

## What if it was found to be a yearling

## אשתכח בת שנתה מאי -

### Overview

The גמרא stated that there is no concern that the found female בהמה may be a חטאת, since a חטאת must be a שנתה, and the found animal was a שתי שנים. The גמרא then asked what would be the ruling if the found animal was a שנתה.<sup>1</sup> Our תוספות explains why the גמרא did not explore this possibility previously regarding a male.

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תוספות responds to an anticipated difficulty:

**אבל לעיל<sup>2</sup> גבי אשם לא מצי למיבעי אשתכח בת שתי שנים מאי -**

**However previously regarding an אשם, the גמרא did not want to inquire, what would be if the found בהמה was בת שתי שנים** (as the גמרא asks here regarding a חטאת) –

תוספות replies:

**לפי שנוכל לומר שיהיה תקנה ברעייה דכל שבחטאת מתה<sup>3</sup> באשם רועה -**

**Because we could say that there is a solution through ‘grazing’, for the rule is that whenever a חטאת is to die, an אשם is set out to pasture -**

**ואם כן תרעה עד שתסתאב והדמים יהיו לקייץ<sup>4</sup> המזבח<sup>5</sup> -**

**So therefore if the found male was a שתי שנים, it will graze until it is blemished and it will be then redeemed and the money will go for המזבח -**

**אבל בחטאת אין בה תקנה כלל<sup>6</sup> ומשום הכי בעי גמרא ומאי תקנתיה -**

**However by a חטאת there is no solution at all, so therefore the גמרא queries, how can we resolve this if it is a שנתה.**

תוספות asks:

**ואם תאמר לעיל דקאמר זכרים עולות -**

<sup>1</sup> The גמרא answered if it was a שנתה they would cause it to die.

<sup>2</sup> Previously on this עמוד the גמרא explained that regarding a found male בהמה we need to be concerned only for an עולה or a שלמים (and a תודה), but not for an אשם, since the found animal was a yearling and an אשם.

<sup>3</sup> This refers to the חטאות המתות (such as חטאת שמתו בעליה or חטאת שכיפרו בעליה באחר, etc.), these חטאות are placed in an enclosure and starved to death. If these were קרבנות אשם שמתו בעליהן, etc. they are set out to pasture until they receive a מום, they are then redeemed to become חולין, and the money is used לקייץ המזבח.

<sup>4</sup> קייץ המזבח (literally the dessert of the מזבח) refers to the קרבנות עולה which are brought when there are no other קרבנות to be brought on the מזבח; there was a special fund for these קרבנות.

<sup>5</sup> In a case where the found animal was שתי שנים, we know how to resolve the concern that perhaps it is an אשם; it will be set out to pasture (as it is anyways [according to יוחנן]) and when it will receive a מום it will be redeemed and the money will be used לקייץ המזבח. This is in addition to the three בהמות that need to be brought in case the found animal was either a תודה, a שלמים or an עולה. Therefore the גמרא did not ask, since the resolution is known. See ‘Thinking it over’ # 1.

<sup>6</sup> See ‘Thinking it over’ # 2.

And if you will say; previously<sup>7</sup> the משנה stated, if the found animals were males, we need to be concerned that perhaps they are (also) עולות and שלמים. asks -

ליחוש דילמא שעירי רגלים וראשי חדשים שהם חטאות צבור והם זכרים<sup>8</sup> -

Let us be concerned that perhaps they are the חטאת goats for the holidays and ראשי חדשים, which are male goats -

ואם כן אמאי לא בעי גמרא לעיל כי הכא דילמא חטאות -

So therefore why does not the גמרא ask previously as it asks here, 'perhaps the found animals are חטאות'?! How can we resolve this ספק?!

replies: תוספות

צריך לומר דלהא ליכא למיחש דהא לב בית דין מתנה עליהם שאם נאבדו יהיו חולין:

It will be necessary to say, that there is no concern that they may be חטאות הצבור, חטאות הצבור, for stipulates on the קרבנות צבור, that if they are lost they should be חולין! בי"ד

So there is no issue at all if it was a חטאת הצבור.

## Summary

There is a תקנה (for an אשם) if the found animal was a שתי שנים, that it should graze, etc. (but not for a חטאת). There is no concern that the זכר may be from the חטאות הצבור, since עליהם מתנה בי"ד.

## Thinking it over

1. It appears from רש"י and תוספות previously<sup>10</sup> that the finder is interested to resolve all the issues of this found animal so that the owner will have fulfilled his obligation (whether it was an עולה or a שלמים, etc.). In the case where it was a שתי שנים, זכר בן שתי שנים, where תוספות writes that שיהיה תקנה ברעייה<sup>11</sup>, does that also mean that the owner will fulfill his obligation?<sup>12</sup>

2. Why is תרעה by an אשם considered תקנה, and תמות by a חטאת, is not considered<sup>13</sup> a תקנה?<sup>14</sup>

<sup>7</sup> Previously on the עמוד א' (and on this עמוד).

<sup>8</sup> See עזים אחד לחטאת there was a מועדים ר"ח and (פנחס) כה, טו ואילך.

<sup>9</sup> בי"ד מתנה (literally the heart of בי"ד stipulates) is an expression which means that in given circumstances the (who are in charge of sanctifying the קרבנות) stipulate certain conditions to prepare for various eventualities.

<sup>10</sup> נה, א בד"ה אמר ר' אושעיא.

<sup>11</sup> See footnote # 5.

<sup>12</sup> See נחלת משה.

<sup>13</sup> See footnote # 6.

<sup>14</sup> See מהרש"א.