



## OVERVIEW of the Daf

### 1) Blood brought in the Heichal (cont.)

The Gemara continues to search for the rationale behind Chachamim's position that only a Chatas becomes disqualified if its blood is brought into the Heichal.

How R' Eliezer responds to Chachamim's rationale is recorded.

### 2) Asham (cont.)

The Gemara unsuccessfully challenges R' Eliezer's opinion that an Asham becomes disqualified when it is brought without specific intention as an Asham.

R' Shimon's position, cited to explain R' Eliezer's position, is clarified.

Rabanan's response to R' Eliezer is presented.

### 3) Clarifying the view of Yosef ben Choni

R' Yochanan and Rabbah disagree whether Yosef ben Choni disagrees with R' Eliezer or not.

A Baraisa is cited that presents R' Eliezer's position and his exchange with R' Yehoshua about the matter.

### 4) Clarifying the view of Shimon the brother of Azaryah

The rationale for Shimon the brother of Azaryah's position that a korban slaughtered for the sake of a korban of greater sanctity is valid is explained.

This exposition is unsuccessfully challenged.

R' Zeira inquires about the degree of disagreement between Shimon the brother of Azaryah and Tanna Kamma.

An unsuccessful attempt to resolve this matter is presented and discussed.

**5) MISHNAH:** The Mishnah begins with a dispute about the status of a Korban Pesach slaughtered on the morning of the fourteenth without specific intention that it be a Korban Pesach. Shimon ben Azzai records a view that differs from the Tanna Kamma of the first Mishnah of the massechta regarding which korbanos are acceptable if offered without specific intention.

### 6) Clarifying Ben Besairah's position

R' Elazar in the name of R' Oshaya explains Ben Besairah's position that a Pesach offered on the morning of the fourteenth without specific intention is invalid.

This explanation is unsuccessfully challenged.

Ben Besairah's understanding that the term **בין הערבים** refers to the period between two consecutive nights is challenged. ■

## Distinctive INSIGHT

*Ben Beseira allows the Pesach in the morning of the fourteenth*  
 אמר רב אושעיא מכשיר היה בן בתירא בפסח ששחטו שחרית

The Mishnah discusses the case of a Pesach which was slaughtered in the morning of the fourteenth of Nisan, and it was done **שלא לשמו** - without the intent for the Pesach. Rabbi Yehoshua holds that the status of a Pesach in the morning of the fourteenth is that of a shelamim, as it is all year long, and improper intent for a shelamim does not invalidate the offering. Ben Beseira contends that even though it was slaughtered in the morning of the fourteenth, the Pesach is not valid, just as if it would have been slaughtered without proper intent in the afternoon of the fourteenth.

In the Gemara, R' Elazar explains that the reason Ben Beseira disqualifies a Pesach offering which is slaughtered in the morning with improper intent is that he holds that the Pesach would have been valid even in the morning of the fourteenth had it been brought with proper intent. Because the entire day of the fourteenth is the time of the Pesach, the offering is not considered to be a shelamim, but rather as a Pesach, and any improper intent will ruin the offering.

Tosafos (Pesachim 108a, **ד' נימא**) explains that Ben Beseira agrees that **לכתחילה** it is best not to bring the Pesachim in the morning of the fourteenth before mid-day, and he only considers it valid after the fact, if it was already brought. This is evident because the verse (Shemos 34:25) states, "Do not slaughter the offering together with leaven," and the Gemara (Pesachim 5a) determines from here that one may not slaughter the Pesach at a time when leaven is still around. The morning is a time when leaven is still available. We do not find that anyone disagrees with this lesson. Therefore, it is clear that Ben Beseira must agree that the morning is not the ideal time for the bringing of the Pesach.

Keren Orah explains that Ben Beseira holds that one may bring his Pesach even **לכתחילה** in the morning of the fourteenth, and that he disagrees with the lesson above which associates the slaughter of the Pesach with mid-day, the time when leaven is prohibited for everyone. Rather, Ben Beseira holds that the verse is instructing that any individual must only slaughter his Pesach after he has disposed of his own chametz.

Nevertheless, the Yerushalmi (Pesachim 10:1) learns that according to Ben Beseira chametz is prohibited the entire day. Some explain that this is because the entire day is the time the Pesach may be brought. Others, however, explain that the reason for this is a rabbinic precaution so that a person not delay in bringing the Pesach offering, as is explained in the Yerushalmi. ■

Today's Daf Digest is dedicated  
 By Mr. and Mrs. Ira Kirsche  
 In loving memory of their father  
**ר' שלום בן ר' יצחק, ע"ה**

Today's Daf Digest is dedicated  
 By Mr. and Mrs. Myron Cherry  
 In loving memory of their mother  
**ע"ה Mrs. Frances Cherry,**

# HALACHAH Highlight

## Making a decision with all participants present

מקובל אני מפי שבעים ושנים זקן

*I received a tradition from seventy-two sage[s]*

**T**eshuvus Maharit<sup>1</sup> ruled that if an enactment was signed by all the leaders of a city but each person signed when not in the presence of the others the enactment is not binding. For an enactment to be binding the signatories must sign in the presence of one another. Furthermore, even if a majority of the people were present it is not binding. Although there is a principle of **רובו ככולו** – the majority is equivalent to the total, that principle is limited to where there is a split decision but all the people were present but if some people were not present the principle does not apply and the decision of the majority can not be imposed on the others. The rationale for this ruling is that we are concerned that had all the people been present to discuss the matter someone may have introduced a perspective that would have caused people to change their position. He cites as proof to his position the Gemara in Horayos (3b) regarding the necessity for all judges to be present for the trial of a capital crime.

Teshuvus Avnei Zikaron<sup>2</sup> rejects Maharit's proof since one could argue that the requirement to have everyone in one location is limited to capital cases but not necessarily to other decisions. He then cites our Gemara as proof that Maharit's prin-

# REVIEW and Remember

1. What halacha is derived from the word דמה?

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2. What is the point of dispute between R' Yochanan's and Rabbah's understanding of the Mishnah?

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3. What is the rationale behind the position of Shimon the brother of Azaryah in the Mishnah?

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4. What is the meaning of the term בין הערבים?

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ciple applies to other cases as well. In our Gemara, R' Shimon ben Azzai reports a ruling in the name of **שבעים ושנים זקן** – seventy two “elder” (sic.). The reason he chose the word **זקן** – elder, rather than **זקנים** – elders, is to emphasize that all seventy-two members were present at once. The reason this point needed to be emphasized is so that no one should come later and claim that the decision is not binding since some of the members were not present when they made this decision. Since the case under discussion relates to matters outside of the domain of capital cases it is evident that the concern that all the people were not present when a vote was taken applies to all issues. ■

1. שו"ת מהרי"ט ח"א סי' ס"ח.

2. שו"ת אבני זכרון ח"ג סי' מ"ג אות ו-ז. ■

# STORIES Off the Daf

## An Internal Contradiction

”אין לך עבודה כשרה מערב ועד בקר...”

**R**egarding when one should light the Chanukah candles in shul on Erev Shabbos, the Rama brings two prevalent customs: they should be lit either before Minchah or after. But when someone asked the Neziirus Shimshon, ז"ל, whether it was also permitted to light before Minchah at home, he replied that this was forbidden.

“This is a clear gemara in Zevachim 11. There we find that the final avodah of the day was lighting the menorah in the Beis Hamikdash. Surely Minchah, which corresponds to the tamid bein ha'arbaim, must be recited before we light the candles in our home. It is only regarding lighting in shul that the Rama brings a variant cus-

tom to light before Minchah. This is clear from a careful study of the sources of this halachah in the Avudraham, the Kol Bo and the Darchei Moshe...”<sup>1</sup>

The Pri Megadim, ז"ל, explains why lighting in shul is any different. “This is because lighting in shul is merely for pirsumei nisa l'rabim. This is unlike lighting in one's home which represents the miracle in the Beis Hamikdash. Lighting before one davens at home is complicated, then, by an internal contradiction. Nevertheless, it is also better to daven before lighting in shul, too.”<sup>2</sup>

But it cannot be denied that the custom of many Jews is to daven only after lighting the menorah at home. The Tzur Yaakov, ז"ל, defends this custom. “Although the Ran explains that we may not utilize the light of the menorah because it is likened to the menorah in the Beis Hamikdash, this is difficult to under-

stand as the Pnei Yehoshuah writes there in Shabbos.

“He wonders why we do not hold that only olive oil may be used, as in the menorah of the Beis Hamikdash. It seems clear that this comparison is not absolute, although the Pri Megadim and Birkei Yosef rule differently, and who am I to disagree? I have written this as a way of excusing the behavior of most of the Jewish people who light before davening even at home. They do so either because they are afraid it will be too late to light the menorah afterwards, or because they cannot daven b'tzibur if they daven before lighting. Since this is the custom of so many of our holy nation, we must surely refrain from doubting them!”<sup>3</sup> ■

1. נזירות שמשון, סי' תרע"א

2. פמ"ג, א"א, סי' תרע"א, סי"ק ב'

3. שו"ת צור יעקב, סי' קל"ו ■