Not for the sake of their owners - שלא לשם בעליהן

Overview[1]

רבין אמר ר' יוחנן explained why according to ר"ש he is חייב בד' וה' if he was שוחט קדשים that the owner is חייב באחריותן (and it is not a שחיטה שאינה ראויה), for it is a case where he was שוחט the קרבן in the ביהמ"ק, however he was שוחט it not for the sake of the owner.[2] Therefore, it is a שחיטה ראויה, since כל הזבחים שנזבחו שלא לשמן כשרים, however he has to pay, since לא עלו לבעלים לשם חובה, so the owner lost the קרן, for he needs to bring another קרבן.

והוא הדין שלא לשמן[3] -

And the same ruling would be if he was שוחט the קרבן, **not for its sake -**

אי נמי ההוא נמי קרי ליה שלא לשם בעליהן משום שלא עלו לבעלים לשם חובה[4] -

Alternately, being נשחט שלא לשמן **can also be considered not for the sake of the owners, since** a קרבן that was נשחט שלא לשמן, **is not considered as if the owners fulfilled their obligation,** since they need to being another קרבן.

תוספות explains the reason for the differing views:[5]

ונראה לו דוחק להעמיד בנשפך הדם -

And it appeared unreasonable to רבין א"ר יוחנן **to establish the case, where the blood spilled,** for this is unusual, therefore they were reluctant to accept s'רב דימי answer –

ורב דימי דאוקמא כשנשפך הדם משום דניחא ליה לאוקמא בכל קדשים שחייב באחריותן -

And רב דימי who established the case **where the blood was spilled** (even though it may be unusual), **because he was** more **comfortable to establish** this ruling of ר"ש **by all קרבנות for which he is responsible,** therefore he could not accept the version that it was נשחט שלא לשם בעלים and it is still a שחיטה ראויה -

[דבשלא] לשם בעליהן לא מתוקמא בפסח וחטאת[6] דמפסלי שלא לשמן:

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[1] See 'Overview' to the previous תוס' ד"ה שחיטה.

[2] This could mean that he was שוחט the קרבן not for the sake of ראובן (the owner), but the sake of שמעון (a stranger).

[3] The owner designated this קרבן for an עולה and he was שוחט לשם שלמים.

[4] Initially תוספות assumed that שלא לשם בעליהן is to be taken literally as explained in footnote # 2. Therefore, תוספות stated initially that there is another case, namely שלא לשמן (footnote # 3). תוספות, in this א"נ, is saying that the term שלא לשם בעליהן, need not be taken literally, but rather it means the קרבן was נשחט in a manner that it did not help the owners fulfill their obligation, which can mean either שלא לשם בעלים or שלא לשמן.

[5] Previously רב דימי answered this very question that the case was where the animal was נשחט בפנים properly (so it is a שחיטה ראויה) however the blood spilled, so the owner lost his קרן, since he needs to bring another קרבן.

[6] The rule that כל הזבחים שנזבחו שלא לשמן כשרים וכו' (see 'Overview') is by all קרבנות, except for פסח וחטאת, where they are פסול if they were נזבח שלא לשמן. Therefore, the answer of רבין אמר ר"י, cannot apply for פסח וחטאת, because in those cases it is a שחיטה שאינה ראויה. Therefore, רב דמי preferred the answer of שנזבח לשם בעלים ונשפך הדם, for then the ruling

For we cannot establish the answer of **שלא לשם בעלים by a פסח** קרבן **and a** קרבן **חטאת,** where the rule is that if it was done **שלא לשמן they are פסול,** so it is a שחיטה שאינה ראויה.

Summary

שלא לשם בעלים can include שלא לשמן. One, would rather establish ר"ש in more probable cases, and the other prefers that it applies to all קרבנות.

Thinking it over

What is more uncommon נשחט שלא לשמן of נשפך הדם. Is there any dispute about this?

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of ר"ש can apply to all קרבנות, even פסח וחטאת, for it is a שחיטה ראויה since it was נזבח לשם בעלים. It should be pointed out that by פסח וחטאת the owner is always חייב באחריותן (as opposed to עולה ושלמים). This may affect why each one chose another אוקימתא, ועיין.