

## OVERVIEW of the Daf

### 1) Before its time (cont.)

The Gemara finishes presenting R' Zeira's explanation why the Mishnah does not mention lashes for slaughtering a korban before its time.

This explanation is unsuccessfully challenged.

### 2) "It and its offspring"

R' Hamnuna asserts that according to R' Shimon who maintains that a slaughter that is unfit is not considered a slaughter the prohibition of "it and its offspring" does not apply to korbanos.

Rava successfully challenges this assertion and consequently revises R' Hamnuna's position.

It is noted that Rava's explanation of R' Hamnuna is consistent with his reasoning elsewhere.

A related ruling of Rava is presented.

R' Yaakov in the name of R' Yochanan disagrees and asserts that even according to R' Shimon the eating of the altar qualifies as eating.

3) **MISHNAH:** The Mishnah presents different cases where slaughtering does not render an animal fit for consumption and whether the slaughterer is liable to lashes.

### 4) Clarifying Rabanan's opinion

Reish Lakish asserts that Rabanan refer specifically to when the first animal was slaughtered for idolatry and the second for his own consumption.

R' Yochanan disagrees and contends that Rabanan's position applies even when the first animal was slaughtered for private consumption.

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## REVIEW and Remember

1. According to R' Shimon, why doesn't the prohibition of "it and its offspring" apply to sanctified animals?

2. How does Rava refute R' Hamnuna's assertion?

3. What is the point of dispute between R' Shimon and Chachamim?

4. Why is it necessary to present the disagreement between Reish Lakish and R' Yochanan in two contexts?

## Distinctive INSIGHT

### *The many examples given in the Mishnah*

השוחט ונמצאת טריפה, השוחט לעבודה זרה והשוחט פרת חטאת ושור הנסקל ועגלה ערופה

The prohibition not to slaughter a mother animal and its offspring on the same day (Vayikra 22:28) applies only if the shechita done upon each animal is valid, and as a result of which the meat of the animal becomes permitted to eat. Our Mishnah gives several examples of shechita which fail this test, because although the shechita itself was done properly, the meat of a particular animal may not be eaten. The examples are where the animal was found to be a tereifah subsequent to the shechita, or where the shechita was done with the intent of idolatry. Other examples are where the offspring was a parah aduma, where either was an ox which had been condemned to death because of its having killed a person, or if the offspring had been designated as an eglah arufah.

In all of these cases, R' Shimon rules that the law of "the animal and its offspring" does not apply, but Chachamim disagree and say that as long as the shechita itself was valid, the law of "the animal and its offspring" does apply, although the meat is not allowed to be eaten.

We may ask, though, why the Mishnah needed to cite so many examples of where the meat of animal is not allowed to be eaten. Rosh Yosef explains that there is a novel aspect to each of the illustrations which are listed. If we would have been taught just the first example, where the animal turned out to be a tereifah, we might have said that it is only here that Chachamim dissent and consider the shechita significant, because the shechita at least had an effect to remove the impure neveilah status of the animal and render it a tereifah. But we would have thought that Chachamim agree that the shechita has no legal meaning in the case of idolatry, and shechting for idolatry has no validity for the halacha of shechting the animal and its offspring on the same day. The added novelty in this case is that Chachamim still say it is a valid shechita.

Furthermore, if the Mishnah had then taught us that there is a disagreement in the case of shechting for idolatry, we might have said that the shechita at least removes the status of *eiver min hachai*, which is not the case when shechting a goring ox which had to be stoned to death. Perhaps Chachamim would agree that shechting a goring ox has no legal meaning and does not qualify for the halacha of shechting a mother and its offspring. This, then, is why the Mishnah teaches that the Chachamim disagree with R' Shimon in the case of a goring ox.

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# HALACHAH Highlight

## *Tza'ar ba'alei chaim while killing an animal*

והנוחר והמעקר ... פטור משום אותו ואתו בנו

*One who pierces or tears out ... is exempt from "it and its offspring"*

**N**oda B'Yehudah<sup>1</sup> ruled that killing an animal does not violate the prohibition against causing an animal to suffer - *tza'ar ba'alei chaim*. Teshuvos Shemesh Tzedaka<sup>2</sup> disagrees and writes that causing an animal to suffer even as one kills the animal violates the prohibition. Although it is true that Teshuvos Avodas Hagershuni rules that *tza'ar ba'alei chaim* is violated only if the animal will live but not if one kills the animal, even if the death is unusual, all he means is that one does not violate the Biblical prohibition of *tza'ar ba'alei chaim*. Certainly one who causes an animal to suffer while killing it violates a Rabbinic prohibition of *tza'ar ba'alei chaim*. Furthermore, someone who would do this cultivates within himself the trait of cruelty and distances himself from Hashem's mercy. This assessment is based on the Gemara Bava Metzia (85a) that Rabbi suffered before he died because he displayed a degree of cruelty in an interaction he had with an animal.

The Mishnah teaches that one who tears out an animal's pipes and then slaughters its parent or child that same day has not violated the prohibition of "it and its offspring." Rav Akiva Eiger<sup>3</sup> notes that the wording of the Mishnah in-

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The reason Reish Lakish disagrees is explained. It is noted that Reish Lakish and R' Yochanan follow their opinions that were presented elsewhere. The reason both disputes are necessary is explained. The Gemara questions whether according to R' Shimon the slaughter of a parah adumah is a slaughter that is unfit. ■

dicates that he is exempt only from violating the prohibition of "it and its offspring" but he has violated the prohibition of *tza'ar ba'alei chaim* as well as *bal tashchis*. Teshuvos Mishnah Halachos<sup>4</sup> cites authorities who prove from this comment that one violates the prohibition of *tza'ar ba'alei chaim* even as one kills an animal, in contrast to Noda B'yehudah's position. Mishnah Halachos, however, rejects this proof and differentiates between kosher animals that are to be slaughtered and non-kosher animals. When slaughtering a kosher animal, *tza'ar ba'alei chaim* is not violated, but if one kills it in a manner that is not a slaughter one does violate *tza'ar ba'alei chaim*. Since there is no concept of slaughtering non-kosher animals any manner in which they are killed is not in violation of *tza'ar ba'alei chaim* unless one kills the animal in a manner that is supposed to make the animal suffer. ■

1. שו"ת נודע ביהודה מהדו"ת יו"ד סי' י.
2. שו"ת שמש צדקה יו"ד סי' י"ח, נ"ז.
3. תוס' רעק"א פ"ה מ"ג אות כ"ג.
4. שו"ת משנה הלכות ח"י סי' פ"ב. ■

# STORIES Off the Daf

## *Parts of a Whole*

"אותו ואתו בנו..."

**R**av Zalman Sorotzkin, zt"l, taught the extent of the oneness of the actions of all Jews from the prohibition of slaughtering a mother animal and her calf on the same day. "The verse states, 'אותו ואתו בנו לא תשחטו ביום אחד' - It and its progeny you shall not slaughter on the same day.' The word for slaughter *תשחטו* is plural to teach that if one Jew slaughters the mother and a second Jew slaughters the child, this violates the prohibition.

He explained, "We can learn a very important lesson from this. We see that

there is a very special connection between the actions of one Jew and the actions of his fellow. Our mission as a nation is to be a light unto the nations and we can only do this if we are united. Whether we know it or not, every Jew is part of one collective Jewish soul. This explains the unreasonable tendency of the non-Jewish nations to blame all Jews for heinous acts done by unworthy individuals. It is surely strange that they do not judge other nations this way. But when we consider that every Jew is part of a single whole, this begins to make a strange kind of sense, at least on a cosmic level..."<sup>1</sup>

When Rav Chaim Vital, zt"l, noticed the Arizal saying a tearful heartfelt vidui during davening he wondered about this. "Why are you saying vidui? Surely

you have never violated any of the heinous sins mentioned."

The Arizal admitted that he had not violated the sins listed. He said, "Nevertheless, I must at least repent for all of them. Although I have never transgressed, what about my fellow Jews who have? Since כל ישראל ערבים זה לזה, it is as if I have transgressed all of them..."<sup>2</sup> ■

1. אזנים לתורה, ח"ג, כ"ב כ"ז
2. שערי מצוות, פרשים קדושים ■

*(Insight...continued from page 1)*

The Gemara concludes that the cases of shechting a parah aduma and eglarufa are not part of the Mishnah, and one would be eligible for the halacha of shechting a mother and its offspring on one day if he sheched a parah aduma or eglarufa. ■

