



OVERVIEW of the Daf

1) Offering a tereifah (cont.)

R' Shisha the son of R' Idi suggests another explanation why the Baraisa rejects what seemed to be a logical kal vachomer.

This explanation is rejected.

R' Ashi suggests that the kal vachomer was flawed at its essence.

This explanation is challenged, revised and the final conclusion is that the phrase **מן הבקר** is necessary to teach that one may not offer an animal that is a tereifah.

It is noted that there is another source that teaches that a teriefah may not be used for a korban.

The necessity for both expositions is explained.

2) MISHNAH: The Mishnah enumerates different things that could invalidate the kemitzah.

3) Clarifying the Mishnah

The reason the Mishnah singled out the sinner's minchah is explained.

This explanation is challenged and consequently revised.

4) Kemitzah by a non-kohen

Rav rules that if a non-kohen performs kemitzah he should return the flour to the utensil.

This explanation is challenged and after some analysis it emerges that his statement is only consistent with Ben Beseirah.

The reason it was necessary for Rav to teach that this is Ben Beseirah's position is explained.

Additional challenges to Rav's position are recorded and this leads the Gemara to the conclusion that Rav was referring to a case in which the kemitzah was even placed in a sacred utensil.

According to a second version Rav followed the opinion of those who maintain that the kemitzah may be returned only if it was not placed in a second utensil.

R' Nachman questions the logic of those who maintain that once the kemitzah was placed into the second sacred utensil it is invalid.

R' Nachman offers a response to his challenge. ■

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Distinctive INSIGHT

Service performed by one who is disqualified

קמץ בשמאל פסול, בן בתירא אומר יחזיר ויחזור ויקמוץ בימין

In the Mishnah, we learned that if a kometz was removed from a minchah by the kohen with his left hand, although at that point the minchah would be invalid, Ben Beseira ruled that the flour that was taken may be restored into the remaining minchah, and the kometz should be taken a second time, but now with the kohen's right hand.

In the Gemara we learn that not only does Ben Beseira allow the return of a kemitzah taken improperly with the kohen's left hand, but he also permits the return of a kemitzah which is removed improperly for other reasons, i.e. by a non-kohen. This is because the source for the opinion of Ben Beseira is from the verse (Vayikra 2:2) which states, "he shall take the kemitzah from there." This indicates that the kemitzah may be taken once again if necessary from where it was already removed.

The Achronim inquire about how the service done by someone who is disqualified to serve affects the offering. On the one hand, we can say that this service disqualifies the offering outright. Or, perhaps the reason the offering is not valid is that we say that this service is meaningless and invalid, because it was done by someone who was not allowed to do it. This results in the offering being unacceptable because its service was not performed adequately. The difference between these two perspectives would be in a case where the disqualified person performed a service which could technically be redone by a kohen. If the offering has been ruined, the kohen's redoing that particular service is of no benefit. If, however, the issue is just that the service of a disqualified person is as if it was not done

(Continued on page 2)

REVIEW and Remember

1. What is the exception to the tereifah rule?

2. What is the status of a kemitzah taken with one's left hand?

3. What is the status of a kemitzah taken by a non-kohen?

4. Explain קמיצת פסולין עבודה היא

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ר' דוד בן ר' זאב ע"ה

HALACHAH Highlight

Does property prohibited for benefit become ownerless?

”ממשקה ישראל” מן המותר לישראל

“From the feast of Yisroel,” meaning from that which is permitted to Jews

The Gemara Nedarim (83b) teaches that if a person prohibits kohanim from deriving benefit from his property they may take his terumah against his will. Even though the privilege to distribute one’s terumah is something of value (טובת הנאה ממון) and consequently when kohanim take his terumah they are receiving from him that benefit, nevertheless, it is permitted. The reason, the Gemara explains, is that once he prohibited any kohen from benefitting from his property there is no kohen to whom he may give terumah. Once there are no people to whom he can give the terumah he has forfeited the benefit of choosing to whom he will give his terumah and kohanim could take it from him.

Ran¹ infers from this that if a person declares his produce prohibited upon himself others may come and take it from him. Once he declared it prohibited he may not derive any benefit and it becomes, essentially, hefker – ownerless and as such anyone who wants to take it may do so. Maharshal² rejects the application of the Gemara’s principle to the case of one who prohibits his produce upon himself. The one who prohibited his own produce upon himself may give away the produce as tzedaka and giving it away as tzedaka is not considered benefit since mitzvos are not for physical benefit – מצוות לאו ליהנות ניתנו. Consequently, the produce is not ownerless and others may not take the produce.

Teshuvos Oneg Yom Tov³ cited our Gemara as proof to Maharshal’s position. The Gemara teaches that one may only

(Insight...continued from page 1)

at all, we could correct the situation by having a kohen come and do that service properly.

Even HaAzal (to Rambam Hilchos Psulei HaMukdashim 1:23) explains that perhaps this is the basis for the disagreement between Ben Beseira and Chachamim. The Chachamim are of the opinion that removing the kemitzah with the kohen’s left hand is disqualified, and it effectively irreparably ruins the minchah. Ben Beseira disagrees and says that when the verse teaches that the kemitzah should be taken “from its place” it indicates that the removal of the kemitzah with the left hand is considered as if it was not done, and the kemitzah should be replaced into the remaining flour and retaken properly.

Even HaAzal notes that on 2b there is an explanation that Ben Beseira only allows the kemitzah to be returned as long as it has not yet been placed into a holy vessel to sanctify it. According to this view, we cannot explain that Ben Beseira holds that a disqualified service is as if it has not been done, because if so, there should be no difference whether the kemitzah was placed into a vessel or not. ■

offer a korban from property that is permitted for consumption. An example of something that is prohibited from benefit is orlah. Why does the Gemara have to prohibit the use of orlah as a korban because it is prohibited for consumption when there is a more fundamental reason to prohibit the use of orlah as a korban? In order for something to be sanctified as a korban it must be property that belongs to the owner. According to Ran orlah may not be used as a korban since it is not his property to sanctify. The fact that the Gemara had to come up with an additional prohibition indicates that property that it prohibited for benefit remains one’s property. ■

1. רי"ן שם ד"ה ומהא.
2. ים של שלמה ב"ק פ"ט ס"י ס"א.
3. שו"ת עונג יו"ט ס"י פ"ט. ■

STORIES Off the Daf

The Wine Libation

”טעונה נסכים...”

On today’s amud we find that even a chatas offering should require the wine libation poured on the altar. However, it does not require a libation so as to avoid conferring undue splendor upon the offering of a sinner.

Rav Yeshayah of Prague, zt”l, was once sitting at a tisch surrounded by his chassidim. Together, they partook of a seudas mitzvah where they discussed inspiring divrei Torah at length. Naturally, this sub-

lime experience sparked a lot of enthusiasm.

“Let’s send someone to bring wine,” a certain older chassid declared.

Rav Yeshayah immediately discouraged this notion. “Our sages teach (Avos 3:14) that sleep in the morning and wine in the afternoon take a person out of the world.”

“But don’t our sages also teach (Yoma 71a) that one who gives wine to a talmid chacham is like one who pours libations on the altar?” the old man piously claimed.

But Rav Yeshayah did not feel that this was appropriate. “I never understood

the words of our sages at the end of Sotah. There we find that in the times preceding Moshiach’s arrival, grape vines will give their fruit yet wine will be expensive. If there is an abundance of grapes, why is wine costly?

“But now I understand. Since we also find that chutzpah will be rampant in the times immediately preceding the arrival of Moshiach, every person will think that his rebbe is like a talmid chacham discussed in the gemara and buy wine to fill his throat and those of his followers. With such a great demand for wine, it’s no wonder that it will be costly!” ■

1. חסידים מספרים, ח"ב, ע"ב 16 ■