33.4.1
21b (משנה א) → 22b (או דילמא לא שנה תיקו)

I משנה א: Rule of חמש חטאות מתות
- a *Unqualified מיתה*: וולד חטאת, תמורת חטאת, חטאת שמתו בעליה
- b *Qualified מיתה*: if its year has lapsed or it was lost, then found as 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 ר"ש בן לקיש's ruling: if a חטאת's year lapsed – רועה
- 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 (רבא)*: (1) should read ישמור (not ירעה); (2) – why is עיברה שנתה invoked at all in our משנה?
  - ii *Rather (רבא)*: 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::לילה
       - (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 שעירים dies after הגרלה, we do another גורל and unneeded one is רועה
       - (a) *Reason*: because אין חטאת צבור מתה → if it were יחיד, it would die
         - (i) *And*: per בע"ח – ר' יוחנן have דחוי → the כפרה is with 2nd one of 2nd pair; 1st "extra" is now like עברה 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 אבדה בשעת הפרשה מתה or רבנן – only אבדה בשעת כפרה מתה)
  - i *לרבי*: (רבנן would consider even יום ok, as long as found before כפרה) – רבי doesn't consider לילה significant
  - ii *לרבנן*: 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 *אביי*: אבודה doesn't mean stolen or burgled
- b *Definition*: any form of "lost"
  - i *ר' 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 *ר' 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 – ק"ו outside is lost תיקו
  - iii *ר"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 *ר"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 דם 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