35.1.4
6b (משנה ב) → 8a (סיום הפרק)

I משנה ב: dispute ר"א/ר"ע about status of meat of קדק"ד that went out of עזרה before זרה"ד vis-à-vis מעילה (פיגול, נותר וטמא→)
- a *ר"א*: מעילה applies; no liability for פנ"ט
- b *ר"ע*: מעילה doesn't attach; there is liability for פנ"ט
  - i *argument (ר"ע)*: if someone designates a replacement חטאת and the original one is found before כפרה
    - 1 *just as*: the blood of the one offered lifts מעילה from its own meat, it lifts מעילה from the other's meat
    - 2 *ק"ו*: if it can lift מעילה from the other's meat, certainly it can lift מעילה from its own meat
      - (a) *ר"א*: ר"ע's ruling about חטאות is only if they were slaughtered simultaneously (e.g. by different כהנים)
        - (i) *but*: if slaughtered in sequence, דם of 1st doesn't lift מעילה from meat of 2nd
        - (ii) *background*: ר"ש relates that ר"ע told him, in responding to question about זריקה מועלת ליוצא, that in case of replacement חטאת – when original found and both are alive, מעילה attaches to both;
          1. *but*: if he slaughtered them and their דם is in כוסות, מעילה still attaches to both
          2. *then*: when דם of one is נזרק, meat of both חטאות no longer has מעילה attached (ק"ו ליוצא – it's own בשר)
             - a. *ר' אושעיא*: misleading answer; implies that only simultaneously is valid, but why distinguish?
             - b. *counter (ר"י לר"ל)*: can't consider both חטאות as one
               - i. *proof*: if he set aside 2 אשמות for backup and slaughtered both (in sequence) and then put אימורין of #2 on מזבח after זריקה of #1 but before זריקה of #2, certainly they come down
               - ii. *yet*: per עולא (in re: אימורי קדשים קלים), we would leave it up, as it becomes "food" of מזבח
               - iii. *rather*: it comes down, since each אשם is a separate body if slaughtered in sequence

II משנה ג: dispute ר"א/ר"ע regarding status of אימורי קדשים קלים that went out of עזרה before זרה"ד
- a *ר"א*: no מעילה; no liability for פנ"ט
- b *ר"ע*: מעילה attaches and there *is* liability for פנ"ט

III Justification (for dispute in both cases – lifting מעילה from קדשי קדשים and attaching מעילה to קדשים קלים)
- a *if*: we only had קדק"ד, סד"א that ר"א allows that only proper זריקה can lift מעילה, but any זריקה could attach מעילה
- b *flip צריכותא*: if we only had קדק"ל, סד"א that ר"ע only allows for any זריקה to work to attach מעילה, but not to lift it – צריכא

IV Caveats to ר"ע
- a *ר' יוחנן*: ר"ע only allowed for זריקה ליוצא if some of the meat is יוצא (and some is still inside עזרה); not if all out
  - i *ר' אסי*: lesson from בבל – intent of חוץ is meaningful even about that which is אבוד or שרוף (at the time)
  - ii *and*: these are no longer in existence (includes even שרוף) – yet מחשבין regarding them (renders קרבן – פיגול)
    - 1 *challenge*: ר' אסי asked ר' יוחנן - if someone had intent to spill out שיירי הדם on the morrow (שלא בזמנם) – פיגול
    - 2 *and*: ר' זירא interjected that ר' יוחנן had already taught that אלל isn't מצטרף for טומאת אוכלים
      - (a) *in other words*: since it has no real substance, not מקבל טומאה
      - (b) *similarly*: נשפכין – since they are going to be spilled, aren't considered (and מחשבה regarding them is null)
      - (c) *however*: ר' אסי's tradition that מחשבין על האבוד ועל השרוף is difficult
        - (i) *answer (רבא)*: read as "מחשבין על העומד לאיבוד, על העומד לישרף"
- b *ר"פ*: ר"ע's rule that זריקה מועלת ליוצא only applies if meat goes out, but if דם goes out, it isn't a meaningful זריקה
  - i *ברייתא*: if he did שחיטה without invalid intent, then דם went out of עזרה, even if he brought it back and זרק – null
    - 1 *מעילה*: if קדשי קדשים, מעילה isn't lifted; if קדשים קלים – מעילה doesn't attach

V משנה ד: מעשה דמים of קדק"ד have a מקיל and מחמיר impact; in קדשים קלים, only have a מחמיר impact
- a *קדשי קדשים*: before זרה"ד, מעילה attaches to אימורין as well as meat;
  - i *afterwards*: מעילה only attaches to אימורין and not to בשר (מקיל) but both have consequences of פנ"ט attached (חומרא)
    - 1 *note*: use of אין מועלין בבשר doesn't imply an איסור, rather it is fully מותר; term used as parallel construction
- b *קדשים קלים*: before זרה"ד, no מעילה attached at all,
  - i *afterwards*: מעילה attaches to אימורין, not to בשר but both have consequences of פנ"ט attached (חומרא)
    - 1 *note*: use of אין מועלין בבשר, which implies an איסור is odd –it is ממון בעלים
    - 2 *answer (ר' חנינא)*: this is in case the בשר is out of precincts of עזרה during זריקה
      - (a) *even*: according to ר"ע – he holds that זריקה מועלת ליוצא only for purposes of status of meat, but it must be burnt and may not be eaten (see תוסד"ה הא ממונא דבעלים for an explanation of why the גמרא didn't use the same answer to both questions about the implication of the phrase "אין מועלין בבשר")

