

35.1.2

3b (לא פסיקא ליה) → 4b (אמר רב גידל אמר רב זריקת פיגול אינו מוציא מידי מעילה בקדשי קדשים)

I רב's ruling about פיגול and the pursuant discussion

- a **דב** does not alter status of **קרנן** vis-à-vis **מעילה** (קדק"ד – maintain מעילה-attachment; קדק"ל – don't get it)
 - i **challenge** (ר"פ לאבני, who reported it): מנחות ז: – if he slaughters תודה inside, but the לחם is outside the city walls
 - 1 or: if he slaughtered before even one of the breads was minimally baked – loaves are not קדוש
 - 2 but: if he slaughtered with intent for מקומה/מקומה – loaves are קדוש
 - (a) evidently: a פיגול-act is significant enough to lead to פיגול (no answer)
 - ii רב's rule was about פיגול at time of זריקה, which an end-step – מעילה can never begin
 - 1 however: that משנה is referring to פיגול at time of שחיטה, and he continued and did זריקה with proper מחשבה
 - iii **challenge** (ר' אשי לרבא): קמיצה should be considered parallel to שחיטה;
 - 1 and: רב ruled that קומץ פיגול that was put on מזבח loses its פיגול-status (→ קמיצה can make something פיגול)
 - 2 defense: doesn't mean that קומץ becomes full פיגול, but that it can be defined as such קמיצה, but not considered פיגול until הקטרה (:: זריקת הדם):
 - (a) challenge (ר' אשי): עולא, in defending his position, used ק"ו – if it can make others פיגול, certainly itself
 - (b) answer: same meaning – not to classify it as פיגול (yet); but that it is an איסור which leads to פיגול
 - iv **challenge**: in re: dispute חוץ לזמנו+חוץ למקומו ר' יהודה/חכמים
 - 1 (background: זבחים ב: – מפגל – ר' יהודה and פוסל still only חכמים first, מחשבת חוץ לזמנו)
 - 2 ... אילפא: dispute is only if different מחשבות were in 2 עבודות (e.g. 1st סימן שוחט for later; 2nd סימן חוץ)
 - (a) but: in a single act, all agree that it is מחשבה מעורבת (even ר' יהודה agrees to פסול, regardless of order)
 - (b) implication: שחיטה is an עבודה which, in and of itself, generates פיגול
 - (i) defense: same as above; at point of זריקה, retroactively becomes פיגול (1 עבודה or 2 עבודות)
 - (ii) challenge: if so, in re: תודה (מנחות ז:), should become פיגול retroactively
 - 1. answer: indeed – "קדש" means it must be burnt, but cannot proceed properly
- b **suggestion**: support found in ברייתא – פיגול always carries מעילה
 - i doesn't this mean: even if there was זרה"ד?
 - ii **rejection**: must mean without זרה"ד
 - 1 challenge: if so, it should be obvious that מעילה still applies
 - 2 rather: it means even if there was זרה"ד – but the reference is to an עולה (where מעילה applies even after זרה"ד)
 - (a) challenge: if it is an עולה, again it is obvious that מעילה still applies
 - (b) challenge: סיפא (if ספא lapsed overnight (w/o זריקה), even w/זרה"ד the next day, מעילה still attaches) **must** be חטאת
 - (i) answer: indeed, סיפא supports רב – but does רישא as well?
 - (ii) rejection: סיפא doesn't necessarily support רב:
 - 1. explanation: הלנה is done actively; perhaps the זריקה that follows cannot lift מעילה; but מחשבה may not be strong enough to harm later זרה"ד and prevent it from lifting מעילה
- c **suggestion**: support found in א:ב – תוספתא מעילה א:ב – פיגול in קדשים קדשים carries מעילה
 - i doesn't this mean: even if there was זרה"ד?
 - ii **rejection**: only if there was no זרה"ד; if there was זרה"ד – מעילה is lifted
 - 1 challenge: if so, why does סיפא state that פיגול in קדשים קדשים carries no מעילה (must be with זרה"ד, else it's obvious)
 - 2 and: if that's the case, the רישא should've distinguished: before זרה"ד, there is מעילה; afterwards – no מעילה
 - 3 answer: indeed, that תוספתא certainly support רב's ruling
 - (a) suggestion: since סיפא supports רב, shall we say that רישא supports him as well?
 - (b) rejection: רישא could be case where there was no זריקה yet;
 - (i) but: תנא presented it as he did because קדשים קלים is one consistent rule – no מעילה attaches;
 - (ii) however: in קדשים קדשים, ruling varies; for עולה, מעילה is never lifted