

פרק שגיני – "פרק התערובות" Introduction to

Until here, the *מסכת* has focused on the proper procedure for each of the *קרבנות* and those actions and intents that may invalidate. This *פרק*, as seen from its cognomen, deals with the results of *תערובות* – mixture of valid and invalid *קרבנות*, mixture of *קדשים/חולין* and *תערובות* of other *איסור והיתר* 28.8.1

70b (משנה א') → 73a (ולא בטלי)

- I 'משנה א': mixture of *קדשים* with animals that are slated to die
- a *if*: *קדשים* got mixed with *חטאות מתות* or *שור הנסקל* – all must die – even if there are many *קדשים* and one "problem"
 - b *but if*: *קדשים* got mixed in with *זבחה*, we have each graze until it develops a *מום*, is redeemed
 - i *then*: the owner brings a *קרבן* from the same type, as of the value of the nicest (most expensive) one in the lot
 - ii *the list*:
 - 1 used for *עבירה* (may be a topic statement on list or refer specifically to bestiality)
 - 2 killed a person – but there's only one witness (or the owner admitted to it);
 - 3 *רובע ונרבע* – used for bestiality
 - 4 *מוקצה* (set aside for *זרה* or *עבודה זרה* (was worshipped)
 - 5 *מחיר (זונה)* or *מחיר (כלב)*
 - 6 *טריפה* (had a mortal wound) *כלאים* (a "hybrid" animal) and *יוצא דופן* (was born via "C" section)
 - c *and if*: the *קדשים* got mixed with *חולין* (without *מום*), sell them to people who need that type for *קרבן*
- II 'משנה ב': mixture of *קדשים* with other *קדשים*
- a *If*: *קדשים* got mixed with other *קדשים*
 - i *If*: they are both the same type of *קרבן* (e.g. *עולה* – but of different owners) – each should be brought for one donor
 - ii *But if*: they are of different types (i.e. same animal, different *קרבנות*)
 - 1 *Then*: they must be allowed to graze and each one is redeemed when it becomes permanently blemished
 - 2 *Then*: owner brings each of these *קרבנות* @ value of the greater of the two – the differential made up by him
 - 3 *If*: they get mixed in with *בכור* or *בהמה*, once redeemed, must be eaten as *בכור* (or *מעשר*)
 - (a) *Meaning*: can't be sold, weighed etc. per *בכורות ה:א*
 - iii *Note*: any *חטאות* could theoretically get mixed except for *חטאת* and *אשם*
 - 1 *Reason*: *אשם* is only a ram; the only sheep used for *חטאת* are ewes
- III Analysis:
- a *Challenge* (to 'משנה א'): already taught (*תמורה ו:א*) – anything that is *אסור למזבח* prohibits (a mixture) *בכל שהוא*
 - b *Answer*: that *משנה* only teaches that the mixture is *אסור למזבח* – not for personal use (for that, we'd assume *ברוב*)
 - i *And*: if we only had our *משנה*, we'd limit it to *איסורי הנאה* (i.e. *חטאות מתות* and *שור הנסקל*)
 - ii *Challenge*: our *משנה* also teaches *זבחה* (e.g. *אתנן*)
 - 1 *Answer*: but in that part of the *משנה*, no *שעור* is given – *כל שהוא* is only stated in *תמורה ו:א*
 - 2 *Challenge*: why not learn *תמורה* only – no need for (that part of) our *משנה*
 - (a) *Answer*: our *משנה* needed for the solution (let it graze etc.)
 - iii *Challenge*: the *איסור תערובות* affecting mundane use is also taught elsewhere (*ע"ז ה:ט*)
 - 1 *Justification*: if we only had *משנה ע"ז*, we would have assumed that *איסור בכ"ש* only applies to mundane
 - (a) *But*: for *קדשים*, we don't want to lose them all – allow *ברוב*
 - 2 *And*: if we only had our *משנה*, we'd have assumed that *איסור כ"ש* applies only to *קדשים* – due to sanctity
 - (a) *But*: that doesn't apply to *חולין* and they should be *בטל ברוב*
 - (b) *Question*: why, indeed, aren't the animals that are *אסור בהנאה* – why aren't they *ברוב*?
 - (i) *If*: suggest that it is because they are significant and sometimes sold by count
 1. *Then*: that is only valid argument for *ר"ל*, who says that *ר"מ*'s ruling (*ע"ז ג:ו*) is anything that is sometimes sold by count (*כל שדרכו לימנות*) is never *בטל* (re: *ע"ז ה:א* or *הכרם*)
 2. *But*: according to *ר' יוחנן*, who reads that that ruling is limited to *א"ת שדרכו לימנות* (*always* sold by count) – doesn't answer *בהמה*, which is sometimes sold as a group (flock)
 - (c) *Answer (ר"פ)*: our *תנא* is the *תנא* of "ליטרא קציעות", who rules that anything that is sometimes sold by count – even if an *איסור דרבנן* – is never *בטל* – certainly if it is an *איסור דאורייתא*
 - (i) *Case*: if he pressed a *ליטרא* of dried figs in a press or hive or barrel and forgot which press etc.
 1. *ר"מ* holds that *ר"א* allows *ביטול* within press; *ר' יהושע* demands 100 times as many presses
 2. *ר' יהודה* holds that *ר"א* demands 100 times as many presses; *ר' יהושע* doesn't allow for *ביטול* at all
 - (d) *Answer (ר' אשי)*: can't compare *בהמות* to *פירות* etc. – *בהמות* are independently significant and not *בטל*