

30.2.10; 38b (משנה ז) → 39b (ואי לא א"ל רישק וזה)

- I ז status of animal (owned by non-Jew) slaughtered on behalf of a non-Jew
- a ד"ק: if one slaughters on behalf of a non-Jew, it is valid
- b ד"א: invalid; even if he slaughtered to feed one part (caudate lobe?) to the non-Jew, invalid
- i reason: the default intent of a non-Jew is for עבודה זרה
- c ד' יוסי: it is valid, ק"ו from קדשים: (ר' יוסי rules in accord with שמואל)
- i if: in the case of קדשים, where intent has the power to invalidate, yet the only intent that matters is of the officiant
- ii then: certainly, in the case of חולין, where intent does not have that power, we should only consider intent of שוחט
- II analysis of the dispute (note: we must assume a 3-way dispute, else יוסי ד' words are superfluous)
- a premise: ר"א and ר"א agree with יוסי בר יוסי – owners have ability to generate פיגול (בעלים מפגלים)
- i analysis1: they disagree in a case where we didn't hear the נכרי's intent
- 1 ד"ק: we don't assume ע"ז → מחשבת ע"ז מותר
- 2 ד"א: the default intent of a נכרי is for ע"ז → אסור
- 3 ד' יוסי: even if we heard him declare for ע"ז, still מותר, since a non-officiant's intent has no power
- ii analysis2: they disagree even in a case where we heard him declare intent for ע"ז
- 1 ד"ק: we don't apply the rules of פנים (קרבת) to חוץ
- 2 ד"א: we do apply the rules of פנים to חולין
- 3 ד' יוסי: rejects the rule בפנים – one person's intent cannot affect another's עבודה/act
- b analysis of יוסי ד' premise: side-סוגיא involving ר' יוחנן ורשב"ל and 2 parallel disputes regarding מעבודה לעבודה
- i עבודה זרה: if he slaughtered an animal properly, intending to spill its blood or burn its fats for the purposes of ע"ז
- 1 ד"י: invalid – we attach מחשבה to another act and infer from פנים (פיגול)
- 2 דשב"ל: valid – we do not attach מחשבה to another act since we do not infer from פנים (פיגול)
- ii לשמה: if he slaughtered an offering לשמה, intending to perform זריקה – but שלא לשמה
- 1 ד"י: invalid - we attach מחשבה to another act and infer from פיגול
- 2 דשב"ל: valid – we do not attach מחשבה to another act since we do not infer from פיגול
- iii justification: if we only had 1st dispute, סד"א that רשב"ל doesn't attach there (בחוץ), but would agree about לשמה שלא צריכה
- 1 and: if we only had 2nd dispute, סד"א that ר"י attaches there (בפנים), but in re: ע"ז he would agree – צריכה
- iv challenge (ר' ששת) יוסי: ק"ו ר' יוסי – חולין in – מחשבה doesn't invalidate; in קדשים – it does
- 1 meaning: intent certainly affects even חולין – if he slaughtered ע"ז לשם → must mean מעבודה לעבודה
- 2 therefore: ר"י is challenged from here re: חוץ and רשב"ל is challenged from here re: פנים
- (a) resolutions: פנים/פנים is easily resolved; once רשב"ל heard our משנה taught by יוחנן ר', he acquiesced
- (i) חוק/חוץ: reference is to the עבודות ד' זריקה, הולכה, קבלה, שחיטה
1. read: ק"ו ר' יוסי – if מחשבה will invalidate within the עבודות ד', yet only the actor's intent counts...
2. then: where intent doesn't count except for 2 actions (זריקה, שחיטה, only 2 where ע"ז counts)...
- v supporting ברייתא: ר' יוחנן ר': if he slaughtered animal with intent to do זריקה or הקטרה for ע"ז → זבחי מתים
- 1 but if: he made his declaration after שחיטה – in Caesaria, they wouldn't rule either way
- (a) comment1 (ר' חסדא): they wouldn't prohibit out of deference to רבנן; wouldn't permit in deference to ר"א
- (i) challenge: perhaps רבנן only permit when we didn't hear an explicit declaration
- (ii) challenge: perhaps ר"א only forbids when the player is עכ"ם, but we don't apply... הוכיח סופו
- (b) comment2 (ר' שיזבי): they didn't permit out of deference to רשב"ג (who holds על תחילתו)
- (i) prosed reference: גיטין ו: – if a healthy person declares גט לאשתי (without saying "תננו"), we can't give it; story with one who afterwards fell off his roof:
1. דשב"ג: if he fell by accident – no גט; if he jumped – גט (i.e. the end result proves the earlier intent)
- a. rejection: in that case, we have his earlier statement of כתבו to buttress our claim
- (ii) accepted: ברייתא – if someone gives away his estate to פלוני (who is a כהן) and he refuses to accept it, תרומה nonetheless eat עבדים
1. דשב"ג: once he refused them, the heirs get the slaves (→ תרומה no)
2. clarification: all agree that if the intended beneficiary was refusing from the outset, goes to heirs
- a. and: all agree that if he was silent and only protested later – he owns the property
- b. dispute: if another acquired on his behalf, then he protested when it got to him:
- i. ד"ק: his later protest is a change of heart
- ii. דשב"ג: his later protest proves his earlier intent (reasoning: no reason to protest yet)
- (iii) case: Arabs brought rams for slaughter, requested blood/fats (for ע"ז) ruling – מותר, per שמואל (כ"י)
- (iv) inquiry (לר"א): according to ר"א, if the non-Jew gave the ישראל a coin, is the meat still אסור
1. answer: if he is a strong-arm man (ישראל can't refuse) – אסור; if ישראל can refuse, מותר (own choice)