

OVERVIEW of the Daf

1) The tum'ah status of a bird killed with an improper melikah (cont.)

The Gemara concludes its unsuccessful attempt to refute Rav's position that melikah done by a non-kohen renders the bird tamei.

A Baraisa is cited in support of R' Yochanan who rules that melikah done by a non-kohen does not render the bird tamei.

2) A non-kohen

R' Yitzchok reports that he heard about two rulings, one about the kemitzah of a non-kohen and the other about the melikah of a non-kohen. In one case if it was placed on the altar it must be removed but in the other case it is not necessary for it to be removed but he did not remember which ruling applied to which case.

Chizkiyah asserts that it is logical that the kemitzah must be removed and the melikah does not have to be removed.

The rationale for this assumption is explained.

3) The tum'ah status of an improper melikah

A Baraisa is quoted and clarified that explains why an improper melikah in the courtyard does not render the bird tamei whereas a melikah done outside of the courtyard does render the bird tamei.

Another Baraisa cites the same pasuk to derive a different set of guidelines for when a bird killed with melikah is tamei and when it is not.

Different rulings of the Baraisa are further clarified.

4) MISHNAH: R' Meir and R' Yehudah disagree whether a bird killed with melikah and then discovered to be a treifah renders the bird tamei. After R' Meir presents the rationale for his position the Mishnah records R' Yosi's disagreement with R' Meir's rationale.

5) Clarifying R' Meir's position

The Gemara wonders how R' Meir could not accept the principle of דיי when it is a Biblical limitation to a kal vachomer.

R' Yosi the son of R' Avin cites the verse that R' Meir expounds that is the source for his position.

R' Yehudah's dissenting opinion is explained.

This explanation is challenged.

The Gemara suggests an answer to that challenge. ■

Distinctive INSIGHT

A non-Kohen using a service utensil (כלי שרת) for a minchah

אין קידוש בכלי שרת במנחה בבמה

R' Yitzchok stated that he had heard there is a difference between the actions of a non-kohen who separates the kemitzah from a minchah as opposed to a non-kohen who does the melikah service to slaughter a bird. In these cases, if the kemitzah and the bird were placed upon the Altar, one of them must be removed, while the other may remain in its place. Yet, R' Yitzchok did not remember which of the two was the one which had to be removed from the Altar, and which was allowed to remain.

Chizkiyah clarified that it is the kemitzah performed by the non-kohen which should be removed from the Altar. The Gemara explains his reasoning. We are following the view of the one who says that both minchah and bird offerings were brought on private altars (ישנם בבמה). The procedure of melikah was allowed for a bamah, a private altar, so when it is done in the Beis HaMikdash by a non-kohen and placed upon the Altar, it need not be taken down. However, the normal procedure for consecrating a minchah is that the flour is placed in a special service bowl (כלי שרת), and the kemitzah, as well, is placed into a special bowl after it is removed from the larger collection of the minchah. The function of these special utensils was only in the Mikdash, where there were no such utensils for the minchah at a private altar, where the minchah and the kemitzah were designated without such bowls. Accordingly, we cannot compare the non-kohen's actions of placing the minchah or kemitzah in the service bowls in the Beis HaMikdash to these acts outside the Beis HaMikdash, because there was no precedent for a non-

(Continued on page 2)

REVIEW and Remember

1. Why is it more logical that the kemitzah of a non-Kohen should be removed from the altar rather than the melikah of a non-kohen
2. What is derived from the phrase זאת תורת העולה?
3. What is the point of dispute between R' Meir and R' Yehudah?
4. What is the basis for R' Meir's position?

HALACHAH Highlight

The disqualification of something that is not respectful

מלך ונמצאת טריפה

If the kohen did melikah and the bird turned out to be a tereifah

The Mishnah teaches that if a kohen did melikah to a bird and then discovered that it is a tereifah the bird may not be used as a korban. Rambam¹ explains that the disqualification stems from the verse (Malachi 1:8), "Present it, if you please, to your governor," which is a rhetorical remark about offering blemished and defective animals as korbanos. What is unusual about this explanation is that the Gemara Menachos (6a) offers a number of explanations why a tereifah animal cannot be offered as a korban. This leaves commentators wondering why Rambam presented a new explanation rather than cite the explanations of Chazal.

Kesav Sofer² answered that Rambam had to introduce a new explanation for disqualifying the use of a tereifah animal in order to explain why an animal about which there is an uncertainty whether it is a tereifah is invalid for use as a korban. Rambam maintains that a doubt about a Biblical matter is prohibited only Rabbinically (ספק דאורייתא מדרבנן לחומרא) and as such, animals that may be tereifah could Biblically be used as a korban. The verse in Malachi, however, restricts the use of even these animals. Although the pasuk is from Nevi'im rather than Biblical, nevertheless, it has the force of a law that is stronger than a standard Rabbinic injunction, perhaps even on par with a Biblical prohibition.

The status of something prohibited by the pasuk in Malachi has practical application as well. Shulchan Aruch³ rules that wine that has a foul odor may not be used for kiddush. Beiur Halacha⁴ cites a dispute whether foul smelling wine that was used for kid-

(Insight...continued from page 1)

Kohen being able to do this ritual outside the Beis HaMikdash. Accordingly, the kemitzah done by a non-kohen and placed upon the Altar must be removed.

Shittah Mikubetzes explains the distinction which Chizkiyah noted between the kemitzah and the melikah. Both a minchah and a bird offering may be brought at a bamah—a private altar. Yet, a bird offering does not entail usage of a service utensil, neither at a bamah nor in the Beis HaMikdash. This is why we can compare one service to the other, and conclude that a bird killed with the melikah of a non-kohen does not have to be removed once it is placed on the Altar. However, a minchah service in the Beis HaMikdash does utilize a service utensil, and this may result in a non-kohen's action causing the minchah to be invalid, as opposed to a non-kohen's actions at a bamah. The Gri"z also explains that it may be that using of a service utensil in the Beis HaMikdash might cause an additional factor of disqualification when it is done by a non-kohen. ■

dush is acceptable בדיעבד. Beiur Halachah then challenges the position of those who are strict with the question, where do we find that something that is prohibited from the pasuk in Malachi should disqualify something even בדיעבד? He⁵ later stepped back from this challenge noting from Rambam that a tereifah animal may not be brought as a korban due to the verse in Malachi and as a result leaves the matter unresolved. ■

1. רמב"ם בפירושו למשנה

2. שו"ת כתב סופר או"ח סי' פ"ח

3. שו"ע או"ח סי' ע"ב סע' א'

4. ביאור הלכה שם ד"ה אין מקדשין

5. ע' בליקוטי הלכות משנת תרפ"ב בסוף פ"ט דחולין ונדפס דבריו במשנה

ברורה דפוס עוז והדר על הסימן הנ"ל ■

STORIES Off the Daf

The Dread of Death

מלך

Rabbeinu Yonah, zt"l, writes that one who is happy only when a newborn comes into the world, but is deeply saddened for the deceased on the day he dies lacks true understanding. Rav Moshe Shmuel Shapiro, zt"l, explains, "Why should one be sad for the departed? We believe that every person has a mission to fulfill in this world and when it is done he is recalled. Rabbeinu Yonah alludes to a famous parable to illustrate this concept. Once there was a merchant who sent his son out to do business in a distant land. When the son

has completed his time abroad and returned home to his father, is the returning son to be pitied? Surely not! On the contrary, it is good that the son returns to his father since the purpose of his leaving in the first place was to make a profit and return home."¹

So we should not feel that death is a great loss for the one who dies. But sometimes people take this too far, as Rav Zalman Sorotzkin, zt"l, explained regarding the purpose of melikah as opposed to shechitah. "Why does shechitah suffice for the rich man's sacrifice but the poor man's offering, which is a bird, must have melikah? Why not do shechitah on bird korbanos like we do for animals? To understand this we must consider why sacri-

fices are slaughtered. This is to break the heart of the sinner since he will contemplate that it is fitting to kill him instead of the animal. That is enough to break the heart of a wealthy man who brings an animal, but what about a poor man? He has such a hard life that he may literally prefer death. After all, once it's over he will stop suffering and eventually enjoy his eternal reward. This is why we do melikah which is much more painful. This is to show that until one dies things can also be very bitter. And death itself can also be very painful. It is only in this way that the poor person will also break his heart and do teshuvah."² ■

1. רבינו יונה עמ"ס אבות פ"ד. ההסבר מספר

מי דעת ח"א פ"ד ע' קס"ד

2. אזניים לתורה ויקרא א: טו

Daf Digest is published by the Chicago Center for Torah and Chesed, under the leadership of HaRav Yehoshua Eichenstein, shlit"z

HaRav Pinchas Eichenstein, Nasi; HoRav Zalmen L. Eichenstein, Rov; Rabbi Tzvi Bider, Executive Director, edited by Rabbi Ben-Zion Rand.

Daf Yomi Digest has been made possible through the generosity of Mr. & Mrs. Dennis Ruben.