

30.2.5

32a (משנה ד) → 33a (אחד עובד כוכבים ואחד ישראל מותרין בו) → (משנה ד)

- I טריפה ונבילה or ריפא/ר"ע if it is a טריפה or נבילה
- a If: he cut the esophagus and ripped out the trachea or ripped out the trachea and then cut the esophagus
- b Of if: he cut one סימן and waited for the animal to die
- c Or if: he stuck the knife under the second and cut it
- i טומאת מגע ומשא (→ נבילה if ד' ישבב)
- ii טריפה if ד' ע (→ no טומאה at all)
- 1 נבילה: any פסול that occurs due to טריפה renders it נבילה;
(a) טריפה: if טריפה was proper and an outside agent causes the invalidity – טריפה
- iii Agreement: ר"ע conceded the point to ר' ישבב → נבילה
- 1 Challenge: ג:א: חולין ג:א: which lists טריפיות, includes הגררת
- (a) Answer1 (דבא): that is in case he ripped the trachea before cutting the esophagus
- (i) Challenge1 (ר' אחא בר ר' הונא): the משנה states both –
- (ii) Defense (דבא): read the 2nd (פסק) then שחט as meaning “he had already שחט”
1. Block (אביי): then it is the same case as the first
2. Block (אביי): the sequence is clear – שחט – ואח"כ שחט
- (b) Answer2 (דבא): read ג:א: as אלו אסורות – some due to טריפה, others due to נבילה
- (i) Challenge: then reckon other נבילות, (e.g. cutting across its body [חזקיה] or ripping out a thigh [ר"א])
- (ii) Defense: they only count נבילות whose טומאה begins at death; those are נבילות while yet alive
- (c) Answer3 (רשב"ל): if he cut where the חתך was – נבילה; if not, טריפה (ג:א:)
- (i) Explanation: if he cut at מקום חתך, that's considered בשחיטה → נבילה (per יהושע ר' in our משנה)
- (ii) Challenge: רשב"ל could not have said this
1. Argument: he ruled that if he cut the trachea and then the lung was punctured – valid
- a. Implication: we view the tracheal system as self-enclosed → in our case, same applies:
- b. Application: since 1 סימן was cut, it's “gone” and stigma of נבלה can't be removed with 1 סימן
- (d) Rather (יוחנן): ג:א: represents ר"ע's opinion before he changed his mind (as recorded in our משנה)
- (i) And: once a משנה is committed to memory, we don't alter it (ממקומה)
- II Reassessing רשב"ל's ruling – if the trachea is cut and then a lung is punctured - כשר
- a דבא: he intended this lenient ruling to apply only to the lung, since it depends on the trachea;
- i But: if the stomach was punctured (at that point) – it is a טריפה
- ii Challenge (זירא): once he is מתייר once טריפה סימני have been generated, no reason to distinguish
- 1 However: ר' זירא recanted, as evidenced by his question:
- 2 Question: if innards were pierced between slaughtering of סימני, do the סימני “merge” to save it from נבלה?
- 3 Suggestion: this should be the same as אילפא's question regarding המקשה:
- (a) Question: if the young birthed one hand between סימני of the mother – is the rest of it valid?
- (b) Note: ר' זירא was only wondering if it is נבלה or טריפה – but not that it would be permitted to be eaten
- 4 Rejection: perhaps ר' זירא never changed his mind, but was only challenging רבא on his terms
- b Inference (ר' אחא בר יעקב): we may invite ישראל to partake of מעים בני, but not a non-Jew
- i Reason: a ישראל's “permit” to eat happens via שחיטה, which was valid here
- 1 But: a non-Jew is bound by מן החי, אבר מן החי, which depends on it dying – these were “in a bubble” (removed from consideration) when the animal died
- (a) ד"פ suggested that it isn't possible for a non-Jew to have stricter restrictions, but he didn't express it, as ר' ראבי" had a reasonable argument
- (b) However: we have a ברייתא contradicting ר' אחא:
- (i) ברייתא: if someone wishes to eat from an animal before it dies (i.e. from meat that was removed while animal was still alive) he may cut from השחיטה, בית השחיטה, salt and wash it well and wait for the animal to die – then he may eat it. This is true for both ישראל and non-Jews.
1. Note: this supports ר' יצחק בר אשיאן, ר' אידי בר אבין, who quoted ר' אשיאן with the advice that if someone wishes to be healthy, that is the meat he should eat – and ישראל and עכו"ם are both permitted