

## דף יומי • חקליון • דף פ"ג

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

## THE SUGYA

We start off the daf continuing our discussion on the mechanics of malkus, specifically looking at Rabbi Yehuda's shitta regarding a negative commandment that is remedied by a positive commandment (lav hanitak l'asei), and Rabbi Yaakov's view on a lav she'ein bo ma'aseh. The Gemara brings a kasha from a braisa about eating two sciatic nerves (gidei hanasheh) to try and prove the shitta of Sumachos regarding multiple sets of lashes under a single warning, which the Gemara ultimately resolves.

Then, we move on to a new Mishnah that discusses the halachos of "oto v'es b'no" (the prohibition of slaughtering an animal and its offspring on the same day). The Mishnah teaches that on four specific occasions during the year—when meat is in high demand for the Yom Tov feasts—a seller must inform the buyer if he already sold the mother or the daughter to be slaughtered, so they don't end up violating the lav. We also learn about the special halachos of these busy times, where we force a butcher to slaughter his animal even if a buyer only bought a small amount, and how that affects who bears the financial loss if the animal dies before shechita.

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

## עמוד א' DAF 83A

## EXPLANATION

בא הכתוב ליתן עשה אחר לא תעשה, לומר שאין לוקין עליו, דברי רבי יהודה.

The verse comes to place a positive mitzvah after a negative commandment, by stating "and that which remains of it until morning you shall burn with fire," to say that we do not lash for it, because it is a negative commandment that can be remedied by a positive commandment, which does not carry the punishment of malkus; these are the words of Rabbi Yehuda.

## EXPLANATION

רבי יעקב אומר: לא מן השם הוא זה, אלא משום דהיה ליה לאו שאין בו מעשה, וכל לאו שאין בו מעשה – אין לוקין עליו.

Rabbi Yaakov says: Not for this reason is it that he is exempt from lashes. Rather, it is because it is a negative commandment that does not involve an action, since the transgression is merely leaving the meat over, and the rule is that for any negative commandment that does not involve an action, we do not lash for it.

## PROOF

תא שמע: אכל שני גידין משתי ירכות בהמות – סופג שמונים; רבי יהודה אומר: אינו סופג אלא ארבעים.

The Gemara suggests: Come and hear a proof regarding Sumachos's view from a braisa: If one ate two sciatic nerves from two thighs of two different animals, he receives eighty lashes; Rabbi Yehuda says: He only receives forty lashes.

## QUESTION

היכי דמי? אי לימא בזה אחר זה ובשתי התראות – מאי טעמא דרבי יהודה דאמר: ארבעים ותו לא?

The Gemara asks: **What are the circumstances? If we say that he ate them one after the other and with two separate forewarnings, what is the reason of Rabbi Yehuda who says** that he receives only forty lashes and no more? After all, he violated two distinct prohibitions with two separate warnings!

## ANSWER

אלא פשיטא בבת אחת ובחדא התראה.

Rather, it is obvious that he ate them at the same time and with a single forewarning.

## QUESTION

מאן תנא קמא? אי לימא רבנן דפליגי עליה דסומכוס – ומה התם, דגופין מוח לקין, פטרי רבנן, הקא לא כל שפן?

Now, **who is the Tanna Kamma** who holds that he gets eighty lashes in this case? **If we say it is the Rabbis who argue with Sumachos** in our Mishnah regarding "it and its offspring" —that cannot be! **If there, where the bodies are distinct animals, the Rabbis exempt** him from a second set of lashes, then **here**, where the two nerves are from the same body, is it **not all the more** so that they would exempt him?

## INFERENCE

אלא לאו סומכוס היא!

Rather, **is it not Sumachos** who is the Tanna Kamma? This proves that according to Sumachos, one can receive multiple sets of lashes for violating the same prohibition twice under a single warning.

## RESOLUTION

לעולם בזה אחר זה, ודקאמרת: מאי טעמא דרבי יהודה? פגון דלית ביה כזית, דתנא: אכלו ואין בו כזית – חייב, רבי יהודה אומר: עד שיהא בו כזית.

The Gemara rejects this: **Actually**, we can say the braisa is dealing with a case where he ate them **one after the other** with separate warnings, and it is indeed the Rabbis who hold he gets eighty. **And as for what you asked: What is the reason of Rabbi Yehuda** for exempting him from the second set? It is **where there is not a kezayis** of volume in one of the nerves, **as it is taught in a braisa: If one ate the sciatic nerve and there is not a kezayis in it, he is liable; Rabbi Yehuda says: He is not liable unless there is a kezayis in it.** Therefore, Rabbi Yehuda only holds him liable for the nerve that had a kezayis.

## משנה MISHNAH

## MISHNAH

מתני' בארבעה פרקים בשנה, המוכר בהמה לחבירו צריך להודיעו: "אמה מכרתי לשחוט", "בתה מכרתי לשחוט".

MISHNAH: On four occasions in the year, one who sells an animal to his fellow must inform him: "I sold its mother to be slaughtered," or "I sold its daughter to be slaughtered," so that the buyer does not violate the prohibition of "it and its

offspring" on the same day.

#### MISHNAH

וְאֵלֵיוֹ הֵן: עֶרֶב יוֹם טוֹב הָאֲחֵרוֹן שֶׁל חַג, וְעֶרֶב יוֹם טוֹב הָרִאשׁוֹן שֶׁל פֶּסַח, וְעֶרֶב עֲצֵרֶת, וְעֶרֶב רֵאשׁ  
הַשָּׁנָה. וּכְדַבְּרֵי רַבִּי יוֹסִי הַגְּלִילִי, אֲףִי עֶרֶב יוֹם הַכַּפּוּרִים בְּגִלְלִי.

And these are the four occasions: The eve of the last festival day of the Festival of Sukkos, and the eve of the first festival day of Pesach, and the eve of Shavuot, and the eve of Rosh Hashanah. And according to the words of Rabbi Yosei HaGelili, even the eve of Yom Kippur in the Galil is included, as they would eat a lot of meat then.

#### MISHNAH

אָמַר רַבִּי יְהוּדָה: אֵימָתִי – בְּזִמָּן שֶׁאֵין לוֹ רִיוַח, אָבָל יֵשׁ לוֹ רִיוַח – אֵין צָרִיךְ לְהוֹדִיעֵו.

Rabbi Yehuda said: When must he inform him? At a time when there is no interval of time between the sales, because both animals were sold on the very same day. But if there is an interval of time between the sales, he does not need to inform him, because we assume each buyer will slaughter on the day of his purchase.

#### MISHNAH

וּמוֹדָה רַבִּי יְהוּדָה בְּמוֹכֵר אֶת הָאִם לְחֶתֶן וְאֶת הַבֵּת לַכֶּלֶה – שֶׁצָּרִיךְ לְהוֹדִיעֵו, בְּיָדוּעַ שֶׁשְּׁנֵיהֶם  
שׁוֹחֲטִין בְּיוֹם אֶחָד.

And Rabbi Yehuda concedes in the case of one who sells the mother to the groom and the daughter to the bride, that he must inform him even if there was an interval between the sales, because it is known that both of them will slaughter on the same day for the wedding feast.

#### MISHNAH

בְּאַרְבָּעָה פְּרָקִים אֵלּוּ מִשְׁחִיטִין אֶת הַטֶּבַח בְּעַל כֶּרְחוּ, אֲפִילוּ שׁוֹר שְׁוֵה אֶלֶף דִּינָרִים וְאֵין לוֹ לְלוֹקֶחַ  
אֶלָּא דִּינָר – כּוֹפִין אוֹתוֹ לְשַׁחוּט.

On these four occasions, we compel the butcher to slaughter the animal against his will; even if there is a bull worth one thousand dinars and the buyer has only paid for a dinar's worth of meat, we compel him to slaughter the bull so the buyer can have his meat for the Yom Tov.

#### MISHNAH

לְפִיכָה, אִם מֵת – מֵת לְלוֹקֶחַ.

Therefore, since the butcher is forced to slaughter, if the bull dies before it is slaughtered, it dies to the loss of the buyer, and he loses his dinar.

#### MISHNAH

אָבָל בְּשָׂאָר יָמוֹת הַשָּׁנָה אֵינוֹ כֵּן, לְפִיכָה אִם מֵת – מֵת לְמוֹכֵר.

But during the rest of the days of the year it is not so; therefore, if the bull dies, it dies to the loss of the seller, and he must return the buyer's money.

GEMARA

גמ' תנא, אם לא הודיעו – הולך ושוחט ואינו נמנע.

**GEMARA:** It was taught in a braisa: If the seller **did not inform him**, the buyer **may go and slaughter** the animal and **need not refrain** out of concern that the other animal was sold and slaughtered today.

QUESTION

אמר רבי יהודה אימתי. למה לי למיתני את האם לקתן ואת הבת לפלה?

We learned in the Mishnah: **Rabbi Yehuda said: When** is this so? And he concedes in the case of selling the mother to the groom and the daughter to the bride. The Gemara asks: **Why do I need to teach** specifically that he sold **the mother to the groom and the daughter to the bride**? He could have just said "one to the groom and one to the bride"!

ANSWER

מלתא אגב אורחיה קמשמע לז, דאורח ארעא למטרח בי חתנא טפי מבי כלתא.

The Gemara answers: **He comes to teach us a matter in passing**, that it is the way of the land for the groom's household **to exert more effort** and prepare a larger feast **than the bride's household**. Therefore, the groom buys the mother, which is larger, and the bride buys the daughter, which is smaller.

QUESTION

בארבעה פרקים אלו, והא לא משה?

We learned in the Mishnah: **On these four occasions**, if the bull dies, it dies to the loss of the buyer. The Gemara asks: **But he did not pull** the animal to acquire it! How can the buyer bear the loss if he has not made a kinyan?

ANSWER

אמר רב הונא אמר רב: כשמשא.

**Rav Huna said in the name of Rav:** This is a case **where he pulled** the animal, thereby acquiring his share.

OBJECTION

אי הכי, אימא סיפא: אבל בשאר ימות השנה אינו כן, לפיכך אם מת – מת למוכר, והא משה?

The Gemara objects: **If so, look at the latter clause:** But during the rest of the days of the year it is not so; therefore, if it dies, it dies to the loss of the seller. But why, behold he pulled it! Once he makes a kinyan meshichah, the loss should be his!

RESOLUTION

אמר רבי שמואל בר רב יצחק: לעולם שלא משה, וכגון שזיכה לו על ידי אחר, בארבעה פרקים אלו דזכות הוא לו – זכין לאדם שלא בפניו, בשאר ימות השנה דחוב הוא לו – אין חבין לאדם שלא בפניו.

**Rabbi Shmuel bar Rav Yitzchak said:** Actually, it is a case **where he did not pull** it himself, **but where** the seller **transferred** ownership to him through another person. **On these four occasions**, since it is a benefit for him to secure meat for Yom

Tov, the rule is that we can acquire a benefit for a person in his absence. But during the rest of the days of the year, since it is a disadvantage for him to be forced to buy meat he might not want today, we cannot obligate a person in his absence.

#### STATEMENT

רבי אלעזר אומר, אמר רבי יוחנן: בארבעה פרקים אלו העמידו חכמים דבריהם על דין תורה.

Rabbi Eleazar says that Rabbi Yochanan said: On these four occasions, the Sages established their words upon Torah law itself.

#### EXPLANATION

דאמר רבי יוחנן: דבר תורה – מעות קונות, ומה טעם אמרו משיכה קונה – גזירה שמה לאמר לו "נשרפו חטיה בעליה".

As Rabbi Yochanan said: By Torah law, money acquires movable property. And what is the reason the Sages said that pulling acquires? It is a decree, lest a fire break out and the seller will say to him, "Your wheat was burned in the attic," and he will not bother to save it. But on these four occasions, the Sages reverted to Torah law, so giving money alone acquires the meat.

### משנה MISHNAH

#### MISHNAH

מתני' "יום אחד" האמור באותו ואת בנו – היום הולך אחר הלילה.

MISHNAH: "One day" that is said regarding "it and its offspring"—the day follows the night, meaning the night comes first and then the daytime.

#### MISHNAH

את זו דרש רבי שמעון בן זומא: נאמר במעשה בראשית "יום אחד", ונאמר באותו ואת בנו "יום אחד" – מה "יום אחד" האמור במעשה בראשית היום הולך אחר הלילה, אף "יום אחד" האמור באותו ואת בנו היום הולך אחר הלילה.

This very point Rabbi Shimon ben Zoma expounded: It is said in the Creation story "one day," and it is said regarding "it and its offspring" "one day." Just as "one day" said in the Creation story, the day follows the night, so too "one day" said regarding "it and its offspring," the day follows the night.

### גמרא GEMARA

#### GEMARA

גמ' תנו רבנן: את זו דרש רבי שמעון בן זומא, לפי שכל הענין כולו אינו מדבר אלא בקדשים, ובקדשים לילה הולך אחר היום, יכול אף זה כן?

GEMARA: The Rabbis taught in a braisa: This very point Rabbi Shimon ben Zoma expounded: Since the entire section of the Torah where this is written only speaks about Kodashim (sacrifices), and in Kodashim the night follows the day, I

might have thought that this prohibition of "it and its offspring" is also so?

#### GEMARA

נֶאֱמַר כָּאן "יוֹם אֶחָד", וְנֶאֱמַר בְּמַעֲשֵׂה בְּרֵאשִׁית "יוֹם אֶחָד", מָה "יוֹם אֶחָד" הָאֵמֹר בְּמַעֲשֵׂה בְּרֵאשִׁית – הַיּוֹם הוֹלֵךְ אַחֵר הַלַּיְלָה, אִף יוֹם הָאֵמֹר בָּאוֹתוֹ וְאֵת בְּנוֹ – הַיּוֹם הוֹלֵךְ אַחֵר הַלַּיְלָה.

Therefore, it is said here "one day," and it is said in the Creation story "one day." Just as "one day" said in the Creation story—the day follows the night, so too "one day" said regarding "it and its offspring"—the day follows the night.

#### עמוד ב' DAF 83B

#### STATEMENT

רבי אומר: "יום אחד" – יום המיוחד טעון פרוז,

**Rabbi Yehuda HaNasi says:** The words "**one day**" in the Torah's prohibition of slaughtering an animal and its offspring on the same day refer to **a special day**, such as the day before a Yom Tov when many animals are slaughtered, which **requires a proclamation** to warn buyers so they do not inadvertently violate the prohibition.

#### STATEMENT

מפאן אמרו: בארבעה פרקים בשנה המוכר בהמה לחבירו צריך להודיעו.

**From here**, from this source, the Sages said: **On four occasions during the year**, which are special days of heavy slaughtering, **one who sells an animal to another must inform him** if he already sold its mother or offspring for slaughter.

#### STATEMENT

הדרן עלה אותו ואת בנו.

May we return to you, Perek **Oto V'es Beno**.

#### משנה MISHNAH

#### MISHNAH

מתני' פסוי הדם נוהג בארץ ובחוץ לארץ, בפני הבית ושללא בפני הבית,

**MISHNAH:** The mitzva of **covering the blood** after slaughtering is in effect both in the **Land** of Yisrael and **outside of the Land**, both in the presence of the Temple and not in the presence of the Temple.

#### MISHNAH

בחולין אכל לא במוקדשין,

It applies **with regard to non-sacred animals**, but not with regard to **sacrificial ones**.

#### MISHNAH

ונוהג בחיה ובעוף, במזומן ובשאינו מזומן,

**And it is in effect with regard to** the slaughter of an **undomesticated animal** and a **bird**, **with regard to those that are readily available** in one's home, **and with regard to those that are not readily available**, such as wild animals that must be

hunted.

#### MISHNAH

וְנוֹהֵג בְּכֹי מִפְּנֵי שֶׁהוּא סֶפֶק.

And it is in effect with regard to a koy, which is a hybrid animal, because it is a doubt whether it is classified as a domesticated animal, which is exempt, or an undomesticated animal, which is obligated.

#### MISHNAH

וְאֵין שׁוֹחֲטִין אוֹתוֹ בְּיוֹם טוֹב, וְאִם שָׁחֲטוּ – אֵין מְכַסִּין אֶת דָּמוֹ.

And one may not slaughter it on a Festival ab initio, because of the melacha involved in covering its blood when the obligation itself is doubtful; and if he slaughtered it on Yom Tov, one does not cover its blood until after the Festival.

### גְּמָרָא GEMARA

#### QUESTION

גְּמ' מוֹקֵדֵשִׁין מַאי טַעְמָא לָא?

GEMARA: The Gemara asks: With regard to **sacrificial ones**, what is the reason that the mitzva of covering the blood does **not** apply to sacrificial birds?

#### ANSWER

אֵילִימָא מִשּׁוּם דְּרַבִּי זֵירָא, דְּאָמַר רַבִּי זֵירָא: הַשּׁוֹחֲט צָרִיךְ שִׁיתֵּן עֶפֶר לְמַטָּה וְעֶפֶר לְמַעְלָה.

If we say it is because of the statement of Rabbi Zeira, as Rabbi Zeira says: One who slaughters must place earth beneath the blood and earth above the blood,

#### PROOF

שְׁנַאמַר: "וְשָׁפָה אֶת דָּמוֹ וְכִסְהוּ בְּעֶפֶר" – "עֶפֶר" לֹא נֵאמַר, אֶלָּא "בְּעֶפֶר", מִלֵּמד שֶׁהַשּׁוֹחֲט צָרִיךְ שִׁיתֵּן עֶפֶר לְמַטָּה וְעֶפֶר לְמַעְלָה.

as it is stated: "And he shall pour out its blood and cover it in earth"—it is not stated "with earth" (עֶפֶר), but rather "in earth" (בְּעֶפֶר), which teaches that the one who slaughters must place earth beneath the blood and earth above the blood.

#### EXPLANATION

וְהֵכָא לֹא אֶפְשָׁר, הִיכִי לִיעֲבִיד?

And here, in the case of a sacrificial bird whose blood must be received and applied on the altar, placing earth beneath the blood is not possible. How should he do it?

#### EXPLANATION

לִיתֵּיב וְלִיבְטָלֶיהָ – קְמוּסִיף אֶפְנִיז, וְכָתִיב: "הַכֹּל בְּכֶתֶב מִיַּד ה' עָלִי הַשְׂכִּיל".

If you suggest **let him place** earth on the altar **and nullify it** so that it becomes a permanent part of the altar, **he is adding to the structure** of the altar, **and it is written** regarding the Temple's design: "**All this in writing from the hand of Hashem, which He made me understand,**" meaning the dimensions of the Temple and altar are fixed by prophecy and cannot be changed.

#### EXPLANATION

לא ליבטליה – קא הוי חציצה.

And if you suggest **let him not nullify it**, then the earth **constitutes an interposition** between the blood and the altar, which invalidates the service.

#### OBJECTION

נהי דלמטה לא אפשר, למעלה אפשר, ליעביד כסוי!

The Gemara objects: **Granted that** placing earth **beneath** the blood **is not possible**, but placing earth **above** the blood **is possible! Let him perform the covering** from above!

#### PROOF

מי לא תנאי, רבי יונתן בן יוסף אומר: שחט חיה ואחר כך שחט בהמה – פטור מלכסות, בהמה ואחר כך חיה – חייב לכסות.

Is it not taught in a braisa that Rabbi Yonatan ben Yosef says: If one slaughtered an undomesticated animal and afterward slaughtered a domesticated animal over its blood, he is **exempt from covering** the blood of the undomesticated animal because it is already covered by the other blood; but if he slaughtered a domesticated animal and afterward slaughtered an undomesticated animal over it, he is **obligated to cover** the blood of the undomesticated animal, even though there is no earth beneath it, only the blood of the domesticated animal? This proves that the mitzva applies even when earth cannot be placed beneath the blood!

#### RESOLUTION

בדרבי זירא, דאמר רבי זירא: כל הראוי לביקה – אין ביקה מעכבת בו, וכל שאינו ראוי לביקה – ביקה מעכבת בו.

The Gemara answers: This is **in accordance with** another principle of Rabbi Zeira, as Rabbi Zeira says regarding meal offerings: **Any flour that is suitable for mixing** with oil, the actual **lack of mixing does not invalidate it**; but **any flour that is not suitable for mixing**, the **lack of mixing invalidates it**. Here too, since it was possible to cover the first animal's blood before slaughtering the second, the situation was fundamentally suitable for the mitzva; but with sacrificial birds, it is never possible to place earth beneath the blood, so the mitzva is completely inapplicable.

#### QUESTION

וליגריה וליכסיה?

The Gemara asks: Still, **let him scrape** the blood off the altar **and cover it** elsewhere!

#### PROOF

מי לא תנו: דם הניתז ושעל הספין חייב לכסות? אלמא דגרייר ומכסי ליה, הכא נמי נגרור ונכסי ליה!

Did we not learn in a Mishnah later on: **Blood that spurts** onto the walls **and that which is on the knife, one is obligated to cover?** **Consequently, we see that one scrapes** the blood off **and covers it.** **Here too, let us scrape** the blood of the sacrificial bird off the altar **and cover it** elsewhere!

#### ANSWER

### אִי פְקֻדָּשִׁי מִזֶּבֶחַ – הֲכִי נִמִּי, הֲכֵא בְמֵאֵי עֲסָקִינוּ? בְּקֻדְשֵׁי בֶדֶק הַבַּיִת.

The Gemara answers: **If** the Mishnah was dealing **with items consecrated for the altar, indeed, that would be so**, and one would have to cover it. But **here, with what are we dealing? With items consecrated for Temple maintenance**, which were dedicated to be sold for Temple repairs. If one transgressed and slaughtered them, they are forbidden for benefit, and the Tanna of our Mishnah holds that the mitzva of covering the blood does not apply to an animal that is forbidden to be eaten.

#### SUMMARY

The Gemara first clarifies that according to Rabbi Yehuda, a person is exempt from lashes for leaving over sacrificial meat because it is a lav hanitak l'asei, whereas Rabbi Yaakov holds the exemption is because it is a lav she'ein bo ma'aseh. After analyzing a braisa regarding the gid hanasheh to understand Sumachos's view on multiple lashes, the Gemara transitions to the Mishnah of "oto v'es b'no." The Mishnah establishes that on the eves of the last day of Sukkos, Pesach, Shavuot, and Rosh Hashanah (and Yom Kippur in the Galil), a seller must warn buyers of related animals to prevent a transgression. Rabbi Yehuda limits this to when the sales happen on the same day, though he agrees a warning is required for a groom and bride who will surely slaughter on the same day. Finally, the Gemara discusses the halachic mechanism of how a buyer acquires his share of meat on these four occasions, explaining that the seller transfers ownership through a third party (mecha'veh al yedei acher) to secure the meat for the buyer, which is why the buyer bears the loss if the animal dies.

#### לְמַעֲשֶׂה WHAT TO TAKE HOME

The Gemara in our sugya asks a beautiful question on the Mishnah: why does the Tanna have to specify that the seller sold the mother animal to the groom's family and the daughter animal to the bride's family? The Gemara answers with a beautiful principle of derech erez: "it is the way of the land for the groom's household to exert more effort and prepare a grander feast than the bride's household."

Look at what Chazal are doing here. In the middle of a complex, lomdishe discussion about the prohibitions of slaughtering an animal and its offspring on the same day, the Gemara stops to teach us a lesson in sensitivity and family dynamics. The Torah is telling us that when a young couple is building a home, we must understand the natural feelings and expectations involved. The groom's side has a certain responsibility to show excitement, to invest effort, and to make the bride feel cherished.

This is not just about wedding catering; it is a yesod for all of our relationships. True derech erez means looking at the situation through the eyes of the other person and understanding what is expected of us to bring them joy. We cannot just do the bare minimum and say, "I did my part." We have to put in that extra effort, the "mitpach," to show that we truly care.

Today, identify one relationship in your life, whether with your spouse, a child, or a parent, where you can go beyond the basic requirements and put in a little extra effort or preparation just to make them feel valued and cared for.

