

33.4.3

23b (סיום הפרק) → 24a (אמר רבי אמי המפרשי שני ציבורי מעות לאחריות)

Note: our סוגיא discussed the practice of "מרגילין" – stripping the pelt off of an animal from the legs. This took extra effort and the result was deleterious to the meat, but advantageous to the pelt and would produce a highly sought-after pelt which could be sold for more

1. אָשם הוא אָשם אָשם לה': ויקרא ה', יט

I Status of "unpreferred" moneys or animal when two (sets) are designated לאחריות (as back up in case one is lost)

a if he designates 2 sets of coins לאחריות, he may use either one for חטאת and the other goes to נדבה

i Question: according to whom?

1 If: according to רבי, it should be obvious; he only deems למיתה when one was lost, but not לאחריות

2 If: according to רבנן, even more obvious via ק"ו – if a lost and re-found animal goes לנדבה, certainly לאחריות

3 Rather: must be according to ר"ש (author of strictest version of חמש חטאות מתות)

(a) Justification: we might have thought that he never allows for חטאת → נדבה – קמ"ל

(b) Challenge: we know that ר"ש allows for חטאת → נדבה, per his support of יהודיע on v. 1, contra opinion of (שקלים ו:ה) עולות (and חטאות (אשמות) go to יהודה

(i) Defense: we might have thought that he only allows for נדבה with one set of moneys (e.g. where he set aside x in coins but goats depreciated and he bought it for x/2) that surplus goes to נדבה,

1. But not: in a case of 2 separate sets of coins – קמ"ל

b if he designates two חטאות for לאחריות, he may use either and the other grazes

i Question: according to whom?

1 If: according to רבנן – obvious; if they allow for רעיה when he designated a replacement, certainly לאחריות

2 If: according to ר"ש – should not be true; he reads חמש חטאות מתות strictly, including חטאת שנתכפרו בעליה

3 Rather: must be according to רבי; he only holds מתה when the 2nd was designated as replacement, not לאחריות

(a) Challenge1: end of our משנה – ר"אב"ש – if חטאת becomes בע"מ and he sells it and then offers the replacement before buyer slaughters בע"מ, it must die

(i) Assumption: he follows רבי → even לאחריות-surplus dies

(ii) Rejection: he holds like his father (ר"ש)

(b) Challenge2: ruling from יומא re: what happens when one of the goats dies after הגרלה

(i) Ruling: bring another pair and do a הגרלה, then the "surplus" grazes because it is a קרבן צבור

1. Implication: a parallel case with קרבן יחיד would die

2. And: we read ר"ב's ruling, that the "surplus" is the extra of the 2nd pair, which was designated לאחריות

3. Defense: in that case, ר"ב holds בראשון מצוה, therefore when the 2nd pair was brought, it was designated לאיבור from the start

c Tangent: ר"פ's errant ברייתא (recited before ר"פ): if lost at moment of הפרשה – רבי deems למיתה רבנן – grazes

i And: if lost at moment of כפרה – inverse

ii Rejection (ר"פ): ר"פ that רבי would say למיתה if lost at moment of כפרה (ברייתא adjusted accordingly)

II מרגילין – forbidden on יר"ט; similarly, may not be done to בכור or to פסוה"מ – ברייתא

a understood – extra work for no gain אוכל נפש

b authored by ר"ש, who regard בכור בע"מ as still requiring treatment as הקדש (re not allowing נדה to partake)

c authored by ר"אב"ש (our משנה and תוספתא תמורה ב:יב) who regards פסוה"מ as קודש even after שחיטה

i Note: ר"ח cannot attribute entire משנה to ר"ש; we only know their position re: בכור – but possibly don't extend to פסוה"מ, since בכור has "קדושה ב"מ" (מרחם)

1 And: cannot attribute entire משנה to ר"אב"ש; perhaps only applies to פסוה"מ, which are strong enough to generate פדיון – but not to בכור, which cannot generate פדיון even after it becomes בע"מ

ii Challenge (to ר"אב"ש): ח"א allows for selling פסוה"מ in market place (i.e. we attempt to help הקדש gain)

1 Answer: the practice of מרגילין, while it adds value to pelt, diminishes value of meat (per note, above)

d Alternate explanation from ר"א: stripping skin from legs looks like he's performing עבודה קדשים

e Alternate explanation (ר"י יוסי בר אבין): perhaps he'll keep בכור בע"מ and פסוה"מ around to wait for buyer of whole pelt