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Zevachim Daf 5

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

### **Effecting Acceptance or Not?**

[The Mishna had stated: Any sacrifice which was slaughtered not for their own sake is valid, however, it does not count for the owners towards the fulfillment of their obligation.]

Rish Lakish asked a question while laying on his stomach in the study hall. If a sacrifice that is brought with intent for a different type of offering is valid, it should also atone for the reason that it was brought (and the owner should not be obligated to bring another korban). If it does not effect acceptance for the owner, why should it continue to be brought at all?

Rabbi Elozar answered: We find a case of a sacrifice that is offered after its owner has died. This sacrifice is valid, although it does not effect acceptance. This is as the Mishna had stated: If a woman offered a chatas sacrifice for her sin, and she then died before offering the olah sacrifice (that is supposed to be brought together with a chatas), her inheritors should offer the animal that was dedicated by her as an olah sacrifice. If she offered the olah but died before offering the chatas, the inheritors do not offer the chatas. [This indicates that sacrifices can be brought without effecting acceptance.]

Rish Lakish answered: I agree that this is valid proof that an olah can be brought after its owner died. However,

where do we see proof that an *asham* (which is brought for a sin, like a chatas) is brought after its owner died?

Rabbi Elozar replied: Your disputant is at the side of our Mishna, as the Mishna quotes Rabbi Eliezer as stating that even an *asham* is invalid when brought with this wrong intent.

Rish Lakish replied: This is someone regarding whom people say he is a great man?! I am discussing with you a full-fledged Mishna, and you quote me the opinion of Rabbi Eliezer?! [Reish Lakish was asking according to the Tanna Kamma, not Rabbi Eliezer who is seemingly a minority opinion.]

Rather, Rish Lakish answers: I will open an opening for my soul. The verse states: *What emerges from your lips etc.* Is the verse not referring to a *neder* (vow)? [The meaning of the verse is as follows: If you have acted as you vowed (by slaughtering it for its own sake), it will be (the fulfillment) of your neder, but if not (that it was slaughtered not for its own sake), let it be regarded as a nedavah.]

Rabbi Zeira and Rabbi Yitzchak bar Abba were sitting, and Abaye was sitting near them. They were explaining that Rish Lakish’s difficulty with an *asham* is that it is not brought after its owner’s death. Rish Lakish therefore derived this law (that korbanos brought with the wrong



intent are valid, but do not effect acceptance or fulfill the owner's obligation) from the verse: *What emerges from your lips etc.* Being that this derivation deals with donated sacrifices, we should say that this teaches us this law solely regarding donated sacrifices. An obligatory sacrifice such as *asham* indeed should not be valid at all! [In other words, how did Rish Lakish solve his problem with this derivation?]

Abaye answers: Rish Lakish derived that this is true regarding an *asham* from the verse: *And he will slaughter it as a chatas.* This teaches us that only a *chatas* must be brought with proper intent in order to be valid. This indicates that other sacrifices that are brought with wrong intent are still valid. One might think that they are not only valid, but effect acceptance for their owners. This is why the verse states: *What emerges from your lips etc.*

The *Gemora* asks: Perhaps we should say that only donated sacrifices brought with the wrong intent should be valid but not effect acceptance, while an *asham* brought with the wrong intent should be valid and effect acceptance! [In other words, once we know that "it" by *chatas* excludes *asham*, say it excludes it fully to the point that it is entirely valid and fulfills the owner's obligation!]

Abaye answers: We cannot say this, based upon the following *kal vachomer* (literally translated as light and heavy, or lenient and stringent; an a fortiori argument; it is one of the thirteen principles of biblical hermeneutics; it employs the following reasoning: if a specific stringency applies in a usually lenient case, it must certainly apply in a more serious case) from an *olah*. If an *olah*, that does not atone, does not effect

acceptance if brought without proper intent, certainly an *asham* that does atone for a specific sin will not effect acceptance without proper intent!

The *Gemora* asks: This is not necessarily so, as we find that an *olah* is a stringent sacrifice in that it is entirely burned! [Perhaps this is only a stringent law regarding an *olah*.]

The *Gemora* answers: We can derive this law from a *shelamim* (which is not stringent and has the same law as an *olah* in this regard).

The *Gemora* asks: A *shelamim* also has a stringent side, as one must bring libations with it, and must wave the breast and thigh of the animal together with the *Kohen*!?

The *Gemora* answers: An *olah* does not have these stringencies! We can therefore derive a *tzad hashaveh* (common denominator) between *olah* and *shelamim*. They are both *kodashim*, and if one slaughters them with intent not for their own sake, they are valid but do not effect acceptance. We should learn from this combination that *asham* is the same.

The *Gemora* asks: *Olah* and *shelamim* are both uniquely unlike an *asham*, as there are public *olah* offerings and public *shelamim* offerings, while there are no public *asham* offerings. [We therefore cannot derive from a *tzad hashaveh* using *olah* and *shelamim* to *asham*.]

The *Gemora* answers: Let us derive this law from a *korban todah*!



The *Gemora* asks: A *todah* is stringent because one must bring forty loaves of bread with it!?

The *Gemora* answers: Let us join *todah* to the *tzad hashaveh*, and derive that they are all *kodashim*, and if one offers them with intent not for their own sake they are valid, but do not effect acceptance. We should learn from this combination that *asham* is the same.

The *Gemora* asks: All of these *korbanos* are different than *asham*, as they are donated *korbanos* (not *korbanos* one is obligated to offer like an *asham*)!?

Rather, Rava says: Rish Lakish's derivation regarding *asham* is from the verse: *This is the law (regarding an asham and shelamim)*. This verse teaches that we should compare an *asham* and *shelamim*. Just as a *shelamim* is *kodashim*, and if one offers it with intent that it is a different sacrifice it is valid, but does not fulfill the owner's obligation, so too an *asham* has the same law. [Rashi explains that being that this is a "hekesh" – "comparison" derivation, it is not subject to the questions asked earlier that pointed out the differences between an *asham* and a *shelamim*.]

The *Gemora* asks: Why do we compare an *asham* to a *shelamim*? We should compare it to a *chatas*! [In that same verse, a *chatas* is also mentioned!]

The *Gemora* answers: We know this from the verse: *And he will slaughter it as a chatas*. This teaches us that only a *chatas* must be brought with proper intent in order to be valid, while other sacrifices that are brought with wrong intent are still valid. [We therefore cannot compare it to a *chatas*.]

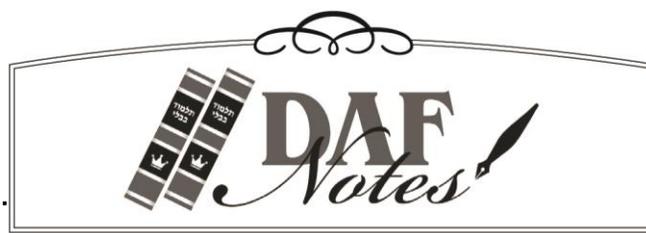
Rav Huna and Rav Nachman were sitting, and Rav Sheishes was sitting near them. They said that Rish Lakish's difficulty with Rabbi Elozar's proof was that an *asham* is not brought after the death of its owner. Why didn't Rabbi Elozar reply that an *asham* is indeed brought after the death of its owner?

Rav Sheishes answered: The *asham* itself is not brought. Rather, it is put out to pasture until it develops a blemish, and then its value is donated to be used for bringing extra sacrifices on the Altar. This is also the law regarding a *chatas* (and we know that a *chatas* brought with wrong intent is invalid)! Accordingly, there is no proof from the fact that the money of an *asham* is turned into a *korban*!

The *Gemora* asks: The only reason that a *chatas* is invalid is because the verse states *it is a chatas*, indicating it must be done with proper intent for a *chatas*. [We therefore should be able to make this derivation regarding *asham*, as this is not said regarding *asham*.]

The *Gemora* answers: The verse states *it is an asham*! [Why, then, does it not share the law of a *chatas*?]

The *Gemora* continues: This verse regarding an *asham* is only stated after verse discussed the limbs of the *asham* having already been burned. This is as the *braisa* had stated: This verse regarding an *asham* is only stated after verse discussed the limbs of the *asham* having already been burned. We cannot say that the burning of the limbs must be done with proper intent or the sacrifice is invalid, as we know that even if the burning of the limbs is not done at all, the *asham* is valid!



The *Gemora* asks: Why, then, does the verse say *it is an asham*? What does this teach us?

The *Gemora* answers: This teaches the derivation of Rav Huna in the name of Rav. He says: If an *asham* is put out to pasture (*i.e. in a case where its owner died*) and it was then slaughtered as a *korban* without specific intent for what *korban* it should be, it is valid (*as an olah, as this is its intended purpose*).

The *Gemora* asks: This implies that it is only true if it was officially put out to pasture and removed from being an *asham*. Why should it depend on whether or not it was removed?

The *Gemora* answers: The verse says: *it is an asham* implying it stays an *asham* until it is taken away from being an *asham*.

Rav Nachman and Rav Sheishes were sitting together, and Rav Adda bar Masnah was sitting near them. They asked: When Rabbi Elozar said that there are sacrifices brought after the owner's death that are valid but do not atone, why didn't Rish Lakish ask him why don't they effect acceptance?

Rav Adda answered: If a woman gave birth and therefore had to bring *korbanos*, did her sons give birth?! [*How could he suggest that the korban should effect acceptance for the inheritors?*]

Rav Assi asked: Who says that if a woman who gives birth brings an *olah* that it does not atone for many positive commandments which she had transgressed? [*An olah is often brought as atonement for transgressing positive commandments. In this case, it is*

*mandated by the Torah that a woman bring such a korban after birth. However, perhaps it still achieves this atonement.*] Being that she would receive atonement, so would her inheritors!

The *Gemora* asks: This implies that the inheritors acquire the sacrifice. However, didn't Rabbi Yochanan say: If a person left a *minchah* offering to his two sons after he died, it is brought but they are not partners in it? It cannot be that they own it, as the verse states that only a (*single*) soul can bring a *minchah*, not partners!

The *Gemora* retorts: And can you say that they do not acquire it? But Rabbi Yochanan says that the sons cannot effect *temurah* with it. This indicates that they are indeed partners, for partners are excluded from effecting *temurah*!

The *Gemora* answers that there is a verse written by *temurah* which teaches us that only an individual can effect *temurah*, and not two people (*two heirs; even though they do not acquire it and they are not partners, they still cannot effect temurah*). (5a – 6a)

## DAILY MASHAL

### ***Learning While Lying Down***

If a person becomes weak and finds it hard to stand or sit, may he learn while lying down or should he worry about disgracing the Torah thereby?

The *Ben Ish Chai* was asked about the topic and replied that one may do so, based on our *sugya* which says that Rish Lakish reclined on his stomach in the *beis midrash* and asked a question (Responsa *Torah Lishemah*, 367, and see Tosfos in Gitin 47a, s.v. *Kreisi*).