



## Minchat Chavitin and the Heirs

Towards the end of the fourth *perek* of *Menachot* (4:5) we learn about the *Minchat Chavitin* in more detail. The *Minchat Chavitin* was the *mincha* offering bought by the *kohen gadol* daily. A full *issaron* was brought and divided in two, with half offered in the morning and half in the afternoon. A debate is recorded regarding a case where the *kohen gadol* passed away and a replacement was not found prior to the time the next *minchat chavitin* was due to be offered. Everyone agrees that the *minchat chavitin* would need to be offered and a full *issaron* was offered in both the morning and afternoon. The question is who funds its purchase. *R' Yehuda* explains that the heirs of the deceased *kohen gadol* would need to fund it, whereas *R' Shimon* argues that it came from the temple treasury – specifically the *terumat ha'lishcha*.

The *Bartenura* explains that each side bases their position on a *pasuk* – in others word the law is biblical. Indeed, this is how the *Gemara* explains the debate. We shall inspect the position of the *R' Yehuda*.

The *Yalkut Biurim (Metivta)* cites the *Tosfot Yom Tov (Shekalim 7:6)* who maintains that only if the heirs inherited property from the estate would they be obligated to pay. He explains that when the *Chachimim* instituted that the heirs pay, it was built into the appointment of the *kohen gadol* that his estate would need to fund the *minchat chavitin* in this situation. Consequently, if there is no estate, then the heirs need not pay.

If you look carefully at the *Tosfot Yom Tov* however, he is commenting on the *Bartenura* that is explaining the *Mishnah* there. The *Mishnah* teaches that it was a "condition of *Beit Din*" that in the event that the *kohen gadol* dies the, the *korban* is funding by the *tzibur* (Temple treasury). The *Bartenura* comments that really both *R' Shimon* and *R' Yehuda* understand that the law is biblical and not a condition of *Beit Din*. The *Gemara* explains that the "condition of *Beit Din*" referred to here

is based on the position of *R' Shimon* as it evolved. Initially, the *tzibur* funded it. However, in order to alleviate the burden on the Temple treasury, the *Chachamim* moved that responsibility to the heirs. When they noticed that this responsibility was being neglected, the *Beit Din* "instituted" to revert to the Torah law. It is important to note that the *Tosfot Yom Tov* was commenting on the ability of *Beit Din* to implement the first decree and not on the position of *R' Yehuda*. Consequently, since *R' Yehuda* understands that the law is biblical in nature, then perhaps the responsibility is placed on the heirs irrespective of whether they inherited any property from the *kohen gadol*.

Indeed this position may find support in the *Minchat Chinnuch* (136:5) who explains that since *R' Yehuda* uses the broad term "yorshim" (heirs), the responsibility rests on anyone that qualifies as an heir according to the Torah's definition (sons, daughter, brothers, etc). We find therefore that the responsibility rest on the heirs, not the estate.

The *Chazon Ish (Menachot 34:3)* however understands that the Torah provides a more narrow definition of the family members responsible. He notes that *R' Yehuda's* position is based on the *pasuk*, "The *Kohen* from among his sons who is anointed in his place shall perform it..." (*Vaykira 6:15*). The *Minchat Chinnuch* is not bothered by the reference to "sons", as he understanda that the *Torah* was referring to the more common occurrence and the term is to be understood as referring to any available heirs. Were that not the case, he would have expected the *Gemara* or *Rambam* to comment otherwise. The *Chazon Ish* however understands that the *pasuk* is being very specific. It is not referring just to male heirs, but only to male heirs that are fit to take the place of their father and be the *kohen gadol*. If however the son was a *chalal* or he had only daughters, then *R' Yehuda* would agree the obligation is shifted to the *tzibur*.

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**Revision Questions**

מנחות ג' ב' – ה' ג'

- What is the law if one forgets to mix the flour of the *mincha* offering with its oil? (ג' ב')
- What is the law if one forgets to add salt to the *mincha* offering? (ג' ב')
- What is the law if the *kometz* from different *mincha* offerings gets mixed together? (ג' ב')
- With respect to which three *mincha* offerings does *R' Yehuda* argue? (ג' ב')
- What is the law if two *mincha* offerings that had not had *kemitza* performed to them, got mixed together? (ג' ג')
- What is the law regarding a *kometz* that became *tameh* and was nonetheless offered on the *mizbeach*? (ג' ג')
- What if the *kometz* was taken outside the *Beit Ha'Mikdash*? (ג' ג')
- Explain the debate regarding a *mincha* offering whose *shirayim* became *tameh* before the *kometz* was offered. (ג' ד')
- Explain the debate regarding a *mincha* offering whose *kometz* was not first placed in *kli sharet* prior to its offering. (ג' ד')
- Can the *kometz* be offered bit-by-bit? (ג' ד')
- Regarding what four things: מעוטו מעכב את רובו? (ה' ג')
- In connection to *mincha* offerings, regarding what two pairs: מעכבים זה את זה? (ה' ג')
- What other seven pairs: מעכבים זה את זה? (ג' ו')
- Can one have *tefillin* missing a *parasha*? (ג' ו')
- Explain the debate regarding a *tallit* with *tzitzit* on only three corners. (ג' ו')
- Can one put on a *tefillin shel rosh* if he cannot put on a *tefillin shel yad*? (ד' א')
- Explain the debate regarding how the sacrifices of *Shavuot* should be brought if they were short of funds. (ג' ב')
- Explain the debate regarding which of the *shtei halechem* and *kivsei atzeret* could be brought without the other. (ג' ד')
- The sacrifices mentioned in which *sefer* were offered in the desert? (ג' ד')
- Explain the debate regarding what should be done in the afternoon if the morning: (ד' ד')
  - *Tamid* was not offered.
  - *Ketoret* was not offered.
- Explain how the *minchat chavitin* of the *kohen gadol* was offered. (ד' ה')
- Regarding the previous question, what would happen if the *kohen gadol* died at midday? (ד' ה')
- What baked *mincha* offerings were brought as *matzah*? (ה' א')
- Does the prohibition against allowing a *mincha* offering to become *chametz* also apply to the *shirayim*? (ג' ב')
- How many transgressions would one violate if he baked a *chametz mincha* offering that was meant to be *matzah*? (ה' ב')
- Which *mincha* offerings requires: (ה' ג')
  - Both oil and frankincense?
  - Only oil?
  - Only frankincense?
  - Neither?

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**Next Week's Mishnayot...**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
22 December כ"ד כסלו	23 December כ"ה כסלו	24 December כ"ו כסלו	25 December כ"ז כסלו	26 December כ"ח כסלו	27 December כ"ט כסלו	28 December ל' כסלו
Menachot 5:4-5	Menachot 5:6-7	Menachot 5:8-9	Menachot 6:1-2	Menachot 6:3-4	Menachot 6:5-6	Menachot 6:7-7:1

