34.1.6
7a (על אלו חייבין על זדונן) → 8b (סיום הפרק)

1. אִם עֹלָה קָרְבָּנוֹ מִן הַבָּקָר זָכָר תָּמִים יַקְרִיבֶנּוּ אֶל פֶּתַח אֹהֶל מוֹעֵד **יַקְרִיב אֹתוֹ לָרָצנוֹ** לִפְנֵי ה': *ויקרא א, ג*
2. **אַךְ** בָּעָשׂוֹר לַחֹדֶשׁ הַשְּׁבִיעִי הַזֶּה יוֹם הַכִּפֻּרִים הוּא מִקְרָא קֹדֶשׁ יִהְיֶה לָכֶם וְעִנִּיתֶם אֶת נַפְשֹׁתֵיכֶם וְהִקְרַבְתֶּם אִשֶּׁה לַה': *ויקרא כג, כז*
3. וְאֶל בְּנֵי יִשְׂרָאֵל תְּדַבֵּר לֵאמֹר אִישׁ אִישׁ כִּי יִקַּל אֱלֹהָיו **וְנָשָׂא חֶטְאוֹ**: *ויקרא כד, טו*
4. וְהָאִישׁ אֲשֶׁר הוּא טָהוֹר וּבְדֶרֶךְ לֹא הָיָה וְחָדַל לַעֲשׂוֹת הַפֶּסַח וְנִכְרְתָה הַנֶּפֶשׁ הַהִוא מֵעַמֶּיהָ כִּי קָרְבַּן ה' לֹא הִקְרִיב בְּמֹעֲדוֹ **חֶטְאוֹ יִשָּׂא** הָאִישׁ הַהוּא: *במדבר ט, יג*
5. וְהַנֶּפֶשׁ אֲשֶׁר תַּעֲשֶׂה בְּיָד רָמָה מִן הָאֶזְרָח וּמִן הַגֵּר **אֶת ה' הוּא מְגַדֵּף** וְנִכְרְתָה הַנֶּפֶשׁ הַהִוא מִקֶּרֶב עַמָּהּ: *במדבר טו, ל*
6. דַּבֵּר אֶל **בְּנֵי יִשְׂרָאֵל** לֵאמֹר **אִשָּׁה** כִּי **תַזְרִיעַ** וְיָלְדָה זָכָר וְטָמְאָה שִׁבְעַת יָמִים כִּימֵי נִדַּת דְּוֹתָהּ תִּטְמָא: *ויקרא יב, ב*
7. **אוֹ הוֹדַע אֵלָיו חַטָּאתוֹ** אֲשֶׁר חָטָא וְהֵבִיא קָרְבָּנוֹ שְׂעִירַת עִזִּים תְּמִימָה נְקֵבָה עַל חַטָּאתוֹ אֲשֶׁר חָטָא: *ויקרא ד, כח*
8. וְאִם נְקֵבָה **תַּלָּד** וְטָמְאָה שְׁבֻעַיִם כְּנִדָּתָהּ וְשִׁשִּׁים יוֹם וְשִׁשֶּׁת יָמִים תֵּשֵׁב עַל דְּמֵי טָהֳרָהּ: *ויקרא יב, ה*
9. וּבִמְלֹאת יְמֵי טָהֳרָהּ לְבֵן **אוֹ לָבַת** תָּבִיא כֶּבֶשׂ בֶּן שְׁנָתוֹ לְעֹלָה וּבֶן יוֹנָה אוֹ תֹר לְחַטָּאת אֶל פֶּתַח אֹהֶל מוֹעֵד אֶל הַכֹּהֵן: *ויקרא יב, ו*

I Analyzing exclusion of מטמא מקדש וקדשיו in משנה ב' – excluded from אשם תלוי
- a *Question*: why not add anyone who has had יוה"כ pass since their "לא הודע" (מכפר is יוה"כ)
- b *ר"ל*: only exclusions mentioned are where there is a חטאת if certainly done; if יוה"כ passed – no חטאת either
- c *ר' יוחנן*: in case he rejects יוה"כ, claiming it doesn't מכפר; if he regains his respect for יוה"כ afterwards, חייב in אשם תלוי
  - i *ר"ל*: even in that case, he is exempt
  - ii *Note*: this parallels dispute אביי/רבא about efficacy of a חטאת brought for one who denies its ability to be מכפר
    1. *Proviso*: they don't dispute a case where he doesn't want it to be offered – v. 1 stipulates לרצונו
    2. *But*: they disagree where he wants it brought, without כפרה
       - (a) *אביי*: doesn't cleanse, as that was his determination
       - (b) *רבא*: since he wanted it brought, כפרה comes of its own accord
         - (i) *Not*: רבא recanted, per his resolution of 2 passages in ספרא, one not allowing for כפרת יוה"כ for those who don't do תשובה (per אך – v. 2) the other allowing for כפרה even for אינן שבים
           1. *Note*: שבים/אינן שבים interpreted as declaring that the חטאת will/won't be מכפר
           2. *אביי's resolution*: one is רבי per ר' יהודה, other is רבי represnting his own opinion
              - a. *רבי*: יוה"כ cleanses all but a few egregious sins
           3. *רבא's resolution*: both are רבי; stringent position is a case of violating יוה"כ itself
              - a. *Proof*: else, how could there ever be כרת of יוה"כ – it would immediately cleanse
              - b. *Answer*: theoretical scenarios (e.g. dying while eating) where it could still hold

II Analysis of חכמים's exception of מגדף
- a *Question*: why does the משנה add אף?
- b *Answer*: חכמים heard that ר"ע only mentioned בעל אוב, without ידעוני, and retorted that if he excludes ידעוני from קרבן because there is no מעשה, he should also exclude מגדף, as it also has no מעשה
- c *ברייתא*: ר"ע - מגדף brings a קרבן, as he gets כרת (במזיד) and it states ונשא חטאו (v. 3)
  - i *Challenge*: this rule doesn't hold; פסח and מילה both have כרת, yet there is no קרבן brought for violation בשוגג
  - ii *Rather*: since כרת is written (for מגדף) in the פרשה of חטאת (במדבר טו) → מגדף brings קרבן חטאת
    1. *But*: citation of ונשא חטאו supports רבנן's position (i.e. he bears his sin – and no כפרה available)
  - iii *Background*: ר"ע asked חכמים what the purpose of כרת being written in re: מגדף, if not for חטאת
    1. *Answer*: to establish כרת for מקלל, via קרבן פסח (v. 4)
- d *ברייתא*: interpretations of "מגדף" (v. 5)
  - i *איסי בן יהודה*: like cleaning out a vessel and diminishing the vessel itself – i.e. מברך את ה'
  - ii *ראב"ע*: like clearning out a vessel without diminishing the vessel – i.e. עבודה זרה
    1. *Parallel ברייתא*: interpreting את ה' in v. 5 (עבודה זרה – ראב"ע; חכמים – cursing ה')

III משנה ג: יולדות who (in spite of miscarriage) bring קרבן יולדת which is eaten
- a *Formed*: if it has non-human form, dispute ר"מ/חכמים
  - i *ר"מ*: if the foetus had the form of a mammal or avian
  - ii *חכמים*: must have human form
- b *formless*: if it has no form, or a sac, or has form-construct, or comes out in pieces
- c *שפחה*: if a שפחה כנענית births per v. 6 – בני ישראל is expanded to include גיורת ושפחה via "אשה"
  - i *Question*: why give שפחה as the example in our משנה?
    1. *Answer*: סד"א only those מצוות which are equal to men and women are עבד/שפחה obligated in – קמ"ל

IV משנה ד: יולדות who (had miscarriage, and therefore) bring but it isn't eaten
- a *Unknown*: if she miscarried but neither she nor anyone else knows what she "birthed"
- b *ספק*: if 2 women miscarried, one a חיוב-category (משנה ג) and the other an exempted category (משנה ה) – not sure which
  - i *ר' יוסי*: this is only the rule if they came from different directions and came to מקדש separately
    - 1 *But*: if they are together, they bring a single קרבן which is eaten
    - 2 *Explanation (גמרא)*: they each bring עולת העוף and 1 חטאת העוף, which they offer with stipulation:
      - (a) *If*: Mrs. A is חייבת, her עולה is the חובה and the חטאת is hers and Mrs. B's עולה is נדבה (and the inverse)
      - (b) *Challenge*: ר' יוסי doesn't allow for such stipulations
        - (i) *Per*: case where one of two women ate חלב (כריתות ה:ה)
          1. *ר"ש*: they bring one חטאת w/stipulation
          2. *ר' יוסי*: they cannot bring one together
      - (c) *Answer*: ר' יוסי doesn't allow in case of חטא, as owner must have awareness of his sin (v. 7);
        - (i) *But here*: it is just to allow them to partake of קדשים (supported by ר' יוסי's explanation *ibid* ח:ה)

V משנה ה': יולדות who (miscarried such that they) do not bring at all
- a *Sac*: filled with water, blood or miscellany
- b *Form*: if it looks like fish, rodents, locusts etc.
- c *Time*: if she miscarried on day 40 (or before) from conception
- d *C-section*: exempt, but ר"ש obligates
  - i *Reason*: v. 8 – "תלד" extends to "alternative" birth (יוצא דופן)
  - ii *דבנן*: v. 6 – תזריע – only obligated if she births from place of זריעה

VI משנה ו: dispute ב"ש/ב"ה re: woman who miscarries on 80th night after birth of girl (night before she brings קרבן יולדת → eat קדשים)
- a *ב"ש*: only one קרבן יולדת (for original birth); she didn't yet have any time fit for קרבן יולדת
- b *ב"ה*: separate obligation for this לידה; she already completed her טומאה (after טבילה and ביאת שמש)
- c *Argument (ב"ה)*: if her 81st day fell on שבת, she wouldn't be able to bring קרבן, yet she would have new חיוב
  - i *Block (ב"ש)*: שבת is fit for קרבן צבור, nighttime isn't fit for any קרבן
    - 1 *And*: can't use דם (if she saw דם on 80th night, she'd be טמאה) as counter, since even if she miscarried during ימי טוהר, she'd be טמאה but wouldn't be liable for a new קרבן
- d *ברייתא*: ב"ה argued from או לבת (v. 9) that that extends to 80th night (i.e. מסורה of גזירת הכתוב)
  - i *question (ר' הושעיה after leaving him for ר' חייא, בר קפרא of)*: based on ב"ה's position, if a זב sees 3 ראיות on 7th night – חייב?
    - 1 *lemma1*: is ב"ה's reason based on או לבת – which is limited to יולדת – OR
    - 2 *lemma2*: perhaps it is based on the argument in the משנה and applies equally to זב
  - ii *answer (בר קפרא, citing ברייתא)*: reason is due to גזרת הכתוב and it doesn't extend to זב
    - 1 *proposal*: this follows מחלוקת תנאים who disagree whether זב who sees 3 ראיות on 7th night brings קרבן
    - 2 *rejection*: they all agree that לילה מחוסר זמן (i.e. not yet considered "8th day"), cases are different – if he saw 2 or 3
      - (a) *challenge*: if he only saw 2 before (➔no קרבן as of yet), it is obvious that these 3 generate חיוב
      - (b) *answer*: teaches (by inference) that if he saw them on afternoon of 7th, exempt – as ראייה סותרת
      - (c) *challenge (רבא)*: if so, this case should be taught in context of those who bring 1 קרבן for multiple violations
      - (d) *answer (רב יוסף)*: per ר' יוחנן, it isn't always the case – if he saw 2 at night, 1 the next day, not מצטרף (rationale)
        - (i) *challenge*: ר' יוחנן doesn't hold לילה מחוסר זמן (per his ruling re: נזיר שנטמא בליל שמיני)
        - (ii) *answer*: he was stating the ruling re: זיבה for the position of לילה מחוסר זמן
        - (iii) *challenge*: the ruling is obvious (*a*: needed for 1 at night – סד"א they aren't מצטרף – קמ"ל)

VII משנה ז: multiple קרבנות יולדת
- a *if*: a woman owes multiple ספקות (יולדת or זיבה) – brings one and owes nothing
- b *but if*: a woman owes multiple וודאיות (יולדת or זיבה) – brings one and owes the rest (but may eat קדשים after 1)
  - i *story*: with רשב"ג teaching no obligation, even in case of multiple חובות, to force prices down
- c *ברייתא*: if she has multiple ספקות AND multiple וודאות, she brings 2 nests, 1 eaten; owes the rest of וודאות only
  - i *ר"ע*: in any case, if she declares that the קן is for any of them, she is fully exempt
  - ii *ריב"נ*: if she declares that she is bringing וודאי for the last birth – exempt; if ספקות, if there is a וודאי there, she should declare that she is bringing for וודאי and owes nothing more; if only ספקות, declare it is for any one and she is פטורה
    - 1 *analysis (רנב"י בשם רבא)*: ריב"נ compares them to חטאת, ר"ע to טבילות
      - (a) *challenge (ר"פ)*: if רנב"י compares to חטאת, how is she exempt if she declares that ספק is for any of them?
    - 2 *rather (ר"פ)*: both compare it to טבילות; ריב"נ is concerned about פשיעה (might not bring for next לידה); ר"ע אינו חושש