

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 **רב** does not alter status of קרבן vis-à-vis מעילה (קדק"ד – maintain מעילה-attachment; קדק"ל – don't get it)
- i **challenge** (ר"פ לאביי, who reported it): מנחות ז:ג – 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 לזמנה/מקומה חוץ – loaves are קדוש
 - (a) **evidently**: a גול-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**: עולא 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 חכמים about sequence of חוץ לזמנו+חוץ למקומו ר' יהודה/חכמים...
- 1 (**background**): זבחים ב:ה – if he had לזמנו חוץ first, חכמים still only פוסל and יהודה – ר' יהודה (מפגל – ר' יהודה)
 - 2 ... **איילפא**: dispute is only if different מחשבות were in עבודות 2 (e.g. סימן 1st שוחט for later; סימן 2nd חוץ for later)
 - (a) **but**: in a single act, all agree that it is מעורבת (even יהודה ר' 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:ג), 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 דם 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 תוספתא מעילה א:ב – פיגול in **קדשי 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 קלים 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 קדשי קדשים, ruling varies; for עולה, מעילה is never lifted