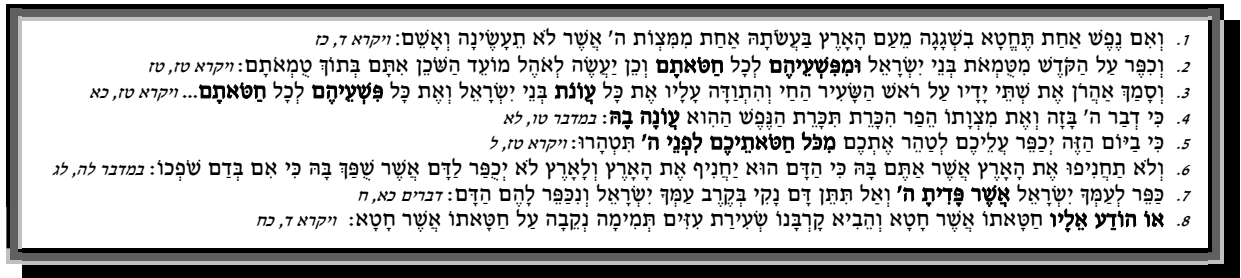


34.6.2

25a (משנה ג) → 26b (כפרה ספקה והלכה לה)



- I אשם תלוי s' approach אליעזר: משנה ג
- a א"א. a person may voluntarily bring אשם תלוי any time – it was called אשם חסידיים
  - b זבא בן בוטא. would bring every day; חכמים wouldn't let him bring on day after day; ויה"כ wait until there was a ספק
    - i Per: v. 1 – אשר לא תעשינה (i.e. must be some violation to generate חיוב)
    - c חכמים. only bring אשם תלוי for a ספק about a violation that would be חטאת – per מצות::מצות (v.1)
- II Analysis of dispute ר"א/חכמים
- a א"א. if it was a חובה, why would he need to bring חטאת afterwards (if he finds out that he did, indeed, violate)?
  - b חכמים. only עולה ושלמים are brought בנדר ונדבה – א"ת is brought to protect him from heavenly punishment in the meantime
    - i Question (לר' אשי): perhaps א"ת is like עולה ושלמים – can be a חיובה, but also be brought as נדבה
    - ii Answer: עולה ושלמים are fundamentally נדבות; they also have חיובה-occasions; א"ת is fundamentally a חיובה
  - c ספק נבלה א"ת (רבא תנא)
    - i Challenge (רבא): חכמים require חטאת חיוב; ר"א requires nothing (can even be brought בנדבה)
    - ii Answer: רבא told תנא – this is ר"א of "אמר לר' (per בבא בן בוטא)
  - d אשם תלוי (מצורע, נזיר, גילולת, שפחה חרופה, מעילות) 5 אשמות ברייתא (no other כפרה afterwards) unlike אשם תלוי
- III מחוייבי אשמות תלוין as opposed to מחוייבי אשמות וחטאות ויה"כ impact of משנה ד
- a If: someone was מחוייב חטאת ואשם and מחוייב חטאת ירה"כ – still liable
    - i Source (ר' דימי): v. 2 juxtaposes פשעים; חטאים; just as פשעים (מזיד) don't generate קרבן, so חטאים that don't generate קרבן
      - 1 Challenge (אביי): v.2 is about הנעשה בפנים שיעיר, which only covers "unknown" עבירות; perhaps שיעיר המשתלח is מכפר
    - ii Source (אביי): v. 3 – the שיעיר המשתלח (same היקש → only חטאים that aren't בני קרבן are expiated by המשתלח)
      - 1 Challenge (ר' דימי): perhaps the פשעים are those (4) that have קרבן (א: כריתות ב:א)
      - 2 רבין. came from א"י with same source as אביי, who then challenged him with דימי's challenge
        - (a) Answer (רבין): majority of פשעים are not expiated with קרבן
        - (b) Challenge (אביי): doesn't state רוב פשעיהם
    - iii Rather (אביי): from 1<sup>st</sup> half of v. 3 – פשעים::עוונות (per v. 4) → כל identifies פשעים as the whole group (קרבן לאו בני קרבן)
  - b But: if מחוייב חטאת בא"ת and ויה"כ came – פטור
    - i Source (ר"א): v. 5 – those sins known only to ה' are forgiven
    - ii Suggestion: we could have answered the first question (why חטאים ואשמות ודאין aren't "covered" by ויה"כ) from here
    - iii ויה"כ are not "covered" by ויה"כ
      - 1 Justification: we would think that חטאות are liable, as that is a financial outlay; but מכות are חטאות – צער הגוף
      - 2 Challenge: if so, ספק נזיר, ספק מצורע, ספק יולדת, ספק עגלה ערופה and סוטה should be "cleansed" by ויה"כ and be exempt
        - (a) Answer (ר' הושעיא): v. 2 indicates expiation of חטאתם, not טומאתם
          - (i) Challenge: in each case, there is a "sinful" background (סוטה and עגלה ערופה are obvious)
            1. יולדת per רשב"י's observation about her oath during childbirth
            2. מצורע. ר' יוחנן "list" of 7 חטאים that lead to צרעת
            3. נזיר. ר' אלעזר הקפר. נזיר as a sinner
          - (ii) Answer: in each case, the קרבן is brought to permit אכילת קדשים, not expiation
            1. answer (אביי): in case of סוטה and עגלה, the sinner (adulterer or murderer) does know
          - (iii) סוטה. brought to prove her innocence
          - (iv) עגלה ערופה. brought to bring expiation to Land, which, per v. 6, cannot happen otherwise

- IV Further discussion about role of יוה"כ based on premise that it expiates for sins known only to ה
- a *Proposal*: of which the sinner only became aware after יוה"כ should be "cleansed", since only ה knew on יוה"כ
- i *Block (ר' זעירא)*: extra "ידיעה" written in re: נשיא (it is written in פרשת חטאת of יחיד and נשיא, יחיד and נשיא; צבור is superfluous, as we could have inferred it from יחיד and צבור via מצונו (במה מצונו) extends to sins committed before יוה"כ that only became known to sinner after יוה"כ
- ii *Challenge (אב"י)*: נשיא wouldn't have been inferred from יחיד+צבור;  
 1 *Reason*: we would have challenged that נשיא is a non-static identity
- iii *מצות::מצות*: we infer all חטאות from each other via מצות:  
 1 *Therefore*: ידיעה isn't necessary except in one → used for a case where he found out after יוה"כ
- iv *Proposal*: יוה"כ doesn't "cleanse" for חטאת – even when he found out afterwards; it wasn't aimed at that action  
 1 *But*: אשם תלוי should cleanse, since it was brought for that action  
 2 *Answer (רבא)*: או הודע אליו (רבא) (in חטאת יחיד) – in any case, when he finds out, must bring חטאת קרבן  
 (a) *If so*: why bring אשם תלוי  
 (i) *ד' זירא*: in case he dies before finding out, he dies without that sin  
 1. *Challenge (רבא)*: death itself is an expiation  
 (ii) *רבא*: it is brought to protect him from ייסורין (in the meantime)
- b *If*: he had חטאת ספק happen on יוה"כ itself – even at the end of the day – exempt, since entire day is מכפר
- c *However*: if a woman had חטאת העוף מספק (לידה) and יוה"כ passed, still liable – its function is to permit her to eat קדשים
- d *If*: a חטאת העוף is brought for ספק and after מליקה she learns that she is exempt – it is buried
- i *רב*: and it works as כפרה
- ii *Question*: if so, why bury it?  
 1 *Answer*: it isn't guarded (by כהנים, since they know they won't be eating it as חטאת ספק)  
 (a) *Challenge*: while alive, it needs no שמירה; afterwards, they are watching it  
 2 *Rather*: in this case, she learned that there was no לידה, the bird should be מותר בהנאה  
 (a) *The burial*: is obligated only מדרבנן
- iii *But*: רב's statement was about a חטאת ספק - if she found out that she had had a לידה  
 1 *Before מליקה*: let it be completed properly  
 2 *After מליקה*: רב/ר' יוחנן dispute  
 (a) *רב*: let him do מיצוי and eat it (and it effected כפרה)  
 (b) *ד' יוחנן*: forbidden from eating – so people don't think that חטאת העוף הבאה על הספק is eaten  
 3 *ר' יוחנן*: supporting רב (from בית מדרש' לוי) and supporting יוחנן  
 (a) *רב*: exactly as above  
 (b) *ד' יוחנן*: as above; if after מליקה she learns that she gave birth, it is אסורה בהנאה  
 (i) *Reason*: it was brought for ספק – it accomplished the כפרה for ספק