

35.6.1

20a (משנה א) → 21a (קמ"ל)

- I שליח שעשה שליחותו, בעל הבית מעל: שליח fulfills his agency with full fidelity: liability of משנה א
- a Counter: if the שליח violates הקדש not in accordance with his agency, he is liable, not the dispatcher
 - b Example: all of these examples involve הקדש meat and the בעה"ב was, at the time, unaware that it was הקדש
 - i מעילת השליח: if the בעה"ב told him to give meat to guests and he gave them liver – or vice-versa, the שליח is liable
 - ii Multiple מעילות: if the בעה"ב told him to give them 1 apiece, he offered them 2 apiece and they each took 3, all 3 liable
 - 1 Reason: בעה"ב's direction was fulfilled, as was שליח's errant offer as was their (doubly-) errant "grab"
 - (a) Implication: adding to a שליחות doesn't "uproot" משלח's liability
 - (b) Rejection (ר' ששת): case could be where שליח told them to take 1 per בעה"ב and another per his own discretion
 - (i) Clarifying: that this is not a case of עקירת שליחות (as one of the pieces was explicitly given per בעה"ב)
- II Attribution: תנא who feels that anything deviant enough that the שליח has to check with the בעל הבית is "different"
- a Answer (ר' חסדא): not ר"ע who holds (גדרים ז:א) that if someone took a נדר from ירק, he may not eat דלועין (even though the שליח, sent to buy ירק, would have to come back and check with the בעה"ב as to whether דלועין fit the bill) → דלועין are same as ירק
 - i Block (אב"י): could even be ר"ע – he still has to check with his משלח → still מעילה on the part of the שליח
 - ii Identity: of תנא who opposed ר"ע (ad loc) – רשב"ג, per ג:ה, תוספתא גדרים
 - 1 גרייתא: if someone took a נדר from meat
 - (a) ד"ק: he may not eat any kind of meat, including heart, liver, innards - and fowl, but fish and locusts are מותר
 - (b) דשב"ג: allows all "unusual" meat (e.g. innards, heart) and also fowl
 - (i) Per: רשב"ג would say that קרביים (innards) are not "meat" and anyone who eats them isn't "human"
 - (ii) ד"ק: distinguishes between fowl and fish – context is someone whose eyes are hurting (only eat fowl, not fish)