

30.5.4

81b (משנה ג) → 82a (זריז דלא עבד איסורא ונשכר דקאכיל בשרא)

I אותו ואת בנו vis-à-vis שחיטה שאינה ראויה: משנה ג

a If: he slaughters and (either one) proves to be a טריפה; in all these cases, ר"ש exempts and חכמים find liable

i Or: he slaughters for עבודה זרה

ii Or: he slaughters a פרה אדומה

1 Challenge: פרת חטאת has a moment of "accessibility"

(a) Per: ר"ש's ruling that it contracts טומאת אוכלים as it could be redeemed, even after slaughter

(b) Answer (ר' יוחנן): פרת חטאת (פרה אדומה) doesn't belong in this משנה

iii Or: he slaughters a שור הנסקל

iv Or: he slaughters an עגלה ערופה

1 Challenge: if the murderer is found before the neck is broken, it can go out and graze

(a) Meaning: designation as עגלה ערופה does not render its future inevitable → שעת הכושר has

(b) Answer1 (ר' ינאי): עגלה ערופה is also an errant entry and should be deleted

(i) Challenge: ר' ינאי himself knew of a "red line" after which the עגלה can not be redeemed

1. The students: suggested that it is when the עגלה is lowered into the ravine

2. And: we could then assign our משנה to a case where it had already been lowered

(c) Answer2 (ר' פנחס בריה דר' אמי): it was reported in רשב"ל's name (without ר' ינאי as the source)

(i) Challenge: רשב"ל rules (contra יוחנן) that צפורי מצורע are "locked in" from the moment of purchase

1. And: he infers this (via לקח::לקח) from עגלה ערופה (i.e. the עגלה has a "moment of no return")

(d) Answer3: ר' יוחנן is the one who deleted עגלה ערופה from our משנה

b But if: he slaughters incorrectly – all agree that there is no liability

i Examples: if it becomes a נבלה in his hand, he stabs it or pulls out the סימנין

II Analysis and discussion regarding liability for עבודה זרה (per חכמים)

a דשב"ל: only true if he slaughtered 1st for ע"ז and second for himselfi But if: 2nd was for ע"ז, since he is חייב מיתה for ע"ז, no liability for א"ב (קם ליה בדרבה מיניה)

b ע"ז for מיתה no → א"ב (התראה) for יוחנן: he could be liable if they only warned him

i דשב"ל: since, were he to receive proper התראה, he would be exempt, he is also exempt without it

c Note: they rule consistently in re someone who violated a capital or corporal crime (עונש no →) along with some other (financial) liability

i ד"י: they must pay the financial debt, as they aren't getting the severe punishment (מכות or מיתה)

ii דשב"ל: they are exempt from the (lesser) financial liability, even though they aren't given the stricter punishment

iii Justification: if we only had the latte dispute, we might think that ר"י would agree with רשב"ל in the former

1 Explanation: in the latter dispute, there is financial loss to the victim

2 Continuation of justification: if we only heard the former dispute, סד"א that רשב"ל agrees with ר"י in the latter

III ג2: if 2 buy a mother and child together, the first one to buy may slaughter immediately and the second must wait

a But if: the 2nd went ahead and slaughtered first, he "gained" (no penalty)

b דב יוסף: this משנה is purely in the realm of דין (not איסור והיתר)

c ברייתא: if the 2nd one went ahead and slaughtered first, he is considered:

i זריז: that he avoided a violation

ii נשכר: that he got to eat immediately