29.4.10

47b (מחשבה דמינכרא לא פסל רחמנא)  $\rightarrow 49a$  (ת"ר שחט שני כבשים על ארבע חלות)

ז. צו אָת אַהַרוָ וָאָת בַּנִיו לָאמר **זאת תּוֹרָת הָעלָה** הָוֹא הַעלָה עַל מוֹקְדָה עַל הַמְזָבֶּח כָּל הַלֹּיְלָה עַד הַבֹּקַר וָאָש הַמְזָבֶּח תּוֹקָד בּוֹ*:ייִקראוֹ, ב*ּ

- I ברייתא: if he slaughtered 2 כבשים for 4 loaves (2 too many); pull out two and lift them and the other 2 are redeemed & eaten
  - a students (to ת"ח): must follow רבי סז; if redeemed inside, חולין בעזרה, if outside "proper" 2 are invalid as יוצא
    - i deflection: could be רבי, redeemed inside and they become חולין ipso facto (no violation)
  - b follow up (רבינא לרב אשי): alternate ברייתא redeemed outside, certainly follows only
  - c observation (לד' אשי): this ruling stands against ר' יוחנן who ruled (contra חזקיה) that if he designates 80 loaves for תודה:
    - i קדוש: 40 of the 80 are קדוש
    - ii '*ר"י*: none are קודש
  - d rejection: ד' זירא determined that that dispute is only if he didn't specify "40/80", in which case all agree that 40 are
    - i here too: he stated that 2 of the 4 loaves are קדוש
- II discussion between ר' חנינא טירתא and ר' יוחנן
  - a מידה"ד שלא לשמן for the 2 loaves, pull out 2, do זרה"ד שלא לשמן to allow other 2 to also be brought
    - i אין אומרים עמוד וחטא בשביל שתזכה) קרבן: we don't permit sinning to save a ד"י.
      - as fuel); אברי חטאת get mixed with הכמים ,put all on top (imagine בשר חטאת as fuel) חכמים as fuel) all disposed
        - (a) and: why don't חכמים allow "sinning" (putting מזבח on מזבח (מזבח to allow him to offer up עולה
        - (b) block(v''''): that is sinning with one offering to save another; in our case, it is all one offering
      - 2 2<sup>nd</sup> challenge: if זרה"ד were נשחטו שלא לשמן or before/after זמן, we do זרה"ד and it may be eaten
        - (a) but: if it is on שבת, we do not permit (if he did זרה"ד, meat may be eaten after שבת,
        - (b) block: we don't permit sinning on חול (eating later) but we do permit for that same day
      - 3 3<sup>rd</sup> challenge (opposite proving that we do allow *עמוד וחטא* for other benefit): barrel of תרומה that that breaks at upper ג and lower and lower א וה"י, חולין טמאין agree that whatever he can save בייעית he should; if less than בטהרה he saved:
        - (a) א"ז. let it go down and become טמא, as long as he isn't מטמא ביד
        - (b) מטמא with his own hands
        - (c) block: that wine is going to become טמא in any case let him save whatever little amount he can
- III שלמי צבור i: ברייתא 'שרמי were slaughtered, שלא לשמן, invalid and they are allowed to "rot" and are burnt
  - a explanation (ר"נ): he compares פסולין  $\rightarrow$  חטאת to שלמי שלמי
  - b but: תנא from בית לוי compares שלמי נדבה to שלמי נדבה rules כשרים
    - i *per*: שלמי נזיר that slaughtered שלמי, valid (but don't count for owners)
      - 1 and: are eaten for 1 day and night, no bread is brought nor is the נהנים given to כהנים
  - c challenge: if an אשם is to be a yearling and he brought a two-year old or vice-versa, invalid and burnt (עיבור צורה)
    - i but: an עולת נזיר, יולדת ומצורע that is 2-years old are valid
    - ii rule: anything which is valid as an עולת מובה is valid as an עולת חובה; anything invalid as חטאת is invalid as אשם
      - 1 except: שלא לשמו (valid as אשם, not חטאת)
      - 2 inotherwords: we infer קרבנות קרבנות from their נדבה-parallels
      - 3 answer: this follows בית לוי
  - d challenge: אשם נזיר ומצורע slaughtered שלא לשמן valid but don't count,
    - $i \;\;\;\; but$ : if slaughtered (מחוסר זמן and or if they were 2-year-olds, invalid
    - ii explanation: should infer (validity) from שלמים
      - שלמים answer: we infer שלמים from שלמים (for שלמי צבור), not אשם from שלמים
      - 2 challenge: if we infer אשם מאשם, infer אשם מאשם and validate "wrong age" from others (e.g. אשם גזלות)
    - iii defense: we infer something done improperly (שלמים שלא לשמן) from another done improperly (שלמי נדבה)
      - 1 but not: something done improperly (e.g. אשם נזיר that is 2 years old) from something done properly
    - iv challenge: we do infer something done improperly from that done properly in allowing אינצא to stay up from במה
      - 1 answer: that is an expansive לימוד from זאת תורת העולה (v. 1)

- IV שלמי צבור re: שלמי צבור slaughtered with understanding that they are rams, not lambs
  - a דבב״ת valid, but don't count
  - b זב. valid and count
    - i אילים we should validate ב"s position if he thought them to be אילים but intended כבשים (which is what they are)
      - 1 but not: if he thought them to be rams and intended rams this is עקירה שקירה which is עקירה עקירה (errant thought)
      - 2 עקירה unintentional עקירה is not an ידבה (still valid)
    - ii מפגל we challenge from ruling that כהנים who are מפגל are only liable if they did so דבאיד.
      - 1 and: we infer that if they did so ביגול, they are exempt (for torts) but it is a valid פיגול
        - (a) cannot mean: that he knew it to be a חטאת and stated מזיד that is מזיד
        - (b) rather: must be a case where he thought it to be שלמים and stated so → עקירה א עקירה (contra בר) (contra כרב מצוח א עקירה בטעות
      - 2 "אב" (rejects the "cannot mean" assumption) he knew it was a מלמים and intended שלמים
        - (a) שונג. is that he didn't know it was מחשב בקדשים to be מחשב בקדשים
    - iii challenge (tc מרות): from ר"ש's distinction between מנחות/זבחים, allowing מנחות that were נקמצו שלא לשמן
      - 1 reasoning: the process of each is different and that helps determine the intent, unlike זבחים which are the same
      - 2 cannot be a case where: he intended מחבת but it was a מרחשת and he knew that his intent should invalidate
        - (a) reason: it is intentional עקירה and should be invalid
        - (b) must be: a case where he thought it was מרחשת and he was with that intent
          - (i) and: were it not for עקירה it would be invalid → עקירה בטעות is an עקירה מעות יוא is an עקירה
      - 3 defense: original assumption is wrong; he knew it was מרחשת and intended מרחשת
        - (a) and: to challenge that this should certainly invalidate as it is intentional עקירה
        - (b) answer: per מחשבות only "unrecognizable" מחשבות are invalid; here, the process defines the purpose