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Three Times Two in the Southwest

What are the cases where he did not offer the permitter according to regulation? If he performed *melikah* not for its own sake but squeezed the blood with a "beyond its time" intention; or if he performed *melikah* with a "beyond its time" intention but squeezed the blood not for its own sake; or if he performed *melikah* and squeezed the blood not for its own sake. If he performed *melikah* on a chatas offering of a bird not for its own sake and squeezed the blood with a "beyond its time" intention; or if he performed *melikah* with a "beyond its time" intention and squeezed the blood not for its own sake; or if he performed *melikah* and squeezed the blood not for its own sake: in these cases he did not offer the permitter according to regulation.

If he intended to eat as much as an olive outside of its place and as much as an olive "beyond its time," or as much as an olive "beyond its time" and as much as an olive outside of its place; half as much as an olive outside of its place and half as much as an olive "beyond its time"; half as much as an olive "beyond its time" and half as much as an olive outside of its place, the sacrifice is unfit, but does not involve *kares*.

Rabbi Yehudah said: This is the general rule: Where the intention of time precedes that of place, the sacrifice is *piggul*, and involves *kares*; but if the intention of place precedes that of time, it is unfit and does not involve *kares*. However, the Sages maintain: in both cases the sacrifice is unfit and does not involve *kares*.

If one intends to eat half as much as an olive outside of its place or beyond its time and to burn half as much as an olive similarly, it is fit, for eating and burning do not combine. (64b6 – 65a2)

The Gemara cites a Baraisa: And the Kohen shall bring it to the altar. Why is this stated? Because it is said: Then he shall bring his offering of turtle-doves, or of young pigeons, you might think that when he vows a bird (as an olah), he must not give less than two birds; therefore it states: And the Kohen shall bring it; he can bring even one bird to the altar. Why is 'the Kohen' stated? It is to prescribe a *Kohen* for it. For you might have thought that the reverse is logical: If a *Kohen* was not prescribed for (slaughtering) a sheep - though north was prescribed for it; is it not logical that a *Kohen* is not prescribed for a bird, seeing that the Torah did not prescribe north for it? Therefore 'the *Kohen*' is stated, in order to prescribe a *Kohen* for it.

You might think that he must perform melikah with a knife, and that is indeed logical: If the Torah prescribed a utensil for shechitah, though it did not prescribe a *Kohen* for it; is it not logical that it prescribed a utensil for melikah, seeing that it prescribed a *Kohen* for it? Therefore, it states: And the *Kohen* . . . shall nip off its head.

Rabbi Akiva said: Would you then think that a non-Kohen might approach the altar? Why then is 'the *Kohen*' stated? It is to teach that the melikah must be done by the very *Kohen* himself.

You might think that he can perform melikah either above the red line or below it; therefore, the Torah states: and nip off its head, and make it smoke on the altar; just as the burning is done on the top of the altar, so is the melikah performed on the top of the altar.

And you shall nip off: Perform melikah by the nape of the neck. You say, perform melikah by the nape; yet perhaps it is not so, but rather by the throat? It follows by logic: 'and you shall nip off' is stated here, and 'and you shall nip off' is stated elsewhere: Just as there it is by its neck, so here it is close by its neck. If so, just as there he performs melikah but does not sever it, so here too he performs melikah but does not sever it? Therefore, it states: 'and shall nip off its head, and make it smoke': Just as by the burning, the head is by itself and the body is by itself, so after melikah, the head is by itself and the body is by itself. And, the Gemara asks, how do we know that the burning of the head is separate and that of the body is separate? It is because it is written: 'And make it smoke': This teaches regarding the burning of the body. How then do I interpret: and the *Kohen* shall make it smoke upon the altar? The Torah here is dealing with the burning of the head.

And its blood shall be squeezed out on the side of the altar, but not on the wall of the ramp, nor on the wall of the Sanctuary. And which is it? The upper wall. Yet perhaps it is not so, but rather the lower wall; and that is indeed logical: if the blood of an animal olah offering is sprinkled below, though that of an animal chatas offering is sprinkled above; surely the blood of an olah offering of a bird is sprinkled below, seeing that that of a chatas offering of a bird is sprinkled below? Therefore it states: 'and shall nip off... and shall burn . . . and its blood shall be squeezed out': now, can you really think that after he has burnt it he returns and squeezes it? Rather it is to tell you: Just as the burning is done on the top of the altar, so is the squeezing done on the top of the altar.

How did he do this? He ascended the ramp and turned to the ledge, where he proceeded to the southeastern corner. Then he nipped off its head by the nape of the neck, severed it, and squeezed some of its blood on the wall of the altar. If he did it below his feet even an amah, it is valid. Rabbi Nechemiah and Rabbi Eliezer ben Yaakov maintained: It must essentially be done only on the top of the altar.

What is the difference between them? Abaye and Rava both say: They differ in respect of building a pyre on the ledge. (65a2 – 65a4)

The Mishnah had stated: He then came to the body of the bird etc.

The Gemara cites a *Baraisa*: And he shall take away its crop with its feathers: that is the crop. You might think that he cuts through with a knife and takes it; therefore it states: 'with its feathers': hence he takes the feathers and skin together with it. Abba Yosi ben Chanan said: He takes it the crop together with the gizzard.

The school of Rabbi Yishmael taught: 'With its feathers' means with its very own feathers; hence he cuts it round with a knife a window-like hole. (65a4 – 65a5)

The Mishnah had stated: He then tore open [the bird] but did not separate it.

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The Gemara cites a *Baraisa*: And he shall tear it: Tearing is by hand only. And thus it says: and he tore [the lion] open as one would tear open a kid. (65b1)

The Mishnah had stated: If he did not remove the crop etc.

The Gemara notes: Our Mishnah does not agree with Rabbi Elazar ben Rabbi Shimon, for it was taught in a Baraisa: Rabbi Elazar ben Rabbi Shimon said: I have heard that one severs the chatas offering of a bird.

What is the difference between them? Rav Chisda explained that they differ regarding the following: They disagree as to whether the squeezing of the blood of the bird chatas offering is indispensable. The Tanna Kamma holds that it is indispensable, and since then he must squeeze out the blood, when he also severs it he performs the rites of an olah offering with the bird chatas offering. Whereas Rabbi Elazar ben Rabbi Shimon holds that the squeezing out of the bird chatas offering is not indispensable, therefore he is merely cutting flesh.

Rava said: They differ about a delay during the melikah of the second organ in the case of a bird olah offering. The Tanna Kamma holds that it does not invalidate it, and though he does delay, he performs the services of an olah offering with a chatas offering; whereas Rabbi Elazar ben Rabbi Shimon holds that it does invalidate it, and since he delays, he is merely cutting flesh.

Abaye said: They differ as to whether the cutting through of the greater part of the flesh is indispensable.

And they [Raba and Abaye] disagree in the same controversy as that of Rabbi Zeira and Rabbi Shmuel son of Rabbi Yitzchak: One maintains that they [the first Tanna and Rabbi Elazar ben Rabbi Shimon] disagree on whether delay at the second pipe invalidates; and the other maintains that they disagree as to whether the [cutting of] the greater part of the flesh is indispensable.

Now, this proves that in the first place we require [the cutting of] the greater part of the flesh? — Yes, and it was taught likewise: How is the melikah of a chats bird performed? He cuts through the spinal column and the nape, without the greater part of the flesh, until he reaches the gullet or the windpipe. When he reaches the gullet or the windpipe he cuts one pipe, or the greater part of it, together with the greater part of the flesh; and in the case of an olah, two [pipes] or the greater part of them.

This was stated before Rabbi Yirmiyah. He said: Have they not heard what Rabbi Shimon ben Elyakim said in the name of Rabbi Elazar ben Pedas in the name of Rabbi Elazar ben Shamua: Rabbi Elazar ben Rabbi Shimon used to say: I have heard that a chatas bird is severed, and what does he shall not separate it mean? He need not sever it.

Rav Acha the son of Rava challenged to Rav Ashi the suggestion that a verse that says *he will not do* something can mean that he *need* not do it, from the verse discussing one who digs a pit in the public domain, which describes that *lo yechasenu – he did not cover it*, indicating that he is liable because he did not cover it. Why do we not read it to mean he *need* not cover it, removing his liability if he did not cover it?

Rav Ashi answered that the continuation of the verse states that the owner of the pit must pay, making him liable for not covering it. In the case of a bird *olah*, the verse states that *v'hikrivo – and he will sacrifice* ***it***, singling it out to be different than the bird *chatas*, in that the head must be severed. If the verse that says about a bird *chatas lo yavdil – he will not sever* means that he *may* not sever it, the verse about a bird *olah* would only be permitting the *Kohen* to sever its head. Since the verse about the *olah*

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mandates that it be severed, the verse about the *chatas* must be stating that he *need not* sever the head. Infer from this that he need not sever it. (65b1 - 66a1)

DAILY MASHAL

The *Gemara* quotes Rabbi Elazar ben Rabbi Shimon as saying that he heard one may separate a *Chatas* bird's head from its body during *Melikah*. The *Gemara* asks: what about the *Passuk* which says: *lo yavdil* – do not separate? The *Gemara* answers that *lo yavdil* means he doesn't need to separate them, but may do so if he wishes. The *Gemara* asks: should we say the same thing regarding one's pit in the *Reshus HaRabim*, where the *Torah* makes him liable if an ox falls into it, because "*v'lo yechasenu*" – he didn't cover it? Perhaps here too we should say it means he need not cover it! The *Gemara* answers that the context of the *Passuk* makes clear that he is paying for damages **because** he didn't cover it.

Tosfos notes that the *Gemara* would not seek to ask from all other *lavin* in the *Torah*, which clearly would serve no purpose other than to absolutely forbid. However, regarding *Melikah*, since the blood must be collected, perhaps the head should be removed. And since one would assume that the owner of a pit must keep it covered, perhaps the *Torah* is making it voluntary by saying *v'lo yechasenu*. Therefore, the *Gemara* distinguishes them. Similarly, the *Gemara* (*Sotah* 3a) records the opinion of R' Yishmael, who says v'kinei es ishto is voluntary, since to do so might violate lo sisna (do not hate). The *Torah* had to therefore "allow" one to warn his wife. By the same token, when the *Torah* stated: shelach lecha, one might have been under the impression that sending spies would violate lo senasu (do not test Hashem). As such, the imperative to send spies had to be allowed by Hashem, but not demanded. Therefore, shelach lecha means it isn't forbidden – you may send, l'da'atecha.

The *Emek Halacha* (1:44) seeks thus to distinguish between shelach lecha and lech lecha, where *Rashi* adds the words for your benefit. Since it did not say l'da'atecha, the commandment to Avrohom could not have been optional or voluntary, and since there was no reason not to go (except possibly Kibud Av), the commandment had to be mandatory.