

33b (משנה ד) → 34a (סיום המסכת)

1. וַגֵּלַח הַחֲזִיר פֶּתַח אֹהֶל מוֹעֵד אֶת רֹאשׁ קֶזֶר וַלְקַח אֶת שֵׁעַר רֹאשׁ קֶזֶר וַיִּתֵּן עַל הָאֵשׁ אֲשֶׁר תַּחַת זְבוּחַ הַשְּׁלָמִים: **מַדְבָּר** ו', יח
2. וּלְבַשׁ הַכֹּהֵן מִדּוּ בַד וּמִכְנָסִי בַד לְבַשׁ עַל בָּשָׂרוֹ וְהָרִים אֶת הַדָּשָׁן אֲשֶׁר תֹּאכַל הָאֵשׁ אֶת הָעֵלָה עַל הַמִּזְבֵּחַ וּשְׂמוֹ אֵצֶל הַמִּזְבֵּחַ: **ויקרא** ו', יג

- I **ד** משנה: those sancta which, when no longer usable, must be buried
- a **Miscarriage**: if **מוקדשת** miscarried or just had the amniotic sac – must be buried
- b **הנאה איסורי הנאה**: a **הנסקל**, **שור ערופה**, **עגלה מצורע**-birds, **נזיר**-hair, **first-born donkey** (that wasn't redeemed → broken neck), **עזרה** that were slaughtered in the **עזרה** **בשר בחלב** that were slaughtered in the **עזרה** are burned
- i **שור חולין** **ל"ש** – or **חיה** – that were slaughtered in the **עזרה** are burned
- 1 **Discussion re פטר חמור ושער נזיר** **טבי** brought challenge from **ג:** **ערלה**:
- (a) **Hair**: of a **פטר חמור** or a **נזיר**, woven into sackcloth - the whole garment must be burned
- (b) **נזיר טהור** **ג:** **ערלה** is re **טהור** (v. 1 doesn't apply); **נזיר טמא** **משנה** **ל"ג**: our **משנה** is discussing **נזיר טמא** (v. 1 doesn't apply); **נזיר טהור** (v. 1)
- (i) **Challenge** (**טבי**): that only solves **נזיר** v. **נזיר**; what about **פטר חמור** vs. **פטר חמור**?
- (ii) **Answer**: per **ששת** **ר'** – our **משנה** is talking about **פטר חמור** **שער פטר חמור** as is; **ערלה** **ג:** – in a garment (**שריפה**)
- (iii) **Support**: from **מימרא** of **יבסי בר חנינא** and **ר"א**
1. **Question** (**ל"ג ל"ש**): why isn't the hair **בטל** in the garment?
2. **Answer** (**ל"ג**): if he used it to make a design – exclusively from the hair
- a. **Question**: why not rip out the design?
- b. **Answer**: follows **יהודה** **ר'** (in our **משנה**) – he may be **מחמיר** and burn **נקברים**
- c. **Challenge**: because of a question as to why he doesn't rip it out, you set **משנה** per **יהודה** **ר'**?
- d. **Answer**: indeed, if it is possible to rip it out – do so; if not, rely on **ר"י** that he may burn **נקברים**
- II **ה** משנה: those sancta which, when no longer usable, must be burned
- a **הנאה איסורי הנאה** **חמץ** **פסח** on **חמץ** (per **יהודה** **בא** **ר'** in **פסחים** **בא** **ר'**), **תרומה** **טמאה**, **ערלה** and **כלאי הכרם** – that which can be burned (i.e. food) is burned, that which cannot be burned (i.e. liquids) is buried
- b **We may**: use bread and oil of **תרומה** (which became **טמא**) as fuel for fire
- III **ו** משנה: other קדשים which are “wrong” and are burned
- a **פגול**: whether slaughtered with intent for **זמן** or **פגול** **חוק למקומן** (פגול) – burned
- b **Clarified ספק**: if he was liable for **אשם תלוי**, it was slaughtered and then he found out that he hadn't violated – **נשרף**
- c **Clarified ספק**: if a **יולדת** brought a **חטאת העוף** for a **ספק וולד** (early term miscarriage) and found out – after **מליקה** – that she wasn't liable – **נשרף**
- i **יהודה** **ד'**: it goes straight to the **אמה** (pulled apart limb by limb and down to **קדרין**)
- d **General rule**: any of those that are to be burnt may not be buried and vice-versa
- i **Reason**: the ashes of **נקברים** are prohibited; ashes of **נשרפין** are permitted for use
- 1 **Challenge**(to **נקברים**): **ברייתא** – **דם** or **בשר המת** that became hardened and broke apart are **טהורין**
- (a) **Assumption**: **טהורין** means also permitted (**בהנאה**)
- (b) **Rejection**: **טהורין** – but still **בהנאה**
- 2 **Challenge**: **אח** – once **עולת העוף** has its blood out – **מעילה** no longer applies to feathers and esophagus
- (a) **Assumption**: and they may be used
- (b) **Rejection**: no **מעילה** – but still may not be used
- 3 **Challenge** (to **נשרפין**): ashes of all **נשרפין** are **מותר** except for **אשירה** and **קדש**
- (a) **Note**: **אשירה** and **קדש** presented separately, as **אשירה** has **ביטול** (**ע"י** **גוי**) whereas **קדש** does not
- (b) **In any case**: **קדש** is presented as **אסור**
- (i) **Answer 1** (**ר"ב**): if a fire broke out; no one on whom to “pin” **מעילה** → can't go out **חולין**
- (ii) **Answer 2** (**ר' שמעיה**): referent is **תרומת הדשן**, which, per v. 2, cannot be spread out (maintains **איסור**)
- e **יהודה** **ד'**: he may be stringent and burn a **נקבר**
- f **חכמים**: he may not change the prescribed “end” of any of these

ל"א יה"ר מלפניך יא"א שייבנה בית המקדש במהרה בימינו ושם נעבדך ביראה כימי עולם וכשנים קדמוניות