

OVERVIEW of the Daf

1) **MISHNAH** The Mishnah begins with the principle that dictates when kohanim receive the hide of an Olah and then proceeds to discuss the hides of different korbanos.

2) The hides of an Olah

A Baraisa is cited that presents two opinions about exclusions to the kohanim's right to the hide of an Olah.

R' Chiya bar Yosef explains R' Yehudah's intent in the Baraisa.

This explanation is unsuccessfully challenged.

R' Aivu in the name of R' Yannai offers another explanation.

R' Nachman in the name of Rabbah bar Avuha explains R' Yehudah as did R' Chiya bar Yosef.

R' Nachman and R' Hamnuna discuss R' Yehudah's position.

Ravina explains the derivation of the second opinion in the Baraisa.

A lengthy Baraisa is cited that presents different derivations of the pesukim regarding the right of the kohanim to the hide of an Olah.

The Gemara elaborates and further explains the position of two of the Tannaim cited in the Baraisa.

3) **MISHNAH:** The Mishnah discusses the rights of kohanim to invalidated korbanos.

4) Clarifying the Mishnah

A contradiction is noted between our Mishnah and the preceding Mishnah.

Abaye suggests one resolution to the contradiction.

Rava offers a second resolution to the contradiction. ■

REVIEW and Remember

1. Who takes the hides from kodoshei kalim?

2. Why does the Torah use the term עלת איש?

3. Explain מילתא דאתיא הקל וחומר טרח וכתב לה שרא.

4. What is the point of dispute between R' Chanina Sgan Hakohanim and Chachamim?

Distinctive INSIGHT

When does a kohen receive the skin of the olah?

עולה שנשחטה שלא לשמה אע"פ שלא עלתה לבעלים עורה לכהנים

The verse (Vayikra 7:8) teaches that the skin of an olah is presented to the kohen who officiates over the offering. This verse is cited in the Mishnah and it is analyzed in a Baraisa brought in the Gemara. The Baraisa teaches that only an olah which is eligible to be brought on the altar qualifies for the halacha of the kohen receiving its skin. If, however, an olah is slaughtered with the intent that it be brought beyond its permissible time or place, the offering is disqualified and may not be brought on the altar. On the other hand, if it is brought שלא לשמה, with the intent of a different offering, the olah is still valid, although it will not count for the credit of its owner. The phrase "עור העולה" teaches that in this case, the kohen does receive the skin of the offering.

In his Commentary to the Mishnah, Rambam explains that the kohen receives the skin of the olah in a case where the animal was slaughtered שלא לשמה because for this halacha to apply, it is adequate that the Altar receive its portion. It is clear from the Mishnah that it is in the cases where the offering is totally invalid that the kohen does not receive his portion, and the reason is that in these cases the Altar itself does not receive its portion. Although the Mishnah mentions that the kohen's receiving the skin is a function of the olah's being valid for its owner (תעלה לאיש), nevertheless, the reference is not that it count on his behalf, but that the offering be valid and be able to be brought on the Altar.

Rashash questions the explanation of Rambam. The verse specifically describes the service of the kohen in terms of its being for "a person's olah offering." The Mishnah also expresses the olah in terms of its being one which counts for its owner. Therefore, Rashash says that had it not been for the explanation of Rambam, he would have suggested that "an offering of a person" does not mean that the person will necessarily fulfill his obligation with this offering, but only that the owner is pleased and willing to bring it as his gift. Accordingly, if an offering is not valid, the owner is not pleased. When the offering is valid, even if it will not result in the owner's being credited with fulfilling his obligation (i.e. it was שלא לשמה), the owner is pleased, and the kohen will receive the skin.

Taharas HaKodesh explains that this may be what Rambam meant in his commentary. The words of the verse "the olah of a person" do not mean that the offering has to fulfill the owner's obligation, but that the sprinkling of the blood on the Altar is that which allows the skin of the animal to be given to the kohen. ■

HALACHAH Highlight

Can one prove the existence of a custom from what one did not observe

אמר ר' חנינא סגן הכהנים מימי לא ראיתי עור שיוצא לבית השריפה
 R' Chanina Sgan HaKohanim declared: I never saw hide taken to the place of burning

Beis Yosef¹ cites Agur who writes that even though the Poskim rule that a woman may slaughter an animal even l'chatchila, nevertheless, the custom is that women do not slaughter animals. Furthermore, since he has never seen a woman slaughter an animal one should not allow a woman to slaughter even if she wants to since there is a principle that customs nullify halacha. In other words, although halacha may allow a woman to slaughter an animal the custom that women do not slaughter overrides that halacha. Beis Yosef comments that if there were instances in which women sought to slaughter an animal and were not allowed to do so, one could say that there is a custom that women do not slaughter. In this case, however, the proof is that Agur never saw a woman slaughter an animal and one can not establish proof based on what one has not observed - לא ראינו אינה ראייה.

Rema² in the name of Maharik writes regarding customs that are followed for the benefit of the city residents that the

principle לא ראינו אינה ראייה does not apply and proof could be cited from what was not observed. Shiltei Giborim³ explains that the position of Maharik is limited to a case in which one intended to do something and refrained as a result of a custom, for example, if there is a custom to not recite or to not complete a fast that is observed on Erev Shabbos. Proof to the distinction between something that was not observed and something that caused people to refrain from a particular behavior could be found in our Gemara. R' Chanina Sgan HaKohanim relates that he never saw the hide of a korban taken to be burned when the korban was discovered to be a tereifah after it was slaughtered. Chachamim responded that his observation does not constitute proof to any custom. Rashi⁴ explains that R' Chanina Sgan HaKohanim's claim that there is a custom based on what he did not observe is not compelling since it is possible that during his lifetime it never occurred that a korban was discovered to be a tereifah after it was slaughtered. This indicates that the lack of observation of something that may never have occurred does not prove the existence of a custom but if there was reason to expect to have observed something and it was never observed then there is evidence of a custom. ■

1. בית יוסף יו"ד סי' א' ד"ה ומ"ש נשים.
2. רמ"א חו"מ סי' ל"ז סעי' כ"ב.
3. שלטי גבורים ב"מ נ"ב.
4. רש"י ד"ה אין. ■

STORIES Off the Daf

Burning Away the Negative

"עולה שעלתה לאיש..."

Today's daf discusses the halachos of korban olah.

The Rama, zt"l, explains that a korban olah is brought from a sheep, a goat, an ox, or a ram, since each alludes to burning away a different negative characteristic with which the supplicant struggles. Sheep allude to wealth, since this was the ultimate wealth in the ancient world. A goat alludes to overconfidence; an ox, which is a huge brute, alludes to being too focused on the physical; while a ram alludes to running after honor, since it has a very distinguished look to it.¹

The Alter of Kelm, zt"l, teaches the danger of lusting after wealth in very

powerful terms. "A person who lusts after money has no life. He is always involved in preparing to enjoy life through his all pervasive efforts to amass wealth. One must be extra vigilant to avoid this evil trait since he has no choice but to interact in the marketplace and make money one way or another."²

Regarding the characteristic of being overly confident in one's abilities the Alter also gives a grave warning. "Just like people are judged according to their abilities the same is true regarding how they view themselves. Someone who is overconfident will be judged according to how he erroneously sees himself, not his true level, since he has the potential to be as he imagines himself. Since he could strive and reach such heights and acts as though he has, he is held to a much higher standard than one who has an honest self-perception."³

The verse in Tehilim states, "לא המתים יהללו קה" — the dead will not praise Hashem." On the surface this seems obvious. What is the message here? The Rokeach, zt"l, explains that this refers to the wicked who are considered dead in their lifetimes."⁴

The Alter of Kelm applies this specifically with one who is too enamored with his body. "This refers to one who abandons himself to his ta'avos who eats and drinks whatever his heart desires. This man is considered dead..."

Regarding honor the Ramak, zt"l, warns, "One who gets used to honor will have a difficult time weaning himself from this desire. Only with great hardship can he break free..."⁵ ■

1. תורת העולה, ח"ג, פרק ל'
2. בית קלם, מידות, שצ"ח
3. שם, ע' שד"מ-שמ"ה
4. רוקח, ענין הלל
5. תומר דבורה, פ"ב ■