HALAKHA

Flaying and cutting by a non-priest — רבי יהודה הכהן

From where is it derived that flaying and cutting may be performed by a non-priest? – רבי יהודה הכהן

The question is raised: Since the Torah does not specify anywhere that priests should perform these tasks, why would it need a special verse to teach that non-priests can perform them? Perhaps the Gemara feels that since only priests are involved with the sacrifice from the moment after the animal has been slaughtered, one might have thought that all actions from that point are restricted to them. This is why the Gemara cites a verse that shows that the priests’ role is limited to placing the fire (הכשף). The statement of the Gemara here is substantiated by explicit passages elsewhere in the Bible (see 1 Kings 22:36; 31:11), which state that during the times of Kings Heshaiyah and Josiah, these tasks were performed by Levites and not by priests (Rav Yisrael Emden).

Perek II

Daf 27 Amud a

The Gemara asks: But that verse about putting fire on the altar is needed for its own sake, to teach that the wood must be brought by a priest; it should not be interpreted as an inference that other services, such as flaying and cutting, may be performed by non-priests. Rav Shimi bar Ashi said: I found Abaye explaining Hizkia’s derivation to his son based on the following baraita. It is written: “And he shall slaughter the bull before the Lord” (Leviticus 1:5), with no mention of a priest, which teaches that slaughter by a non-priest is acceptable. The baraita continues: Now, from where would you come to think otherwise? Why would one even suspect that a priest should be required to slaughter the offering, so that a specific verse is required to tell us otherwise? From the fact that it is stated: “And you and your sons with you shall keep your priesthood” (Numbers 18:7), I would derive that no part of the sacrificial service may be performed by a non-priest, not even slaughtering.

The baraita continues: Therefore, the verse states: “And he shall slaughter the bull before the Lord, and the sons of Aaron shall sacrifice the blood” (Leviticus 1:3), from which it is inferred that from the sacrificing of blood, which begins with the collection of the blood, and onward is a mitzva exclusively of priesthood. Just prior to this the Torah states: “And he shall place his hands upon the head of the burnt-offering… and he shall slaughter the bull before the Lord” (Leviticus 1:4–5). In this verse the Torah is referring to the donor of the offering when it says: He shall place his hands, and therefore when it continues: And he shall slaughter, it is also referring to the donor. The Torah thereby taught that the slaughter of the offering is acceptable if performed by a non-priest.

Abaye asked: Since, as this baraita establishes, from the collection of the blood and onward is a mitzva exclusively of priesthood, why do I need the Torah to say afterward: “The sons of Aaron shall put fire on the altar” (Leviticus 1:7)? Since the verse about putting the fire on the altar follows the verse about collection of blood, it is clear that it must be done by priests, and the verse’s stipulation of this fact appears superfluous. This is why Hizkia concluded that the verse is not required for its own sake but is needed to teach the following inference: It is only the placing of fire on the altar that requires priests, to the exclusion of flaying and cutting up the animal, which may be performed by a non-priest.
The Gemara asks: But still, the verse about the placement of wood by priests is necessary for its own sake. As it might have entered your mind to say that since placing the wood is not a service that is indispensable for obtaining atonement, as atonement is achieved solely through the blood of the offering, it should not be required to be performed by priests. And one might have thought that the principle that all tasks from the collection of the blood and onward require a priest applies only to services relating to the blood. Therefore, the verse teaches us that nevertheless, priesthood is required. Consequently, it cannot be asserted that the verse is written for the purpose of excluding other services.

Rather, Hizkiya’s derivation must be rejected, and the acceptability of non-priests for flaying and cutting the animal must be learned from here: It is written: “And Aaron’s sons, the priests, shall lay out the pieces, the head and the fat” (Leviticus 1:8). Since, as the baraita above establishes, from the collection of the blood and onward is a mitzva exclusively of priesthood, why do I need the verse to specify: “And Aaron’s sons shall lay out the pieces”? Since the specification of priesthood here appears superfluous, one must conclude that it is written not for its own sake but to exclude flaying and cutting up the animal, to teach that those acts need not be performed by a priest.

The Gemara responds: On the contrary, one should say that it excludes something relevant to arrangement, i.e., the placement of the logs, which is similar to the laying of the pieces of the offering in that both pertain to the placement of an item on the altar. Perhaps, then, the verse is coming to convey the inference that the arrangement of the logs, unlike the arrangement of the pieces of the offering, may be performed by a non-priest.

The Gemara rejects this argument: It cannot enter your mind to say this, as the Master said: After mentioning the mitzva to collect the blood, the Torah states: “And the priest shall bring all of it near and burn it on the altar” (Leviticus 1:13), where bringing near is referring to carrying the limbs to the ramp. The specification of priesthood in this verse is not required for its own sake, since all services following the collection of blood require priesthood. Therefore, it must be that it comes to convey the inference that it is only carrying the limbs to the ramp that requires priesthood, but carrying wood to the altar does not require priesthood. This, in turn, implies that the actual arrangement of the two logs, which was not excluded, does require priesthood.

The Gemara returns to the derivation presented above, where the question was raised: Why do I need the words “and Aaron’s sons shall lay out the pieces”? The conclusion was that the specification of priesthood here comes to exclude flaying and cutting up the animal, to teach that these acts may be performed by a non-priest. The Gemara now rejects this derivation: But say that this verse too is necessary for its own sake, to teach the lesson that the Gemara will shortly derive from these words (Maharsha), and one can no longer assert that the verse comes solely for the purpose of conveying the inference that other, similar acts, i.e., flaying and cutting up the animal, do not require priesthood.
Rather, this derivation must be rejected as well, and another verse must be found from which to prove that non-priests may flay and cut up the animal. The Torah states: “And the priest shall burn all of it on the altar” (Leviticus 1:9). Since this is an act following the collection of the blood, the specification of priesthood is not needed for its own sake. Therefore, for what purpose does that verse come? It comes to exclude flaying and cutting up the animal, which may be performed by a non-priest.

The Gemara reviews the lessons taught by the other verses cited above. When the Torah writes: “The priest shall bring all of it near…the altar” (Leviticus 1:13), this is referring to carrying the limbs to the ramp, and the verse comes to exclude other, similar actions, teaching that although carrying the limbs to the ramp requires priesthood, carrying wood to the altar does not require priesthood. Therefore, it is derived from here as well that the arrangement of the two logs does require priesthood, as explained above. And when the Torah writes: “The sons of Aaron shall put fire on the altar” (Leviticus 1:7), this is necessary for its own sake, to teach that this service must be done by priests.

When the Torah states: “And the sons of Aaron, the priests, shall lay out the pieces, the head and the fat” (Leviticus 1:8), it comes to teach the following: “And they shall lay out,” through the use of the plural, teaches that it must be done by two priests, as the minimum number implied by a plural word is two. “The sons of Aaron,” also in plural, indicates an additional two; “the priests,” also in plural, indicates two more. We therefore learn from this verse that the sacrificial lamb requires six priests to carry its limbs to the altar: The flesh is taken by five priests, and the innards by one, as described in an earlier mishna.

Rav Hamnuna said that Rabbi Elazar posed a difficulty: This verse is written about a young bull, not a lamb, and a bull requires twenty-four priests. How, then, can this verse be used as the source that six priests are required to carry the limbs of a lamb? And he resolved the difficulty himself as follows: The same verse states: “On the wood that is on the fire upon the altar” (Leviticus 1:8), all of which apparently teaches nothing new about the sacrifice. Therefore, it is seen as an allusion to the daily offering, which was a lamb, as what is an item about which it is stated that specially prepared wood and fire on an altar must be provided, and that pre-existing wood and fire do not suffice?

On the wood that is on the fire upon the altar – Rav Elazar says that these words in the Torah are apparently superfluous, and for this reason they are seen as an allusion to the daily offering. In fact, however, all these words are expounded in the Gemara or other exegetical midrashim. One could answer that this Gemara follows the Jerusalem Talmud, in which a verbal analogy is employed between Leviticus 1:8 and Leviticus 1:12, where an identical phrase appears. One of the two uses of the phrase is extraneous, and it alludes to the daily offering (Beter Avraham).
A non-priest who sets up the arrangement of wood – אִם שְׁאֵל וְסֹדְרָהּ וְדִימוּתָּה – he should dismantle it and a priest must then rearrange it, since the service is invalid if performed by a non-priest (Rambam Sefer Avoda, Hilkhot HaMikdash 9:6). This is in accordance with the statement of Rabbi Yohanan. Although Rabbi Yohanan’s statement was rejected and revised because of Rabbi Zeira’s question, it seems that the Rambam believes that Rabbi Zeira’s objection was only with regard to the non-priest’s liability and not to the corrective measure he mentions (Kesef Mishneh).

He should dismantle it and then rearrange it – אִם שְׁאֵל וְדִימוּתָּה – and not to the corrective measure he mentions (fer Avoda, Hilkhot Biat HaMikdash 9:6). The Gemara’s statement here is valid even according to Rav, as even though he exonerates the non-priest for performing this service, he does not base his exonation on the fact that it is a nighttime service but on a different reason (Ritva). According to the Jerusalem Talmud it seems that Rabbi Yohanan agrees with Levi’s position that a non-priest is liable for removing the ashes. If so, this is certainly a valid challenge.

Removal of the ashes is considered the start of the daytime service – רַבִּי נַחֲוַי שָׁתַה בְּרֶמֶרֶרֶת – One could ask: If removal of the ashes is considered the start of the daytime service, then the arranging of the wood on the altar, which is performed after that, should certainly be considered a daytime service. Some commentaries answer that the act of removing the ashes has a fixed time and it does indeed serve as the start of the day’s service. On the other hand, there is no set time to arrange wood on the altar. In fact, in the event that the previous day’s wood is consumed in the middle of the night, new wood is placed there before the removal of the ashes for the purpose of burning the limbs and the fats (Ritva). Another approach argues that while removal of the ashes is performed at night, it holds a particular importance because it is the day’s opening service. In that sense it is like slaughtering, which, due to its importance, is assigned through a lottery, although it may be done by a non-priest. Arranging the wood has no such importance because it does not signify the start of a service (Rashash).

You must say that this is the lamb of the morning daily offering, concerning which the Torah commands that a new woodpile be prepared every day and that the altar must be lit anew each morning. Therefore, although the verse is ostensibly speaking of a bull, it also alludes to the lamb of the daily offering and to the fact that it should be brought by six priests.

Rabbi Asi said that Rabbi Yohanan said: A non-priest who set up the arrangement of wood on the altar is liable to receive the death penalty by God’s hand for having performed an act that is restricted to priests, and the woodpile that he placed is invalid. What should he do to repair the woodpile? He should dismantle it and then rearrange it. The Gemara is surprised at this: What good would this do for the woodpile? How would it help for the non-priest himself to rearrange the wood? It would be just as invalid as it was the first time. Rather, one must say that the non-priest should dismantle it, as there is nothing wrong with a non-priest dismantling the woodpile, and a priest then rearranges it.

Rabbi Zeira strongly objects to Rabbi Yohanan’s teaching: And do you have any service that is valid if performed at night and yet is invalid if performed by a non-priest? A bona fide Temple service must be performed during the day. That the wood on the altar may be arranged while it is still nighttime shows that it is not a bona fide service, and therefore it should be permitted for non-priests to perform it.

The Gemara expresses wonder at Rabbi Zeira’s equation of the two issues: And is there really no such thing as a service that may be performed at night but which is prohibited for a non-priest to perform? Isn’t there the burning of the limbs and the fats of offerings on the altar, which continues throughout the night, and yet it was taught earlier in this chapter that a non-priest who participates in that service incurs the death penalty? The Gemara rejects this objection: The burning of sacrificial limbs and fats, though it may be done at night, is not considered a nighttime service but the end of the daytime service, as it is merely the culmination of the sacrificial service that began during the day.

The Gemara asks further: But isn’t there the removal of the ashes from the altar, which may be performed at night, and yet may not be done by a non-priest? The Gemara rejects this too: The removal of ashes is also not considered a nighttime service but the start of the daytime service. And the proof for this is that Rabbi Asi said that Rabbi Yohanan said: If a priest has sanctified his hands at night by washing them for the removal of the ashes, the next day, i.e., after daybreak, he need not sanctify his hands again, as he already sanctified them at the start of the service. Rabbi Zeira’s equation between services performed at night and services that may be performed by non-priests therefore remains intact. If so, the objection that he raised to the opinion of Rabbi Yohanan remains difficult.
Rather, Rabbi Yohanan’s statement must be revised, and one must posit that when it was stated, this is how it was stated. Rabbi Asi said that Rabbi Yohanan said: A non-priest who arranges the two logs on the altar is liable to receive the death penalty by God’s hand, since it is a daytime service. Rava strongly objects to this: But if that is so, if arranging the two logs is a bona fide daytime service and is prohibited to non-priests on pain of death, it should require a lottery; and yet in practice this service is not assigned by a lottery. The Gemara comments that it must have escaped Rava’s mind that which is taught explicitly in a baraita: The priest who was privileged to perform the removal of the ashes was also privileged with setting up the arrangement of wood on the altar and with placing the two logs.

Another difficulty is raised with regard to Rava’s statement: Is that to say that a daytime service requires a lottery and, conversely, a nighttime service does not require a lottery? Isn’t there the burning of the limbs and the fats on the altar, which is done at night and yet is assigned through a lottery? The Gemara responds: That is not difficult, since the burning of the limbs and the fats is the end of the daytime service, as explained above. The Gemara asks: But isn’t there the removal of the ashes from the altar, which is a nighttime service and yet requires a lottery? The Gemara answers: Indeed, a lottery should not have been required for that service, but one was instituted due to the incident that occurred, when the priests came to danger, as related in the mishna.

The Gemara asks further: Is that to say that any service that is a daytime service and for which a non-priest would be liable to receive the death penalty requires a lottery, and, conversely, a daytime service for which a non-priest would not be liable to receive the death penalty does not require a lottery? But isn’t there the slaughtering of the daily offering, which may be performed by a non-priest and yet requires a lottery? The Gemara rejects this point: Slaughtering is different, because it is the beginning of the service of the daily offering and is therefore considered important enough to warrant a lottery.

The Gemara asks with regard to the revised version of Rabbi Yohanan’s statement: Mar Zutra, and some say Rav Ashi, said: But didn’t we learn that it is not so that arranging the logs must be done during the day, as it was taught in a mishna: The appointed priest said to them: Go out and see if the time for slaughtering has arrived. The mishna does not teach that the appointee said: Go and see if the time for arranging the two logs has arrived. This shows that the logs need not be placed after daybreak but may be arranged while it is still night.

The Gemara rejects this argument: The reason the mishna mentions slaughtering is that it prefers to teach this statement with regard to that which has no rectification if it is done at night, such as slaughtering the offering, which is rendered irreparably invalid if done before daybreak. It does not want to teach something that has rectification if done at night, such as arranging the two logs, which can always be removed and replaced properly. However, the proper time for arranging the logs is indeed daytime.

And some say a different version of Rabbi Zeira’s objection: Rabbi Zeira strongly objects to Rabbi Yohanan’s statement that a non-priest who arranged the woodpile incurs the death penalty: And do you have any service that is not complete on its own but is followed by a different service, such as the arrangement of the two logs, and yet is invalid and is punishable by death if performed by a non-priest? It was taught earlier in the chapter that a non-priest incurs the death penalty only for performing a service that is complete, i.e., a service that is not followed by other services that complete the task being performed.
The Gemara expresses wonder at Rabbi Zeira’s equation of these two issues: But isn’t there the burning of the limbs and the fats?" The Gemara answers: That is not difficult, because the burning of the limbs and the fats is the end of the daytime service. The Gemara asks further: But isn’t there the removal of the ashes? The Gemara rejects that argument: Removing the ashes is the start of the daytime service, as Rabbi Yohanan said: If a priest sanctified his hands in the night, he need not sanctify his hands again, as he already sanctified them at the start of the service. Rabbi Zeira’s equation between services that are incomplete by themselves and services for which a non-priest does not incur the death penalty therefore remains intact. If so, the question that he asked concerning Rabbi Yohanan’s statement remains difficult.

Rather, Rabbi Yohanan’s statement must be revised, and one must posit that when it was stated, this is how it was stated: Rabbi Asi said that Rabbi Yohanan said: A non-priest who arranges the two logs is liable to receive the death penalty, since it is a service that is complete, i.e., it is not followed and completed by a subsequent service. Although the burning of the logs upon the altar follows the placement of the logs, that is considered to be an independent act, not the completion of the service of placing the logs. This is because the placement of the logs is done while still night, while the burning of the limbs cannot be done until daybreak.

Rava strongly objects to this: However, if that is so, the service of placing the two logs should require a lottery. The Gemara expresses surprise at Rava’s comment: And doesn’t it require a lottery? Wasn’t it taught in a baraita: Whoever was privileged to perform the removal of the ashes is also privileged to perform the arrangement of the two logs? There was in fact a lottery for arranging the two logs.

Rather, this is what Rava actually said: If placing the logs is considered a complete service and is therefore a task important enough to warrant the death penalty for a non-priest who performs it, they should hold a separate lottery for it by itself. The Gemara asks: It is as we said\textsuperscript{4} at the beginning of the chapter, that the task of placing the logs was added to the lottery for the removal of ashes as an incentive for the priests to rise before dawn (Rabbeinu Hananel).

Based on Rava’s comments, the Gemara asks: Is that to say that any service that is a complete service and for which a non-priest would be liable to receive the death penalty requires a lottery, but if a non-priest would not be liable to receive the death penalty it would not require a lottery? But isn’t there slaughtering, which may be performed by non-priest and yet requires a lottery? The Gemara rejects this point: Slaughtering is different, because it is the beginning of the daytime service, which gives it added importance.

The Gemara asks further on Rava’s statement: Is that to say\textsuperscript{5} that a service that is complete requires a lottery, whereas a service which is followed by a subsequent service that completes it does not require a lottery? But isn’t there the burning of the limbs and the fats? The Gemara answers: That is not difficult because the burning of the limbs and the fats is the end of the daytime service. The Gemara asks: Isn’t there the removal of the ashes? The Gemara answers: A lottery was established for that service only due to the incident that occurred when the priests came to danger.

As we said – הקפקאיהו: According to the Maharsha, the word: Rather, should be added, so that the reading would be: Rather, it is as we have said, meaning that the Gemara is retracting the entire second version of Rabbi Zeira’s question and returning to the original version. However, others interpret the Gemara differently.

Is that to say – הקפקאיהו: Rashi deletes this entire passage as well, up to the phrase: Mar Zutra, and some say: Rav Ashi said, for the same reasons he deleted the passage mentioned in a previous note.

Sanctified his hands – י”א נ Hispan. After a priest immerses in a ritual bath and dons the priestly garments, he must wash his hands and feet, referred to here as sanctifying one’s hands.

The Gemara expresses wonder at Rabbi Zeira’s equation of these two issues: But isn’t there the burning of the limbs and the fats? The Gemara answers: That is not difficult, because the burning of the limbs and the fats is the end of the daytime service. The Gemara asks further: But isn’t there the removal of the ashes? The Gemara rejects that argument: Removing the ashes is the start of the daytime service, as Rabbi Yohanan said: If a priest sanctified his hands at night by washing them for the removal of the ashes, the next day, i.e., after daybreak, he need not sanctify his hands again, as he already sanctified them at the start of the service. Rabbi Zeira’s equation between services that are incomplete by themselves and services for which a non-priest does not incur the death penalty therefore remains intact. If so, the question that he asked concerning Rabbi Yohanan’s statement remains difficult.

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