

Also by 'stolen', there is no remedy

אף גזול דלית ליה תקנתא –

OVERVIEW

עולא derives the rule that יאוש is not קונה from the comparison in the פסוק between lame (פסח) and stolen (גזול); just as there is no recourse to bring a lame animal as a קרבן, similarly there is no way in which a stolen animal can be brought as a קרבן regardless whether there was יאוש or not. תוספות qualifies this ruling.

תוספות anticipates a difficulty:

אף על גב דאמר לעיל (דף סה,ב) גנב טלה ונעשה איל נעשה שינוי בידו וקנאו¹ –

Even though ר' אילעא ruled previously; if he stole a sheep and it became (grew into) a ram, the change occurred in his possession and he acquires the ram; which would indicate that it is his and he can use it for a קרבן. This seemingly contradicts what עולא states here that once it is stolen it can never be brought as a קרבן!

תוספות responds:

מכל מקום כמו שהוא לית ליה תקנתא:

Nevertheless עולא means to say that the way the animal is now (while it is still a sheep, before it becomes a ram), there is no remedy to offer it as a קרבן.

SUMMARY

לית ליה תקנתא means in its present condition (but not if the animal becomes mature later [when it may be brought as a קרבן]).

THINKING IT OVER

Why cannot we answer תוספות question that ר' אילעא was only discussing the payments of ד' ו' (that he is exempt from paying it if the טבח ומכר happened after it became an איל), however regarding a קרבן he also agrees that it is forbidden on account of this פסוק (or because it is a מצוה הבאה בעבירה)?²

¹ See 'Thinking it over'.

² See previous # 1-3. אוצר מפרשי התלמוד and נח"מ; see תוס' ד"ה אמר עולא.