

OVERVIEW of the Daf

1) It and its offspring (cont.)

The source for Chananyah's position that the prohibition of "it and its offspring" applies to males is well presented.

R' Huna bar Chiya in the name of Shmuel states that the halacha follows Chananyah's position and the Gemara explains how Shmuel follows his own reasoning with this ruling.

2) Clarifying R' Yehudah's position

The Gemara inquires whether R' Yehudah whose position that was just cited maintains that we are not concerned with the seed of the father, or is he uncertain about the matter.

The practical difference is identified.

Two unsuccessful attempts to resolve this matter are presented.

It is demonstrated that R' Yehudah is uncertain whether we are concerned with the seed of the father.

A related incident is presented.

3) Koy

A Beraisai presents a dispute whether the prohibition of "it and its offspring" applies to a koy.

R' Chisda states that the case that is disputed is the product of a goat and a deer.

The Gemara elaborates on and further develops R' Chisda's explanation.

A Mishnah that rules that the mitzvah of covering the blood does not apply to a koy is quoted and explained in light of R' Chisda's explanation.

A unsuccessful challenge to this explanation is presented.

In light of this question it seems as though there is no dispute between Rabanan and R' Eliezer. ■

REVIEW and Remember

1. Explain: חוששין לזרע האב.
2. How does one tell the difference between the offspring of a horse and the offspring of a donkey?
3. According to R' Chisda what is the koy that is debated by R' Eliezer and Chachamim?
4. What does the term כלאים mean when used in reference to animals?

*Today's Daf Digest is dedicated in honor of
our 12th anniversary*

Elchanan and Ruthie Abramowitz

Distinctive INSIGHT

Using physical attributes for identification

וסימנין דאורייתא

The opinion of R' Yehuda in the Mishnah (Kil'ayim 8:4) is that the offspring of a male donkey and a female horse can be bred together. Although a male offspring is a cross between a horse and a donkey, and a female offspring is a cross between a horse and a donkey, we consider the two to be of the same type, and breeding them is not cross-breeding, which would have been prohibited (Vayikra 19:19). Rashi explains that we do not say that the part horse of the male is breeding with the part donkey of the female, or vice-versa. This is because if we identify a cross-bred animal as following its mother's type and not the father, the mother of both of these animals is a horse. And, if we identify a cross-bred animal as following its father, both of these animals have a donkey as their father.

The Gemara analyzes the view of R' Yehuda, and it finally concludes that in identifying a cross-bred animal, R' Yehuda is uncertain whether we follow the species of the father.

Abaye reported that when a donkey and horse are cross bred, it is possible to identify whether the mother is the donkey or the horse by inspecting the physical features of the mule. If the mule's voice is thick and deep, the mother is a donkey. If the voice of the mule is thin and shallow, this is a sign that the mother is a horse. Rav Pappa adds that if the ears are large and the tail is short, this is an indication that the mother is a donkey. If the ears of the mule are short and the tail is long, this is a sign that the mother is a horse. Of course, the Gemara points out that if a mule is a mute and its ears and tail have been shortened, there would be no outward signs of identification to determine which animal is its mother.

R' Abba told his assistant that when he sought mules to pull his wagon, the attendant should select mules which were physically similar to each other, thus indicating that the mothers were similar. The Gemara notes that this means that R' Abba only cared about the mother's type to classify a cross-bred animal. He also holds that it is adequate to use "external signs" to conclude the identity of an animal.

The Gemara in Bava Metzia (27a) discusses the law of returning a lost object to its owner who can identify that the item is his. The Gemara knows that if the owner brings witnesses to affirm that the item is his then he can retrieve his object. Can a person use signs to describe his object and have it returned without witnesses? The Gemara does not arrive at a conclusion. Yet, in our Gemara we clearly say that "signs are adequate" to rely upon. Rashi explains that the Gemara in Bava Metzia felt that returning an object to an owner who gives signs might be rabbinic. From our Gemara, though, it is clear that relying upon signs to allow joining two similar mules is certainly only allowed if R' Abba holds that relying upon signs is a Torah concept. ■

HALACHA Highlight

Are external signs reliable for Biblical matters?

אלמא קסבר ... וסימנין דאורייתא

We see that he holds ... identifying signs are Biblical

The Gemara relates that R' Abba instructed his attendant that if he will fasten mules to his wagon he examine them to make sure that they are similar to one another. This was necessary to prove that they are not offspring of different species of animals for if they were offspring of different species of animals it would be prohibited for them to pull the wagon together. The Gemara observes that R' Abba's willingness to rely on the external characteristics of the animals to decide whether they are offspring of similar animals indicates that he maintains **סימנים דאורייתא** – external signs are reliable for Biblical matters. The difficulty that Rishonim have is that the Gemara Bava Metzia (27a) asks whether external signs are Biblical or Rabbinic and after a lengthy discussion the Gemara does not reach a final conclusion. Seemingly our Gemara should have been cited to answer that external signs are a Biblical principle.

Rashi¹ indicates that our Gemara, in fact, resolves the Gemara's question in Bava Metzia that external signs are in fact Biblical. Chidushei Haran² cites Ramban who maintains that the uncertainty in the Gemara in Bava Metzia whether external signs are Biblical does not relate to our Gemara's position that external signs are Biblical. In Bava Metzia the question is whether external signs definitively prove that one is the owner of a lost object. It is possible that the claimant may have seen the object at some point and thus is aware of its external signs or perhaps he merely guessed what the object looks like. In our Gemara the external signs by which one could determine whether mules are offspring of similar species is a tradition that Chazal had and is therefore authoritative to prove whether mules are offspring of the same species or not. A parallel case is discussed above (64a) regarding the signs of a kosher egg and whether they are reliable and the Gemara concludes that signs identified by Chazal are not reliable since they did not possess a strong tradition regarding these signs. ■

¹ רש"י ד"ה וסימנים.

² חידושי הר"ן סימנים דאורייתא. ■

STORIES off the Daf

A Mixed Team

”עיינן להנך דדמין להדדי...”

Today's daf discusses the halachos of kil'ayim.

Once the Chasam Sofer, ז"ל, was riding in the same carriage as his rebbe, Rav Nosson Adler, ז"ל. It was a very cold day and the Eastern European roads were filled with snow and slush. One wrong turn could land a person into a sticky quagmire from which he would not easily get out. During the first leg of the trip, the wagon driver managed to extricate them each time the horses got stuck. Eventually, however, the horses enter a muddy pit from which they could not budge. Although they tried, they lacked the physical strength to get that wagon out of the

mud.

After coaxing the team for an extended time, the wagon driver understood that his efforts were futile and that he needed help. He unhitched one of the horses and rode to a nearby town. After some time the wagon driver returned with reinforcements to remove the wagon. When Rav Nosson Adler saw them coming he left the wagon. He rushed out so quickly that he didn't even put on his boots. In his silk socks he jumped down from the wagon and then—to the surprise of the Chasam Sofer—he began to dance. His face shone with a holy fire and he was obviously overjoyed.

The Chasam Sofer wondered what it was that had made his rebbe so happy that he spontaneously began to dance. “You know I spend most of my day in the beis midrash. I do as many mitzvos as I can, but there are many mitzvos which are virtually impossible

for me to fulfill. One of these unusual mitzvos is to avoid kil'ayim.

“But now don't you see? The wagon driver brought a team of oxen to help pull his wagon out of the mud. As a non-Jew, this is his right, but we are forbidden from sitting in the wagon while it is being towed out by a mixed team. If we would have sat in the wagon we would have violated the prohibition of kil'ayim. Now that I have finally merited to fulfill this rare mitzvah I feel filled with joy and cannot stop myself from dancing!”¹ ■

■ חוט המשולש¹

*Today's Daf Digest is dedicated
as a zechus
for a refuah sheleimah for*

**אברהם גרשון בן ציפי
שלמה ברוך בן שיינדל ברכה
דינה חיה שרה בת שיינע מירה**