

OVERVIEW of the Daf

1) Clarifying R' Chisda's opinion (cont.)

The Gemara unsuccessfully challenges the explanation of R' Chisda concerning liability for slaughtering the goats before the lottery was drawn.

2) A Korban Pesach slaughtered outside the Beis HaMikdash

R' Dimi quotes the ruling of R' Yochanan that one who slaughters a Korban Pesach outside of the Beis HaMikdash during the rest of the days of the year is not liable whether it was slaughtered for its own sake or not for its own sake.

R' Yirmiyah explains why there is no liability for slaughtering the Korban Pesach outside of the Beis HaMikdash not for its own sake.

Ravin quotes R' Yochanan as ruling in the above case that he is always liable.

The Gemara unsuccessfully challenges this ruling.

R' Ashi and R' Yirmiyah from Difti disagree regarding the correct text of Ravin's quote.

3) Slaughtering the goats outside the Beis HaMikdash after the lottery

The Baraisa cited earlier ruled that if the goats were slaughtered outside the Beis HaMikdash after the lottery was performed he is liable for the one for Hashem but exempt for the one for Azazel.

A Baraisa is cited as the source for this ruling of the Baraisa.

The Gemara unsuccessfully challenges the drosha employed by the Baraisa.

4) Designating for Azazel a goat less than eight days old

The Gemara questions why an earlier-cited Baraisa needed a drosha to indicate that a goat less than eight days old cannot be chosen for Azazel. It should be excluded because the goat needs to be fit to be offered to Hashem.

Two explanations are presented.'

The Gemara explains why it is necessary for the Torah to teach that the Azazel goat can be disqualified if it is immature and if it is blemished. ■

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ר' משה דב בן ר' יעקב יצחק, ז"ל*

Distinctive INSIGHT

Slaughter of an offering outside, when the doors are closed

מאי טעמא מחוסר פתיחה כמחוסר מעשה דמי

The rule is that slaughtering an offering outside the Beis HaMikdash is prohibited, and one who does so is liable for כרת. There is no prohibition, however, if the offering is disqualified, and it was invalid to be brought in the Beis HaMikdash. Ravina holds that if a Shelamim is slaughtered before the gates of the Mikdash are opened, there is no liability, because such an offering is not valid. This is really an objective problem, as there is nothing wrong with the Shelamim itself. It could have been brought properly if the person had waited until the doors were open, and it would have fulfilled the requirement of being done פתח אהל מועד. Yet Ravina holds that the closed doors is considered a significant deficiency, and the Shelamim is disqualified. Rashi is of the opinion that because the requirement of "opening of the doors" is written in reference to a Shelamim, this is why this deficiency is considered מחוסר מעשה in this case.

Tosafos learns that the rule of מחוסר פתיחה is a general rule applicable by all offerings, which leads Tosafos to ask a question against Rashi. The Gemara (Zevachim 84) teaches that a limb of a disqualified offering which is placed upon the Altar must be removed (אם עלו ירדו). This, however, is only when the disqualification is universal. However, if a particular offering has a limited factor which effects only it, and this condition is allowed by all other offerings, then we allow the localized, albeit disqualified, limb to remain on the Altar (אם עלו לא ירדו) In our case, according to Rashi the Shelamim which was slaughtered with the doors closed is unacceptable due to a limited condition only by Shelamim. The limbs would be allowed to remain on the Altar if they were placed there mistakenly. Therefore, the Shelamim should be one which is חייב if slaughtered outside, because this is enough to qualify as fitting for פתח אהל מועד. Why, then, is the one who slaughters it outside exempt?

Tosafos answers that with the doors closed, the very שחיטה itself is deficient. This is theoretically a type of שחיטה which has no validity even if done in the courtyard of the Mikdash. In this case, the fact that it is אם עלו לא ירדו is insufficient to legitimize the שחיטה. This is unlike שחיטה of a פסח, which if done outside לשמה is also עלו לא ירדו, but this could have been done inside properly. This is why the שחיטה of a פסח שלא לשמה outside would be חייב. ■

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HALACHAH Highlight

Validating shechitah with a mitzvah

טעמא דרבי רחמנא הא לא רבי הוה אמינא שעיר המשתלח קדוש במחודר זמן והא אין הגורל קובע אלא בראוי לשם

Shulchan Aruch¹ rules that one is liable for transgressing the prohibition against slaughtering a mother animal and her offspring on the same day only if the animals were slaughtered. If one animal was killed by piercing² rather than by slaughter there is no prohibition against slaughtering the other animal. Therefore, continues Shulchan Aruch, if a deaf-mute, insane or minor slaughters the first animal it is permitted to slaughter the second animal since the action of these people does not qualify halachically as shechitah.

Rav Shlomo Kluger³ qualifies this ruling of Shulchan Aruch. We dismiss the action of the deaf-mute, insane or minor, only when they slaughtered for a non-mitzvah (elective) purpose, but if they performed a mitzvah when they slaughtered the animal, e.g., for an ill person, the prohibition against slaughtering the mother and her offspring will be in force. The reason is that since a mitzvah was performed with this slaughter it is considered a valid shechitah.

Proof to this principle can be inferred from our Gemara. The Gemara earlier asked why it is necessary to have a drosha to teach that a premature animal cannot be used for Azazel, when it should be disqualified because it has to fit to be brought as a korban and a premature animal is unfit for a korban. Rava answers⁴ that drosha is necessary for a case where the mother of this goat was slaughtered on Yom Kippur for an ill person. The animal is considered premature because of the prohibition against slaughtering a mother and her offspring the same day. Even though, explains the Gemara, the offspring may not be

REVIEW and Remember

1. What is the לשמו designation for a Korban Pesach during the rest of the days of the year?

2. What is the reason there is no liability for slaughtering the goat for Azazel outside the Beis HaMikdash?

3. Does the word 'לה' include or exclude?

4. How do we know that a blemish disqualifies the goat for Azazel?

“slaughtered,” which is normally necessary to violate the prohibition, and pushing the goat off the side of the cliff is tantamount to slaughtering it and thus the prohibition will be violated. We derive from here, explains Rav Kluger, that when an animal is killed while performing a mitzvah it is the same as slaughtering that animal. Thus, when a deaf-mute, insane or minor slaughters an animal in the performance of a mitzvah it is tantamount to a kosher slaughter in this regard. ■

1. שו"ע יו"ד סי' ט"ז סע' ט, "אין איסור אותו ואת בנו אלא בשחיטה בלבד, שנאמר לא תשחטו (ויקרא כב, כח) אבל אם ניחר (פי' ענין הנחירה הוא שתוחב הסכין בנחיריו וחותר) את הראשון, או נתנבלה בידו, מותר לשחוט השני, לפיכך, חרש שוטה וקטן ששחטו את הראשון בינם לבין עצמם, מותר לשחוט השני אחריהם, לפי שרוב מעשיהם מקולקלים
2. ע' רש"י מסכת חולין דף יז. ד"ה והנותר וז"ל, "ולשון נחירה שקורעה לאורכה מנחירה ועד החזה"
3. שו"ת האלף לך שלמה יו"ד סי' כ'
4. דף סד. "רבא אמר כגון שהיה לו חולה בתוך ביתו ושחט אמו ביום הכפורים. וכי האי גוונא מי אסיר, "לא תשחטו" אמר רחמנא יהא לאו שחיטה היא? הא אמרי במערבא דחיייתו לצוק זו היא שחיטתו" ■

STORIES Off the Daf

Free to choose

שני שעירי יום הכיפורים מצותן שיהיו שניהן שוין במראה ובקומה ובדמים ובלקיחתן כאחד

Rav Hirsch, zt"l, explains that there is a particular significance to the fact that the two goats are to be identical in every possible way. They are exactly parallel to one another until they part ways so dramatically at the threshold of the Beis Hamikdash. The one designated for Hashem is slaughtered by the sharp cut of the Sanctuary's knife, but its essence is then gathered in the holy vessels so it can gain admission to the Kodosh Kodashim. The other remains untouched, and it leaves the premises of the

Sanctuary intact. Its escape is only temporary, however. Soon enough, it is sent out into the wild which symbolizes the life lived for selfish and material ends, and there it comes to an undignified end, cast away into the abyss.

Similarly, each one of us has the power to choose—either attachment to Hashem by resisting all internal and external temptations to sin, or the distancing from Him that is the natural outcome of a descent into an unbridled material existence. The path we take is not predetermined for any of us. Neither our physical qualities (מראה), our social standing (קומה), our wealth (דמים), nor the surrounding circumstances at the moment of choosing (לקיחה) forces us in one direction or the other. Whether we head toward Hashem or the other way,

the choice is always ours.

Once someone asked Rebbe Nachman of Breslov, zt"l, "How does free will work, exactly?"

The Rebbe answered in a seemingly simple way. "If you want, you do. And if you don't, you don't!"

The compiler added: "I recorded this seemingly simple exchange because many are very confused about just this point. They mistakenly think that just because they have certain habits that are deeply ingrained, they have lost their free will over these problematic areas. But we see from Rebbe Nachman's answer the simple and straightforward truth. We always have the freedom to choose at the moment that the options are laid before us. What we want, we do!" ■

