

28.4.5

41b → (הא תניא ואחר כך קשיא) 42b → (לפיכך אם נתן כולן כתיקנן)

- I Analysis of implications of משנה ב': all מתנות are מעכב and how that impacts on פיגול (must be מפגל in all 4 to generate פגול)
- a related dispute – ר"מ/חכמים – if he had מחשבת פיגול at the קומץ, but not לבונה (or vice-versa)
- i פיגול: ר"מ
- ii חכמים: no פיגול until he is מפגל in the entire מתיר
- 1 שתיקה: dispute is *not* whether בחצי מתיר; rather the case is where the פיגול was first, then שתיקה
 - (a) דעת at each (חכמים) – need explicit דעת ראשונה is determined by שתיקה: ר"מ
 - (b) פסול – proof: our משנה notes this if first was כתיקנה then other 3 were not – פיגול
 - (i) → if first were פיגול and latter ones were not – פיגול
 - (ii) *therefore*: our משנה is authored by ר"מ (חכמים wouldn't allow for פיגול regardless of the order)
 - (iii) *and*: if ר"מ's reason was בחצי מתיר, then even the case in our משנה would be פיגול
 - 2 ר' שמואל בר יצחק: our משנה follows רבנן – and "כתיקנה" means "proper" intent
 - (a) *and*: שתיקה means either חוץ למקומו (רבא) or שלא לשמה (אשי) – in a וחסאתא – ר' אשי)
 - (b) *challenge*: implication is that without these "other errant thoughts" → פיגול ("tho only מציר חצי")
 - (c) *answer*: written that way in משנה ב' as parallel construction with משנה א'
 - 3 further challenge to ד"ל: when does פיגול on one מתנה count – on החיצון
 - (a) *but*: placed inside, such as 43 of יוה"כ or 11 each of כ"מ or פר הדש"צ – if he was מפגל in the 1st (set), 2nd or 3rd – ר"מ sees it as פיגול (→ he holds בחצי מתיר) and רבנן – until he's מפגל in all of them
 - (b) *defense* (ר' יצחק בר אבין): case here is where he was מפגל בשחיטה
 - (i) *explanation*: at each step, the blood spilled out and they slaughtered a new פר – at שחיטה, he was מפגל
 - (ii) *challenge*: if so, why do רבנן disagree? this was a פיגול בכל המתיר
 1. *answer* (רבא): ר', who holds that for מעלה בחוץ, no liability unless he is מעלה the entire קרבן – i.e. only at the point that the עבודה is completed
 - a. *inference*: he would also hold that פיגול must apply to the entire הדמים
 2. *rejection*: רבא (himself!) said that ר"א agrees in re: דמים, as per his ruling (with ר"ש) that if there was an interruption in the הדם on עבודת הדם, pick up (with new דם) at point of interruption
 - (iii) *rather* (רבא): case is where he was מפגל in the 1st set, silent in the 2nd and מפגל in the 3rd set
 1. *to teach that*: even here, ר"מ would see the שתיקה (in 2nd set) as following דעת ראשונה (of 1st set), in spite of the מחשבה in the 3rd set (which, we might have thought, re-defined the silence)
 2. *challenge* (ר' אשי): there is no mention of ושתק in that ברייתא
 - (iv) *rather* (רבא): case is where he was מפגל in the 1st, 2nd and 3rd (of 4 – 4th being מזבח של טהרו)
 1. *to teach*: in spite of מחשבות of 2nd and 3rd, שתיקה in final segment follows דעת ראשונה
 2. *challenge*: language of "בין...בין" indicates that not all 3 had מחשבת פיגול
 - (c) *revisiting* ד"מ: he rules that there is פיגול and כרת
 - (i) *challenge*: פיגול requires proper הרצאה (otherwise) – but once he was מפגל in the קדקד, that דם (of the ריזי or שער) is meaningless, and when he throws it in the קודש, there's no ריזי
 1. *answer1* (רבא): case where at each step, the blood was spilled and a new פר ושעיר were brought
 2. *answer2* (רבא): could even be without spillage; it is מרצה for purposes of פיגול
 - (ii) *revisiting* "43" of יוה"כ: challenge – we have a version which records "47"
 - (i) *answer*: if the דם put on קרנות is mixed – only 43; if פר ושעיר kept separate there – 47
 - (ii) *challenge*: there is a version which records "48"
 1. *answer*: that is according to מ"ד that מעכב שיריים are
 - 4 further challenge (to ר"ל): (ruling about במנחה, that any single עבודה is sufficient) only applies to קמיצה, placing it in the כלי or הולכה
 - (a) *but*: if he placed the קומץ with מחשבה and the לבונה without – or vice-versa –
 - (i) פיגול וחייבין עליו כרת ד"מ
 - (ii) חכמים: no כרת until he is המתיר
 1. *note*: this allows for either the 1st or the 2nd to be the עבודה with the פיגול – מחשבת פיגול
 - a. *therefore*: דעת ראשונה is not ר"מ's point; rather, he holds that בחצי מתיר, מפגלים
 2. *defense*: perhaps it only refers to a case where the first one was brought פיגול במחשבת פיגול
 - a. *block*: then the two cases are the same (no need to repeat)
 - b. *additionally*: another version of the ברייתא explicitly states "ואחר כך" קשיא