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ומיהו⁷ שמעתין⁸ אתיא אפילו לרבי שמעון דמחייב מקלקל בחבורה -

- מחייב מקלקל בחבורה ר"ש who is in accordance even with גמרא our

מדמשני מתעסק⁹ הוא אצל נטילת נשמה ולא קאמר מקלקל הוא:

Since מתעסק he is because נטילת נשמה for פטור he is answered רבא
regarding נטילת נשמה, but רבא did not answer that he is פטור because he is a
מקלקל.

SUMMARY

The questioner assumed that there is a קצת תיקון so therefore he should be חייב for נטילת נשמה even according to ר"י; the answer is that he is (and מקלקל) so therefore he is פטור even according to ר"ש.

THINKING IT OVER

תוספות proves that our גמרא is even according to ר"ש since the answer given is that he is פטור because he is a מתעסק.¹⁰ However, why does תוספות need proof; the גמרא clearly states ר"ש בפסיק רישיה וכו' we see that the גמרא is dealing with the view of ר"ש, why does תוספות need to offer proof?!¹¹

⁷ It seems that our גמרא endorses the view of ר"י that בחבורה מקלקל is פטור as opposed to the view of ר"ש that he is חייב. Our תוספות rejects this view.

⁸ ר"ש is saying that the הלכה of the ברייתא that there is no חיוב for נטילת נשמה is valid even according to ר"ש (and certainly according to ר"י [see footnote # 3]). The proof is from the answer of מתעסק, which is unnecessary according to ר"י. See 'Thinking it over'.

⁹ מתעסק means that when he is doing the מלאכה he is preoccupied; he has no intention of doing this at all. Here the one who is extracting the dye does not want the חלזון to die at all (for then the dye will be inferior), it died accidentally; this is not a מלאכה. See the following מתעסק ד"ה תוס'. The fact that the גמרא did not merely answer that he is מקלקל proves that the גמרא is (also) following the opinion of ר"ש..

¹⁰ See footnote 8.

¹¹ See פני אברהם and מהר"ם.