

OVERVIEW of the Daf

1) The chavitin of the Kohen Gadol (cont.)

Abaye and Rava offer additional sources that the chavitin may be prepared on Shabbos.

A Baraisa is cited that is consistent with Rava's source.

It is noted that the Baraisa contradicts itself.

Abaye, R' Huna the son of R' Yehoshua and Rabbah offer different resolutions to the contradiction.

2) **MISHNAH:** R' Shimon and R' Yehudah disagree about who paid for the chavitin if the deceased Kohen Gadol was not replaced.

3) Clarifying the dispute

A Baraisa is cited in which R' Shimon and R' Yehudah elaborate on their respective positions.

R' Yehudah's derivation is unsuccessfully challenged.

The exchange between R' Yehudah and R' Shimon regarding their respective derivations is recorded.

The implication of R' Shimon's statement that when there is no Kohen Gadol the chavitin are Biblically funded from public funds is challenged from a Mishnah in Shekalim.

R' Avahu explains that there were two different enactments.

The Mishnah in Shekalim's statement that it was a Rabbinic enactment that exempts one from me'ilah for benefitting from the ashes of the parah adumah is challenged. ■

REVIEW and Remember

1. What halacha is derived from the words סלת מנחה תמיד?

2. How do we know that extra oil was added to the chavitin?

3. What is the point of dispute between R' Shimon and R' Yehudah?

4. What were the two enactments concerning the funding of the chavitin before a replacement for a deceased Kohen Gadol was found?

Distinctive INSIGHT

Who pays for the afternoon installment of the minchas chavitim if the kohen gadol dies during the day?

רבי שמעון אומר משל ציבור, רבי יהודה אומר משל יורשין

The minchas chavitim is paid for and offered by the kohen gadol daily, half in the morning and the other half in the afternoon. A kohen gadol died during the day, after having brought the minchas chavitim of that morning, and a replacement kohen gadol had not yet been appointed. The Mishnah presents the opinions regarding who should pay for the second half that will be brought in the afternoon. R' Shimon holds that it should be paid for with communal funds. R' Yehuda contends that it should be paid for by the heirs of the kohen who died.

Or Sameach (Hilchos Pesach 1:3) explains that according to R' Shimon, the minchas chavitim is sometimes considered an offering of an individual, for example when he pays for it from his own assets and he brings the offering. However, it is also capable of being a communal offering, as evidenced in our case where the kohen gadol died and a replacement kohen had not been appointed, where the portion brought in the afternoon is paid for with communal funds. R' Yehuda, however, is of the opinion that the minchas chavitim is always an offering of the individual, always paid for with private funding.

Chidushei R' Chaim writes that all opinions in the Mishnah agree that the minchas chavitim is considered the offering of an individual. The disagreement is only who must pay for the afternoon installment of this offering when the kohen dies and no replacement has been named. R' Shimon holds that the assets of the kohen who died are not liable for this expense, and that it is the responsibility of the community to pay for it, while R' Yehuda says that the kohen's family should pay for it.

Chazon Ish explains that under these conditions, the installment of the minchas chavitim which is brought in the afternoon is an offering which has no owner assigned to it. Both according to R' Yehuda who says that the family of the kohen should pay for it, and according to R' Shimon who rules that the community should pay for it, it is the responsibility of the community to see that it be brought every day, including at this tragic moment when the kohen gadol died and no one else has taken over his charge.

Rambam (Hilchos T'midim u'Musafim 3:22) writes that according to R' Yehuda that the heirs pay for this offering, it does not mean that the offering is theirs. Rather, it

HALACHAH Highlight

When to give a bris to a child born after Shekiah on Friday night

ואי אפי לה מאתמול איפסיל ליש בלינה

And if it was baked yesterday it is invalid as a result of being left out overnight

There¹ was once a baby boy who was born 25-28 minutes after sunset on Friday night. The question that arose was on which day should the child be circumcised. According to the Gaonim¹, the period of twilight **בין השמשות** begins immediately after sunset and continues for the amount of time it takes to walk $\frac{3}{4}$ of a mil which is about 18 minutes. 25-28 minutes after sunset is already night. Accordingly, the bris should be done on Shabbos since the child was born on Shabbos. On the other hand, according to Rabbeinu Tam the baby was born on Friday rather than on Shabbos since he maintains that the period of twilight does not even begin until the time it takes to walk $3\frac{1}{4}$ mil. As such 25-28 minutes after sunset is still day and the bris should be done on Friday. Furthermore, according to Rabbeinu Tam, the bris may not be done on Shabbos since that would be the ninth day and a bris may not be done on Shabbos unless it is the eighth day. The rabbi who submitted the question suggested that the bris should be held on Shabbos. It cannot be held on Friday since according to the Gaonim, Friday is day seven and most Poskim maintain that a bris done before the eighth day is invalid. Sunday also is not preferred since that would be after the eighth day accord-

(Insight...continued from page 1)

serves as an atonement for the kohen gadol who died. Chazon Ish explains that the heirs bring the offering for the honor of the head of their household who died. Although the kohen gadol is no longer the owner of this minchah, there is merit ascribed to him through it. This is a righteous gesture for the one who participated in this mitzvah. ■

ing to all opinions. Therefore the best option is Shabbos since according to the Gaonim that is the eighth day, and even according to Rabbeinu Tam if the bris done is done by someone other than the father it would only involve a violation of a Rabbinic prohibition and for reasons beyond the scope of this article this would be the preferred course of action.

Teshuvos Kinyan Torah² disagreed with this conclusion and wrote that it is not worth violating Shabbos even on a Rabbinic level in order to do a bris on the eighth day. He maintained that the bris should be done on Sunday. Furthermore, there is only an issue to delay a bris out of laziness or some other unimportant consideration but if the delay is the result of proper observance of Shabbos, Sunday becomes the preferred day for the bris and it is considered as though it is being held at its proper time. He proves this from the comment of Tosafos³ who writes that something that is done on Friday rather than Shabbos in order to avoid desecrating Shabbos is considered as though the mitzvah is being performed in its proper time. ■

1. עי שו"ת קניו תורה דלקמן.
2. שו"ת קניו תורה ח"א סי' צ"ו אות ה'.
3. תוס' ד"ה אפי. ■

STORIES Off the Daf

Everyday Failings

"תיהוי כמנחת חוטא..."

Rav Yosef Engel, zt"l, explains why a kohen gadol brought his own minchas chavitin every day. "Our sages tell us in Bava Basra that everyone is confronted with certain sins daily. One example provided there is the 'dust' of lashon hara, an insidious sub-genre of slander which is hard to entirely avoid. In addition, most people have various failings which cause them to stumble in the area of theft fairly regularly. Because of the kohen gadol's great spiritual stature, even the minor sins to which he inevitably

falls are considered serious and he therefore requires a daily means of atonement.

He continued, "Now we can better understand the Gemara in Menachos 51. There we find that the minchas chavitin is compared to a sinner's minchah. On the surface this seems strange. What does the kohen gadol's daily offering have to do with the minchah offered by an outright sinner? But when we consider that the minchas chavitin is also meant to atone for the kohen gadol's daily 'slips,' we see that this comparison is definitely appropriate."¹

Yet we may wonder why people keep failing in the same way over and over again. The Alter of Kelm, zt"l, explains this with a parable. "This is like someone

who cooks food and frequently burns the pot. When the cook notices that the pot is burnt, he exclaims, 'I can't believe it! I burnt the pot again!'

"His real problem is that he fails to pay careful attention to the flaw which keeps causing him to lose track of the pot and allow it to get burnt. The same is true regarding middos. If one fails to keep careful track of his past actions and to focus on why he fell as he did, he has little chance to rectify his faults. Only one notices the negative and also delves into analyzing it until he understands its root in his nefesh will eventually learn how to overcome his failings."² ■

1. גליוני השי"ס, ב"ב, קס"ד ע"ב
2. בית קלם מידות, עי רע"ח-רע"ט ■