

The Innovation of מעב - אינו מעב - What does this category teach us about the halakhic system? - Mishnah Menachot 3:5-4:4

The mishnayot in Menachot running from 3:5 to 4:4 discuss whether different aspects of certain halakhic performances are מעב each other, i.e., can you have one without the other and still have fulfilled a valid *mitzvah*/religious act. This concept actually reveals a lot about Jewish law - especially regarding how literal/formalistic Jewish law is, how integrated ritual processes are, etc.

Questions? Comments? Email dinanddaf@gmail.com

1. דברים טז:א-ב

א שְׁמוֹר אֶת־חֹדֶשׁ הָאֲבִיב וְעָשִׂיתָ פֶּסַח לִי־הוֹה אֶ־לְהִיךָ כִּי בְחֹדֶשׁ הָאֲבִיב הוֹצִיאָךְ יְיָ־הוֹה אֶ־לְהִיךָ מִמִּצְרַיִם לַיְלָה:

Observe the month of Abib and offer a passover sacrifice to the ETERNAL your God, for it was in the month of Abib, at night, that the ETERNAL your God freed you from Egypt.

ב וְזָבַחְתָּ פֶּסַח לִי־הוֹה אֶ־לְהִיךָ צֹאן וּבָקָר בַּמָּקוֹם אֲשֶׁר־יִבְחַר יְיָ־הוֹה לְשַׁכֵּן שְׁמוֹ שָׁם:

You shall slaughter the passover sacrifice for the ETERNAL your God, from the flock and the herd, in the place where GOD will choose to establish the divine name.

1. ספרי דברים קכט

"זבחת פסח", שתהא שחיטתו לשם פסח, שאם שחטו שלא לשמו פסול. אין לי אלא שחיטתו, מנין לרבות קבול דמו וזריקת דמו? תלמוד לומר "ועשית". יכול שאני מרבה את הקטר חלביו? תלמוד לומר "זבחת", זביחה בכלל היתה, ולמה יצאה? להקיש אליה ולומר לך, מה זביחה מיוחדת שהיא מעכבת את הכפרה, אף כל שמעכב את הכפרה. יצאה הקטרה, שאינה מעכבת את הכפרה.

And you shall slaughter the Passover sacrifice - that its slaughter should be for the sake of being a Passover, for if one slaughtered it not for its sake, it is invalid. This is only the case regarding its slaughter, whence would I also include the gathering and sprinkling of its blood. Hence, the verse (preceding) states "and you shall make (a Pesach)."

Perhaps I should also include the burning of the fats (as invalidating if they are not done for the sake of the Passover)? Hence, the verse states: "And you shall slaughter."

Slaughter was included, and why was it specified? To compare to it and tell you - just as slaughter is unique in that it holds back the atonement (if not performed), likewise any action that holds back the atonement (can invalidate the Passover if not done for its own

sake). This excludes the burning of the fats which does not hold back the atonement (if not performed).

2. משנה מנחות ג:ה- ד:ד

ה הקמץ, מעוטו מעכב את רבו. העשרון, מעוטו מעכב את רבו. היין, מעוטו מעכב את רבו. השמן, מעוטו מעכב את רבו. הסלת והשמן מעכבין זה את זה. הקמץ והלבונה מעכבין זה את זה:
With regard to the handful, failure to sacrifice the minority of it prevents the majority of it, which was sacrificed, from rendering it permitted for the priests to consume the remainder of the meal offering. With regard to a tenth of an ephah of flour brought as a meal offering, failure to sacrifice the minority of it prevents the majority of it, which was sacrificed, from qualifying as a proper meal offering. With regard to the wine poured as a libation, failure to pour the minority of it prevents the majority of it, which was poured, from qualifying as a proper libation. With regard to the *log* of oil that is required for the meal offering, failure to add the minority of it prevents the majority of it, which was added, from being a sufficient measure of oil. With regard to the fine flour and the oil, failure to bring each prevents fulfillment of the mitzva with the other. With regard to the handful and the frankincense, failure to burn each prevents fulfillment of the mitzva with the other.

ו שני שעירי יום הכפורים מעכבין זה את זה. שני כבשי עצרת מעכבין זה את זה. שתי חלות מעכבות זו את זו. שני סדרים מעכבין זה את זה. שני בזיכין מעכבין זה את זה. הסדרים והבזיכין מעכבין זה את זה. שני מינים שבנזיר, שלשה שבפרה, ארבעה שבתודה, ארבעה שבלולב, ארבעה שבמצרע, מעכבין זה את זה. שבע הזיות שבפרה מעכבות זו את זו. שבע הזיות של בין הבדים, ושעל הפרכת, ושעל מזבח הזהב, מעכבות זו את זו:

With regard to the two goats of Yom Kippur, the absence of each goat prevents fulfillment of the mitzva with the other. With regard to the two sheep brought together with the meal offering of the two loaves on *Shavuot*, failure to bring each of the sheep prevents fulfillment of the mitzva with the other. With regard to the two loaves brought on *Shavuot*, failure to bring each of the loaves prevents fulfillment of the mitzva with the other. With regard to the two arrangements of the shewbread, failure to place each of the arrangements prevents fulfillment of the mitzva with the other. With regard to the two bowls of frankincense that accompany the shewbread, failure to place each of the bowls prevents fulfillment of the mitzva with the other. With regard to the arrangements of the shewbread and the bowls of frankincense, failure to bring each of them prevents fulfillment of the mitzva with the other. With regard to the two types of loaves that accompany the offerings of a nazirite: The bread and wafers (see Numbers 6:15); the three species that are part of the rite of the red heifer: The cedar, hyssop, and scarlet wool (see Numbers 19:6); and the four types of loaves that accompany the thanks offering: The loaves, wafers, loaves soaked in hot water, and leavened bread (see

Leviticus 7:12); and the four species of the *lulav*: The *lulav*, *etrog*, myrtle, and willow (see Leviticus 23:40); and the four species that are used in the purification process of the leper: The cedar, hyssop, scarlet wool, and birds (see Leviticus 14:4), failure to bring each of the components prevents fulfillment of the mitzva with the others. With regard to the seven sprinklings of the blood of the red heifer that the priest sprinkles opposite the entrance to the Sanctuary (see Numbers 19:4), failure to sprinkle each prevents fulfillment of the mitzva with the others. With regard to the seven sprinklings of the blood of the bull and goat of Yom Kippur that are sprinkled on the Ark between the staves (see Leviticus 16:14–15), the seven sprinklings that are sprinkled on the Curtain separating the Sanctuary and Holy of Holies, and the sprinklings that are sprinkled on the golden altar on Yom Kippur, and from all other inner sin offerings, failure to sprinkle each prevents fulfillment of the mitzva with the others.

ז שְׁבַע קָנִי מְנוּרָה מְעַכְבִּין זֶה אֶת זֶה. שְׁבַע נְרוֹתֶיהָ מְעַכְבִּין זֶה אֶת זֶה. שְׁתֵּי פְרָשִׁיּוֹת שְׁבַמְזוּזָה מְעַכְבוֹת זֶה אֶת זֶה. וְאֶפְלוֹ כָּתֵב אֶחָד מְעַכְבֵּן. אַרְבַּע פְּרָשִׁיּוֹת שְׁבַתְּפָלִין מְעַכְבוֹת זֶה אֶת זֶה. וְאֶפְלוֹ כָּתֵב אֶחָד מְעַכְבֵּן. אַרְבַּע צִיצִיּוֹת מְעַכְבוֹת זֶה אֶת זֶה, שְׁאֲרֵבֶעֱתֵן מִצְוָה אַחַת. רַבִּי יִשְׁמַעֵאל אוֹמֵר, אַרְבַּעֲתֵן אַרְבַּע מִצְוֹת: With regard to the seven branches of the Candelabrum (see Exodus 25:32), the absence of each prevents fulfillment of the mitzva with the others. With regard to its seven lamps atop the branches, the absence of each prevents fulfillment of the mitzva with the others. With regard to the two passages that are in the *mezuzah*, which are the first (Deuteronomy 6:1–9) and second (Deuteronomy 11:13–21) paragraphs of *Shema*, the absence of each prevents fulfillment of the mitzva with the other. Furthermore, the absence of even one letter prevents fulfillment of the mitzva with the rest of them. With regard to the four passages that are in the phylacteries, which are the two passages in the *mezuzah* and two additional passages (Exodus 13:1–10, 11–16), the absence of each prevents fulfillment of the mitzva with the others. Furthermore, the absence of even one letter prevents fulfillment of the mitzva with the rest of them. With regard to the four ritual fringes on a garment, the absence of each prevents fulfillment of the mitzva with the others, as the four of them constitute one mitzva. Rabbi Yishmael says: The four of them are four discrete mitzvot, and the absence of one does not prevent fulfillment of the mitzva with the rest.

פֶּרֶק ד'

א הַתְּכֵלֶת אֵינָה מְעַכְבֶּת אֶת הַלָּבָן, וְהַלָּבָן אֵינוֹ מְעַכֵּב אֶת הַתְּכֵלֶת. תְּפִלָּה שֶׁל יָד אֵינָה מְעַכְבֶּת שֶׁל רֹאשׁ, וְשֶׁל רֹאשׁ אֵינָה מְעַכְבֶּת שֶׁל יָד. הַסֵּלֶת וְהַשְּׁמֹן אֵינָם מְעַכְבִּין אֶת הַיָּיִן, וְלֹא הַיָּיִן מְעַכְבֵּן. הַמִּתְנַגּוֹת שֶׁעַל מִזְבֵּחַ הַחִיצוֹן אֵינָן מְעַכְבוֹת זֶה אֶת זֶה:

The absence of the sky-blue [*tekhelet*] strings does not prevent fulfillment of the mitzva of ritual fringes with the white strings, and the absence of white strings does not prevent fulfillment of the mitzva with the sky-blue strings. If one has only one, he wears it without the other. Absence of the phylacteries of the arm does not prevent fulfillment of the

mitzva of the phylacteries of the head, and absence of the phylacteries of the head does not prevent fulfillment of the mitzva of the phylacteries of the arm. If one has only one, he dons it without the other. The mishna returns to discussing the *halakhot* of meal offerings, which are the central theme of this tractate. The absence of the fine flour and the oil for the meal offering accompanying burnt offerings and peace offerings does not prevent libation of the wine, and the absence of the wine for libation does not prevent sacrifice of the flour and the oil. Failure to perform some of the placements of blood on the external altar does not prevent fulfillment of the mitzva with the other placements, as even if the priest performed only one placement of blood, the offering effects atonement after the fact.

ב הַפְּרִים וְהַאֵילִים וְהַכֹּבְשִׁים אֵינָן מְעַכְבִּין זֶה אֶת זֶה. רַבִּי שְׁמַעוֹן אוֹמֵר, אִם הָיוּ לָהֶם פְּרִים מְרִבִּים וְלֹא הָיוּ לָהֶם נֹסְכִים, יְבִיאוּ פֶּר אֶחָד וְנֹסְכָיו, וְלֹא יִקְרְבוּ כָּלָּן בְּלֹא נֹסְכִין:

Failure to sacrifice one of the bulls, the rams, the sheep, or the goats of the additional offerings brought on Festivals does not prevent the sacrifice of the others. Rabbi Shimon says: If the Temple treasurers had sufficient funds for the numerous bulls that are required to be sacrificed on that day but they did not also have sufficient funds for the accompanying libations, they should rather bring one bull and its libations, and they should not sacrifice all of them without libations.

ג הַפֶּר וְהַאֵילִים וְהַכֹּבְשִׁים וְהַשְּׁעִיר אֵינָן מְעַכְבִּין אֶת הַלֶּחֶם, וְלֹא הַלֶּחֶם מְעַכְבֵּן. הַלֶּחֶם מְעַכֵּב אֶת הַכֹּבְשִׁים, וְהַכֹּבְשִׁים אֵינָן מְעַכְבִּין אֶת הַלֶּחֶם, דְּבַרִּי רַבִּי עֲקִיבָא. אָמַר שְׁמַעוֹן בֶּן נִנְס, לֹא כִי, אֲלֵא הַכֹּבְשִׁים מְעַכְבִּין אֶת הַלֶּחֶם, וְהַלֶּחֶם אֵינוֹ מְעַכֵּב אֶת הַכֹּבְשִׁים, שֶׁכֵּן מְצִינוּ, כְּשֶׁהָיוּ יִשְׂרָאֵל בַּמִּדְבָּר אַרְבַּעִים שָׁנָה, קָרְבוּ כֹבְשִׁים בְּלֹא לֶחֶם, אֲףי כָּאֵן יִקְרְבוּ כֹבְשִׁים בְּלֹא לֶחֶם. אָמַר רַבִּי שְׁמַעוֹן, הַלֶּכָּה כְּדַבְּרֵי בֶן נִנְס, אֲבָל אֵין הַטַּעַם כְּדַבְּרֵיו, שֶׁכָּל הָאָמוֹר בְּחֻמְשׁ הַפְּקוּדִים, קָרַב בַּמִּדְבָּר. וְכָל הָאָמוֹר בְּתוֹרַת כֹּהֲנִים, לֹא קָרַב בַּמִּדְבָּר. מִשְׁבָּאוֹ לְאַרְצוֹ, קָרְבוּ אֵלָיו וְאֵלָיו. וּמִפְּנֵי מָה אָנִי אוֹמֵר יִקְרְבוּ כֹבְשִׁים בְּלֹא לֶחֶם, שֶׁהַכֹּבְשִׁים מְתִירִין אֶת עַצְמוֹן בְּלֹא לֶחֶם. לֶחֶם בְּלֹא כֹבְשִׁים, אֵין לִי מִי יִתְיַרְנוּ:

On *Shavuot* there is an obligation to sacrifice burnt offerings, a sin offering, and peace offerings together with the offering of the two loaves. The burnt offerings consists of a bull, two rams, and seven sheep. A goat is brought for the sin offering. Two sheep are brought as peace offerings and waved together with the two loaves. Failure to sacrifice the bull, the rams, and the sheep, which are all brought as burnt offerings, and the goat that is brought as a sin offering, does not prevent the bringing of the two loaves, and they are sacrificed nevertheless. Failure to bring the two loaves does not prevent sacrifice of the accompanying animal offerings. Failure to bring the two loaves prevents sacrifice of the accompanying peace offering of two sheep, but failure to sacrifice the two sheep does not prevent the bringing of the two loaves; this is the statement of Rabbi Akiva. Rabbi Shimon ben Nannas says: No, rather the opposite is true. Failure to sacrifice the peace offering of two sheep prevents the bringing of the two loaves, but failure to bring the two loaves does not prevent sacrifice of the accompanying peace

offering of two sheep. As we found that when the Jewish people were in the wilderness for forty years after the exodus from Egypt, they sacrificed the two sheep as a peace offering on *Shavuot* without the two loaves, as the two loaves may be brought only from wheat grown in Eretz Yisrael after the Jewish people entered the land. Here too, whenever wheat is unavailable, they should sacrifice the two sheep without the two loaves. However, the two loaves are not sacrificed without the peace offering of two sheep. Rabbi Shimon says: The *halakha* is in accordance with the statement of Rabbi Shimon ben Nannas that failure to sacrifice the two sheep prevents the bringing of the two loaves but failure to bring the two loaves does not prevent sacrifice of the accompanying peace offering of two sheep, but the reason for that ruling is not in accordance with his statement. As all the offerings that must be sacrificed on *Shavuot* that are stated in the book of Numbers (see 28:27), i.e., two bulls, one ram, and seven sheep as additional offerings and a goat as a sin offering, were sacrificed when the Jewish people were in the wilderness. But all the offerings stated in Leviticus (see 23:18–20), i.e., the offerings accompanying the two loaves, were not sacrificed when the Jewish people were in the wilderness. Not only were the two loaves not sacrificed, but the accompanying offerings, including the peace offering of the two sheep, were also not sacrificed, because it was only when they arrived in Eretz Yisrael that these additional offerings and those offerings accompanying the two loaves were sacrificed. Neither the additional offerings of *Shavuot* nor the two loaves, and the offerings that accompany them, were sacrificed in the wilderness, contrary to the opinion of Rabbi Shimon ben Nannas. Rather, for what reason do I nevertheless say that the sheep should be sacrificed without the loaves, in accordance with the opinion of Rabbi Shimon ben Nannas? It is due to the fact that the sheep permit themselves, as the sprinkling of their blood and the burning of the portions consumed on the altar renders it permitted to partake of their meat. And why are the loaves not sacrificed without the sheep? It is because there is no item to permit the loaves, as the loaves are permitted only after the sheep are sacrificed.

ד התמידין אינן מעכבין את המוספים, ולא המוספים מעכבין זה את זה. לא הקריבו כבש בבקר, יקריבו בין הערבים. אמר רבי שמעון, אימתי, בזמן שהיו אנוסין או שוגגין. אבל אם היו מזידין ולא הקריבו כבש בבקר, לא יקריבו בין הערבים. לא הקטירו קטרת בבקר, יקטירו בין הערבים. אמר רבי שמעון, וכלה הייתה קרבה בין הערבים, שאין מחנכין את מזבח הזהב אלא בקטרת הסמים, ולא מזבח העולה אלא בתמיד של שחר, ולא את השלחן אלא בלחם הפנים בשבת, ולא את המנורה אלא בשבעה נרותיה בין הערבים:

Failure to sacrifice the daily offerings does not prevent sacrifice of the additional offerings, and likewise, failure to sacrifice the additional offerings does not prevent sacrifice of the daily offerings. And failure to sacrifice some of the additional offerings on a day when more than one is sacrificed, e.g., if it was both Shabbat and the New Moon, does not prevent sacrifice of the other additional offerings. If the priests did not sacrifice

a lamb in the morning as the daily offering, nevertheless, they should sacrifice a lamb in the afternoon as the daily offering, as failure to sacrifice one daily offering does not prevent sacrifice of the other. In all of these cases, if they failed to sacrifice one offering, they should still sacrifice the other. Rabbi Shimon said: When does this *halakha* apply? It applies at a time when the failure to sacrifice the daily morning offering was because they were prevented from sacrificing it due to circumstances beyond their control or they failed to sacrifice it unwittingly. But if the priests acted intentionally and did not sacrifice a lamb in the morning as the daily offering, they should not sacrifice a lamb in the afternoon as the daily offering. Incense was burned twice a day, half a measure in the morning and half a measure in the afternoon. If they did not burn the half-measure of incense in the morning, they should burn the half-measure in the afternoon. Rabbi Shimon said: And in such a case, the entire measure was sacrificed in the afternoon. The reason for the difference between the daily offerings and the incense is that the daily service on a new golden altar is initiated only with the burning of the incense of the spices in the afternoon, at which time they would burn a full measure. And the daily service on a new altar of the burnt offering, on which the daily offerings were sacrificed, is initiated only with the daily morning offering. And use of a new Table was initiated only with the arrangement of the shewbread on Shabbat, and use of a new Candelabrum was initiated only with the kindling of its seven lamps in the afternoon.

3. ספר המצוות לרמב"ם שורש יא

השרש האחד עשר שאין ראוי למנות חלקי המצוה בפרט חלק חלק בפני עצמו כשיהיה המקובץ מהם מצוה אחת: פעמים יהיה הצווי האחד שהוא מצוה אחת יש לו חלקים רבים. כמו מצות לולב (ע' קסט) שהיא ארבעה מינים. הנה לא נאמר כי פרי עץ הדר מצוה בפני עצמה וכפות תמרים מצוה בפני עצמה וענף עץ עבות מצוה בפני עצמה וערבי נחל מצוה בפני עצמה. לפי שאלו כלם הם חלקי המצוה. כי הוא צוה לקבצם ואחר קבוצם תהיה המצוה לקיחת הכל ביד ביום הידוע...

The 11th principle: that it is inappropriate to count each part of a mitzvah as its own separate mitzvah (in enumerating 613) when their sum is actually a single mitzvah. Sometimes, there is a single command that is a single mitzvah which has many parts - e.g., lulav, which is four specifies. We will not say that etrog is its own mitzvah, plam fronds is its own mitzvah, myrtle branches ar their own mitzvah and willow branches are their own mitzvah - for they are all parts of the same mitzvah. For God commanded to gather them, and once they are gathered, there is a mitzvah to take them all in hand on a specific date...

ואמנם מקום הקושי הוא בדברים שאמרו בהם אינם מעכבין זה את זה. כי העולה במחשבה שאחר שאלו החלקים כל חלק מהם בלתי צריך לחבירו שיהיה כל חלק מצוה בפני עצמה. כמו שאמרו (שם) התכלת אינו מעכב את הלבן והלבן אינו מעכב את התכלת. והנה היה אפשר לנו שנאמר שלבן ותכלת יימנו בשתי מצות לולי מה שמצאנו להם לשון מבואר במכילתא דרבי ישמעאל (בעש' יד הובא מספרי) והוא אמרם

שם יכול שהן שתי מצוות מצות תכלת ומצות לבן תלמוד לומר והיה לכם לציצית מצוה אחת היא ואינה שתי מצוות. הנה כבר התבאר לך שאפילו החלקים שאינם מעכבין זה את זה פעמים יהיו מצוה אחת כשיהיה הענין אחד. כי הכוונה בציצית למען תזכרו. אם כן כלל הדבר המחייב לזכרון מצוה אחת יימנה. הנה לא נשאר לנו אם כן שנביא במנין המצות לאמרם מעכבין או אינם מעכבין כי אם לענין לבד האם הוא ענין אחד או ענינים רבים כמו שבארנו בשרש התשיעי מאלו השרשים שאנחנו משתדלים לבארם:

However, the difficulty is those things where the rabbis said about them that they do not hold each other back. Because one would think that if each of these parts of the mitzvah do not require each other, then each part is its own mitzvah. As they said: techelet does not hold back white, and vice versa. And we might have said that white and techelet should be counted as two mitzvot if not for the explicit language in the Mekhilta d'R. Yishmael, that one might thinking they would be two mitzvot - hence, Scripture states "And it shall be for you as fringers" - it is one mitzvah and not two. Behold it has now been explained to you that even the parts of a mitzvah that do not require each other can sometimes still be one mitzvah if they are the same theme. For the purpose of tzitzit is to remember. If so, it includes whatever causes the remembering as one mitzvah. Therefore, when we take into account in the enumeration of the mitzvot whether or not the component parts require each other, we must relate only to the question of whether it is one theme or multiple themes, as we explained in the 9th principle of these principles that we are trying to explain.

4. ספר המצוות לרמב"ם מצות עשה יב-יג

והמצוה הי"ב היא שצונו להניח תפילין שלראש והוא אמרו יתע' (פ' שמע) והיו לטוטפות בין עיניך וכבר נכפל הצווי במצוה זו ארבע פעמים (פ' והא"ש וס"פ בא):

And the 12th mitzvah is that God commanded us to place tefillin of the head, per the verse: And they shall be symbol between your eyes - and this command has already been repeated 4 times.

והמצוה הי"ג היא שצונו להניח תפילין שליד והוא אמרו וקשרתם לאות על ירך וכבר נכפל הצווי בזה גם כן ארבע פעמים (שם ושם). והראיה על היות תפילין שלראש ושליד שתי מצוות אמרם בגמרא מנחות (מד א) על צד התימה ממי שיחשוב שתפילין שלראש ושליד לא יניח אחד מהם מבלתי האחר אלא בהיות שתיהן לפניו יחד מאמר זה לשונו "מאן דלית ליה שתי מצוות חדא מצוה לא לעביד?" כלומר מי שלא יוכל לעשות שתי מצוות לא יעשה האחת, אינו כן אלא יעשה המצוה שהיא בידו ולכן יניח אי זה מהן שיהיו בידו. הנה כבר התבאר לך קראם לתפילין שלראש ושליד שתי מצוות...

And the 13th mitzvah is that commanded us to place tefillin of the arm, per the verse: And you shall bind them as a sign on your arm. And the commandment of this has also been repeated four times. And the evidence for tefillin of the head and of the arm are two mitzvot: that which is related in the Gemara in Menachot: regarding the question for someone who things that one should not place one of them if they do not have both a statement, quoth: "One who does not have both (*lit.*, two) mitzvot shouldn't do (even) one mitzvah?" - i.e., one who cannot do both mitzvot should not do one? This is not so,

rather the person should do whichever one they have. Behold, it is now explained to you their calling tefillin of head and arm two (distinct) mitzvot...

5. פסחים עה:

מתני' נטמא בשר וחלב קיים — אינו זורק את הדם. נטמא החלב והבשר קיים — זורק את הדם. ובמוקדשים אינו כן, אלא אף על פי שנטמא הבשר והחלב קיים — זורק את הדם.

MISHNA: If the meat of the Paschal lamb became ritually impure, and the fat remains pure and may be burned on the altar, one may not sprinkle the blood. On the other hand, if the fat became impure and the meat remains pure, one may sprinkle the blood because the meat remains fit to be eaten. This is the *halakha* with regard to a Paschal lamb, whose primary purpose is to be eaten by those who have registered for it. However, with regard to other offerings it is not so. Rather, although the meat has become impure and the fat remains pure, one may sprinkle the blood, because part of the offering still remains valid.

גמ' אמר רב גידל אמר רב: אם זרק — הורצה. והא בעינן אכילה! אכילה לא מעכבא.

GEMARA: Rav Giddel said that Rav said: If one sprinkled the blood despite the fact that the meat was ritually impure, it was nonetheless accepted; one is not obligated to observe the second *Pesah*. The Gemara asks: Don't we require that the Paschal lamb be eaten, which could not occur in this case? The Gemara answers: Failure to engage in eating the offering does not preclude it from being accepted.

והא כתיב: "איש לפי אכלו"!? למצוה.

The Gemara asks: Isn't it written: "And if the household be too little for a lamb, then he and his neighbor who is close to his house shall take one according to the number of the souls; according to every man's eating you shall make your count for the lamb" (Exodus 12:4)? This indicates that the Torah requires one to eat the Paschal lamb. The Gemara responds: This verse is stated as a mitzva only. It should be fulfilled, but it does not preclude acceptance of the offering.

ולעכב לא? והתניא: "במכסת", מלימד שאין הפסח נשחט אלא למנויו. יכול שחטו שלא למנויו, יהא כעובר על המצוה וכשר — תלמוד לומר: "איש לפי אכלו תכסו", הכתוב שנה עליו לעכב.

The Gemara asks: And was it not stated to preclude acceptance of the offering if it cannot be eaten? Wasn't it taught in a *baraita*: "According to the number of the souls"; this teaches that the Paschal lamb is slaughtered only for those who have registered for it and have thereby included themselves in advance in the number of the souls? I might have thought that if one slaughtered it for those who have not registered for it, he is merely like one who violates a mitzva, but the offering is still valid after the fact. Therefore, the verse states: "According to every man's eating you shall make your

count”; the verse repeated that the Paschal lamb is eaten only by those registered in order to underscore that failure to register precludes the offering from being valid.

וְאִיתְקַשׁ אֹכְלֵינָּה לְמַנְיֵינָּה.

And those who are able to eat the offering, as opposed to the sick or elderly who are unable to eat it, are juxtaposed in the verse to those who registered. Therefore, just as a Paschal lamb is disqualified if it is slaughtered for those who did not register for it, it is disqualified if it cannot be eaten. This poses a difficulty for the opinion of Rav.

אָלָּא רַב דְּאָמַר כְּרַבִּי נָתַן, דְּאָמַר: אֲכִילַת פֶּסַחִים לֹא מַעֲכָבָא.

The Gemara answers: Rather, Rav said his statement in accordance with the opinion of Rabbi Natan, who said that failure to engage in eating the Paschal lamb does not preclude one from fulfilling one’s obligation to bring the offering, as the eating is a separate mitzva.

6. תוספות מסכת מנחות דף לח עמוד א

ואם הקדים תכלת ללבן יצא. תימה כיון דמקרא הוא דדרשינן דלבן ברישא נימא דמעכב דהא לא בעינן שנה הכתוב לעכב אלא בקדשים ויש לומר דלית לן למימר דאסדר לבד יקפיד הכתוב לעכב כמו גבי חליצה (יבמות דף קה.). הקדים ריקה לחליצה מה שעשה עשוי ואע"ג דכתיב ככה עיכובא לא קאי אלא אחסרון מעשה:

And if one placed techelet before white, one has fulfilled: This is surprising - given that it’s a verse from which we expound that white comes first, we should say that (white) holds back (blue), for we do not require a repetition by Scripture in order to render something required except in the case of kodshim? And we might answer that we should not say that regarding simple order, the pasuk would make such a thing required, just as regarding *halitzah* (Yevamot 105a) - if one spit before the removal of the shoe, what is done is done, though the pasuk uses the term “thusly” - absolute requirement only applies to a missing action.

7. דברים כה: ז-י

ז ואם לא יחפץ האיש לקחת את יבמתו ועלתה יבמתו השערה אל הזקנים ואמרה מאן יבמי להקים לאחיו שם בישראל לא אבה יבמי: ח וקראו לו זקני עירו ודברו אליו ועמד ואמר לא חפצתי לקחתה: ט ונגשה יבמתו אליו לעיני הזקנים וחלצה נעלו מעל רגלו וירקה בפניו וענתה ואמרה ככה יעשה לאיש אשר לא יבנה את בית אחיו: י ונקרא שמו בישראל בית חלוץ הנעל.

7 But if the man does not want to marry his brother’s widow, his brother’s widow shall appear before the elders in the gate and declare, “My husband’s brother refuses to establish a name in Israel for his brother; he will not perform the duty of a levir.”

8 The elders of his town shall then summon him and talk to him. If he insists, saying, “I do not want to marry her,”

9 his brother's widow shall go up to him in the presence of the elders, pull the sandal off his foot, spit in his face, and make this declaration: Thus shall be done to the man who will not build up his brother's house!

10 And he shall go in Israel by the name of "the family of the unsandaled one."

8. יבמות יב:ג

חלצה ורקקה, אבל לא קראה, חליצתה כשרה. קראה ורקקה, אבל לא חלצה, חליצתה פסולה. חלצה וקראה, אבל לא רקקה, רבי אליעזר אומר, חליצתה פסולה. רבי עקיבא אומר, חליצתה כשרה.

אמר רבי אליעזר: "ככה יעשה" (דברים כה, ט), כל דבר שהוא מעשה, מעכב. אמר לו רבי עקיבא: משם ראה, "ככה יעשה לאיש", כל דבר שהוא מעשה באיש

If she removed and spit, but did not declare, her halitzah is valid. If she declared and spit but did not remove, her halitzah is invalid. If she removed and declared but did not spit, R. Eliezer says, her halitzah is invalid. R. Akiva says, her halitzah is valid. R. Eliezer said: "so shall it be done" - anything that is an action holds back (the validity of the ceremony). R. Akiva said to him: That's a proof? "So shall be done to a man" - anything that is an action relating to the man.

9. רב מיכאל אברהם, שנה עליו הכתוב לעכב – למשמעותו של הציווי בקודשים

...אם אדם הקריב קרבן באופן אינטואיטיבי מתוך רגש טבעי שלו הרי יש כאן עבודת ה'. גם אם הוא עשה זאת שלא על פי ההלכה, סוף סוף הוקרב כאן קרבן ונעבדה כאן עבודה...

...If a person gave a sacrifice in an intuitive way from their natural feeling, this is worship of God. Even if one did so not based on halakhic requirements, in the end, a korban has been offered, and worship has been done...

המסקנה היא שכאשר התורה קובעת פרטי הלכות לגבי קרבנות היא לא באה לעקור את עבודת ה' הטבעית. הרי עוד הרבה לפני הציווי כבר הקריבו האבות (וגם גויים) קרבנות לקב"ה. בדיוק כמו שהם התפללו עוד לפני הציווי של חכמים. בשני המקרים הציווי ההלכתי לא בא במקום הרובד הטבעי הפשוט, אלא בתוספת אליו. לכן גם אם אדם עשה את הדברים שלא על פי פרטי ההלכה, סוף סוף במציאות יש כאן עבודה, והוא יקבל עליה שכר...

The conclusion is that when the Torah established the detailed rules regarding korbanot, it does not come to uproot organic worship of God. For way before any command our patriarchs and gentiles too offered sacrifices to God. Just as they prayed before the sages commanded it. In both cases, the halakhic command does not come instead of the simple organic layer, but in addition to it. Therefore, even if a person did the process not according to the details of halakha, in the end in reality there is here worship, and one will receive reward for it...

מכאן נולד הכלל שבקודשים 'בעינין שנה עליו הכתוב לעכב'. כל עוד לא נכתבו דברים מפורשים אין סיבה להניח שפרט הלכתי שלא קויים עוקר את המשמעות האינטואיטיבית של עבודת השם שבהקרבת הקרבן. רק אם התורה אומרת במפורש שהיא עוקרת את העבודה (כאשר היא חוזרת על הציווי עוד פעם, או כשהיא כותבת את המילה 'חוקה' וכדומה), רק אז היא נעקרת. במקרים אלו, התורה מחדשת שהעבודה שנעשתה באופנים הקודמים היא פסולה (ולא רק לא מושלמת). אך לשם כך נדרש מקור מיוחד, וברירת המחדל היא שלא זהו המצב.

From here emerged the principle in *kodshim* that “we need Scripture to repeat it to make it required.” So long as nothing is written explicitly, there is no reason to presume that a halakhic detail that was unfulfilled undermines the intuitive meaning of the worship of God that inheres in offering a korban. Only if the Torah says explicitly that it is undermining the worship (when it repeats the command again, or writes the word ‘statue’ or the like), only then is it uprooted. In those situations, the Torah innovates that the worship that was done in earlier ways is invalid (and not only imperfect). But for this, a special source is needed, and the default is that this is not the case.