

28.4.5

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

- I Analysis of implications of 'ב משנה: all מתנות are מעכב and how that impacts on פיגול (must be מפגל in all 4 to generate פיגול)
- 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 ר"ל: dispute is *not* whether בחצי מתיר; מפגלים בחצי מתיר; rather the case is where the פיגול was first, then שתיקה
 - (a) ר"מ: שתיקה is determined by דעת ראשונה that precedes it (חכמים – need explicit דעת at each)
 - (b) proof: our משנה notes this if first was כתיקנה then other 3 were not – פסול
 - (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 יצחק ר' שמואל בר יצחק: our משנה follows רבנן – and "כתיקנה" means "proper" פיגול intent
 - (a) and: שתיקה means either חוץ למקומו (רבא) or שלא לשמה (ר' אשי) – in א תטאת (פסח וחטאת)
 - (b) challenge: implication is that without these "other errant thoughts" → פיגול ("tho only חצי מציר")
 - (c) answer: written that way in 'ב משנה as parallel construction with 'א משנה
 - 3 further challenge to ר"ל: when does פיגול on one מתנה count – on החיצון
 - (a) but: דמים 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 – שחיטה, he was מפגל
 - (ii) challenge: if so, why do רבנן disagree? this was א המתיר
 1. answer (רבא): ר', אליעזר here are חכמים (רבא) 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 דמים
 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, יוה"כ, 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 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 (ר' אשי): 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 ראשונה
 2. challenge: language of "בין...בין" indicates that not all 3 had מחשבת פיגול – קשיא
 - (c) revisiting ר"מ: he rules that there is פיגול and כרת
 - (i) challenge: פיגול requires proper הרצאה (otherwise) – but once he was מפגל in the קדק"ד, that דם (of the פר or שעיר) is meaningless, and when he throws it in the קודש, there's no ריצוי
 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
 - (d) 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 מעכב
 - 4 further challenge (to ר"ל): (ruling about במנחה, פיגול, 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) ר"מ: פיגול וחייבין עליו כרת
 - (ii) חכמים: no כרת until he is מפגל בכל 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