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Mishna

The offspring of a *chatas*, the *temurah* of a *chatas*, and a *chatas* whose owner has died, are left to die. A *chatas* whose year is passed or which was lost and found blemished, the law is as follows: if the owners obtained atonement (through another animal), it is left to die; it does not effect *temurah*; it is Rabbinically forbidden to derive benefit from it, but the law of *me'ilah* (sacrilege; one who has unintentionally benefited from *hekdesch* or removed it from the ownership of the *Beis Hamikdosh* has committed the transgression of *me'ilah*, and as a penalty, he would be required to pay the value of the object plus an additional fifth of the value; he also brings a *korban asham*) does not apply to it. If, however, the owners have not yet obtained atonement, it must be left to graze until it develops a blemish. It is then sold and another is bought with the proceeds. It (before it is sold) effects *temurah*, and the law of *me'ilah* applies to it.

The *Gemora* explains that the *Tanna* of the *Mishna* did not state all five *chatas* offerings which are left to die together, for the three cases are clear-cut (that they are left to die), whereas the final two cases are not (for the *chatas* whose year has passed, and the one which was lost and found to be blemished are only left to die if the owner has this *chatas* and another one before him, and he chooses to gain atonement through the other one).

The *Gemora* explains that the *Mishna* here in *Temurah* needed to cite these *halachos* on account of the laws relevant to *temurah*, and accordingly, it states the other *halachos* as well, and the *Mishna* in *Me'ilah* needed to cite these *halachos* on account of the laws relevant to *me'ilah*, and accordingly, it states the other *halachos* as well.

Rish Lakish said: A *chatas* whose year is passed is regarded as if it was standing in a cemetery (where a *Kohen* cannot enter, on account of *tumah*, to slaughter it), and it is left to graze. [This comparison seems to be saying that an overage *chatas* is not completely defective, but rather, it is regarded as a secondary impediment.]

The *Gemora* asks on Rish Lakish from our *Mishna*: A *chatas* whose year is passed or which was lost and found blemished, the law is as follows: if the owners obtained atonement (through another animal), it is left to die. Shall we say this refutes Rish Lakish?

The *Gemora* answers: Rish Lakish can answer you that the first part of the *Mishna* refers only to the case where the *chatas* was lost and found blemished (and that is why it is left to die).

The *Gemora* asks: If so, let us consider the latter part of the *Mishna*: If, however, the owners have not yet obtained atonement, it must be left to graze until it develops a blemish. Now, if the *Mishna* is referring to a blemished animal, what does it mean that it should be left to graze until it develops a blemish? It is already blemished!?

Rabbah answers: The *Mishna* should read as follows: A *chatas* which was lost and found with a temporary blemish, the law is as follows: if the owners obtained atonement (through another animal), it is left to die. If, however, the owners have not yet obtained atonement, it must be left to graze until it develops a blemish, and then it is sold.

Rava asks: There are two arguments against this answer. Firstly, if so, the *Mishna* should have said: He should wait (until it develops a permanent blemish; it should not have said 'until it

develops a blemish,' indicating a new blemish); and furthermore, for what purpose does the *Mishna* mention the case of a *chatas* whose year is passed?

Rava therefore offers the following interpretation of the *Mishna*: A *chatas* whose year is passed and it was lost (and later it was found unblemished), or which was lost and found blemished, the law is as follows: if the owners obtained atonement (through another animal), it is left to die. If, however, the owners have not yet obtained atonement, it must be left to graze until it develops a blemish. It is then sold and another is bought with the proceeds. [*Rish Lakish* ruled that even if the owners have obtained atonement, the overage animal is left to graze - that refers to the case where it was not lost and thus there is only one defect, i.e., older than a year; the *Mishna* rules that it is left to die in a case where there are two defects, i.e., older than a year and it was lost.]

The *Gemora* explains the necessity of stating the two cases of 'getting lost,' one concerning a case where it was found blemished and the other regarding a case where its year has passed.

The *Gemora* asks on Rava from the following *Mishna*: When two goats were designated for a *Yom Kippur chatas* (and one of them dies), the second (extra) one is sent out to graze until it develops a blemish and they should then be sold, with the proceeds used for voluntary communal offerings. They are not left to die, since a communal *chatas* is not condemned to die. This implies that in the case of an individual *chatas*, it is condemned to die. And Rabbi Yochanan explained as follows: Living things (dedicated for sacrifices) are rejected forever from sacred use (even the initial disqualification is no longer present), and therefore, the atonement is through the second animal of the second pair (and not through the one remaining from the first pair; this is because it is deemed 'rejected' when its 'partner' died). Now, the other goat (of the first pair) is like the case of a *chatas* whose year is

passed (for it has become rejected when its partner died); but the reason why it is not condemned to die is because it is a communal offering. This would imply that if it were an individual offering, it would be condemned to die! [Accordingly, a *chatas* whose year has passed should be condemned to die, even if it was not lost! This contradicts Rava's ruling!?!]

The *Gemora* answers: Rava can answer you that the case where animals are rejected from sacred use is one thing, and the case of an animal which was lost is another. What is the reason? If a *chatas* were lost, his mind is on them (to offer them), in case they may be found; whereas where they are rejected from sacred use, they can never be fit again for offering.

The text [says above]: 'Rava said: A *chatas* which had been lost at night does not have the name [legally] of a lost *chatas*'. In accordance with whom is this opinion? Shall I say according to the Rabbis? If so, why does Rava mention the condition of being lost at night; the same applies even if it were lost by day, since the Rabbis say that a lost *chatas*, [found] when [the animal] set aside [in its place had not yet been offered], is condemned to pasture?¹ Rather it is according to the opinion of Rebbe; [for Rava holds] that Rebbe's ruling applies only to a *chatas* which was lost by day, but with regard to a *chatas* which was lost by night, even Rebbe agrees that it goes to pasture.² Or if you prefer [another solution] I may say: One may still hold that it is according to the opinion of the Rabbis, and we are supposing here that the *chatas* was lost and was only found when the owners obtained atonement, the opinion of the Rabbis that a *chatas* which was lost when the owners obtained atonement is condemned to die only applying when the loss first occurred by day, but where the loss first occurred by night, it is not so.

Said Abaye: We have a tradition, 'Lost but not stolen, lost but not robbed'.³ How is the case of a *chatas* which was lost to be understood? — Said Rabbi Oshaiah: It means even a single [animal which became mixed up] with his herd, and even one

¹ Since the Rabbis hold that a *chatas* is only condemned to die when it is found after the owners have obtained atonement.

² Since even if the *chatas* is before us, we cannot offer it at night and therefore it does not have the legal name of a lost *chatas*.

³ Only such an animal is condemned to die, and if the animal is restored to its owner it is condemned to pasture and its value is used for a freewill-offering.

[which became mixed up] with another. Rabbi Yochanan says: If the chatas [ran] behind the door.

The question was asked: What is meant [by Rabbi Yochanan's view]? Shall we say that [the law of a lost chatas applies only where the chatas is] behind the door, since no-one can see [the animal], but if the chatas ran outside [into the wilderness], since there are others who can see it, it does not have the law of a lost chatas; or perhaps [a chatas] behind the door, though if [the owner] turns his face, he can see it, has yet the law of a lost [chatas], then all the more so is this the case with a chatas which ran outside, where he does not see it [at all]? — Let it stand undecided.

Said Rav Pappa: We have a tradition: If the chatas has been lost to [the owner] but not to the shepherd, it does not have the law of a lost [chatas]; and this is certainly the case where [the chatas] has been lost to the shepherd but not to [the owner]. How is it if the chatas has been lost to him [the owner] and to the shepherd but one from quite another place recognized it? — Let it stand undecided.

Rav Pappa asked: How is it if [the chatas] was lost [when the blood of its companion was] in the cup?⁴ To whom is this question addressed? Shall I say to Rebbe? But does he not hold that a lost [chatas, found] when [the animal] set aside [in its place had not yet been offered], is condemned to die? Rather his [Rav Pappa's] inquiry will be addressed to the Rabbis, as follows: Do we say that the ruling of the Rabbis, that a lost chatas [found] when [the animal] set aside [in its place had not yet been offered] is condemned to pasture, only applies before the blood was received in the cup, but here they hold that whatever is ready to be sprinkled is considered as if it had been sprinkled [and therefore it is condemned to die]; or perhaps that so long as the blood has not yet been sprinkled, it is like the case

where a lost chatas [was found] when [the animal] set aside [in its place had not yet been offered] and it is condemned to pasture?

Some there are who say: One might indeed say that [Rav Pappa's inquiry] is addressed to Rebbe, and his inquiry will be where e.g., he received the blood in two cups and one of them was lost. And according to the authority who holds that one cup removes the other [cups of blood] from sacred use, the question cannot arise. It can arise, however, according to the authority who holds that one cup [of blood] renders [the blood in] the other [cups] remainder. Do we say that this only applies where both [cups] are present, since he can sprinkle whichever [cup] he wishes, but here [it was lost]; or perhaps there is no difference? — Let it remain undecided.

MISHNA: If one set aside a chatas and it was lost and he offered another instead of it, if then the first [animal] is found, it is left to die.⁵ If one set aside money for his chatas and it was lost and he offered a chatas-offering instead of it, if then the money was found, it goes to the Dead Sea.⁶ If one set aside money for his chatas, and it was lost and he set aside other money instead of it, if he did not have the opportunity of purchasing a chatas with it until the [first] money was found, he brings a chatas from both [sums], and the rest of the money is used for a freewill-offering. If one set aside money for his chatas and it was lost and he set aside a chatas instead of it, if he did not have the opportunity of offering it until the money was found, and the chatas was blemished, it is sold and he brings a chatas from both [sums], and the rest is used as a freewill-offering. If one set aside a chatas and it was lost and he set aside money instead of it, if he did not have the opportunity of purchasing a chatas until his chatas was found in a blemished state, it is sold and he brings a chatas from both [sums], and the rest is used for a freewill-offering. If one set aside a chatas and it was lost and he set aside

⁴ He slaughtered the animal which he set aside in place of the lost chatas and received its blood in a cup, and while the blood was still in the cup the first animal was found.

⁵ Even if it was found unblemished, since only when it was found before the atonement of the owners had taken place do we require two unfavorable conditions to condemn the animal to die.

⁶ The rule being that wherever a chatas is condemned to die, the money also is cast into the Dead Sea.

another chatas instead of it, if he did not have the opportunity to offer it until the first chatas was found and both were blemished, they are to be sold and he brings a chatas from both [sums], and the rest is used for a freewill-offering. If one set aside a chatas and it was lost and he set aside another instead of it, if he did not have the opportunity of offering it until the first chatas was found and both animals were unblemished, one of them is offered as a chatas and the second is condemned to die. This is the teaching of Rebbe. The Sages, however, say: the law of a chatas which is condemned to die only applies where it is found after the owners obtained atonement, and the money does not go to the Dead Sea except where found after the owners have obtained atonement. If one set aside a chatas and it is blemished, he sells it and purchases another for its money; Rabbi Elozar son of Rabbi Shimon says: if the second animal was offered before the first was slaughtered, it is condemned to die, since the owners have [already] obtained atonement.

GEMARA. The reason why [the chatas is condemned to die] is because the other [chatas] was offered instead of it, but if the other [chatas] was not offered instead of it, it is only condemned to pasture. Whose opinion does this represent? It is that of the Rabbis who hold that a lost [chatas found] when [the animal] set aside [instead of it had not yet been offered] is condemned to pasture. Then read the subsequent clause [of the Mishna]: If one set aside money for his chatas, and it was lost and he set aside other money instead of it, if he did not have the opportunity of purchasing a chatas with it until the [first] money was found, he brings a chatas from both [sums], and the rest of the money is used for a freewill-offering. Now the reason is because he brings a chatas from both [sums], but if he brought [a chatas] from one [of the sums of monies] the second is taken to the Dead Sea; and this will be the opinion of Rebbe, who says that a lost [chatas found] when [the animal] set aside [in its place had not yet been offered] is condemned to die! — The first part of the *Mishna* will thus be the opinion of the Rabbis and the latter part that of Rebbe!?

Now there is no difficulty according to Rav Huna, for Rav Huna reported in the name of Rav: All the authorities agree that if he selected one [on his own accord] and offered it, the second

[chatas] dies. [The latter part of the *Mishna* here] can therefore be explained as referring to a case where e.g., he [deliberately] selected one [heap of the monies for a chatas] and offered it, and [the *Mishna*] will thus be according to all the authorities concerned [even the Rabbis]. But according to Rabbi Abba, who reported Rav as saying: All the authorities concerned agree that where the owner obtained atonement through the chatas which was not lost, the lost chatas is condemned to die, and the difference of opinion arises only where [the owner] obtained atonement through the lost chatas, Rebbe holding that [the chatas] set aside instead of the lost one has the same law as the lost chatas, whereas the Rabbis hold that it has not the same law as the lost chatas, — are we to say that [the Tanna of] the early part [of the *Mishna*] states the law anonymously in agreement with the Rabbis and in the latter part of the *Mishna* it states the law anonymously according to Rebbe!?

[Yes, the first part of the *Mishna* agrees with the opinion of the Rabbis and the latter part agrees with the opinion of Rebbe.]

Now what does the Tanna of the *Mishna* inform us? That Rebbe and the Rabbis differ. Surely the *Mishna* explicitly mentions later this difference of opinion between Rebbe and the Rabbis [as follows]: If one set aside a chatas and it was lost and he set aside another instead of it, if he did not have the opportunity of offering it until the first chatas was found and both animals were unblemished, one of them is offered as a chatas and the second is condemned to die. This is the teaching of Rebbe. The Sages, however, say: the law of a chatas which is condemned to die only applies where it is found after the owners obtained atonement, and the money does not go to the Dead Sea except where found after the owners have obtained atonement.

[The latter part of the *Mishna*] informs us that [the previous clauses in the *Mishna*] are matters of dispute between Rebbe and the Rabbis.