

This issue has been dedicated by **Debbie & Elliot Gibber & Family**

In memory of our dear mother, **KATE ETTLINGER GOLDNER**

הוקדש לז"ל מינדל בת משולם ע"ה - יום היא"צ כ"א תמוז - תנצב"ה



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יומא דף מ-נה/ כא תמוז תשס"ו

דף מ:

עלה בשמאל מהו שיחזור לימין

1] As detailed in Vayikra 16:5-8, there were two goats used for the Yom Kippur services, one was slaughtered and offered as a *korbon chattos* (Hashem goat - שעיר לה') and the other was sent to the wilderness and thrown down a cliff (שעיר לעזאזל or המשתלח). As explained in the Mishna on 37a and 39a, the two goats were brought into the *azarah* on Yom Kippur and lots were drawn from a box to determine which goat was to be offered as the *chattos* (חטאת לה') (to Hashem) and which was to be sent to *azazel* (down a cliff). The Gemara on 39a says that it was considered a favorable omen from on high when the *Kohen Gadol* would draw the lot for the "Hashem goat" with his right hand (since the right side is more significant than the left). In fact, the braysoh (ibid.) relates that during all forty years of Shimon Hatzadik's term as *Kohen Gadol*, he always drew the Hashem lot with his right hand.

R' Shimon (40a) is of the opinion that הגרלה - לא מעכבא - the lottery is not essential. Although it is a mitzvah to designate the status of the two goats via drawing lots, if the lottery was omitted and the goats were verbally designated by the *Kohen Gadol*, the service is still valid.

The Gemara (40b) indicates that according to R' Shimon (who asserts that הגרלה לא מעכבא) if the *Kohen Gadol* drew the Hashem lot with his left hand (and the *Azazel* lot with his right hand),

he would technically be permitted to switch the lots and place the Hashem lot in his right hand (so that the lottery should not be construed by the masses as an ominous omen).¹ R' Akiva, however, disapproved of such actions lest it give the heretics grounds for disparaging the sages.

Rashi explains that even though switching the lots is halachically permissible, the heretics might view it as capricious maneuvering on the part of the *Kohen Gadol* and the sages, and they are bound to use it as grounds to discredit the rulings and proceedings of the sages.

The Shulchan Aruch,² citing the Hagaos Maimoniyos, writes that a rabbi should not issue an innovative ruling to permit an act which, in the eyes of the masses, appears to be a forbidden act. The Maharatz Chayis suggests that this halacha is based on our Gemara. We are concerned that an innovative ruling which is contrary to common belief might diminish the honor of the rabbinate, because scoffers will claim that the rabbis routinely permit forbidden acts whenever they so desire. [The Shach writes that a rabbi may issue an original lenient ruling as long as he publicizes proofs and halachic grounds for his ruling.]

2] The Rach explains that the heretics believe in the idolatrous philosophy of dualism, i.e., that two powers rule the world (good and evil), and they believe that the *Azazel* goat represents the powers of evil. If the Hashem lot would always

be taken by the *Kohen Gadol's* more significant hand (i.e., the right hand) they would construe it as proof that the Hashem lot represents a greater power than does the *Azazel*. The sages disapproved switching lots because they want to prove to the heretics that the *Azazel* goat could sometimes be represented by the right hand because there is a single Deity.³

דף מא:

מצורע עני שהביא קרבן עשיר יצא

A *chattos* that must be brought by one who enters the Bais Hamikdash in a state of *tumah* (and also for the sin of taking a false oath (שבועת העדות) (ושבועת ביטוי). As taught in Vayikra 5, the specifics of this *korbon* varies according to the wealth of the sinner. If the sinner is rich he is obligated to offer an animal chattos, but if he is poor he brings a pair of birds, one of which is offered as a *חטאת העוף* (bird *chattos*) and the other as an *עולת העוף* - bird *olah*.

Another *korbon* that varies according to one's wealth is that of a *metzora*. As part of his purification process, a wealthy *metzora* must bring three animal *korbonos* - an *asham*, a *chattos* and an *olah*. However, a poor *metzora* brings only one animal *korbon* (an *asham*) and two bird *korbonos*. He brings a bird *olah* and a bird *chattos* instead of an animal *olah* and *chattos* (Vayikra 14:21).

The Gemara cites a dispute as to whether a rich person who commits a *korbon oleh v'yored*-bearing sin (e.g., the sin of *tumas mikdash*) and brings two birds as his *korbon* fulfills his obligation after the fact. The halacha follows the opinion of R' Elazar, who says in the name of R' Hoshea, that a rich sinner is not יוצא (does not discharge his obligation) unless he offers an animal *korbon*.

Interestingly, the Sefer HaChinuch⁴ asserts that the reverse is also true. If a poor sinner extends himself and offers an animal *chattos* instead of a pair of birds he also is not יוצא. [The Chinuch remarks that one should take a lesson from this halacha not to overextend his budget and spend more money than his means allow. If the Torah does not allow a poor sinner to offer a rich man's *korbon*, the same is certainly true

regarding everyday living expenses.]

The Mishna LaMelech⁵ notes that the Chinuch's assertion seems to contradict the Mishna (Negaim 14:12) cited by the Gemara on 41b. That Mishna explicitly states that if a poor *metzora* brings an animal *korbon*, he is יוצא. In fact, the Rash in Negaim comments that תבא עליו ברכה - may he be blessed - for extending himself and offering a better *korbon* than required.⁶

The Sefas Emes in resolution of this difficulty distinguishes between a *קרבן עולה ויורד* (offered for the sin of *tumas mikdash*) and a *korbon metzora*. The Torah obligates a poor person who commits the sin of *tumas mikdash* to bring two birds, an *oleh* and a *chattos*, in place of one animal chattos that a rich person brings. In contrast, the two birds of a poor *metzora* are brought in place of two animals that a rich *metzora* brings. The Chinuch disqualifies an animal *chattos* brought by a poor sinner because by doing so he omits the bird *olah* which was incumbent upon him.⁷

This does not contradict the Mishna in Negaim which permits a poor *metzora* to upgrade his *korbon* to that of a rich person - since in either case the *metzora's* *korbon* consists of one *olah* and one *chattos*.

2] The Ibn Ezra⁸ offers the following reason as to why the Torah requires a poor sinner (who commits the sin of *tumas mikdash*) to bring two bird *korbonos* in place of just one animal *chattos* of a rich sinner. He notes that an animal *chattos* is different from a bird *chattos* in that part of an animal *chattos* is burned on the *mizbeach* (i.e., its *eimurim*), whereas a bird *chattos* is eaten in its entirety by the Kohanim. To compensate for the missing *eimurim*, a poor sinner must bring a bird *olah* which is entirely burned on the *mizbeach*, in addition to his bird *chattos*.

The Chinuch, as explained by the Sefas Emes, does not seem compatible with the Ibn Ezra. According to the Ibn Ezra who says that the bird *olah* is required to compensate for the lack of *eimurim* in a bird *chattos*, if a poor person extends himself and brings an animal *chattos* (whose *eimurim* are offered on the *mizbeach*), there should be no need to compensate for the missing bird *olah*.⁹

דף מב.

לשון של שעיר המשתלח שני סלעים

1] The Mishna (41b) says that after lots were drawn to determine the identity of the two goats, a strip of red wool was tied to the head of the שעיר המשתלח (*Azazel* goat) and another red strip was tied to the neck of the 'שעיר לה' (see Gemara¹⁰). This was done to ensure that the goats would not get mixed up with one another or with the musaf goat offering.

The Gemara (42a) says that the red strip of the שעיר המשתלח must have a minimum weight of at least two *sela'im* (the weight of eight *zuz*). [According to one opinion it must weigh at least ten *zuz*.] Rashi, citing the Gemara on 41b, explains that it required a minimum *shiur* (size) because it had to be divisible into two strips.¹¹

There are three views on the matter of dividing the red strip.

(a) The Ritva cites an opinion that explains that initially, a single red strip weighing two *sela'im* was taken for both goats and it was divided in two parts; one for each goat.¹²

(b) Rashi maintains that the Gemara is not referring to the red strip that was tied to the neck of the Hashem goat, for that strip has no minimum required *shiur*.¹³ Rather, it is the strip that is tied to the head of the *Azazel* goat that must have a minimum required *shiur* because, as the Mishna on 67a states, before the goat was thrown down the cliff its red strip was divided in two. Part was tied to a stone and part to its horns (and when the goat was thrown down the cliff and the nation's sins were forgiven, the red strip would miraculously turn white).

(c) The Tosfos Yeshanim¹⁴ asserts that the red strip that is initially placed on the head of the שעיר המשתלח is removed before it is led to a cliff in the wilderness because on Shabbos or Yom Kippur it is forbidden to lead an animal that is transporting a burden (מחמר). He asserts that a separate red strip of wool was left at the cliff site before Yom Kippur and when the goat arrived there on Yom Kippur they would divide that strip into two pieces. Hence, it was that strip that has a minimum *shiur* of two *sela'im*.

2] The *Mikdash Dovid*¹⁵ asks why tying the red

strip to the horns of the *Azazel* goat is permitted on Yom Kippur. Since the strip is destined to remain tied forever, such a knot is a קשר של - a permanent knot - and it is forbidden to tie a permanent knot on Shabbos and Yom Tov.

The Maharil Diskin¹⁶ postulates that the *issur* of tying a קשר של קיימא applies to one who makes a knot with the desire that it remain permanently tied. However, if one ties a knot on an item that he plans to promptly discard, it is not classified as a קשר של קיימא because he is not interested in whether the knot remains intact once the item is discarded. He explains that since we have no interest in maintaining the knot after the goat is thrown off the cliff, it is not considered a קשר של קיימא even though we have no plans to ever undo the knot.¹⁷

דף מג.

וכבס בגדיו הכהן, בכיהונו

The *parah adumah* did not have the sanctity of an ordinary *korbon* because it was slaughtered and processed outside the Bais Hamikdash (on Har Hazeisim) and it was purchased with מעות - funds designated for the Temple upkeep - rather than with sacrificial funds. Nevertheless, the Torah calls it a "*chattos*" and many laws pertaining to an ordinary *korbon* apply to *parah adumah* as well (e.g., it must be unblemished just like an ordinary *korbon*).

The Gemara (42a,b) discusses which aspects of the *parah adumah* procedure require the services of a Kohen:

The gathering and sprinkling of the *parah adumah* ashes may be performed by a זר.

According to some, the *shechitah* also may be performed by a זר (non-Kohen), however, they say that a Kohen [Hedyot] must receive and sprinkle its blood, and burn its flesh.

According to others, a *Kohen Gadol* is required for these procedures. [The first *parah adumah* processed in the midbar was an exception, for it was processed by the סגן כהן - deputy *Kohen Gadol* - Aaron Hakohen's son, Elazar.]

At any rate, the Gemara derives from a posuk that when a Kohen processes the *parah adumah* he must wear his bigdei kehunah - priestly vestments (while performing the aspects

of the procedure which require a Kohen).

- The *avnet* (belt) worn all year round by the *Kohen Gadol* contained *sha'atnez* (a mixture of wool and linen). Although wearing *sha'atnez* is a Torah prohibition, the Torah permits a Kohen to wear the *avnet* of *sha'atnez* when performing *avodah* (because the positive mitzvah of performing *avodah* overrides the prohibition of *sha'atnez*, עשה דוחה לא תעשה).

- The Rambam¹⁸ rules in accordance with Rabbi (12a,b) who asserts that the *avnet* worn by all Kohanim contained *sha'atnez* (not only the Kohen's Gadol's *avnet*). [Other maintain (ibid.) that the *avnet* worn by ordinary Kohanim was made of pure linen and was not *sha'atnez*. All agree that the belt worn by the *Kohen Gadol* on Yom Kippur inside the *Kodesh Hakodashim* was made of pure linen.]

The Rambam¹⁹ rules that a Kohen may wear his vestments only when he is actually performing *avodah*. Upon completion of his *avodah*, a Kohen must immediately remove his belt to ensure that he does not wear his belt of *sha'atnez* longer than necessary for the *avodah*.

Rabbeinu Tam (Menachos 41a, תכלת) and the Ravad²⁰ assert that once permission was granted for a Kohen to don his bigdei kehunah, he may wear them even when he is not performing *avodah*. This permit is limited to wearing it in a place where *avodos* are performed, which means he may wear the *avnet* only inside the *azarah* (courtyard of the Bais Hamikdash). These authorities agree that a Kohen may not wear his belt of *sha'atnez* beyond the area of *avodah*, meaning outside the *azarah*.

The *Mikdash Dovid*²¹ remarks that if the Kohen who processed the *parah adumah* wore the four vestments of a *Kohen Hedyot*, then it follows that a Kohen should be permitted to wear his vestments even outside the *azarah* because the *parah adumah* was processed outside the *azarah* by a Kohen attired in a belt of *sha'atnez*. Evidently, the Kohen who processed the *parah adumah* according to Rabbeinu Tam did not wear the year-round *avnet*. Rather, he wore the [type of] pure linen belt worn by the *Kohen Gadol* on Yom Kippur (which did not contain *sha'atnez*).^{22 23}

Interestingly, the Rambam²⁴ writes contrary to this, that the *parah adumah* was processed by a Kohen attired in the four vestments of a *Kohen Hedyot*,²⁵ thus indicating that a Kohen would sometimes wear *sha'atnez* even outside the Bais Hamikdash. [This does not pose a problem with the Rambam's position for the Rambam does not differentiate between a Kohen wearing his *sha'atnez* belt inside or outside the Bais Hamikdash. Rather, the Rambam takes the position that a Kohen may wear his belt of *sha'atnez* only when he is performing *avodah*, wherever that may be, and he must remove it immediately upon completing his *avodah*.]

דף מד.

וכל אדם לא יהיה באהל מועד בשעת הקטרה ומתן דמים
1] The posuk (Vayikra 16:17) teaches that כל אדם לא יהיה באהל מועד - no person may be in the Ohel Moed when the *Kohen Gadol* goes into the *Kodesh Hakodashim* on Yom Kippur. The Gemara derives from the posuk that this *issur* applies not only in the mishkan that was in the midbar but also in the Bais Hamikdash. Also, not only must the *Heichal* be vacated during the offering of the *ketores* but also during the sprinkling of the blood in the *Kodesh Hakodashim*. Moreover, the Gemara indicates that the *Heichal* must be vacated during the daily *ketores* offering (inside the *Heichal*) and when the blood of the inner chatta'os (e.g., פר העלם דבר, של ציבור) are sprinkled in the *Heichal*.

R' Yerucham Fishel Perla²⁶ questions why the Rambam in his sefer Hamitzvos, as well as other enumerators of the 613 mitzvos, omit this mitzvah (to vacate the *Heichal* during the Yom Kippur *avodah*) from their list of 613 mitzvos.

In answer, he cites the Yerushalmi²⁷ which deduces from the posuk that during the *Kohen Gadol's* *avodah*, the *Heichal* must be completely vacant, not only of human beings but even of מאלכים - angels. Now, this requires an explanation because angels are not subject to the laws of the Torah so how could the Torah be addressing the angels and telling them that they are forbidden to enter the *Heichal*?

R' Yerucham F. Perla explains that evidently the point of this posuk is not to teach that people [and angels] are forbidden to enter the *Heichal*

during the *Kohen Gadol's avodah*. Rather, that the *Kohen Gadol's avodah* is affected if the *Heichal* is not vacant during his *avodah*.

The reason the Mitzvah-Enumerators did not count the mitzvah of vacating the *Heichal* is that this injunction is [merely] a facet of the mitzvah to perform the Yom Kippur *avodah* (which is already included in the list of mitzvos) and it is not a new *issur* directed at those who enter the *Heichal*.

2] The Meiri questions the necessity of this posuk prohibiting people to tarry in the *Heichal* during the *Kohen Gadol's avodah* on Yom Kippur. He notes that all year round there is an *issur* (called *ביאה ריקנית* - needless entry - which is expressed in the posuk *ואל יבא בכל עת אל הקודש*, Vayikra 16:2) for Kohanim to enter the *Heichal* when not necessary for *avodah*. Since all the Yom Kippur avodos must be performed only by the *Kohen Gadol*, we know that others may not enter the *Heichal* since they are not needed there for the *avodah*.²⁸

According to the Yerushalmi the Meiri's question is answered, for the posuk *וכל אדם לא יבא* teaches that the Yom Kippur *avodah* may not be performed even when angels are present in the *Heichal*, even though angels are not subject to the *issur* of *ביאה ריקנית* (needless entry). Moreover, the posuk is needed to teach that if one enters the *Heichal* on Yom Kippur [not only is that person in violation of the *issur* of *ביאה ריקנית*, but that] the *avodah* is affected and impaired (as explained above).

דף מה.

בכל יום מקדש ידיו מן הכיור והיום מן הקיתון של זהב, משום כבודו זכהו גדול

The Mishna (43b) lists several routines that the *Kohen Gadol* would perform differently on Yom Kippur than during the year, one of which is the manner in which he performed *קידוש ידים* ורגלים. During the year he would sanctify his hands and feet from the *kiyor*, whereas on Yom Kippur he would use a special golden flask. The Gemara (45a) explains that the golden flask was used *מפני כבודו של כהן גדול* - in honor of the *Kohen Gadol*.

Tosfos (end of 44b), citing a Gemara in

Zevachim 22a, explains that even though the *kiyor* is for *קידוש ידים ורגלים* there is a posuk that teaches that washing from a vessel is also valid. [Therefore, the *Kohen Gadol* could wash from a flask on Yom Kippur.]

The Rambam²⁹ indicates that although performing *קידוש ידים ורגלים* from a vessel is valid, *לכתחילה* (ideally) the mitzvah of *קידוש ידים* should be performed from the *kiyor*.

The Rambam³⁰ disagrees and argues that since the *Kohen Gadol* washed from a vessel on Yom Kippur evidently a vessel is just as appropriate as washing from the *kiyor*.

The Kli Chemda,³¹ in defense of the Rambam, cites the following novel assertion of the Chasam Sofer:

The Chasam Sofer³² submits that although the Gemara (Zevachim 19b) says that *קידוש ידים ורגלים* is essential to the validity of *avodah*, this is true only when the Kohen had not previously immersed in a mikveh [on that day]. However, if a Kohen who had immersed in a mikveh performed *avodah* without prior *קידוש ידים ורגלים*, the *avodah* is valid.

Accordingly, on Yom Kippur when the *Kohen Gadol* performs *tevilah* in addition to *קידוש ידים ורגלים*, the *קידוש ידים* is not *מעכב* (essential).³³ In such a case washing from a vessel is just as good as washing from the *kiyor*.

2] The Mishna above on 31b in describing the Yom Kippur *avodah* states that after the *Kohen Gadol* immersed in a mikveh he donned his *bigdei kehunah* and performed *קידוש ידים ורגלים*. Then he slaughtered the *korbon tamid*. Rashi to the Mishna there remarks that the *Kohen Gadol* washed his hands from the *kiyor*.

The Tosfos Yom Tov finds difficulty with Rashi's comment, for our Mishna on 43b states that on Yom Kippur the *Kohen Gadol* would wash his hands from a golden flask.

The Pri Chadash,³⁴ in defense of Rashi, cites a Yerushalmi³⁵ that differentiates between the first *קידוש ידים ורגלים* that the *Kohen Gadol* performed on Yom Kippur and the following four. Rashi is of the opinion that the first *קידוש ידים* of the day was essential to the validity of the avodos and therefore was performed from the *kiyor*.³⁶ Our Mishna which says that the *Kohen*

Gadol washed from a golden flask is referring to the other four times that he performed קידוש ידים (between changing garments). Since those were not מעכב (see Gemara 30b) it was acceptable to wash from a vessel.

דף מו:

שבת הותרה בציבור וטומאה דחוייה בציבור

The Gemara in Pesachim 77a derives from the term במועדו (in its proper time) stated in the passage of *korbon tamid* (Bamidbar 28:2) that the *tamid* is offered בטומאה ואפילו בשבת ואפילו בטומאה - even on Shabbos and even in a state of *tumah*.

The Gemara (46a) says that only תחילת (lit., the beginning of a *korbon* brought in a state of *tumah*, meaning its *shechitah* and *zerikah*) overrides the *issur* of *tumah*, but סופו (the end, meaning the burning of its *eimurim* on the *mizbeach*) does not override *tumah*. Rav Huna maintains that with regard to Shabbos the same rule applies. Only תחילתו (meaning the offering of the Shabbos tamid) is permitted, but סופו (the burning of the Friday *tamid*) does not override Shabbos. Therefore, the *eimurim* of the Friday *tamid* must be burned on Friday during the day.

Rav Chisda disagrees and distinguishes between *tumah* and Shabbos. He explains that haktoras *eimurim* in a state of *tumah* is forbidden because בציבור דחוייה טומאה - the law of *tumah* is only reluctantly pushed aside for the sake of communal *korbonos*, but is not entirely nullified (see above ו' דף'). Therefore the haktora which is not essential to the validity of the *korbon* is not permitted in the state of *tumah*. On the other hand, the laws of Shabbos are הותרה (entirely lifted and nullified) - for the sake of the *tamid*, and therefore even the haktora of Friday's *tamid* is permitted on Shabbos.

In view of the fact that both laws are derived from the same posuk (במועדו), an explanation is required as to why Shabbos is בציבור הותרה whereas בטומאה is only בציבור דחוייה .

The Ramban³⁷ explains that when the Torah teaches that a certain mitzvah has the power to override an *issur* with which it unavoidably clashes, then the Torah means to entirely nullify the *issur* ("הותרה") rather than merely push it aside. For example, the *issur* of Shabbos with

respect to the *tamid* offering is הותרה since the two mitzvos are certain to clash on a weekly bases.

On the other hand, the *issur* of *tumah* is merely pushed aside ("דחוייה" rather than "הותרה") when it happens to conflict with the mitzvah of *korbon tamid* because a clash between these two mitzvos is not inevitable (i.e., it is possible for the Kohanim to always offer the *tamid* in a state of purity). The posuk במועדו teaches that in the event of a conflict, the mitzvah of offering the *tamid* pushes aside the *issur* of *tumah* (דחוייה).³⁸

• The Kesef Mishna³⁹ writes that just as the *issur* of *tumah* is merely דחוייה with respect to *korbon tzibur*, so too, the *issur* of Shabbos is merely דחוייה with respect to *pikuash nefesh* (saving lives). [If someone is dangerously ill and it is possible to help him through a non-Jew without having a Jew violate Shabbos, one would be required to do so according to the Kesef Mishna.⁴⁰]

The Chasam Sofer,⁴¹ however, questions why the Kesef Mishna compares *pikuash nefesh* to *tumah*. Even though בציבור טומאה דחוייה is only דחוייה perhaps Shabbos is הותרה for the sake of *pikuash nefesh* - just as Shabbos is הותרה for the sake of *korbon tzibur*.⁴²

דף מז:

בין הביניים של מלא חפניו מהו דיילמא ולקח והביא בעיניו והא ליכא

The posuk (Vayikra 16:12) says that [the *Kohen Gadol* on Yom Kippur] should take a shovelful of coals and two hands full of *ketores* and bring them into the *Kodesh Hakodashim* (ולקח מלא המחטה גחלי אש...ומלא חפניו קטרות) ('סמים וגו'). [The Mishna and Gemara on 47a explain that after the *Kohen Gadol* performed *chafinah* (i.e., the act of scooping the *ketores* into his cupped hands) he would empty the *ketores* from his hands into the כף (spoon or ladle) and carry the *kaf* with the מחטה - pan of coals - into the *Kodesh Hakodashim* - where he would offer the *ketores* on the coals.]

Rav Papa inquired whether or not the *ketores* particles that inadvertently get trapped between the *Kohen Gadol's* cupped hands (בין הביניים) when he performs *chafinah* are considered part

of מלא חפניו (his cupped-hands-full) and should be burned on the coals.⁴³ The Gemara explains that this question hinges on whether the term ולקח (and he shall take...) stated in the beginning of the posuk (cited above) refers only to the term "מלא המחטה" that immediately follows it, or also to the term "מלא חפניו" which is mentioned later in the posuk.⁴⁴ If the term ולקח refers to מלא חפניו then the בין הביניים (*ketores* trapped between his hands) are not subject to burning, because ולקח connotes a deliberate act of taking. Since the *ketores* trapped between his two hands was taken only coincidentally, the condition of ולקח is lacking and those trapped *ketores* particles need not be burned with the rest of the *ketores* in his hands.

The Bikurei Yaakov⁴⁵ rules that if one takes hold of his lulav and *esrog* before daybreak on the first day of Succos and continues to hold them until the day dawns, he fulfills the mitzvah. Even though the posuk states, לכם ביום ולקחתם - you should take a lulav on the first day of Succos (Vayikra 23:40), one fulfills this mitzvah by virtue of his grasping the lulav after daybreak, even though he performed the act of taking the lulav before the proper time for the mitzvah.⁴⁶

The Binyan Shlomo⁴⁷ and R' Yosef Engel⁴⁸ disagree and cite our Gemara as proof that the term ולקחתם implies the act of [deliberately] taking, not merely grasping. If the term ולקח applies even to the act of holding something, then the term מלא חפניו..ולקח would apply even to the *ketores* that was scooped by chance - since the *Kohen Gadol* is now [deliberately] grasping them.⁴⁹

דף מה: הולכה בשמאל מהו

The Mishna (47a) says that after the *Kohen Gadol* performed *chafinah* he would empty the *ketores* into a spoon and take the spoon with his left hand and the מחטה with his right hand and enter the *Kodesh Hakodashim*.

Rav Sheishes asserts that although as a general rule a *Kohen* must perform *avodah* בימין (with his right hand), the *avodah* of הולכה - conveying the blood of a *korbon* from the place of the *shechitah* to the *mizbeach* (where the *zerikah* is performed) - is an exception. He

deduces this from the fact that הולכת הכף - conveying the spoon of *ketores* - is performed on Yom Kippur with the *Kohen Gadol's* left hand.

The Gemara in conclusion (49a) refutes Rav Sheishes based on a braysoh which explicitly states that הולכת הדם must be performed with the right hand and is invalid if performed with the left hand.

The Rishonim ask that since הולכת הדם is not valid if performed with the left hand, why does the Mishna say that הולכת הכף should be performed specifically with the left hand?

The Rambam⁵⁰ and the Tosfos Horosh answer that הולכת הכף is an exception because the Gemara on 47a says it must be carried at the same time as the מחטה (fire pan containing three kabim of coals). Since the מחטה was very heavy, the *Kohen Gadol* had to carry it with his right hand and he had to use his left hand for הולכת הכף. [Carrying the fire pan and the spoon separately in two shifts is not an option because the posuk indicates that they must be brought into the *Kodesh Hakodashim* simultaneously, Gemara 47a.]

The Kesef Mishna asks that if, indeed, it is essential to perform the *avodah* of הולכה with the right hand how can the sages make an exception on Yom Kippur merely because of inconvenience.⁵¹

The Ri Korkis answers that it is not merely inconvenient to carry the מחטה with the left hand, but rather it is impossible for some *Kohanim* to do so. Therefore, by stating that the *kaf* and the מחטה must be carried simultaneously the Torah thereby reveals to us that the *avodah* of הולכת הכף is an exception and may be performed with the left hand. Even if a particular *Kohen Gadol* is very strong (or he is ambidextrous⁵²) and is capable of carrying the fire pan with his left hand, he is not required to do so because the Torah does not differentiate between *Kohanim*.

The Ritva offers another answer. He explains that although it is essential that the *avodah* of הולכה is performed with the right hand, the act of conveying the spoon of *ketores* is not considered an *avodah*. The Gemara on 47a notes that the Torah does not mention the requirement of placing the *ketores* in a *kaf* on

Yom Kippur, it merely states that the *Kohen Gadol* should take his cupped-hands-full of *ketores* into the *Kodesh Hakodashim*. The only reason a *kaf* is required is that it is not possible to carry a *מלא חפניו* of *ketores* into the *Kodesh Hakodashim* while simultaneously carrying the *מחתה*. Thus, carrying the *kaf* is not considered a genuine *avodah* of *הולכה* and therefore the *Kohen Gadol* may perform it with his left hand.

דף מט. חפן ומת מהו

R' Yehoshua ben Levi (49a) inquired whether the act of *chafinah* must be repeated by the replacement *Kohen Gadol* in a case in which the original *Kohen Gadol* died after he performed *chafinah*. He wondered whether there is a condition that the entire *avodah* of *ketores* be performed by the same person and thus the replacement *Kohen Gadol* in such a case would be required to begin anew and repeat the act of *chafinah*. Or perhaps there is no such requirement and the replacement *Kohen Gadol* may take the *kaf* with the *ketores* (which was prepared by the original *Kohen Gadol* before he died) and continue the *avodah* from there. The Gemara (49a,b) discusses a similar question regarding the bull offering of the *Kohen Gadol*. Some say that the *zerikah* must be performed by the same *Kohen Gadol* who slaughtered the bull and if the *Kohen Gadol* died after the *shechitah*, the replacement Kohen must slaughter a new bull.

The Tosfos Horosh⁵³ remarks that the same question should apply, not only when the *Kohen Gadol* dies, but even if he becomes disqualified due to *tumah*.

He concludes, however, that there is a difference between the two cases: In the case where the *Kohen Gadol* is alive but is tamei, the replacement *Kohen Gadol* is considered as though he is acting in capacity of the disqualified *Kohen Gadol's* שליח - agent. Therefore, even though the replacement Kohen completes the *avodah*, it is considered as the entire *avodah* was performed by the original *Kohen Gadol* (based on the rule, שלוחו של אדם כמותו - an act performed by one's agent is considered to have been performed by the principal himself).

However, in the case of death, the replacement *Kohen Gadol* must begin the *avodah* anew because he cannot be viewed as the shaliach of his predecessor who is now deceased.

The Chemdas Yisrael⁵⁴ questions how the replacement *Kohen Gadol* can be considered as the original Kohen's agent. The Gemara in Kiddushin 23b states that a person is empowered to appoint a שליח only to perform an act that he himself is empowered to effect. Since the original Kohen is tamei and disqualified to perform the *avodah*, he should not have the power to appoint a שליח to perform it on his behalf.

In answer, he explains that since there is a rule טומאה דחוייה בציבור - *tumah* is overridden for the sake of communal *korbonos* - the fact that the *Kohen Gadol* is tamei does not inhibit him from appointing a שליח with the power to act on his behalf, since theoretically he can perform the *avodah* himself. Even though the Gemara on 6b says when tahor Kohanim are available, a tamei Kohen should not perform the *avodah* (according to the opinion that דחוייה טומאה בציבור, see Al Hadaf ibid.), since the tamei Kohen's *avodah* is valid bedi'eved (after the fact) it is possible to have a שליח act on his behalf.⁵⁵ Therefore the Gemara did not discuss the case of a *Kohen Gadol* who becomes tamei after performing *chafinah* or *shechitah*, for the Gemara understood that the replacement Kohen can complete the *avodah* in the capacity of the first Kohen's שליח, and he need not redo the *chafinah* or the *shechitah*. [Note: The dispensation of טומאה דחוייה בציבור applies only to טומאת מת (corpse *tumah*) and not to other forms of *tumah* (e.g., זב ובעל קרי). Accordingly, the Chemdas Yisrael's answer differentiating between *tumah* and death applies only in the case of corpse *tumah*. However, if the *Kohen Gadol* contracts a different form of *tumah*, it should be comparable to the case death.]

דף נ. לא מייתי כהנים פר בהוראה

The Gemara cites a dispute as to the status of the Yom Kippur bull. Some consider it a חטאת (private *chattos*) since the *Kohen Gadol* purchases it with his personal funds. Others,

however, classify it as a חטאת הציבור (communal offering) because it provides atonement for all the Kohanim (see 50b). Rava (end of 50a) objects to the classification of הציבורחטאת and instead opts for the term השותפיןחטאת (*chattos* shared by partners).

The Gemara explains that the difference between these two terms has ramifications with regard to the פר העלם דבר של ציבור - bull offering which atone for a communal error. The Torah (Vayikra 4) says that if the entire community sins as a result of an erroneous ruling of the Sanhedrin, the community is obligated to offer a פר העלם דבר של ציבור. The Gemara in Horayos 5b states that each of the twelve shevatim is regarded as a tzibur (or "k'hal") in this regard and thus even if a single *shevet* commits such a sin, the members of that *shevet* are subject to a פר העלם דבר. Rashi, citing a Gemara in Horayos, explains that only those tribes that were apportioned land in Eretz Yisrael are classified as a *k'hal* (tzibur). Kohanim are not considered "k'hal" since they did not receive a portion of the land. Since the Kohanim are not considered a tzibur with regard to פר העלם דבר של ציבור, Rava felt that the Yom Kippur bull which atones for the Kohanim should not be termed חטאת ה"ציבור".

The Be'er Sheva (Horayos 6b) notes although the Gemara in Horayos (6b) cites an opinion that *Shevet Levi* is not regarded as a *k'hal* because they did not receive a portion of the land, Rava there disagrees and asserts that *Shevet Levi* is considered a *k'hal* and is subject to a פר העלם דבר של ציבור. Accordingly, he asks why Rava in our Gemara objects to classifying the Yom Kippur bull of the Kohanim as a חטאת הציבור.

The Rashash explains that even though Rava says in Horayos that *Shevet Levi* is classified as *k'hal*, the Kohanim without the Levi'im are not considered a *k'hal* because they comprise only a minority of the whole *Shevet Levi*. Therefore, Rava asserts that the Yom Kippur bull should not be referred to as a הציבורחטאת because it did not provide atonement for the entire tribe of Levi, but only for the Kohanim.⁵⁶

דף נא:

ב' פרוכות המבדילות בין הקודש ובין קודש הקדשים
 1] • In the first Bais Hamikdash there was an amah-thick wall (called אמה טרקסין) dividing the *Heichal* (Kodesh) from the *Kodesh Hakodashim*. In the second Bais Hamikdash, which was higher than the first, they used curtains instead of a wall to partition the Bais Hamikdash because they determined that such a high wall with the thickness of only one amah would not have a sufficient support.

Rashi explains that they could not thicken the wall to give it more support because all the dimensions of the Bais Hamikdash were prophetically given to Dovid Hamelech (הכל ב' בכתב מיד ה) and they could not be altered without a source from a posuk or through prophecy.

The Rabbanan assert that in the second Bais Hamikdash they hung two dividing curtains, one amah apart from each other, in place of the amah-thick dividing wall of the first Bais Hamikdash. The Gemara explains that they were uncertain as to the sanctity of the space occupied by the wall. They did not know whether the space under the wall had the status of the *Kodesh Hakodashim*, in which case they would have hung the curtain on the edge of the *Heichal*, or whether it had the status of the *Heichal*, in which case they would have hung the curtain where the inner edge of the wall had been, on the edge of the *Kodesh Hakodashim*. Therefore, they hung two curtains, one amah apart.

Question: Even if they would have known the status of the area below the wall, they should still be obligated to hang an amah-thick curtain (or two curtains an amah apart) because, as stated above, "הכל בכתב מיד ה' עלי השכיל" - all the dimensions of the Bais Hamikdash were prophetically given to Dovid Hamelech and cannot be changed. The size of the *Heichal* and the *Kodesh Hakodashim* in the second Bais Hamikdash should have to remain the same as in the first Bais Hamikdash. How then, would they be permitted to hang a thin dividing curtain, thereby expanding the prophetically ordained size of the *Heichal* (or the *Kodesh Hakodashim*)?

Answer: The concept of "הכל בכתב" is that the dimensions of the sanctified Temple objects,

as well as the sanctified Temple areas, was preordained and not subject to change. The reason they were not permitted to build a thicker dividing wall (more than an amah thick) in the second Bais Hamikdash is that by doing so they would have diminished the area of the *Heichal* (or the *Kodesh Hakodashim*). They also were not permitted to expand the sanctified area of *Heichal* or the *mizbeach* without a scriptural source (see *Zevachim* 62a). However, they were permitted to use a thin curtain in place of the amah-thick wall (had they known the status of the wall area).⁵⁷

2] The Gemara indicates that they were required to hang a curtain at the spot where the sanctity of the *Heichal* ends and the *Kodesh Hakodashim* begins, however, the Gemara does not give a source for this requirement.

The Tosfos Horosh indicates that this requirement is merely *miderabbanan* and is based on the following concern. If the curtain is not hung at the point where the *Heichal* ends, we are concerned that a *Kohen* performing *avodah* in the *Heichal* might inadvertently tread in a forbidden area next to the curtain [*Kodesh Hakodashim*]. Conversely, if the curtain extends into the *Heichal* we are concerned that the *Kohen Gadol* on Yom Kippur might place the *ketores* too close to the curtain - in area classified as the *Heichal* where the *avodah* is invalid.⁵⁸

Tosfos, however, indicates that it is a biblical requirement. Tosfos says that the posuk (Sh'mos 26:33) והבדילה לכם הפרוכת בין הקודש וגוי (and the curtain shall separate for you between the Holy and the Holy of Holies) implies that the curtain must function as a partition between the *Heichal* and the *Kodesh Hakodashim*. Thus by scriptural decree the curtain must hang exactly at the point where the *Heichal* ends and the *Kodesh Hakodashim* begins.⁵⁹

דף נב. משחרי מאניה

The Gemara on 51b cites a dispute as to the course taken by the *Kohen Gadol* on Yom Kippur as he made his way through the *Heichal* en route to the *Kodesh Hakodashim*. R' Yehuda asserts that he would walk between the *mizbeach*

(which was positioned in the center of the *Heichal*) and the *menorah* (which was in the western portion of the *Heichal*). Then he would proceed towards the curtain-opening which bordered the western wall.

The Gemara (53a) asks why the *Kohen Gadol* did not walk along the western wall [between the *menorah* (which was near the western wall) and the wall] and proceed directly towards the curtain-opening, since that is a more direct route. The Gemara answers that there is a concern that the *Kohen Gadol* would brush against the wall and sully his garments with the soot of *menorah* that would invariably gather on the western wall of the *Heichal*.

The She'arim Metzuyanim B'halacha wonders why they neglected to clean walls of the *Heichal*. Allowing soot from the *menorah* to gather and stain the *Heichal*-wall would seem to indicate a lack of כבוד המקדש - dignity for the Bais Hamikdash - Heaven forbid.

In answer, he cites the Gemara in *Pesachim* 65b which says that the *Kohanim* would walk knee-deep in the blood of *korbonos* because this signified how beloved the *avodah* was to them. Similarly, suggests the She'arim Metzuyanim B'halacha, the soot of the *menorah* was considered a mark of honor on the walls of the *Heichal* for it demonstrated their love for the mitzvah of kindling the *menorah*.

The Chasam Sofer⁶⁰ applies this concept to spots on an *esrog* on Succos. He argues that an *esrog* becomes stained from repeated handling is a desirable *esrog*. Even though it is preferably to have a flawless *esrog*, one that becomes stained from repeated use is considered beautiful in the eyes of Hashem - just as it was considered praiseworthy for the *Kohanim* to sully themselves with the blood of *korbonos*.

דף נג.

אם חיסר אחת מכל סמניה חייב מיתה

- *Ketores* must be made from a blend of specific spices; if one of the required spices are lacking, the *ketores* is not valid.

The braysoh derives from a posuk that if the *Kohen Gadol* (on Yom Kippur) offers *ketores* which lacks some required spices, he is חייב מיתה - subject to death (by the hands of Heaven).

The Shagas Aryeh⁶¹ questions the necessity for this halacha. Burning *ketores* is permitted on Yom Kippur only for the sake of the mitzvah of offering *ketores* (which overrides Shabbos and Yom Tov). Burning invalid *ketores* constitutes a forbidden *melacha* (labor) of הבערה (burning or igniting) which carries the punishment of kares - excision. Since a *Kohen Gadol* who offers deficient *ketores* is, in any case, subject to kares for desecrating Yom Kippur, why is it necessary to tack on an additional reason for the death penalty. [See Gemara, where a similar question is asked and deflected.]

The Kehillos Yaakov⁶² answers that the penalty for offering deficient *ketores* is relevant with respect to Aharon Hakohen. The Midrash, cited on ג' דף, says that Aharon was permitted to enter the *Kodesh Hakodashim* even in middle of the year - provided he performed the Yom Kippur *avodah*. The posuk teaches that if Aharon were to enter the *Kodesh Hakodashim* on an ordinary weekday, when the *melacha* of הבערה is not a concern, and offer deficient *ketores*, he would be subject to מיתה בידי שמים.

Alternatively, he suggests that burning invalid *ketores* on Shabbos or Yom Kippur is not a kares-bearing transgression because it is מקלקל - a destructive act - since the spices are destroyed without any beneficial result. The rule is that if one performs a *melacha* in a destructive manner he is exempt from a penalty (Shabbos 105b).⁶³ [See, however, Shabbos 106a where one opinion maintains that מיקלקל בהבערה חייב - the *melacha* of הבערה is an exception and even one who performs it in a destructive manner is subject to a penalty.⁶⁴]

דף נד.

ויראו ראשי הבדים, הא כיצד דוחקין ובולטין בפרוכת

The posuk in Melachim I:8:8, in describing the *בדי הארון* (rods of the aron in the *Bais Hamikdash*) states, ויראו ראשי הבדים מן - the tips of the rods were seen from the sanctuary...and they were not seen on the outside. Rav Yehuda notes a contradiction, for the first part of the verse indicates the rods were visible from the *Heichal* and the second part of the posuk indicates they weren't.

To reconcile this contradiction, the Gemara explains that the rods themselves were not visible from the *Heichal* because they were behind the curtain, however, they protruded into the curtain allowing their profile to be visible. Thus, the posuk uses the term ויראו (they were visible) because their form was visible from the *Heichal*.

The Radvaz⁶⁵ was asked whether the *bracha* on the new moon ("*kiddush levanah*") may be recited on a cloudy night. In response, he cites the Yerushalmi in Berachos (9:2) which states that one who sees the new moon should recite the *bracha* ברוך...מחדש חדשים.⁶⁶ This implies that to recite the blessing one must actually see the new moon; merely being aware of the new moon is not sufficient. However, he rules that if the moon is covered by only a thin layer of clouds the *bracha* may be recited provided its light filters through. He says that as long as it produces enough light for one to benefit from, a *bracha* may be recited.⁶⁷

[Similarly, the Panim Meiros⁶⁸ rules that ברכת החמה (the blessing on the sun that is recited every twenty-eight years on the first Wednesday in *tekufas Nissan*) may be recited even on a cloudy day. He argues that it is sufficient that the daylight which emanates from the sun is visible through the clouds even though the sun itself is not visible.⁶⁹]

The Maharsham⁷⁰ cites our Gemara as proof that even when the Torah uses the term ויראו (they should see) it is sufficient if only the outline of the object is visible. Therefore, he says with regard to the *bracha* on the moon or sun, the *bracha* may be recited on a cloudy day as long as their silhouette is visible behind the clouds.⁷¹

דף נה.

הזאה ראשונה צריכה מנין

The Mishna on 53b describes the *avodah* of sprinkling the blood of the פר ושעיר יה"כ - the Yom Kippur bull and goat: First the *Kohen Gadol* would take the blood of his bull into the *Kodesh Hakodashim* and sprinkle it towards the *כפורת* (cover of the aron) one time upward and seven times downward. As he performed the *zerikah* he would count as follows; אחת - one [upward], אחת ואחת - one [upward] and one

[downward], one [upward] and two [downward], one and three.. and so on, until one and seven. [Afterwards, he performed the same *avodah* with the blood of the goat.]

After the Gemara (55a) cites the scriptural source for the requirement to sprinkle one upward and seven downward, the Gemara seeks a source for repeating the counting of the upward *zerikah* along with each subsequent downward *zerikah* (i.e., one and one, one and two, etc.). Whereas R' Yochanan cites a scriptural source for this requirement, the halacha follows R' Elazar who explains that it was instituted by the sages to prevent mistakes in the count (see Rashi and Tosfos Yeshanim). Since this part of the count was only rabbinically instituted for the sake of preventing confusion, if the *Kohen Gadol* failed to repeat the upward one-count with each of the downward *zerikos*, the *zerikah* is still valid.

While the Gemara addresses the necessity for repeating the upward count along with each succeeding downward *zerikah*, interestingly, the Gemara does not cite a source for the main requirement of verbally counting all the *zerikos*. The Tosfos Yeshanim cites a braysoh in Toras Kohanim which derives this obligation (i.e., to count each *zerikah*) from the fact that the Torah uses the term **שבע פעמים** (the blood should be sprinkled seven times), rather than the term **שבע טיפין** (seven drops of blood should be sprinkled).⁷²

The *Mikdash Dovid*⁷³ proves that if there would be a Torah requirement, for example, to sprinkle a minimum *shiur* of several drops of blood for an a particular act of *zerikah*, that act could be accomplished even in several successive sprinklings. For example, if the Torah required one to sprinkle seven drops of blood for a certain act of *zerikah*, one could accomplish that act of *zerikah* even by sprinkling seven successive drops (i.e., he need not sprinkle seven drops at one time). Accordingly, when the *Kohen Gadol* sprinkles seven times on Yom Kippur it is not readily obvious that he means to perform seven individual act of *zerikos*, for it is possible to interpret his repeated action as a fulfillment of a single [seven-drop] *zerikah* (that he happened to divide into several sprinklings). The *Mikdash Dovid* thus explains that the Torah required the *Kohen Gadol* to verbally count each act of sprinkling individually in order to define each sprinkling as a separate *zerikah* requirement. If the *Kohen* fails to enumerate each *zerikah* all seven *zerikos* might be viewed as one large single *zerikah*.

Based on this understanding, the *Mikdash Dovid* submits that even if the *Kohen Gadol* makes a mistake and pronounces, for example, the seventh *zerikah* as number eight, the *avodah* is still valid since he at least separated the seven acts of sprinkling with an individual count for each one (see Parah 4:2).⁷⁴ ■

11) ע'י תוס' ישנים שכי' דבאמת חלוקה שייך אפי' בפחות משני סלעים וכי' דשמו גמרא גמרא לה דבענין שיעור זה, וצ"ע שהרי איתא בגמ' סוף מא'. דלשון של שיעור המשתלח בני שיעור משום דבעי חלוקה ולפי התוס' ישנים הטעם דבעי שיעור משום דגמרא גמרא לה, וצ"ל דגמי לא בא אלא להוכיח דהא דגמרינן דאחת ל"צ שיעור ודאי לא קאי אשעיר המשתלח דודאי היה לה איזה שיעור כיון דבעי חלוקה.
12) וגם התוס' הרא"ש מצדד כן דחלוקה איירי בהכי אבל מסיים דבמגני' לקמן בדף סז.
13) מבואר בהדיא כרש"י, וגם הריטב"א מסיים דפרש"י כן ויתר.
14) ומבאר תוס' הרא"ש דהא דלא חשיב לשון שיעור של שם משום "דלא היה שם אלא חוט של שני בעלמא" ואולי ר"ל דלא צריכין לשון של צמר כמו אותו של שיעור המשתלח (ועי' תוס' ד"ה שיעור הפנימי היה לה צורך כדי לידע אם הלבין, והנה משמע בתוס' דאם לא היה צורך כ"כ בשלשון של שיעור המשתלח אז לא הוי בעי שיעור, וצ"ע שיהי' מי' בעי שיעור כיון דבעי חלוקה).
15) לקמן בדף סז. בד"ה חלוקה, אולם עי' בגבורת ארי שם במילואים שהעיר דתוס' ישנים כאן במכילתין נראה כסותר דבריו שכי' כאן כמו שאר ראשונים שהיו חולקין הלשון שבראשו.
16) סימן כ"ד סק"י ד"ה אמרינן.
17) בליקוטים בסוף שו"ת סימן ה' אות ל"ה, וכן הקשה בהג' טל תורה לקמן דף סז. (להג' ר' מאיר אריק זצ"ל).
18) נ"ע במנחת יצחק ח"ח סימן כ"ז שדן בשאלה זו] ועי' בגבורת ארי שהקשה האיד קשר הלשון על שיעור להי' הא הוי עבודה בקדשים, ועי' בספר "יד על הדף" כאן משי"כ בשם ספר "יערות ישראל".

דף מג
18) כד פסק הרמב"ם פ"ח מהל' כלי המקדש הי"א (ומבאר הכס"מ שם הדלחה כרבי מחבריו).
19) שם הלכה י"א.
20) שם.
21) סימן ל"ו סק"ג.
22) כלומר, לא לבש אותו האבנט ממש שלבש כה"ג ביוה"כ משום דיש לו גניזה דילפנין מ"והינתם שם" (וגם יש איסור לכאן להוריד מקדושה חמורה לקדושה קלה), אלא ר"ל שלבש כעין אותו אבנט הנעשה מבין בלי עירבוב צמר.

דף נ
1) עי' תוס' הרא"ש שהקי' דאפי' למי"ד דהגרלה לא מעכבא מ"מ מאחר שהגרלה קובעתיה שמאל האיד מהדר ליה לימין (וכתב דאחי"נ המ"ל ולטעמיה), ועי' ברש"י ובש"פ"א מה שתיירצו, ועי' בגבורת ארי ובמקדש דוד סימן כ"ד סק"ג ובספר "עבודת היום" סו"ס י"ט.
2) וי"ד סימן רמ"ב סעיף י' (עי' בבאור הגר"א שמצדיין מקור אחרת ועי' בהג' שיעורי ברכה על הגליון).
3) וז"ל - והן אינן יודעין כי גורת הקבי"ה ואין להרהר ע"ז, ור"ל דאפי' דמשלחין השעיר המשתלח לארץ גורה שהוא מקום החורב והשדים ונראה כאילו מקריבו לסי"א, מ"מ אין הכוונה אלא לעשות רצון ה' כדמבאר הרמב"ן עה"ת ריש פרשת אחרי (ויקרא טז-ח) [אולם עי' בזהר פ' תצוה דף קפ"ה מבואר שהוא שוחד לשטן, ועי' משי"כ בזה במכתב מאלוהי ח"א עמוד 061 ועמוד 262].
דף נא
4) מצוה קכ"ג, וז"ל - לפי שאחר שריחם הקב"ה עליו ופטרו בכך אינו דבין שידחוק עצמו להביא ביותר ממה שתשיג ידו...ובזה יקנה כל מבין עצה לבלתי עשות הוצאות ביותר הראוי לפי ממונו, למען כי בו סבה לגולל הבריות כשמבקש לימודו ואינו מוצא עכ"ל.
5) בהג' על החינוך, מובא גם במנחת חינוך שם.
6) והקושיא צ"ע שיהי' במכילתין הביא הגמ' ילפותא מ"תורת" דרבי רחמנא מצורע עני שהביא קרבן עשיר דיצא והטעם דלא ילפינן מיניה לקרבן עולה ויורד י"ל משום דמיטע רחמנא "אם דל האי" כדאיתא בגמ'.
7) וצ"ע שיהי' החינוך נותן טעם אחר לדבריו לבאר למה עני שהביא קרבן עשיר לא יצא (עי' לעיל שהאבנו דבריו).
8) ויקרא ה"ז, ועי' ב"מושב וקנים" שם הביא כן בשם הרא"ש (קצת ביתר ביאר).
9) ועי' באבן עזרא שהביא טעם ב' בשם ר' יצחק לחיוב עולת העוף משום דבא לכפר על הרהור הלב (והא דמצורע עני מביא רק פרידה אחת לחטאת, יש לומר משום דבין כך הוא מביא עולת עוף) וכי' הפרדס יוסף ויקרא ה"ז (עמוד סג). בדפי הספר) בשם שו"ת חדות יעקב סימן קמ"ה אות כ"ב דלפי טעמא דר' יצחק נוחא שיתת החינוך דאפי' עני שמדחיק את עצמו ומביא קרבן עשיר מ"מ מהרהר בלבו על הא דצריך לדחוק עצמו כ"כ, ולפיכך לא יצא בחטאת בהמה כיון שעדיין לא נתכפר על הרהר לבו (אבל כה"ג במצורע יצא כיון דנתכפר על ההרהרם שלו ע"י עולת בהמה), ועי' משי"כ בהדף" מעיי' קנים מעיי"כ בדף כב, כג כד וכו'.

דף נב
10) דמסיק ד"לנשחט כנגד בית שחיתות" קאי אקשירה (ועי' כס"מ פ"ג מהל' עיוה"כ הי"ד שתמה למה סתם הרמב"ם ולא ביאר להדיא דקאי אקשירה ולא על העמדה ועי' בשיח יצחק, ועי' ברא"ש ובגבורת ארי.

מ	לז"נ מינדל בת משולם KATE ETTLINGER GOLDNER ז"ל *	כא תמוז	Monday
מא		כב תמוז	Tuesday
מב		כג תמוז	Wednesday
מג		כד תמוז	Thursday
מד		כה תמוז	Friday
מה		כו תמוז	Saturday
מו	GILDA HALPERN * לז"נ גאלדא בת חיים לעמל ז"ל *	כז תמוז	Sunday
מז	לז"נ דוד בן אלימלך ז"ל *; by Rabbi & Mrs. Eric Wilner	כח תמוז	Monday
מח	לז"נ חיה שרה מינדל בת ר' צבי יהודה פערלשטיין ז"ל *	כט תמוז	Tuesday
	לז"נ לאה מחלה בת ר' שמואל יעקב ז"ל *		
	לז"נ אבי מורי דוד יהודה ב"ר משה ריממער ואמי מורתי ריזל פיניא בת שמואל Rimmer ז"ל *	א אב	Wednesday
מט	לז"נ חיים משה בן מנחם מנדל ראבארטס ז"ל *		
נ	לז"נ ר' משה בן הרב יואל Summer ז"ל *	ב אב	Thursday
	לע"נ ר' דוב ב"ר נפתלי הערצקא טעפפער ז"ל *		
נא	לז"נ צבי יעקב בן יצחק ז"ל *	ג אב	Friday
נב	לז"נ יוחנן בן שמואל וביילא בת אברהם Hirsch הי"ד	ד אב	Saturday
נג		ה אב	Sunday
נד		ו אב	Monday
נה	לז"נ נפתלי הערץ בן זלמן ז"ל *	ז אב	Tuesday

* Denotes Yartzeit

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