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

- I Analyzing exclusion of משנה ב' in מטמא a excluded from אשם תלוי
  - a Question: why not add anyone who has had יוה"כ pass since their "מכפר si יוה"כ) "לא הודע" (מכפר si יוה"כ)
  - b איז. only exclusions mentioned are where there is a חטאת if certainly done; if יוה"כ passed no חטאת either
  - c אשם תלוי חו חייב, claiming it doesn't מכפר; if he regains his respect for יוה"כ מלפר מייב, claiming it doesn't מכפר
    - i '7': even in that case, he is exempt
    - ii Note: this parallels dispute אב״/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) נפרה 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 אינן שבים (per א v. 2) the other allowing for אינן שבים even for אינן שבים
            - 1. Note: שבים/אינן שבים interpreted as declaring that the מכפר שווו/won't be מכפר
            - 2. *יאביי s resolution*: one is רבי per רבי, other is רבי represnting his own opinion
              - a. יוה"כ .דבי cleanses all but a few egregious sins
            - 3. יוה"כ resolution: both are יבי, stringent position is a case of violating יוה"כ itself
              - a. *Proof*: else, how could there ever be יוה"כ o כרת 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 דעוני only mentioned בעל אוב, without ידעוני, and retorted that if he excludes קרבן from מעשה because there is no מעשה, he should also exclude מעשה, as it also has no מעשה
  - c ברייתא brings a קרבן, as he gets במזיד) and it states נשא חטאו (v. 3)
    - i Challenge: this rule doesn't hold; מילה both have כרת, yet there is no קרבן brought for violation בשוגג
    - ii Rather: since מגדף is written (for מגדף) in the פרשה of חטאת (במדבר טו) brings מגדף הטאת brings קרבן חטאת
      - 1 But: citation of ונשא חטאו supports רבנן 's position (i.e. he bears his sin and no available)
    - iii Background: חטאת asked חכמים what the purpose of סכרת weitten in re: חטאת, if not for חטאת
      - 1 Answer: to establish מקלל 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'
    - i אב"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) cursing ה' cursing
- III 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 "7". 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 כנענית if a שפחה שפחה births per v. 6 בני ישראל is expanded to include אשה" 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 יולדות: משנה שאה (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 משנה ה' and the other an exempted category (משנה ה') -not sure which משנה ה') not sure which
    - i ינסי 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 (אנמרא): they each bring עולת העוף and 1 חטאת העוף, which they offer with stipulation:
        - (a) If: Mrs. A is חייבה (מולה is the חטאת and the חטאת is hers and Mrs. B's מולה (מולה (and the inverse)
        - (b) Challenge: ר' יוסי doesn't allow for such stipulations
          - (i) Per: case where one of two women ate כריתות ה:ה)
            - 1. ד"ש they bring one חטאת w/stipulation
            - 2. *ד' יוסי*: they cannot bring one together
        - (c) Answer: 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 די יוסי (supported by ר' יוסי sexplanation ibid ה:ת הוח להוח)
- V יולדות: משנה ה' 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.
  - *Time*: if she miscarried on day 40 (or before) from conception
  - d C-section: exempt, but ס obligates
    - i Reason: v. 8 "תלד" extends to "alternative" birth (יוצא דופן)
    - ii תזריע only obligated if she births from place of זריעה
- VI משנה ו dispute: dispute ב"ש/ב" re: woman who miscarries on 80th night after birth of girl (night before she brings → eat משנה ו ⊃ eat
  - a קרבן יולדת only one קרבן יולדת (for original birth); she didn't yet have any time fit for קרבן יולדת
  - b א ביאת שמש (after מב"ל. separate obligation for this לידה; she already completed her מומאה (after ב"ל"ל.
  - c Argument (קרבן): if her 81st day fell on שבת, she wouldn't be able to bring קרבן, yet she would have new חיוב
    - i Block (קרבן שבת is fit for קרבן צבור, nighttime isn't fit for any קרבן
      - 1 And: can't use בם (if she saw דם on 80th night, she'd be טמאה) as counter, since even if she miscarried during ימי טוהר, she'd be שמאה but wouldn't be liable for a new קרבן
  - d ב"ה ברייתא argued from או לבת (v. 9) that that extends to 80th night (i.e. מסורה of או לבת
    - i question (בר קפרא on 7th night בר קפרא, after leaving him for ב"ב ה' based on ב'ב"ה' s position, if a בר קפרא on 7th night חייב
      - 1 lemma1: is ב"ה 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 (ברייתא citing גורת הכתוב): reason is due to גורת הכתוב and it doesn't extend to
      - groposal: this follows מרלוקת תנאים who disagree whether דב who sees 3 קרבן on 7th night brings קרבן
      - 2 rejection: they all agree that מוסר 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 (→ חיוב as of yet), it is obvious that these 3 generate חייב
        - (b) answer: teaches (by inference) that if he saw them on afternoon of 7th, exempt as ראייה סותרת
        - (c) challenge קרבן if so, this case should be taught in context of those who bring ז קרבן for multiple violations
        - (d) answer (יוחנן: יוחנן; er 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: נוזיר שנטמא בליל שמיני)
          - (ii) answer: he was stating the ruling re: לילה מחוסר זמן for the position of לילה
          - (iii) challenge: the ruling is obvious (a: needed for 1 at night סד"א they aren't קמ"ל מצטרף)

## VII משנה ז: multiple קרבנות יולדת

- a if: a woman owes multiple יולדת) ספקות brings one and owes nothing
- b but if: a woman owes multiple יולדת) וודאיות brings one and owes the rest (but may eat קדשים after 1)
  - i story: with דשב"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 איי. in any case, if she declares that the א is for any of them, she is fully exempt
  - ii אינד"ג. if she declares that she is bringing וודאי for the last birth exempt; if out there is a מפקות, if there is a מפקות there, she should declare that she is bringing for פטורה and owes nothing more; if only ספקות, declare it is for any one and she is
    - 1 *analysis (רנב"י בשם רבא*): ריב"נ compares them to טבילות to טבילות
      - (a) challenge (מ"ל): if or any of them? מפק compares to מפק to mount, how is she exempt if she declares that מפק is for any of them?
    - 2 rather (מ"פ): both compare it to ר"ע אינו חושש (תוב"ל soncerned about פשיעה): שניעה (might not bring for next ר"ע אינו חושש (מידה)