



OVERVIEW of the Daf

1) Non-kohen (cont.)

D'vei R' Yishmael's source that a non-kohen invalidates a korban is unsuccessfully challenged.

The Gemara searches for the admonition to a non-kohen to not perform the service of a korban.

R' Mesharshiya suggests a third source that a non-kohen invalidates a korban.

This kal v'chomer is unsuccessfully challenged.

The source that one could sit while performing the service of a korban on a bamah is presented.

2) Onen

Two different sources that an onen invalidates a korban are presented.

Why each opinion rejects the other's source is explained.

D'vei R' Yishmael presents a third source that an onen invalidates a korban.

This source is unsuccessfully challenged.

The Gemara searches for the warning against an onen's performing the service of a korban.

This exposition is unsuccessfully challenged.

R' Mesharshiya offers a fourth source that an onen invalidates a korban.

This source is unsuccessfully challenged.

Rava asserts, based on the logic of a kal v'chomer, that an onen invalidates a private korban but not a communal korban.

Rava bar Ahilai presents a number of unacceptable conclusions that one could draw utilizing the logic of Rava's kal v'chomer. ■

REVIEW and Remember

1. Where is the prohibition against a non-Kohen performing the service of a korban?

2. Why do the first two opinions reject one another's source for the invalidation of an onen performing the service of a korban?

3. How does R' Mesharshiya prove that an onen is invalid for performing the service of a korban?

4. How does Rava Bar Ahilai refute Rava's qualification to the Mishnah's ruling regarding an onen?

Distinctive INSIGHT

The Kohen Gadol serves even as an אונן

אונן מנלן דכתיב ומן המקדש לא יצא ולא יחלל הא אחר שלא יצא חילל

The Mishnah (15b) taught that the service of collecting of the blood performed by a kohen who is an אונן is not valid. The Gemara identifies two sources for this halacha.

The first source is from the verse (Vayikra 21:12) which teaches that a Kohen Gadol who suffers the loss of a close relative must not leave the Mikdash, and the service he performs does not become invalidated. This indicates that the service of any other kohen who remains in the Mikdash as an אונן would be invalid. The second proof is from the episode of the dedication of the Mishkan. In Vayikra 10:16-20 we are told that after the tragic deaths of Nadav and Avihu, Moshe discovered that the kohanim had destroyed a goat that was supposed to be brought for a chattas. Moshe was surprised about this, but Aharon successfully explained to Moshe why the goat had to be destroyed. Tannaim (later, 101a) discuss what Moshe thought, and exactly what Aharon explained to him. R' Nechemia explains that the chattas had to be destroyed due to the kohanim's being אוננים, while R' Yehuda and R' Shimon say that it had become tamei. R' Elazar agrees with R' Nechemia, and he explains that Moshe thought that Aharon's sons had offered the chattas while אוננים, which explained why it could not have been eaten. This was because they were regular kohanim, as opposed to Aharon, the Kohen Gadol, whose service would have been valid even while a kohen.

In his commentary here and in his commentary to Chumash (Vayikra 21:12), Rashi explains that when a Kohen Gadol suffers the loss of a close family member and he becomes an אונן, he is not required to depart from the Mikdash, and he is allowed to continue his service. He is not required to serve, but he is not required to leave.

Ramban disagrees with Rashi. He understands that a kohen is warned to not abandon his service in order to go and attend the funeral of his close family member. He is commanded to demonstrate that he values the honor of the Mikdash greater than he does the honor and respect he has for his very parents.

The Gemara in Sanhedrin (18a) cites two opinions re-

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HALACHAH Highlight

Are the witnesses for kiddushin required to stand?

מה ליושב שכן פסול לעדות

But one who sits is unique in that one cannot testify while sitting

Shiltei Giborim¹ relates that although Rambam writes that common custom is that witnesses sit when giving testimony, that custom is limited to monetary cases. When delivering testimony that relates to Torah prohibitions, for example, testimony that would permit a woman to her husband or testimony that would prohibit a woman to her husband, the witnesses must stand. Urim V'Tumim² suggests that there is a disagreement whether testimony that was delivered while sitting is invalid even ex post facto. Shiltei Giborim indicates that testimony that was delivered while sitting is invalid even ex post facto whereas Semag writes that in the first place one should make sure that witnesses stand but in the event that they were sitting the testimony is acceptable and he proves from the Yerushalmi that this is so.

Rav Akiva Eiger³ asserts that the disagreement between Shiltei Giborim and Semag is limited to where the witnesses are actually giving testimony. There is another category of witnesses who do not testify about anything; instead their presence is necessary for an action to take effect. For example, the witnesses to kiddushin do not testify about anything. It is their presence at the time of the kiddushin that is necessary. Regarding this second category all opinions would agree that it is unnecessary for the witnesses to stand during the kiddushin. Proof to this is the statement of Chazal that witnesses who sign

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garding this verse. R' Yehuda holds that the Kohen Gadol is not to leave the Mikdash as an אונן. R' Meir says that the Kohen Gadol does leave in order to attend the funeral of his relative. However, he may not join with the rest of the attendees. As the casket is being escorted down a street, the Kohen Gadol lingers behind and around the corner. As the funeral continues to a different street, the Kohen Gadol may enter the street which was vacated in order to stay safely behind and not risk coming in contact with the casket. According to R' Meir the verse means that the Kohen Gadol should not jeopardize his holy status. ■

on a document are considered to have gone through cross examination in Beis Din. This indicates that when witnesses affix their signature to a document it is as though they are testifying about its contents and yet we do not find that they should stand when signing a document. The reason is that the issue of standing is limited to when witnesses deliver testimony before Beis Din. Teshuvos Chelkas Yoav⁴ disagrees and notes that Rav Akiva Eiger's position is inconsistent with Tosafos⁵. Tosafos writes that witnesses to a get must stand. Seemingly he refers to while they witness the delivery of the get from the husband to his wife. Those witnesses do not relate any testimony and nevertheless they are required to stand. Accordingly, the same should be true for witnesses to kiddushin that they should be required to stand. ■

1. שלטי גבורים ב.
2. אורים סי י"ז ס"ק י"ב.
3. דרו"ח סוף כתובות סי קכ"ה.
4. שו"ת חלקת יואב אה"ע סי ו'.
5. תוס' בסוגייתנו ד"ה מה ליושב. ■

STORIES Off the Daf

Standing before the Beis Din

"מה ליושב שכן פסול לעדות..."

Acertain man knew information that was relevant to an important case. Unfortunately, since he physically could not stand, he was unsure whether he was allowed to testify. When the Rashba, zt"l, was consulted in this case, he replied that the man was permitted to testify while seated.

The Rashba said, "Although in Zevachim 16 we find that sitting while testifying is פסול, this is clearly only לכתחלה. If one cannot or did not stand

while testifying, his testimony is valid. This is explicit in the Yerushalmi which states that a talmid chacham gives testimony while seated."¹

When the Radvaz, zt"l, was consulted regarding whether one must stand while annulling a vow, he was even more explicit regarding the matter. "Although it is true that the Tosefta rules that one must stand while annulling his vow, this is clearly not the halachah. It is not even incumbent upon those performing the annulment to insist that the one who made the vow stand while it is being annulled.

"This is clear from the Rambam regarding testimony. The Rambam explains that although the דגמרא is

that one should stand while bearing witness, the custom after the Talmud in all batei din—even in the yeshivos—was to allow witnesses to sit. The reason we are lenient in this regard is that allowing them to sit avoids potential machlokes. This is permitted since we do not have the physical stamina today to always do things as they should be done.²

"Since this is the practice regarding a clear halachah in the Gemara, we certainly need not be stringent regarding annulling vows, which is only a Tosefta that is not even brought in the Talmud."³ ■

1. שו"ת הרשב"א, ח"ו, סי ר"ח
2. יד החזקה, ה"ל סנהדרין, פכ"א, ה"ה
3. שו"ת רדב"ז מכתב יד, ח"ח, סי קנ"ו ■