

OVERVIEW of the Daf

1) Multiple births (cont.)

The Gemara explains why the Baraisa did not discuss a circumstance in which each goat gave birth to two offspring.

The Gemara gives four practical differences between Tanna Kamma and R' Shimon.

A Baraisa is cited to support the assertion that R' Shimon maintains that a premature animal may be tithed.

The Gemara unsuccessfully challenges the exposition of the Baraisa.

2) Soiling

Rava and Shmuel offer different explanations as to the definition of "soiling" as mentioned in the Mishnah.

The Gemara states that the discharge must be shown to a chochom and the definition of chochom in this context is explained.

3) Fetus

R' Chisda inquires about how long it takes for an animal fetus to be formed.

An unsuccessful attempt to resolve this matter is presented and the matter is left unresolved.

4) Purchasing an animal from a Jew

The Gemara inquires about the status of an animal purchased from a Jew.

Rav answers that the first offspring is assumed to be a firstborn since if the animal had already given birth the owner would have mentioned this.

Shmuel maintains that the first offspring is a questionable bechor.

R' Yochanan asserts that it is definitely non-sacred.

A Baraisa is cited that supports R' Yochanan's position

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Distinctive INSIGHT

Buying an animal from a Jew or non-Jew

התם במוכר תליא מילתא הכא בלוקח תליא מילתא

The Mishnah discussed the case of a Jew who purchased an animal from a non-Jew. Various scenarios involving different animals are presented regarding whether an animal born from the purchased animal is to be assumed to be a bechor.

Our Gemara presents the issue of an animal bought by a Jew from another Jew, where the seller did not mention whether the animal had ever given birth. Rav rules that the first animal born to the bought animal is a bechor. He holds that if the animal had previously delivered a bechor, the seller certainly would have said so. Shmuel holds that the animal born to the bought animal is a doubtful bechor. Perhaps the seller did not mention anything because he assumed that the buyer is acquiring the animal to shecht, and the question of any animals yet to be born was moot.

R' Yochanan rules that an animal born to this animal is certainly not a bechor. The Gemara reports that we have a Baraisa which apparently supports the view of R' Yochanan. The halacha is that an animal and its offspring may not be shechted on the same day. If an animal is offered for purchase, the Mishnah (Chullin 83a) rules that there are four times during the year when the seller must inform the buyer if he had already sold that animal's mother or offspring that same day. If the seller did not say anything, the buyer may take the animal he buys and shecht it that same day. The Gemara understands that this proves the contention of R' Yochanan, that if there was some question of shechting the animal being prohibited, the seller would certainly have spoken up and informed the buyer. Without this warning, we assume that the bought animal has no issue regarding bechor or the restriction of shechting its mother or offspring that day.

Rav and Shmuel answer that there is no proof to the case of bechor from the Mishnah in Chullin. There, regarding the halacha of shechting an animal and its offspring on the same day, the responsibility is upon the seller. His being silent is clearly indicative of there not being an issue, according to everyone. The mitzvah of bechor, however, is incumbent upon the buyer, who will now be in possession of the animal. Here, the silence of the seller does not necessarily indicate that the issue of bechor is settled. This is why Rav and Shmuel have their respective views.

Tur (Y.D. 316) brings a disagreement among the Rishonim regarding a Jew who buys an animal from another Jew. Beha"g rules that an animal subsequently born is certainly not a bechor (R' Yochanan), while Rabeinu Yonah and Rosh rule that it is a doubtful bechor (Shmuel). Regarding

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REVIEW and Remember

1. What is Zeiri's ruling about which Tanna Kamma and R' Shimon debate?

2. What is the case of *מחוסר זמן נכנס לדיר להתעשר*?

3. What is "soiling"?

4. What is the issue debated by Rav, Shmuel and R' Yochanan?

HALACHAH Highlight

Disclosing potential issues that may arise from a purchased animal

התם במוכר תליא מילתא הכא בלוקח תליא מילתא

Over there the matter rests upon the seller but here the matter rests upon the buyer

Tur¹ cites a dispute regarding one who purchases an animal from a Jew and the seller does not inform him whether the animal had ever given birth. According to Bahag the offspring is considered definitively non-consecrated, whereas according to Rabbeinu Yonah and Rosh the offspring is an uncertain bechor. Perisha² notes that regarding the prohibition of slaughtering an animal and its offspring on the same day Tur rules that when one purchases the offspring if the seller does not inform the buyer that he already slaughtered the parent that day the buyer may slaughter the offspring on the same day it was purchased. Why doesn't the Tur mention a disagreement regarding that halacha the same as he does regarding bechor? Perisha answers that regarding the prohibition against slaughtering an animal and its offspring on the same day all opinions agree that the buyer may slaughter the purchased offspring the same day. The reason is that since it is assumed that the animal will be slaughtered that day, one has the right to expect the seller to inform him that he may not slaughter it that day. Similarly, regarding the halacha of bechor the seller has the right to assume that it will be slaugh-

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the law of shechting an animal and its offspring, Tur (ibid. 16), without citing any dissenting view, rules that if the seller did not say anything, the buyer can shecht his newly-bought animal. Here, all assume that the seller would have said something if there was a problem. ■

tered that day and the issue of delivering an animal that would be a bechor would not arise and thus he did not feel compelled to transmit that information.

Taz³ challenges the assertion that animals are presumed intended for slaughter from the Gemara Chullin (8a) which indicates that the primary use of an animal is to produce offspring. He therefore suggests another resolution to the apparent contradiction in the Tur. Teshuvos Shvus Ya'akov⁴ asserts that it is evident from our Gemara that there is no challenge against Perisha from the Gemara in Chullin. The obligation to confirm that the offspring will not be a bechor rests on the buyer since he knows that his intent is to raise the animal to produce offspring. The seller assumes that the animal will be slaughtered and thus the question of whether it has already delivered is not relevant. Regarding the prohibition against slaughtering an animal and its offspring on the same day, the obligation rests upon the seller because he knows whether the parent was already slaughtered that day and thus it is his obligation to inform the buyer. ■

1. טור יו"ד סי' שטי"ז.

2. פרישה שם אות ו'.

3. ט"ז שם סק"ו.

4. שו"ת שבות יעקב ח"ב סי' ס"ט. ■

STORIES Off the Daf

The Importance of Appreciation

יצירת הוולד באשה ארבעים יום

The author of the Likutei Yehudah, zt"l, recounted an inspiring Torah he heard from his grandfather, the illustrious Chidushei Harim, zt"l, "Every person has something special which finds favor in God's eyes. In the merit of this singular aspect we are afforded life and vitality from the Source of all life. But what we naturally believe gives God pleasure is often not the correct attribute. With our limited understanding, how can we possibly know what is truly important on high?

"Tzaddikim expand on their positive attributes by working to give God pleasure in their every endeavor. In this man-

ner they are compared to fertile ground which harbors growth. But the actions of the wicked are compared to barren land. Since they only obey their base nature, their actions do not bear positive fruit. Like desolate land, the deeds of the wicked are inconsequential on high.

"This is the meaning of the Midrash on the verse, זבח תדה יכבדני — Whoever offers a todah offering honors Me.¹ The verse does not say 'יכבדני,' rather 'יכבדני,' which has a double connotation. This teaches that one who brings a todah sacrifice honors God both in this world and the next.²

"The special aspect of a todah offering is that one must bring forty breads along with it, unlike other sacrifices. Ten of the breads brought are chametz, which alludes to the negative aspects of a person. Nevertheless, the majority of these breads are matzah. The forty breads cor-

respond to the forty days of formation of the human fetus. This teaches that feeling and expressing appreciation to God—for both the good and the bad—is the main way to rectify every Jew."³ ■

1. תהלים, נ': כ"ג

2. ויקרא רבה, ט': ב'

3. ליקוטי יהודה, אמור ■

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and the Gemara inquires whether this Baraisa refutes Shmuel's position.

The Gemara explains why this Baraisa does not refute Shmuel's position.

5) **MISHNAH:** R' Eliezer ben Yaakov discusses the status of an animal that discharged a cake of blood.

6) Clarifying the Mishnah

A Baraisa elaborates on the ruling of the Mishnah.

The Gemara questions why it is necessary to bury the cake of blood. ■