

OVERVIEW of the Daf

1) Clarifying Rabanan's opinion (cont.)

The Gemara concedes that the Mishnah should not have mentioned that the parah adumah is a slaughter that is unfit.

The Mishnah's mention that the eglah arufah is a slaughter that is unfit is also successfully challenged.

The indication that Reish Lakish was quoting R' Yannai is successfully refuted.

The revision that Reish Lakish was the one who stated that eglah arufah should not be included in the Mishnah is successfully challenged and the statement is attributed to R' Chiya bar Abba in the name of R' Yochanan.

2) **MISHNAH:** The Mishnah discusses who has the right to slaughter that day if one person purchases the parent and another person purchases the offspring.

3) Clarifying the Mishnah

R' Yosef clarifies the nature of the rulings recorded in the Mishnah.

A related Beraisa is cited and explained.

4) **MISHNAH:** The Mishnah discusses different cases in which one may deserve more than one set of lashes for multiple violations of "it and its offspring."

5) "Its offspring and it"

The Mishnah's implication that one receives lashes if one slaughters the offspring and then the parent is unsuccessfully challenged.

The exposition of the cited Beraisa is unsuccessfully challenged.

6) Sumchus's reasoning

Abaye inquires about Sumchus's reasoning.

R' Yosef answers Abaye's inquiry and presents the basis for his interpretation.

Abaye rejects this proof.

Another unsuccessful attempt to clarify Sumchus's position is presented. ■

Distinctive INSIGHT

First come — first served

שנים שלקחו פרה ובנה איזה שלקח ראשון ישחוט ראשון

The Mishnah teaches that if a cow and its offspring are bought by two different people in the same day, whoever bought his animal first has the option of shechting his animal first, and the second buyer would then be prohibited to shecht his animal that same day.

In the Gemara, R' Yosef explains that this halacha is a monetary rule, and not one that is based upon guidelines of shechting "an animal and its offspring on the same day." In other words, it is technically permitted for the second buyer to slaughter his animal first, which would force the first buyer to wait to slaughter his animal, but it is the first buyer who actually has the right of first refusal whether to slaughter his animal on the day of purchase. Rashi adds that the rights of the first buyer are in force even if the second buyer has a greater need to have meat on that particular day. Simla Chadasha (16:9) and Pri Megadim (M.Z 9) rule that if the first person does not necessarily need meat for that day, and the second buyer does need meat for that day, the first buyer should forego his privilege, based upon the rule that we enforce **מדת סדום**.

The Rishonim cite the Tosefta which explains that the underlying reason for the halacha of the Mishnah is that a person who buys an animal is expecting to shecht it and eat it that day. The seller, who has that animal's mother or offspring accepts the consequence that he will allow the buyer to use his animal on that day, and that the seller himself will not shecht his animal until a different day. When the seller then sells the second animal, the sale comes with a restriction that the second animal will not be sheched that same day.

Rashba notes that the Gemara in Bava Basra (92a) states that when a buyer purchases an animal, we assume that his intention is to use it for plowing. In fact, if the animal turns out to be a wild one, the buyer can therefore claim that he cannot use a wild animal for plowing and that he was cheated. The seller may not claim that he sold the animal with the intent that it be sheched that same day. Why, then, asks Rashba, does our Gemara assume that the buyer expects to shecht the animal he bought on that very day?

Rashba answers, in the name of Rabeinu Tam, that the Gemara in Bava Basra is dealing with someone who buys an ox, which is a work animal. Our Gemara, where the person is expected to shecht it that same day, is speaking about a case where the animal being bought is a cow, which is more often eaten. Yet, Rashba himself leaves the question unresolved. ■

*Today's Daf Digest is dedicated in memory of
the seventh yearzeit of our mother*

Chava Yetta Bracha bas HaRav Yechezkel, a"h

HALACHA Highlight

The king's prohibition against owning too many horses

שחט פרה ואחר כך שני בניה סופג שמונים

If one slaughters a cow and then her two offspring he receives eighty lashes

The verse states (Devarim 17:16), רק לא ירבה לו סוסים – Only he should not have too many horses. The Beraisa (Sanhedrin 21b) teaches that since the Torah uses the plural – סוסים horses rather than סוס – horse we derive that the king violates a prohibition for each extra horse that he purchases. Teshuvah Nishmas Chaim¹ questions why a separate exposition is needed to teach that the king violates a separate prohibition for each horse. Each horse is a separate unit and the rule is that whenever one deals with separate units one is liable for each unit. This is based on the Mishnah's teaching that one who slaughters a cow and then her two offspring is liable to two sets of lashes, one for each offspring that was slaughtered on the same day as its mother. The reason for two sets of lashes is that each calf is a separate unit and thus constitutes a separate prohibition. Why then is an exposition necessary?

Nishmas Chaim explains that there is a difference between the different units discussed in our Gemara and the different units of the king's prohibition against having too many horses. In our Gemara when one slaughters a mother and her two offspring the reason he is subject to two sets of lashes is that he violated the prohibition each time he slaughtered an offspring of the mother. In contrast, when the king violates

REVIEW and Remember

1. At what point in the process does the eglah arufah become prohibited for benefit ?
2. What is the point of dispute between Tanna Kamma and Sumchus in the name of R' Meir ?
3. What are the two ways to understand Sumchus's position ?
4. How do we know that R' Yehudah subscribes to the opinion that an uncertain warning is not a warning ?

the prohibition against owning too many horses the prohibition is not violated with each horse that is purchased since it is possible to violate the prohibition without the horses even being in his presence. For example, if he were to purchase one hundred horses with a single proprietary act he would certainly violate the prohibition even though the animals are not even present. For this reason one may have thought that the king does not violate the prohibition for each horse that is purchased. Consequently, it was necessary for the Torah to write the word סוסים in the plural to teach that the king does in fact violate the prohibition each time he purchases another horse. ■

■ שו"ת נשמת חיים סי' קל"א ד"ה ודאתאן.

STORIES off the Daf

Get Out of Jail

"אמרו לו אל תשתה..."

Rabbeinu Yonah, ז"ל, teaches a lesson of teshuvah from a statement on today's daf. "One who repeats one sin ten times has transgressed ten sins. We learn this from a nazir. A nazir gets a separate spate of lashes for every time he drank wine if the witnesses warned him before each drink.

"Even for a person who keeps the entire Torah, there is often at least one sin that he violates without much inhibition. He acts as though this sin is no sin

at all. Even if this lax attitude extended to only one sin that would be serious enough. But most people have many areas that they do not take seriously. Some say the Name of heaven in vain. Others are not careful that their hands or the place they are in be clean before they say God's Name. Some turn a blind eye to the poor, or one's weakness may be slander, baseless hatred or arrogance. Or it may that he gazes at the forbidden. And laxness in the hardest mitzvah to fulfill properly is all too common: Torah study which counts like the entire Torah.

"It is therefore proper for every ba'al teshuvah to write down his flaws and mistakes and read this book every day. In that manner he will surely repent."

Rabbeinu Yonah provides a famous

parable on the importance of teshuvah. "This is likened to people who were jailed and managed to dig a tunnel out of their cell. Everyone escaped except one man. When the jailor noticed the tunnel and that everyone had escaped he began beating the man. 'You fool! Why didn't you take the opportunity and escape like everyone else?'"¹

When the Chiddushei HaRim, ז"ל, quoted this Rabbeinu Yonah he taught a brilliant lesson. "We see that failing to do teshuvah is worse than sinning in the first place!"² ■

¹שערי תשובה, שער א'
 ■ חידושי הר"ם