



Offering the Seir HaMishtaleach

Over the past week we have been learning about the prohibition of slaughtering or offering a *korban* outside the *Beit HaMikdash* – a prohibition that is punishable with *karet*. The *Mishnah* (14:1) discusses *korbanot* whose *avodah* is outside the *Beit Hamikdash*; they are neither slaughtered nor offered inside. The *Mishnah* lists the *parat chatat*, the red heifer, and the *seir ha'mishtaleach*, the goat that is sent out and cast of a cliff on *Yom Kippur*. We will focus on the later.

The *Mishnah* explains that if one offers the *seir ha'mishtaleach* outside the *beit ha'mikdash* then they have not violated this prohibition. The *Mishnah* explains that since when mentioning the prohibition, the *Torah* writes "he did not bring [the offering] to the entrance of the *ohel mo'ed*", we understand that the prohibition only applies to those offerings that are fit to be brought there.

The *Tosfot Yom Tov* comments that the exemption for the *se'ir ha'mishtaleach* is only if the animal was offered outside after the *kohen gadol* performed the required *vidui* (confession) on the *korban*. Prior to that, the animal would be required to be brought inside for the *vidui*, i.e. it would qualify as "fit to being brought inside". This implies that one would be liable to *karet* if they offered the *se'ir ha'mishtaleach* outside, prior to *vidui*.

The *Rashash* however rejects that conclusion. He cites the *Beraita* (113b) that asks, is it possible that the prohibition applies to *seir ha'mishtaleach* considering that is fit to be brought to the *azarah* for the lottery and *vidui*? The *Beraita* answers that since the *pasuk* uses the term "*la'Hashem*", the prohibition applies to those *korbanot* that are specifically for *Hashem*, thereby excluding the *seir ha'mishtaleach*. The *Gemara* continues by asking that our *Mishnah* cited a different *pasuk*. The *Gemara* concludes that the *Beraita's pasuk* is required for prior to the *kohen's* confession. This is because the *Mishnah's pasuk* would not exclude the *se'ir ha'mishtaleach* at that point, since it is still fit to be brought to the *ohel mo'ed*. The *pasuk* in our *Mishnah* is necessary for after *vidui*, which satisfactorily excludes the *se'ir ha'mishtaleach* since it is no longer fit to be brought inside.

The *Tosfot* cites *Yoma* (62b) that teaches that if one offered the two goats, prior to the lottery, they would indeed have

transgressed the prohibition. *Rav Chisda* explains that prior to the lottery each one is fit to be the goat offered as *korban* inside the *azarah*. The *Tosfot* explains that the *Beraita* that excludes the *se'ir ha'mishtaleach* must be referring to after the lottery was performed yet prior to *vidui*. The *Rashash* notes that according to the *beraitah*, the prohibition would not apply to the *se'ir ha'mishtaleach* even prior to *vidui*.

The *Tosfot R' Akiva Eiger*, explains the *Tosfot Yom Tov* to mean that the *pasuk* mentioned in our *Mishnah* would not exclude the *se'ir ha'mishtaleach* prior to *vidui* (as explained by the *Gemara*). Nevertheless, it would be excluded prior to *vidui* by the derivation found in the *Beraita* cited above. *R' Akiva Eiger* directs us to the *Tosfot Yom Tov* (13:3, s.v. *she'hashochet*) that cites that very *pasuk* for this purpose

The *Rashash* however notes that *Rambam* (*Maaseh Korbanot* 18:11) rules that one would be liable to the punishment of *karet* if they offered the *se'ir ha'mishtaleach* outside the *Beit HaMikdash*, prior to *vidui*. The *Raavad* disagrees, citing the above *Beraita* that he would be exempt at the point also.

The *Kesef Mishnah* suggest that perhaps the *Rambam* had a different reading of our *Beraita* that includes the *seir ha'mishtaleach*, which according to the *Gemara's* conclusions, would be prior to confusion. The *Lechem Mishnah* finds this explanation difficult considering that *Rav Chisda's* rationale in *Yoma* of including the *seir* prior to the lottery is that either one could be offered as the *se'ir la'hashem*, and not that the *se'ir ha'mishtaleach* still requires *vidui*.

The *Markevet HaMishnah* defends the *Rambam* by suggesting that there is a debate between the *Beraita* in *Yoma* and our *Beraita*. Our *Gemara* maintains that *vidui* is essential and without it the *se'ir hamishtaleach* is invalid. Consequently, prior to *vidui*, one would transgress the prohibition. The *Beraita* in *Yoma* however maintain that without *vidui* the *korban* is still valid. Consequently, immediately after the lottery, the *seir ha'mishtaleach* is no longer considered "fit for being brought to the *ohel moed*" for the purposes of offering the *korban*, and if one offered the *seir ha'mishtalach* outside, they would be exempt.

Yisrael Bankier

Revision Questions

זבחים י"ג א' – י"ד ז'

- How many *korbanot* is one obligated to bring if they slaughtered and offered a sacrifice (*be'shogeg*) outside the *Beit Ha'Mikdash*? (י"ג א')
- What is *R' Yosi Ha'Glili's* opinion regarding the previous question and how do the *Chachamim* respond? (י"ג א')
- What other case is debated in a similar manner to the previous question? (י"ג ב')
- What is the punishment for someone who is *tahor* that ate from *tameh kodshim*? (י"ג ב')
- In what way are the laws pertaining to the slaughter of sacrifices stricter than the laws pertaining to their offering and in what way are they lenient? (י"ג ג')
- Explain the debate regarding how many times one is obligated to bring a *korban chatat* if he offered many limbs outside the *Beit Ha'Mikdash*? (Hard: What are the two ways that the *Gemara* understands this debate?) (י"ג ג')
- If one offers which invalid sacrifices outside the *Beit Ha'Mikdash* has he still transgressed the prohibition? (י"ד א')
- Explain the debate regarding a person that offered up part of a *kometz* outside the *Beit Ha'Mikdash*. (י"ד ג')
- What other "offerings" are part of this debate? (י"ד ג')
- When does *R' Elazar* agree? (י"ד ג')
- Is one *chayav* if he offered a *mincha* outside the *Beit Ha'Mikdash* if the *kometz* has not been separated? (י"ה ג')
- Explain the debate regarding a case where only one of the *kometz* and *levonah* were offered outside the *Beit Ha'Mikdash*. (י"ה ג')
- What other cases are argued in a similar manner? (י"ה ג')
- Is one *chayav* if he performed *melika* and offered a bird offering outside the *Beit Ha'Mikdash*? What if he performed *shechita* instead? (י"ז ג')
- How is *R' Shimon* arguing with the *Tana Kama*? (י"ז ג')
- Is one *chayav* if they collected the blood of a *chatat* and: (י"ח א')
 - Sprinkled once inside then once outside?
 - Sprinkled once outside then once inside?
- Regarding the previous question, what if the blood was collected in two cups? (י"ח א')
- Regarding which two *korbanot* is one exempt if he offered them outside their allocated area? (י"ח א')
- What rule is learnt from the following *pasuk*: "לפני משכן ה'" (י"ד ב')
- Regarding which flaw of a sacrifice does *R' Shimon* argue that one who offers it outside the *Beit Ha'Mikdash* has transgressed a negative commandment? (י"ד ב')
- Which people are considered *mechusar zman*? (י"ד ג')
- Regarding which of their sacrifices, if offered outside, are they *chayav*? Are *patur*? (י"ד ג')
- Is one *chayav* if they performed *kemitza* outside the *Beit Ha'Mikdash*? (י"ד ג')
- Who offered sacrifices prior to the assembly of the *Mishkan*? (י"ד י')
- When *Am Yisrael* arrived at which location where the *bamot* once again permitted? (י"ד ה')
- What location was described as "*menucha*"? (י"ד ה')
- When the *Mishkan* was in that location, where was *ma'aser sheni* consumed? (י"ד ה')

Melbourne, Australia

Sunday -Thursday

10 minutes before *Mincha Mizrachi Shul*
Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha Mizrachi Shul*
Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday

Rabbi Mordechai Scharf
9:00am
Kollel Magen Avraham
Reemon Neighbourhood

ONLINE SHIURIM

Yisrael Bankier
mishnahyomit.com/shiurim

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rabbi E. Kornfeld
Rabbi C. Brown
http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm

SHIUR ON KOL HALOSHON

Rabbi Moshe Meir Weiss
In US dial: 718 906 6400
Then select: 1 – 2 – 4

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
8 December " כסלו	9 December "א כסלו	10 December "ב כסלו	11 December "ג כסלו	12 December "ד כסלו	13 December "ו כסלו	14 December "ז כסלו
Zevachim 14:7-8	Zevachim 14:9-10	Menachot 1:1-2	Menachot 1:3-4	Menachot 2:1-2	Menachot 2:3-4	Menachot 2:5-3:1

