

30.5.4

81b (משנה ג) → 82a (משנה ג) → 82a (משנה ג)

- 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 → has שעת הכושר
- (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 ר' 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 himself
- i 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 ד' יוחנן: he could be liable if they only warned him (התראה) for א"ב → no מיתה for ע"ז
- 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 (מיתה or מכות)
- 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, ר"י agrees with רשב"ל that סד"א
- III משנה ג: 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 והיתר)
- c דברייתא: if the 2nd one went ahead and slaughtered first, he is considered:
- i דריז: that he avoided a violation
- ii דשכר: that he got to eat immediately