

## And perhaps it is an *Ohshom*

## ודילמא אשם הוא -

### Overview<sup>1</sup>

The גמרא asks perhaps the found בהמה is an אשם, so how can an עולה and a שלמים (and a תודה) suffice. תוספות clarifies the question.

asks: תוספות

ואם תאמר ויתנה באותן של שלמים זהא שוו במתנות<sup>2</sup> -

**And if you will say; but let him stipulate in that cow that is for a שלמים** that if necessary it should be an אשם, for an אשם and a שלמים have **the same מתנות**, so the concern that it may be an אשם can be addressed?!

אשם for an שלמים the reasons why he cannot use the תוספות reacts to other possible

ואי משום סמיכה דשלמים טעונין סמיכה<sup>3</sup> ואשם אין טעון סמיכה<sup>4</sup> הא סמיכה לא מעכבא<sup>5</sup> -

**And if the concern is because of סמיכה, for a שלמים requires סמיכה and an אשם does not require סמיכה;** this should not present a problem since סמיכה does not **prevent** the קרבן from being valid. Therefore the lack of סמיכה is no problem; he will not be

ואי משום אכילה<sup>6</sup> הא קסבר דמביאים קדשים לבית הפסול<sup>7</sup> -

**And if we are concerned about the different times allotted for eating the שלמים and אשם,** that is of no concern for this תנא **maintains that הפסול לבית הקדשים**. The question remains why cannot we stipulate that if it was a שלמים this should be a שלמים, and if it was an אשם this should be an אשם and it should be brought as a קרבן with the stringencies of both an אשם (טעון תנפה) שלמים and a (נאכל ליום ולילה ושחיטתו בצפון) אשם.

<sup>1</sup> See 'Overview' to the previous דמייית תוס' ד"ה.

<sup>2</sup> He will stipulate on one of the cows that he brings, 'if the found cow was a שלמים, this should be a שלמים in its stead, and if it was an אשם this should be an אשם in its stead', and then offer it on the מזבח as a possible אשם/שלמים for they have the same rule regarding the דם; מתנות דם; by both a שלמים and an אשם it is ארבע שהן מתנות. See previous תוס' ד"ה. See previous דמייית footnote # 3.

<sup>3</sup> סמיכה (or leaning) is where (by certain קרבנות) the owner of the קרבן places his hands on the head of the animal and leans on it (the animal supports his entire weight).

<sup>4</sup> One cannot make סמיכה on this אשם ספק שלמים ספק אשם, for perhaps it is an אשם where סמיכה is not required and by performing סמיכה he is משתמש בקדשים which is forbidden. See פני יהושע who finds this statement of תוספות very puzzling, for the משנה in זבב, states clearly, מנחות מנחות, which means that an אשם אשם. See תלמוד מפרשי התלמוד 88 onwards for various attempts to answer this question.

<sup>5</sup> In a קרבן where סמיכה is required, the קרבן is (nevertheless) valid even if סמיכה was not performed.

<sup>6</sup> A שלמים may be eaten by anyone (except for the חזה ושוק, which is eaten by the כהנים [and ועבדיהם and בניהם]) for יום ולילה (only and לזכרי כהונה) אשם is only eaten (for perhaps it is an אשם), and it may cause us to make some meat נותר if left over after this time, but perhaps it is a שלמים (which can be eaten longer) and so we will cause קדשים to become נותר.

<sup>7</sup> See previous דמייית תוס' ד"ה footnote # 6.

answers: תוספות

ויש לומר דאין להתנות אשם בשלמים שהרי שלמים טעונין נסכים<sup>8</sup> ואשם אין טעון נסכים<sup>9</sup> -  
And one can say; that we cannot stipulate regarding an אשם by a שלמים, for a קרבן שלמים requires נסכים and an אשם does not require נסכים –

anticipates a difficulty with this answer: תוספות

ואין לומר שיתנה לנסכים ויאמר אם היא שלמים מוטב ואם לאו יהו נסכי נדבה<sup>10</sup> -  
And we cannot say let him bring נסכים and stipulate regarding the נסכים, and he should say, 'if this קרבן is replacing a שלמים, fine the נסכים will be offered as the נסכי שלמים, and if this קרבן is not replacing a שלמים, but an אשם, let these נסכים be donated נסכים –

rejects this argument: תוספות

שהרי אין נסכי חובה ונסכי נדבה שוין שנסכי חובה לספלים<sup>11</sup> ונסכי נדבה מזלפן על גבי אישים:  
For the obligated נסכים (which accompany a [שלמים] קרבן), and the donated independent נסכים are not similar, for the obligatory נסכים of wine are poured into the beakers, and the voluntary נסכים are sprayed over the fire of the מזבח.<sup>12</sup>

## Summary

We cannot stipulate that it should be either a שלמים or an אשם, since a שלמים requires מזלפן (one is נסכי נדבה) and an אשם does not require any נסכים (on the ספלים), and an אשם does not require any נסכים (לספלים, but not ע"ג אישים).

## Thinking it over

The law regarding נסכי חובה is that if they were not brought they are not מעכב the <sup>13</sup>. So just like by סמיכה we said that since it is not מעכב there is no problem,<sup>14</sup> why do we not apply the same concept to נסכים; since they are not מעכב, they will not be brought at all, but the קרבן will be valid?!<sup>15</sup>

<sup>8</sup> במדבר (שלה) See. שלמים and עולה every נסכים (or libations) are the meal offerings and wine pouring that accompany every נסכים.  
טו, ג-יא.

<sup>9</sup> We cannot bring the שלמים ספק אשם ספק שלמים, for what should we do regarding the נסכים if it is a שלמים it requires נסכים and if it is an אשם there is no נסכים. Therefore we cannot mix an אשם with a שלמים even with a stipulation.

<sup>10</sup> One may donate נסכים to the מזבח by themselves; not accompanied by a קרבן.

<sup>11</sup> On the southwestern corner of the מזבח there were hollow beakers into which the wine (of the נסכים) was poured.

<sup>12</sup> Therefore we cannot bring the נסכים for we would not know what to do with them, and since we cannot bring the נסכים, we cannot bring this שלמים ספק, since it requires ספלים.

<sup>13</sup> See רמב"ם הל' מעשה הקרבנות פ"ג ה"ה.

<sup>14</sup> See footnote # 5.

<sup>15</sup> See # 116. אוצר מפרשי התלמוד.