

## OVERVIEW of the Daf

1) **MISHNAH (cont.):** The Mishnah concludes its discussion of what to do with superfluous chattas, whether one can make temurah from them and whether they are subject to the prohibition of Me'ilah.

### 2) Clarifying the Mishnah

The reason the Mishnah divides the chattas into two separate categories is explained.

The reason this Mishnah appears in Temurah as well as Me'ilah is explained.

### 3) A chattas whose year has passed

Reish Lakish rules that a chattas whose year has passed is left to graze.

This ruling is unsuccessfully challenged.

This resolution is challenged.

Rabbah answers this challenge.

Rava rejects Rabbah's explanation and offers an explanation of his own.

A contradiction between this ruling of Rava and another of his rulings is noted and resolved.

Rava's explanation is unsuccessfully challenged.

### 4) A lost chattas

Rava rules that a chattas lost at night is not considered lost.

Two possible explanations of this ruling are presented.

Abaye emphasizes that the halacha of a lost Chattas does not include one that was stolen or taken by robbery.

R' Hoshaya and R' Yochanan offer different definitions of a lost chattas.

An inquiry related to R' Yochanan's explanation is presented and left unresolved.

Two inquiries of R' Pappa related to a lost chattas are presented and left unresolved.

5) **MISHNAH:** The Mishnah discusses the halachos of a chattas or money designated for a chattas that was lost and subsequently found or one that became blemished.

### 6) Identifying the author of the Mishnah

It is noted that one ruling in the Mishnah seems to follow Rabanan whereas another ruling in the Mishnah follows the dissenting opinion of Rabbi. ■

## Distinctive INSIGHT

### A "lost" chattas

היכי דמי אבידה? א"ר אושעיא אפילו אחת בעדרו ואפילו אחת באחת

The Mishnah discusses the halacha of a chattas which was lost, and a different animal was designated as a chattas to replace it. If the second animal was actually offered and then the first one was found, the Mishnah rules that this first animal has to be left to die. Abaye explains that this halacha applies only where the first animal was lost, but not where it was stolen until another was brought in its place. In this case, when the first animal is returned to its owner, the animal is let to graze until it develops a blemish, when it may then be sold and the money used for a free-will offering.

As far as the definition of "lost," R' Oshaya explains that this is where the chattas became mixed in with one's flock and could not be identified. Although all of the animals are clearly in front of us and are not lost, because it cannot be identified at the time when atonement was achieved with the second animal, the first animal is defined as being lost.

Alternatively, R' Oshaya explains that the case is where "one animal became mixed up with one." Rashi explains that this refers to where a chattas animal became mixed up with a regular animal, and we do not know which was the chattas.

Shitta Mikubetzes questions the explanation of Rashi, because this is essentially the same as the first illustration of a chattas getting mixed into the entire flock. Furthermore, Shitta notes that the case of getting mixed into the flock should not result in the chattas having to die after finally being identified. The Mishnah in Zevachim (71b) rules that if a single animal which is designated for an offering (e.g. chattas) becomes mixed in with other non-consecrated animals, if they are all eligible, the entire flock is sold for the purpose of being brought for that offering. Therefore, this chattas which mixes with the other non-consecrated animals should not be consid-

*Continued on page 2)*

## REVIEW and Remember

1. What is done with a chattas whose year has passed?  
 \_\_\_\_\_
2. Explain בעלי חיים נדחין.  
 \_\_\_\_\_
3. What cases do not qualify as "lost"?  
 \_\_\_\_\_
4. What is the point of dispute between Rabanan and Rabbi?  
 \_\_\_\_\_

# HALACHAH Highlight

## Constructing a mikvah in the ezras nashim

ולא מועלין

One is not liable for me'ilah

**R**av Moshe Feinstein<sup>1</sup> was asked about the permissibility of constructing a mikveh in the ezras nashim of a Beis HaKnesses when there is no other location for it. The question is whether it is permitted to lower the sanctity of the Beis HaKnesses for the purpose of constructing the mikveh. The halacha is that when a Beis HaKnesses is sold it may not be sold to be made into a bathhouse unless the sale is done with the approval of the seven trustees in the presence of the members of the community and for whatever reason this was not an option in this case.

In his response he explains that the laws of selling a Beis HaKnesses are derived from the laws of the sanctity of sacred objects. The law of a chattas whose owner died is that the animal no longer has the sanctity necessary to be offered as a korban, therefore, one who derives personal benefit from such an animal does not violate the prohibition of me'ilah. Rashi<sup>2</sup> explains that since neither the animal nor its value will be offered as a korban its sanctity has dissipated. This demonstrates that when a sacred item cannot be used for the purpose for which it was designated it loses that sanctity. Accordingly, since the sanctity of a Beis HaKnesses follows the model of kodoshim it follows that if a Beis HaKnesses will never be used again as a Beis HaKnesses and even the proceeds of the sale of

(Insight...continued from page 1)

ered to be "lost," and even if the owner brought another animal in the meantime, it should not be doomed to die due to its being deferred (נדחית).

Gri"z answers that the view of Rashi is that although the chattas which becomes mixed with other animals can be salvaged, and there is a method to offer it, together with the entire flock, nevertheless, the chattas which is mixed in is considered lost until that process is completed.

Due to his second question against Rashi, Shitta suggests that the case of being "lost" is where a chattas became mixed in with other animals which were all disqualified from being offered. In this case, the Mishnah in Zevachim (ibid.) rules that all the animals must be allowed to graze until they develop a blemish. If the owner took another animal in the meantime and brought it for his atonement, the mixed-in chattas is a "lost" animal which must die if it can be identified. ■

the building will not be used for a Beis HaKnesses it loses its sanctity. However, if they stopped davening in a Beis HaKnesses but it is possible that at some point in the future it or its money will be used for a Beis HaKnesses its sanctity remains in place even though it is not currently in use and the restrictions of a Beis HaKnesses remain in force. Since in this case it was clear that the ezras nashim would not be used as a Beis HaKnesses ever again it loses its sanctity and it is permitted to construct a mikveh there. ■

1. שו"ת אג"מ או"ח ח"א סי' נ"א.

2. רש"י ד"ה ולא מועלין. ■

# STORIES Off the Daf

## The Missing Bottle

כל העומד לזרוק כזרוק דמי

**O**n today's daf we find that if something must be done it is considered to have been done already. One application of this principle is regarding chometz on Pesach.

A certain man was a bit concerned because he owned a couple of bottles of expensive whiskey and didn't wish it to be finished off on Purim. He decided that the best thing would be to leave it with a trusted friend, but the friend was also concerned about its being consumed at his house. But since this friend did have a rather large house, he placed it where he was sure no one would find it, and both friends were satisfied.

After Purim the two forgot about the entire matter. It was only when it was already Pesach that the friend found the bottle of whisky which had been left at his house shortly over a month before. Of course he was horrified but he also recalled that he had agreed to watch the whisky and taken responsibility. Although he didn't wish to hold onto chometz for even one instant, he knew that if he himself burned it, he would have to pay for the expensive liquor. Even though he was unsure, he had a shaky memory that, at certain times, it can be permitted for a person to hold onto chometz if he plans to burn it.

He brought it to his friend's house and returned it saying, "הרי שלך לפניך". Naturally, his friend immediately destroyed it. But he also felt worried that he might have done something wrong and

decided to ask about this.

When his question reached the Boruch Tam, he ruled that the conduct of both men had been acceptable. "The Chok Yaakov rules that although a robber who stole chometz may return it after Pesach, he may not do so during the chag since it is his duty to burn it immediately.<sup>1</sup> Yet the Ktzos HaChoshen is uncertain about why this shouldn't be permitted. He concludes that perhaps the prohibition is because the thief is obligated to burn it in order to fulfill the mitzvah of תשביתו.<sup>2</sup>

The Boruch Tam concluded, "But I hold that even if the robber returns the chometz and the owner burns it, he also fulfills this mitzvah! The same is true in this case."<sup>3</sup> ■

1. ח"י, סי' תמ"ג, ס"ק ח'

2. קצות החשן, סי' שס"ג ס"ק א'

3. הגהות ברוך טעם על הקצוה"ח שם ■