



OVERVIEW of the Daf

1) A damaged Altar (cont.)

The Gemara continues to present the exchange between R' Yehudah and R' Yosi.

Unsuccessful challenges to their respective opinions are presented.

The exact point of dispute between R' Yehudah and R' Yosi is identified.

Rava asserts that R' Yehudah would agree that blood cannot be applied to the floor.

This proof is rejected.

R' Elazar rules that one may not offer the remaining portion of a Mincha if the Altar is damaged.

The Gemara expands this ruling to include kodshai kodashim and kodshai kalim.

In order to prove that this ruling applies to kodshai kalim the Gemara cites R' Yishmael who discusses how we know that ma'aser sheni is not eaten in Yerushalayim nowadays.

A point in the Baraisa just cited is unsuccessfully challenged.

Ravina explains that according to R' Yishmael the sanctity of the Beis HaMikdash was temporary rather than permanent and explains why R' Yishmael did ask whether the bechor offering's meat is eaten nowadays.

This explanation is unsuccessfully challenged.

The Gemara relates that when Ravin went to Eretz Yisroel and reported Abaye's teaching that kodoshim kalim could not be eaten when the altar is damaged R' Yirmiyah cited two Baraisos and resolves the contradiction between them in a manner that indicates that kodoshim kalim could be eaten even if the altar is damaged.

Ravina suggests a resolution to these Baraisos that would be consistent with Abaye's position. ■

REVIEW and Remember

1. How does the Gemara characterize the point of dispute between R' Yehudah and R' Yosi?

2. According to R' Yehudah, why is it necessary to pour the blood of the korban on the altar rather than on the floor?

3. What is the source that maser sheni is not brought to Yerushalayim nowadays to be consumed?

4. How did R' Yirmiyah insult the Babylonians?

Distinctive INSIGHT

The sanctity of the land—for now and forever

אי קסבר קדושה ראשונה קידשה לשעתה וקידשה לעתיד לבא

Rambam (Hilchos Terumos 1:5) rules that the holiness of Eretz Yisroel which was established by those who entered after the exodus of Egypt (קידשה ראשונה) was lost when the first Beis HaMikdash was destroyed and the Jews were exiled from their land. The occupancy of the land was based upon the nation's conquest, and when control of the land was lost, their influence evaporated. However, the second conquest of the land was granted to the Jews by the authority of the ruling government (Tosafos Yom Tov to Eiduyos 8:6 explains that this refers to King Koresh). This caused a sanctity for the land which was not lost even when the Jews were exiled from the land (קידשה לעתיד לבא).

Kesef Mishnah notes that Rambam (Hilchos Beis HaBechira 6:15) rules that the Beis HaMikdash and the city of Yerushalayim were infused with a level of holiness which was sustained and permanent. The sanctity of Yerushalayim and the Mikdash were not lost even with the Babylonian exile. Regarding the explanation given by Rambam that the second occupation of Eretz Yisroel was done with consent of the authorities, Minchas Chinuch (Mitzvah 284, #23) notes that in Shmuel 2 (Ch. 24:18-25) and Divrei HaYamim 1 (Ch. 21) we find that King David purchased the place for the Mikdash from Aravna the Yevusi, who was a non-Jew residing in the area. This transaction which included payment for the land took place after King David had conquered the land. If Yerushalayim was under control of the Jews, Aravna's owning land would have been in violation of the prohibition to allow gentiles to own land in our country.

Minchas Chinuch suggests that Aravna had accepted an offer to live in peace among the Jews, and to be subject to taxes and subjugation (see Rambam, Hilchos Melachim 6:1). In this case, a non-Jew may keep land that he already owns. Apparently there was a good reason the Jews did not conquer this particular land or acquire it by any means of coercion. God apparently did not want the holy area which houses the Mikdash to be conquered by force in order that the nations of the world not claim that the Mikdash stood on land that was gained illegitimately. King David also did not want to accept this land as a gift. Perhaps he knew that the entire nation should together share

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HALACHAH Highlight

Handing a get to one's wife

ודלמא משום דקסבר שפיכה מכח האדם בעינין

Perhaps he holds that the pouring must be done by the force of man

Avnei Nezer¹ was questioned about the validity of the way a get is handed by a man to his wife. Customarily a get is delivered in the following manner. After the get is written and signed, the husband takes it in his hand and closes his hand around the get. He then moves his closed hand near to his wife's hand and then opens his hand allowing the get to fall into his wife's hand, thereby effecting their divorce. What is unusual about this practice is that the Torah (Devarim 24:1) states that the husband must hand the get into his wife's hand. This implies that the husband must perform an action of giving the get to his wife, and making it available for her does not seem to fulfill that requirement. To strengthen this question, a ruling of the sefer Tevuas Shor is cited. Tevuas Shor rules that if someone were to hold a knife over an animal's neck and drop the knife, slaughtering the animal, the animal may not be eaten. For a ritual slaughter to be valid it must be done through the force of a person and dropping a knife involves the removal of one's grip from the knife and the slaughtering then happens by itself. Similarly, if the Torah mandates that the husband give the get to his wife, releasing his grip so that it should fall into

(Insight...continued from page 1)

in owning the land, or perhaps there was another reason why it had to be bought.

Even if the sanctity of the land is cancelled due to our exile, the sanctity of the Mikdash area is not lost. The opinion of Ra'aved is that even this has been lost, but that is only regarding the intense sanctity of the Mikdash. It still has sanctity regarding terumah and ma'aser, similar to that of the rest of the land. ■

her hands should not be sufficient.

In his response Avnei Nezer mentions that he was also troubled by this practice and for a period of time deviated from the common custom only to eventually return to it. In the course of two responsa he analyzes different aspects of what is considered to be an action and what does not qualify as an action. At the end of his discussion he mentions a distinction between something that falls from a person's hand and someone who opens his hand to allow something to fall out. Our Gemara indicates that something that falls from one's hand is not an action. It is for that reason that the blood that fell on the floor of the courtyard must be gathered and applied to the altar. Opening one's hand so that its contents should fall may, however, still qualify as an action. His final position is that the common practice of delivering a get should be followed. ■

1. שו"ת אבני נזר אה"ע סי' קפ"ט וק"צ ■

STORIES Off the Daf

Consecrated Forever

קדושה ראשונה קדשה לשעתה

On today's daf we find that what was consecrated remained so for eternity. The Minchas Chinuch, zt"l, explains that even those who disagree nevertheless admit that the m'kom hamikdash retained its holiness since Dovid purposely did not conquer it. Instead he bought it, sanctifying it for all time.¹

Rav Shlomo Ulman, zt"l, the author of Yerios Shlomo, asked the Chasam Sofer, zt"l, if there was any way to permit offering korbanos on Har HaBayis in our times.

"Presumably this is not possible," the Chasam Sofer replied. "It is not fea-

sible to offer korbanos there nowadays either because the government will not allow this or due to our defilement. Since we are all tmei'ei mes, someone who goes on har habayis is liable to the punishment of kareis. So until the hidden cache of the ashes of the parah adumah is found, this is apparently forbidden.

"However, the Kaftor Vaferach, zt"l, records a fascinating story regarding this question which seems to teach that there are leniencies in this regard. When the author of Kaftor Vaferach journeyed to Eretz Yisrael he merited to make it to Yerushalayim. While there he showed his sefer to Rabbeinu Boruch who learned through the entire thing and offered a critique.

"When the Kaftor Vaferach mentioned that presumably one who enters

the makom habayis today when we are tmei'ei mes is liable for kareis, Rabeinu Boruch agreed but qualified this with a story. 'In the year 5017, Rabbeinu Chananel of Paris wished to come to Yerushalayim and offer korbanos.' I was in such a rush to go through the entire sefer that I was unable to ask him two obvious questions on this. Firstly, what about our tum'ah? Secondly, how can we be sure that the kohein designated to perform the sacrifice is truly a kohein, since we no longer have absolute assurances of the lineage of kohanim?

"But then I realized that at least tum'ah is not a problem since we are all tmei'im..."² ■

1. מנחת חינוך רפ"ד כ"ג

2. ספר זכרון למשה, דף מ'. הכפתור ופרח בכת"י מובא בתוס' יו"ט פ"ו דמסכת שביעית