

For those who stand outside

לאותן העומדים בחוץ –

OVERVIEW

The גמרא rejected s'ר' inferred proof (that איסור is אפשר ולא קמיכוין), since all we can infer from the statement of ר' שמעון בן פזי is that there is no מעילה but there is an איסור, only for those that are outside and for them it is אפשר, however for those who are inside and it is לא אפשר perhaps it is permitted. תוספות qualifies the איסור even for those who are בחוץ עומדים.

ליכא איסורא אלא שלא יקרבו עצמן לעזרה כדי להריח¹ יותר² -

The only איסור (for the עומדים בחוץ) is that they should not come closer to the עזרה in order to smell the aroma better, but there is no איסור even for the עומדים בחוץ to smell the ריח הקטורת from wherever they are standing. תוספות proves his point -

דהא אמרינן³ (יומא דף לט, ב) לא היתה כלה צריכה להתבשם בירושלים מפני⁴ ריח הקטורת⁵:

For the גמרא states; it was not necessary for a bride to perfume herself, on account of the aroma from the קטורת.

SUMMARY

The איסור (for the עומדים בחוץ) is to make an effort to derive the benefit (as in coming closer), but otherwise the benefit is not prohibited.

THINKING IT OVER

If not for the ruling of תוספות what would be the option; would people not be allowed to live in ירושלים because they are receiving benefit from the קטורת?!

¹ מהרש"א (see קול ומראה as well) mentions ריח, because his proof (shortly) is from ריח, but this rule applies to קול ומראה as well (see מהרש"א (הארוך דו"מ אות ע).

² In this case (even) אב"י would admit that it is איסור since it is אפשר וקמיכוין, for they have the option of not coming closer, however in their place it is considered לא אפשר which is permitted even though it is מיכוין.

³ The actual quote is; ריח הקטורת מריח קטורת כלה שבירושלים אינה צריכה להתקשט מריח קטורת; (נעשית מצותו), (since מעילה there is no לאחר שעלה תמרתו).

⁴ See מהרש"א that even according to the גמרא shortly that even according to the גמרא (in a case where יקרבו עצמן) איסור nevertheless there would still be an איסור.

⁵ It is evident that there is no איסור from deriving ריח benefit from הקדש, since no special effort is made to achieve that benefit.