

Chullin – Simanim

פרק ה – אותו ואת בנו

דף פא – 81 Daf

1. Rava: *shechitah* of *kodashim* is שחיטה ראויה, but not *shechitah* of עולה

Rav Hamnuna said that *אותו ואת בנו* does not apply to *kodashim* according to Rebbe Shimon, because *shechitah* of *kodashim* is always שחיטה שאינה ראויה (since it requires זריקה afterwards), like Rebbe Oshaya said on the previous Daf. However, Rava proves from a Baraisa that it is considered שחיטה ראויה (once זריקה is actually performed), and emends Rav Hamnuna's statement to be that one never receives *malkus* for violating *אותו ואת בנו* of *kodashim*. Rashi explains that since the second *korban* is prohibited to be *shechted* that day because of *אותו ואת בנו*, its *shechitah* is invalid (as a מחוסר זמן). Similarly, Rava says that one who *shechts* a *chullin* animal and then its שלמים offspring is exempt, since the second שחיטה was invalid. However, if he *shechted* the שלמים first (and performed זריקה), he is liable for later *shechting* the *chullin* animal. Rava says that if one sacrifices an עולה, and then its *chullin* mother, he is not liable, because an עולה's *shechitah* is not אכילה בת שחיטה – a *shechitah fit for consumption*, since it is completely burned on the מזבח. Rebbe Yochanan disagrees, and says אכילת מזבח שמה אכילה – the מזבח's "consumption" is called consumption.

2. *Machlokes* if שחיטה שאינה ראויה שמה שחיטה

The next Mishnah states that if one *shechts* an animal which is later found to be a *tereifah*, or *shechts* for idolatry, or a פרה אדומה, or שור נסקל, or שור נסקל – *ox* condemned to be *stoned*, or an עגלה ערופה, and then *shechts* its parent or offspring that day, Rebbe Shimon exempts him from *malkus* for *אותו ואת בנו*, because he holds שחיטה שאינה ראויה לא שמה שחיטה – *shechitah which is not fit* (i.e., does not permit the animal to be eaten) is *not* considered "*shechitah*." The Chochomim say he is liable, because they hold שחיטה שאינה ראויה is considered שחיטה. If one *shechts* improperly and it became a בבילה, or tears out the סימנים, all agree he would not be liable for *אותו ואת בנו*, since the *shechitah* was not legitimate. The Gemara later objects that Rebbe Shimon himself holds that פרה אדומה is not a case of שחיטה שאינה ראויה, because Rebbe Shimon says the meat of a פרה אדומה is subject to "food *tumah*," since it had a שעת הכושר – *moment of fitness* to be eaten (because Rebbe Shimon holds the פרה אדומה can be redeemed and eaten after its *shechitah*)! Therefore, Rebbe Yochanan said that "פרה אדומה" should be removed from the Mishnah's text.

3. *Machlokes* if חייבי מיתות שוגגין exempt other punishments

Reish Lakish says that if one *shechted* one animal for consumption, and its parent or offspring for idolatry, he is exempt from *malkus* for *אותו ואת בנו*, דקם ליה בדבר מיניה – *because he is liable for the greater* [punishment], i.e., stoning for idolatry. Rebbe Yochanan said one would incur *malkus*, where they warned him that *shechting* the animal would violate *אותו ואת בנו*, but did not warn him about the idolatry violation. Since he is not executed for the idolatry, he does receive *malkus*. Reish Lakish disagrees: *since, had they warned him* about the idolatry, *he would be exempt from malkus*, *כי לא אתרו ביה נמי פטור* – *he is also exempt when they did not warn him* about the idolatry. Rav Dimi quoted them arguing about this question elsewhere: *חייבי מיתות שוגגין* – [violations which incur] *the death penalty* but were performed *inadvertently*, *והייבי מלקות שוגגין* – or [violations which incur] *malkus* but were performed *inadvertently*, *ודבר אחר* – *and simultaneously incurred a lesser liability* (e.g., *malkus* in the first case, or monetary obligation in the second case), Rebbe Yochanan says he is liable to the lesser obligation, and Reish Lakish exempts him.

Siman – Grandpa

The **Grandpa** cows were reminiscing sadly about the day their **offspring** were *shechted* *אותו ואת בנו* and the *shochtim* didn't even receive *malkus* because one grandkid was an עולה which is not eaten, and the other wayward grandkid was a שור הנסקל which is a שחיטה שאינה ראויה, when they heard yelling from outside where a man was warning a *shochet* not to *shecht* *אותו ואת בנו* to no avail since he was *shechting* it for עבודה זרה and חייבי מיתות שוגגין don't get *malkus*.

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Grandpa



The **Grandpa** cows were reminiscing sadly about the day their offspring were **shechted** אותו ואת בנו and the **shochtim** didn't even receive **malakus** because one grandkid was an **עולה** which is not eaten, and the other wayward grandkid was a **שור הנסקל** which is a **שחיטה שאינה ראויה**, when they heard yelling from outside where a man was warning a **shochet** not to **shecht** אותו ואת בנו to no avail since he was **shechting** it for עבודה זרה and חייבי מיתות שוגגין don't get **malakus**.

3 things to remember

1. Rava: **shechitah** of **kodashim** is שחיטה ראויה, but not **shechitah** of עולה
2. **Machlokes** if שחיטה שאינה ראויה שמה שחיטה
3. **Machlokes** if חייבי מיתות שוגגין exempt other punishments

