

28.7.2

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

Note: a טומאה limited (מליקה) קרבן העוף (and, by extension, a נבלת עוף טהור)

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

- I 'משנה ג': status of the above (range of valid/invalid קרבנות העוף vis-à-vis בית הבליעה and מעילה)
- a In all cases: מעילה still applies, with the exception of a properly performed חטאת
- II 'משנה ד': dispute ר"א/ר"י in case of עולת העוף performed in place (below), method and with intent of חטאת
- a ר"א מעילה attaches
- b ר"י יהושע 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): 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 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 לשם שלמים still attaches מעילה,
  - 1 Then: an עולה, even though he did חטאת לשם מליקה, 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 לשם 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 (רבא): ר"א could have retorted – אשם slaughtered in south לשם שלמים and בעלים בשנוי
  - 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"י's rationale is that once an עולה has been performed below, לשם חטאת and one סימן has been cut – it is not redefined as a חטאת
      - (i) Challenge: ג: קנים – when 2 יולדות bring a קן together, one bringing a חטאת העוף, 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 רב"א ר"י should allow both below (as חטאות)
          - b. Defense: ר"י only allows when it is the same owner
      - (ii) Challenge: ג: קנים – if 2 birds, a קן סתומה (unspecified) and קן מפורשת 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 רב"א ר"י should permit מפורשת – as עולה becomes חטאת
            - i. And: we can't suggest that משנה doesn't follow ר"י, as 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 לשם, once he cuts 1 סימן, should be עולת העוף
 
  - (i) And: this is not the case, as per יוחנן ר"י's comment on our משנה – משנה של משנה – משנה (עולה למטה לשם חטאת וכו')
    1. Presumed meaning: the only dispute is the one explicated in משנה – משנה (עולה למטה לשם חטאת וכו')
    2. Proper meaning: just as they disagree there, they disagree about the inverse case (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 לשמה חטאת, it's נפסל – when he cuts 2<sup>nd</sup> סימן; since מליקה is valid anywhere, can't be "revalidated" as עולה