

34.3.1

11b (משנה א) → 12b (יש ידיעה לחצי שיעור)

1. או הודע אליו חטאתו אשר חטא והביא קרבנו שעירת עזים תמימה נקבה על חטאתו אשר חטא: ויקרא ד, כח
2. והיה כי יאשם לאחת מאלה והתנודה אשר חטא עליה: ויקרא ה, ה

I א טסאת: conflict between violator and witnesses – regarding liability for

- a if: he was told ("אמרו לו") that he ate חלב, he must bring a טסאת
 - i question: how many "told him" (אמרו לו)?
 - 1 Approach#1: אמרו is plural → 2 עדים
 - (a) His response: must have been to deny (if he is silent, even 1 עד generates חייב, per inference from [c] below)
 - (b) However: that is only valid according to ר"מ (below); חכמים would exempt
 - (c) Explanation: משנה teaches that ruling is a subject of dispute ר"מ/חכמים
 - 2 Approach#2: אמרו is singular (per יבמות יא and explanation ad loc.)
 - (a) His response: must have been silence; if he denies, he is exempt (per [c] below)
 - (b) However: that is already inferred from [c] below
 - (c) Explanation: משנה first establishes חייב (if he is silent), then if he denies – exempt
 - (i) Source (for liability with 1 עד and שתיקה): v. 1 – he must find out for himself; but if other(s) tell him and he is silent – חייב או הודע אליו allows for קרבן; must be 1 (if 2, obviously חייב) and he must be silent – נאמן עד נאמן
- b if: 2 witnesses contradict each other (1 vs. 1); whether כשר or פסול (e.g. women) – אשם תלוי
- c if: a witness claims he ate חלב and he denies it – פטור
- d but if: 2 witnesses claim he ate חלב and he denies it –
 - i חייב חטאת ק"ו, חייב מיתה – if 2 witnesses can generate חייב ד"מ
 - ii חכמים: exempt – he could have explained that he was מזיד (→believed that he didn't eat)
 - 1 Question: is the position of חכמים based on essential נאמנות or due to מיגו
 - (a) Split the difference: if עדים testify to טומאה and מקדש today (no מיגו that he was טובל יום – still יום טובל)
 - 2 Proposal: ר"מ – if 2 testify that he was טמא (+מקדש) believed (same ק"ו as ours); חכמים disagree
 - (a) Reason: חכמים maintain that a person has essential credibility about his own status (sans מיגו)
 - (b) Challenge (ר"מ): this is also a מיגו – he could have explained "לא נטמאתי" as "לא נטמאתי וטבלתי"
 - (i) Block: this is a replication of our dispute re: חלב
 - (ii) Justification: חלב is easy to "extend" and work – בשינוי...לא אכלתי here we modify – (טבלתי)...
 - 3 Proposal: מדרש on v. 2 (מטמא מקדש) – must acknowledge; if 2 challenge him, ר"מ (same ק"ו as ours)
 - (a) יהודה: ד"א a person has essential נאמנות about his status
 - (b) חכמים: agree with יהודה ר"א about מקדש (and חלבים); but not about טומאה (שאוכל קודש בטומאה)
 - (i) Must be: טומאה חדשה, else same מיגו for מקדש ביאת מקדש should operate
 - (ii) Defense (רבינא): it is טומאה ישנה; they testified that אכל קדשים בטומאת הגוף and he says לא נטמאתי
 - 1. Explanation: he can't say בטלתי ואכלתי, as he admits that נטמא and he contradicts his first statement
 - iii נאמנות ד"א follows יהודה ר"א (greatest נאמנות);
 - 1 יהודה ד"א יוסף only intended that נאמנות for private use and for his own use
 - iv Cases where ר"מ would agree (אמוראים): since in each of these, חייב depends on information unavailable to עדים
 - 1 List: שפחה חרופה (could be only מערה); נזיר שננטמא (could have been נזירות); שואל על נזירות העדות (didn't intend עדות)

II ב טסאת: multiple חייבי חטאת and single חייבים

- a if: he ate a few pieces of חלב in one העלם, only liable for one
 - i reason (אב"י): only liable for multiple חטאות if there are העלמות מחולקות
- b but if: he ate various חייבי חטאת in one העלם (e.g. פיגול, נותר) – liable for each (חומרא of multiple מינים)
- c however: if he ate less than שיעור several times – one מין – liable; various מינים – exempt
 - i justification (ר"ל): even in several bowls; to show that יהושע ר' only sees מחלקין
 - 1 teaching: that יהושע ר' sees even תמחויין מחלקין (and considered ½ שיעור in each → פטור)
 - 2 challenge: if סיפא is 1 מין in 2 bowls, רישא is 1 מין in 1 bowl – should be obvious that he is חייב
 - 3 answer (רבינא): case where he had ידיעה between 1/2 חזיתים; following ר"ג
 - (a) Per: שבת יב: – if he wrote 1 letter, remembered, then wrote another, חכמים exempt, but ר"ג מחייב
 - (i) Reason: ר"ג אין ידיעה לחצי שיעור – ר"ג (→not considered a "break")