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Mules

Rav Huna bar Chiya said in the name of Shmuel: The *halachah* is in accordance with Chananyah’s view (*that the law of oso v’es b’no applies to the male and female parent*).

The *Gemora* notes that Shmuel is consistent in his opinion, for we have learned in a *Mishna*: Rabbi Yehudah says: Mules born from a female horse, even though their father was a donkey, are permitted to interbreed (*with another mule born from a female horse and male donkey; this is not regarded as kilayim – mixed breeding*), but mules born from a female donkey may not interbreed with mules born from a female horse. And Rav Yehudah had stated in the name of Shmuel that this was the view of Rabbi Yehudah, who maintained that we do not take into consideration the seed of the father. The Sages, however, say: All mules are the same. Who are these Sages? It is Chananyah, who maintains that we must take into consideration the seed of the father (*and that is why the law of oso v’es b’no applies to the male parent as well*); accordingly, the mule who is the offspring of a female horse and male donkey and the mule who is the offspring of a female donkey and a male horse are both one kind.

The *Gemora* inquires: Was Rabbi Yehudah certain that we do not take into consideration the seed of the father, or was he in doubt about it? What practical difference would this make? It would make a difference regarding the question of permitting the offspring to breed with the species of its mother. If you say that he was certain of it, then the offspring is permitted to breed with the species of the mother (*because the offspring is completely regarded as the species of the mother*); but if you say that he was in doubt about it, then it is forbidden for the

offspring to breed with the species of its mother. What would he hold about this?

The *Gemora* attempts to prove this from the *Mishna* mentioned above: Rabbi Yehudah says: Mules born from a female horse, even though their father was a donkey, are permitted to interbreed (*with another mule born from a female horse and male donkey; this is not regarded as kilayim – mixed breeding*). Now, what are the circumstances of the case? If you say that the father of this offspring was a donkey and the father of the other one was also a donkey; then was it necessary to state this (*obviously, it is permitted*)? You must therefore say that the father of this offspring was a horse and the father of the other one was a donkey, and Rabbi Yehudah rules that they may interbreed. This proves that he was certain about it (*and we do not concern ourselves at all with the seed of the father*)!

The *Gemora* deflects the proof: No! I can say that the father of this offspring was a donkey and the father of the other one was also a donkey, and as to your question: Was it necessary to state this? I reply that it was, for you might have thought that the horse part in one of them is mating with the donkey part in the other one, and the donkey part in one of them is mating with the horse part in the other (*and it should be forbidden*); he therefore teaches us that this is not so.

The *Gemora* attempts to resolve this from the following *braisa*: Rabbi Yehudah says: If a mule was in heat, it may not be mated with a horse or a donkey, but only with one of its own kind. Now, if you say that Rabbi Yehudah was certain about it (*that we do not take into consideration the seed of the father*), why may it not be mated with the species of its mother (*for if it was born from a female horse, it should be allowed to be mated with a*



purebred horse, and if it was born from a female donkey, it should be allowed to be mated with a purebred donkey)?

The *Gemora* answers: It is because we do not know the species of its mother.

The *Gemora* asks: But it says that it is permitted with one of its own kind (and if its mother is not known, how can it be mated with another mule)?

The *Gemora* answers: Rabbi Yehudah meant as follows: It may not be mated with any type of horse or any type of donkey, because we do not know its type.

The *Gemora* asks: Then let us examine it by the following signs? For Abaye has stated: If its voice is deep, it is the offspring of a female donkey; if its voice is shrill, it is the offspring of a female horse. And Rav Pappa has stated: If its ears are large and its tail is short, it is the offspring of a female donkey; if its ears are short and its tail is long, it is the offspring of a female horse.

The *Gemora* answers: We are dealing here with a mule that was mute and amputated (whose ears and tail have been cut off).

The *Gemora* asks: What has been decided then (regarding R' Yehudah's opinion)?

The *Gemora* resolves this from that which Rav Huna the son of Rav Yehoshua said: All agree that the offspring is forbidden to mate with the species of the mother. Evidently, it is clear that Rabbi Yehudah was in doubt about it. This indeed proves it.

Rabbi Abba said to his attendant: When you harness the mules to my carriage, examine them to see that they are alike, and then harness them (for if they are not alike, there is a prohibition against working with mixed breeds).

The *Gemora* notes: This shows that he is of the opinion that we do not take into consideration the seed of the father, and also that the signs (mentioned above) are (reliable under) Biblical law. (79a – 79b)

Koy

The *Gemora* cites a *braisa*: The law of *oso v'es b'no* applies to a hybrid and a *koy* (the offspring of a goat and a deer). [In connection with the law of *oso v'es b'no*, the Torah expressly states: Whether it be an ox or a sheep, which includes the goat, but excludes the deer and all wild animals.] Rabbi Eliezer says: To a hybrid, which is the offspring of a goat and a sheep, the law of '*oso v'es b'no*' applies; to a *koy*, the law of '*oso v'es b'no*' does not apply.

Rav Chisda said: What is the *koy* about which Rabbi Eliezer and the Sages disagree? If it is the case where a male goat mated with a female deer and gave birth, and then one slaughtered the mother (the deer) and its offspring (on the same day); but Rav Chisda has also stated that all agree that if the mother was a female deer and its offspring was a goat (for the deer mated with a goat), one is not liable (for slaughtering the mother and its offspring on the same day), for the Torah says: a sheep and its offspring, and not 'a deer and its offspring.' And if you will say that a male deer mated with a female goat and it gave birth, and then one slaughtered the mother and its offspring; but Rav Chisda has also stated that all agree that if the mother was a female goat and its offspring was a deer (for the goat mated with a deer), one is liable (for slaughtering the mother and its offspring on the same day), for the Torah says: a sheep and its offspring, and its offspring implies any offspring -whatever it is! [So, how could Rav Chisda say that when the Tannaim argue about a *koy*, they are referring to the offspring of a goat and a deer, when he holds that they do not argue in any such case?]

The *Gemora* answers: The circumstances are that a male goat mated with a female deer and gave birth a female offspring (which is a *koy*); this female offspring also gave birth to an offspring, and then one slaughtered the female offspring and its offspring (on the same day). Now, the Rabbis are of the opinion that we take into consideration the seed of the father, and that the term '*sheep*' (mentioned in the Torah) includes even that which is only partly a sheep (and therefore, the female offspring, by reason of its father, is partly a sheep, and the law of '*oso v'es*



b'no' applies to it). Rabbi Eliezer, however, holds that we do not take into consideration the seed of the father, nor do we say that the term 'sheep' includes that which is only partly a sheep (*for there is no such thing*).

The *Gemora* notes further: Consider then that which was taught in a *Mishna* elsewhere: One cannot slaughter on Yom Tov a *koy* (*which is a specie that the Chachamim were uncertain whether it is categorized as a beheimah, a domestic animal, one that does not require the mitzvah of covering its blood, or a chayah, a wild animal, where the mitzvah does apply*). If one slaughtered a *koy* (*since it may be a beheimah*), one cannot cover its blood (*for one may come to crush clods of earth, which would be a violation of performing labor on the festival*). Now, of what *koy* are we speaking here? If you suggest that it is the case where a male goat mated with a female deer and gave birth to the *koy*, then both according to the Rabbis and Rabbi Eliezer, he should be permitted to slaughter it on the festival and cover up its blood, for the law of covering up the blood applies to 'deer' and even to that which is only partly a deer. And if you suggest that a male deer mated with a female goat and it gave birth to the *koy*, then according to the Rabbis he should be permitted to slaughter it on the festival and cover up its blood, and according to Rabbi Eliezer he should be permitted to slaughter it on the festival and not cover its blood (*for it is not a deer at all!*)?

The *Gemora* explains: Indeed, we are referring to a case where a male goat mated with a female deer and gave birth to the *koy*, but the Rabbis are undecided whether or not we take into consideration the seed of the father (*and since it is unclear if this animal is even partly a deer, we cannot cover its blood on the festival*).

The *Gemora* challenges this: It follows, does it not, that since the Rabbis are undecided on this point, Rabbi Eliezer is certain about it (*that we do not consider the seed of its father*). Consider then that which was taught in following *braisa*: The law of 'the foreleg and the jaws and the abomasums (*where the mitzvah of gifting them to the Kohen applies, providing that it is a beheimah and not a chayah*) applies to a *koy* and to a hybrid. Rabbi Eliezer says: A hybrid, the offspring of a goat and a sheep is subject to

these gifts; a *koy* is not subject to these gifts. Now, of what *koy* are we speaking here? If you suggest that it is the case where a male goat mated with a female deer and gave birth to the *koy*, then the opinion of Rabbi Eliezer that it is not subject to these gifts is understandable, for he is of the opinion that we do not say that the term 'sheep' includes that which is only partly a sheep. But according to the opinion of the Rabbis, granting that they hold that the term 'sheep' includes even that which is only partly a sheep, it is clear therefore that there is certainly no obligation to give him one half of the gifts (*for this koy is half a deer*), and even as regards to the other half, he should be able to say to him, "Bring proof that we take into consideration the seed of the father and then you shall take it (*but otherwise, I will keep it, for perhaps it is completely a deer*). And if you suggest that a male deer mated with a female goat and it gave birth to the *koy*, then according to the Rabbis it is understandable, for by 'subject to this law,' they meant that he is obligated in half the gifts, but according to Rabbi Eliezer, he should be liable to the whole of the gifts (*for it is not a deer at all!*)!?

The *Gemora* answers that the *braisa* indeed is referring to a case where a male deer mated with a female goat and it gave birth to the *koy*, but Rabbi Eliezer is undecided whether or not we must take into consideration the seed of the father.

The *Gemora* asks: But if the Rabbis are undecided about it and Rabbi Eliezer as well is undecided, regarding what do they differ?

The *Gemora* answers: They differ regarding the following: The Rabbis maintain that the term 'sheep' includes even that which is only partly a sheep, whereas Rabbi Eliezer holds that the term 'sheep' does not include that which is only partly a sheep.

Therefore, said Rav Pappa, with regard to the law of covering up the blood and also with regard to the *Kohanic* gifts, the *koy* spoken of can only be the offspring of where a male deer mated with a female goat, for both the Rabbis and Rabbi Eliezer are undecided whether we must take into consideration the seed of the father or not; but they differ as to whether the term 'sheep'

includes that which is only partly a sheep or not. With regard to the law of 'oso v'es b'no,' the dispute can arise both where a male goat mated with a female deer and where a male deer mated with a female goat. The dispute in the case where a male goat mated with a female deer is as to whether there is any prohibition or not. The Rabbis hold that it may be that we should take into consideration the seed of the father, in which case it is partly a sheep, and since we say that the term 'sheep' includes even that which is only partly a sheep, it is therefore forbidden. Rabbi Eliezer, however, maintains that even though we do take into consideration the seed of the father, in which case it is partly a sheep, we do not say that the term 'sheep' includes that which is only partly a sheep, and it is therefore permitted. In the case where a male deer mated with a female goat, the dispute is as to whether lashes are incurred or not. The Rabbis maintain that even though we take into consideration the seed of the father, since we say that the term 'sheep' includes even that which is only partly a sheep, he therefore incurs lashes; whereas Rabbi Eliezer holds that there is only a prohibition, but lashes cannot be inflicted. There is only a prohibition, for perhaps we do not take into consideration the seed of the father and therefore this is a complete sheep, but lashes cannot be inflicted, for it may be that we should take into consideration the seed of the father, so that it is only partly a sheep, and we do not say that the term 'sheep' includes that which is only partly a sheep. (79b – 80a)

INSIGHTS TO THE DAF

One cannot slaughter on Yom Tov a *koy*, which is a specie that the Chachamim were uncertain whether it is categorized as a *beheimah*, a domestic animal, or a *chaya*, a wild animal. If one slaughtered a *koy*, since it may be a *beheimah*, one cannot cover its blood. There is a concern that one who observes someone else covering the blood of a *koy* on Yom Tov will assume that a *koy* is a *chaya*, as we would not permit one to exert himself on Yom Tov for an uncertain specie and one would then permit the *cheilev* of a *koy* to be eaten, when in fact, because of its uncertain status, one is prohibited from eating the *cheilev* of a *koy*.

The Rambam writes that one who covers the blood of a *beheimah* that is *kelayim*, an animal that was bred from a *chaya* and a *beheimah*, one does not recite the blessing that is normally recited for the mitzvah of covering the blood. Rav Chaim Brisker wonders why one does not recite a blessing in such a case as there is reason to say that the animal that was slaughtered was a *chaya* which requires that its blood be covered. Rav Chaim answers that although there is reason to require that its blood be covered, the converse is also true, as there is reason to exempt one from covering the blood of this animal. The mitzvah is thus lacking a full requirement and for this reason one does not recite a blessing when covering the blood. Rav Chaim likens this ruling to a different ruling of the Rambam. The Rambam writes that when a child is born circumcised, or if a convert to Judaism was already circumcised prior to his conversion, we draw some blood, known as *hatafas dam bris*, but one does not recite a blessing on this procedure, although this is not a case of uncertainty. The reason for this ruling is because the mitzvah cannot be performed completely so one does not recite a blessing when performing such a mitzvah.

Rav Soloveitchek in *Harerei Kedem* likens this case to sitting in the Sukkah on Shemini Atzeres, as there is a requirement to sit in the Sukkah on Shemini Atzeres, yet there is also reason to exempt one from sitting in the Sukkah on Shemini Atzeres. Given the fact that one cannot fulfill the mitzvah of sitting in the Sukkah completely, he will not recite a blessing for sitting in the Sukkah.

Someone in Eretz Israel for Pesach who possesses chametz abroad transgresses?

HaGaon Rabbi Meir Simchah of Dvinsk zt"l treats a fascinating question (*Meshech Chochmah*, Vayikra 22:28) that has implications for Pesach. Day and night arrive at different times all over the world. When Shabbos arrives in Yerushalayim, it's already been Shabbos six hours in Hong Kong while in New York it will arrive in another seven hours. This phenomenon itself does not arouse halachic questions except for someone who passes from place to place at great speed (see at length in Vol.

180 in the article “Why doesn’t everyone observe Shabbos together?”) or when two factors, constituting two components of one fact, are in two places.

A Parisian cow and an Ethiopian calf: For example, the Torah forbids to slaughter an animal and its offspring on the same day. What about an Ethiopian cow which bore a calf and was then flown straight to Paris? When the sun still shines in Paris, the Ethiopians are deep into the night. A *shochet* who slaughters the Parisian mother on Sunday before sunset, when it’s already Monday in Ethiopia, causes an interesting question concerning when it is allowed to slaughter the calf. If we consider the site of the mother’s slaughtering, it was slaughtered on Sunday and nothing prevents one from slaughtering the calf a few hours later, when it’s already Monday in Paris. But if we consider the calf, according to its place, the mother was slaughtered on Monday and it’s permitted to slaughter it only on Tuesday. The *Or Sameich* rules that we decide according to the mother’s slaughtering.

This interesting case also directly affects Pesach. A person must not possess *chametz* during Pesach. What about a businessman from Bnei Berak who possesses *chametz* in Los Angeles? There’s a difference of ten hours between Eretz Israel and Los Angeles. When it’s 6:00 in the afternoon in Eretz Israel, it’s 8:00 in the morning in Los Angeles. The question is when this person’s prohibition on *chametz* starts and when it ends. If we go according to the location of the *chametz*, when he sits at the *sefer*, he possesses *chametz* without transgressing any prohibition because Pesach hasn’t arrived at its location. But if we go according to the owner’s location, he must sell the *chametz* according to his time of Pesach.

Indeed, this question is subject to a great disagreement among the halachic authorities. Some say that the prohibition on *chametz* “lies on a person’s head” and that we should go according to his location (Responsa *Chesed LeAvraham* of Butchatch, O.C. 35) and some say that the location of the

chametz determines the halachah (see Responsa ‘*Oneg Yom Tov*, O.C. 36, and Responsa *Eretz Tzvi*, 83).

A learned person told the members of our *beis midrash* that in a conversation with the owner of a large factory for *chametz* food in Eretz Israel it transpired that during Pesach he would be staying in America. The *talmid chacham* immediately thought that a serious problem was involved as immediately after Pesach the *chametz* returns to the owner and at that time he’s still in the midst of Pesach. If so, that *chametz* will be forbidden after Pesach according to some *poskim* as *chametz* possessed by a Jew during Pesach is forbidden to eat! He quickly referred to the *kashrus* organization active at that factory, where they told him that they were aware of the problem and therefore wouldn’t buy the *chametz* from the gentile till the day after Pesach.

DAILY MASHAL

The Gemora stated that the term ‘*sheep*’ (mentioned in the *Torah*) includes even that which is only partly a sheep (and therefore, the female offspring, by reason of its father, is partly a sheep, and the law of ‘*oso v’es b’no*’ applies to it).

The Pardes Yosef comments on the verse in Vayikra (16; 17): And no man shall be in the Ohel Moed when he (the Kohen Gadol) enters the Sanctuary: One who occupies himself with the needs of the public should not have any selfish motives whatsoever, and he should remember that he is performing a holy service. This is the explanation of the verse: And no man shall be in the Ohel Moed when he enters the Sanctuary, and “no man” means even a partial man – no selfish part of him should be involved when he is busy with the holy service.