

34.4.1

17a (משנה א) → 18a (עוד שתכנס לבית הספק)

1. ואם נפש כי תחטא ועשתה אחת מכל מצות ה' אשר לא תעשינה ולא ידע ואשם ונשא עונו: ויקרא ה, יז
 2. אשר נשיא יחטא ועשה אחת מכל מצות ה' אלהיו אשר לא תעשינה בשגגה ואשם: ויקרא ד, כב

- I א משנה: introduction to אשם תלוי – brought in any of these cases
- a If: he may have eaten חלב; or if he certainly ate חלב but may have eaten כשעור (and may not)
 - b Of if: he had שומן and חלב before him and doesn't know which he ate
 - c Or if: his wife and sister were in the house with him and he doesn't know with which one he had ביאה
 - d Or if: he did מלאכה and isn't sure if he did it on חול יום or שבת
- II אשם תלוי: parallels between חטאת and אשם תלוי
- a Just as: multiple eatings of חלב during one העלם only lead to 1 חטאת; with distinguishing ידיעות – multiple חטאות
 - i Similarly: multiple ספק-חלב incidents only lead to 1 אשם תלוי; with multiple ידיעות – multiple אשמות תלוי
 - b Just as: eating various חיובי כרת in one העלם (e.g. דם, נותר, פיגול, דם) generates multiple חטאות
 - i Similarly: multiple ספק-כרת incidents in one העלם generate multiple אשמות תלוי
- III Dispute אשם תלוי which generates ספק about extent of ר' אסי/חייא בר רב
- a אשם תלוי for eating it – ספק חלב, ספק שומן – bring אשם תלוי even if there is only one piece, ד' אסי
 - b שומן and he ate one חלב and the other only if there are two pieces; חייא בר רב
 - i Dispute: whether מצות (v. 1 is written single - מצות) or אשם למקרא (v. 1 is read plural – מצוות)
 - ii Argument: from case (b) which is 2 pieces → case (a) must be 2 pieces
 - 1 Rejection (רבא[?]): we could answer that case (a) is 1 piece; זו ואין צריך לומר זו (stating the less obvious first)
 - 2 Challenge (to חייא בר רב): why teach two cases (a, b) of 2 pieces?
 - (a) Answer: (b) is explaining (אשם תלוי generate חתיכות 2 only – ר' נחמן and ר' זירא, רב יהודה quoted by רב)
 - iii Difference: in case of 1.5 כזיתים (no "ממצוות", but possible to isolate איסור)
 - 1 ד' זירא – ר' זירא's reason – איסור could be clarified/isolated
 - 2 ד' נחמן – ר' זירא's reason – the איסור was "established" (הוקבע)
 - iv Challenge (to רב): ר"א rules that אשם תלוי generates חלב כוי (this and other challenges – all אחת)
 - 1 Answer: he has למסורת; איסור; isn't concerned with איסור; בירור איסור; doesn't require קביעות איסור
 - v Challenge (to רב): if a marries and has a child – ספק בן ט' לראשון – אשם תלוי (אשם תלוי במקום מצוה)
 - 1 Answer: that follows ר"א
 - vi Challenge (to רב): (נדה) if they found דם after a while on her garment – אשם תלוי
 - 1 Answer: that also follows ר"א
 - 2 Note: in ר"נ's case, he didn't respond; felt he should have defended it as being ר"מ who doesn't require קביעות
 - (a) Per: his ruling (contra חכמים) that אשם תלוי בחוץ generates חיוב for שח"ח
 - (b) Observation: this teaches that ר"מ agreed with ר"א's position
 - d אשם תלוי if he is liable for ר"א/חכמים – it is a dispute ספק חלב, ספק שומן – if one eats a single piece, רב:
 - i Challenge: why require him to eat it; ר"א allows for אשם תלוי to be brought any time as נדה
 - ii Answer; per רבבא בן בוטא's "modification" of ר"א – must wait until there is a reasonable doubt that he violated the law
 - 1 Therefore: רבבא בן בוטא was stopped from bringing אשם תלוי on the day after יו"כ