

## אבל חטאת<sup>1</sup> לא ליעול חולין לעזרה –

However by a *Chattos*; he should not bring *Chulin* into the *Azoroh*

### OVERVIEW

The גמרא said that even if we would assume a חזקת חיים by גט and תרומה, we would not have assumed that the same rule applies when sending a חטאת קרבן, since there is concern that if the בעלים died, one would be bringing חולין לעזרה, therefore it was necessary for the משנה to teach us that even by חטאת we assume the חזקת חיים. Our questions תוספות הוה אמינא this

asks:

ואם תאמר והלא חטאת העוף באה על הספק<sup>2</sup> כדאמרינן בפרק בתרא דנדה<sup>3</sup> (דף ע,א) -

And if you will say, but a חטאת העוף is brought even by a ספק, as the גמרא states in the last פרק of נדה מסכת, and we are not concerned for חולין בעזרה by a חטאת העוף, why should this case be any different?!<sup>4</sup>

answers:

ויש לומר דאדם עצמו בדין הוא שמביא על הספק כדי לפטור עצמו -

And one can say; that the person himself is justified to bring a חטאת when in doubt, in order to exempt himself from the חטאת (and be able to eat קדשים)<sup>5</sup> -

אבל הכא לשליח אין להביא<sup>6</sup> חולין לעזרה מספק:

However here, it is not appropriate for the שליח to being לעזרה by a ספק.

### SUMMARY

A שליח may only be brought by the owner but not by the שליח (unless there is a חזקת חיים, so there is no longer a ספק).

<sup>1</sup> In our גמרות the text reads לא חטאת [העוף] מספיקא לא (instead of חטאת לא).

<sup>2</sup> People with certain טומאות (such as a ומצורע or יולדת זכ) are required to bring a חטאת העוף when they become טהור (in addition to other קרבנות). If there is a ספק, for instance by a יולדת who was מפיל and we do not know if it was a viable (קרבנות). This חטאת is not eaten.

<sup>3</sup> The case there is if there are two קרבנות מצורעין whose קרבנות were mixed up, and one set of the קרבנות was brought (we do not know whose קרבן it is), and one of the מצורעים died. The remaining מצורע is in a ספק whether he should bring the remaining set of קרבנות (because the set that was offered belonged to his friend), or he is exempt from bringing קרבנות, since it is possible that his קרבנות were offered already. The ruling is that he brings a חטאת העוף על הספק.

<sup>4</sup> This question is (according to the גמרא of the הוה אמינא) on רב פפא who established the משנה by a חטאת העוף.

<sup>5</sup> See 'Thinking it over'.

<sup>6</sup> There is a ספק whether this man is alive or not, therefore we say since there is the option that the owner should come and bring his קרבן, we will not allow a שליח to bring it since there is a ספק of חולין לעזרה.

### **THINKING IT OVER**

There are two types of חטאת העוף; one by מחוסרי כפורים (such as a יולדת וזב, etc.) and another is by a קרבן עולה ויורד if he cannot afford a בהמה.<sup>7</sup> We can therefore answer question, that when do we allow a חטאת העוף הבא על הספק, only if it allows the person to eat קדשים (which he was forbidden before he brings the קרבן),<sup>8</sup> however by a חטאת העוף of a קרבן עולה ויורד, which has nothing to do with אכילת קדשים, that is prohibited. Therefore we need our משנה to teach us that even that חטאת העוף, which is prohibited to be brought מספק (out of concern for בעזרה), nevertheless since we assume him to be בחזקת חי, he is permitted to bring it.<sup>9</sup>

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<sup>7</sup> See ויקרא ה, ז.

<sup>8</sup> See footnote # 5.

<sup>9</sup> See רש"י ש.