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Shevuos Daf 12

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***The Court’s Stipulation***

*(and therefore the court stipulated that its sanctity is conditional).*

The Gemora asks: Who are the Rabbis that argue with Rabbi Shimon? [Rabbi Yochanan had stated that the Rabbis hold that the daily offerings (those purchased with the half-shekel contributions from this year) which were not necessary for the community (for extra lambs were bought just in case the others had a blemish) can be redeemed even they are unblemished. This was based on the mind of the court which stipulated that this could be done.]

It must be the Rabbis of our Mishna who responded to Rabbi Shimon (by saying that since they (the various goats that are offered throughout the year) do not atone for the same things (and were not designated for the same sins), one cannot take the place of the other).

You cannot say that it is the Rabbis’ of ketores (the following was the procedure for the remainder of the incense in order to make it usable for the next year: the wages of the workmen (who prepared the incense) were allocated (from the half-shekels in the Temple treasury; and the money was deconsecrated when it was given to them), and the extra incense was deconsecrated by exchanging it for the worker’s money, and (the extra incense was) given to the workmen as their wages, and was then re-purchased (from them) with the new donations and now could be used for the next year), for the ketores is different, as there is no possibility of “being left to graze” (until a blemish is developed; and that is why the court allows such a stipulation – for there is no choice; animals, on the other hand, could be left to graze, and perhaps we do not allow them to be redeemed without a blemish).

[The Gemora rejects this argument, but first explains it.] How do you know that the Tanna of our Mishna is Rabbi Yehudah, and this is what he was saying: According to me, that I hold that the court can stipulate regarding the sanctity of the goats, it is understandable why a goat designated for one time can be offered a different time (even though they do not atone for the same things); but according to you (who holds that they do not atone for the same things), and the court is not empowered to make such a stipulation, why can one goat be offered in place of the other? [Evidently, Rabbi Yehudah holds that the court does make such stipulations.]

You cannot say that it is the Rabbis’ of the red heifer (who maintain that it can be redeemed even without a blemish), for perhaps the red heifer is different, as it is very expensive

The Gemora concludes its challenge: Perhaps the Tanna of our Mishna is Rabbi Meir, and this is what he was saying: According to me, that I hold that all the goats atone for the same sins, it is understandable why a goat designated for one time can take the place of another; but according to you (who holds that they do not atone for the same things), why can one goat be offered in place of the other?

Rather, the Gemora concludes that Rabbi Yochanan had it from a tradition that the (extra) daily offering cannot be



redeemed when they are unblemished according to Rabbi Shimon, but according to the *Chachamim*, however, they can be redeemed. (11b – 12a)

### **Surplus Offerings**

The *Gemora* asks: According to Rabbi Shimon that does not hold of the court's stipulation, what can be done for the extra daily offerings (*so that they can be used as a korban*)?

Rabbi Yitzchak answered in the name of Rabbi Yochanan: They are offered as surplus *olah* sacrifices upon the Altar (*when the Altar was idle*).

Rabbi Shmuel the son of Rav Yitzchak said: Rabbi Shimon admits, however, that the goats designated for a *chatas* offering (*that were lost, and were found in the following year*) cannot themselves be offered as surplus *olah* sacrifices upon the Altar (*for they were purchased with the previous year's collection*), but (*they should be left out to graze, and when they develop a blemish they can be redeemed, and*) the proceeds are used for surplus *olah* sacrifices upon the Altar. Here (*in the case of the extra daily offerings, they can be used the following year*), they were originally intended for an *olah* offering, and it is now being sacrificed as an *olah* offering; but there (*in the case of the chatas*), it was originally intended for a *chatas*, and now it will be sacrificed as an *olah* offering; it therefore cannot be offered up itself as an *olah*, because the Rabbis imposed a decree against it even after atonement was achieved with a different *chatas*, as a preventive measure against doing so in a case before atonement was achieved with another (*for in such a case, the Biblical law does not allow it to be offered as an olah*).

Abaye provides support for this from the following *braisa*: If a bull and goat designated as Yom Kippur sacrifices became lost and others had been designated and offered instead of them, or if a goat designated as a *korban* to atone for communal idolatry got lost and another was designated and

offered instead of it, the original animals must be left to die (*as this is a halachah l'Moshe mi'Sinai concerning a korban chatas*). These are the words of Rabbi Yehudah. Rabbi Elozar and Rabbi Shimon say: They should be set out to graze until they develop a blemish, and they should then be sold, with the proceeds used for voluntary communal offerings. This is because a communal *chatas* is not left to die. Now, why doesn't Rabbi Shimon say that they can be offered as an *olah* (*surplus olah sacrifices*)? It must be that the Rabbis imposed a decree against it even after atonement was achieved with a different *chatas*, as a preventive measure against doing so in a case before atonement was achieved with another.

Rava provides support for this from the following *Mishna*: When two goats were designated for a Yom Kippur *chatas*, the second (*extra*) one is sent out to graze until it develops a blemish and they should then be sold, with the proceeds used for voluntary communal offerings. Now, why don't we say that it can be offered as an *olah* (*surplus olah sacrifice*)? It must be that the Rabbis imposed a decree against it even after atonement was achieved with a different *chatas*, as a preventive measure against doing so in a case before atonement was achieved with another.

Ravina provides support for this from the following *Mishna*: An *asham*, whose owner had died or he received atonement through another one, is sent out to graze until it develops a blemish and they should then be sold, with the proceeds used for voluntary communal offerings. Rabbi Eliezer said: It should be left to die (*for it is likened to a chatas*). Rabbi Yehoshua said: The proceeds should be used by the owner to purchase an *olah* offering. Now, why don't we say that it can be offered as an *olah* (*surplus olah sacrifice*)? It must be that the Rabbis imposed a decree against it even after atonement was achieved with a different *chatas*, as a preventive measure against doing so in a case before atonement was achieved with another.



The Gemora cites a supporting *braisa* (to Rabbi Shimon's *halachah*): What is brought from the extra daily offerings (at the end of the year)? Dessert (communal offerings when the Altar is idle) like white figs for the Altar.

The Gemora asks: But it is written: *For any leaven or fruit-honey you shall not offer up* etc.?

Rabbi Chanina explained the *braisa*: The *olah* offerings are dessert for the Altar as white figs are dessert for a person.

Rav Nachman son of Rav Chisda expounded: An *olah* offering of a bird is not offered as dessert (*surplus offerings*) for the Altar.

Rava said: This is nothing but a fabrication!

Rav Nachman son of Rav Yitzchak said to Rava: Why do you say that? I said this *halachah* before him; and in the name of Rav Shimi of Nehardea I told it him; for Rav Shimi of Nehardea said: The surplus offerings are (sold after they develop a blemish) and the proceeds are used as communal offerings, and an *olah* offering of a bird cannot be used as a communal offering.

The Gemora notes: And Shmuel also agrees with Rabbi Yochanan, for Rav Yehudah said in the name of Samuel that in the case of communal offerings, it is the knife that directs them to what they could be (*and therefore, according to Rabbi Shimon, the leftover daily offerings can be brought as surplus olah offerings*).

The Gemora cites a supporting *braisa*: And Rabbi Shimon admits that the goat which was not offered on the Festival may be offered on *Rosh Chodesh*; and if it was not offered on *Rosh Chodesh*, it may be offered on *Yom Kippur*; and if it was not offered on *Yom Kippur*, it may be offered on the Festival; and if it was not offered on this Festival, it may be offered on a different Festival; for it was initially intended only to make atonement on the outer Altar (*and as long as*

*the offerings are similar, they could be switched from one to the other*). (12a – 12b)

### **Deliberate Sins**

The Mishna had stated: For deliberate transgression of the laws of *tumah* connected with the Temple and its holy food, the inner goat of *Yom Kippur* and *Yom Kippur* atone.

The Gemora cites a *braisa* as support for this: It is written: *And he shall make atonement for the Sanctuary, because of the tumos of the children of Israel* etc. (... *because of their peshaim and chataos*). *Peshaim* refers to rebellious sins. *Chataos* refers to unwitting sins. (12b)

### **INSIGHTS TO THE DAF**

#### **Unnecessary Temidin**

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#### **WHAT ARE UNNECESSARY "TEMIDIN"?**

**OPINIONS:** The Gemora records an argument between Rabbi Shimon and the Chachamim regarding unnecessary Temidin. Rabbi Shimon says that such Temidin cannot be redeemed when they are still whole; only after they become blemished (with a Mum) and unfit to be offered may they be redeemed. The Chachamim say that they may be redeemed even though they do not have a Mum. What is the case of "unnecessary Temidin"?

(a) **RASHI (KESAV YAD and RASHI DH Temidin)** explains that every year, at the end of Adar, there were four leftover sheep that were waiting to be brought for the Korban Tamid. This is because, as the Gemora earlier (47b) states, there are never less than six sheep in the Lishkas ha'Tela'im on any given day. The reason for this is that the sheep always have to be removed for inspection for four days prior to being offered as a Korban. On most days, two sheep would be brought and two exchanged for them, leaving six

sheep. On the last day of Adar, two sheep would be brought, and no more Korbanos from the remaining sheep could be brought, because the Korban Tamid for Rosh Chodesh Nisan had to come from the new public funds (Terumas ha'Lishkah), which were only released from Rosh Chodesh Nisan. This means that four sheep that were designated for the Tamid would be leftover, giving us unnecessary Temidin.

The **SHITAH MEKUBETZES** (#4) has difficulty with this explanation. He asks in the name of the **SAR MI'KUTZI**, why does the Terumas ha'Lishkah not simply "buy" these leftover animals and use them for the Korbanos of the new year?

The **MIKDASH DAVID** (19:3) is perplexed by the question of the Sar mi'Kutzi. There are no funds with which to buy these animals before Rosh Chodesh Nisan, since the funds were released only on Rosh Chodesh Nisan!

The **YAD BINYAMIN** answers that the Sar mi'Kutzi's question was as follows. The last four animals that remain should not become the property of Hekdesh until Rosh Chodesh Nisan. They would put the animals in the Lishkas ha'Tela'im in order to fulfill the requirement to have at least six animals there, but they would not actually dedicate them to Hekdesh until Rosh Chodesh Nisan. The Yad Binyamin proves that the requirement to have six animals in the Lishkah is fulfilled even when Hekdesh does not own the animals. The *Gemora* in Pesachim (96a) says that the Korban Pesach that was brought for generations (as opposed to the one brought in Mitzrayim) did not have to be separated four days before it was brought. However, the *Gemora* says that the animal must be examined for four days before it is brought as a Korban. These two statements seem to contradict each other. How can we say that one does not have to buy the Korban Pesach four days beforehand, if one is required to examine it for four days before offering it? It must be that one may examine the animal for four days without owning it. It follows that Hekdesh, too, may examine an animal for four days even though it does not yet own the animal. The Yad Binyamin says that this is implied by Rashi in Pesachim (96a, DH

d'Kavasei). (The question of the Shitah Mekubetzes, according to the explanation of the Yad Binyamin, is also asked by the **TUREI EVEN** in Megilah 29b.)

(b) Rashi cites another explanation. Rabbi Shimon states in Shevuos (12a) that when a Par or Se'ir of Yom Kipur was lost, another was designated to take its place, and then the original Par or Se'ir was found, the original animal cannot even be brought as a Korban on Sukos. Similarly, if a Korban Tamid was lost and another animal was brought in its place, the Korban Tamid, when found, may no longer be offered. The comparison between these two cases seems unclear. It is understandable that a Korban that was designated to be a special Korban can no longer be brought as a different kind of Korban. Why, though, should this affect a lost Korban Tamid, which can still be brought as the exact same Korban (a Korban Tamid) on a different day?

(c) The Shitah Mekubetzes suggests a third explanation. He explains that the Gizbar (treasurer) of Hekdesh miscalculated the need for Korbanos and purchased more sheep than were needed for the Korban Tamid. This is also the approach of **RABEINU GERSHOM**.

#### DAILY MASHAL

R. Isaac Arama (Spain, 15th century) says that the difference between an intentional and an unintentional sin is that in the former case, both the body and the soul were at fault. In the case of an unintentional sin only the body was at fault, not the soul. Therefore a physical sacrifice helps since it was only the physical act of the body that was in the wrong. A physical sacrifice cannot atone for a deliberate sin, because it cannot rectify a wrong in the soul.