

OVERVIEW of the Daf

1) Koy (cont.)

The point of dispute between Rabanan and R' Eliezer is identified.

R' Pappa offers a detailed explanation of the debate with all of its ramifications.

R' Yehudah asserts that the koy is an independent creature and Chazal did not decide whether it is a domesticated or undomesticated animal.

R' Nachman contends that the koy is the wild ram. It is noted that Tannaim debate the same issue.

2) Forest goats

R' Hamnuna is cited as ruling that the forest goat can be a korban.

It is explained that this ruling is based on a teaching of R' Yitzchok.

R' Yitzchok's logic is unsuccessfully challenged.

Three challenges to R' Hamnuna's position are presented

In response to an inquiry R' Huna bar Chiya ruled that forest goats may be brought as a korban.

Three challenges to R' Huna bar Chiya's position are presented.

3) The author of our Mishnah

R' Oshaya asserts that the Mishnah does not follow R' Shimon's position and then presents numerous proofs to back up his assertion.

Since it is so obvious that the Mishnah does not follow R' Shimon the Gemara wonders why it was necessary for R' Oshaya to make his statement.

The reason his statement was necessary is explained.

4) Lashes

It is suggested that the person who slaughtered the second sacred animal should incur lashes for slaughtering a korban before its time.

The reason the Mishnah did not mention this set of lashes is explained.

This explanation is unsuccessfully challenged.

R' Zeira offers a second reason why the Mishnah did not mention lashes for the transgression of slaughtering a korban before its time. ■

Distinctive INSIGHT

The identity of the "koy"

אמר רב יהודה כוי בריה כוי בפני עצמה ולא הכריעו בה חכמים אם מין בהמה היא או מין חיה היא

The Gemara cites the disagreement between Rav Yehuda and Chachamim regarding the *koy* animal. R' Eliezer says that this animal is a cross between a deer and a goat. R' Yehuda is of the opinion that a domesticated animal (בהמה, e.g. goat) and an undomesticated animal (a חיה, e.g. deer) cannot breed. This discussion is found in Bechoros (7a) and Bava Kamma (78a), and there is no opinion which holds that these two species can breed, other than the view of R' Eliezer and his group. Accordingly, R' Yehuda says that a koy is its own type, bred from other koy animals, and the sages have not determined whether it is in the category of *beheima* or *chaya*. Our Gemara continues and shows that the opinion of Rav Yehuda is represented in a Baraisa where Tanna Kamma says that a koy is a cross between a goat and a deer, and R' Yose says that it is a creature of its own being. Rabban Shimon ben Gamliel says that it is classified as a *beheima*.

Tosafos explains that R' Yehuda's statement that we are uncertain whether a *koy* is a *beheima* or *chaya* was said in reference to the Mishnah later (83b) which says that when a *koy* is shechted, the mitzvah of covering its blood must be performed, due to the possibility that it might be a *chaya*. We generally allow a *beheima* to be shechted on *yom tov*, because its blood does not have to be covered with dirt. A *chaya* is not shechted on *yom tov*, because digging dirt to place on its blood involves desecration of *yom tov*. Accordingly, a *koy* may not be shechted on *yom tov*, because, as we stated, we require covering of its blood due to the doubt that it might be a *chaya*, and this is not allowed on *yom tov*.

Tosafos notes that the Gemara earlier (59b) identified that the horns of a *beheima* and *chaya* are distinct. There, we find that the horns of a *chaya* are branched, and if they are not branched, it can still be identified as a *chaya* if its horns are layered, rounded and grooved. Let us inspect the horns of a *koy* and determine its status that way. Tosafos answers that perhaps the horns of a *koy* do have these features, but its horns are difficult to inspect fully. We are therefore left with a doubtful situation.

Rashba (Kiddushin 3a) explains that even if a *koy* is a distinct creature, it still has an uncertain status, because its physical stature is similar to a deer, which is a *chaya*, and to a goat, which is a *beheima*. This is why the Gemara regularly refers to it as an animal "which is a result of a cross between a deer and a goat," because its appearance indicates to us an element of doubt whether it is actually one or the other. ■

HALACHAH Highlight

The "shor habar"

שור הבר מין בהמה ר' יוסי אומר מין חיה

The shor habar is a species of domesticated animal. R' Yosi says that it is a species of an undomesticated animal

The Gemara cites the Mishnah in Keilim (8:6) that presents a disagreement regarding the categorization of the שור הבר – wild ox. Is it a domesticated animal or is it an undomesticated animal? Tanna Kamama asserts that the שור הבר is a domesticated animal and bases his position on the fact that it is translated as תורבלא which means ox of the forest. R' Yosi contends that the שור הבר is an undomesticated animal since it is mentioned in Devarim (14:5) together with the other undomesticated animals. This dispute has important halachic import. The mitzvah of covering the blood of a slaughtered animal is limited to birds and undomesticated mammals. There is no mitzvah to cover the blood of a domesticated mammal. The second practical ramification is that the prohibition against eating cheilev, prohibited fats, is limited to certain fats of a domesticated animal. The same fats that come from an undomesticated mammal are permitted. Thus the question of the proper categorization of the שור הבר is an important question.

Rambam¹ rules that the שור הבר is a domesticated animal. As such, it is prohibited to eat the cheilev of the שור הבר but there is no mitzvah to cover its blood after it is slaughtered.

STORIES Off the Daf

The Limits of Human Reason

"אותו ואת בנו..."

It is well known that the Moreh Nevuchim was considered a controversial work from its inception. On the surface this may appear difficult to understand. After all, it is built upon a forceful search for the truth, deep philosophy, intriguing explanations of mitzvos and powerful mussar. What could be wrong?

The trouble can be precisely this synthesis of elements. Since one who studies it may feel as though he has the entire truth and reasons for mitzvos laid out clearly before him, he may begin to wonder whether the observance of many mitzvos is really all that binding, chas

v'shalom. After all, if the mitzvah is only to achieve a certain emotional state or to impart a lesson, perhaps this could be learned in a different way? This was one of the reasons that the maskilim approved heartily of the Moreh Nevuchim.

When a deeply self-aware man had learned this fascinating work for a long period he began feeling less serious about mitzvos. The moment he noticed this he told his rabbi that he had been learning Moreh Nevuchim and wanted advice to strengthen his commitment to mitzvah observance. His rabbi explained that the reasons in the Moreh are not the only, or even the deepest reasons for why we fulfill mitzvos.

The rabbi said, "For example, the Moreh writes that we do not slaughter a mother animal and its calf on the same day since this causes severe pain to the

REVIEW and Remember

1. What is the dispute between Tannaim regarding the koy?

2. What is the point of dispute regarding the forest goats?

3. What is the proof that the Mishnah does not follow R' Shimon's position?

4. What is מחוסר זמן?

Rosh² disagrees with this conclusion and bases his position on an inference in our Gemara. The Gemara suggests a proof that goats of the forest are domesticated animals and may be offered as korbanos from the fact that they are not listed together with the kosher undomesticated animals. The Gemara attempts to refute that proof with the suggestion that the goats of the forest are listed with the undomesticated animals and they are the undomesticated animal identified by the name תאו. This clearly indicates that the תאו is an undomesticated animal since it is listed with the other undomesticated animals. Since Targum Onkelos translates the תאו as תורבלא it must be that the שור הבר that is the תורבלא is an undomesticated animal. ■

1. רמב"ם פ"א מה' מאכלות אסורות הי"ב.

2. רא"ש פ"ה סי' ג'.

animals.¹ The Rashbah objects since this explanation doesn't cover all of the details of the mitzvah. Why is there a prohibition if the mother and calf are far away from each other? Why is it permitted to slaughter the mother and calf of a chayah but not a domesticated animal? Why is one allowed to slaughter the mother immediately before sunset and the calf just after nightfall—a very short span of time?

"The Rashbah concludes that every mitzvah has many very deep reasons that we cannot possibly fathom. Although we may learn lessons that may be part of the function of the mitzvah, we must never judge the mitzvah solely based on the reasoning behind it. To do so weakens our absolute commitment to it, as you have learned so painfully yourself."² ■

1. מורה נבוכים, ח"ג, פמ"ח

2. שו"ת הרשב"א, ח"ד, רנ"ג