

Ravinoh said; for its hide

אמר רבינא לעורו -

Overview

רב proclaimed four rules regarding a cat; 1) it is permitted to kill it, 2) it is prohibited to keep it, 3) there is no prohibition to steal it, and 4) there is no obligation to return it to its owner. רבינא explained that ruling # 4 is regarding its hide.

שם מצא¹ מת אין חייב בהשבת העור² -

The meaning of 'לעורו' is **that if he found a dead cat, he is not required to return the hide –**

asks: תוספות

וקצת תימה כיון דאשמועינן³ דאין בו משום גזל⁴ למאי איצטריך הך דמותר להורגו -

And there is somewhat of an astonishment; since רב informed us that there is no prohibition of stealing the cat, why is this ruling that it is permissible to kill it, at all necessary –

answers: תוספות

ויש לומר דאין לחוש כיון דמתחילה קאמר⁵ דמותר להורגו:

And one can say that there is no concern for this question, since he ruled first that it is permissible to kill it, and only later did he rule that אין בו משום גזל.

Summary

One is not required to return the hide of a dead cat. It is common to teach things in a manner of לא זו אף זו.

Thinking it over

May one steal a dead cat?⁶

¹ The מצא¹ amends this to read מצא (instead of מצאן).
הב"ה

² Even though the cat is now dead, and can no longer do any damage, nevertheless the finder is not obligated to return the hide to the owner (since the owner was guilty of owning a damaging animal).

³ The גמרא asked (and answered) if we know # 1, why add # 2, and if we know # 3, why add # 4. תוספות asks if we know # 3, why mention # 1.

⁴ Once there is no גזל, it has no owner, it is הפקר, so obviously there is no prohibition to kill it.

⁵ It is usual for a lesser חידוש to be taught first and then followed by a greater חידוש (in the manner of לא זו אף זו). Therefore since the greater חידוש was taught later, there is no difficulty.

⁶ See אמר רבינא בגמ' ד"ה אמר רבינא.