## He should not pay

לא ישלם –

## Overview

The גמרא derives the rule of בעלים מטפלים בעלים from the גמרא הטריפה עד הטריפה, which is written concerning a שומר שכר Our מוספות anticipates a difficulty with this , and resolves it

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תוספות anticipates a difficulty:

אף על גב דקרא בשומר שכר כתיב דפטור מאונסין –

Even though the שלם of אם ישלם הטרפה לא ישלם is written concerning a paid watchmen who is exempt from paying for unavoidable mishaps; The teaches us in this פסוק that a "ש is completely אונסין by אונסין, how can we derive from this פסוק that when there is a חורה to pay, nevertheless the בעלים בנבילה are בעלים בעלים בעלים.

responds:

מכל מקום מדכתיב עד הטרפה לא ישלם

Nevertheless since it is written <sup>3</sup>טריפה לא ישלם (up to the מריפה [he should pay, but] he does not pay [for the טריפה itself]) -

יש ללמוד דהיכא דישלם לא ישלם כלום בשביל הטרפה עצמה:

We can derive a general rule that whenever he does pay, he does not pay anything for the בעלים מטפלים בנבילה itself, for בעלים מטפלים.

## **Summary**

The פסוק עד הטריפה לא ישלם teaches us that whenever there is payment it does not apply to the טריפה.

## Thinking it over

The גמרא explains that we derive the rule of בעלים מטפלים בעלים from the פסוק of עד הטריפה אישלם (the word עד to mean until). Seemingly this פסוק reads that you do not pay עד הטריפה אowever we wish to derive that you do pay מריפה אישלם and you do not pay for the טריפה. How are we to read this פסוק  ${}^4$ 

 $^1$  שמות (משפטים) שמות The פסוק reads: אם עדף יטרף יטרף יטרף יטרף יטרף או which translates to; if it was killed he should bring a witness; he need not pay for the killed (animal).

<sup>2</sup> This פסוק is teaching that the ש"ש pays nothing, not that he does not pay for the טריפה!

<sup>&</sup>lt;sup>3</sup> The תורה could have written לא ישלם or something similar; the fact that the תורה writes עד], teaches us that payment is only until the טריפה, the טריפה itself, however, need not be paid for. Alternately, the חורה needs to teach us that he does not have to pay עד הטריפה because he is an אונס (indicating if he were not an אונס be utiq (indicating if he were not an אונס be utiq (indicating if he were not an אונס be would be חייב is אונס be would have to pay); however concerning the טריפה if he was a צעלים מטפלים בנבילה or be utiq פטור be would be. See 'Thinking it over'.

<sup>&</sup>lt;sup>4</sup> See אמ"ה, and footnote # 2 [Alternately].