

28.7.2

66b (משנה ג) → 68a (למיסק ליה לחובה מי אמר)

Note: a טומאה - only בבית הבליעה (מליקה) generates limited טומאה (מליקה) that died without מליקה (מליקה) generates limited טומאה - only בבית הבליעה

Note: a מעילה which has been properly processed and is now available to any group (even if just זכרי כהונה) is no longer subject to מעילה

- I ג' משנה: status of the above (range of valid/invalid העוף in ב-א) vis-à-vis מעילה and טומאת בית הבליעה
- a In all cases: מעילה still applies, with the exception of a properly performed חטאת
- II ד' משנה: dispute ר"א/ר"י in case of העוף עולה performed in place (below), method and with intent of חטאת
- a ר"א מעילה attaches
- b ר"י הושע (חטאת) does not apply (just as in case of properly performed חטאת)
- i arguments:
- 1 ר"א if a חטאת, which if done לשמה, carries no מעילה, yet if done שלא לשמה carries מעילה
 - (a) Then certainly: an עולה, which if done לשמה, carries מעילה, will attach מעילה if done שלא לשמה
 - 2 ר"י (block לקו): in case of חטאת, it was done with intent of a קרבן which attaches מעילה
 - (a) Unlike: our case (עולה לשם חטאת) which he did with intent for a קרבן which does not attach מעילה
 - 3 ר"א (response): לשם קדשים קלים slaughtered in south קדשי קדשים disprove it:
 - (a) Premise: he changed it to something without מעילה, yet מעילה still attaches
 - 4 ר"י (block): in that case, he changed the עולה to be slaughtered לשם something of which some has מעילה (אימורין) and some does not (בשר); unlike our case where all of העוף חטאת is eaten
- c ברייתא (continuation or alternative version of dispute)
- i ר"א if an אשם, slaughtered in north שלמים still attaches מעילה,
 - 1 Then: an עולה, even though he did לשם חטאת, still attaches מעילה
- ii ר"י (block): in that case, he didn't vary the location (north)
 - 1 Unlike: our case, where he performed it below (מקום חטאת)
- iii ר"א (defense): an אשם, slaughtered in south שלמים, still attaches מעילה
- iv ר"י (block): in that case, he varied the intent and location – but not the procedure (שחיטה)
 - 1 Unlike: our case, where he varied intent, location and procedure (מליקה – or הזאה)
- v Observation (ר"א): ר"א could have retorted – אשם slaughtered in south שלמים and בעלים בשנוי בעלים
 - 1 Where: he varied all three – yet there is מעילה – would dismantle ר"י's block
 - 2 However: since he didn't respond this way → ר"א understands ר"י's reasoning:
 - (a) Per: ר"א's rationale is that once an עולה has been performed below, חטאת and one סימן has been cut – it is not redefined as a חטאת
 - (i) Challenge: קנים גג – when 2 יולדות bring a קן together, one bringing a העוף חטאת, the other an עולה
 1. If: he performed both above or both below, ½ are כשר
 2. But if: he performed 1 above and 1 below, both are פסול – we assume he “switched”
 - a. But: according to ר"א, ר"י should allow both below (as חטאות)
 - b. Defense: ר"י only allows when it is the same owner
 - (ii) Challenge: קנים גז – if 2 birds, a סתומה קן (unspecified) and מפורשת קן were brought by 2 women
 1. And: as per series of possibilities above – if he brought ½ above and ½ below – only סתומה is valid and it is split between them
 - a. But: according to ר"א, ר"י should permit מפורשת – as עולה becomes חטאת
 - i. And: we can't suggest that that משנה doesn't follow ר"י, as ר"י סתם קנים ר"י (from last משנה)
 - b. Answer: ר"י considers it חטאת for purposes of מעילה (no מעילה) but not for fulfilling the חובה

(b) Challenge: if so, when a חטאת העוף is performed above עולה, once he cuts 1 סימן, should be העוף עולה

 - (i) And: this is not the case, as per יוחנן ר' comment on our משנה – משנה של משה – משה (עולה למטה לשם חטאת וכו')
 1. Presumed meaning: the only dispute is the one explicated in משנה (וכו')
 2. Proper meaning: just as they disagree there, they disagree about the inverse case (וכו' (חטאת למעלה וכו'))
 - (ii) Answer (ר' אשי): two cases are not analogous
 1. In our case: once he performs מליקה below, it becomes חטאת
 2. In that case: since חטאת was performed שלא לשמה, it's נפסל – when he cuts 2nd סימן; since מליקה is valid anywhere, can't be “revalidated” as עולה