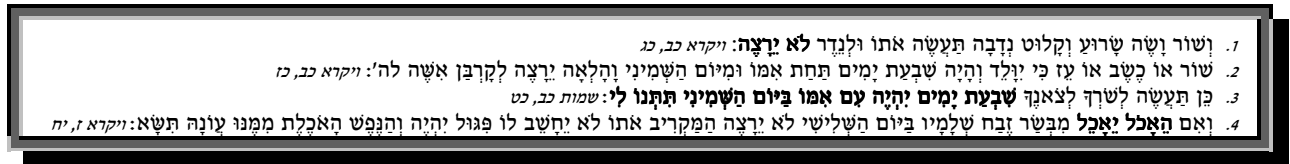


30.5.3

(אחד אכילת אדם ואחד אכילת מזבח) 81b → (כיצד השוחט) 80a



- I משנה ג' – שחיטה==שחיטה שאינה ראויה) ר"ש identification of our משנה as being composed by other than ר"ש אושעיא
- a Proof1: no liability for חוץ שחוטא for 2nd נשחט
 i But: to ר"ש, 1st was invalid שחיטה → 2nd would have been כשר if done inside → liable for חוץ שחוטא on 2nd as well
- b Proof2: liaiblity for 2nd חולין בפנים
 i But: to ר"ש, 1st שחיטה (חולין בעזרה) שאינה ראויה → 2nd should be פטור
- c Proof3: liability for 2nd קדשים בפנים (for אר"ב)
 i But: to ר"ש, 2nd is not a שחיטה ראויה, as meat can't be eaten before זרה"ד → should be no liability for אר"ב
- d challenge: why the need for 3 proofs? The משנה is clearly not authored by ר"ש
 i Answer: קדשים בפנים was needed; we might have thought that שחיטת קדשים was ראויה, as it is indispensable to the permission to eat בשר (since if he stabbed it and put דם on מזבח, wouldn't be מותר) → necessary but insufficient
- e Challenge: why not reckon the ל"ת of "לא ירצה" (v. 1), which applies to any invalid קרבן?
 i Answer1: the תנא only reckons the לאו of אר"ב, not extrinsic לאוין
 1 Challenge: he reckons חוץ שחוטא
 2 Answer: he only counts an "outside" לאו when that action brings no other culpability
 ii Answer2 (ר"ז): עשה is an עשה which is implied by עשה (v. 2); ניתק לעשה is מחוסר זמן (ר"ז)
 iii Challenge: v. 2 is needed per אפטוריקי ר' – to resolve v. 2a/2b (status on eve of 8th day)
 1 Status: may be מקדיש, but not מרצה until 8th day
 2 Answer: v. 3 repeats information in v. 2 → makes איסור עשה מחוסר זמן
- f Challenge: ר"ש ד' המנונא was accustomed to saying that אר"ב does not apply to קדשים at all
 i Challenge: זבחים יב: (variation in זבחים יב: – תוספתא זבחים יב: – אר"ב which are קדשים which he slaughtered outside
 1 ל"ת for 2nd – as ר"ש ruled that any שחיטה which is only fit at a later time carries ל"ת for 1st; כרת ל"ש
 2 חכמים: if no כרת, no ל"ת
 (a) Our discussion: according to ר"ש, 1st is שחיטה שאינה ראויה – 2nd would have been fit inside – should be fully liable (כרת) for 2nd
 (b) Rather: (per רבא or כרי) – משנה is deficient:
 (i) If אר"ב which are קדשים are slaughtered
 1. Both outside: 1st gets כרת, 2nd is ל"ת but no כרת (רבנן); כרת for חוץ שחוטא (ר"ש)
 2. First inside, 2nd outside: 1st is fine; 2nd is פטור (רבנן), or ל"ת for חוץ שחוטא (ר"ש)
 (c) But if: ר"ש maintains that אר"ב doesn't apply to קדשים, why is he "only" liable for ל"ת for 2nd; should be כרת
- 3 Rather: רב המנונא reported that ר"ש holds there are no מכות for אר"ב in קדשים
 (a) Reason: until he does זרה"ד (of the 2nd), meat can't be eaten → any warning at time of שחיטה is ספק התראת ספק
 (b) Note: רבא is consistent – he rules that if חולין and the child is שלמים
 (i) If: he slaughters the חולין first and then the שלמים – he is exempt
 (ii) But if: he slaughters the שלמים first and then חולין – liable
 (c) Follow: רבא ruled that if the mother is חולין and the child an עולה
 (i) Certainly: if he slaughters the חולין first – no liability
 (ii) But even: if he slaughters the עולה first – no liability
 1. Reason: the first שחיטה didn't lead to אכילה; not reckoned a שחיטה for אר"ב
 (iii) Dissent (ר' יוחנן): the "devouring" of the מזבח (עולה) is considered אכילה, per v. 4