

ולאביי פטור והאמר רב חסדא כולי –

And is he exempt according to אביי; but ר"ה said, etc.

OVERVIEW

תרומה who eats זר, according to אביי, how can we assume that a פטור from paying on account of קלב"מ, when ר"ה ruled that since the חיוב (במזיד) precedes the חיוב מיתה there is no קלב"מ.

anticipates a difficulty:

הכי נמי הוה מצי לאקשוויי אמתניתין דכל שעה (פסחים דף לא, ב) דקתני פטור מן התשלומין¹ -

The גמרא **could have also asked on the משנה of כ"ש** where it states that if one ate תרומת חמץ בפסח **he is exempt from payment**, the same question would apply -

לפי מה דמוקמינן לה כרבי נחוניא בן הקנה:

According to רנב"ה **according to** משנה **who established that** ר' יוחנן **there is** פטור because of קלב"מ. This would seemingly contradict the view of רב חסדא, just as the view of ר"ה **seemingly contradicts** the view of אביי.²

³ משנה does not explain why there was no question asked regarding that.

SUMMARY

The difficulty on אביי (that the חיוב מיתה and חיוב ממון not simultaneous) applies to the משנה in פסחים as well.

THINKING IT OVER

There seems to be a difference whether the contradiction is from אביי or from the משנה. Here אביי made no statement, it is the דגמרא which assumes that according to אביי the rule is זר שאכל תרומה פטור. The גמרא challenges this assumption from the ruling of ר"ה. The גמרא, however, cannot challenge the ruling of the משנה from the ruling of ר"ה who is an אמורא; the question is on ר"ה not on the משנה!

¹ See (also) previous ד"ה תוס' זר [TIE by footnote # 12].

² The question on אביי from ר"ה is that ר"ה rules that the פטור of קלב"מ does not apply to paying for eating something which was taken illegally, since the חיוב מיתה precedes the חיוב ממון. This applies to the משנה in פסחים as well as to אביי here.

³ See סוכ"ד אות פ"ג and others for possible explanations, why that question was not asked.