

28.8.7; 79b (משנה ח) → 81b (מסקנא בכוסות פליגי)

1. אך בכור שור או בכור קטב או בכור עז לא תפדה קדש הם את דמים תזרק על המזבח ואת חלבם תקטיר אשה לריח ניחח לה: במדבר יח:ז  
 2. ויצא אל אשר לפני ה' וכפר עליו ולקח מדם הפר ומדם השעיר ונתן על קרנות המזבח סביב: ויקרא טז:ח  
 3. ושחט את בן הבקר לפני ה' והקריבו בני אהרן הכהנים את הדם וזרקו את הדם על המזבח סביב אשר פתח אהל מועד: ויקרא א:ה  
 4. אך בכור אשר יבכר לה' בבהמה לא יקדיש איש אתו אם שור אם אשה לה' הוא: ויקרא כז:כ

- I 'משנה ח: mixture of דם with invalid דם at different stages  
 a if: they mixed as one group – all spilt into אמה  
 b but if: each remained in its own כוס but the כוסות got mixed –  
 i ז"א if one כוס was offered (used for זריקה), all may be used  
 1 note (ר' אלעזר): ר"א only allowed using 2 at a time (per above, with heads)  
 (a) challenge: חכמים (next line) stress “even if only 1 were left” (ר"א should agree are “out”) (a: “1” → “1 pair”)  
 ii אמה even if all (but one) were offered, the remainder should be spilt into the אמה  
 1 justification (of dispute חכמים/ר"א in re כוסות as well as “heads”)  
 (a) if: we were only taught about “heads”, סד"א that ר"א permits since the כפרה was already accomplished  
 (b) and if: we were only taught חכמים סד"א, כוסות ר"א that חכמים would agree to allow - צריכי
- II 'משנה ט: mixture of valid דמים – some belong “up” and some belong “below”  
 a ז"א put all above, imagine דם of the “למטה” as if it were water, then perform מתנות below  
 b חכמים all spilt out into אמה  
 i however: if the כהן didn't ask and performed מתנות per ר"א's outline - כשר
- III 'משנה י: mixture of valid דמים -1/1, 4/4/ and ¼  
 a if: 1/1 (e.g. מעשר with בכור) – perform one מתנה  
 b if: 4/4 (e.g. שלמים with עולה) – perform 4  
 c but if: 4/1 (e.g. מעשר with עולה):  
 i ז"א perform 4  
 ii ד' יהושע perform 1  
 1 arguments:  
 (a) ז"א performing 1 is a violation of תגרע  
 (b) ז"י performing 4 is a violation of תוסיף  
 (i) ז"א לא תוסיף is only considered if the object is on its own (not part of a תערובת)  
 (ii) ז"י לא תגרע is only a violation if the object is by itself (not part of a תערובת)  
 1. further: by doing 4, the violation is active (מעשה בידים); prefer “passive” violation (שב ואל תעשה)
- IV backdoor סוגיא – re: mixing of liquids  
 a פרה ט: if a vial of מי חטאת had water fall in  
 i ז"א perform 2 הזאות and the recipient is טהור  
 ii חכמים invalid for use  
 1 analysis:  
 (a) understood: חכמים –maintain יש בילה הזאה (liquids mix); הזאה requires a שעור and הזאות cannot be combined  
 (b) but: ז"א's position is difficult  
 (i) he must maintain: יש בילה, else how would 2 הזאות help? perhaps both are water  
 (ii) and he must hold: הזאה requires a minimum שעור, else no need for 2  
 (iii) and he must hold: הזאות can be combined, else how does the 2<sup>nd</sup> help  
 1. challenge: even if they can combine, perhaps he got mainly water (and was short of the שעור)  
 2. answer1 (ר"ל): case was 1 to 1 ratio (2 הזאות would be exactly 1 הזאה of מי חטאת)  
 3. answer2 (רבא): he really holds שעור אין, this is a קנס דרבנן to ensure that no one mixes מים in מי חטאת  
 4. answer3 (ר' אשי): he holds בילה אין, and must do a second in case the 1<sup>st</sup> was the (כל של) water  
 a. challenge (to ר"ל, that ר"א holds there is a הזאה (שעור רבי) claimed that according to ר"א, הזאה has no שעור → if ½ is פסול, still valid  
 b. furthermore: ברייתא (expanding on our משנה) reports that ר"א ruled that if upper and lower דמים get mixed, put above and the lower ones count  
 i. but: if he holds בילה אין, perhaps the ones put below were עליונים and vice-versa  
 ii. defense: case - mainly עליונים, and he puts the amount of תחתונים plus a bit above  
 iii. however: it states “תחתונים עלו לו”  
 iv. answer: they count – for שריים

- c. *challenge*: if he put the mix below (w/o asking), ר"א rules that he should then put above and the lower ones count
- i. *as above*: it was mainly עליונים and he put the amount of תחתונים above
  - ii. *and*: עלו לו – שיריים
- d. *challenge*: if he put the mix above (w/o asking), all agree that he should then put the mix below and both count
- i. *again*: the case where a majority were עליונים and he put the amount of תחתונים above
  - ii. *challenge*: it states אלו ואלו עלו לו – we assume ר"א concurs
  - iii. *rejection*: this clause works for רבנן – בילה who accept
- e. *challenge*: our משנה – if מתן א' gets mixed with מתן א' – put once on מזבח
- i. *but if*: אין בילה, perhaps he only gave from one
  - ii. *answer*: there was exactly שיעור of one מתנה of each
- f. *challenge*: our משנה – if מתן ד' gets mixed with מתן ד' – put four on מזבח
- i. *answer*: שיעור of 4 was mixed with שיעור of 4
- g. *challenge*: if 4 get mixed with 1 (dispute ר"א/ר"י)
- i. *and here*: we cannot argue that there was only the amount of one מתנה
  - ii. *reason*: ר' יהושע couldn't argue for בל תוסיף – there's no "overuse" here
5. *rather* (ר"ב): dispute is not about בילה, they only disagree when the כוסות get mixed up
- a. ר"א employs "רואיין"
  - b. ר"י don't accept "רואיין" חכמים
6. *challenge*: they do disagree about בלול, per יהודה's report:
- a. *they agree*: in case of דם mixed with עולה – offer it
  - b. *they agree*: in case of נרבע – don't offer
  - c. *disagree*: about דם תמימה mixed with דם בע"מ – ר"א argues that even בלול should be brought, בלול חכמים disallow in both cases (→ they disagree about בלול)
  - i. *answer*: ר' יהודה understands the dispute that way; רבנן – only disagree re: כוסות
- V Analysis of משנה ט' – dispute חכמים/ר"א about mixture of עליונים ותחתונים
- a. *אבי*: dispute only when neither חטאת nor עולה have yet been offered
- i. *but*: if the חטאת only has שיריים to spill and the עולה has yet to be offered – all agree (below)
  - ii. *reason*: the locus of the עולה דם (below) is the same as the locus for שיריים
    - 1 *challenge* (ר"ב יוסף): ר"ב ruled that שיריים require a "roof" (i.e. the top of the יסוד, not the wall of the מזבח)
    - 2 *note*: this dispute is replicated in ר"ל; א"י (ר"י שמעון): אבי: אלעזר, אבי: יוחנן/ר' יוחנן/אלעזר, אבי: יוחנן/ר' יוחנן/אלעזר
  - iii. *support* (as challenge to יוחנן): v. 1 קדש הם → if דם בכור got mixed with עולה דם, offer together
    - 1 *assumption*: reference is סוף עולה with דם בכור → מקום שיריים=מקום עולה
    - 2 *rejection*: reference is תחילת עולה with דם בכור → עולין do not nullify each other
      - (a) *challenge*: that is inferred from v. 2
        - (i) *defense*: it is a dispute among תנאים; some derive from v. 1, others from v. 2
  - iv. *challenge* (ר"ב): it is inferred from v. 3, which expands on דם, דם to include any תחתונים דמים that mix
    - 1 *assumption/rejection*: as above → עולין do not nullify each other
    - 2 *therefore*: there are three possible derivation; vv. 1, 2 or 3
      - (a) *refusal to use verse 2*: they hold that דם isn't mixed until after מתן קרנות בפנים
      - (b) *refusal to use verse 3*: they don't accept significance of "דם", "דם"
      - (c) *refusal to use verse 1*: they understand קדש הם as blocking out בכור תמורת (not offered)
        - (i) *defense*: that is inferred from v. 4 – it is offered, not its "replacement" (תמורה)
  - v. *support* (for אבי): ruling that if up/down got mixed and he placed above (w/o asking), all agree that he should then place below and both "count"
    - 1 *assumption*: mixture is חטאת/עולה, once he placed up, all that remains of חטאת is שיריים → שיריים מקום עולה
    - 2 *rejection*: in א"י, they referenced this ruling to a case of חטאת חיצונה mixed with חטאת פנימית (both שיריים)
      - (a) *challenge* (אבי): why not make it חטאת חיצונה with חטאת חיצונה?
      - (b) *perhaps*: it teaches that even according to מ"ד that שיריים חטאת פנימית מעכבין, if some are missing – כשר
        - (i) *challenge*: we already understood that that ruling was a case of רוב עליונים and he put the amount of תחתונים plus a bit above (so there was assuredly some עליונים placed there)
        - (ii) *answer* (ר"ב): that was according to approach that the dispute was about בילה
        - (iii) *but*: since we established that all agree that אין בילה, the dispute is only about a mixture of כוסות, not כוס דם in one כוס