

33.4.2; 22b (משנה ב) → 23b (ומילתא דלא פסיקא ליה לא קתני)

1. והנותרת ממנה יאכלו אהרן ובניו מצות תאכל במקום קדש בחצר אהל מועד יאכלוה: ויקרא ו, ט

- I כפרה was found after חטאת, lost and then found after חטאת, Rule of משנה ב
- a *Animal*: dies
- b *Money*: take to המלח ים
- II משנה ג various scenarios about חטאת or moneys set aside for חטאת which got lost and later found
- a *If*: he set aside money for a חטאת, it was lost and he designated other coins and then the first ones were found
- i *Then*: he mixes moneys from both sets to buy חטאת and rest is used for נדבה
- b *If*: he designated חטאת-money, got lost and designated a חטאת; when the money was found the חטאת had becomes בע"מ
- i *Then*: sell בע"מ, both sets of money are mixed to buy חטאת, surplus used to buy נדבה
- c *If*: he designated חטאת and it got lost and he designated money in its place and his חטאת was found but was בע"מ
- i *Then*: the בע"מ is sold and the moneys mixed and used to buy חטאת and the rest go to נדבה
- d *If*: he was מפריש חטאת and it got lost and he was מפריש one its place, and he found the first before כפרה and both are בע"מ
- i *Then*: both are sold, moneys mixed to buy חטאת and rest goes to נדבה
- e *If*: he was מפריש חטאת and it got lost, designated a replacement and 1<sup>st</sup> was found and both are תמימים
- i *דבי*: offer either as חטאת and the other dies
- ii *כפרה בעלים*: only מעות לים המלח if found after כפרה; only חטאת מתה *דבנן*
- f *If*: he designated a חטאת and it got a מום
- i *Then*: he sells it and uses the money for another
- ii *דאבי"ש*: if the replacement was offered before the בע"מ was slaughtered –the original (בע"מ) dies
- III Analysis of משניות ב-ג: whether it follows רבי or רבנן (per dispute at end of משנה ג)
- a *First case*: implies that if replacement hadn't yet been offered, unselected one would be רועה – per רבנן
- b *Yet*: in first case of משנה ג, implies that if he didn't mix funds, untapped moneys would go to ים המלח – per רבי
- i *Defense*: per הונא ר' version of רב – that רבנן agree that if he pulled one away (to offer), other is מתה
- 1 *And*: only disagreement is if he didn't make his own decision and asked us – רבנן 1 brought, other רועה
- ii *But*: to אבא ר' version of רב – that רבנן agree if he uses the replacement, the אבודה dies;
- 1 *Disagreement*: is if he used the lost one
- (a) *דבי*: the replacement is like the lost one – if other is used, it dies
- (b) *דבנן*: the replacement is not like a lost one – if other is used, it grazes
- iii *Then*: the first case is written to imply רבי's position, the next case implies רבנן's position
- 1 *Question*: why do so – after all, their positions are explicated at end of משנה ג?
- 2 *Answer*: teaches that this apparent contradiction is anchored in the dispute רבי/רבנן
- IV Re-assessing רבי/רבנן as to רבי's understanding of the dispute רבי/רבנן הונא
- a *הונא*: all agree if he took one to offer, other dies; dispute only if he comes to ask
- i *דבי*: תקנה לקדשים – we tell him to use replacement and let lost one die
- ii *דבנן*: תקנה to benefit לקדשים – we tell him to use original and let replacement graze
- iii *Challenge (רב משרשיא)*: v. 1, directing כהנים to modify additions to מנחה in order to avoid נותר, proves לקדשים
- 1 *Answer*: that follows רבי; רבנן would disagree
- b *אבא*: all agree if he uses the replacement, the original dies; dispute only if he uses the original
- i *דבי*: the replacement is like the lost one (→dies)
- ii *דבנן*: the replacement is not like the lost one (→grazes)
- iii *Challenge*: (in re: שעירי יוה"כ) if another pair needed, the "out" grazes, because מתה חטאת צבור מתה
- 1 *Inference*: if it were a parallel case of יחיד חטאת – it would die
- 2 *But*: per רב רב (אין בע"ח נדחין) it is 2<sup>nd</sup> of 2<sup>nd</sup> pair that grazes →which was מפריש לאיבוד and would die (if יחיד)
- (a) *Answer*: that follows רבי; רבנן would disagree
- c *Challenge*: משנה ב implies that if the replacement weren't yet brought, the other would graze
- i *Regardless*: if he took one, or used the lost one or not – both ר' הונא and ר' אבא are refuted
- ii *Answer*: the inference is wrong; the משנה only picked clear-cut, unqualified rulings
- d *Challenge*: משנה ג (case #1) implies that if he didn't mix money, unused funds would go to ים המלח
- i *Regardless*: if he took one, or used the lost one or not – both ר' הונא and ר' אבא are refuted
- ii *Answer*: the inference is wrong; the משנה only picked clear-cut, unqualified rulings