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### **Invalidating Intentions**

It was stated: If one slaughtered an animal with the intention of sprinkling its blood to an idol, or to burn its fat idolatrously, Rabbi Yochanan said: The animal is forbidden for use, as in his opinion, the one sacrificial service (*slaughtering the animal*) is to be connected with the other service (*throwing its blood*), for he derives from laws regarding things done outside the Temple (*idolatry*) from those done within (*piggul*; *a korban whose avodah was done with the intention that it would be eaten after its designated time; and therefore - an idolatrous intention from one service to another renders the animal forbidden for use*). Rish Lakish says that it is permitted, for one idolatrous service is not to be connected with the other service, and he does not derive laws which apply outside of the Temple (*idolatry*) from those done within the Temple.

The *Gemora* notes that they are consistent in their views stated elsewhere, for it was also stated: If one who slaughtered a sacrifice for its sake, planning to apply the blood not for its sake, Rabbi Yochanan invalidates the sacrifice, while Rish Lakish says it’s valid.

The *Gemora* explains that Rabbi Yochanan says that we learn from *piggul* (*intent to eat the sacrifice at the wrong time*) to apply the incorrect intent (*not for its sake*) about one service (*applying the blood*) to another (*slaughtering*), while Rish Lakish says we do not learn that from *piggul*.

The *Gemora* explains that both disputes were necessary to state, for if this dispute was only stated with regard to the idolatrous intention, I would have thought that only here does Rish Lakish maintain his view, because he does not derive acts performed outside from acts performed inside, but he does derive a service performed inside (*not for its own sake*) from another performed inside (*piggul*), and therefore, he would concur with Rabbi Yochanan. And if the other dispute (*not for its own sake*) was the only one reported, I would have thought that only there does Rabbi Yochanan maintain his view (*for he derives a service performed inside from another performed inside*), but in that case (*by an idolatrous intention*), he would concur with Rish Lakish. It was therefore necessary that both disputes be stated.

Rav Sheishes objected to their opinions from our *Mishna*: Rabbi Yosi said: Is there not here a *kal vachomer* argument? For if in the case of consecrated animals, where a wrongful intention can invalidate (*the sacrifice*), everything depends solely upon the intention of the one who performs the service; so by unconsecrated animals, where a wrongful intention cannot invalidate them, how much more so that everything should depend solely upon the intention of the one who slaughters! Now, what is meant when he said that in the case of unconsecrated animals a wrongful intention will not invalidate them? It cannot mean that it is not invalidated at all, for then how can we find the case where an animal that has been slaughtered for idolatry will be forbidden? Obviously, he is

referring to a case where a wrongful intention was expressed during one service with regard to another service, and the *Mishna* should be interpreted as follows: If in the case of consecrated animals, where a wrongful intention expressed during one service with regard to another service can invalidate (*the sacrifice*), everything depends solely upon the intention of the one who performs the service; so by unconsecrated animals, where a wrongful intention expressed during one service with regard to another service cannot invalidate them, how much more so that everything should depend solely upon the intention of the one who slaughters! [R' Yosi maintains that a wrongful intention by one service can affect another service only by consecrated animals, but not by unconsecrated animals; this contradicts both Rish Lakish and R' Yochanan!?] That which Rabbi Yosi maintains with regard to services performed inside (*with consecrated animals*) contradicts Rish Lakish (*who holds even there that a wrongful intention expressed during one service with regard to another service does not invalidate them*), and that which Rabbi Yosi maintains with regard to services performed outside (*with unconsecrated animals*) contradicts Rabbi Yochanan (*who holds even there that a wrongful intention expressed during one service with regard to another service does invalidate them*)!?

The *Gemora* answers: That which Rabbi Yosi maintains with regard to services performed inside (*with consecrated animals*) presents no real difficulty to Rish Lakish, for his view was stated before he heard the opposite from Rabbi Yochanan, and he agreed with the other viewpoint after he learned it from Rabbi Yochanan. But that which Rabbi Yosi maintains with regard to services performed outside (*with unconsecrated animals*) contradicts Rabbi Yochanan!?

Rav Sheishes, after raising this objection, resolved it as follows: The *Mishna* refers to the four principal services,

and the following is what Rabbi Yosi was saying: If in the case of consecrated animals, where a wrongful intention during any of the four principal services can invalidate (*the sacrifice*), everything depends solely upon the intention of the one who performs the service; so by unconsecrated animals, where a wrongful intention expressed during only two of the principal services invalidates them (*only by slaughtering and throwing the blood; not by receiving or conveying the blood*), how much more so that everything should depend solely upon the intention of the one who slaughters!

The *Gemora* cites a *braisa* which supports the opinion of Rabbi Yochanan: If a person slaughtered an animal with the intention of throwing its blood for idolatry, or for burning its fats for idolatry, it is regarded as a sacrifice of the dead (*and is forbidden*). If he slaughtered it and afterwards expressed his intention - this was an actual case which occurred in Caesaria and the Rabbis did not forbid it, nor did they permit it.

Rav Chisda explained: They did not forbid it out of respect to the view of the Rabbis (*in our Mishna, who maintain that we do not automatically assume that an idolater intends to slaughter for idol worship*), and they did not permit it out of respect to the view of Rabbi Eliezer (*in our Mishna, who maintains that we automatically assume that an idolater intends to slaughter for idol worship*).

The *Gemora* asks: But how is this known? Perhaps the Rabbis maintain their view only there (*in our Mishna*) because we did not hear him express any intention at all, but here, since we heard him express an intention (*after the slaughtering*), his last act proves what he had in mind at the beginning (*and even the Rabbis will admit that it is invalid*). Or, alternatively, you might say that perhaps Rabbi Eliezer maintains his view only there (*in our Mishna*), because it deals with an idolater, and he is of the opinion

that the thoughts of an idolater are usually directed towards idol worship, but here, since we are dealing with a Jew, we would not say that his last act proves what he had in mind at the beginning.

Rather, Rav Shizvi said: They did not permit it out of respect to the view of Rabban Shimon ben Gamliel (*who maintains that one's last act proves what he had in mind at the beginning*).

The *Gemora* asks: Which statement of Rabban Shimon ben Gamliel is meant? Shall I say it is his statement on the subject of divorce? For it was taught in a *Mishna*: If a healthy person said, "Write a *get* for my wife," we assume that he only wanted to taunt her (*since he did not say, "Give the get to her"*). It once happened that a healthy person said, "Write a *get* for my wife," and (*after the get was given to his wife*) he climbed up on a roof, fell and died. Rabban Shimon ben Gamliel said: If he fell down by himself, the *get* is valid (*for we assume that this was his intention the whole time, and due to his confusion, he omitted the instructions to give her the get*). If the wind pushed him, it is not a *get*. And the *Gemora* asked: Does the *Mishna* bring this incident to contradict its previous ruling? The *Gemora* answered: It is as if there are missing words in the *Mishna*, and this is what it should say: If the conclusion is an indicator as to the husband's intentions in the beginning, the *get* will be valid. And it once happened that a healthy person said, "Write a *get* for my wife," and (*after the get was given to his wife*) he climbed up on a roof, fell and died. Rabban Shimon ben Gamliel said: If he fell down by himself, the *get* is valid. If the wind pushed him, it is not a *get*.

The *Gemora* asks: Perhaps this case is different for he actually said, "Write the *get*" (*which is a strong indicator at the beginning*)?

Rather, Ravina said: It was out of respect to the view of Rabban Shimon ben Gamliel, which was taught in the following *braisa*: If a person wrote over his estate to another, and part of it consisted of slaves, and the recipient said, "I do not want them" (*for he does not want to sustain them*), they may eat *terumah*, if their second master was a *Kohen*. Rabban Shimon ben Gamliel said: As soon as the recipient had said, "I do not want them," the heirs of the donor become their legal owners. And the *Gemora* had asked: Would the *Tanna Kamma* hold that the recipient is the legal owner even if he stands and protests? Rava, and some say Rabbi Yochanan, said: In the case where he protested from the outset, all agree that he does not acquire ownership. If initially he kept silent and ultimately he protested, all agree that he does acquire ownership. They argue only in the case where the donor conveyed ownership to one through another person and the recipient initially kept silent and later protested. In such a case, the *Tanna Kamma* holds that since he initially kept silent he acquired ownership, and the reason that he later protested was because he has simply changed his mind. Rabban Shimon ben Gamliel, however, maintains that his final action proves what he was thinking at the beginning, and that the reason why he did not initially protest is because he thought, "Why should I protest before they come into my possession!"

Rav Yehudah said in the name of Shmuel that the *halachah* is in accordance with Rabbi Yosi (*that the owner's intention cannot affect it*). There were certain Arab merchants who once came to Tzikunya and gave the Jewish butchers some rams to slaughter. They said: The blood and the fat shall be for us (*to be used as idol worship*), while the hide and the flesh shall be yours. Rav Tuvi bar Rav Masnah sent this case to Rav Yosef and asked: What is the law in such a case as this? He sent back saying: Rav Yehudah said in the name of Shmuel that the *halachah*

is in accordance with Rabbi Yosi (*that the owner's intention cannot affect it*).

Rav Acha the son of Rav Avya said to Rav Ashi: According to the view of Rabbi Eliezer, what would be the law if an idolater gave a zuz to a Jewish butcher (*to purchase a portion of the animal*)? He replied: We must consider the case: If the idolater is a powerful man whom the Jew cannot push off (*by returning his zuz*), then the animal is forbidden, but if he is not a powerful man, the Jew can say to him, "Here is your head and here is a mountain" (*bang one against the other; in other words, he can nullify the sale, or he can certainly delay it that it shouldn't take effect until after the shechitah in order that the animal should not become forbidden*). (39a – 39b)

#### DAILY MASHAL

Our learning today covers some of the and technical issues regarding sacrifices and its laws, and specifically regarding intentions and what a person was thinking about during the sacrificial service.

Interestingly, a Korban Olah, which atones for sinful thoughts, is completely burned on the Altar. On the other hand, a Korban Chatas (Sin-Offering), which atones for a sin that a person actually committed, isn't totally burned and is partially eaten by the Kohen (6:19). This seems counterintuitive. Since doing a sin is worse than only thinking about it, why is the Korban Chatas more lenient in this regard than the Korban Olah? Shouldn't the sacrifice brought by somebody requiring atonement for an actual transgression be completely offered to Hashem and forbidden in human consumption?

Rav Shmaryahu Arieli answers based on the teaching of the Gemora (Yoma 29a) - הרהורי עבירה קשים מעבירה -

paradoxical as it may seem, sinful thoughts are considered even worse than actual sins. Why in fact is this the case?

Rav Arieli explains by noting that the punishment for a thief who steals secretly is greater than that for an armed robber who brazenly confronts his victim. The Gemora in Bava Kamma (79b) teaches that this is because the former demonstrates greater fear of other humans, whom he doesn't want to see him stealing, than he does of Hashem, Whose presence during his crime doesn't faze him, whereas the brazen robber shows that he is equally unafraid of Hashem and of people. Because the thief who steals secretly shows such lack of concern for Hashem, he is punished more harshly.

Similarly, says Reb Ozer Alport, somebody who sins in his mind is comparable to the secretive robber, as he demonstrates that he is afraid for other people to see him sinning, but it doesn't concern him that Hashem is aware of the sins in his mind, while a person who commits a sin is analogous to the thief who openly steals from his victim, as he is equally unafraid of Hashem and of other people who may witness his sin. Therefore, just as the cunning thief receives a greater punishment, so too must the offering which atones for sinful thoughts be completely burned, as opposed to the offering which atones for sinful actions, which may be partially eaten by the Kohanim.