

30.2.12

41a (משנה ט) → 42a (סיום הפרק)

1. כמעשה ארץ מצרים אשר ישבתם בה לא תעשו וכמעשה ארץ כנען אשר אני מביא אתכם שמה לא תעשו ובחוקיהם לא תלכו: ויקרא יח, ג.

- I ט משנה: ban against שחיטה into certain places due to resemblance to idolatrous worship
- a *not allowed to*: slaughter into the seas, rivers or vessels
- i *but*: he may slaughter into a small container of water or over כלים on a boat (→ goes into sea, leaving boat clean)
- 1 *reason for prohibition*: people shouldn't get the impression that he is worshipping the god of the sea etc.
- (a) *however*: the waters in the permitted כלי must be dirty (per רבא); no impression of worship of reflection
- b *not allowed*: in any case to slaughter directly into a pit
- i *but*: he may dig a pit in his private area and let the blood flow into it
- 1 *however*: he may not do so in public, as he seems to be following the חקים of the מינים
- ii *challenge*: גומא was utterly banned, then we allowed it in private!
- 1 *answer1* (אב"י): utter ban was only in public
- (a) *challenge* (רבא): since סיפא is in שוק, שוק רישא must be even in his private property
- 2 *answer2* (רבא): permission is not to dig a pit, but to make pockmarks in his field and the blood runs into them
- (a) *and*: even that is prohibited in the שוק, as it is the practice of מינים
- (b) *supportive* בר"תא: if he was on a boat and there's nowhere on the boat to slaughter, he may put his hand overboard and slaughter, even though the דם goes on the hull; and he may not slaughter into a pit at all, but if he wants to keep his field clean, he may slaughter and allow the blood to flow into the pit
- (i) *however*: he may not do so in public, as it follows custom of sectarians
1. *and if*: he does so, we should investigate him.
- II י משנה: slaughtering with intent for a קרבן
- a *if*: he slaughters לשם עולה, or לשם זבחים (שלמים), or לשם אשם תלוי, or לשם פסח or לשם תודה – all invalid
- i *dissent*: ר"ש permits
- ii *and if*: two were slaughtering together and one of them had one of these intents – פסולה
- b *but if*: he slaughters with intent for a חטאת or an אשם ודאי or בכור or מעשר or תמורה – valid
- c *rule*: if he intends that which is voluntarily given (נידר ונידב) – invalid; if for something which is not נידב ונידב – כשר - נידר ונידב
- III Analysis:
- a *כריתות* (ג): אשם תלוי follows ר"א, who holds that a person may voluntarily bring אשם תלוי
- b *פסח*: isn't נידר ונידב – it has a set time
- i *solution* (ר' אושעיא): פסח can be designated all year
- c *limitation* (ר' ינאי): this only applies to תמימים; if the animal is בעל מום, we see that he doesn't intend a קרבן
- i *dissent* (ר' יוחנן): even בעלי מום – the מום may be covered up and he may intend a קרבן
- d *חטאת* – this only applies if he isn't liable for a חטאת; if so, he may intend this to be his חטאת
- i *challenge*: he didn't say חטאתי
- ii *answer* (ר' אבהו): if he did say חטאתי, then it would be invalid (if he were חטאת)
- e *תמורה* – this is only true if he has no קרבן in his house; if he does, perhaps he is making a תמורה
- i *challenge*: he didn't say זבחי
- ii *answer* (ר' אבהו): if he did say תמורת זבחי, then it would be invalid (if he had a זבח in his house)
- f *זה הכלל* (the rule): is there to include נזיר; עולת נזיר; we would think it's meaningless as he isn't a נזיר –
- i *but*: he may have taken a vow of נזירות discreetly
- g *the 2nd half of the rule*: includes עולת יולדת (as being meaningless)
- i ר"א: this is only true if he has no wife at home; if he does, perhaps it is for his wife
- 1 *challenge*: he didn't say לשם עולת אשתי
- 2 *answer* (ר' אבהו): if he did say לשם עולת אשתי, then it would be invalid (if he had a wife)
- (a) *challenge*: this is obvious (that it would be considered if he said it that way)
- (b) *defense*: we would think that had she given birth, there would be a קול (→ meaningless without the קול)
- (i) *therefore*: it teaches that we suspect that she may have miscarried (and be liable for עולת יולדת)