



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Chullin Daf Pey Aleph

- **R' Hamnuna** said, **R' Shimon** would say that the issur of oso v'es beno does not apply to kodashim. The reason is, that **R' Shimon** holds that a shechita that is not effective in making the animal mutar to be eaten is not given the status of a shechita, and the shechita of a korbon does not permit the animal to be eaten (because the zrika must still be done) and therefore it does not get the status of a shechita.
 - **Q: Rava** asked, a Braisa says, if an animal and its offspring are both kodashim and are shechted outside the Azarah, **R' Shimon** says the second shochet is oiver a lo saasei (for shechting kodashim outside the Azarah), because **R' Shimon** holds that something that will become valid to be brought with the passage of time, and someone brings it before the time passes, he would be oiver a lo saasei, but would not be chayuv kares. The **Chachomim** say that whenever there is no kares there is also no violation of a lo saasei. We asked on that Braisa, that since **R' Shimon** holds the first shechita does not have the status of a shechita, the second animal could have even been brought as a korbon inside the Azarah (there is no issue of oso v'es beno because the first animal was not "shechted"), and if so, when it is offered outside the shochet should even be chayuv kares!? **Rava** answered, that the Braisa is missing words and should be understood as follows. When both animals are kodashim and they are both shechted outside the Azarah, the **Rabanan** hold that the first shochet gets kares, the second animal is passul to be offered that day because of oso v'es beno and therefore its shochet is patur from the lav of shechting kodashim outside the Azarah. **R' Shimon** holds that both shoctim get kares (since there is no issue of oso v'es beno the second animal was fit to be offered in the Azarah). If the first animal is shechted outside the Azarah and the second is shechted inside the Azarah, the **Rabanan** hold that the first shochet is chayuv kares, and the second animal is passul (since it is not fit to be offered that day) and its shochet is patur. **R' Shimon** holds that the second animal is a valid korbon. If the first animal was shechted inside the Azarah and the second animal was shechted outside, the **Rabanan** hold that the first animal is a valid korbon and its shochet is patur, and the second animal is passul and its shochet is patur. **R' Shimon** holds that the second shochet is oiver on a lo saasei. Now, if it is true that **R' Shimon** holds that oso v'es beno does not apply to kodashim, in this last case the shochet should get kares as well (the shechita of the first animal is not a shechita for purposes of oso v'es beno and the second animal is therefore fit to be offered as a korbon inside the Azarah on that day)!? **A:** Rather, **Rava** said, this is what **R' Hamnuna** meant to say. According to **R' Shimon** one does not get *malkus* for violating oso v'es beno with animals of kodashim. The reason is that the meat does not become mutar at the time of the shechita, rather it becomes mutar after the zrika of the blood. Therefore, any warning that is given at the time of the shechita is a warning in safek, because it is unsure whether the zrika will ultimately be done. And a warning given in safek does not have the status of a valid warning.
 - **Rava** follows his reasoning of elsewhere, where he says that if an animal is chullin and its offspring is a shelamim and both were shechted on the same day, the halacha is as follows. If the chullin animal was shechted first and then the shelamim was shechted, the shochet would be patur from malkus according to **R' Shimon** (because the warning would be a warning given in safek). However, if the shelamim was shechted first and the zrika was done, and then the chullin was shechted, the shochet would be chayuv malkus even according to **R' Shimon**.

- **Rava** also said, if an animal is chullin and its offspring is an olah and they are shechted on the same day, then certainly if the chullin was shechted first and then the olah he would be patur. Even more, if the olah is shechted first and its zrika was done, and then the chullin was shechted, he would be patur from malkus according to **R' Shimon**, because the shechita of an olah does not permit the animal to be eaten. **R' Yaakov in the name of R' Yochanan** said, that **R' Shimon** would hold that he is chayuv malkus in this second case, because we darshen a pasuk to teach that the "eating" of the Mizbe'ach is considered to be an "eating" and therefore the shechita did make the meat "mutar to be eaten".

MISHNA

- If one shechted an animal and it was found to be a treifa, or if one shechted an animal for avoda zara, or if one shechted the parah adumah, or a "shor haniskal" (an ox that has been sentenced to be stoned), or an eglah arufah, and then shechts any of these animals' parent or offspring on the same day, **R' Shimon** says he is patur from malkus and the **Chachomim** say he is chayuv.
- If one shechted an animal and it became a neveila, or if one killed the animal by other means, and then shechts the animal's parent or offspring, he is patur from the lav of oso v'es beno.

GEMARA

- **Reish Lakish** said, the **Chachomim** only say their view regarding an animal shechted for avoda zara when the first animal was shechted for avoda zara and the second was shechted for eating. However, if the first was shechted for eating and the second was shechted for avoda zara he will be patur from malkus based on the principle of "kam lei bidiraba minei" (when one becomes chayuv to get two punishments from one act, he only gets the more severe punishment). **R' Yochanan** said, this is something that even children know! Rather say that the **Chachomim** hold that there are even times when the first animal is shechted for eating and the second is shechted for avoda zara that the second shochet will get malkus. The case would be where he was only warned regarding oso v'es beno and was not warned regarding avoda zara. **Reish Lakish** disagrees, because he holds that since had he been warned regarding avoda zara he would be patur from malkus for oso v'es beno, even when he is not warned for avoda zara he still becomes patur from malkus for oso v'es beno.
 - **R' Yochanan and Reish Lakish** follow their views from elsewhere. When **R' Dimi** came from Bavel he said that if one did an act b'shogeig for which he would have been chayuv misah had he done it b'meid, or if one did an act b'shogeig for which he would have been chayuv malkus had he done it b'meid, and he simultaneously becomes chayuv in a lesser penalty, **R' Yochanan** says he is chayuv in the lesser punishment, because he was not warned regarding the more severe punishment and therefore doesn't get the more severe punishment. **Reish Lakish** says he is patur from the lesser punishment, because since he would have been punished with the severe punishment had he been warned, he is patur from the lesser punishment even when he wasn't warned for the more severe one.
 - Both machlokes are needed. If we only had the one regarding our Mishna we would say that **Reish Lakish** says he is patur in that case, because they are two forms of corporal punishment, but in the other case, where the lesser punishment is monetary, maybe he would agree with **R' Yochanan** that he remains chayuv. If we only had the other case, we would say that it is only there that **R' Yochanan** holds that he is chayuv, but in the case of the Mishna maybe he agrees with **Reish Lakish**. That is why both cases of machlokes are necessary.
- **Q:** Is the shechita of the parah adumah considered to be a "shechita that is not fit" according to **R' Shimon**? A Braisa says that **R' Shimon** says that the meat of a parah adumah is subject to food tumah, since it had a period of when it was fit to be eaten. **Reish Lakish** explains that **R' Shimon** holds that the parah adumah can be redeemed even after it was shechted. Now, if **R' Shimon** holds that it can be eaten he should also hold that the shechita is considered to be a shechita!? **A: R' Shemen bar Abba in the name of R' Yochanan** said, the inclusion of the parah adumah in the list in our Mishna is a mistake.