

26.2.1; 22a (משנה או) → 23b (יעלו על רצון מזבחי)

1. זאת חקת התורה אשר צוה ה' לאמר דבר אל בני ישראל ויקחו אליה פרה אדמה תמימה אשר אין בה מום אשר לא עלה עליה על: במדבר יט:ב.
2. כל צאן קדר יקבצו לקד אילי נביות וישתונקו יגלו על רצון מזבחי ובית תפארתו אפאר: ישעיהו ס:ז.

I א' שנה: prohibited seclusion with pagan

a *Animals*: do not leave animals at the inn of a pagan as they are suspected of רביעהi *Challenge*: ruling that we may buy animals from them for use as a קרבן1 *No suspicion of*: רובע ונרבע, nor of being used for or set aside for ע"ז

(a) ע"ז: no reason for suspicion, as they wouldn't sell it to us afterwards

(b) רובע, דובע, נרבע should be suspect

(i) *Answer*: they will not be רובע their own animals out of concern for neutering1. *Challenge*: why allow buying males?2. *Answer*: they are concerned that that will weaken their bodies (financial loss)3. *Question*: then why are we allowed to buy from their shepherds (who don't have these concerns)?a. *Answer*: shepherd won't be רובע as he may get caught by owner and lose his wages4. *Question*: if so, why are we not allowed to hand over our animals to their shepherds (חשש רביעה)?a. *Answer*: they recognize each other's deviancy; but since we don't engage in it, they assume they won't get caught if they do so with one of our animals (רבה: supported by adage)5. *Question*: then we shouldn't be allowed to buy a male animals from a female עכ"ם (perhaps she "brought him" on her)a. *Answer*: she's afraid that he'll get attached to her and will follow her in public → shameb. *Challenge*: if so, why does ר' יוסף rule that a widow shouldn't allow a discreet רב בר בי רב to board with her, and shouldn't raise a dog?

i. רב בר בי רב: understood; she may seduce and not be worried about publicity as he is צנוע

ii. *Dog*: isn't she concerned that it will follow her in public and shame her?iii. *Answer*: people may assume that she threw it a bone and that's why he's following her6. *Question*: why can't we leave female animals with female עכ"ם?a. *Answer*: men are always coming around to visit their friends' wivesb. *Variation 1*: if they don't find the woman, they are רובע the animalc. *Variation 2*: even if woman is there, they prefer to be רובע ישראל's animal over own (friends') wives (per serpent's זוהמא that he put into חוה; of which we were relieved at סיני)i. *Question*: does same apply to fowl? (*answer*: yes, per accounts related by חכמים)(ii) *Answer 2* (רבינא): our משנה is the לכתחילה approach, the ברייתא is בדיעבד (once bought, may be offered)1. *Support*: we disallow ייחוד (our משנה), yet, in some cases, if she was held captive by עכ"ם, we don't assume טומאה (if she was seized for ממון – i.e. a debt her husband incurred)2. *Block*: perhaps in all cases – even בדיעבד – we disallow; but the case of שבי is different as, if they seized her due to her husband's outstanding debt, raping her will diminish their chances3. *Proof*: in case she was seized for נפשות, assume rape (i.e. remove financial angle and בדיעבד (חיישין(iii) *Answer 3* (ר' פדת): our משנה is ר"א; the ברייתא is authored by רבנן, per their dispute about חטאת

1. ר"א: may not be bought from עכ"ם; רבנן: may be bought

a. *Suggestion*: they disagree about suspicion of רביעהb. *Rejection*: perhaps they all agree that there is no suspicion of רביעהi. *And*: their dispute is whether we suspect that they may have laid a light burden (which invalidates the פרה) on its bag (tangential note: to invalidate ערופה, must pull load)c. *Block*: no one would suspect that they would fritter away great profit for a little gain (שקים)i. *Challenge*: why would we think that they'd lose profit for momentary gratification?ii. *Answer*: in that case, the יצה"ר takes over (unlike laying on a bundle of sacks)d. *Rejection*: perhaps they all agree that there is no suspicion of רביעה

i. ר"א: per שילא's application of v. 1 – must buy פרה אדמה from ישראל

ii. *Rejection*: end of ברייתא – he disallows buying any קרבן from them (no "קיהה")iii. *And*: perhaps רבנן only disagree in case of פ"א, which is expensive – but agree re: קרבנותiv. *Block*: if so, our ברייתא is authored by neither ר"א nor רבנן (i.e. no one)v. *In addition*: response to ר"א was from v. 2 → they disagree about all קרבנות

vi. → ר' פדת's solution stands