

## דהא כתיב והנה שורף – For it is written; and behold it is burnt

### Overview

The גמרא teaches that others derive הנאה by איסור הנאה through חמץ בפסח ושור הנסקל from the 'באם אינו ענין' a 'חטאת אשר יובא מדמה אל אהל מועד וגו' באש of פסוק<sup>1</sup>. This פסוק is not necessary for we already know this rule that if the דם of a חטאת היצונה was brought into the קודש, the קרבן is to be burnt. There is a dispute between רש"י and תוספות as to from where, indeed, we already know this rule, so that the פסוק of חטאת וכל is superfluous.

פירש רש"י ואמר להו משה<sup>2</sup> הן לא הובא את דמה אל הקדש פנימה –

explained that the source from where we know that if the blood of a חטאת is brought into the היכל, the חטאת is to be burnt, is from that fact that משה admonished the בני אהרן; 'but its blood was not brought into the holiness inside' (so why did you burn it) -

מכלל דאם הובא שפיר עבוד דשרפיה –

implying that if the blood of the חטאת would have been brought into the קודש, they would have rightfully burnt the חטאת. We derive from this that if the דם of a חטאת היצונה is brought into the קודש; the חטאת is to be burnt.

פרש"י asks on תוספות:

הקשה הרב רבינו שלמה מטרויש<sup>3</sup> הא על כרחיך לאו שפיר עבוד דשרפיה –

ר' שלמה מטרויש has a difficulty with פירש"י, but perforce it was not proper that they burnt it, in any event -

דהא שרפיה בלא עיבור צורה<sup>4</sup> –

For they burnt it without 'transforming its form; which is not proper -

ואמר בפרק כיצד צולין (לקמן פב,ב) כל שפסולו בגופו<sup>5</sup> ישרף מיד –

For the גמרא states in פרק כיצד צולין, whenever its inaptness is in the body (flesh) of the קרבן, it should be burnt immediately, however if the פסול is -

בדם<sup>6</sup> ובבעלים תעובר צורתו ויצא לשריפה –

<sup>1</sup> ויקרא (צו) ו,כג.

<sup>2</sup> This is referring to the שער ר"ה (see previous דכתיב), which was burnt on that same day when בני אהרן passed away. When משה became aware of it, he chastised the בני אהרן.

<sup>3</sup> This is (seemingly) the city of Troyes (in France) where רש"י (whose name was [of course] שלמה) lived!

<sup>4</sup> עיבור צורה means that the meat of the קרבן (that became פסול) is left overnight so that it changes (for the worse) and it is considered נותר and subsequently burnt. In our case there was no עיבור צורה for they burnt it on that very same day.

<sup>5</sup> When it becomes טמא, for instance.

<sup>6</sup> If the blood spilt or it became טמא.

**In the blood of the קרבן or in the owners<sup>7</sup> of the קרבן, then first עיבור צורה is required and afterwards it shall go out to be burnt.** Therefore even if the דם was brought into the קודש they should have waited overnight before burning it. We cannot, therefore derive from this that if the דם was brought אל הקודש it should be burnt, because that could not have been the intent of משה's statement.<sup>8</sup>

explains what indeed did משה mean when he said 'הן לא הובא וגו', implying that if the הובא their actions would be validated:

**וקרא הכי קאמר מדוע לא אכלתם<sup>9</sup> את החטאת הן לא הובא את דמה –**

**And this is what the verse means; why did you not eat the חטאת, since it blood was not brought אל הקודש –**

**הא אם הובא שפיר עבוד דלא אכלוה<sup>10</sup> –**

**However if the blood would have been brought אל הקודש, it would be proper that they did not eat it.** The implication to be drawn is (merely) that if הובא it should not be eaten, but not that it should have been burnt.<sup>11</sup> The question on רש"י remains; how do we derive from the פסוק of שורף that if the דם was brought אל הקודש that it is שריפה (after עיבור צורה) טעון שריפה.

explains:

**ואומר רבינו יצחק דהכי פירושו אם אינו ענין לגופה –**

**And the ר"י states that this is the explanation of this לימוד of פסוק, if the פסוק of פסוק, is not necessary for its own sake, to teach us that if the blood was brought into the קודש it is to be burnt; the reason why it is not necessary is because –**

**דהא<sup>12</sup> קיימא לן בפרק כיצד צולין (גם זה שם) כל שפסולו בקדש בשריפה –**

**For we have already established in פירוש צולין from a מסיני פרק כיצד צולין that anything of קודש which became disqualified is to be burnt.**

**וחטאת דאהרן משום מעשה שהיה<sup>13</sup> –**

<sup>7</sup> If the owners became טמא or died.

<sup>8</sup> משה could not have admonished them why they burnt it, since לא הובא דמה; implying that if הובא דמה they acted properly, for even if הובא דמה they still acted improperly since there was no עיבור צורה. It is therefore obvious that we cannot derive anything out of this implication, since even if הובא דמה they were not permitted to burn it (at that time).

<sup>9</sup> משה did not state, 'why did you burn it' but rather 'why did you not eat it'.

<sup>10</sup> They cannot eat it because the קרבן would be פסול if the דם was פנימה.

<sup>11</sup> משה certainly did not imply that it should have been burnt, since there was no עיבור צורה.

<sup>12</sup> Others maintain (see יוסף) that (according to תוספות) the words 'דכתיב והנה שורף' should be omitted in גמרא. See however מהרש"ל who retains it and offers an explanation. See פני" who maintains that the fact that it was burnt (והנה שורף), proves the כל שפסולו בקדש that הילכתא גמירי לן (והנה שורף). Otherwise, why did he burn it (for it was not 'הובא דמה וגו'). עיי"ש.

<sup>13</sup> The דאהרן משום מעשה שהיה כך היה reads: פב,ב. גמרא on.

**And** the reason the תורה writes by אהרן that the חטאת was burnt (is not to teach us any laws concerning שריפת החטאת for we know it from the הלל"מ, but rather it was mentioned) **because this is what** actually occurred.<sup>14</sup> The פסוק of חטאת וכל is therefore extra, so -

**תנהו לכל איסורים:**

**Utilize it for all** other איסורים that they are אסור בהנאה (as if they have to be burnt) as the גמרא concludes.

### Summary

According to רש"י the פסוק of חטאת וכל is extra because of the פסוק of והנה שורף. According to תוספות it is extra for we know if from a הלל"מ. There is no implication from שורף that if הובא דמה it should be burnt, since there was no עיבור צורה.

### Thinking it over

<sup>15</sup>Why indeed did they burn the שעיר ר"ה?

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<sup>14</sup> There are varying opinions whether this burning was proper or not. See תוספות ר"פ who maintains that the burning of חטאת אהרן without עיבור צורה was a שעה.

<sup>15</sup> See דכ"א.