

ואי מיייתי במקודשת – איפסילו להו
בלינה. חזקיה אמר: כלי שרת אין
מקדשין אלא מדעת, וגזירה שמא
יאמרו לדעת נתקדשו.

אמר רבי ינאי אמר רבי זירא: אפילו
תימא יש שיעור למים, וכלי שרת אין
מקדשין אלא מדעת, וגזירה שמא
יאמרו לקידוש ידים ורגלים מלאן.

נשפכה או נתגלתה" כו'. ואמאי?
ליעביר במסנת! לימא מתניתין
דלא כרבי נחמיה, דתניא: מסנת
יש בו משום גילוי. אמר רבי נחמיה:
אימתי – בזמן שהתחתונה מגולה. אבל
בזמן שהתחתונה מכוסה, אף על פי
שהעליונה מגולה – אין בה משום
גילוי. מפני שארס נחש דומה לספוג,
אף ועומד במקומו.

אפילו תימא רבי נחמיה, אימר דאמר
רבי נחמיה – להדיוט, אבל לגבוה – מי
אמר? ולית ליה לרבי נחמיה: "הקריבהו
נא לפחתך הירצך או הישא פניך אמר
ה' צבאות!"

הדרן עלך לולב וערבה

And if he brings the water in a consecrated barrel, the water will become disqualified for use in the libation by remaining overnight, just as all consecrated items, e.g., offerings, are rendered unfit after remaining overnight. Hizkiya said: Temple vessels consecrate^h only with specific intent. Therefore, in theory, one could bring water to the Temple in a consecrated vessel, provided he has no intent to consecrate it. And the reason one may not do so is due to a rabbinic decree lest people say, upon seeing the water poured in the morning, that the water was intentionally consecrated. In that case, they might draw the mistaken conclusion that remaining overnight does not disqualify liquids for use in libations.

Rabbi Yannai said that Rabbi Zeira said: Even if you say that there is a requisite measure for the water to be poured for libation and no more than three log can be consecrated, and that Temple vessels consecrate only with intent, here there is a rabbinic decree lest they sayⁿ the barrel was filled with water for sanctifying the hands and the feet of the priest, for which there is no measure. Then, when they see the water poured in the morning, they will draw the mistaken conclusion that remaining overnight does not disqualify liquids for use in libations.

S The mishna continues: If the water in the barrel spilled or was exposed overnight, the water is disqualified. The Gemara asks: Why is the water disqualified? Let him pass it through a strainer, eliminating the poison. Let us say that the mishna is not in accordance with the opinion of Rabbi Neḥemya, as it was taught in a *baraita*: A vessel covered with a strainer is subject to the *halakha* of exposure^h if the vessel is left unsupervised. Rabbi Neḥemya said: When is this so? It is when the lower vessel, in which the liquid collects after passing through the strainer, is exposed. However, if the lower vessel is covered, even if the upper vessel is exposed, it is not subject to the *halakha* of exposure, because the poison of a snake^b is like a sponge in that it floats and stays in place.

The Gemara answers: Even if you say it is in accordance with the opinion of Rabbi Neḥemya, say that Rabbi Neḥemya said his opinion permitting strained water for a common person. However, did he actually say that strained water is permitted even to be sacrificed to God?ⁿ Even if it is possible to render this water potable, it is certainly not of the select quality that would render it eligible for use in the Temple service.^h Isn't Rabbi Neḥemya of the opinion that it is inappropriate to sacrifice on the altar any item that one would not give to someone of prominent stature? As it is stated: "And when you offer the blind for sacrifice, it is no evil; and when you offer the lame and sick, it is no evil. Present it now unto your governor; will he be pleased with you or will he accept your person, says the Lord of hosts" (Malachi 1:8).

HALAKHA

Consecration in Temple vessels – קדוש בכלי שרת – Temple vessels consecrate items placed in them only if one places the item in the vessel with the intent to consecrate it (Rambam *Sefer Korbanot, Hilkhhot Pesulei HaMukdashin* 3:20).

A vessel covered with a strainer is subject to the *halakha* of exposure – מסנת יש בו משום גילוי – It is prohibited to drink from a barrel that was left exposed, even if the water was subsequently strained, due to potential danger. Today, because snakes are not commonly found in residential areas, this *halakha* is not observed (Rambam *Sefer Nezikin, Hilkhhot Rotze'ah UShmirat Nefesh* 11:14).

Libation of wine that was exposed – נכך יין שנתגלה – Wine that was exposed is disqualified for use upon the altar. Since it is unfit for consumption, it is contemptuous to pour it as a libation in Temple service (Rambam *Sefer Avoda, Hilkhhot Issurei Mizbe'ah* 6:10).

NOTES

A decree lest they say – גזירה שמא יאמרו – Rabbi Yohanan is cited in the Jerusalem Talmud as saying that the primary reason for the decree is due to the appearance of transgression; however, his opinion is not explained further. It is possible to say that he holds in accordance with the opinion of Rabbi Yannai, or that of Hizkiya, or both together. However, fundamentally, there is no prohibition here. The prohibition is by decree due to the appearance of prohibition.

For a common person and to be sacrificed to God – להדיוט ולגבוה – In the Jerusalem Talmud proof is cited from another source that whatever is prohibited for a Jew is prohibited to be brought on the altar. Since it is prohibited to drink exposed wine and water, it is also prohibited to sacrifice them on the altar. Apparently, the Babylonian Talmud did not cite this explanation because exposed liquids are prohibited only due to the danger involved, and that danger is irrelevant with regard to the altar (see *Tiferet Yisrael* and *Emek Sukkot*). Another proof cited in the Jerusalem Talmud is from the juxtaposition in the verse written with regard to wine: "Which cheers God and men" (Judges 9:13). One may not sacrifice to God that which is unfit for human consumption.

BACKGROUND

The poison of a snake – ארס נחש – The density of snake poison is slightly greater than that of water and slightly less than that of wine. Therefore, it floats in wine and can be strained, while in water it sinks and may even dissolve. Snake venom can be secreted even if the snake does not bite into an object, which is why the Gemara mentions venom mixed into other liquids. Some snakes can even spit their venom from a distance.



Rattlesnake with dripping venom

מתני' החליל חמשה וששה, זהו החליל של בית השואבה שאינו דוחה לא את השבת ולא את יום טוב.

MISHNA The fluteⁿ is played on the festival of *Sukkot* for five or six days.^h This is the flute of the Place of the Drawing of the Water, whose playing overrides neither Shabbat nor the Festival.ⁿ Therefore, if the first Festival day occurred on Shabbat, they would play the flute for six days that year. However, if Shabbat coincided with one of the intermediate days of the Festival, they would play the flute for only five days.

HALAKHA

The flute is for five... days – החליל חמשה: There was great rejoicing for the Celebration of the Drawing of the Water from the Siloam pool, and the custom was to play musical instruments in the Temple. This rejoicing overrides neither Shabbat nor the Festivals, and therefore when Shabbat and the first day of *Sukkot* did not coincide there would be only five days of celebration, in accordance with the opinion of the Rabbis in their dispute with Rabbi Yosei bar Yehuda (Rambam *Sefer Zemanim, Hilkhot Shofar VeSukka VeLulav* 8:13).

NOTES

The flute – החליל: Although there were many other musical instruments in the Temple, the flute was the most significant one (Rambam's Commentary on the Mishna), either because its sound was heard above all others (Rabbi Ovadya Bartenura) or because it was the instrument with which the Levites began and concluded playing the melody that they played in the Temple (*Tiferet Yisrael*).

Whose playing overrides neither Shabbat nor the Festival – שאינו דוחה לא את השבת ולא את יום טוב: *Tosafot* raise the question: Since all playing of music is prohibited by rabbinic decree on Shabbat and the Festivals to enhance their character as days of rest, and those decrees were not in effect in the Temple, why was it prohibited to play the flute on *Sukkot*? They answer that only those matters that were actually part of the sacred service were permitted. The flute discussed here was played in the Celebration of the Drawing of the Water. Other commentaries, however, cite proof that even decrees that did not directly affect the Temple service were suspended in the Temple. Many early and later authorities distinguish between different types of decrees designed to enhance the character of Shabbat as a day of rest, concluding that some indeed apply even in the Temple. The Ritva explains that since musical instruments frequently need repair, their use is restricted even in the Temple unless they are an integral part of the service.



Ancient relief of a flute player

NOTES

It is a significant mitzva and it originated from the six days of Creation – **מִצְוַת חֲשׂוּבָה** היא וּבָאָה מִשֵּׁשֶׁת יְמֵי – בְּרֵאשִׁית: Rashi cites proof that the drain pipes were created during the six days of Creation, and they were later used for the water libation. The connection between the water libation and Creation seems to be based on the midrash that describes that the lower waters wept after being removed from the heavenly spheres on the second day of Creation. In an effort to console them, God promised that they would be elevated through the rite of the water libation (see Maharsha).

הַחֲלִיל דּוֹחָה אֶת הַשַּׁבָּת – The flute overrides Shabbat – Based on Rashi's commentary, apparently the dispute is specifically with regard to the flute, but it was certainly permitted to play the other musical instruments. A similar conclusion is reached in the Jerusalem Talmud, as other instruments are mentioned in the Bible (II Chronicles 29:25), but not the flute. Furthermore, although at times of rejoicing the verse does state: "The people were playing on flutes" (I Kings 1:40), that is not in the context of rejoicing in the Temple per se, but rather as part of the celebration of Solomon's coronation.

הַחֲלִיל דֵּי מֹשֶׁה – The flute of Moses – **אֲבֹבָא דְמֹשֶׁה**: It is related that in the Temple there remained one flute from the days of Moses that was crafted from a reed. In deference to the glory of the Temple, the Temple overseers sought to plate it with gold. However, once they did so, they discovered that the sound that the flute produced was no longer as pleasant, and they removed the gold plating. Therefore, there was one Temple vessel made completely of wood.

One derives the possible from the impossible – **דִּנְיָן אֶפְשָׁר** – **מִשְׁאֵי אֶפְשָׁר**: This problem appears several times in the Gemara. The issue is whether hermeneutic principles, e.g., *a fortiori* inferences, verbal analogies, etc., are completely logical constructs, or if their implementation is dependent on context. At times, the matter from which the *halakha* is being derived possesses unique characteristics to which the various *halakhot* that apply to that case can be attributed. The question is: Do those unique characteristics disqualify that *halakha* from serving as a paradigm for *halakhot* where these unique characteristics do not exist?

גַּמְ' אֵיתְמַר, רַב יְהוּדָה וְרַב עִינָא. חַד תֵּינִי: שׂוֹאֵבָה, וְחַד תֵּינִי: חֲשׂוּבָה. אָמַר מִרְּזוּטָא: מֵאֵן דְּתֵינִי שׂוֹאֵבָה לֹא מִשְׁתַּבֵּשׁ, וּמֵאֵן דְּתֵינִי חֲשׂוּבָה לֹא מִשְׁתַּבֵּשׁ. מֵאֵן דְּתֵינִי שׂוֹאֵבָה לֹא מִשְׁתַּבֵּשׁ – דְּכַתְּיב: "וּשְׂאֲבֹתֶם מִיַּם בְּשִׂשׂוֹן". וּמֵאֵן דְּתֵינִי חֲשׂוּבָה לֹא מִשְׁתַּבֵּשׁ – דְּאָמַר רַב נַחֲמָן: מִצְוַת חֲשׂוּבָה הִיא, וּבָאָה מִשֵּׁשֶׁת יְמֵי בְּרֵאשִׁית.

תֵּנוּ רַבְנֵי: הַחֲלִיל דּוֹחָה אֶת הַשַּׁבָּת, דְּבָרֵי רַבִּי יוֹסֵי בְּרֵי יְהוּדָה. וְחַכְמֵי אֹמְרִים: אִף יוֹם טוֹב אֵינּוּ דּוֹחָה. אָמַר רַב יוֹסֵף: מִחֲלֻקַּת בִּישׁוּי שְׁלֵ קָרְבָּן, דְּרַבִּי יוֹסֵי סָבַר: עֵיקַר שִׁירָה בְּכָלִי, וְעַבְדוּתָהּ הִיא, וְדוֹחָה אֶת הַשַּׁבָּת. וְרַבִּי סָבַר: עֵיקַר שִׁירָה בְּפֶה, וְלֹא עַבְדוּתָהּ הִיא, וְאֵינָה דּוֹחָה אֶת הַשַּׁבָּת. אָבַל שִׁיר שְׁלֵ שׂוֹאֵבָה – דְּבָרֵי הַבַּל שְׁמַחָה הִיא וְאֵינָה דּוֹחָה אֶת הַשַּׁבָּת.

אָמַר רַב יוֹסֵף: מִנָּא אָמִינָא דְּבִהָא פְּלִיגִי – דְּתֵינָא: כְּלֵי שִׁירָה שְׁעֵשְׂאָן שְׁלֵ עֵץ, רַבִּי פּוֹסֵל וְרַבִּי יוֹסֵי בְּרֵי יְהוּדָה מְכַשֵּׁיר. מֵאֵי לֹא בִּהָא קְמִיפְלִגִי: מֵאֵן דְּמְכַשֵּׁיר סָבַר: עֵיקַר שִׁירָה בְּכָלִי, וְיִלְפִינָן מֵאֲבֹבָא דְּמֹשֶׁה. וּמֵאֵן דְּפָסִיל, סָבַר: עֵיקַר שִׁירָה בְּפֶה, וְלֹא יִלְפִינָן מֵאֲבֹבָא דְּמֹשֶׁה.

לֹא, דְּכֹוִלִי עֲלֵמָא: עֵיקַר שִׁירָה בְּכָלִי, וְהָכָא בְּדִנְיָן אֶפְשָׁר מִשְׁאֵי אֶפְשָׁר קְמִיפְלִגִי. מֵאֵן דְּמְכַשֵּׁיר סָבַר: דִּנְיָן אֶפְשָׁר מִשְׁאֵי אֶפְשָׁר, וּמֵאֵן דְּפָסִיל סָבַר: לֹא דִּנְיָן אֶפְשָׁר מִשְׁאֵי אֶפְשָׁר.

GEMARA It was stated that Rav Yehuda and Rav Eina disagreed: One of them teaches that the celebration was called the Celebration of Drawing [*sho'eva*] and one of them teaches that it was called the significant [*hashuva*] celebration. Mar Zutra said: The one who taught *sho'eva* is not mistaken, and the one who taught *hashuva* is not mistaken. The one who taught *sho'eva* is not mistaken, as it is written: "And you shall draw [*ushavtem*] water with joy from the wells of salvation" (Isaiah 12:3), and its name reflects the fact that it is a celebration of the water libation. And the one who taught *hashuva* is not mistaken, as Rav Nahman said: It is a significant mitzva and it originated from the six days of Creation.^N

§ The Sages taught: The flute overrides Shabbat;^N this is the statement of Rabbi Yosei bar Yehuda. And the Rabbis say: It does not override even a Festival. Rav Yosef said: The dispute is with regard to the song that the Levites sang accompanying the daily offering. As Rabbi Yosei bar Yehuda holds that the primary essence of song is the accompaniment by musical instruments, and consequently these instruments are a component of the Temple service and override Shabbat. The Rabbis hold that the primary essence of song is singing with the mouth, and consequently the instruments are not a component of the service; they merely accompany the singing on occasion and therefore they do not override Shabbat. However, with regard to the song of the Drawing of the Water, everyone agrees that it is rejoicing and not a component of the Temple service; therefore it does not override Shabbat.

Rav Yosef said: From where do I say that they disagree about this matter? It is as it is taught in a *baraita*: With regard to Temple service vessels that one crafted of wood,^H Rabbi Yehuda HaNasi deems them unfit and Rabbi Yosei bar Yehuda deems them fit. What, is it not that they disagree with regard to this matter? The one who deems the wooden vessel unfit holds that the primary essence of song is accompaniment by musical instruments, and we derive that sacred vessels may be crafted of wood from the wooden flute of Moses,^N which according to this opinion was a service vessel. And the one who deems the wooden vessel unfit holds that the primary essence of song is singing with the mouth, and therefore we do not derive any *halakha* relevant to service vessels from the wooden flute of Moses, as according to this opinion it was not a service vessel. The Gemara rejects this explanation of the *baraita*.

No, that is not necessarily the matter that they dispute, as one could say that everyone agrees: The primary essence of song is singing accompanied by musical instruments. And here, it is with regard to whether one derives the possible from the impossible^N that they disagree. Can one establish a principle that applies in all cases based on a case with a unique aspect? The one who deems wooden service vessels fit holds that one derives the possible, i.e., Temple service vessels, from the impossible, i.e., the flute of Moses. Although there was no alternative to crafting the flute of Moses from wood, one may derive from this that sacred service vessels, even when the alternative to craft them from metal exists, may be crafted from wood. And the one who deems wooden service vessels unfit holds that one does not derive the possible from the impossible.

HALAKHA

כְּלֵי – From what material are Temple service vessels crafted – **הַמְקַדָּשׁ מִמֵּה נֶעֱשִׂים**: The candelabrum and its utensils, the Temple table and its utensils, the incense altar, and all other Temple vessels may be crafted only from metal. Bone, stone, or glass

utensils are unfit, in accordance with the opinion of Rabbi Yehuda HaNasi, as the *halakha* is ruled in his favor in disputes with all other individual Sages (Rambam *Sefer Avoda*, *Hilkhot Beit HaBeirah* 1:18).

ואיבעית אימא: דכולי עלמא דעיקר שירה בפה, ואין דגין אפשר משאי אפשר, והכא במילף מנורה בכללי ופרטי או ברבוי ומיעוטי קא מיפלגי. רבי דריש כללי ופרטי, רבי יוסי בר יהודה דריש ריבוי ומיעוטי.

And if you wish, say instead in rejection of Rav Yosef's proof that everyone agrees that the primary essence of song is singing with the mouth, and one does not derive the possible from the impossible. And here, it is with regard to deriving the *halakhot* of the Temple candelabrum by means of the hermeneutic principle of generalizations and details or by means of the principle of amplifications and restrictions that they disagree.^N Rabbi Yehuda HaNasi interprets verses by means of the principle of generalizations and details, and Rabbi Yosei bar Yehuda interprets verses by means of the principle of amplifications and restrictions.

רבי דריש כללי ופרטי: "ועשית מנורת" - פלל, "זהב טהור" - פרט, "מקשה תעשה המנורה" - חזר וכלל. כלל ופרט וכלל אי אתה דן אלא בעין הפרט, מה הפרט מפורש - של מתכת, אף כל של מתכת.

Rabbi Yehuda HaNasi interprets the verse "And you shall make a candelabrum of pure gold: of beaten work shall the candelabrum be made" (Exodus 25:31), by means of the principle of generalizations and details. "And you shall make a candelabrum of," is a generalization, as the material of the candelabrum is not specified; "pure gold," that is a detail, limiting the material exclusively to gold; "of beaten work shall the candelabrum be made," the verse then generalized again. The result is a generalization and a detail and a generalization, from which you may deduce that the verse is referring only to items that are similar to the detail; just as the detail is explicit that the candelabrum is crafted from gold, which is a metal, so too all other materials used in crafting the candelabrum must be of metal. The candelabrum is a prototype for all other Temple service vessels.

רבי יוסי בר יהודה דריש ריבוי ומיעוטי: "ועשית מנורת" - ריבה, "זהב טהור" - מיעט, "מקשה תעשה המנורה" - חזר וריבה. ריבה ומיעט וריבה ריבה הכל, מאי רבי - רבי כל מילי, מאי מיעט - מיעט של חרס.

Rabbi Yosei bar Yehuda, however, who deems wooden Temple service vessels unfit, interprets verses by means of the principle of amplifications and restrictions. "And you shall make a candelabrum of," is an amplification, as the material of the candelabrum is not specified; "pure gold," is a restriction, limiting the material exclusively to gold; "of beaten work shall the candelabrum be made," the verse repeated and amplified. The result is amplification and restriction and amplification, from which one derives to amplify all items except for those items most dissimilar to the restriction. What did the verse amplify? It amplified all materials, even wood. And what did the verse exclude with this restriction? It excluded a candelabrum crafted of earthenware.

אמר רב פפא:

Rav Pappa said: Rav Yosef stated that the dispute between Rabbi Yosei bar Yehuda and the Rabbis concerning whether or not the flute overrides Shabbat and Festivals is based on the significance and the role of song in the sacrifice of offerings.

NOTES

Generalization and detail, and amplification and restriction - פלל ופרט וריבוי ומיעוט - These two hermeneutical principles, associated with the schools of Rabbi Yishmael and Rabbi Akiva respectively, fundamentally disagree with regard to whether general statements are considered generalizations or whether they are considered amplifications; and with regard to whether specific statements are considered details or whether they are considered restrictions. The opinion that considers the general statements to be generalizations creates logical categories relating to the nature of the matter under discussion, and even more so based on the specific examples, i.e., the details, cited in that context.

In contrast, the opinion that considers the generalizations

to be amplifications and the specifics to be restrictions has its own logic. The generalization is an indication that this topic has universal applicability and the specific is an indication that there is a specific restriction to its applicability. Consequently, employing the methodology of amplification and restriction always results in a more inclusive conclusion than does the methodology of generalization and detail. In the latter methodology, the detail limits applicability of the generalization to one particular detail, while in the former methodology it indicates merely an exception to the general principle. Therefore, when implementing the methodology of amplification and restriction, the detail furthest removed from the generality is excluded, leaving the principle virtually intact.