

## 33.4.1

21b (או דילמא לא שנה תיקו) → 22b (משנה א)

- I א **משנה**: Rule of חמש חטאות מתות
- a *Unqualified מיתה*: חטאת שמתו בעליה, חטאת תמורת חטאת, וולד חטאת, חטאת שמתו בעליה
- b *Qualified מיתה*: if its year has lapsed or it was lost, then found as מום בעלת מום
- i *If after כפרה*: it dies, does not generate תמורה, הנאה is prohibited (מד'ס) but מעילה doesn't attach
- ii *If before כפרה*: graze and sell and buy another; it can generate תמורה and מעילה attaches
- II Analysis of **משנה**: why weren't all five taught together?
- a *Answer*: since the first three have an unqualified ruling and the last two are "split", taught separately
- i *Note*: this **משנה** also appears (verbatim) in מעילה (ג:א)
- ii *Explanation*: it appears here due to mention of תמורה and מעילה is mentioned אגב; inverse in מעילה
- III רועה – ר"ש בן לקיש's ruling: if a חטאת's year lapsed
- a *Challenge*: from our **משנה**
- b *Answer1*: מתה only refers to the "lost and was found with a מום"
- i *Challenge*: in סיפא, grazing "until it gets a מום is mentioned" – but if already בע"מ, nothing to wait for
- c *Answer2* (רבה): if a מום עובר was found, let it graze until it gets a מום קבוע
- i *Challenges* (רבה): (1) should read ישמור (not ירעה); (2) – why is עיברה שנתה invoked at all in our **משנה**?
- ii *Rather* (רבה): read אבדה as referring to both: year lapsed and then *lost, lost* and was found with a מום
- 1 *Justification*: perhaps אבדה only generates מיתה for lapsed year, as it was already unfit for חטאת before אבידה
- (a) *And*: perhaps אבדה only generates מיתה for בע"מ, as it is now unfit for any קרבן → צריכא
- 2 *Challenge*: רבא holds that אבדת לילה is not אבידה (i.e. אבידה at time it couldn't be brought) → עיברה שנתה
- (a) *Defense*: לילה is not a time when it could be brought or anything could be brought with its funds
- (b) *Whereas*: עיברה שנתה is unfit for this קרבן, but its value could be used to buy קרבן to be brought now
- 3 *Challenge*: יומא ו:א; if one of שעיירים dies after הגרלה, we do another גורל and unneeded one is רועה
- (a) *Reason*: because חטאת צבור מתה → if it were יחיד, it would die
- (i) *And*: per יוחנן ח – ר' יוחנן בע"ח – דחוי כפרה is with 2<sup>nd</sup> one of 2<sup>nd</sup> pair; 1<sup>st</sup> "extra" is now like שנתה
- (b) *Defense*: cannot challenge from דחויין; they are totally unfit, unlike a lost animal which may be found
- IV Revisiting רבא's ruling about אבודה בלילה not being אבודה
- a *Question*: according to whom is he ruling? (רבי, who holds that הפרשה מתה or רבנן – only מתה כפרה)
- i *רבנן* would consider even יום OK, as long as found before כפרה – רבי doesn't consider לילה significant
- ii *רבנן*: case where it was lost at time of כפרה but at night – perhaps if it first got lost at night, not "אבודה"
- V Definition of אבידה:
- a **אבידה** doesn't mean stolen or burgled
- b *Definition*: any form of "lost"
- i *ד' אושעיא*: even if he sees one more than expected in his flock but can't tell which is the חטאת, even 1 mixed with 1
- ii *ד' יוחנן*: even behind the door
- 1 *Question*: does he mean "out of sight" → if outside and visible, not lost
- (a) *Or*: does he mean "even behind the door" which he could turn his head and see – תיקו outside is lost
- iii *ד' פ*: if either he or the shepherd sees it, not אבודה
- 1 *Question*: if both he and the shepherd can't see it, but someone somewhere can – is that "lost"? תיקו
- iv *ד' פ*: if it is אבודה בכוס – is that אבידה?
- 1 *Version1*: according to רבנן; is the דם בכוס which is about to be נזרק (כפרה →) considered נזרק already or not?
- 2 *Version2*: according to רבי and there is no lost animal; just one of the two cups of חטאת got lost
- (a) *clarification*: according to approach that דם עושה חבירו דחוי, no question – already פסול
- (b) *question*: according to approach that דם עושה חבירו שיריים – perhaps that is only if both cups are extant
- (i) *or*: perhaps it makes no difference – תיקו