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Prohibited Twice

The *Gemora* attempts to resolve Abaye’s doubt about Sumchus’s position from a *braisa*, which discusses one who ate the *gid hanasheh* - sciatic nerves of two animals. The Sages say that he is liable for lashes twice, while Rabbi Yehudah says he is only liable once. The *Gemora* says that this *braisa* cannot be a case where he was warned separately for each *gid*, since all would agree that he is liable twice. Rather, it must be a case where he was warned once and ate them simultaneously, and yet the Sages say that he is liable twice.

The *Gemora* further identifies these Sages as Sumchus, because the Sages that disagree with him in the case of one action that is prohibited due to two different categorizations (*both the mother and the child of a mother-child animal relationship*) would definitely disagree in the case of two *gids*, which are prohibited from the same categorization. This *braisa* therefore proves that Sumchus says that one is liable twice for something that is prohibited twice, even if the two prohibitions are from the same categorization.

The *Gemora* deflects this, saying that the case of the *braisa* is one who ate them separately, with a separate warning for each, but one of the *gids* was smaller than a *k’zayis* – olive size. The Sages consider a *gid* a full unit, and therefore say that one is liable, no matter how small it is, while Rabbi Yehudah does not consider it a full unit, and therefore says that one is not liable for one smaller than a *k’zayis*. (83a)

Meat Seasons

The *Mishna* lists four times of the year when one who sells an animal must notify the buyer if he already sold the animal’s mother or child, since we assume the buyer is planning to slaughter the animal today:

1. The eve of Shmini Atzeres
2. The eve of the first day of Pesach
3. The eve of Shavuot
4. The eve of Rosh Hashanah

Rabbi Yossi Hagelili adds the eve of Yom Kippur in the Galil region.

Rabbi Yehudah says that one must notify the buyer only if he just sold the mother or child, but not if he sold them a while ago. Rabbi Yehudah agrees that if he sold the mother to a groom and the child to his bride a while later that he must notify them, since we assume that they both plan to slaughter it for the wedding.

The *Mishna* adds that at these four times we force the seller to slaughter a whole animal, even if the buyer only bought a small amount of meat, and therefore the buyer must pay even if the animal died. However, during the rest of the year, we do not force the seller to slaughter the animal for a little meat that the buyer bought, and therefore the buyer need not pay if the animal died.

The *braisa* says that if one bought an animal and the seller didn’t notify him that he sold its mother or child, he may slaughter it today.

The *Gemora* explains that the *Mishna* chose a case where the groom bought the mother and the bride the child to teach that the general practice is for the groom to prepare more for the wedding than the bride does.

The end of the *Mishna* said that during these periods the buyer of meat must pay for his meat if the animal died, implying that he already acquired the meat. (83a)

Ownership

The *Gemora* asks how he acquired it, if he did not take physical possession by taking it.

Rav Huna answers that the *Mishna's* rule is only when he did take the animal, and therefore he is the owner of the meat.

The *Gemora* challenges this from the continuation of the *Mishna*, which states that during the rest of the year, he is not liable. If he took the animal, he should be liable at all times.

Rabbi Shmuel bar Rav Yitzchak explains that he did not take possession, but the seller used a proxy to take possession for the buyer. Acquiring via proxy only works when the acquisition is a benefit. During these periods, owning the meat is considered a benefit, so he owns the meat, but otherwise it is considered a detriment, so he does not own it.

Rabbi Yochanan says that from Torah law one acquires an item by paying for it, but the Sages instituted that one must first take possession, to induce the seller to care for the item well until then. During these four times, the Sages reverted to the Torah law, to allow the buyer to force the seller to slaughter the animal to provide him with meat. (83a)

What's a Day?

The *Mishna* says that the "one day" in which one may not slaughter a mother and child refers to a night followed by the next day. Rabbi Shimon ben Zoma says that we learn this from the same phrase, *yom echad* – one day, used both in the context of *oso v'es bno* - slaughtering a mother and child and in the context of creation. Just as each day in creation began at night, so does the day of *oso v'es bno* begin at night.

The *Gemora* cites a *braisa* in which Rabbi Shimon ben Zoma explains that we need the verse about creation to teach that the day of *oso v'es bno* begins at night, since it is taught in the context of sacrifices. We therefore may have thought that its day follows the rule of sacrifices, where a day begins at the morning and includes the following night. Rebbe says that the

phrase *yom echad* – one day implies that there are singular days that differ from others, teaching that one these four days one must notify the buyer of an animal if he sold its mother or child. (83a – 83b)

WE SHALL RETURN TO YOU, OSO V'ES B'NO

Covering the Blood

The *Mishna* teaches the parameters of the obligation of *kisui hadam* – covering the blood of slaughtered beasts or birds:

1. Inside and outside *Eretz Yisroel*
2. Whether or not the Bais Hamikdash is standing
3. Only with *chullin* – standard birds, but not sanctified ones
4. Whether the beast or animal is enclosed or must be trapped

One must cover the blood of a *koy*, as we are not sure whether it is a beast or domesticated animal. One may not slaughter it on Yom Tov, since we may not relax the rules of Yom Tov to cover its blood, which is only a doubtful obligation. If one did slaughter it on Yom Tov, one may not cover the blood. (83b)

Why not Sanctified Birds?

The *Gemora* asks why one need not cover the blood of sacrifices. The *Gemora* considers whether this is due to the requirement (taught by Rabbi Zaira) that one must put dust under and above the blood. Since a bird sacrifice is slaughtered on the altar, one would have to place dust on the altar beforehand. One couldn't nullify the dust to be part of the altar, as that would be adding to the mandated structure of the Bais Hamikdash. If one didn't nullify the dust, it would be a separation between the blood and the altar.

The *Gemora* rejects this reason, since we should require him to only place dust on top, similar to the case of one who slaughtered a beast after an animal, with its blood falling on the animal's blood. Yonasan ben Yosef taught that although there was no dust under it, one still must cover it with dust.

The *Gemora* answers that when one potentially could have placed dust under it but did not, he still may fulfill the



commandment of placing dust on top. However, if one could not have placed the dust under it, he does not fulfill the commandment by placing the dust on top. This is similar to Rabbi Zaira's statement that a *minchah* flour offering is valid even if the flour and oil were not mixed, as long as they could have been mixed.

The *Gemora* challenges this reason, as perhaps he must scrape the blood off the altar, and then place it on dust and cover it, just as one must do if the blood sprayed far away or spilled onto a knife.

The *Gemora* says that in the case of a bird sanctified as a sacrifice, one would be obligated to do so, but the *Mishna* is excluding the case of a bird sanctified for *bedek habayis* – the maintenance fund of the Bais Hamikdash, from which one may not benefit. Since one may not benefit from it, the slaughtering is invalid, and does not obligate covering the blood.

The *Gemora* challenges this, as we should obligate him to redeem the bird, making it permitted, and then cover the blood.

The *Gemora* answers that to redeem it, the bird must be stood up to appraise it, and that cannot be done once it was slaughtered.

The *Gemora* challenges further, since Rabbi Meir, who requires the bird to be stood for appraisal, says that an invalid slaughtering is considered a slaughtering, while Rabbi Shimon, who says that it is not considered a slaughtering, does not require the bird to be stood for appraisal.

The *Gemora* answers that Rabbi Meir, in authoring the *Mishna*, followed Rabbi Meir regarding the appraisal, and Rabbi Shimon, regarding the categorization of invalid slaughtering.

The *Gemora* offers another option, saying that the *Mishna* is following Rabbi Shimon, but exempts a sanctified bird, since the verse states *v'shafach v'chisa* – and he will spill [the blood] and cover it, requiring that the covering be done immediately after

slaughtering. This precludes the case of a sanctified bird, which would need redemption before covering.

The *Gemora* says that with this answer we can even say that the *Mishna* is also referring to a bird sacrifice, which would need scraping of the blood before covering. (83b – 84a)

INSIGHTS ON THE DAF

Why these four times?

The *Mishna* lists the four times that a seller must assume that someone buying an animal is planning to slaughter it today:

5. The eve of Shmini Atzeres
6. The eve of the first day of Pesach
7. The eve of Shavuot
8. The eve of Rosh Hashana

The Rishonim discuss why specifically these four days are listed, and not the eve of other holidays. Tosfos (83a uk'divrai) cites Rabbeinu Tam, who says that on the eve of Sukkos people are busy with preparing their sukkah and lulav/esrog, and therefore are not as likely to slaughter an animal.

The Meiri says that people generally allocate more meat for Shmini Atzeres, which would deemphasize the first day. Rashi says that people would pay special attention to Shmini Atzeres, as it is considered its own holiday.

Rashi in Avoda Zara (5b) says that since Shmini Atzeres is the last day to bring the obligatory sacrifices of Sukkos, people end up slaughtering more animals for it.

Tosfos (Avoda Zara 5b Erev) cites those who say that each of these four days have something unique about them, which leads people to slaughter:

1. Shmini Atzeres is reserved as a day celebrating the special relationship of Hashem with Bnai Yisrael.
2. Even though Rosh Hashanah is an awesome day of judgment, we celebrate it with meat, to show our trust in Hashem's ultimate favorable judgment of us.

3. Pesach is the redemption from Egypt, for which we especially celebrate.
4. Shavuot must be celebrated with good food, as we received the Torah on it. The *Gemora* states that all agree that one must physically enjoy Shavuot for this reason.

Rabbi Yehudah

The *Mishna* cites Rabbi Yehudah, who limits the responsibility of the seller to notify the buyer to a case where there is no revach – space. Rashi explains that Rabbi Yehudah is saying that if there was a space of time (i.e., a day) between the sales, the seller need not notify, since the first buyer may have already slaughtered the animal.

The Rambam explains that Rabbi Yehudah is saying that the seller must notify the buyer only if he is buying the animal in a hurry at the end of the day, since that indicates that he is rushing to slaughter it today.

Tosfos notes that the *Gemora* says that when Rabbi Yehudah comments on an opinion with the phrase *aimasai* – when, as he does in this *Mishna*, he is not disagreeing with, but rather explaining the first opinion. If Rabbi Yehudah is not disagreeing, the continuation of the *Mishna* is difficult, as it states that Rabbi Yehudah *agrees* in the case of one who sold the mother to a groom and the child to his bride. Stating that Rabbi Yehudah agrees implies that he is disagreeing in his first statement.

Two answers offered to this question are:

1. The Tosfos Yom Tov points to a Tosfos (88a Rabanan) which says that the rule about Rabbi Yehudah's use of the phrase *aimasai* is only in situations where we have no reason to assume he is disagreeing. However, in our *Mishna*, which states that he *agrees* in one case, it is clear that Rabbi Yehudah is disagreeing when limiting the case with *aimasai*.
2. The Rashba (B" M 24a) says that when a *Mishna* says that someone agrees, it need not mean that he agrees to anyone in particular (with whom he disagrees on

something else), but rather it is another way of saying that he limits his earlier statement.

Regardless of whether he is disagreeing or not, we rule like Rabbi Yehudah.

Yom Echad

Rebbi says that the verse which refers to *yom echad* – one day teaches that there are times that one must notify the buyer that he sold the animal's mother or child. The Rishonim offer various explanations of this source:

1. Instead of the simple reading of the verse, which states *lo sishchatu* – do not slaughter, we can read the verse to state *lo sashchitu* – do not cause others to slaughter, teaching that on these singular days, one must prevent others from transgressing. (Rashi, first explanation)
2. If the verse specifies special days, they must be for notifying the buyer (Rashi, second explanation)
3. Just as Shabbos, which is a singular day, must be announced (with a trumpet blast), so the seller must notify the buyer on these days (Rabbenu Chananel)

All agree that this is not a Torah mandated law, but simply an *asmachta* – source in the verse for a Rabbinic law.

DAILY MASHAL

In the Galilee and Not in Judea

The *Mishna* lists the holidays when the vendor of an animal had to inform his customer that he sold its mother or its offspring because we surmise that the previous animal, the mother or the offspring, would be slaughtered on the eve of the holiday and it is forbidden to slaughter the animal now being sold on the same day. One of those holidays is the eve of Yom Kippur in the Galilee. Why only in the Galilee? *Meshech Chochmah* says (*Emor*) that Judea suffered many decrees (Yerushalmi, Kesubos, Ch. 1), also pertaining to Yom Kippur (Chulin 101b), and therefore people didn't eat large repasts on the eve of Yom Kippur lest the enemy know that Yom Kippur was approaching.