

31.3.5

24b → 25a (משנה ג) (שמע מינה לכתחילה שמע מינה)

1. כל הבכור אשר יולד בבקר ובצאן הזכר תקדיש לה' אלהיך לא תעבד בבקר שורך ולא תגז בכור צאנך: דברים טו, יט

- I גיזה of איסור s' solution(s) to get around the ר' יוסי בן המשולם: משנה ג
- a for שחיטה: mark off 2 spots with cleaver (on each side of בית השחיטה) tear out hair (& leave in place) for slaughter
- i note: he may not use a כלי משנה should be read "לקופיץ", i.e. make a mark (with the hand) for the cleaver
- b for checking for מום: he may tear out the hair (and leave in place) in order to investigate
- i note: we determine that this is לכתחילה, based on המשולם ר' יוסי בן המשולם's explicit ruling about wool that is caught in the ear; also, from the wording of our משנה וכן, compares this to שחיטה
- 1 cannot be: compared to teach that here, too, hair must be kept in place – that is understood via ק"ו
- 2 rather: must mean that it is also לכתחילה, as is the case with שחיטה
- II רב's ruling and the subsequent discussion
- a ר' יוסי בן המשולם follows הלכה דב:
- i Question: posed to ר' הונא: what is the הלכה in a parallel circumstance on יום טוב?
- 1 Explanation: if he wants to slaughter the animal on י"ט, may he rip out hair to make room for שחיטה?
- 2 Lemma1: is the leniency since pulling out hair is not considered גיזה (→ אסור, as it is uprooting)
- 3 Lemma2: does he hold that גוזז: תולש but it is permitted as דבר שאינו מתכוין (→ מותר also on י"ט)
- ii Response: ask ר' חננאל (elder student of רב, maintained his traditions)
- 1 He answered: ר' יוסי בן המשולם ruled like רב
- 2 ר' הונא: then permitted on י"ט
- (a) (explanation: ר"ה understood from the ruling that it applies even to הזה בזמן בע"מ בכור, where we would have reason to prohibit as it is מסור לכל אדם → must be due to דבר שאינו מתכוין)
- 3 Support: ר' allowing same "תלישה" on י"ט of מימרא
- iii Challenge: רב seems to hold that דבר שאינו מתכוין אסור – from his ban on squeezing cloth stopper into barrel
- 1 Defense: in that case, even ר"ש would agree to prohibit, as it is פסיק רישיה (per רבא's ruling)
- iv Challenge: we have dispute (with or without tradents) of רב ושמאל;
- 1 (דבר שאינו מתכוין אסור) הלכה כר' יהודה דב:
- 2 (דבר שאינו מתכוין מותר) הלכה כר"ש: שמואל
- v Rather: רב certainly holds דבר שאינו מתכוין אסור but permits
- 1 גוזז: because תולש is not considered בכור
- 2 כלאחר יד: he is uprooting in a "backhanded" fashion
- (a) Challenge: (it is considered "usual" fashion) – if someone uproots a feather from a bird's wing on שבת, cuts off the tip of the feather or strains off the feather-hair – he is liable for each of these
- (b) Answer: in the case of a wing, it is the normal way
- b Assumption: ר' must also agree with רב's (later) ruling re: דבר שאינו מתכוין
- i Challenge: ר' יוסי בן המשולם rules that if פרה אדומה has 2 hairs that are red at the root but are going black, he may cut them off without worry - in spite of גיזה בקדשים
- 1 Answer: פרה is not bound by גיזה איסור
- (a) Challenge (ברייתא): v. 1 cross-applies and there is an איסור גיזה even with bovine "hair"
- 2 Rather: פרה אדומה is פרה הבית → קדשי בדק הבית איסור גיזה no
- (a) Challenge: ר"א rules that there is an איסור גיזה on הבית
- (i) Answer: that is אסור מדרבן
- (ii) Challenge: but there is a rabbinic איסור here
1. Answer: they didn't apply it to פרה אדומה, which is rare
- 3 Challenge: why not redeem it, cut it and resanctify
- (a) Answer: it is expensive
- (b) Challenge: redeem it at symbolic amount, per שמואל
- (i) Answer: שמואל's ruling was only post facto, not as a solution
- ii Possibility #2: רב may hold like המשולם ר' יוסי בן המשולם; but the latter doesn't necessarily hold like רב