom Kippur.

R' Yochanan (initially mentioned at the end of 2b) derives it from the laws of *meluim* (induction procedure of Aharon HaKohen and his children into *avodah* in the Mishkan) whereby we find (Vayikra 8:35) that Aharon and his sons were confined to the Mishkan area for seven days before they were able to perform *avodah* in the Mishkan.

Resh Lakish derives it from the passage concerning Moshe Rabbeinu's ascent on Mount Sinai. The posuk (Sh'mos 24:16) says that a cloud enveloped Moshe and the mountain for six days, and on the seventh day Hashem called to Moshe from the cloud. Just as Moshe had to be separated before ascending Mount Sinai, so too, a *Kohen Gadol* requires פרישה before entering the *Kodesh hakodashim*.

It is forbidden for anyone to enter the *Kodesh hakodashim* (on the penalty of מיתה בידי שמים - death by the hands of Hashem), except for the *Kohen Gadol* on Yom Kippur. The Torah (Vayikra 16:3), when introducing the *avodos* performed by the *Kohen Gadol* on Yom Kippur, states בזאת יבא אהרן אל הקדש - with the performance of these *avodos*, Aharon may enter the Holy of Holies (קודש הקדשים). Rashi (ibid.) comments that even upon performing the mentioned *avodos*, Aharon may enter the *Kodesh hakodashim* only once a year, on Yom Kippur.

The Vilna Gaon⁹ cites a Midrash¹⁰ which says (contrary to Rashi) that although ordinary *Kohanim Gedolim* are forbidden from entering the *Kodesh hakodashim* in middle of the year, Aharon was an exception. Aharon was permitted to enter whenever he wanted to - provided he performs the Yom Kippur *avodos* mentioned in that passage. [Note: The Yom Kippur *musaf korbonos* are not mentioned in

that *parsha*, but rather in *Parshas Pinchas*, and thus they would not be necessary were Aharon to enter the *Kodesh hakodashim* at some other time.] The Vilna Gaon¹¹ suggests that when the posuk states at the end of that portion (ibid. 16:24), ויעש כאשר צוה ה' את משה - Aharon did as Hashem commanded Moshe, the posuk means that Aharon immediately did as taught by Moshe and he entered the *Kodesh hakodashim* even though it was not Yom Kippur.

Horav Menachem Zamba zt"l Hy"d¹² ponders whether Aharon was required to observe the law of פרישה before entering the *Kodesh hakodashim* in midyear. He wonders whether the obligation of פרישה is a result of the קדושת היום (holiness of the Yom Kippur day) and is therefore required only before Yom Kippur, or perhaps it is a result of the קדושת המקום (holiness of the place, i.e., the *kodesh hakodashim*) and is therefore required by Aaron even when entering in middle of the year.

The *Sefer Avodas Hayom* and the Chonen Deah suggest that the resolution to this question is connected to the dispute between R' Yochanan and Resh Lakish as to the source for the requirement of the seven-day *prisha*.

According to R' Yochanan, who says that the law of *prisha* is based on the law of *prisha* by the *meluim*, it is possible that *prisha* is an *avodah*-related law and is only required when performing the *avodah* of Yom Kippur in its entirety (including the *musafim*). It would not be required prior to entering the *Kodesh hakodashim* during the year (when the *musaf* portion of the Yom Kippur service is not performed).

However, according to Resh Lakish who derives this law from the *prisha* of Moshe at Mount Sinai it would seem that the law of *prisha* is not linked to the Yom Kippur *avodah* (because no special *avodah* was performed on Mount Sinai). Rather, we deduce from Moshe at Mount Sinai that *prisha* is required prior to entering holy ground (regardless of the *avodah* performed there). Accordingly, *prisha* would be required by Aharon even when he entered the *Kodesh hakodashim* in midyear.¹³

דף ד.

דחייש לטומאת ביתו

As mentioned above, Resh Lakish derives the law of *prisha* from Moshe at Mount Sinai. The Gemara notes, however, that Moshe was required to remain on the mountain for only six days prior to the revelation, not seven (as the posuk states, ימים וגו' ששת יכסהו הענן). Why, then, must the *Kohen Gadol* stay in the *Lishkas Parhedrin* for seven days?

The Gemara answers that the seven-day *prisha* is required to prevent the *Kohen Gadol* from inadvertently contracting *tumah niddah* from his wife (טומאת בועל נדה). This *tumah* lasts for seven days, and therefore he is removed from his house seven days before Yom Kippur, rather than six.

Since the *Kohen Gadol* must leave his house seven days prior to Yom Kippur because of the concern of *tumah*, the Ritva questions the necessity of Resh Lakish's derivation from Mount Sinai.

Several answers are suggested:

(a) The Tosfos Yeshanim (end of 3b) comments that the concern of *tumah* is merely a rabbinic stringency, whereas the derivation from Mount Sinai is *min haTorah*. Resh Lakish derives from Mount Sinai that there is an obligation min haTorah for the *Kohen Gadol* to stay in the Bais Hamikdash for six days. Because of the [rabbinic] concern of *tumah*, the sages added a seventh day of *prisha* to the original six-day Torah obligation.¹⁴

[The fact that the Ritva raises the question and does not present the Tosfos Yeshanim's solution (see below) implies that he believes that Resh Lakish's derasha from Mount Sinai is not a Torah law but merely an אסמכתא - a scriptural allusion to a rabbinic law. This is also the opinion of Tosfos (4a, ד"ה נכנס).¹⁵]

(b) The Ritva answers that although the concern of *tumah* is sufficient reason for the *Kohen Gadol* to take leave of his house seven days prior to Yom Kippur, it does not obligate him to stay within the confines of the Bais Hamikdash. Resh Lakish derives from the fact that Moshe was required to stay at Mount Sinai

for a period of time before Hashem's revelation, that the *Kohen Gadol* must stay in the Bais Hamikdash during the period of *prisha*.¹⁶

(c) Alternatively, the Ritva explains that the concern of *tumah* is remote and, in and of itself, it would not be sufficient grounds to require the *Kohen Gadol* to leave his house. Only after Resh Lakish derives from Moshe at Mount Sinai that the *Kohen Gadol* must be sequestered for six days do we take this concern of *tumah* into account, and lengthen the *prisha* period one more day to a total of seven days.

דף ה.

נמשח יום אחד ונתרבה יום אחד מניין

As mentioned above, before serving in the Bais Hamikdash Aharon underwent a seven-day inauguration period (called *meluim*), during which he wore the eight *bigdei Kohen Gadol* (i.e., *bigdei zahav*) and he was anointed with *shemen hamishchah* (anointing oil). The Gemara says that in later generations too, an incoming *Kohen Gadol* must undergo such a process to qualify to serve as the *Kohen Gadol* - as the posuk, Sh'mos 29:30, states that an incoming *Kohen Gadol* should wear the eight *bigdei kehunah* for seven days.¹⁷ [The Gemara concludes that although it is a mitzvah for the new *Kohen Gadol* to wear the *bigdei zahav* for seven days, it is sufficient *bedi'eved* (after the fact) if he donned it only once.]

The Rambam,¹⁸ in codifying this *halacha*, writes that the incoming *Kohen Gadol* should don a set of eight *bigdei kehunah* and [immediately] remove them for seven successive days, after which he is qualified to perform the *avodah* of a *Kohen Gadol*. [If he performed *avodah* during the seven days, the *avodah* is valid, because *bedi'eved* a single anointment or donning of the eight *bigdei kehunah* is a sufficient inauguration.]

The words of the Rambam indicate that during the inaugural week, the *Kohen Gadol* is not obligated to perform any *avodah*, nor should he, because he has not yet completed the initiation process.

The Ravad, however, disagrees and argues

to the contrary, that the inauguration process involves the performance of *avodah* while wearing the vestments of the *Kohen Gadol*. He says that donning the eight *bigdei kehunah* for a fleeting moment without performing *avodah* is pointless. Even though the *Kohen Gadol*-in-training should not perform an *avodah* that necessitates a *Kohen Gadol*, such as the Yom Kippur *avodah*, he should perform ordinary *avodos* during his week of inauguration as part of the initiation process.

The Mirkeves Hamishna,¹⁹ in defense of the Rambam, explains that before the inauguration process is completed, the *Kohen Gadol* is treated as though he still has the status of a *Kohen Hedyot* and the Gemara in Zevachim 18a says that a *Kohen Hedyot* is forbidden from performing the *avodah* while wearing more than the required four *bigdei Kohen Hedyot* (יתור בגדים). The Rambam therefore is of the opinion that during the week of inauguration when the *Kohen Gadol* wears eight *bigdei zahav*, he should not perform any *avodah*, not even ordinary *avodos* which do not require the services of a *Kohen Gadol*.

דף ו:

רב נחמן אמר טומאת המת הותרה בציבור

If a *Kohen* who is *tamei* performs *avodah* in the Bais Hamikdash, the *avodah* is invalid. However, there is an exception to this *halacha*. If the source of the *Kohen's tumah* is *טומאת מת* (corpse *tumah*), then he is not disqualified from offering a *korbon tzibur* (communal *korbon*). There are two views on this matter of "טומאה בציבור" (*tumah* regarding communal *korbonos*): Rav Nachman asserts - בציבור הותרה טומאה [corpse] *tumah* is entirely nullified with respect to communal *korbonos*.

R' Sheishes asserts, - בציבור דחוייה טומאה *tumah* is reluctantly pushed aside for the sake of communal *korbonos*.

The Gemara explains the practical difference between these views is whether or not an effort is made to avoid having a *Kohen tamei* perform the *avodah*. According to R' Sheishes if all the Kohanim from a particular

day's group (*beis av*) contracted corpse *tumah*, we make an effort to obtain Kohanim from another day's group. However, according to R' Nachman no such effort is necessary; one of the *tamei* Kohanim from that day's group performs the *avodah* (of communal *korbonos*) without reservation. [Note: The Gemara cites two versions of R' Nachman's opinion. According to the second version, R' Nachman permits a *tamei* Kohen to serve even if there are *tahor* Kohanim in the same group, whereas according to the first version, R' Nachman permits a *tamei* Kohen to serve only if the entire *beis av* is *tamei*.]

The Tosfos Horosh considers whether the substitute Kohen is summoned to serve on Yom Kippur in the event that the *Kohen Gadol* contracts corpse *tumah* (before, or on Yom Kippur). He says that summoning the replacement *Kohen Gadol* on Yom Kippur is tantamount to summoning a Kohen from another day's *beis av* (group), since the *avodah* on Yom Kippur is scheduled to be performed specifically by the *Kohen Gadol*. Thus, according to R' Nachman who maintains טומאה בצבור הותרה, no such effort is necessary, and the *tamei Kohen Gadol* should perform the Yom Kippur *avodah* without reservation. According to R' Sheishes who is of the opinion that טומאה בצבור דחוייה, we would be obligated to summon the replacement Kohen (just as we are obligated to seek *tahor* Kohanim from another *beis av*).

The Meromei Sodeh maintains that even according to R' Sheishes we do not summon the substitute Kohen to replace the *tamei Kohen Gadol* because the replacement Kohen did not undergo a seven-day induction process that is recommended for an incoming *Kohen Gadol* (see above). Even though his *avodah* on Yom Kippur is valid *bedi'aved* - after the fact (because the seven-day induction process is not מעכב - essential), however, since it is not l'chatchilah (ideal),²⁰ it is considered a flawed option and even R' Sheishes agrees that it is better to have the *Kohen Gadol* serve in a state of *tumah* (i.e., *tumas meis*) than to summon the replacement Kohen.²¹

Rav Sheishes adduces proof to his position that בצבור דחוייה טומאה from the a braysoh that says if a Kohen was in the process of offering the *minchas ha'omer* (which was a communal meal offering of barley flour brought on the sixteenth of Nissan) and it became *tamei*, he should try to get more barley (from the new year's crop) to replace the *tamei* barley. R' Sheishes argues that just as an effort is made to obtain *tahor* (ritually pure) barley for the *korbon omer*, so too, an effort is made to have a *tahor* Kohen perform the *avodah*, even if this means fetching a Kohen from another day's *beis av*.

The Shvus Yaakov²² asks that perhaps the reason an effort is made to bring *tahor* barley is that a *korbon* that consists of *tahor* barley is more *mehudar* (i.e., it is superior to a *tamei korbon*). Perhaps the braysoh actually holds בצבור הותרה טומאה and it would not require an effort to obtain a *tahor* kohen or *tahor* barley, if not for the fact that a *korbon* consisting of *tahor* barley is more *mehudar*.²³

In answer, the Shvus Yaakov postulates that even if *tahor* barley is more *mehudar*, once the Kohen took hold of the *tamei* barley and was prepared to offer it, he would not be permitted to exchange it for other barley, even if it is of better quality, because casting aside barley taken for the mitzvah is considered בזוי מצוה - degrading to the mitzvah. [Thus, Rav Sheishes felt that if indeed *tamei* barley is exchanged for *tahor* barley the reason must be דחוייה טומאה בצבור. Since טומאה דחוייה בצבור (rather than הותרה), the *tamei* barley may not be used once *tahor* barley is obtainable.]

The Shvus Yaakov deduces the following *halacha* with regard to the following case:

On chanukah a person prepared his *menorah* with wax candles and then prior to lighting his *menorah* he obtained some olive oil.

Question: Should this individual light his *menorah* with the candles he prepared or should he remove the candles and use the newly-acquired olive oil since olive oil is *mehudar* -

halachically preferred - for the *menorah*?

Based on his understanding of our Gemara, the Shvus Yaakov asserts that this individual should not remove the candles in favor of the more *mehudar* olive oil because once the wax candles were prepared for the mitzvah it would be considered בזוי מצוה (degrading to the mitzvah item) if one were to remove the candles (just as we said above with respect to exchanging the barley for the *korbon*).²⁴

דף ה.

תפילין שיש בו אזכרות הרבה לא כ"ש

1] • The *tzitz* was one of the eight *bigdei* kehunah. It was a golden head-plate worn on the forehead of the *Kohen Gadol* and it had the words 'קודש לה' engraved on it. The Gemara (7b) derives from the posuk והיה על מצחו תמיד (it should always be on his forehead, Sh'mos 28:38) that when wearing the *tzitz*, the *Kohen Gadol* is forbidden to be מסיח דעת - take his mind off its presence.

Rabba bar Rav Huna (end of 7b) asserts that if there is an *issur* for the *Kohen Gadol* to divert his thoughts from the *tzitz*, then certainly one may not be מסיח דעת from his *tefillin*, and while he is wearing them he should touch them constantly. Rabba bases this *halacha* on the argument (קל וחומר) that *tefillin*, in a sense, have even more *kedusha* than the *tzitz* because while Hashem's name is written only once on the *tzitz*, Hashem's name is written many times in the *tefillin* passages.

Tosfos (8a, ד"ה ומה צ"ץ) asserts that Rabba bar Rav Huna's kal v'chomer argument (that *tefillin* have more *kedusha* than the *tzitz*) is not entirely sound because the *tzitz* has a certain advantage over *tefillin*. Whereas the *tzitz* has Hashem's name exposed and displayed on the *outside*, the names of Hashem written in the *tefillin* are *concealed inside*. Even though, notes Tosfos, the three letters of Hashem's name *Shak"ai* -(*Shin, Daled, and Yud*) are written on the outside of *tefillin* (the *Shin* is engraved on the box of the *shel rosh*, and the *Daled* and *Yud* are formed from the straps), the letters that are formed from the רצועות (straps) are not genuine

letters; they just represent the letters of Hashem's name.

Tosfos, therefore, concludes that Rabba's argument lacks biblical force and is only meant as a basis for a rabbinic *halacha* forbidding היסח הדעת with regard to *tefillin*.

The Noda B'Yehuda²⁵ explains based on Tosfos, the reason it is permitted to undo *tefillin* straps without concern for the *issur* of מחיקת השם - erasing Hashem's name - is that the letters formed from straps are not genuine letters; they merely *symbolize* the letters.

2] מי שהיה שם כתוב על בשרו

The Gemara cites a braysoh which states that if one has the name of Hashem written on his skin, he may not wash himself. If he must immerse in a *mikveh* to purify himself of *tumah*, he should cover the name of Hashem with something. Rashi indicates that Hashem's name must be covered so that it should not get erased in the *mikveh*.

Tosfos Yeshanim points out that the Gemara in Shabbos 120b concludes that it is forbidden to erase the name of Hashem only when done directly with one's hands, but it is permitted to indirectly cause it to become erased. The Gemara there explains the only reason a person who has Hashem's name written on his body may not bathe is that it is disrespectful to disrobe in the presence of Hashem's name (but not because the name might get erased).²⁶

Several authorities consider whether one may erase the name of Hashem that was recorded on a cassette tape or video (e.g., a *bracha* recorded at a wedding ceremony).

The She'arim Metzuyanim B'*halacha* argues that the letters magnetically recorded on a cassette tape are not genuine letters, because they are not written and formed in the usual manner. Just as the Noda B'Yehuda permits undoing the straps of one's *tefillin* despite the fact the straps form the letters of Hashem's name, so too, erasing a cassette tape containing Hashem's name is permitted.

Horav Moshe Feinstein²⁷ writes that, even though permitted according to the letter of the

law, it is improper for one to erase Hashem's name from a cassette tape, unless it is done in an indirect manner. Since the Gemara in Shabbos 120b (mentioned above) permits causing the erasure of Hashem's name when done indirectly while bathing, so too, one may indirectly cause the name of Hashem to be erased from a cassette tape, such as by recording something else on top of it.²⁸

דף ט:

מקדש ראשון מפני מה חרב

The Gemara says that the first Bais Hamikdash was destroyed because *Klal Yisrael* were guilty of the three cardinal sins, i.e., idolatry, adultery, and murder.

The Gemara in Nedarim 81a relates that people were perplexed as to the reason for the destruction of the Bais Hamikdash. Finally, as described by the posuk in Yirmiyah (9:12, על עול אשר עזבו את תורתך), Hashem revealed that the destruction was brought about because the people were lax in their Torah study. [Rav Yehuda in the name of Rav, as explained by Rashi and Rabbeinu Yona,²⁹ explains that although Torah was studied, the people lacked sufficient appreciation and respect for the value of Torah study.³⁰]

In light of our Gemara which states that the people of that era were guilty of the three cardinal sins, it is difficult to understand why the cause of the *churban* (destruction of the Bais Hamikdash) was not readily obvious.³¹ Secondly, an explanation is required as to why these two Gemaras give different reasons for the *churban*.

In answer, the Shevet Sofer³² explains that the people knew full-well the serious iniquities of the generations. They were, however, seeking to understand the root of their spiritual downfall. They wondered how a nation of such great moral fiber could sink to such a level of depravity. In response, Hashem told them that the source of their moral decline was a weakening in their appreciation and commitment to Torah study. This sin was a sufficient breach for the *yetzer horah* to gain a

foothold. Then one sin led to another until they eventually committed the three most grievous sins (כך היא דרכו של יצר הרע, היום אומר עשה כך) (ולמחר אומר עשה כך).³³

In a slightly different vein, R' Aharon Kotler³⁴ explains that even though they were guilty of serious sins, as long as they were properly committed to Torah study Hashem did not bring the *churban* because there was hope that they would repent. However, when their appreciation for Torah waned, so did their chances for *teshuva*, and therefore it was a combination of both factors that sealed their fate.

ומקדש שני חרב מפני שהיתה בו שנאת חנם

2] The Gemara says that the second Bais Hamikdash was destroyed because of the sin of *שנאת חנם* - baseless hatred - between Jews.

Tosfos (Bava Metzia 30b) notes an apparent contradiction, for the Gemara in Bava Metzia 30b states that the *churban* of the second Bais Hamikdash came because they were too precise with monetary law, meaning, they did not conduct themselves *משורת הדין* - beyond the letter of the law. Tosfos answers that evidently it was a combination of both factors that caused the *churban*. The P'nei Yehoshua³⁵ explains that it was because of their *שנאת חנם* that they dealt so strictly with one another and did not conduct themselves *משורת הדין*.³⁶

דף י.

לשכת פרהדרין היה לה מזוזה

- Houses or rooms that are not used as a *דירה* (place of residence) do not require a *mezuzah min haTorah*.
- The Gemara in Menachos 44a says that rented rooms do not require a *mezuzah* until they are occupied for thirty days.

The Rabbanan maintain that the *Lishkas Parhedrin* required a *mezuzah [min haTorah]*³⁷ since it was occupied by the *Kohen Gadol* seven days a year (i.e., the week prior to Yom Kippur).

The Gevuras Ari asks why the *Lishkas Parhedrin* should require a *mezuzah min haTorah*, since it was occupied for less than

thirty days (each year). [Even though the Gemara in Menachos says an apartment in Eretz Yisrael requires a *mezuzah* even before thirty days, the Gevuras Ari proves that the distinction between Eretz Yisrael and chutz la'aretz is only of rabbinic origin. *Min haTorah* even an apartment in Eretz Yisrael is exempt from *mezuzah* for the first thirty days of occupation.]

In answer, the Gevuras Ari cites the Gemara on 8b which explains that the name "Parhedrin" derives from the fact that during the second Bais Hamikdash era the chamber was rebuilt and remodeled each year. During that era, many *Kohanim Gedolim* were unworthy individuals (who gained office through bribery and) who died during their first year in office upon entering the *kodesh hakodashim* on Yom Kippur. Upon installation, each new *Kohen Gadol* would remodel the *Lishkas Parhedrin* to his personal style and taste. [Compare with Talmud Yerushalmi in Shekalim 11a where the Gemara relates that the arrogant *Kohanim Gedolim* would waste money in building a new ramp for the *parah adumah* instead of using the ramp built by their predecessor, see Al Hadaf ibid.] The Gevuras Ari suggests that the *Kohen Gadol* occupant of the *Lishkas Parhedrin* was considered an owner, rather than a tenant, since he personally paid to refurnish and rebuild it. Therefore, the room was subject to *mezuzah min haTorah*, even before it was occupied for thirty days.³⁸

Alternatively, the Chonen Deah in answer to this question cites the Rambam³⁹ who writes that the *Kohen Gadol* was obligated to remain in the Bais Hamikdash all day long. The Rambam says that he would remain in his chamber (i.e., the *Lishkas Parhedrin*) throughout the day and would go home only at night (and sometimes for one or two hours during the day).

The Chonen Deah suggests that the fact that the *Kohen Gadol* used his chamber year-round as his daytime quarters coupled with the fact that he resided there for seven consecutive days each year, was grounds for subjecting it to *mezuzah min haTorah*. [The fact that the *Kohen*

Gadol resided there during the daytime year-round is not, in and of itself, sufficient reason to require a *mezuzah* because a residence that is occupied only a half-day does not require a *mezuzah*. [See Tosfos, 10b ד"ה רבנן, who explains that the chambers that housed the night watchmen did not require *mezuzah* since they were occupied only at night.]⁴⁰

דף י"א.

מזוזת יחיד נבדקת פעמיים בשבע שנים

The Gemara says that one must examine his *mezuzos* twice every seven years (i.e., once every three and half years⁴¹). Rashi explains that this examination is necessary to ensure that the *mezuzah* has not decomposed or been stolen. The Radak⁴² says that some individuals conduct the *mezuzah* examinations leniently by simply checking the place of their *mezuzos* on the doorpost to ensure that the *mezuzah* has not been stolen (or entirely disintegrated). The Shiyurei *Bracha*,⁴³ however, rules that the *mezuzos* must be taken off the doorposts and examined internally to ensure that the words or letters have not eroded or faded over time. The Chasam Sofer⁴⁴ writes that when a *mezuzah* is originally purchased it must be examined by an expert sofer for the correct spelling of the words and configuration of the letters. However, the purpose of the subsequent periodic examinations is to carefully check the words for signs of erosion and decay (as Rashi says) and this type of examination can be performed even by a nonprofessional.⁴⁵

The Aruch Hashulchan⁴⁶ writes that one who immediately re-affixes his *mezuzos* after examining them need not recite a new *bracha* (i.e., לקבוע מזוזה) because he did not have היסח הדעת (diversion of attention) from the original mitzvah. He argues that just as one who removes his talis with the intent to immediately put it back on again is not required to recite a *bracha*, so too, a *bracha* is not required if one immediately re-affixes his *mezuzah*.

R' Shlomo Kluger⁴⁷ disagrees, arguing that removing a *mezuzah* for examination is different from temporarily removing one's talis,

because the purpose of the examination is to check whether the *mezuzah* is *posul* (invalid). Removing a *mezuzah*, thinking that it might be *posul* (and might have to be replaced with a different *mezuzah*) is considered *היסח הדעת* from the mitzvah even if the examination does not take long.⁴⁸ Consequently, he rules that a *bracha* is required upon re-attaching the *mezuzos* after examination.⁴⁹

The Aruch Hashulchan concedes that if the *mezuzos* are not re-affixed until the following day, a *bracha* should be recited, just as a new *bracha* is required by one who puts his talis back on after a long break.⁵⁰

דף יב:

**נגדים שנשתמשה בהן קדושה חמורה
תשמש בהן קדושה קלה**

1] R' Dosa derives from a *posuk* (והניחם שם) - the *Kohen Gadol* shall leave his white *bigdei kehunah* there, Vayikra 16:23) that the set of four white vestments (*bigdei lavan*) worn by the *Kohen Gadol* on Yom Kippur inside the *kodesh hakodashim* may not be worn the following Yom Kippur. However, they may be worn during the year by a *Kohen Hedyot*.

Rebbi disagrees and says that the *Kohen Gadol's bigdei lavan* may not be worn by a *Kohen Hedyot* for two reasons. Firstly, the *avnet* (belt) was not the same. The *avnet* worn by the *Kohen Gadol* on Yom Kippur is made of pure linen, whereas the *avnet* of a *Kohen Hedyot* contains some wool and thus the two belts are not interchangeable.

Secondly, it is forbidden to lower the sanctity of a sacred item (אסור להוריד מקדושה) (חמורה לקדושה קלה). Once the *avnet* was worn by the *Kohen Gadol* for the performance of the Yom Kippur *avodah* in the *Kodesh hakodashim*, it may not be worn by a *Kohen Hedyot* for the performance of less sacred *avodos* during the year.

The Taz⁵¹ writes, based on the principle of אסור להוריד מקדושה חמורה לקדושה קלה, it is forbidden to transform a chest that was used for a *Sefer Torah* (i.e., an *Aron Hakodesh*) into a bookcase for ordinary seforim (printed Torah books), because this downgrades its *kedusha*.

The Taz postulates that downgrading the use of a sacred item is forbidden only as long as it is still suitable for its original use. However, if, for example, an *Aron Hakodesh* is old and unsteady and is no longer fit to hold a *Sefer Torah*, it is permissible to use it as a seforim bookcase. He argues that rather than burying the old *Aron Hakodesh*, it is better to at least use it to house seforim or *taleisim*.

The Bechor Shor⁵² challenges the Taz's ruling from our Gemara. Even though [R' Dosa derives from the *posuk* that] the *Kohen Gadol's bigdei lavan* worn on Yom Kippur may not be worn on any following Yom Kippurim, Rebbi, nevertheless, argues that it is forbidden for a *Kohen Hedyot* to wear them because this would diminish their *kedusha*. Evidently, Rebbi believes that it is better to bury or conceal these vestments than to use them for a less sacred purpose.⁵³ Consequently, he rules that an old *Aron Hakodesh* which is no longer able to hold a *Sefer Torah*, must be buried or concealed and it may not be used as a seforim bookcase.⁵⁴

2] A query was presented to R' Moshe Feinstein by the board members of a Torah observant synagogue as to whether they are permitted to sell or give their *Sefer Torah* (which they no longer were using) to a non-observant synagogue (i.e., conservative).

R' Moshe⁵⁵ answered that it is forbidden to give (or sell) a *Sefer Torah* to a non-observant congregation, even if they treat the *Sefer Torah* respectfully, because " אין מורידין מקדושה חמורה " - it is forbidden to downgrade the *kedusha* of a sanctified object. Since the Torah has originally been used and read by Torah observant Jews who earnestly try to fulfill whatever it says in the Torah, giving the Torah to a non-observant congregation certainly decreases its *kedusha* and is forbidden.

3] The T'shuvos Kinyan Torah⁵⁶ submits that when one removes his *mezuzos* to have them examined (see דף יב) he should take care not to lower their *kedusha* when replacing them. He points out that certain doorways do not require a

mezuzah min haTorah and other doorways are entirely exempt from *mezuzah* according to certain poskim (e.g., a doorway that does not have a door or that lacks side-posts).⁵⁷ If one were to remove a *mezuzah* from a doorpost that is biblically subject to *mezuzah* and re-affix it to a doorpost that is only rabbinically subject to *mezuzah*, it would be a violation of the above mentioned *issur* (אין מורידין מקדושה חמורה) (לקדושה קלה) because the function of the *mezuzah* is thereby downgraded from a mitzvah *min haTorah* to a mitzvah *miderabbanan*.⁵⁸

דף יג.

ר' יהודה אומר אף אשה אחרת מתקינין ליה

The Torah (Vayikra 16:6), in discussing the *avodah* of the *Kohen Gadol* on Yom Kippur states, וכפר בעדו ובעד ביתו - he shall make atonement for himself and for his family. The Mishna on 2a says that the term ביתו refers to his wife and the posuk teaches that in order to perform the *avodah* on Yom Kippur the *Kohen Gadol* must be a married man. R' Yehuda consequently asserts that before Yom Kippur a second wife was prepared for the *Kohen Gadol* lest his first wife suddenly die, leaving him unqualified for the *avodah*.

The Gemara (13a) says that the singular term ביתו implies that the *Kohen* may have only one wife on Yom Kippur, not two.⁵⁹ Consequently, the Gemara questions how the *Kohen Gadol* is permitted to marry a second wife prior to Yom Kippur. After much deliberation the Gemara concludes that in order to circumvent this problem the *Kohen Gadol* must grant a conditional divorce to both of his wives before Yom Kippur (see the Gemara on 13b for the specifics of the condition and how it operates).

The Yerushalmi (cited by Tosfos on 13b, ד"ה לחדא) presents a simple solution to the Gemara's problem. The Yerushalmi says that the *Kohen Gadol* need not actually marry a second wife before Yom Kippur. Rather, all that is needed is to prepare a potential wife for the *Kohen Gadol* whom he could marry on Yom Kippur in the event that his first wife dies.

Several reasons are given as to why our Gemara ignores the Yerushalmi's approach and opts for a more complicated solution.

(a) The Ritva, citing a Gemara in Beitzah 36b, says that getting married on Shabbos [or on Yom Kippur] is rabbinically forbidden because it is similar to executing a קנין - formal act of acquisition.⁶⁰ [The Yerushalmi, however, permits the *Kohen Gadol* to marry on Shabbos or on Yom Kippur because אין שבות במקדש - the sages waived rabbinic Shabbos prohibitions in the Bais Hamikdash.]

(b) The Ramoh⁶¹ explains that in order for the term ביתו to apply, the marriage must be fully consummated (i.e., ביאה). Therefore, the marriage must take place before Yom Kippur because תשמיש המטה is one of the five pleasures forbidden on Yom Kippur. [The Yerushalmi, however, is of the opinion that the term ביתו applies to a woman with whom *kiddushin* (or *nisuin*) was performed, even if there was no ביאה.]

(c) Alternatively, the Sefas Emes suggests it is not possible to perform *chupah* on Yom Kippur (even without ביאה) because the Rambam⁶² indicates that the act of *chupah* consummates a marriage only if the woman is ראויה לביאה - fit for ביאה at the time.⁶³ [According to the Rambam, *chupah* cannot be performed with a woman who is a *niddah* at the time since she is not fit for ביאה.] Therefore, the marriage must take place prior to Yom Kippur.⁶⁴

(d) Alternatively, the Ramoh suggests that our Gemara rejects the option of performing the marriage on Yom Kippur because it would be too distracting and physically straining for the *Kohen Gadol* to marry on Yom Kippur day when he is fasting and is occupied with the *avodah*.

דף יד.

נהי דאנינות לא חייל עליה אטרודי מי לא מיטריד

• On the day that one loses one of his seven closest relatives he is called an *onein* and is forbidden to eat *kodashim* (sacrificial food).

• *Min haTorah* a *Kohen Gadol* may serve in the Bais Hamikdash even when he is an *onein* but a *Kohen Hedyot* may not.

R' Yehuda asserts that the sages forbade a *Kohen Gadol* from performing the *avodah* in a state of *aninus* because of a concern that he might mistakenly eat from the *korbonos*.

The Gemara proves from the Mishna on 2a that Yom Kippur is an exception, for R' Yehuda says that a second wife is prepared for the *Kohen Gadol* lest his first wife die. Evidently, R' Yehuda permits the *Kohen Gadol* to continue with the *avodah* even though he is an *onein* due to the loss of his [first] wife. [Rava explains that R' Yehuda is not concerned that the *Kohen Gadol* who serves on Yom Kippur in the state of *aninus* might mistakenly eat from the *korbonos*, since it is forbidden (for anyone) to eat on Yom Kippur.]

It is apparent that the Gemara here assumes that the *Kohen Gadol* becomes an *onein* (at least with respect to the *issur* to eat *kodashim*) upon his wife's death on Yom Kippur even though, as we mentioned above, the *Kohen Gadol* always gives his wife a conditional divorce before Yom Kippur. The Gemara (as interpreted by Rashi) explains that even though, because of the conditional get, his wife is retroactively rendered a divorced woman prior to her death, the *Kohen Gadol* is considered an *onein*. He is forbidden to eat *kodashim* because he is in a state of grief (no different than one who has lost a bona fide wife), and *kodashim* must be eaten only in a state of joy (see Rashi).

The Tosfos Yeshanim disagrees with Rashi's interpretation of the Gemara, arguing that only the loss of a legal wife renders one an *onein*. The loss of one's ex-wife does not render one an *onein* despite his grief, just as one who is in a state of grief over a tremendous financial loss is not halachically considered an *onein*.

In answer, the Imrei Mevasser⁶⁵ distinguishes between the sorrow caused by the loss of one's longstanding mate and other losses. After all, the divorce that took retroactive effect prior to her death was not a result of domestic discord but rather because of a halachic technicality. Even though one who loses such a wife may not be considered an *onein* with regard to all halachos, he may not eat *kodashim* because he

is in a state of grief and *kodashim* must be eaten in a state of joy.

It is interesting to note that a corresponding *halacha* is found in the reverse case of one who loses a wife to whom he is legally married, but to whom he has no emotional attachment.

The Maharshal⁶⁶ rules that if one's estranged wife (whom he was planning to divorce) dies, he is not obligated to mourn her (i.e., sit shiva) since her death does not cause him grief.⁶⁷

דף טו.

תן לה מדתה שתהא דולקת כל הלילה

The posuk (Sh'mos 27:21) says that the *menorah* lamps should be set מערב עד בוקר - from evening until morning. The braysoh explains that this means that the *Kohen* must put in enough oil for the *menorah* to burn all night. The Gemara in Menachos 89a says that the sages calculated that a חצי לוג (half log) of oil is the amount necessary in order for the *menorah* lamps to burn all night (on long winter nights) and thus the Mishna there (88a) says that each lamp required a half log of oil nightly.

Rashi explains that a half log was the standard amount of oil for the *menorah* lamps year round - even during the short summer nights when the lights would continue burning into the daytime. (Rashi in Menachos says that they would discard the extra oil that remained in the morning.)

Tosfos Yeshanim, citing the Yerushalmi,⁶⁸ says that a half log of oil was enough to last a twelve hour night with a wick of average thickness. On the long winter nights they would use especially thin wicks, and on the short summer nights they used thick wicks. This was done so that the lamps would burn exactly until daybreak year round; they would never extinguish early nor late.⁶⁹ In fact, the Yerushalmi says that there was a special expert wick-maker appointed in the Bais Hamikdash who was charged with making the proper size *menorah* wicks for each season.

[Rashi, who says that there was leftover oil on the short nights, evidently is of the opinion that there was one fixed size for the wicks for

the entire year.^{70]}

The Gemara in Shabbos 21b says that the Chanukah lights must be kindled at nightfall and burn for a half hour. The Shiltei Gibborim⁷¹ calculates that for one's *menorah* to burn a half hour he should use 1/8 of an egg's volume of oil because this is proportionate to the half log of oil (which equals the volume of three eggs) that burned the entire night in the Bais Hamikdash *menorah*. [A half hour is 1/24 of a (twelve-hour) night, and 1/24 of the three eggs is 1/8 of an egg.^{72]}

The Magen Avraham⁷³ disagrees with the Shiltei Gibborim and asserts that there is no fixed *shiur* (amount) of oil required for the Chanukah *menorah* because it depends on the thickness of the wicks. One who uses thin wicks could use less than 1/8 of a *k'beitzah* (egg's volume) of oil, and one who uses thick wicks must use more.

The Machatzis Hashekel explains that the dispute between the Shiltei Gibborim and the Magen Avraham hinges on the dispute between Rashi and the Tosfos Yeshanim. The Shiltei Gibborim assumes, as does Rashi, that the wicks of the *menorah* were always the same size, and he assumes that on Chanukah too, the wicks should be made that same fixed size (i.e., thick enough to burn all night with a half log oil, or to burn a half hour with 1/8 *k'beitzah* of oil). It is possible, therefore, to establish a set amount of oil for the Chanukah lamps.

The Magen Avraham, however, assumes that the wicks in the Bais Hamikdash were not a fixed size, but varied according to season (as the Tosfos Yeshanim says in the name of the Yerushalmi). Therefore, on Chanukah too, one could make the wicks as thick as he pleases and measure the oil accordingly. Hence, he is of the opinion that there it is not possible to establish a fixed amount of oil for the Chanukah lamps.⁷⁴

דף טז.

הכהן השורף את הפרה מתכוון
ורואה כנגד פתחו של היכל

The Torah (Bamidbar 19:4) states that the *parah adumah* should be slaughtered outside of

Yerushalaim and its blood should be sprinkled towards the Ohel Moed of the Mishkan (or towards the *Heichal* of the Bais Hamikdash). In compliance with this *halacha* the blood of the *parah adumah* would be sprinkled towards the *Heichal* from atop Har Hazeisim (Mount of Olives, which is east of Yerushalaim and faces the Bais Hamikdash).

The Gemara (16a), citing a Mishna in Middos (2:4), says that the eastern wall of Har Habayis (Temple Mount) was made considerably lower than the other three walls in order to enable the Kohen to look towards the opening of the *Heichal* while sprinkling the blood of the *parah adumah* from atop Har Hazeisim.

The Meiri explains that it was not sufficient for the Kohen to sprinkle the blood towards the doorway of the *Heichal*, but rather he was required to actually look through the doorway and view the inside of the *Heichal* while performing *zerikah*.⁷⁵

Rashi in Menachos 7b indicates that although the blood of the *parah adumah* was sprinkled from atop Har Hazeisim, the *shechitah* and the burning was performed at the foot of the Mountain.

Tosfos (ibid., and Zevachim 93b) notes that the Gemara in Zevachim 113a derives that the *shechitah* of the *parah adumah*, just like the *zerikah*, must be performed כנגד פתח ההיכל - opposite the opening of the *Heichal*. Consequently, he asks why the *shechitah* was not performed on top of the mountain in the same spot as the *zerikah* so as to enable the slaughterer to see the opening of the *Heichal*.

In answer, the Brisker Rav⁷⁶ suggests that the requirement of כנגד פתח ההיכל with regard to the *zerikah* is different from that regarding the *shechitah*. With regard to the *zerikah* there is a requirement for the Kohen to actually gaze into the *Heichal* while sprinkling the blood. Therefore, he must stand on top of the mountain so that he can look down over the eastern wall of Har Habayis and into the *Heichal*. In contrast, with regard to the *shechitah* there is no requirement for the shochet to gaze into the

Heichal. Rather, the *halacha* requires only that the cow be aligned due east of the Bais Hamikdash so that it stands opposite the entrance of the *Heichal*. Therefore, the *shechitah* may be performed at the foot of Har Hazeisim since that location is opposite the *Heichal*, even though one cannot see into the *Heichal* from there.

דף יז:

כל פינות שאתה פונה לא יהיו אלא דרך ימין

The Gemara (17b and 15b) says that there is a halachic principle (derived from a posuk in Zevachim 62b) that כל פינות שאתה פונה לא יהיו - אלא דרך ימין [when performing the *avodah*] one should always turn towards the right. Thus, the Kohen applying the blood of a *korbon* to the *mizbeach* would always move towards his right and circle the *mizbeach* counterclockwise.

This principle of moving towards the right is applied to other mitzvos as well. The Shulchan Aruch⁷⁷ writes that after the first night of Chanukah when one kindles two or more Chanukah lights, he should first kindle the lamp (or candle) furthest to his left and continue kindling the lights while moving towards his right.

Interestingly, however, the Levush and the Taz⁷⁸ have a novel opinion on this matter. They maintain that the candle on the far right should be kindled first. The Taz explains that the essence of the Gemara's principle is that one must begin with the mitzvah on his right. However, the rule does not state that one must continuously move towards his right. He argues that it is more appropriate to begin kindling the *menorah* with light on the far right (even though this means concluding with the one on his left), than to do the opposite.⁷⁹ In support of his position the Levush points to the fact that the writing of a *Sefer Torah* (i.e., the Hebrew language) is done from right to left.

The Eliyahu Rabba⁸⁰ counters the Levush's proof, noting that although Hebrew words are read from right to left, a sofer forms the Hebrew characters by stroking his quill from left to right.⁸¹ Therefore he says that the direction of

Hebrew words does not prove how to kindle the chanukah *menorah*.⁸²

דף יח.

תרכבי דדינורי עיילא מרתא לינאי מלכה

The Gemara relates that Marsa bas Baisus paid King Yanai a large sum of gold to induce him to appoint her husband, Yehoshua ben Gamla, as the *Kohen Gadol*. The Gemara proves from this story that during the period of the second Bais Hamikdash, the *Kohen Gadol's* position was often granted to undeserving individuals by corrupt kings who accepted bribes.

The Gemara above on 9a applies the verse in Mishlei (10:27) ושנות רשעים תקצרנה - and the years of the wicked will be severed - to Yehoshua ben Gamla and other *Kohanim Gedolim* of that era who bought their way into office. Since they weren't worthy of entering the *kodesh hakodashim* they did not survive Yom Kippur.

The Gemara in Yevamos 61a labels Yehoshua ben Gamla's appointment as קשר של רשעים - a scheme of the wicked. Rashi explains that it was labeled as such because Yehoshua bought his way into office and was unworthy of serving as the *Kohen Gadol*.

Tosfos Yeshanim, however, asserts that Yehoshua ben Gamla was actually a worthy *Kohen Gadol* (who was praised by the sages - as reported by the Gemara on 37a). Nevertheless, his appointment was tainted because the post was given to him despite the fact there were others who were more worthy.

The Bach⁸³ writes that Yehoshua ben Gamla was actually the most worthy candidate available. Nevertheless, his appointment was termed a קשר של רשעים since it was bought off.

The Chasam Sofer⁸⁴ writes that the same principle applies to other honorable positions as well, such as the rabbinate. If money was paid to the town council members to influence them to appoint a particular candidate, his appointment is invalid and he may not serve as the rabbi even if he is learned.⁸⁵

R' Ashi (Sanhedrin 7b) interprets the posuk (Sh'mos 20:2) לא תעשון אתי אלהי כסף (lit. do not

make idols of silver) as referring to a judge who was appointed because of his money. The Shulchan Aruch,⁸⁶ citing the Yerushalmi, adds that it is forbidden to go to such a judge since the posuk implies that he is comparable to an idol.

The Bach explains that this *halacha* applies even to one who did not offer any bribes. If the council members were partial in their appointment because of a candidate's wealth, his appointment is invalid since it was not based solely on merit.

The Bach, however, explains that if this wealthy individual did not actually offer a bribe, then his appointment is considered tainted only if he is unworthy of his position. He says that this is different from a position obtained through actual bribery, as is the case of Yehoshua ben Gamla, whereby the appointment is deemed invalid even if the individual is worthy.

דף יט:

העלוהו לבית אבטינס והשביעוהו שלא יתקן מבחוץ וכניס כדרך שהצדוקין עושין

- The Tz'dukim were a heretical sect which abounded during the era of the second Bais Hamikdash. They denied the validity of the teachings of the sages, claiming to believe only in the literal meaning of the Torah.
- The *avodah* of Yom Kippur involved the burning of ketores (incense) in a pan of coals inside the *kodesh hakodashim*. According to the Tz'dukim's faulty interpretation of the posuk they believed that the ketores must be placed on the coals before entering the *kodesh hakodashim*, when in reality the *halacha*, as taught by the sages, requires the *Kohen Gadol* to place the ketores on the coals when he is inside the *kodesh hakodashim*.

The Mishna (18b) says that on Yom Kippur eve the זקני כהונה - sages of the Kohanim - would require the *Kohen Gadol* to take an oath. The Gemara (19b) explains that they made him swear to perform the *avodah* of the ketores inside the *kodesh hakodashim* as the *halacha* requires, and not outside the *kodesh hakodashim* as the Tz'dukim believed. (The Gemara relates

that during the period of the second Bais Hamikdash the Tz'dukim managed to infiltrate the office of the *Kohen Gadol*. Therefore, this oath was necessary.)

The Chasam Sofer⁸⁷ questions the objective of such an oath. The *halacha* is that a שבועה לא חייל לבטל את המצוה - an oath taken to violate a Torah law does not take effect and is not binding (see Mishna Sh'vuos 27a, and Gemara Nedarim 16a,b). In the mind of a Tzeduki, an oath to burn the ketores inside the *kodesh hakodashim* is counter to Torah law and hence is not binding. Consequently, it is difficult to understand how this oath would deter a suspected Tzeduki from offering the ketores outside since that is in conformance with his faulty convictions.⁸⁸

The Maharatz Chayis answers that Tz'dukim do not believe in the *halacha* שבועה לבטל את המצוה לא חייל (an oath to violate the Torah is not binding), because this law is known only through oral tradition (as derived by the sages) and is not openly stated in the Torah. Consequently, a Tzeduki would be fearful to violate his oath and burn the ketores outside - even though he believes that to be the proper method of offering ketores.⁸⁹

Alternatively, the Sefas Emes explains that even though if one swears to violate a mitzvah the oath is not binding and he is permitted to perform the mitzvah, it is forbidden for one to take such an oath in the first place because it is a שבועת שוא - an oath in vain - (since it serves no purpose). Thus, a Tzeduki, fearful of making a שבועת שוא, would hopefully refuse to take the oath that is administered to him and his identity would thus be revealed.⁹⁰ ■

דף ב

1) מבואר בתוס' סוף דף ו. ובתוס' ישנים סוף דף י: דכה"ג אינו זו כל אותו שבוע מלשכת פרהדרין ואסור לו לילך לביתו אפי' דרך עראי (עי' שפ"א כאן ד"ה מפרשין דחקר בזה אי מותר לו לילך לביתו דרך עראי).
2) עי' לשון הרמב"ם פ"ח מהל' כלי המקדש ה"ב דמבואר **דכל שמונה** בגדי כהן גדול מיקרי "בגדי זהב" אע"ג דהכתנות והמכנסים ומגבעת ואבנט לא היו של זהב והיו דמויות לאותן ד' בגדים שלבש כהן הדיוט (וכן משמעות לשון המשנה דף לא: "הביאו לו בגדי זהב"), ולכא"ו כוונת תוס' ישנים שעשו לו כל ח' בגדי זהב ולא רק הדי' בגדים היתירים על בגדי כהן הדיוט, דלכא"ו א"א לו ללבוש אותו הכתנות ומכנסיים ומגבעת של עבודת חוץ בשעה שנכנס לפנים וללבושו אח"כ בשביל עבודת חוץ דאסור להוריד מקדושה חמורה לקדושה קלה (כדלקמן בדף יב:).
3) בפסחים דף סה: (ולקמן דף כג:). דרשינן מדו בד שתהא כמדתו, אולם לחד מ"י דין זה אינו מעכב (עי' רש"י זבחים סוף דף יח). ולפי מ"י זו אולי אין צריך להכין בגדים אחרים להסגן, אבל ברמב"ם פ"ח מהל' כלי המקדש ה"ד קיי"ל דמעכב.
4) וע"ע בתוס' ר"י הזקן שכתב - לא הוה ידע ר' מה תיקון היו עושים לו אלא יחוד בעלמא שהיו מיוחדים כהן אחר לכך ומזהירין בו שלא יטמא שום טומאה עכ"ל.
5) פ"ח מהל' כלי המקדש ה"ט.
6) פ"ח מהל' כלהמ"ק ה"ג.
7) פרשת אחרי מות (מובא שם בספר חנוך דעה).
8) ועי' מנח"ם מצוה צ"ט שחולק על דברי המל"מ וס"ל דלא בענין עשייה לשם בגדי לבן בפנים (וע"ש עוד בחונן דעה שהאריך בזה).

דף ג

9) מובא בקול אליהו עה"ת פרי' אחרי ע"ש שהאריך בדיוקים ובראיות (וכן עי' בחידוש הגרי אליהו עה"ת).
10) ויקרא רבה כא-ז, וכן עי' בזית רענן על ילקוט שמעוני פרי' אחרי.
11) מובא בחונן דעה בשם החכמת אדם (בסופו) בשם הגר"א.
12) מובא בהג' "אמרי מברש" על תוס' הרא"ש דף ב, וכן הביא בספר "עבודת היום" בשם ח"י הג' רמ"ז סימן י"ג, וכן חקר ה"חונן דעה" כאן.
13) ע"ש בחונן דעה שהאריך בזה.

דף ד

14) וכך כתב התוס' הרא"ש בתי' שני (ותירוץו א' צב"ק).
15) (עי' ריטב"א דפוס מוסד הר"ק הערה 061).
16) לפי"ז צב"ק למה צריך ליכנס ללשכת פרהדרין ז' ימים קודם יוה"כ לכא"ו אינו צריך לפרוש מביתו אלא לז' ימים אבל עדיין יכול להמתין עוד יום עד שיכנס ללשכת פרהדרין.
דף ה
17) עי' באר שבע עמ"ס הוריות דף יג. ד"ה משוח דנקט דמשיחה אסורה בשבת, ולפי"ז צ"ל דאע"ג דאין מושחין בשבת מ"מ שפיר מיקרי רצופים אם אין מדלגין יום הראוי למשיחה.
18) בגמ' משמע קצת דאע"ג דלא בעינן ז' ימי משיחה וז' ימי לבישת בגדי כהן גדול, אולי חדא מינייהו עכ"פ בעינן, אולם הרמב"ם בפ"ד מהל' כלי המקדש ה"י י"ג כתב דאם נתרבה או נמשח פעם אחת נעשה כהן גדול לכל דבר, עי' שיח יצחק וגבורת ארי כאן.
19) פ"ד מהל' כלי המקדש הלכה י"ג.

דף ו

20) ויש עוד טעם דעבודת כהן שני הוי בדיעבד - משום דלא נתקיים ביה מצות פרישה לז' ימים.
21) ועי' בכלי חמדה בהקדמתו לספר ויקרא שמחדש עוד דאפי' בשאר ימות השנה יכול כה"ג להקריב בטומאה אם רוצה (אפי' למ"ד טומאה דחוויה בצניבור) דמה דאפשר בכהן הדיוט לא מיקרי אפשר למהדר בטהרה, ע"ש.

דף ז

22) ח"א סימן ל"ז.
23) עי' שו"ת חכם צבי סימן מ"ה שהק' ע"ז דאדרבה טומאת הגוף שהוא בכרת חמור מטומאת בשר שאינו אלא בלאו וא"כ לפי דבריו למה אינו מצוה מן המובחר להדר אחר כהן טהור, ועי' שבו"י ח"ב סימן ל', ועי' ח"י חת"ס השלם.
24) ועי' שם בחכ"צ שמסיק להיפך דמברך על המהודר אפי' אם הוא בא באחרונה, ועי' שבו"י ח"ב ס"ל בתחילת דבריו שכי' דאם רצה להפסיק ממצוה ראשונה ולעשות המהודר ראשי, וע"ע בגליוני הש"ס כאן, וע"ע ב"שער יוסף" סימן ח' (להחיד"א) שדחה ראיות השבו"י דמחלק בין הכנה להכנה, דהתעסקות בעלמא בהכנת נרות לחנוכה לא מיקרי הכנה גמורה כמו עומד ומקריב.

דף ח

25) מהדו"ק או"ח סימן א', ועי' שמי"ב שכי"כ המרדכי בהל' תפילין דבהתרת הקשר לא שייך מחיקת השם.
26) עי' שו"ת אבני"ז או"ח סימן רל"א סק"ח, ויו"ד ח"ב סימן ש"ס דס"ל דהיכי דנמחק מיד בכניסתו למים חשיב כמחיקה בידיים ממש ולא גרמא בעלמא, וע"ע במנח"ח סימן תל"ז ושו"ת מהר"ם שיק או"ח סימן קטו (מצוין בספר "דף על הדף" כאן).
27) אג"מ יו"ד ח"ב סוף סימן קמ"ב.
28) אולם ע"ש ביו"ד ח"א סימן קע"ג שכי' אול' אין למחוק משום שנראה כמחיקת השם.

דף ט

29) רש"י בב"מ ריש דף פה: , ור' יונה מובא בר"ן שם בנדריים.
30) וידועין דברי בית הלוי עה"ת סוף פרשת משפטים שמבאר דסברי להו דא"צ ללמוד תורה אלא כדי לדעת האיך לקיים המצות ולא מצד עצמו ולכן ס"ל דא"צ לברך על לימוד דאינו אלא הכשר מצוה, וכ"כ בח"י חת"ס בנדריים שם, וכעין זה מבואר גם באור ישראל להג' ר' ישראל סלנטר.
31) ועוד, הרי ר' יוחנן ור' אלעזר קאמרי במכילתין "ראשונים שנתגלה עוונם נתגלה קיצם", ופירשו כמה מפרשים (עי' מרומי שדה להנצי"ב) דבבית ראשונים הבינו במה חטאו ולכן חזרו בתשובה ונגאלו מיד, וא"כ למה קאמר בנדריים דלא הבינו על מה אבדה הארץ.
32) (בן הכתב סופר) בספר שערי שמחה סוף פרשת פנחס.
33) כעין זה ממש הביא הלב אליהו עה"ת (פרשת דברים) בשם ר' ישראל סלנטר זצ"ל, דאף דעברו על ג' עבירות היתה תמיה לחכמים ונביאים האיך הגיע לזה כיון שלמדו תורה ומבואר דיש כח בתורה להציל מעבירות, עד שפי' להם הקב"ה דחסר להם החשיבות בלימוד התורה ולכן לא היה בה כח להצילם מן החטא.
34) משנת ר' אהרן ח"א עמוד כ"ו.
35) שו"ת יו"ד סימן י'.

דף י

36) ועוד שמעתי דבאמת חרב משום שנאת חנם אולם אילו היו נוהגין לפנים משורת הדין אז גם הקב"ה היה נוהג עמם לפנים משורת הדין, (ופשט זה יותר מתאים בלשון התוס' שכי' דהא והא גרמא, ודו"ק), וע"ע ב"תורת משה" עה"ת (להח"ס) פרי' משפטים מה שתיקן

דף יא

37) בכוליה סוגיא מבואר דהחיוב מזוזה לדעת רבנן מן התורה (עי' סוף דף י. ויכ"ל תימא מדרבנן וכו'), וכן בסוף עמוד ב' יו"ר"י סבר דירה...ומדרבנן והא דתקיננו" ודו"ק.
38) ועי' ח"י ר' אריה לייב ח"א סימן י"ח שהק' דאע"ג שהיה כל כה"ג בונה הלשכה מחדש מ"מ היה מוסרה לצניבור וא"כ מידי שוכר לא נפקא, ועי' עוד בחונן דעה כאן שהק' דהתינח בבית שני שהיו רשעים אבל בבית ראשון מא"ל (אולם אולי י"ל דבאמת לא פליגי ר"י ורבנן אלא במקדש שני דאז מיקרי לשכת פרהדרין ואולי מודי רבנן דבמקדש ראשון פטור ממזוזה דהוי כה"ג שוכר בעלמא ועוד יש לדון אי גם במקדש ראשון היה כל כהן מתחדש בה וסותר מה שבנה הראשון, עי' שקלים שם בדף יא. [פ"ד ה"ב] דמשמע דמסיק רבי עולא שם דלא היה חסרון בהא דבנה כל אחד מחדש והא דכתב רש"י שהיו רשעים י"ל דלא בא לבאר אלא למה היו כהן גדול אחר בכל שנה, ודו"ק).
39) בפ"ה מהל' כלי המקדש ה"ז כתב הרמב"ם דבית היה לו לכהן גדול בבית"מ ונקראת לשכת כה"ג והיה יושב שם כל היום ע"ש, ובפ"ה מהל' בית הבחירה ה"ט"ז כתב ולשכת העץ היתה אחורי שתייהם והיא היתה לשכת כה"ג והיא הנקראת לשכת פרהדרין, מבואר דלשכת כה"ג שהיה יושב בה כל השנה היינו הלשכת פרהדרין שבו היה מפרשין אותו קודם יוה"כ.

40) כלומר, דע"י שדר בו כל השנה ביום תו לא חשבינן ליה בז' ימים אלו כמי שדר בפונדקי, וע"ש שמצדד לדעת הרמב"ם דלשכת פרהדרין חייבת במזוזה כל השנה ולא רק בז' ימים קודם יוה"כ.
דף יב
41) כך מסיק הספר "קונטרס המזוזה" (להר"י יחיאל אברהם זילבר) סימן רצ"א סק"ב דהגמ' נקט פעמיים בשבע שנים משום לישנא קצרה והעיקר הוא שצריך בדיקה פעם אחד לגי' שנים ומחצה, וכ"כ הגר"י חיים קניבסקי בפ"י למס' מזוזה סק"ע, ועי' מטה אפרים סימן תקפ"א סעיף י' שכי' דמנהג אנשי מעשי לבדוק מזוזהויהן בכל שנה בחודש אלול.
42) מובא בשיורי ברכה בגליון השו"ע יו"ד סימן רצ"א סעיף א'.

43) שם.
44) ראיתי בספר הדר מזוזה פ"ג סק"ה שכי' דהבדיקה צריך להיות ע"י מגיה מומחה ויר"ש (אבל לא הביא מקור לזה), ועי' בספר פתחי שערים (על הל' מזוזה, ע"י ר' אהרן ארי' שכטר ור' אורי אויערבאך) סימן רצ"א סק"ז כתב דאופן הבדיקה שיקרא כל המזוזה מלה במלה (והביא שם זכר לדבר).

45) יו"ד סימן רפ"ט סק"ד.

46) בשו"ת סת"ם דף ס"ה, וכן מצדד ה"לשון לימודים" או"ח סימן י"ד (ע' פת"ת יו"ד פ"י סק"א).

47) וע' שו"ת בית יצחק יו"ס סימן צ"ב אות ט' שכי' אדרבה מי שעוסק בבדיקה הרי הוא עוסק לחזור לקבעה וודאי לא הו"י היסח הדעת, ופסק שם שלא לברך, וכן פסק בס' יוסף אומן סימן והיעב"ץ בסידורו, והשו"ת מהרש"ג יו"ד סימן נ"ז (ועי' ספר "שכל טוב" על ה"ל מוזזה סימן רפ"ט ס"א שהביא עוד פוסקים).

48) וכן פסק היביע אומר ח"ג סימן י"ז וכי' במפתחות שם שכן הוא מנהג ירושלים עיה"ק לברך, (וכן כ' בשו"ת "חוו"ד ח"ג סימן פ'), וכן פסק בשו"ת ישמח לב סימן י"ד שכן נוהגין לברך וכן כ' בשדי חמד מערכת מ"ם כלל כ"ב, אולם לאידך גיסא הרבה כתבו שלא לברך (ועי' בספר "שכל טוב" שהביא עוד פוסקים בזה).

49) וכן דעת כמעט כל הפוסקים דאם לא החזירו עד שמסיח דעת ודאי צריך לברך, אולם ע' שו"ת דבר יהושע ח"ג סימן נ"א אות ה' שכי' דכיון שחייב בכל שעה להסיר המזוזה לעולם לא שייך ביה היסח הדעת ואפי' אחר זמן מרובה אי"צ לברך, [ונהג' ע' בתשובות והנהגות (להרי' משה שטרנבוך ח"א סימן תרמ"ג שכי' דנכון לבקש מהסופר להשאיל לו מזוזה עד אחרי הבדיקה כדי שלא יהא בלי מזוזה ביתיים, אולם לא משמע כן בכל הפוסקים, ועי' בעמק ברכה אות י"א שכי' דאפי' מצויה מחויב במזוזה בכל שעה וחיוב בדיקה אינו אלא מדרבנן מ"מ יש כח ביד חכמים לעקור דבר מן התורה בשו"ת, ועי' שו"ת באר משה ח"ה סימן ג' אות ב' שכי' לזוהר שלא לערב המזוזות אחר הבדיקה דאין להעביר מזוזה מפתח שחיובה נלפתח מחויב מדרבנן דאסור להוריד מקדושה חמורה לקדושה קלה. 50] ועי' רע"א קמא סוף סימן ט' דמצד דגם מי שהולך מביתו לסקו בשוב לבכה שעות דצריך לברך על מזוזתו כשחזר לביתו, ע"ש ובמש"כ בשולח התשובה.

49 ב' 51) או"ח סימן קנ"ז סק"ו.
52) (חידישים על מסכתות נדפס בסוף ספר תבואות שור על ה"ל שחיטה) על מסכתות מגילה דף כו', ועי' שער הציון שם בסימן קנ"ז ס"ק כ"ג שכי' דלא העתיק דברי ה"ל משום הדבכור שור השני על דבריו.

53) (ועי' ספר שמ"ב כאן שכי' שיש ראה מוסגין כדברי ה"ל וּבַנְגַד הבכור שור, אולם לא הבנתו דבריו, ואולי לא ראה דברי בכור שור בפנים, וצ"ע), וע"ע בגירות ששורן או"ח סימן קנ"ב שהשיג על ה"ל ממכילתין, ועי' בשו"ת ובח"ת בחיים סימן קנ"ד (מהג' ריש קלוגר, מובא כאן ב"דף על הדף") שמישב דברו, וע"ע בחכמת שלמה או"ח סימן קנ"ב.

54) ועי' שו"ת מהרש"ם ח"ד סימן נ"ז שמקיל כדברי ה"ל והביא שכן נקט שו"ת תועפות ראם סימן ג' ושו"ת גור אריה יהודה סימן כ"ח (מצוין בשמ"ב על קצשיע סימן כ"ח סעיף ח').

55) שו"ת אג"מ יו"ד ח"א סימן קע"ד.

56) (קנין תורה בהלכה להרי' אברהם דוד הורוויץ) ח"ב סימן נ"ה אות ב'.

57) לשיטת הרמב"ם פתח שאין לו דלת פטור ממזוזה, עי' שו"ע יו"ד סימן רפ"ו סעיף ט"ו, ועי' שם בסימן רפ"ו סעיף א' שכתב השו"ע דפתח ב' פצמים פטור ממזוזה (וי"א דשניו ממקום דאי למקום ספק לית לן בה משום דעל הצד שהמקום ספק באמת פטור לא מיקרי הורדה לקדושה קלה כיון דאינו חייב כלל והוי מקום חול ולא גרע ממקום גניזה).

58) עי' משניב סימן ט"ו סק"א שהביא בשם הארצות החיים שם דאוסר להסיר ציצית מטלית של גדול וליתנם בשל קטן, אולם כבר העיר הקנין תורה שם דהארצות החיים מתיירר ציצית מבגד צמר שחייב מה"ת וליתנם בבגד משי אפי' שאינו חייב אלא מדרבנן ונשאר בצ"ע בטעם החילוק בין בגד קטן לבגד משי.

דף יג

59) עי' רמב"ם פ"ז מה"ל אסו"ב ה"ל י"ג שכי' דלעולם אין כה"ג נושא ב' נשים כאחת (אפי' באמצע השנה), ועי' שהשיג עליו הראב"ד.

60) וע"ש שכי' עוד תירוך דחיישינן שימזג באמצע עבודה בענין שלא יוכל לצאת לחוץ ולכונסה, ועי' שג"א שהקי' למה אינו יכול לקדש השני והאמר לה "הרי את מקדשת לאחר שתמות הראשונה" (דכתיב' אינו עושה מעשה קידושין בשבת), ועי' שו"ת רע"א סימן קנ"ט שהוכיח מזה דקנין כה"ג שנגמר הקנין בשבת ג"כ אסור אף דמעשה קנין היה בערב שבת, ע"ש.

61) שו"ת הרמ"א סוף סימן קכ"ה.
62) כתב הרמב"ם בפ"י מה"ל אישות דאם היא נדה בשעה שנכנסה לחופה לא גמרו הנישואין.

63) וכן עי' בשער המלך חופת חתנים ס"ד שהקי' האידך מועיל חופה ביו"כ הרי הוא חופה שאינו ראוי לביאה שהרי אסור בתשמיש המטה ביו"כ.

64) עי' שאגת אריה סימן צ"ג שמעורר דגם בז' ימים לפני יו"כ אינה ראויה לביאה שהרי מחויב להפריש מאשתו בשבוע זו, ועי' שפת אמת כאן שרי"ל לפי תלמוד יידן דאחי' צריך להכניסה לחופה [בקדושי תנאי] קודם הז' ימים, ועי' שעה"מ שתי' דשאין יו"כ דאינו אלא אסור יומא דקא גרס לה ועי' מה שתי' הבית יעקב ריש כתובות דף ב', ועי' שו"ת רע"א סימן קנ"ט שמוכיח דסי"ל להירושלמי דלא בעינן חופה הראויה לביאה, ועי' ש"מ"ב כאן.

דף יד

65) פ"י אמרי מבשר על תוס' הרא"ש (להרי' צבי הכהן זשקובסקו), והביא שם דברי המ"מ פ"ג מה"ל אבל הי"י שכי' לבאר ע"פ רש"י דאין אנינות נוהגת בשבת וי"מ מי"מ אסור באכילת קדשים (כדמבאר במכילתין שהרי עסקין ביה"כ) משום דמ"מ הוא במצב של צער ואכילת קדשים טעון שמחה.

66) ים של שלמה עמ"ס גיטין פ"ב ס"ד.

67) פסק זה מיוסד על שיטת הרשב"ם בב"ב דף קמו': ד"ה נפלה שכי' דמי שמתה אשתו מתוך קטטה והיה דעתו לגרשה אינו יורשה (ואפי' דתוס' שם בב"ב חולק על הרשב"ם כי המהרש"ל דהלכה כדברי המיקל (בב"ל) ועי' פ"ת אבה"ע סימן צ"ה סק"ח בשם החת"ס שם בדוה"ז אחר חרם דר"ג דאסור לגרש בע"כ תו' לא שייך דינא דמהרש"ל, וע"ש בשם ישועות יעקב שם (סק"ח בפ"י הקצר) שמיקל בהיות

מאה רבנן כיון שכבר זיכה לה הגט, ועי' שו"ת מחנה חיים מהדו' תליתאה סימן ל"ט, ועי' שו"ת מנחת אלעזר ח"ד סימן כ"ו, ועי' שו"ת שואל ומשיב מהדו' רביעאה ח"ג סימן פ"ח שהורה לאחד שמתה אשתו בתוך האסיפת מאה רבנים שחובב להאבל עליה.

דף טו

68) במסכתין פ"ב ה"ב (וכן בירושלמי שקלים פ"ה מ"א מבואר שהיה א' ממונה על הפתילות, עי' ריטב"א).

69) וכ"כ תוס' הרא"ש כאן, ותוס' במנחות שם דף פט. ד"ה ושיעורו, וכ"כ רש"י שם בשם איבא דאמר.

70) עי' רא"ם על התורה שמות כז-כא שמצדד שהנרות שבמנורה היה להם בית קיבול לפתילות שנגעשה באופן שא"א שיתן לתוכן אלא פתילה שהיה לה עובי מיוחד וא"א שיתן לתוכה פתילות של עובי אחרת, ולפי השיעור ההוא שיערו חכמים חצי לוג (ויש לחקור אם היה לחן איזה מקור לשיעור פתילות ואולי היה אסור לשנות העובל).

71) שם בשבת סוף דף כא. בדפי הרי"ף, וז"ל - ושיעור השמן לחצי שעה היא שמינית הביצה לפי חשבון שיעור שמן המנורה, עכ"ל.

72) וצ"ע למה מחשבין לפי לילה בנינו של י"ב שעות, לכאזי חצי לוג מספקת גם ללילות וארכות של טבת, וא"כ לפי החשבון מספקת לחצי שעת אפי' פחות משמינית הביצה (ואולי י"ל דסי"ל דנרות חנוכה צריכין להיות דולקות חצי שעה משעות נגמרות של שעות הלילה, ועי' חשבון זה שפיר בעיני שליש ביצה כיון שלילי תנוכה ארוכות, ודו"ק).

73) סימן תרע"ב סק"ג.

74) תלייה זו צ"ב דאת"ל שיש ילפותא ממנורת המקדש כמו שנקט הש"ג צ"ע למה לא ילפינן שיש שיעור קבוע של שמן כמו שהיה במקדש (ולית מאן דפליג עי"ז), ולכאזי צ"ל דבאמת ליכא ילפותא ממנורת המקדש, אלא דהשי"ב ס"ל דעובי הפתילות שהיה במקדש היה משום יופי הנר וזה היה פתילה הרגיל בעולם וממילא ה"ה בחנוכה נקטנן דצריכין פתילה הרגיל כזו (משא"כ לפי דעת המג"א אין ללמוד משיעור חצי לוג שמן דזה היה גזה"כ בעלמא, ודו"ק), וע"ע בשו"ת עמודי אור סימן מ' ובמנחת ברוך סימן ק"ט ענף ד'.

74 ב' 75) ועי' ח"י רי"ז הלוי על הרמב"ם פ"ד מה"ל פרה ה"ה שמתחילת דבריו נקט דהחויב ראיית פתח ההיכל בשעת זריקה היינו ראיית הפתח מבחוץ ואח"כ הוכיח מתוך דברי הרמב"ם דמחויב הכהן לראות תוך עצם ההיכל וכמשי"כ המאירי כאן.

76) שם בח"י רי"ז הלוי פ"ד מה"ל פרה אדומה בד"ה ובה יבוארו.

דף צ"ז

77) או"ח סימן תרע"ו סעיף ה'.

דף צ"ח

78) שם סק"ו.

79) "למה יהיה הסוף עדיף יותר מהתחלה" - כ"כ ה"ט"ז, ועי' בלבוש שמפרש בע"א, משממע לדעתו הדלקת המנורה מימין לשמאל מיקרי פנייה לימין ע"ש.

80) שם בס"י תרע"ו סק"י, וכן העיר המלבושי יו"ט (לבעל תוס' יו"ט) על הלבוש סימן תרנ"א.

81) (עי' שו"ת השולחן סימן תרע"ו ס"ג משי"כ לענין סדר כתיבת אותיות.

82) דעת רוב אחרונים כהשו"ע ולא כהלבוש (מ"א א"ר וחי"א, שו"ת חת"ס או"ח קפ"ז, באר שבע סוטה דף ט"ו), ועי' ב"אור הלכה שם סוד"ה כדי שכי' שאין לדחות דעת ה"ט"ז וכל א' ינהג כמנהגו (והביא שם גם שיטה שלישית לענין נר חנוכה).

83) חו"מ סימן ח' (עי' שו"ת חת"ס חו"מ סימן ק"י שהקי' על הב"ח דמדברי התוס' שנים מבואר שהיה אחרים שהיו יותר ראוים, ועי' שו"ת מנחת אלעזר ח"א ס"ו שהקי' עוד מדברי רש"י ביבמות דמבואר שלא היה ראוי כלל).

דף ק

84) שו"ת חו"מ סימן ק"ס.

85) ע"ש משממע דחולק על הב"ח וס"ל דאם אין אחר עדיף ממנו לא הו"ל רשע, ועי' שו"ת מנחת אלעזר ח"א ס"ו שהסכים עם הב"ח אבל לא מטעמי (וע"ש) בחת"ס שהביא הרמ"א בחו"מ ריש ס"י קס"ג דאנשי הקהל צריכין לומר דיעותם לשם שמים ולא משום פני' אחרת).

86) ז"ל הטושי"ע חו"מ ס"ח סוף ס"א דיין המתמנה בשביל כסף וזהב אסור לעמוד לפניו ולא אלא שמצוה להקל ולזולל בו ומבאר הסמ"ע כיון שהכתוב קראו אלהי כסף דומיא דעכו"ם דמצוה לזולל בהם.

דף ק"א

87) בשו"ת חת"ס או"ח ס"י קע"ו הביא הקושא בשם מחותן שלו הרי' בננס גינס, ועי' תוס' רע"א כאן (אות ו') בשם פ"ר"ח בהגהותיו על הרמב"ם "הג' מים חיים" שהקי' באופן אחר קצת דלפי דעת הצדוקים היו אונסים בשבועה.

88) וע"ש דמצדד דאולי השיעורו ע"י כולל (וכן כ' שפי"א כאן, וכ"כ בתפא"י כאן אות כ"ח) ותלוי בפלוגתת הראשונים אם שובעה לבטל את המצוה חייל ע"י כולל, עי' תוס' שבועות דף כד. ד"ה אלא, ועי' בעה"מ שם בדף כז., וע"ע מרומי שדה דאפי' לדעתן שיש מצוה לינתן הקטורת מבחוץ מ"מ אינו מעכב וכשר אפי' נתן מבפנים ולכן לא הוי נשבע לבטל את המצוה, וכן מצדד הפרי' חדש הני"ל בהג' מים חיים, ועי' בשפי"א שמאין בתי' זה דכל דיני יו"כ מעכבות.

89) וכן ת"י השפת אמת בתי' ראשון וכלעון זה ברש"י, וכן תירוך בחזון יחזקאל.

90) וע"ע מה שתירך החת"ס שם בתשובה, ועי' בשו"ת בית שער"ם ח"א סימן רפ"ט שהאריך בתירוצים

דף	This Al Hadaf was made possible by the following daf dedications...	יום	
ב	לז"נ חיה רחל בת מרדכי זעליג ז"ל *	יג סיון	Fri
ג		יד סיון	שבת
ד		טו סיון	Sun
ה	לז"נ שרה בת יוסף ע"ה *	טז סיון	Mon
ו		יז סיון	Tues
ז	לז"נ אלקע בת עזריאל הירש Cedarbaum * לז"נ שלמה יהודה בן יששכר דב הלוי ז"ל * LEOPOLD LOEWY	יח סיון	Wed
ח		יט סיון	Thrs
ט	Mrs. Leah Kraus, and by his grandchildren Moshe & Charni Shochet	כ סיון	Fri
י		כא סיון	שבת
יא	לז"נ איטא רשי בת חיים בן ציון בנימין הלוי Sait ז"ל * Sponsored by his daughter Mrs. Leah Kraus, and by his grandchildren Moshe & Charni Shochet	כב סיון	Sun
יב	לע"נ הרב נתן אליהו בן הרב מרדכי גרצולין ז"ל *	כג סיון	Mon
יג	לז"נ הרה"ח ר' משה בן אליעזר ליבר Gelbtuch ז"ל *	כד סיון	Tues
יד		כה סיון	Wed
טו		כו סיון	Thrs
טז	* In memory of Yekutial ben Eliezer Shoen z"l	כז סיון	Fri
יז	לז"נ החבר שמואל בן החבר בנימין הכהן וואלערשטיין ז"ל *	כח סיון	שבת

* denotes Yartzeit

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