

4.8.2

88a (לכתחילה נמי) → 89a (יתום ששחטו עליו)

(1) דָּבְרוּ אֶל כָּל עַדְתֵּי יִשְׂרָאֵל לֵאמֹר בְּעֶשֶׂר לַחֹדֶשׁ הַזֶּה וְיָקָחוּ לָהֶם אִישׁ שֶׁהָלְבִית אֵבֶת שֶׁהָלְבִית: שְׁמוֹת יֵב, ג'
 (2) כִּי כֹה אָמַר ה' בּוֹרְאֵי הַשָּׁמַיִם הוּא הָאֱלֹהִים יֵצֵר הָאָרֶץ וְעָשָׂה הוּא כּוֹנֵנָה לֹא תִהְיֶה בְרָאָה לְשֶׁבֶת יִצְרָה אָנִי ה' וְאֵין עוֹד: יִשְׁעִיהוּ מִה, יח

I. Analysis of last clauses in א משנה

a. Orphan: included in multiple trustees' פסחים – his choice

i. Doesn't imply: יש ברירה v. 1 → the responsible adult includes all his charges w/o their explicit consent

1. בריות: man includes his minor children and עבדים כנענים without their consent

a) But not: his adult children, wife or עבדים עבריים without their consent

b) And if: they slaughter their own פסח, considered "protest" and they eat their own (not paterfamilias')

b. עבד של שני שותפין: slave of multiple owners – may not eat of "both" of theirs - meaning "either"

i. Challenge (בריות): he may eat from either one

ii. Answer: our משנה – owners are מקפיד on each other; בריות – they are not מקפיד and allow הנאה

c. פסח ½ עבד כנעני ½ חצי עבד חצי ב"ח: freeman – may not eat of his master's פסח

i. Implication: may eat of his own

ii. Challenge (בריות): may not eat of either his master's or his own

iii. Answer: per difference between משנה ראשונה (ב"ח – ½ עבד maintains status) and משנה אחרונה (free him, per ב"ש – v2)

II. ב משנה: miscommunication between master and agent/slave

a. If: the master didn't specify goat or lamb – slave may choose either (even if master is accustomed to the other)

i. If: the slave slaughtered both, 1st one eaten (2nd burnt)

b. If: the master specified, but the slave forgot which, slave slaughters both on contingency

i. Saying: "if master said goat, the lamb is mine" etc.

1. Challenge: we may not be included in 2 פסחים at once

2. Response: similar to story of king and queen who rely on their servants

3. Tangential stories: (פסח, possibly dead rodent in kitchen); king defers to queen, who defers to ר"ג

ii. Challenge: how can slave own anything?

1. Answer: buys from shepherd who knows master; sells goat & lamb on condition master has no share

c. If: the master forgot what he had specified – both are burnt yet they are exempt from פסח שני

i. פסח שני: only if he forgot after זרה"ד (it was a fit קרבן at the time); if forgot before, must do פסח שני

1. Note: some apply אב"י's distinction to בריות:

a) If: pelts of 5 פסחים got mixed and a מום was found on 1, all 5 are burnt yet the owners are מפ"ש

i. פ"ש: they are only exempt if mixed up after זרה"ד; otherwise, they must do פ"ש

b) Note: if applied to משנה, certainly applied to בריות (but not the inverse – b/c the קרבן is inherently valid)

2. Revisiting בריות: how can they be exempt from פ"ש? 1 of them had an invalid קרבן

a) Answer: no solution that works:

i. All 5: can't bring פ"ש – the other (unknown) 4 are לעזרה

ii. Nor: can all 5 join in on a פסח – then it would slaughtered למנוי

iii. Nor: can each bring on condition "if mine was מום, בעל מום, this is my פסח שני, otherwise it's a שלמים"

1. Reason: ח"ש must get כהן שלמים

2. Challenge: why not include a כהן in each group (and let him eat חזה ושוק of the "פסח")

a. Answer: if he brought a פסח, can't eat a second; if he didn't, this might be שלמים

3. Challenge: why not include 1 כהן (who missed ראשון) in all 5?

a. Answer: by bringing "on condition", we diminish eating of שלמים – (1 night from 2/1)

4. Challenge: Why not bring מותרות פסח (eaten as שלמים but just for 1/1)

a. Answer: פסח (unlike מותר פסח) doesn't require סמיכה

5. Challenge: let women bring-no סמיכה for anything (a: due to מתנות – פסח = 1, שלמים = 4/2)

a. Challenge: but 1 is valid בדיעבד (a: דם הפסח is spilled, דם שלמים is thrown)

i. Challenge: but בדיעבד the inverse works

ii. Answer: we don't arrange לקרבן a לכתחילה that is only valid בדיעבד