

By wood designated for a *Korbon Shlomim*

– בעצי שלמים

OVERVIEW

פפא explained the reason there is no מעילה here by the עצי הקדש,¹ because the wood (with which the bread was baked) was designated for the purpose of using it to purchase a קרבן שלמים, which is קדשים קלים and there is no מעילה by קדשים קלים; however it is still forbidden to derive הנאה from them.² Our תוספות offers an alternate solution.

תוספות anticipates an alternate solution:

הוי מצי לאוקמי בעצי הקדש ובמזיד³ ואליבא דרבי יהודה⁴ -

The גמרא could have established this case by עצי הקדש and עצי הקדש were used intentionally to bake the bread and there would be no מעילה according to ר"י –

תוספות explains why the גמרא did not offer this solution:

אלא דלאו אורחא דמלתא לעבור במזיד:

For rather it is not common practice to transgress by illegally using הקדש intentionally

SUMMARY

The גמרא did not answer that he used the הקדש במזיד, since it is uncommon to use הקדש illegally במזיד.

THINKING IT OVER

רש"י asks the same question,⁵ but gives a different answer. What are the respective advantages of each answer?

2. Why is it preferable to qualify the words of a תנא\אמורא, rather than to establish the ruling in unusual circumstances?

¹ If there was מעילה the wood would become חולין, the bread would then be מותר since it is baked with עצי חולין.

² See רש"י ד"ה בעצי.

³ The advantage of this answer is that it is not necessary to qualify the עצי הקדש to mean עצי שלמים.

⁴ See the גמרא here that ר"י maintains that if one uses הקדש במזיד it does not become חולין (because there is no מעילה במזיד).

⁵ בד"ה ואליבא.