

דף יומי • חזקוני • דף פ"א

Daf Yomi • The Full Daf • Elucidated Talmud • Navy & Gold Edition • with Rashi

THE SUGYA

In this daf, we continue our deep dive into the halachos of "Oso V'es Beno" (the prohibition against slaughtering an animal and its offspring on the same day). The Gemara begins by exploring the source for the rule that a negative prohibition derived from a positive statement is treated as a positive mitzvah, specifically regarding animals offered before their eighth day. We then transition into a major discussion regarding how the prohibition of Oso V'es Beno applies to sacrificial animals (kodashim).

We will learn the yesod of Rav Hammuna in the name of Rabbi Shimon regarding whether the prohibition of Oso V'es Beno applies to kodashim, and how this connects to Rabbi Shimon's famous shitta that an unfit slaughter (shechitah she'eino reuyah) is not halachically considered a slaughter. The Gemara analyzes various scenarios of slaughtering these animals inside and outside the Beis HaMikdash courtyard, examining the liabilities of kareth and lashes.

All introductions, summaries, and contextual notes are the editor's commentary and are not part of the original text.

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EXPLANATION

נתקו לעשה.

The Torah **transmuted it** from a standard negative prohibition **into a positive mitzvah**.

QUESTION

מאי טעמא?

What is the reason for this derivation?

PROOF

דאמר קרא: "מיום השמיני והלאה ירצה" –

As the verse states: "From the eighth day and forward it may be accepted for an offering" (Vayikra 22:27) — which implies:

INFERENCE

מיום השמיני אין, מעיקרא לא.

from the eighth day and onward, yes, it may be sacrificed, but initially, before the eighth day, no, it may not.

STATEMENT

לאו הבא מכלל עשה – עשה.

And any **negative prohibition** that is derived from a **positive statement** is considered a **positive mitzvah**, for which one does not receive lashes.

OBJECTION

וְהָא מִיפְעֻלָּא לִיה לְכַדְרֵי אֶפְטוֹרִיקִי,

But this verse is required for that which Rabbi Aptoriki taught,

STATEMENT

דְּרַבִּי אֶפְטוֹרִיקִי רָמִי:

as Rabbi Aptoriki raised a contradiction between two verses:

OBJECTION

כְּתִיב "וְהָיָה שִׁבְעַת יָמִים תַּחַת אִמּוֹ", הָא לִיְלָה חֲזִי,

It is written: "Then it shall be seven days under its mother," which implies that as soon as the seven days are over, even on the **night** preceding the eighth day, it is already **fit** to be sacrificed;

OBJECTION

וּכְתִיב "מִיּוֹם הַשְּׁמִינִי וְהָלָאָה יִרְצָה" – מִיּוֹם הַשְּׁמִינִי וְהָלָאָה אֵין, לִיְלָה לָא!

but it is also written: "From the eighth day and forward it may be accepted," which implies that from the eighth day and forward, yes, it is fit, but on the preceding **night**, no, it is not!

QUESTION

הָא פִּיצְד?

How can these verses be reconciled?

ANSWER

לִיְלָה לְקָדוּשָׁה, יוֹם לְהִרְצָאָה.

The **night** is fit **for consecration** of the animal, but the **day** is required **for acceptance** on the Altar.

ANSWER

כְּתִיב קָרָא אַחֲרֵיכֶם: "כֵּן תַּעֲשֶׂה לְשֹׂרֶךְ לְצֹאנֶךָ".

The Gemara answers: **Another verse is written** regarding this positive mitzvah: "So shall you do with your ox and with your **sheep**; seven days shall it be with its mother; on the eighth day you shall give it to Me" (Shemos 22:29), from which the positive mitzvah is derived.

STATEMENT

אָמַר רַב הַמְנוּנָא: אוֹסֵר הָיָה רַבִּי שִׁמְעוֹן: אֵין אוֹתוֹ וְאֵתוּ בְּנוֹ נֹהֵג בְּקֶדְשִׁים,

Rav Hamnuna said: Rabbi Shimon would say: The prohibition of "it and its offspring" does not apply to sacrificial animals.

QUESTION

What is the reason for this?

EXPLANATION

כיוון דאמר רבי שמעון: שחיטה שאינה ראויה לא שמה שחיטה,

Since Rabbi Shimon says that a slaughter that is unfit to permit consumption is not considered a halachic slaughter,

EXPLANATION

שחיטת קדשים נמי שחיטה שאינה ראויה היא.

the slaughter of sacrificial animals is also considered an unfit slaughter at the moment of slaughter, since the meat is not yet permitted to be eaten or burned on the Altar until the blood is sprinkled.

OBJECTION

מתיב רבא: אותו ואת בנו קדשים בחוץ,

Rava challenged this from a braisa: If one slaughtered “it and its offspring” which were sacrificial animals outside the Beis HaMikdash courtyard,

STATEMENT

רבי שמעון אומר: שני בלא תעשה,

Rabbi Shimon says: For slaughtering the second animal, he transgresses a negative prohibition of slaughtering outside,

STATEMENT

שהיה רבי שמעון אומר: כל הראוי לבא לאחר זמן – הרי הוא בלא תעשה ואין בו כרת,

as Rabbi Shimon would say: Any offering that is fit to come to the Altar after a period of time, but was offered outside before its time, is subject to a negative prohibition, but does not carry the punishment of kareth;

STATEMENT

וחכמים אומרים: כל שאין בו כרת – אינו בלא תעשה.

and the Sages say: Any offering for which there is no kareth when slaughtered outside, is not even subject to a negative prohibition.

OBJECTION

וקשיא לן: קדשים בחוץ, שני בלא תעשה?

And this was difficult for us: If they were sacrificial animals slaughtered outside, why is the second only subject to a negative prohibition?

OBJECTION

קמא מיקטל קטל, שני מתקבל בפנים הוא, כרת נמי ליחייב!

Since the slaughter of the first was unfit, the first was merely killed like a carcass according to Rabbi Shimon. Thus, the second is fit to be accepted inside the Beis HaMikdash, so he should be liable to kareth as well for slaughtering it outside!

STATEMENT

וַאֲמַר רַבָּא, וְאִמְרֵי לֵה כְּדִי:

And Rava said, and some say it anonymously:

EXPLANATION

חֲסוּרֵי מִיַּחְסָּרָא וְהָכִי קִתְּנִי:

The braisa is missing words, and this is what it is teaching:

STATEMENT

קָדָשִׁים שְׁנֵיהֶם בַּחוּץ, לְרַבָּנָן – רֵאשׁוֹן עֲנוּשׁ כֶּרֶת, שֵׁנִי פָסוּל וּפְטוּר מִלֵּאוֹ דְּשִׁחוּטֵי חוּץ.

If they were **sacrificial animals** and **both** were slaughtered **outside**: according to the Sages, the first is punished with **kareth**, while the second is **disqualified** because its time has not yet arrived, and the slaughterer is **exempt** from the **negative prohibition** of slaughtering outside.

STATEMENT

לְרַבִּי שִׁמְעוֹן – שְׁנֵיהֶם עֲנוּשִׁים כֶּרֶת.

According to Rabbi Shimon, both of them are punished with **kareth**, because the slaughter of the first is not considered halachic slaughter, so the second is fit.

STATEMENT

אַחַד בַּחוּץ וְאַחַד בְּפָנִים:

If **one** was slaughtered **outside** and **one** was slaughtered **inside**:

STATEMENT

לְרַבָּנָן – רֵאשׁוֹן עֲנוּשׁ כֶּרֶת, שֵׁנִי פָסוּל וּפְטוּר;

according to the Sages, the first is punished with **kareth**, and the second is **disqualified** and **exempt** from any penalty because he slaughtered it inside.

STATEMENT

לְרַבִּי שִׁמְעוֹן – שֵׁנִי כָשֵׁר.

According to Rabbi Shimon, the second is **kosher** and may be offered on the Altar, because the first slaughter was not valid.

STATEMENT

אַחַד בְּפָנִים וְאַחַד בַּחוּץ:

If **one** was slaughtered **inside** and **one** was slaughtered **outside**:

STATEMENT

לְרַבָּנָן – רֵאשׁוֹן כָּשֵׁר וּפְטוּר, שֵׁנִי פָסוּל וּפְטוּר,

according to the Sages, the first is **kosher** and the slaughterer is **exempt**, while the second is **disqualified** and **exempt** from **kareth** for slaughtering outside.

STATEMENT

לְרַבִּי שִׁמְעוֹן – שֵׁנִי בְּלֹא תַעֲשֶׂה.

According to Rabbi Shimon, the second is subject to a negative prohibition for slaughtering outside.

OBJECTION

וְאִי סֵלְקָא דַּעְתָּךְ אֵין "אוֹתוֹ וְאֶת בְּנוֹ" נוֹהֵג בְּקֻדְשִׁים,

And if it enters your mind to say that "it and its offspring" does not apply to sacrificial animals,

OBJECTION

שֵׁנִי אֲמַאי בְּלֹא תַעֲשֶׂה וְתוֹ לָא? כֶּרֶת נָמִי לִיחִיב!

why is the second subject only to a negative prohibition and no more? He should be liable to kareth as well, since the second animal is fully fit to be offered inside!

RESOLUTION

אֶלָּא אָמַר רָבָא, הֵכִי קָא אָמַר רַב הַמְנוּנָא:

Rather, Rava said: This is what Rav Hamnuna is saying:

STATEMENT

אֵין מִלְקוֹת "אוֹתוֹ וְאֶת בְּנוֹ" נוֹהֵג בְּקֻדְשִׁים,

The lashes for violating "it and its offspring" do not apply to sacrificial animals.

EXPLANATION

כִּיּוֹן דְּכַמָּה דְּלֹא זָרִיק דָּם – לָא מִישְׁתַּרִי בְּשַׁר,

Since as long as the blood is not sprinkled, the meat is not permitted,

EXPLANATION

מַעֲדִינָא דְקָא שְׁחִיט הָוְאִי הִתְרַאת סַפֵּק, וְהִתְרַאת סַפֵּק – לֹא שְׁמָה הִתְרַאָּה.

at the time he slaughters, it is a doubtful warning, and a doubtful warning is not considered a valid warning to administer lashes.

STATEMENT

וְאַזְדָּא רָבָא לְטַעְמִיהּ, דְּאָמַר רָבָא:

And Rava follows his own reasoning, as Rava said:

STATEMENT

הִיא חוּלִין וּבִנְהָ שְׁלָמִים, שְׁחִיט חוּלִין וְאַחַר כֵּן שְׁחִיט שְׁלָמִים – פָּטוּר.

If the mother is non-sacred and its offspring is a peace-offering, and he slaughtered the non-sacred animal and then slaughtered the peace-offering, he is exempt from lashes.

STATEMENT

שְׁלָמִים וְאַחֵר כֶּה חוֹלִין – חַיִּב,

But if he slaughtered the peace-offering and then the non-sacred animal, he is liable to lashes.

STATEMENT

וְאָמַר רַבָּא: הִיא חוֹלִין וּבִנָּה עוֹלָה, לֹא מִיבָעִיָּא שְׁחַט חוֹלִין וְאַחֵר כֶּה שְׁחַט עוֹלָה דְּפִטּוֹר,

And Rava said: If the mother is non-sacred and its offspring is an elevation-offering, it is not necessary to say that if he slaughtered the non-sacred animal and then slaughtered the elevation-offering, he is exempt,

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EXPLANATION

אֵלָּא אֶפְיָלוּ שְׁחַט עוֹלָה וְאַחֵר כֶּה שְׁחַט חוֹלִין – פִּטּוֹר,

Rather, even if he slaughtered the offspring as a burnt offering and afterward slaughtered the mother as non-sacred meat, he is exempt from lashes according to Rabbi Shimon,

EXPLANATION

שְׁחִיטָה קַמִּיִּיתָא לֹא שְׁחִיטָה בֵּת אֲכִילָה הִיא.

because the first slaughter is not a slaughter subject to consumption, as a burnt offering is entirely burned on the Altar and not eaten by humans.

STATEMENT

וְרַבִּי יַעֲקֹב אָמַר רַבִּי יוֹחָנָן: אֲכִילַת מִזְבֵּחַ שְׁמָהּ אֲכִילָה.

And Rabbi Yaakov said that Rabbi Yochanan said: Consumption by the Altar is called consumption, and therefore a burnt offering is considered fit for consumption.

PROOF

מַאי טַעְמָא? דָּאָמַר קָרָא: "וְאִם הָאָכַל יֵאָכַל מִבֶּשֶׂר זֶבַח שְׁלָמִיו".

What is the reason? As the verse states regarding piggul: "And if any of the flesh of the sacrifice of his peace offerings be at all eaten on the third day, it shall not be accepted."

PROOF

בְּשִׁתֵּי אֲכִילוֹת הַפֶּתוּב מִדְּבַר, אֶחָד אֲכִילַת אָדָם וְאֶחָד אֲכִילַת מִזְבֵּחַ.

By using the double expression of eating, the verse is speaking of two types of consumptions: one is human consumption, and one is consumption by the Altar, teaching that both are legally considered consumption.

מִשְׁנָה MISHNAH

MISHNAH

מתני' השוחט ונמצא טרפה, השוחט לעבודה זרה, והשוחט פרת חטאת, ושור הנסקל, ועגלה ערופה

MISHNAH: One who slaughters an animal and its offspring, and one of them is found to be a tereifah, or one who slaughters one of them for idol worship, or one who slaughters the Red Heifer of purification, or an ox that is to be stoned, or a heifer whose neck is to be broken—all of which are forbidden to derive benefit from—

MISHNAH

רבי שמעון פוטר, וחכמים מחייבין.

Rabbi Shimon exempts him from lashes for "it and its offspring" because he holds that a slaughter which does not render the meat fit for eating is not considered a valid slaughter, and the Sages obligate him.

MISHNAH

השוחט ונתנבקה בידו, והנוחר, והמעקר – פטור משום "אותו ואת בנו".

But one who slaughters and it becomes a carcass by his hand through an invalid act of slaughter, or one who stabs the animal, or one who tears out the windpipe and gullet—all agree that he is exempt from the prohibition of "it and its offspring" because no halachic act of slaughter was performed.

גמרא GEMARA

STATEMENT

גמ' אמר רבי שמעון בן לקיש: לא שנו אלא ששחט ראשון לעבודה זרה ושני לשלחנו,

GEMARA: Rabbi Shimon ben Lakish said: They only taught that the Sages obligate him in the case of slaughtering for idol worship when he slaughtered the first animal for idol worship and the second animal for his own table, in which case he only violates the prohibition of "it and its offspring" on the second slaughter;

STATEMENT

אבל ראשון לשלחנו ושני לעבודה זרה – פטור, דקם ליה בדרבה מיניה.

but if he slaughtered the first for his own table and the second for idol worship, he is exempt from lashes for "it and its offspring" because we apply the rule: Let him stand with the greater punishment than it, which is the death penalty for idol worship.

OBJECTION

אמר ליה רבי יוחנן: זו, אפילו תינוקות של בית רבן יודעין אותה!

Rabbi Yochanan said to him: This rule of kam lei bidrabah minei, even schoolchildren know it! Why would the Mishnah need to teach that?

ANSWER

אלא, פעמים שאפילו שחט ראשון לשלחנו ושני לעבודה זרה – חייב.

Rather, the Sages' ruling applies sometimes even when he slaughtered the first for his own table and the second for idol worship, and he is still liable to lashes for "it and its offspring."

EXPLANATION

כגון דאתרו ביה משום "אותו ואת בנו", ולא אתרו ביה משום עבודה זרה.

This is for example, where they forewarned him regarding "it and its offspring," but they did not forewarn him regarding idol worship. Since he cannot be executed for the idol worship, he receives lashes for the other prohibition.

STATEMENT

ורבי שמעון בן לקיש אמר: כיון דכי אתרו ביה – פטור, כי לא אתרו ביה נמי – פטור.

And Rabbi Shimon ben Lakish said: Since, had they forewarned him on the severe crime, he would be exempt from lashes, when they did not forewarn him on it, he is also exempt from lashes.

STATEMENT

ואזדו לטעמיהו, דכי אתא רב דימי אמר:

And they go according to their established lines of reasoning, as when Rav Dimi came from Eretz Yisrael, he said:

STATEMENT

חייבי מיתות שוגגין, וחייבי מלקות שוגגין, ודבר אחר –

In the case of those who unwittingly commit acts that carry death penalties, or those who unwittingly commit acts that carry lashes, and the act also involved another matter of monetary liability, and they were forewarned only about the money—

STATEMENT

רבי יוחנן אומר: חייב, וריש לקיש אומר: פטור.

Rabbi Yochanan says: He is liable to pay, and Reish Lakish says: He is exempt from paying.

EXPLANATION

רבי יוחנן אומר: חייב, דהא לא אתרו ביה;

Rabbi Yochanan says: He is liable, because they did not forewarn him on the capital crime, so he is not subject to execution;

EXPLANATION

וריש לקיש אומר: פטור, דכיון דכי אתרו ביה פטור – כי לא אתרו ביה נמי פטור.

and Reish Lakish says: He is exempt, because since, had they forewarned him, he would be exempt, when they did not forewarn him, he is also exempt.

EXPLANATION

וצריכא, דאי אשמועינן בהא – בהא קאמר רבי שמעון בן לקיש,

And it is necessary to state both disputes. For if it had only let us hear this case of "it and its offspring," we might say in this case Rabbi Shimon ben Lakish says he is exempt because both punishments are physical,

EXPLANATION

אבל בהא – אימא מודי ליה לרבי יוחנן.

but in that case of money and death, say that he agrees with Rabbi Yochanan that he must pay.

EXPLANATION

וְאִי אֵיתָמַר בְּהָא, בְּהָא קָאָמַר רַבִּי יוֹחָנָן, אֲבָל בְּהָא אֵימָא מוּדִי לְרַבִּי שְׁמַעוֹן בֶּן לָקִישׁ, צָרִיכָא.

And if it were stated in that case of money, we might say in this Rabbi Yochanan says he is liable, but in this case of two physical punishments, say that he agrees with Rabbi Shimon ben Lakish. Therefore, both are necessary.

QUESTION

וּפֶרֶת חֲטָאת שְׁחִיטָה שְׂאִינָה רְאוּיָה הִיא?

The Gemara asks: And is the Red Heifer considered a slaughter that is not fit for eating?

OBJECTION

וְהִתְנַיָא: רַבִּי שְׁמַעוֹן אוֹמֵר: פֶּרֶה מְטַמְּאָה טוּמְאָת אֶכָּלִין, הוּאֵיל וְהִיטָה לָּהּ שְׁעַת הַכּוֹשֵׁר.

But wasn't it taught in a braisa: Rabbi Shimon says: The Red Heifer can contract the impurity of foods, since it had a moment of fitness for eating before its blood was sprinkled? Thus, it is considered fit for eating!

SUMMARY

The daf focuses on the intersection of Oso V'es Beno and kodashim. Rav Hamnuna suggests that according to Rabbi Shimon, the prohibition of Oso V'es Beno does not apply to sacrificial animals because their shechitah is not yet fully fit to permit consumption until the blood is sprinkled on the Altar. Rava challenges this from a braisa detailing the complex cases of slaughtering a mother and its offspring outside the Azarah, leading to a refined understanding: the prohibition indeed applies, but one is exempt from lashes because it constitutes a doubtful warning (habra'as safek) at the moment of shechitah. Finally, the Gemara discusses Rava's rulings regarding combinations of chullin and kodashim (such as a shelamim or an olah), and whether Altar consumption is halachically considered "consumption" to make the shechitah valid under Rabbi Shimon's view.

In our sugya, we learn about the deep connection between the physical act of slaughtering and its ultimate spiritual purpose. Rava teaches that if a person slaughters a non-sacred animal and then a peace-offering, he is exempt from lashes for "it and its offspring" because at the moment of the slaughter, the meat of the offering is not yet permitted to be eaten; that permission only comes later when the blood is sprinkled on the Altar. We see from here a profound truth: an action is defined by its ultimate completion, not just its physical beginning.

This is a powerful lesson for our daily avodah. So often, we start a mitzvah, a project, or a good deed, but we feel discouraged because we do not see the immediate results. We might learn a page of Gemara and feel like we did not retain it, or we might daven with effort but feel no immediate change in our hearts. The Torah is teaching us that the holiness of an act is bound up with its ultimate destination. The physical act is just the beginning; the "sprinkling of the blood", the spiritual completion, comes in its own time.

Do not judge the value of your holy efforts by how they look in the middle of the process. Hashem values every step of the way, knowing that the ultimate purpose is what defines the entire journey. Keep pushing forward with emunah, knowing that every holy start will eventually reach its complete, beautiful end.

Today, when you perform a mitzvah or sit down to learn, do not worry about whether you feel an immediate spiritual high. Focus purely on doing the action for the sake of Heaven, trusting that Hashem will bring the action to its beautiful, complete purpose in His time.