



### דף כ:

#### ביום הכפורים תורמין את המזבח מחצות משום דאיכא חולשה דכהן גדול

• The posuk (Vayikra 6:3) states, והרים את הדשן - [a Kohen] should separate some ashes [from atop the *mizbeach*], ושמו אצל המזבח, and he should place it near the *mizbeach*. On an ordinary day this *avodah*, called תרומת הדשן (the lifting, or separating, of the ashes), was performed around the time of daybreak. The Mishna (20a) says that on Yom Kippur it was performed much earlier, after midnight.

The Gemara (20b) explains that *terumas hadeshen* was advanced to midnight on Yom Kippur because of a concern for the fatigue of the fasting Kohen Gadol (משום חולשה דכהן גדול). Tosfos explains that *terumas hadeshen* was performed extra early on Yom Kippur in order to give the Kohen Gadol time to rest afterwards before beginning the morning *avodos*.

There are several opinions as to the extent of the Kohen Gadol's duties on Yom Kippur.

(a) The Ritva (12b) cites his teacher<sup>1</sup> as saying that *min haTorah* the Kohen Gadol was required only for the offering of the special Yom Kippur *korbonos* and the Yom Kippur *ketores*. The standard daily *avodos*, however, such as the *korbon tamid* and the *terumos hadeshen*, may be performed by any Kohen.<sup>2</sup> By rabbinic decree, however, the Kohen Gadol must personally perform all the *avodos* of the day. Therefore, we find that the Mishna on 31b speaks of the Kohen Gadol slaughtering the *korbon tamid* on Yom Kippur and our Gemara speaks of him

performing *terumas hadeshen*.<sup>3</sup> However, if the Kohen Gadol felt too fatigued to perform these extra services, they would draw lots and an ordinary Kohen would perform the standard daily *avodos* (see Mishna 22a and 25a) because it is not essential that the Kohen Gadol perform the daily *avodah*.<sup>4</sup>

(b) The Riva (cited by Tosfos, end of 20a) says that the Kohen Gadol was obligated to perform all the daytime *avodos* on Yom Kippur. He was not obligated to perform *terumas hadeshen* because that was performed at night.

(c) The Ramban<sup>5</sup> deduces from the fact that the procedure of drawing lots to select a Kohen for *terumas hadeshen* is discussed in Mesechtas Yoma (see Mishna 22a) that an ordinary Kohen (selected via lots) performed *terumas hadeshen* even on Yom Kippur because Mesechtas Yoma deals primarily with the *avodah* of Yom Kippur. Moreover, he notes that the *piyutim* (which were compiled by early scholars<sup>6</sup>) for recitation on Yom Kippur indicate that lots were drawn even on Yom Kippur to determine which Kohen (*Hedyot*) performs *terumas hadeshen*.

The Sefas Emes notes that *terumas hadeshen* is not included in the list of *avodos* (mentioned in the Mishna on 14a) performed by the Kohen Gadol in preparation for Yom Kippur. This indicates, as the Riva says, that the Kohen Gadol did not perform *terumas hadeshen* on Yom Kippur.

(c) The Baal Hama'or maintains that the authors of the Yom Kippur *piyutim* mistakenly included the drawing of lots in the Yom Kippur service

because the Kohen Gadol would perform *terumas hadeshen* on Yom Kippur, and it wasn't subject to determination by lots.

2] The Tosfos HoRosh cites our Gemara as proof to the Baal Hamaor's position. The fact that the Gemara says that *terumas hadeshen* was advanced to midnight because of a concern for the fatigue of the Kohen Gadol indicates that the Kohen Gadol was obligated to perform it.

The Ri, in defense of the Riva, explains that the sages wanted the *terumas hadeshen* performed early, so that the *mizbeach* would be ready for the Kohen Gadol to start the *avodah* immediately in the morning. They were concerned that a delay might cause the Kohen Gadol to tire later in the day before he completed the required *avodos* (see Tosfos ד"ה משום).

The Riva himself says that the word "Gadol" should be removed from the text of the Gemara and the proper reading is, משום חולשה - because of the fatigue of the Kohen (not Kohen Gadol). We are concerned that by the time dawn arrives the (ordinary) Kohanim might be too weak to perform *terumas hadeshen* and therefore it is advanced to the middle of the night.

#### דף כא:

#### אורים ותומים לא היו במקדש שני

The Gemara lists five sacred things that were present in the first Bais Hamikdash but were lacking in the second Bais Hamikdash. Among them are רוח הקודש - the Divine spirit (akin to prophecy), and the *Urim V'tumim*. [The *Urim V'tumim* was a parchment with Hashem's name that was inserted into the Kohen Gadol's *choshen* - golden breastplate. The *Urim V'tumim* infused the *choshen* with a Divine power to give advice on important matters and foretell the future.]

Tosfos is of the opinion that the *Urim V'tumim* was an inherent part of the *choshen* and if the *Urim V'tumim* was lacking, the *choshen* was considered incomplete. Consequently, Tosfos maintains that it is not possible that during the second Bais Hamikdash era the Kohen Gadol wore the *choshen* without the *Urim V'tumim* because wearing an

incomplete *choshen* is tantamount to not wearing a *choshen* at all, and the Kohen Gadol is forbidden to perform the *avodah* without a complete set of eight vestments (מחוסר בגדים). Hence, Tosfos asserts when the Gemara says that they lacked the *Urim V'tumim* during the second Bais Hamikdash era, it means that the power of the *Urim V'tumim* (to respond to queries and issue prophetic revelations) was lacking, but the physical *Urim V'tumim* parchment was present. This appears to be the position of the Rambam as well.<sup>7</sup>

The Ravad<sup>8</sup> disagrees and maintains that the physical *Urim V'tumim* was lacking during the second Bais Hamikdash. Nevertheless, the Kohen Gadol was permitted to perform the *avodah* because he says the *Urim V'tumim* was not an essential component of the eight vestments. As long as the Kohen Gadol wore the *choshen* (and the other seven vestments) he was considered sufficiently attired, even though the *Urim V'tumim* was missing.

The Ravad argues that if the only thing that was lacking in the second Bais Hamikdash was the *Urim V'tumim*'s ability to respond to queries (as Tosfos and the Rambam say), the Gemara would not have listed the *Urim V'tumim* and רוח הקודש as two separate items, because the power to prophetically respond to queries is an aspect of רוח הקודש.

In defense of the Rambam and Tosfos, the Brisker Rav<sup>9</sup> proves that the sphere of רוח הקודש and the power of the *Urim V'tumim* to prophetically respond to queries are different realities. The Mishna in Sotah 48a says that the [power of the] *Urim V'tumim* was nullified when the last of the נביאים ראשונים - earlier prophets - died. The Gemara there explains that this occurred at the end of the first Bais Hamikdash era.<sup>10</sup> Prophecy, on the other hand, existed until the beginning of the second Bais Hamikdash era (at the time of the demise of the נביאים אחרונים - later prophets, such as Ezra who lived during the building of the second Bais Hamikdash). Hence, it is clear that the *Urim V'tumim*'s potency was not linked to the power of prophecy (and ruach hakodesh). It is therefore entirely reasonable for our Gemara to count them as two separate items.

**דף כב.  
הממונה אמר להם הצביעו**

The Mishna relates that originally the Kohanim would race up the ramp of the *mizbeach* and whoever was first to reach within four amos (cubits) of the top of the *mizbeach* would obtain the rights to the mitzvah of *terumas hadeshen*.

The Mishna says that if there was a tie between two Kohanim, the supervisor would determine who should be privileged to perform the *terumas hadeshen* by means of a lottery. Rashi explains that all the Kohanim (who competed for the mitzvah) would be asked to put out a finger, and the supervisor would pick a random number and count from a random starting point. The Kohen upon whom the count ended was declared the winner (see Gemara 25a). [The Gemara on 22b explains it is forbidden to count b'nai Yisrael and therefore they would count fingers instead of bodies.]

The Gevuras Ari asks why Rashi says that all the Kohanim would be included in the finger lottery, as opposed to just the two co-winners of the race. The other Kohanim should be ruled out since they lost the race.

The Tosfos Yom Tov explains that a finger-lottery with only two participants would be subject to bias and fraud because the supervisor could easily determine the outcome from the beginning. If he picks an odd number the count would end with the Kohen with whom the count started, and if he selects an even number it would end with Kohen counted second. Hence, for the sake of fairness, we must include all the Kohanim in the lottery.

The Magen Avraham<sup>11</sup> (as explained by the Machatzis Hashekel) rejects this answer, arguing that it is possible to organize a fair lottery even if there are only two participants. We could have someone other than the supervisor select a number and not announce it until the supervisor chooses the starting Kohen.<sup>12</sup> Alternatively, we could use another type of lottery in which cheating by the supervisor is not possible, such as selecting numbers from a box.

The Magen Avraham, consequently,

deduces from the words of Rashi that whenever any selection process fails to produce a single winner, the entire process is declared void and must be repeated. For example, if there is a lottery in which the winner is determined according to the highest number picked from a box, and two people win because they both end up with the same [high] number, the entire lottery drawing is declared void. When the lottery is repeated, all of the original participants are entitled to participate - not just the two co-winners.

The Me'il Tzedakah<sup>13</sup> agrees with the Magen Avraham's approach to the Mishna but disagrees with the comparison to a lottery drawing. He maintains that an ordinary lottery that successfully narrows down the competition to two people is valid. The following lottery need only include the two co-winners and not the other participants who drew lower numbers and clearly lost the competition. He explains that the case of the Mishna is different because the race is not in the category of a lottery. Rather, it is used as a means of circumventing the need for a lottery by agreeing to award the mitzvah to the first Kohen to arrive at the top of the *mizbeach*. In the event that the race does not produce a winner (such as when two Kohanim arrive simultaneously) the race method is abandoned, and we revert to the method of a standard lottery in which everyone is included.<sup>14</sup>

**דף כג.**

**כל ת"ח שאינו נוקם ונוטר כנחש אינו תלמיד חכם**

The Gemara (22b) says that King Shaul was punished and dethroned because he was too humble to be a king and did not react against people who humiliated him. The Maharsha cites the Gemara in Kiddushin 32b which says that a king has no right to forgo his honor because dishonoring a Jewish king is akin to dishonoring Hashem. Therefore, Shaul's crown was taken from him.

The Gemara (23a) proceeds to say that a talmid chacham (Torah scholar) also must protect his honor because an insult directed at a talmid chacham is akin to an insult against the Torah which he represents. The Gemara

explains that even though it is praiseworthy for a talmid chacham to waive his honor, this is only if the wrongdoer asks forgiveness and attempts to offer appeasement. [The Gemara says that a talmid chacham should not actively pursue and exact revenge on someone who wrongs him, but neither should he entirely forget and forgive<sup>15</sup> (unless forgiveness was asked) because he must uphold the Torah's honor.]

The Sefas Emes wonders how to reconcile this Gemara with the famous episode regarding Hillel's humility and patience. The Gemara in Shabbos relates of an individual's futile attempt to excite and anger Hillel - to no avail. It is apparent from that incident that it is praiseworthy for a talmid chacham to ignore insults directed at him and to forgive (even before being appeased).

The Sefas Emes answers that the Gemara in Kiddushin 32a cites a dispute as to whether or not ת"ח שמחל על כבודו כבודו מחול - a *tamid* chacham is empowered to forgo his honor. The Sefas Emes suggests that our Gemara follows the opinion that a talmid chacham, like a king, is not empowered to forgo his honor, whereas the Gemara in Shabbos is of the opinion that a talmid chacham is empowered to forgo his honor. Therefore, the Gemara there assumes that it is praiseworthy to forgive and forget, even without being asked forgiveness.

The Rambam does not seem to concur with the Sefas Emes's approach because, despite ruling<sup>16</sup> that a talmid chacham may forgo his honor, the Rambam<sup>17</sup> codifies our Gemara and rules that a talmid chacham is obligated to protect his honor.

The Rambam,<sup>18</sup> however, distinguishes between an indignity that occurred in public and one that was committed in private. If a talmid chacham was insulted in private then he should forgive and forget. Our Gemara which says that a talmid chacham should protect his honor is referring to a case in which he was insulted publicly. In such a case he is obligated to uphold the honor of the Torah which he embodies.

Alternatively, the Rivash<sup>19</sup> draws a distinction between a lack of proper כבוד

(honor) and outright בזיון - indignity. He asserts that the Gemara in Kiddushin permits a talmid chacham to forgo his honor, such as to excuse people from their obligation to rise in his presence, but he may not allow people to humiliate him.<sup>20</sup>

The Ritva draws a distinction between ordinary matters and spiritual matters.<sup>21</sup> If the insults are related to personal matters, the talmid chacham is urged to forgive and forget. However, if the insults are related to spiritual matters, then outright forgiveness is deemed misplaced humility.<sup>22</sup>

### דף כד.

#### תרומת הדשן בקומצו

- One of the *avodos* performed with a *mincha* (meal offering) is *kemitzah*, whereby the Kohen, with his three middle fingers, scoops flour out of the bowl containing the *mincha*. The flour that he scoops into his palm is called the *kometz* and is burned on the *mizbeach*. The שיריים - remaining part - is eaten by the Kohanim. The Gemara in Menachos 6a states that it is essential that the Kohen scoop an exact *kometz*. His fingers may neither be overflowing with flour nor short of flour.

R' Chiya taught in a braysoh that the minimum *shiur* (amount) of ashes that the Kohen must remove from the *mizbeach* when performing *terumas hadeshen* is a *kometz*. This law is derived from the law of *mincha* offerings by virtue of the fact the same word, והרים, is stated in both passages (גזירה שוה). Just as a *kometz* is the required *shiur* that a Kohen must remove from a *mincha* offering, so too, a *kometz* is the amount of ash required for the mitzvah of *terumas hadeshen*.

The Gemara on 47a derives from a posuk (בקומצו) that the Kohen must perform the *kemitzah* with his bare hands, not with a vessel - even if the vessel was shaped to hold exactly a *kometz* of flour. The Ritva<sup>23</sup> comments that despite the גזירה שוה comparing *terumas hadeshen* to *kemitzah*, it was obvious to the Gemara that the Kohen need not scoop out ash from among glowing coals with his bare hands. Therefore, this aspect of the law of *kemitzah* is not applied to *terumas hadeshen*.

Rashi points out that since the Kohen cannot take the burning ash with his bare hands, it is impossible for him to scoop an exact *kometz* (as required for a *mincha*). It was obvious to the Gemara that the law of *terumas hadeshen* is compared to *kemitzah* only insofar as the minimum required *shiur*, but not with regard to the maximum *shiur*. Even though with respect to *mincha* it is forbidden for the Kohen to scoop out more than a *kometz* of flour from the *mincha*, with regard to *terumas hadeshen* the Kohen is permitted to take more than a *kometz*.

The Rashash points out that it is possible to produce vessels (measured to specification according to each Kohen's fist) which hold exactly a *kometz*-full of ash (just as the Gemara contemplates regarding *mincha*). Consequently, he questions why the Kohen is not required to use such a pre-measured vessel to remove an exact *kometz* of ashes.

The Chonen Deah<sup>24</sup> explains why the *p'sul* of a קומץ היתר (an oversized *kometz*) applies only to a *mincha* and not to *terumas hadeshen*. He postulates that an oversized *kometz* invalidates a *mincha* offering, not because it is an invalid act of *kemitzah*, but because there is a halachic requirement for the entire *mincha* (including the portion that will be eaten by the Kohanim) to remain intact until after the *haktoras hakometz* - burning of the *kometz*. The problem with an oversized *kometz* is that the surplus flour protruding from the Kohen's fist is technically not a portion of the *kometz* but rather is classified as part of the שיריים (remaining portion). Therefore, if a Kohen scoops out an oversized *kometz* and burns it on the *mizbeach*, the *mincha* is *posul* because a portion of the שיריים was destroyed before the *kometz* was [entirely] burnt.

In the case of *terumas hadeshen*, however, even if the mitzvah requires the removal of an exact *kometz* of ash, it does not concern us if the Kohen removes a little extra - even if the extra ash is not classified as *terumas hadeshen* ash - because the removal of extra ash does not invalidate the *avodah* of *terumas hadeshen*.<sup>25</sup>

The Gemara says that it is forbidden (for anyone other than a King who descended from Dovid Hamelech) to sit in the *azarah* - courtyard of the Bais Hamikdash. The Gemara says that the chambers that are built on non-sacred ground outside the *azarah* and have entrances leading into the *azarah* are included in this prohibition. Although these chambers do not have the full sanctity of the *azarah* (i.e., a *korbon* may not be slaughtered there, Zevachim 19a), they contain enough sanctity to allow for the eating of *kodshai kodashim* and to prohibit sitting there. [See Tosfos for discussion as to why the Kohanim were permitted to sit there while eating the meat of *korbonos*.]

The Binyan Shlomo<sup>26</sup> deals with a question of whether it is permitted to extend the *eZRas nashim* (women's section) of a shul into the men's section by moving the dividing wall (or *mechitzah*) into the men's section. He wonders whether doing so is perhaps a violation of the rule אין מורידין מקדושה חמורה לקדושה קלה - one may not diminish the sanctity of a holy item or place (see Al Hadaf above יב דף יב).

It was suggested that the *eZRas nashim* in question contained the same degree of *kedusha* as the main shul since there was a connecting door between them, and our Gemara says that the chambers of the Bais Hamikdash that opened into the *azarah* have the sanctity of the *azarah* (regarding many laws).

The Binyan Shlomo rejected this argument, noting that the Gemara says that a chamber that has two doors, one opening to the *azarah* and another opening to the outside, does not contain the sanctity of the *azarah* (unless it was built on sacred ground). Since the *eZRas nashim* had a door leading to the outside of the shul it would not acquire the sanctity of the main sanctuary even though it had a doorway leading to the shul.<sup>27</sup>

In conclusion the Bais Shlomo asserts that the women's section of a Beis Haknesses contains the same degree of *kedusha* as the men's section because women daven there and respond to kaddish and *kedusha* - even though they do not count as part of the *minyán*.

## 2] איבעיא להו שוחט מקבל או זורק מקבל

The Mishna on 22a says there were four daily [finger] lotteries in the Bais Hamikdash made to determine which Kohen should perform the various *avodos* (with the daily *korbon tamid*). The first lottery determined who has the right to perform *terumas hadeshen*. The second lottery was for the right to slaughter the *korbon tamid* and the third lottery determined who performs *zerikah* - the throwing of the *tamid* blood - (Mishna 25a).

The Gemara notes that there is no mention of a lottery for choosing a Kohen for קבלה (the act of receiving the blood). Evidently, says the Gemara, either the shochet (slaughterer) would receive the blood (upon completing the *shechitah*), or the זורק (the one who performs *zerikah*) would receive the blood (and then take it to the *mizbeach* and perform *zerikah*). [The Gemara concludes that the זורק performs קבלה, see there for the reason.]

This Gemara clearly indicates that it is theoretically possible for the Kohen who performs *shechitah* to perform *kabolah* as well. In other words, after the shochet completes the act of *shechitah*, apparently, there is still enough time for him to grab a vessel and receive all the animals דם הנפש (lifeblood).

The Mishna on 31b says that on Yom Kippur (when all the *avodos* had to be performed by the Kohen Gadol), the Kohen Gadol did not complete the *shechitah* (of the *tamid*). Rather, the Kohen Gadol had to allow another individual to complete the *shechitah* because he had to quickly take a vessel and receive the animal's blood while the *shechitah* was being completed.

Question: The aforementioned Mishna on 31b clearly indicates that the act of *kabolah* must begin during the *shechitah* so that all the animal's blood should be received. On the other hand, the Gemara on 25b indicates to the contrary - that it is possible for a Kohen to perform [the entire] *shechitah* and then perform *kabolah*.<sup>28</sup>

The Mikdash Dovid<sup>29</sup> suggests that there is a fundamental difference between *shechitah* performed on *korbonos* all year round and the *shechitah* performed on Yom Kippur. The

general rule is שחיטה לאו עבודה - *shechitah* is not considered an *avodah* - and therefore is valid even if performed by a זר. Presumably, *shechitah* may be performed even with one's left hand, since it is not an *avodah*.<sup>30</sup> On the other hand, on Yom Kippur when the Kohen Gadol must perform the entire service including the *shechitah*, the *shechitah* is considered an *avodah* and presumably must be performed with the Kohen's right hand (as is the law regarding *zerikah* and all other *avodos*).<sup>31</sup>

Accordingly, the above question is answered. During the year, it is technically possible for the Kohen to slaughter the *korbon tamid* with his left hand and simultaneously hold a vessel in his right hand to receive all the lifeblood of the *korbon*. On Yom Kippur, however, since the *shechitah* is an *avodah* which had to be performed with the Kohen Gadol's right hand, he was not able to simultaneously receive the blood (for *kabolah* must also be performed with the Kohen's right hand). Therefore, the Mishna on 31b says that the Kohen Gadol must have another individual complete the *shechitah* while he takes the vessel in his right hand and performs *kabolah*.<sup>32 33</sup>

## דף כו. חדשים לקטורת

• The fourth daily פייס (lottery) determined which Kohen offers that day's ketores.

The Mishna says that only Kohanim who had to date never offered ketores were included in the ketores lottery.

The Gemara explains that the posuk juxtaposes ketores with a blessing for wealth (Devarim 33:10-11, וְיִשְׂמוּ קִטּוֹרָה בְּאֶפְקַיִם... בְּרֵךְ ה', חילו) indicating that one who offers ketores will be blessed with wealth. The mitzvah of ketores was therefore an especially sought after mitzvah,<sup>34</sup> and was reserved for Kohanim who had never performed it before.

There are several midrashic sources which liken being a sandek (holding the infant during his bris milah) to the offering of ketores.<sup>35</sup> Based on this, Rabbeinu Peretz (cited by the Ramoh in Shulchan Aruch<sup>36</sup>) writes that a father should not extend the honor of sandek to the same person twice. Just as the mitzvah of

ketores was assigned only to new Kohanim and was never repeated by the same Kohen, so too, a father should not honor someone with the mitzvah of sandek for more than one of his children.<sup>37</sup>

The Noda B'Yehuda<sup>38</sup> notes the minhag does not seem to follow Rabbeinu Peretz, for in many communities it is customary to honor the Rabbi of the city with being the sandek at all the brisim performed in the community.

The Chasam Sofer,<sup>39</sup> however, explains that the minhag to repeatedly honor the Rabbi of the city with being the sandek is not in contradiction with R' Peretz's position. He submits that the Rav of a city is likened to a Kohen Gadol and the *halacha* is that כהן גדול - מקריב חלק בראש - a Kohen Gadol is given first choice in offering *korbonos* - and he has a right to offer whichever *korbonos* he wished. Just as a Kohen Gadol had the right to repeatedly offer ketores as often as he wished,<sup>40</sup> so too, the Rav of a community is permitted to accept the honor of being sandek for many boys in the same family.<sup>41</sup>

The Vilna Gaon<sup>42</sup> comments that if being a sandek is likened to offering ketores then a sandek should be blessed with wealth, and he wonders why this does not seem to be the case.<sup>43</sup>

The Chasam Sofer,<sup>44</sup> in defense of Rabbeinu Peretz, explains that a sandek sometimes forfeits his blessing of wealth in punishment for his sins. Nevertheless, explains the Chasam Sofer, even when the sandek does not attain wealth he is considered fortunate because the mitzvah serves to spare him from other potential punishments. If he had not served as a sandek and not lost his potential wealth, he would have been punished in other ways, such as with sickness, poverty or death.

#### דף כז:

#### זר שסידר את המערכה

• If a זר - non-Kohen - performs *avodah* in the Bais Hamikdash, he is subject to מיתה בידי שמים - death by the hands of Hashem - and the *avodah* is invalid. The Gemara (24a, 27a,b and 28a) discusses which services in the Bais Hamikdash constitute "*avodah*" with respect to

this *halacha*.

R' Yochanan says that if a זר arranges the wood of the מערכה - pyre of the *mizbeach* - he is חייב מיתה [and his *avodah* is invalid, meaning that the pyre may not be used]. In order to use that wood for burning *korbonos*, the arrangement must be undone [and taken off the *mizbeach* and then brought back up<sup>45</sup>] and rearranged by a Kohen.<sup>46</sup>

The Ritva says that demolishing the non-Kohen's arrangement of wood does not nullify the death penalty that the זר incurred upon arranging the pyre. [The purpose of having a Kohen rearrange the wood is to validate the wood for future use on the *mizbeach*.]

One view cited by the Tosfos Horosh disagrees and maintains that taking the wood off the *mizbeach* does indeed retroactively cancel the death penalty incurred by the non-Kohen who originally arranged the pyre, because it retroactively nullifies his invalid arrangement.

[Note: The Gemara in conclusion revises R' Yochanan's assertion and says that he was not referring to סידור מערכה - arranging the pyre - because that service does not constitute a genuine *avodah*. The Rambam<sup>47</sup> (as explained by the Kesef Mishna) is of the opinion that the Gemara only means that a non-Kohen who arranges the מערכה is not subject to מיתה בידי שמים; however, his arrangement is invalid and must be redone by a Kohen.]<sup>48</sup>

The Rabbanan assert (Mishna in Menachos 6a) that if a non-Kohen performs *kemitzah*, the *mincha* offering is *posul* even if the *kometz* is returned to the vessel and a Kohen performs another *kemitzah*. Once the *kometz* was performed in an invalid manner or by an invalid individual, it is *posul* and cannot be rectified.<sup>49</sup>

In light of this, the Sefas Emes asks why R' Yochanan validates a מערכה that was rearranged by a Kohen after having been arranged by a non-Kohen and declared invalid.

In answer, the Sefas Emes distinguishes between the *avodah* of *kemitzah* which is a significant *avodah* in its own right, and the service of סידור מערכה which serves merely as a הכשר - preparation - for *haktora* - burning the *korbon*. Based on this distinction, the Sefas Emes suggests that if a non-Kohen erroneously

performed the *avodah* of העלאת אברים למזבח - bringing the limbs of a *korbon* onto the *mizbeach* - the invalidation cannot be rectified, just as a non-Kohen's *kemitzah* cannot be rectified.<sup>50</sup>

#### דף כח.

#### צאו וראו אם הגיע זמן השחיטה

The Mishna relates that before slaughtering the morning *korbon tamid* they would send someone up to an elevated place to ascertain that dawn had arrived. The Mishna explains that this precaution was instituted because they once made a mistake and slaughtered the *tamid* before dawn, mistaking the moon's light for daybreak and they had to burn the *korbon* at the בית השריפה - place designated for burning invalid offerings.

Rashi explains that the basis for invalidating a *korbon* which is slaughtered before dawn is the posuk זבחכם ביום which is interpreted to mean - during the daytime you shall slaughter.

The Rach cites another source from a posuk which says that one *korbon tamid* should be offered בבוקר - in the morning, and one in the evening. This posuk indicates that the morning *tamid* may not be slaughtered before morning.

The Brisker Rav<sup>51</sup> explains why Rashi rejected the Rach's source even though בבוקר is stated specifically with regard to *tamid* (whereas זבחכם וביום is stated in the passage concerning shelamim). The posuk בבוקר does not teach that *shechitah* performed prior to dawn is *posul*; it merely teaches that the mitzvah to offer the *tamid* cannot be fulfilled before morning. If not for the posuk וביום זבחכם we would have said that a *tamid* that is slaughtered at night, although not a valid *tamid*, may be offered on the *mizbeach* as an עולת נדבה (donated olah offering). We would have said that another *korbon* should be offered after daybreak to fulfill the *tamid* obligation but the *korbon* slaughtered prior to daybreak is not a *korbon posul* (and it need not be burned at the בית השריפה). The posuk זבחכם וביום teaches that slaughtering a *korbon* at night invalidates the *korbon* and it is burned at the בית השריפה.

In explanation of the Rach, the Brisker Rav suggests that once we know (from the posuk

בבוקר) that the *korbon tamid* obligation is not fulfilled with a nighttime *korbon*, we know that it cannot be offered as a *korbon nedavah* either because the *tamid* must be the first *korbon* of the day (as the Gemara on 34a derives from the posuk העולה עולה ראשונה, cf., Tosfos 29a, די"ה אלא).<sup>52</sup>

#### דף כט.

#### הכי קאמר ביום הכיפורים כי אמר ברק ברקאי הורידו כהן גדול לבית הטבילה

The Gemara notes that the incident cited in the Mishna on 28a, whereby the moon's light was mistaken for daybreak, could not have occurred on Yom Kippur because there is no moonlight visible in the eastern horizon before dawn on the tenth of the month. Rashi explains that only towards the end of the lunar month does the moon rise at the end of the night. [Rabbeinu Chananel adds that on the tenth of the month (Yom Kippur) the moon sets two hours before dawn.] Thus, the Gemara concludes that the mistake occurred at the end of a month, not on Yom Kippur.

Interestingly, the Rambam<sup>53</sup> writes that although the incident mentioned in the Mishna did not occur on Yom Kippur, another, similar, incident did occur on Yom Kippur whereby the *tamid* was mistakenly slaughtered before dawn.

The Meromei Sodeh wonders how the second incident (on Yom Kippur) occurred. The Mishna says that as a result of the first incident the sages instituted that the *tamid* should not be slaughtered immediately after dawn, but only after פני כל המזרח - the entire eastern sky lights up. [This is the opinion of Masya ben Shmuel in the Mishna and it is codified by the Rambam.<sup>54</sup>] How could it have still been nighttime if the entire eastern sky was lit up?

In answer, the Meromei Sodeh explains that the sages' enactment (to delay the *tamid* until the entire eastern sky is lit) did not apply to Yom Kippur. The sages allowed the Kohen Gadol to slaughter the *tamid* on Yom Kippur immediately after dawn, so that he would get an early start on the day's *avodah* and not get too hungry and fatigued before completing his duties (מפני חולשה דכה"ג) - to spare the Kohen Gadol from tiring later in the day, see above דף



כי). Therefore, even after the enactment, it was still possible to err on Yom Kippur.

The Meromei Sodeh infers from the wording of the Mishna on 28a and the Gemara on 29a that when the inspector was sent up to the roof to observe the eastern sky, he was required to respond differently on Yom Kippur than on an ordinary day. The Mishna indicates that on an ordinary day he simply had to declare ברקאי - [it is] dawn - whereas the Gemara on 29a indicates that on Yom Kippur he had to declare ברק ברקאי - the day has dawned (which implies a greater sense of certainty than ברקאי). On Yom Kippur when the *shechitah* was performed immediately after dawn, they required the inspector to be doubly certain that the day had indeed dawned before proceeding with the *shechitah*.

#### דף ל.

#### אין אדם נכנס לעזרה לעבודה עד שיטבול

The Mishna says that even a person who is tahor must immerse in a *mikveh* before entering the Bais Hamikdash [to perform *avodah*]. Ben Zoma explains that this *halacha* is derived from a kal v'chomer argument. Since we find that the Kohen Gadol on Yom Kippur is required to immerse when changing from one sacred place to another (i.e., from the heichal to the *kodesh hakodashim*, as stated in the Mishna, and as derived from p'sukim on 32a) then certainly one must immerse when entering the Bais Hamikdash from non-sacred ground.<sup>55</sup>

There are several views regarding this *tevilah* (immersion) obligation:

1. Rashi asserts that *tevilah* is always required before entering the Bais Hamikdash, even for non-*avodah* purposes. [Rashi maintains that the word לעבודה (to perform *avodah*) in the Mishna is imprecise.]

This position seems to be supported by the Gemara (30b) which indicates that (based on our Mishna's *halacha*) a *metzora* must immerse in a *mikveh* before he inserts his hands into the Bais Hamikdash to receive his purifying blood and oil applications. From this Tosfos (ד"ה (ומה) adduces that *tevilah* is required whenever entering the Bais Hamikdash - even if for non-*avodah* purposes (as Rashi says) - because the

*metzora's* act of inserting his hands and having blood and oil applied to them is not an *avodah*, and, nevertheless, requires immersion.

2. Tosfos maintains that the obligation to immerse when entering for non-*avodah* purposes is only *miderabbanan* (a rabbinic law). *Min haTorah* one is obligated to immerse only when entering to perform an *avodah*.

3. The Tosfos Yeshanim maintains that there is no obligation to immerse when entering the Bais Hamikdash - unless entering to perform *avodah*. He explains, however, that with respect to this *halacha* the term "*avodah*" has a broad meaning and includes any Bais Hamikdash procedure, such as מתן בהונות - the blood and oil application on a *metzora's* thumbs and *shechitah*, even though these actions are not considered genuine *avodos* in the stricter sense of the word.

4. The Tosfos Rid maintains that there are two actions that warrant *tevilah*: (a) Entering the Bais Hamikdash - even for non-*avodah* purposes (as Rashi says), and (b) starting to perform *avodah* (in the Bais Hamikdash<sup>56</sup>) - even for one who has already immersed earlier upon entering the Bais Hamikdash. For example, if a Kohen spent the night in the Bais Hamikdash (tending to the burning of the *korbonos* on the *mizbeach*), he must immerse in the *mikveh* in the morning before starting to perform the daytime *avodos*.<sup>57</sup>

#### דף לא.

#### טבילה זו חוצץ או אינו חוצץ

As cited above, the Mishna on 30a says that everyone entering the Bais Hamikdash must immerse in a *mikveh* even if they are tahor. According to Ben Zoma (cited above) this is a biblical requirement derived from a kal v'chomer from the Kohen Gadol's *tevilah* obligation on Yom Kippur.

R' Yehuda (30a) disagrees and maintains that the obligation for a tahor person to immerse in a *mikveh* upon entering the Bais Hamikdash is a rabbinic law instituted by the sages to prompt one (who thinks he is tahor) to carefully consider and recall whether he perhaps came in contact with tumah a while ago and has since forgotten that he is tamei.

The Gemara (31a) poses a query as to whether a *chatzitzah* (foreign matter attached to one's body causing an interposition between one's body and the *mikveh* water) invalidates this *tevilah*.

Rashi explains that according to Ben Zoma [who says the obligation for one to immerse upon entering the Bais Hamikdash is *min haTorah*] it is clear that the law of *chatzitzah* is applicable. The query was posed only according to R' Yehuda who says that this *tevilah* obligation is a rabbinic law (to prompt someone to recall any forgotten tumah). Perhaps any act of immersion is sufficient to accomplish the goal of reminding one of his forgotten state of tumah regardless of whether there is a *chatzitzah* or not.

Tosfos maintains that the query is relevant according to Ben Zoma as well. Tosfos (30a, cited above) is of the opinion that *min haTorah* only one who enters the Bais Hamikdash for *avodah* purposes is obligated to immerse. The sages instituted that one entering for non-*avodah* purposes must also immerse - lest he mistakenly perform an *avodah* without *tevilah*. Tosfos explains that it is with regard to this rabbinically mandated *tevilah* that the Gemara suggests that the *halacha* of *chatzitzah* was not enforced.<sup>58</sup>

Ezra HaSofer decreed that a בעל קרי (one who experiences a seminal emission) may not study Torah until he immerses in a *mikveh* (Berachos 22a, see Al Hadaf *ibid.*).<sup>59</sup> The Tanna Kamma (Mishna *ibid.*, 20b) says that he also may not recite shema or berachos over food.

The *halacha*<sup>60</sup> follows R' Yehuda ben Beseira (cited *ibid.*) who permits a בעל קרי to study Torah (contrary to Ezra's decree), arguing that דברי תורה אינם מקבלים טומאה - the words of Torah are impervious to tumah.

The Tur<sup>61</sup> writes that although today the minhag is not to require *tevilah* for a בעל קרי, there are חסידים (pious individuals) who observe *tevilas* Ezra, and המחמיר תבא עליו - if one is stringent in this regard, may he be blessed.<sup>62</sup>

The Maamar Mordechai<sup>63</sup> maintains that one who conducts himself stringently with

regard to *tevilas* Ezra need not remove every *chatzitzah* from his body before immersing.<sup>64</sup> Since it is only a rabbinic *tevilah* which was instituted as a מעלה בעלמא (added stringency), not because of a tumah concern,<sup>65</sup> it is similar to the rabbinically mandated *tevilah* discussed by our Gemara (which is not invalidated by *chatzitzah*).<sup>66</sup>

#### דף לב.

#### כל הפרשה נאמרה על הסדר חוץ מפסוק זה

On Yom Kippur the Kohen Gadol wore two sets of *bigdei kehunah*; *bigdei zahav* (his ordinary golden vestments) and *bigdei lavan* (white vestments of linen, specially made for Yom Kippur). The *bigdei lavan* were donned for the performance of *avodos* that were performed inside the *kodesh hakodashim*. [These *avodos* are called the "inner *avodos*".] The inner *avodos* consisted of the burning of the special Yom Kippur ketores and the sprinkling of the blood of the Yom Kippur bull and goat offerings inside the *kodesh hakodashim* between the בדי הארון - rods of the aron. The *bigdei zahav* were worn for all other *avodos* performed outside the *kodesh hakodashim* (called the outer *avodos*).

Upon donning a set of vestments, the Kohen Gadol was required to immerse in a *mikveh* and perform קידוש ידים ורגלים (wash his hands and feet with the *kiyor* water). Before removing the vestments another קידוש ידים ורגלים was required.

The passage in the Torah dealing with the *avodah* on Yom Kippur (Vayikra 16) indicates that after performing some outer *avodos*, the inner *avodos* were completed, and then the Yom Kippur services concluded with more outer *avodos*. If this was indeed the case, then the Kohen Gadol would require a total of three *mikveh* immersions (one before each time he donned his new set of vestments) and six קידוש ידים ורגלים (two for each donning).

The Braysoh says, however, that in reality the inner *avodos* were divided into two segments. Part of the inner *avodos* (i.e., the removal of the ketores spoon and fire pan from the *kodesh hakodashim*) was performed after an intervening outer *avodah*. R' Chisda explains

that this was done in conformance with the *halacha l'Moshe m'Sinai* (oral tradition handed down to Moshe at Sinai) that the Kohen Gadol was required to perform a total of five immersions and ten קידוש ידים ורגלים. The inner *avodos* were divided into two segments so that the Kohen Gadol would have to switch his garment two extra times (once to don the *bigdei zahav* and once to switch back to *bigdei lavan*) and hence he would have to perform an added two immersions (and four קידוש ידים ורגלים).

The Vilna Gaon offers an explanation as to why the posuk indicates that the inner *avodos* were performed at once, when in fact this was not the case:

As cited above on ג' דף, the Vilna Gaon<sup>67</sup> quotes a Midrashic source<sup>68</sup> which indicates that although ordinary Kohanim Gedolim are forbidden from entering the *Kodesh hakodashim* in middle of the year, Aharon HaKohen was an exception. Aharon was permitted to enter whenever he wanted - provided he performed the Yom Kippur *avodos* mentioned in the Yom Kippur passage.

The Vilna Gaon suggests that if Aharon were to enter the *kodesh hakodashim* in midyear he would only change into *bigdei lavan* one time and he would be obligated to perform only three immersions. R' Chisda implies that the inner *avodos* are divided into two segments only for the purpose of requiring the Kohen to immerse five times in compliance with the *halacha l'Moshe m'Sinai*. This *halacha l'Moshe m'Sinai*, argues the Vilna Gaon, was stated with respect to Yom Kippur but it does not apply to a case in which Aharon entered in middle of the year. Thus, the reason the posuk does not specifically divide the inner *avodos* into two segments, is that it was not required in all instances.

#### דף לג.

#### אין מעבירין על המצות

Abaya, in listing the proper order for the morning services in the Bais Hamikdash (which was handed down by tradition), says that דישון (removing ash from the inner *mizbeach*) precedes הטבת הנרות - cleaning the lamps of the menorah. Rava explains that this sequence is based on the rule אין מעבירין על

המצות - it is forbidden to pass up an opportunity to perform a mitzvah (while en route to perform another mitzvah).<sup>69</sup>

The following question was posed to the Radvaz<sup>70</sup> regarding a prisoner who is granted permission by the officials to leave prison for one day. Should he take his day off at the first possible chance, or should he wait for a specially opportune time, such as Yom Kippur, to enable him to pray with a *minyan* on the holiest day of the year?

Based on the principle of אין מעבירין על המצות the Radvaz ruled that the prisoner should not defer his furlough for a future date. Rather, he should take advantage of the first possible opportunity to daven with a *minyan* and perform mitzvos.

The Chacham Zvi<sup>71</sup> challenges the Radvaz's application of the principle of אין מעבירין על המצות, maintaining that his rule does not apply when the second mitzvah that one encounters is of greater rank (e.g., more מקודש or תדיר) than the mitzvah that came first.<sup>72</sup> Since *davening* in *shul* on Yom Kippur is a greater mitzvah than *davening* with a *minyan* on an ordinary weekday, postponing one's furlough from prison until Yom Kippur is permissible and is not contrary to the rule of אין מעבירין על המצות.

In conclusion, however, the Chacham Zvi concedes to the Radvaz and says that the prisoner should not defer his leave. He bases this on the Gemara in Pesachim 91a which indicates that when a (non-Jewish) king promises to release a prisoner, there are grounds for concern that he might retract his decision. Therefore, the prisoner should seize the opportunity to take his leave as soon as possible and not postpone it until Yom Kippur because the king might rescind his grant of leave.<sup>73</sup>

The Chayai Odam,<sup>74</sup> citing Tosfos (33a אין מעבירין על המצות), postulates that the rule of אין מעבירין על המצות applies only when there is a question of sequence, meaning one is faced with a question as to which mitzvah to perform first and which to perform second. However, if one must choose one mitzvah and leave the other mitzvah altogether, such as the prisoner who is granted only one day for his furlough, he should choose the mitzvah of higher rank even if he

encounters the other mitzvah first.<sup>75</sup>

#### דף לד.

#### העולה, היא עולה ראשונה

The Gemara derives from the posuk וערך *העולה עליה*, stated with regard to the *korbon tamid*, that היא עולה ראשונה - the morning *tamid* must be the first *korbon* to be burned on the *mizbeach*.

The Gemara in Zevachim 89a derives from another posuk ( מלבד עולת הבוקר אשר לעולת ) כל התדיר מחברו קודם את (התמיד) that as a rule a *korbon* (or mitzvah) that occurs with greater frequency takes precedence over a less frequent *korbon*. Therefore, for example, the *korbon tamid* is accorded precedence over the *korbon musaf* on Shabbos since the *tamid* is a daily *korbon* whereas the *musaf* is brought only once a week.

Tosfos asks why the posuk cited by our Gemara is necessary. Since the *tamid* is more frequent than all other *korbonos* it should be accorded priority based on the rule of תדיר קודם.

Several commentators answer Tosfos' question by explaining that the *halacha* of our Gemara (היא עולה ראשונה) is necessary because it has a wider application than the principle of תדיר קודם.

The Mikdash Dovid<sup>76</sup> cites proof that the rule of תדיר קודם is employed only when there is a question as to which of two mitzvos should be performed first. However, it does not preclude one from performing two mitzvos of varying frequencies simultaneously. The posuk cited by our Gemara teaches that not only is it forbidden to sacrifice another *korbon* before the *tamid*, it is even forbidden to sacrifice another *korbon* simultaneously with the *tamid*.

Alternatively, R' Eliezer Moshe Horowitz of Pinsk<sup>77</sup> explains that the rule of תדיר קודם applies only to a situation where it is possible to perform either of two mitzvos and one is faced with the choice of which one to perform. However, if one chances on the opportunity to perform a less frequent mitzvah and there is a more frequent mitzvah which he cannot perform until later, he should not postpone the mitzvah on hand in anticipation of the תדיר mitzvah

which is not currently available. The posuk cited by our Gemara teaches that even if the *korbon tamid* is not currently available, it is nevertheless forbidden to proceed with other offerings in the meantime ("יהא דבר קודם שלא" לתמיד"). Even in such a case, all other *korbonos* must be postponed until after the *tamid*.<sup>78</sup>

#### דף לה:

#### ראוי זה לחלל עליו את השבת

The Gemara relates how Hillel studied Torah despite his abject poverty. One day, on the eve of Shabbos, he was unable to afford the Bais Medrash entrance fee so he climbed up to the roof and listened to Shmayah and Avtalyon's lecture through the skylight. So great was Hillel's love for Torah that he remained in that position all night even though it was snowing. The next morning Hillel was found buried under three amos (cubits) of snow and had to be revived, inspiring the rabbis to exclaim, ראוי זה - "it is fitting to desecrate Shabbos to save this person."

[The Chidah<sup>79</sup> explains that on an ordinary Shabbos evening the rabbis would leave the study hall and go home to eat the Shabbos meal. He suggests that on this particular Shabbos evening they continued their study session throughout the entire night because they were unable to leave the Bais Medrash due to the unusually heavy snowfall.]

The *Minchas Chinuch*<sup>80</sup> writes that the mitzvah of לא תעמוד על דם ריעה (do not stand idly by when your friend is in danger) applies only to one whose predicament is not self imposed. If one fails to save a friend who is deliberately trying to harm himself, he is not in violation of this mitzvah.

Similarly, the T'shuvos Ohr Gadol<sup>81</sup> suggests that Shabbos may not be desecrated in order to save an individual who deliberately, or carelessly, has endangered his own life.

In support of this ruling he cites our Gemara's account concerning Hillel. He deduces from the fact that the rabbis stressed that it is fitting to desecrate Shabbos to save Hillel ( לחלל עליו את השבת ראוי זה ) that, generally speaking, it is not proper to desecrate Shabbos to save an individual who deliberately

placed himself in harm's way. The rabbis meant to say that Hillel is an exception to the rule because, due to his great love for Torah he was so engrossed in his studies that he didn't feel the cold and was unaware of his dangerous predicament. They exclaimed that for an individual such as Hillel who is so engrossed in Torah, it is fitting to desecrate Shabbos.<sup>82</sup>

#### דף לו:

#### כך היה מתודה חטאתי עויתי ופשעתי

One of the Yom Kippur *korbonos* was a bull that the Kohen Gadol purchased with his personal funds which was offered as a *chattos*. Before slaughtering this *chattos* the Kohen Gadol would recite וידוי (confession) two times; once on behalf of himself and his family and once on behalf of his fellow Kohanim. [A third confession was recited on behalf of all of Klal Yisrael on the שעיר המשתלח - goat that was sent to be thrown down a cliff.] The Kohen Gadol's confession included three types of transgressions: (a) פשעים - sins committed out of rebelliousness to spite Hashem; (b) עוונות - willful transgressions; (c) חטאים - inadvertent transgressions.

The Gemara cites a dispute as to the proper sequence of the confession. R' Meir, citing scriptural proof from Vayikra 16:21 and Sh'mos 34:7, asserts that the proper order is עויתי פשעתי חטאתי - I have sinned willfully, rebelliously and inadvertently.

The *halacha*,<sup>83</sup> however, follows the Chachamim who maintain that the confession should be recited in ascending order of severity: First he confesses on חטאים - inadvertent sins - since they are the least severe, then on עוונות - willful sins, and lastly, on פשעים - rebellious sins.

The Nesivos<sup>84</sup> notes that we follow a different pattern in the amidah of Yom Kippur. There the text reads, מחה והעבר פשענו וחטאתינו, וכי, [Hashem] erase and remove our rebellious sins and our inadvertent sins - and he questions why in this instance the more severe transgressions are mentioned first.

In answer, the Nesivos explains that there is a difference between confessing one's sins and asking forgiveness. When confessing, the less

severe sins should be mentioned first because presumably one transgressed those first. It is likely that the violation of less severe sins led him to eventually commit the more severe sins as Chazal teach, כך היא דרכה של יצה"ר היום אומר, עשה כך ולמחר אומר וכו', - this is the way of the *yetzer horah*, one day he provokes one to commit a small sin and the next day a little greater sin, and so on.

With regard to asking forgiveness and coming closer to Hashem, we address the more severe sins first because they are the greatest impediment to *teshuva*. The greater sins cause a greater separation between man and Hashem. After one obtains forgiveness for the most severe sins and moves closer to Hashem, he then pleads for atonement for his milder sins as well, in an effort to come even closer to Hashem. Before one can hope to obtain forgiveness for his milder sins he must obtain atonement for his severe sins.<sup>85</sup>

#### דף לז:

#### בן קטין עשה מוכני לכיור

- Once sacrificial objects, such as the blood or *eimurim* of a *korbon*, are placed in a *kli shareis* (sanctified vessel) they must be offered before the next morning (unless they are left on the *mizbeach* overnight). If they are left overnight [while not on the *mizbeach*] they becomes פסול - disqualified due to remaining overnight. Since the *kiyor* (washbasin for the Kohanim) was a *kli shareis*, any water remaining in the *kiyor* overnight was subject to this disqualification of *linah*<sup>86</sup> and could no longer be used for קידוש ידים ורגלים (washing hands and feet of the Kohanim).<sup>87</sup>

The Mishna says that Ben Katan was a Kohen Gadol who enhanced the *kiyor* with a device called מוכני which prevented its leftover water from becoming *posul*.

Abaya (37a) explains that Ben Katan made a wheel with which to lower the *kiyor*. Rashi explains that with this pulley they would lower the *kiyor* each night into an underground pool<sup>88</sup> below the *azarah* and this prevented the water from becoming *posul* (because something attached to the ground is not susceptible to the *p'sul* of לינה).

The Rambam<sup>89</sup> explains מוכני differently. He says that Ben Katan fashioned a non-sanctified vessel, called *muchni*, which was positioned next to the *kiyor*. This non-sanctified vessel was filled with water and was used to supply the *kiyor* with water as needed. Since they were careful not to fill the *kiyor* with extra water, they circumvented the *p'sul linah*. Any extra water left in the *muchni* did not become *posul*, because water that remains overnight in a non-sanctified vessel is not susceptible to the *p'sul* of *linah*.

The Raavad<sup>90</sup> finds the Rambam's explanation incompatible with our Gemara, for Abaya says that מוכני was a wheel with which they lowered the *kiyor* - thus clearly indicating (as Rashi says) that Ben Katan invented some sort of pulley system with which to lower the *kiyor*.<sup>91</sup>

The Mirkeves HaMishna<sup>92</sup> in defense of the Rambam suggests that Abaya was not referring to the *kiyor*, but rather to the adjacent *muchni*. He suggests that according to the Rambam, it was the adjacent non-sanctified vessel that had a pulley system. The *muchni* was lowered on occasion, not to prevent its contents from *p'sul linah*, but simply in order to refill it with water from an underground source.<sup>93</sup>

The Kesef Mishna<sup>94</sup> notes that the Rambam appears to contradict himself, for he writes in Hilchos Bi'as HaMikdash<sup>95</sup> that in order to prevent the *kiyor* water from *linah* susceptibility the *kiyor* was lowered each night into an underground spring.<sup>96</sup>

The Mareh Hapanim,<sup>97</sup> in defense of the Rambam, suggests that prior to Ben Katan they would submerge the *kiyor* nightly to prevent פסול לינה, however, it was a difficult task to lower the *kiyor* each night. Ben Katan fashioned a *muchni* (a non-sanctified vessel adjacent to the *kiyor*) to store water for the *kiyor* in order to avoid the difficult task of submerging the *kiyor* nightly. Therefore, the Rambam mentions both methods of preventing the פסול לינה: submerging the *kiyor*, and storing the water in an adjacent vessel.<sup>98</sup>

1] The Mishna relates that Ben Kamtzar was cursed for refusing to share his special writing talent with others. The Gemara (38b) explains that Ben Kamtzar knew how to hold four quills between his fingers and write an entire four-letter word at one time. Rashi (38a) explains that he would use this art to write the entire four-letter name of Hashem at once.

Tosfos Yeshanim, citing a braysoh in Maseches Sofrim 5:6, explains that when a scribe writes the name of Hashem he is forbidden to interrupt and talk in middle of writing the name. Thus, it was advantageous to write the entire name of Hashem at once to ensure that the scribe does not interrupt and talk in the midst of writing Hashem's name.

Alternatively, the *Minchas Chinuch*<sup>99</sup> explains that the first two letters of the four-letter name of Hashem form the name ה-י', which is also one of Hashem's names. If one writes the first two letters and then adds the third letter (י-ה-ו) it appears as though he has erased Hashem's name because those three letters do not represent Hashem's name. Consequently, explains the *Minchas Chinuch*, it was considered advantageous for a scribe to write the entire four-letter name simultaneously to avoid the problem of [the appearance of] erasing the two-letter name of Hashem.

The posuk, Sh'mos 39:30, states ויעש את עליו וכו', ויכתבו ציץ... - he made the tzitz (head plate of the Kohen Gadol)...and they wrote the name of Hashem on it. In light of our Gemara the Imrei Emes<sup>100</sup> explains the posuk's use of the plural term ויכתבו (they wrote), instead of ויכתוב (he wrote). He suggests that each of the four letters of Hashem's name on the tzitz was inscribed by another person. This was done so the entire name would be written simultaneously in accordance with our Gemara which says that it is advantageous to write the entire name of Hashem at one time. Hence the posuk uses the plural term ויכתבו since the name was inscribed by four different people.

2] A query was posed to the Masas Binyamin<sup>101</sup> as to whether printed *seforim* contain the same

degree of *kedusha* as handwritten *seforim*. It was suggested that handwritten *seforim* contain more *kedusha* since they are painstakingly written letter by letter and word by word as opposed to *seforim* which are printed a page at a time.

The Masas Binyamin adduces proof from our Gemara that printing many letters and words at once does not diminish the *kedusha* of a sefer. On the contrary, the Gemara says that it is advantageous to write four letters at once.<sup>102</sup>

#### דף לט.

#### כל כהן מגיעו כפול הצנועין מושכין את ידיהן

The braysoh lists many miracles and blessings that occurred in the Bais Hamikdash during the forty-year term of Kohen Gadol Shimon Hatzadik, one of which was that every Kohen would be satiated by the portion of *lechem hapanim* that he received. In contrast, after Shimon Hatzadik's death there was a curse upon the *lechem hapanim* and Kohanim received only bean-sized portions which would not satiate their hunger. As a result of these small un-satisfying portions, the gluttonous Kohanim would try to grab larger portions of *lechem hapanim*, and the צנועין - modest Kohanim - unwilling to fight, would forego their portion.

The Ritva explains that the pious individuals would forego their portion only because it was smaller than a *k'zayis* (olive's volume) and thus in any case they would not fulfill a mitzvah by eating it. However, if they would have been able to obtain a *k'zayis*, which is the minimum required for the fulfillment of the mitzvah of אכילת קדשים (eating sacrificial food), they would not have relinquished their portion so easily.

The B'nai Chayah<sup>103</sup> adduces proof from the words of this Ritva that if one has less than the required *k'zayis* of *matzah* or *marror* on the first night of Pesach, it is pointless for him to eat it, for one does not fulfill any mitzvah by eating less than a *k'zayis*.<sup>104</sup>

The Chidah<sup>105</sup> disputes this ruling and maintains that a *k'zayis* is the minimum required in order to fulfill the complete mitzvah. However, one fulfills a partial

mitzvah by eating any amount, even less than a *k'zayis*. [He compares eating a half-*k'zayis* of a mitzvah food to eating a half-*k'zayis* of forbidden food. Although one is not subject to *malkus* (the Torah penalty of lashes) unless he eats at least a *k'zayis* of forbidden food, nevertheless, R' Yochanan rules (Gemara below, 73b) that it is biblically forbidden to eat even less than a *k'zayis* ( חצי שיעור אסור מן התורה).<sup>106</sup>] The Ritva means to say that since a half-*k'zayis* is only a partial mitzvah the צנועין decided not to fight over it. However, as a rule, it is better to eat a half-*k'zayis* of *matzah* or *kodashim* than not to eat any at all. [The words of the Tosfos Yeshanim here seem to corroborate this approach.<sup>107</sup>]

2] The Sharei *Teshuva*<sup>108</sup> considers a case in which there are two people who each have a half-*k'zayis* of *matzah*. Should one person surrender his piece of *matzah* to enable his friend to fulfill the mitzvah properly, or perhaps each person should eat his own *matzah* even though by doing so they each fulfill only a partial mitzvah (as above).

In conclusion, he rules that it is wrong for a person to graciously offer his *matzah* to his friend, because every person is responsible for the performance of his own mitzvos. Therefore, each person should eat his own half-*k'zayis* of *matzah*, even though they will each fulfill only a partial mitzvah.

Alternatively, he says they should draw lots to determine who should get both pieces of *matzah*. In this manner, one person will fulfill the mitzvah in its entirety and the other will not be guilty of forgoing his *matzah* without good reason. Rather, he surrenders his *matzah* because he entered a lottery in an effort to acquire the rights to the entire mitzvah. ■

## דף ב

1) כ"כ בשם רבי הגדול רבו ז"ל וכנודע דבתואר זה הוא מכוון להרמב"ן, אולם ברמב"ן לא כתב אלא דעבודת הלילה כשרות בשאר כהנים, אבל לא עבודת התמיד (עי' בהגהות על הריטב"א לעיל דף יב: מוסד הרי"ק אות 526).

2) עי' רש"י דף יב: ד"ה רש"י שדעתו נוטה לדעה זו ומאריך בראיות.

3) עי' בריתא סוף דף לב: - כל עבודות יוה"כ אינן כשרות אלא בוי", ועסקינן שם לענין שחיטת התמיד, אולם ע"ש בתו"ה"ה עם כן שכתב דהברייתא איירי דוקא בחובת היום אבל שאר עבודות כגון שחיטת התמיד אינן פסולות אלא מדרבנן, וע"ש בגבורת ארי.

4) ר"ל דלכך נכתב הפייסות במכילתין משום דשייכי אפי' ביוה"כ.

5) במלחמת ריש פרק ב', וע"ש תוס' זבחים סוף דף פו: שהביא ראיה מלשון הפייס.

6) סיסד ר' אלעזר הקליר (שהיה תנא) וכן בקרובות הגאונים וחכמי הישבות ורבי ספרד.

## דף בא

7) פ"ד ה"ל בית הבחירה ה"א (ו"ל - ואף או"ת שהיו בבית שני לא היו משיבין ברוח הקודש, ודו"ק).

8) שם.

9) הלכות כלי המקדש פ"י ה"י.

10) לחד מ"ד שם היינו משחרב בית ראשון ולחד מ"ד בטל האו"ת אפי' בימי בית הראשון.

## דף בב

11) סימן קל"ב סק"ב (ע"ש במח"ש).

12) ובאמת דעת הריטב"א דהממונה שנוטל המצנפת לא היה יודע סך המנין, והאומר המנין לא היה יודע ממי יטלו המצנפת, ע"ש.

13) סימן י' (מובא במחצית השקל שם).

14) עי' מנח"ח מצוה שפי"ט שמחדש דכהן שעבד עבודה שכבר זכה בה חבירו ע"י פייס חייב מיתה דהוי כזר כלפי אותה עבודה, [ויש לחקור אם ה"ה כשוכה בו חבירו ע"י ריצה, ולכא"ו תלוי בפלוגתת מג"א ומעיל צדקה, ודו"ק, ולדעת המג"א צ"ע מהו הדין כשיש ספק איזה מהן קדם דלכא"ו הא דאיתא אינו אלא על דבר שבממון אבל על דבר גאווה ובזו מותר שוין שהרי א"א לצמצם כמו שהק' הש"ס בגיטין דף עח. אלא ר"ל דהיה ספק איזה מהן קדם (עי' בפתח עינים לחיד"א כאן), וצ"ל דשייך למחול ולבטל הפייס ואח"כ תו לא חשוב השני כזר].

## דף בג

15) רש"י כתב דנקיט ליה בליביה - דאם בא אחר לנקום נקמתו ישתוק, עכ"ל, אולם המהרש"א כתב דאין לו להשיב בשעת מעשה אבל מותר לו לנקום כנחש לאחר זמן, ועי' בשערי תשובה לר' יונה שער ג-לא שפסק דאיסור נקימה אינו אלא על דבר שבממון אבל על דבר גאווה ובזו מותר לשום דברים על לבו וכ"כ הסמ"ג והיראים ע"פ מכילתין (אולם הרמב"ם לא חילק בין ממון לצערא דנפשא).

16) פ"ה מהל' תלמוד תורה ה"ל י"א.

17) שם פ"ז סוף ה"ל י"ג.

18) שם.

19) מובא בכסף משנה שם.

20) (אולם לפי"ז לכא"ו עדיין צריך לישב עובדא דהלל).

21) כך מחלק הריטב"א מדנפשיה, והנה עי' בפירוש הגר"י פערלא לספר המצות להרס"ג ל"ת ניג (ח"ב דף נב. ד"ה אלא) שהביא מ"ספר מעשה נסים" להר"א בן הרמב"ם (סימן י"ג) שהיתה לפני גירסא במכילתין (ברכי' העמוד במקום "ההוא בממון הוא דכתיב") "לא קשיא הא במילי דאורייתא הא במילי דעלמא", ורצה ליישב עפ"י"ז למה לא הביא הרמב"ם החילוק בין ממון לצערא דנפשא.

22) ע"ש ב"תענית דף ד' דת"ח שאינו קשה כברזל אינו ת"ח ופי' שם רבינו גרשום דאנו קשה לרצות, משמע דאפי' אחר פיוס צריך להיות קשה לרצות, ועי' משי"כ בזה באגרות משה או"ח ח"א סימן נ"ד.

## דף בד

23) בשם רש"י.

24) כ"כ בשם חבור, הר"ח יז"ק נ"י.

25) אולם פשט זו דחוק בלשון רש"י (וכ"כ שם).

## דף בה

26) או"ח סימן כ"ח.

27) כך טען על דברי מהר"ט ח"ב ס"ד שכתב כן, [אולם לא הבנת הקושיא כיון דבנידון דידן הנידון הוא להוסיף על הקודש וא"כ אותו חלק הוי לשכה הבני בקדש וא"כ הוי קודש].

28) לכא"ו אפשר לומר דעל הצד דהשוחט מקבל הדם אה"נ צריך שיהא אחר ממרק השחיטה ע"י כדאמרין אצל הכה"ג ביוה"כ, אלא דהעיר התוסי' ישנים דא"כ הוי ליה למיתני כאן (שצריך אחר למרק השחיטה ע"י) הוי ליה למיתני כאן כמו לקמן אצל כה"ג, ע"ש וכן בתוסי' הרא"ש וריטב"א.

29) סימן ז' (ד"ה מיהו אפשר לומר).

30) עי' לשון פירוש המשני להרמב"ם סוף מ"ס עירובין דף קד. דמשמע דאסור לכהן להיות לו דבר החוצץ בין ידו "לסכין", ולפי"ז אולי אסור לו גם לשוחט בשמאול (ואף דשחיטה כשרה בור, אולי איירי בקרבן ציבור דלא הוי מניחין זרים לשוחט קרבן ציבור (עי' תוסי' קדושין דף ע. עי' תפארת ישראל בהקדמה למ"ס זבחים "חומר בקודש" פ"א אות ב'), ואולי ס"ל להרמב"ם דשחיטת קרבן ציבור חשיב כעבודה, וצריך עיון בזה.

31) לכא"ו חידוש לומר דביוה"כ השחיטה חשוב כעבודה וצריך ימין, דיועוין בתוסי' דף לב: ד"ה א"כ דמבאר דהא דבעינן ביוה"כ שחיטת התמיד ע"י כה"ג דוקא אע"ג דלאו עבודה היא, אינו אלא דין דרבנן, ויש מקום לדון בזה.

32) הנה עי' בראשונים כאן, תוספות ישנים, תוספות הרא"ש וחי'דושי הריטב"א, דמצדד לתרץ דאה"נ גם בחול אילו היה דין שהשוחט יקבל, היה הדין דצריך למרק השחיטה ע"י שני, ע"ש.

33) עי' הג' חשק שלמה ע"י"ס מנחות דף ט. בשם אחיו הר' בצלאל דר"ל דאסור לכהן לשוחט כשהוא לבוש בבגדי כהונה כיון דשחיטה לאו עבודה היא וכשרה בור וכיון שיש כלאים בבגדי כהונה אינו מותר לו ללבושם אלא בשעת עבודה, וצ"ע ממכילתין דמבואר דשייך שהשוחט מקבל הדם וא"כ מבואר דמותר לשוחט בבגדי כהונה (וגם מבואר דכה"ג ביוה"כ היה שוחט כשהוא לבד בבגדי כהונה, אלא דע"ז י"ל דשחיטת כה"ג ביוה"כ מיקרי עבודה קצת, ועי' לעיל שהבאנו בשם תוסי' דאינו אלא דין דרבנן שכה"ג ישוחט התמיד ביוה"כ, וע"ע בבית הלוי סימן א' דר"ל דכה"ג שאני ומותר ללבוש בגדיו שלא בשעת עבודה, וממילא ליכא להקשות משחיטת כה"ג ביוה"כ, ואולי י"ל דעל הצד דאמרין שהשוחט מקבל ולא הזורק היינו משום שיש חסרון בקבלת הזורק כדמבואר בגמ' וא"כ יש צורך עבודה בזה שהשוחט מקבל ולכך מותר לו ללבוש בגדי כהונה בשעת שחיטה (אלא דצ"ב למה לא עשו פייס מיוחד לקבלה).

## דף בו

34) לכא"ו ק"י לומר דכל הכהנים עובדים בביהמ"ק שלא לשמה ורצין אחר קטורת דוקא בשביל העושר, ועי' שפת אמת כאן דמצדד דלא היו מניחין כהן אחד לשנות בקטורת משום שלא רצו שיתעשר כהן הדיוט יותר מהכהן גדול (דצריך להיות גדול מאחיו בממון), ולפי טעם זה רצה לבאר למה כה"ג בעצמו מותר לשנות בקטורת, ועי' לקמן.

35) עי' ברכי יוסף יו"ד סימן רס"ה בשם תוספות, ועי' בראשית רבה מז-יז, ומדרש שיר השירים יד-כד, ומד"ר פ' נשא יד-כד, וע"ע שו"ת חת"ס או"ח סי' קנ"ח.

36) יו"ד סימן רס"ה סעיף י"א.

37) ברמ"א משמע דוקא אצל אדם אחד לא יהיה סנדק ב' פעמים אבל אצל ב' בנ"א שפיר דמי, וע"ש בבאור הגר"א שהק' על זה וע"ש בברכי יוסף.

38) נוב"ק יו"ד סימן פ"ו.

39) או"ח סימן קנ"ח, וע"ע שם סימן קנ"ט.

40) הנה ז"ל הגמ' - "תנא, מעולם לא שנה אדם בה, וכן", משמע דאף דכה"ג מקריב חלק בראש מ"מ מעולם לא הקריב קטורת יותר מפעם אחת, אולם עי' שפת אמת כאן שמעורר דכה"ג הקריב קטורת לפני ולפנים בכל שנה ביוה"כ וא"כ האיד קאמרין דמעולם לא שנה אדם בה, ותירץ ע"פ זוה"ק פ"ר אחרי מות דכה"ג בשעה שנכנס לפניו אינו קרוי "אדם" כדכתיב "וכל אדם לא יהיה בא"מ וגו'".

41) ג' מש"כ בהערות לעיל בריש ה"ד בשם השפ"א לבאר למה ליכא קפידיא על כה"ג שלא לשנות בקטורת - משום דכה"ג צריך להיות יותר עשיר משאר אחיו הכהנים - ולכא"ו טעם זו לא שייך למרא דאתרא שבעיר.].

42) שם ביו"ד סימן רמ"ה ס"ק מ"ו.

43) וכתב שם הגר"א שטעם של רבינו פרץ אין לו שחר, אולם כ"י שמנהג זה נתיסד (ע"פ סוד) ע"פ צוואת ר"י החסיד (סימן מ'), וכ"כ הערוך השולחן שם.

44) שם.

## דף בז

45) (וכן מבואר בתוסי' ישנים ותוסי' הרא"ש וריטב"א דכוונת הגמ' אינו אלא להקשות על חיוב מיתה אבל לא שיהא סידור המערכה כשר ע"י זר).

46) מבואר מתוך דברי האחרונים שדנו בענין אם עלו לא ירדו, דצריך להוריד ולקעים פסולים מהמזבח כדי לבטל סידורן, ובבאר יצחק או"ח סימן כ"ב ד"ה ובעיקר שמבאר דזהו משום דקיי"ל דאור מזבח מזבח דמי.

47) ה"ל ביאת מקדש פ"ט ה"ט.

48) עי' שו"ת חמדת שלמה אבה"ע סימן יז-ט שמוכיח מכאן (כנגד דעת התיבות) דזר שהעלה אברים למזבח תרד, אולם עי' שו"ת באר יצחק או"ח סימן כ"ב ד"ה והעיקר שדחה הראיה ומבאר דשאני עצים דאינו קרבן גמור ולא מצינו בהן שאם עלו לא ירדו, והביא שכן פסק הרמב"ם בפ"ג פסוה"מ ה"ל ט"ו דזר שמלק אם עלה לא ירד.

49) [לדברי בן בתירה שם לק"מ שהוא חולק שם על רבנן וס"ל דיחזיר ויקמוץ הכהן (עי' שם ו: מימרא דרב)].

50) [ולא דמי להא דאיתא לקמן בדף כט: בענין נקמצה בלילה דאין יכול לחזור ולקמוץ דהתם הטעם משום דמאחר שנתקדש הקודש ע"י כלי לשם קומץ תו אינו חוזר להיות טבל, ע"ש ברש"י ובתוסי' ישנים].

## דף בח

51) בקונטרס על עניני קה"ת יומא וסוכה (דף יד: בדפי הספר).

52) רש"י ס"ל דדין עולה ראשונה אינו אלא דין בהקטרה ולא בשחיטה אי"נ אינו לעיכובא כמו שמצדד תוסי' דף כט. ד"ה אלא, (ור"ח יסבור כתירוץ ג' שם בתוסי'), וע"ש בגר"י שכתב ביאור שני בדברי הר"ח (ולא הבנתו דבריו כה"צ, וה' יאיר עיני).



## דף כט

53) בפ"י המשניות כאן.

54) ז"ל הרמב"ם בפ"א מהל' תמידין ומוספין הל' ל"ב - שוחטין אותו... משיאיר פני כל מזרח.

## דף לד

55) ע"י בשפת אמת דמצד דכניסה ללשכות שבנויות בחול ופתוחות לקודש לא בעי טבילה, דאינן קדושות לגמרי (שהרי לא חייבין שם משום טומאה כדאיתא בזבחים) [ול' צע"ק האיך כונסין ללשכות אלא בלי טבילה שהרי אין להן פתח אלא לקודש וא"כ הרי צריך ליכנס להן דרך עזרה], ועי' בלחם שמים שמצד דכניסה מלשכות אלו לעזרה טעון טבילה משום שהולך ממקום שאין ענוש כרת למקום שענוש כרת.

56) [בדף לא. מבואר דעבודה בלי כניסה, כגון שחיטה בסכין ארוכה, לא צריך טבילה לזמן זומא (אי לאו משום גזירה דילמא אתי לאמשוכי)].

57) ע"י שפת אמת מ"ש"כ בזה.

## דף לא

58) ע"י שפת אמת דר"ל דכוונת תוסי' על ז' שנכנס דלא שייך ביה החשש דילמא יעבוד עבודה, ואינו חייב לטבול אלא משום לא פלוג, ע"ש.

59) הטור באו"ח סימן פ"ח כתב הטעם לתקנת עזרא דראיית קרי בא משום קלות ראש (כמבואר בברייתא שהביא הגמ' כאן "והודעתם וכו'"), ובשו"ע כתב הטעם ש"ל יאה מצויין אצל נשותיהן כתרנגולין.

60) שו"ע או"ח סימן פ"ח.

61) סוף סימן רמ"א.

62) ע"י ר"י ברכות דף כ"ב שהביא י"א דרב"ב אינו מיקל אלא לגבי תלמוד תורה אבל לק"ש ותפילה בעי טבילה לכו"ש, ועי' משנ"ב סימן פ"ח סק"ב שכי' דאין לבטל תפילה בציבור בעבור טבילת עזרא.

63) שו"ת מאמר מרדכי סימן א' מובא בשערי תשובה או"ח סימן פ"ח, וכן הביא שם הביאור הלכה בשם האשכול דא"צ לדקדק על חציצה (כל זמן שאינו על רוב גופו).

64) וע"ע בטור סימן רמ"א שכי' דסגי לכתחילה בהטלת ט' קבים, ועי' ב"י סימן פ"ח שכי' דגם מים שאובין כשרין לטבילת עזרא, ובשם ערוגם הבושם איתא דגם מים זוחלין כשרין.

65) כ"ל דאין חיוב טבילה משום חשש טומאה אלא משום שלא יאה מצויין אצל נשותיהן כתרנגולין או משום קלות ראש כדהבאנו לעיל.

66) ע"י ש"מ"ב שכי' דראיתו מגמ' ותוסי' במכילתין (אולם לא הבנתי שהרי הגמ' מסיק לחומרא דכל דתקון רבנן כעין דאוי' תקון), וע"ע שם בשמ"ב שכי' דדילמא ערב ויה"כ שאני וצריך לזוהר על חציצה כיון דמצוה לטבול גם משום תשובה.

## דף לב

67) סוף ספר חכמת אדם (סוף קונטרס מצבת משה), ודבריו מובא גם בקול אליהו פרשת אחרי מות.

68) ויקרא רבה כא"ז.

## דף לג

69) בתוסי' כאן ד"ה אין מעבירין מבואר דאמע"ה מן התורה, ועי' מהר"ץ חיות בשם הרדב"ז שכי' דאינן אלא מדרבנן.

70) ח"י סימן י"ג (ובדפוסים אחרים הוא נמצא בסימן אלף פ"ז), והובא פסק הרדב"ז במשנ"ב סימן צ' ס"ק כ"ח (וכן משמע ברש"י בסוכה דף כה: ד"ה שחל, ע"ש).

71) סימן ק"י (ועי' טורי אבן במגילת דף ו: דנקט דלא אמרינן אמע"ה אלא במצות שוות).

72) וראיתו מוטגיא דמנחות דף מ"ט דמבואר שם דצבור שאין להן תמידין ומוספין אי מוסף דהאינא קודם דהוא מקודש או תמיד דלמחר דהוא תדיר, ולא אמרינן שם דמוספין דהאינא קודמין משום דאין מעבירין על המצות.

73) וע"ש שמש"ק (ע"פ גמ' מועד קטן ט. שמשמע כהרדב"ז) איש חילוק בין מצוה אחת לבי' מצות - דדוקא בחדא מצוה מעבירין קלה מפני החמורה אבל בבי' מצות שונות אין מעבירין קלה מפני החמורה, ועד כתב שם דלזמן מרובה חיישינן שמא ימות, וע"ע בבא אר"ח סימן צ' ס"ק י"א, וע"ע בברכי יוסף או"ח סימן צ' סק"ג ובשאגת ארי' סימן ס"ב.

74) כלל ס"ח (הל' זהירות במצות) סק"א ע"ש ובנשמת אדם.

75) אולם כ' שם דהיינו דוקא בזמן מועט כגון יום או יומיים דלזמן מרובה חיישינן שמא ימות כמוש"כ הרדב"ז.

## דף לד

76) ר' סימן ט"י.

77) בהג' על פסחים סוף נח:.

78) באמת גם המקדש דוד שם ת"י כעין זה ע"פ מה דאיתא בתוספתא (פ"י ה"ג) דהא ראשון לעזרה קרב ראשון ולא חיישינן לתדיר, וקמ"ל דתמיד קודם דאין לקרבן שקדמו לעזרה, וע"ש במקדש שר"ל דהתוספתא איירי דוקא בקרבנות של ב' בני אדם, ועי' תוסי' כאן שתי' דבעינן קרא היא העולה להקטרה וקרא תדיר קודם איירי בשחיטה, ועי' קובץ שיעורים ריש תמיד נשחט שהקי' מאי שנא הקטרה משאר מצוות דאמרינן בהו תדיר קודם, ועי' קהל"י שם בפסחים סימן מ"א.

## דף לה

79) בפתח עינים כאן.

80) בקומץ המנחה מצוה רל"ז.

81) (מהגאון ר' ירוחם יהודה ליב פרלמן ממינסק) סימן א' דף ה' עמוד ד' (בדפוס מכון ירושלים).

82) וכעין זה כתב העיון יעקב כאן, ועוד שמעתי מהג' ר' חיים קרייזוורץ זצ"ל מאנטוורפן לתרץ ע"פ הא דאיתא בע"ז דף כ"ו דרועי בהמה דקה אין מורדין אותו אלא אין מצילין אותו, וכיון שהלל היה עוסק באמונה (ולא נכנס

לביהמ"ד ע"י שום תחבולה או גזל) לכך אמרו דראוי לחלל עליו את השבת, ודוק.

## דף לו

83) רמב"ם פ"א מהל' תשובה ה"א.

84) בסוף ספר מקור חיים, בהגהות על הגמ"א הל' ראש השנה סימן תקפ"ד סק"ג.

85) ועי' בספר "גליונות מנחת ח"ן" על מסי' יומא (להר' נח אייזק האלבוים שליט"א) בקונטרס אחרון בסוף הספר סימן ח' סק"א שמתמ"י על דברי התיביות מהא דמבואר במכילתין דחכמים ס"ל דמתודין על הקל תחילה משום "מאחר שהתודה על הזדונות חוזר ומתודה על השגגות" ופי' רש"י ד"ה חוזר - בתמיה, אם על זדונות ימחלו לו א"צ לבקש שוב על השגגות עכ"ל, מבואר דזהו סדר בקשת מחילה ולא רק סדר ודוי בלבד, ועוד יש לעורר מהא דהק' הגמ' על דברי חכמים ממש רבנו שאמר נושא עון ופושע וחטאה ואילו לדברי התיביות הרי שאני התם דהיה בקשת מחילה ולא ודוי, ועוד צ"ע שהרי מתפללין - מחול לעונותינו ביה"כ הזה, ואח"כ מוסיפין - מחא והעבר פשענו וחטאתינו, וצ"ע לדעת התיביות למה מזכירין עונות קודם פשעים (ועי' מש"כ המנחת ח"ן בסק"ב ב' ואילך לבאר פלוגת ר"מ וחכמים, וכיון בעזרה"י ברוב רוב של הדברים למש"כ הרי בצלאל זולטי במשנת יעבץ או"ח סימן ל"ה, ע"ש) וע"ע מש"כ השפת אמת כאן.

## דף לז

86) כך נקט ר' חייא ור' חסדא בזבחים דף כא. דמי כיוור נפסלין בלינה, וכן פסק הרמב"ם סוף פ"ג מבית הבחירה ובפ"ה הי"ד מבית המקדש (ועי' בזבחים דף כ. דמספקא לן לר"א בר"ש אי ס"ל דמי כיוור נפסלין בלינה).

87) וברש"י כאן סוד"ה מוכני הוסיף - ולא כבוד קדשים הוא ליפסל מים קדושים, ובזבחים דף כא: ד"ה א"ב כתב - דכיון דקדש להו בכ"ש מצוה לשמור כשאר קדשים, עכ"ל.

88) ועי' ר"ח שכי' שהיו מושך ודולה הכיוור מלא מים מן הים שעשה שלמה שהיה משוקע בו כל הלילה (וצ"ע בכונתו) ועי' תוסי' הרא"ש כאן.

89) בפ"י המשניות כאן, וכן בפ"ג מהל' בית הבחירה הי"ח.

90) שם בסוף פ"ג במיהב"ח.

91) וגם צ"ע מהא דתנן בתמיד פ"א מ"ד ופי"ג מ"ח שהיו שומעין קול העץ שעשה בן קטין מוכני לכיור, אולם עי' מאירי סוף"ק דתמיד שמבאר לשיטת הרמב"ם שהמוכני היה עשוי בעגול כגלגל של בור והיה משמיע קול בשעת שמוריקין מימיו לכיור, אבל לכאן אין זה מספיק ליישב מה דאיתא בשמעתין דמסלק ומשקע לי בגילגולא.

92) שם בהל' ביהב"ח.

93) וכן כתב תוסי' יו"ט עמ"י תמיד פ"א מ"ד דלדעת הרמב"ם היו משקעים המוכני להבור (אבל אינו מבאר למה היו עושין כן).

94) שם בסוף פ"ג הל' ביהב"ח.

95) הלכות ביאת המקדש פרק ה' הל' י"ד.

96) (ומסיים שם הכס"מ ואפשר שרבנו מפרש שני הפירושים, והקי' התוסי' יו"ט שם בתמיד דצ"ע בכונתו שהרי ב' הפירושים אינם עולים כאחד ונמצא הרמב"ם יהיה כמסתפק, עכ"ל, ועי' אבן האזל שם שר"ל דבן קטין תיקון ב' דברים לכיור, ואפי' אחר שתיקן בן קטין שיהיו המים בכלי חול מ"מ היו נוהגין להוריד הכיור בכל לילה, ע"ש.

97) על ירושלמי כאן בפירקין.

98) וע"ע באמרי מבשר על תוסי' הרא"ש כאן.

## דף לח

99) מצוה תל"ז.

100) כך מובא ב"אמרי מבשר" על תוסי' הרא"ש ס"ק קנ"ח (בשם האדמו"ר "אמרי אמת" מגור), וכן מובא "בלקוטי יהודה" ליה"כ.

101) סימן צ"ט.

102) עי' מנח"ח מצוה תל"ז בשם ספר יהושע סימן נ"ו שמוכיח ממכילתין דשם השם לא בעי כסדרן שהרי בן קמצר כתב השם בבת אחת וכיון דא"א לצמצם אפשר דכתב שלא כסדרן, וכעין זה כתב הגמ"א סימן ל"ב ס"ק נ"ז דאין לכתוב מזוזות ותפילין ע"י דפוס דחיישינן שלא נכתבו כסדרן דא"א לצמצם ופעמים נדפס האות השני קודם הראשון (ועי' באמרי מבשר כאן אות קנ"ח שהוסיף להקי' דכאן גרע מדפוס שהרי בדפוס שייך דנכתב הכל בב"א ממש, אבל הכא דואי כותב תחילת האותיות אחרונות של השם קודם גמר האותיות הראשונות וכ"כ בשו"ת "נפש חיה" יו"ד סימן פ"א, אולם מבואר בדברי המנח"ח דלא חש לטענה זו וצ"ל דס"ל דלא אזלינן אלא בתר גמר האות, ודו"ק), ועי' גו"ב מ"ק יו"ד סימן ע"י דנקט לפשיטות דכתיבת השם בעי כסדרן, וע"ש במנח"ח שמיישב הוכחת ספר יהושע ורצה להוכיח ממכילתין להיפך - דבעינן כסדרן, ע"ש.

## דף לט

103) מובא במחזיק ברכה (לחיד"א) או"ח סימן תע"ה.

104) וגם המנח"ח מצוה קל"ז מדייק כן, וכן דעת שו"ת יעקב ח"ב סימן י"ח דאין שום קיום מצוה באכילת חצי כזית מצה, וכן במל"מ הל' חמץ ומצה פ"א סוף ה"ז נקט כן לפשיטות, וכן פסק שו"ת דברי חיים ח"א סימן כה (ועי' שו"ת חת"ס או"ח סימן ק"מ שג"כ מדייק ממכילתין דליכא מצוה בח"צ אבל כתב שם לחלק בין אכילת קדשים [שהיו מצוה על הכלל] למצות מצה [שהוא מצוה על כל יחיד ויחיד], וע"ע מש"כ חת"ס בסימן מ"ט, ועי' כעין זה בבית הלוי ח"א ס"ב).

105) במחזיק ברכה או"ח סימן רע"ה.

106) הוסיף (שם בסוף דבריו) דדברים ק"ו הוא שהרי מדה טובה מרובה ממדת פורענות.

107) (ובמנח"ח ה"ל כ' יש לחדות לשון התוסי' ישנים), וע"ע במהר"ט אלגזי הל' חלה סימן אות ב' ד"ה והנה לפי וגם באות כ"ב שם שהביא דעות בזה.

108) או"ח סימן תפ"ב סק"א.

דף		This Al Hadaf was made possible by the following daf dedications...	יום	
		לז"נ יצחק בן מרדכי ERNST GUTMAN ז"ל *	א תמוז	Tues
כא		לז"נ האשה שרה בת יהושע SOFIE GUTMAN ז"ל *	ב תמוז	Wed June 28
		לז"נ אליעזר זאב בן צבי דוב ז"ל *		
כב		לז"נ הגה"ק ר' מנחם מנדל ב"ר לוי יצחק זצוקללה"ה האדמו"ר מליובאוויטש * לכבוד המגיד שיעור ר' "דוד רעטר" שליט"א ולכל חברי דף היומי - מאת יהושע גולדפרב	ג תמוז	Thrs
כד		* In memory of MELVIN L BERKOVITZ OBM - by his son David and Family	ד תמוז	Fri
כה			ה תמוז	שבת
כז			ו תמוז	Sun
כז			ז תמוז	Mon
כז		לז"נ אבנר בן עובד ז"ל ממשפחת גוהרי *	ח תמוז	Tues
		לז"נ אלטר יחיאל מיכל בן שאול געלער ז"ל *		
כח			ט תמוז	Wed
ל		לז"נ אבי מורי ר' צבי בן יהודה דאנציגער ז"ל * (on his 13th Yartzeit)	יא תמוז	Fri
		לז"נ אבי מורי ר' משה ברוך בן שרגא פייבל ציעגלער ז"ל *		
לא			יב תמוז	שבת
לג		לז"נ אבי מורי יוסף בן חיים Fruhman ז"ל *	יד תמוז	Mon
לד		לז"נ ר' שלמה זצ"ל בן יעקב משה פרנקל *	טו תמוז	Tues
לה			טז תמוז	Wed
לו		לז"נ מרת חאשקא בת ר' אלחנן שמחה Summer ז"ל *	יז תמוז	Thrs
		לז"נ ישראל ברוך בן חיים צבי ז"ל *		
לו		on the occasion of 6th yartzeit - לע"נ ר' שלמה בן ישעיהו גאלדפינגער ז"ל *	חי תמוז	Fri
		; by David M Friedman & Family לז"נ ר' אהרן בן ר' יעקב מאיר ז"ל *		
לח		Dedicated in memory of our dear mothers - by Chana & Velvel Gold & Family ולז"נ חיה גאלדא בת הערשיל ע"ה - נפטרה י"ט תמוז תשס"ה * ולז"נ שרה בת אלי ע"ה - נפטרה תשעה באב תשס"ה	יט תמוז	שבת

\* Denotes Yartzeit

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