

30.5.5

82a (משנה ג) → 83a (עוד שיהא בו כזית)

1. וְשׂוֹר אוֹ שֶׁהָ אִתּוֹ וְאֵת בְּנוֹ לֹא תִשְׁחַטּוּ בַיּוֹם אֶחָד: וְיִקְרָא כֵב, כֹּחַ
 2. וְלֹא תוֹתִירוּ מִמֶּנּוּ עַד בֶּקֶר וְהִנְתֵּר מִמֶּנּוּ עַד בֶּקֶר בְּאֵשׁ תִּשְׂרְפוּ: שְׁמוֹת יֵב, י

- I אותו ואת בנו: multiple liabilities for משנה ג
- If: he slaughtered a cow and then two of its young (on the same day) – gets 2 sets of מכות
 - But if: he slaughtered the 2 offspring and then the cow – only 1 set of מכות
 - If: he slaughtered the cow, its “daughter” and that “daughter’s” offspring – gets 2 sets of מכות
 - But if: he slaughtered the cow (generation #1), then its “granddaughter” (ge. #3) and then the “daughter” (gen. #2)
 - חכמים: 1 set of מכות
 - סומכוס (ר"מ quoting): 2 sets of מכות
- II Challenge: why should א"ב obtain at all if young is slaughtered first (as per 2nd clause)? V. 1 indicates אותו then בנו *then*
- Answer: v. 1 ends with תשחטו i.e. 2 are liable; which is the index, the mother, the offspring (→order isn't vital)
 - Challenge: לא תשחטו is needed to set parameters – only שחיטה is a violation
 - Answer: then it could have been written in the singular; the plural teaches our ruling
 - Challenge: plural needed to teach that even if each animal slaughtered by different person, 2nd is liable
 - Answer: then it could have stated ישחוט; ישחוט alludes to our rule as well
- III Analysis of סומכוס's position (אביי ורב יוסף)
- Question (אביי): is סומכוס's position global (in which case, if he ate 2 חלב in one העלם, he'd be liable for 2 חטאות)
 - In which case: the disagreement is presented here to demonstrate רבנן's position – even w/ גופים מוחלקים – only חייב 1
 - Or: is his position local, since there are גופים מוחלקים (separate “bodies” on which he is acting)?
 - Answer (רב יוסף): his position is global
 - Support (anonymous בריתא): if someone plants כלאים כלאים, he gets מכות
 - Interpretation: must mean that he plants twice and gets double מכות
 - And: cannot be a case of 2 התראות, as that is too obvious (per נזיר ו:ד)
 - Must be: one התראה and all at one time
 - And: cannot be authored by רבנן, who don't give multiple חיובים even with מוחלקים → must be סומכוס
 - Rejection: it is רבנן, teaching that there are 2 types of culpable כלאים – barley/grape and wheat/grape
 - Contra: יאשיהו ר' who only holds liability for wheat, barley and grape seed in one handtoss
 - Proposed proof: זג: חולין – if he ate from each גיד (R/L), he gets 2 sets; ר' יהודה – only 1 set
 - (note: at this point, ר"י is unclear which גיד generates חיוב, right or left – but only one does)
 - Circumstance: cannot be that he ate each with separate התראה, as we know that ר"י holds that התראה ספק is not a valid התראה and either warning would have been ספק התראת
 - Background: (in case a man has two possible fathers, as his mother remarried immediately)
 - ד' יהודה (contra חכמים) rules that if he strikes or curses both “fathers”, but not simultaneously – פטור
 - Therefore: must be 1 התראה and he ate both at one shot
 - Authority: must be סומכוס → his position is global
 - Block: could be רבנן, and the circumstance was 2 distinct התראות
 - Defense: he holds that ר' יהודה validates ספק התראת
 - Support: יהודה ר' explains עשה in v. 2 that is justifies no מכות as it is ניתק לעשה
 - ד' יעקב (לאו שאב"מ) reason for no מכות – that מותיר בקדשים is a התראה
 - But: they agree that התראת ספק is considered התראה
 - Proposed proof: if he ate 2 גידין from (R) from 2 animals – gets 2 sets of מכות
 - ד' יהודה: only gets 1 set
 - Must be: 1 התראה and eaten at one time (else ר' יהודה would agree to 2 sets)
 - And: רבנן must be representing סומכוס's position (→his position is global)
 - Rejection: it is separate התראות and separate actions
 - And: the reason ר' יהודה only levies one set of מכות is that in this case, there was less than a כזית in each, and, per his position (זג:), only liable if he eats כזית (רבנן – even if he eats מכזית)