



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Chullin Daf Ayin Ches

PEREK OSO V'ES BENO -- PEREK CHAMISHI

MISHNA

- The issur of "oso v'es beno" (shechting an animal and its offspring on the same day) applies in EY and in chutz laaretz, when the Beis Hamikdash is standing and when it is no longer standing, and to animals of chullin and kodashim.
 - What is the case?
 - If one shechted an animal and its offspring when both of them were chullin and were both shechted outside the Azarah on the same day, they are both kosher to be eaten, but the one who shechted the second animal gets malkus.
 - If both animals were kodashim and they were shechted outside the Azarah, the one who shechted the first animal is chayuv kares, both of the animals are passul, and both of the shoachim are chayuv malkus.
 - If both animals were chullin and were shechted inside the Azarah, both animals are passul (assur b'hana'ah) and the one who shechted the second one is chayuv malkus.
 - If they were both kodashim and were shechted inside the Azarah, the first one is valid and its shochet is patur, and the second one is passul and its shochet is chayuv malkus.
 - If the first animal to be shechted is chullin and the second is kodashim and both were shechted outside the Azarah, the first one is valid and its shochet is patur, and the second one is passul and its shochet is chayuv malkus.
 - If the first animal to be shechted is kodashim and the second is chullin and both were shechted outside the Azarah, the first one is passul and its shochet is chayuv kares, and the second one is kosher and both shoachim are chayuv malkus.
 - If the first animal to be shechted is chullin and the second is kodashim and both were shechted inside the Azarah, they are both passul and the shochet of the second one gets malkus.
 - If the first animal to be shechted is kodashim and the second is chullin and both were shechted inside the Azarah, the first one is valid and its shochet is patur, and the second one is passul and its shochet is chayuv malkus.
 - If both animals are chullin and the first is shechted outside the Azarah and the second is shechted inside the Azarah, the first animal is kosher and its shochet is patur, and the second animal is passul and its shochet is chayuv malkus.
 - If both animals are kodashim and the first is shechted outside the Azarah and the second is shechted inside the Azarah, the shochet of the first animal is chayuv kares and both shoachim get malkus, and both animals are passul.
 - If both animals are chullin and the first is shechted inside the Azarah and the second is shechted outside the Azarah, the first animal is passul and its shochet is patur, and the second animal is kosher and its shochet is chayuv malkus.
 - If both animals are kodashim and the first is shechted inside the Azarah and the second is shechted outside the Azarah, the first animal is kosher and its shochet is patur, and the second animal is passul and its shochet gets malkus.

- A Braisa says, how do we know that oso v'es beno applies to kodashim as well? The pasuk regarding bringing an animal for a korban says "shor oy kesev oy eiz ki yivaleid", and the next pasuk then says "v'shor oy seh oso v'es beno lo sishchatu b'yom echad". The positioning of the pesukim next to each other teaches that oso v'es beno applies to kodashim as well.
 - **Q:** Maybe say that oso v'es beno *only* applies to kodashim? **A:** By repeating the animals "shor, seh" it breaks the flow from the previous pasuk (if it was truly one flow there would be no reason to repeat the animals).
 - **Q:** If so, maybe it only applies to chullin? **A:** The pasuk of oso v'es beno begins with a "vuv" – "v'shor oy seh", which teaches that it is also a continuation of the pasuk regarding kodashim.
 - **Q:** Maybe we should say that just as kilayim are not included in kodashim (it may not be brought as a korban) it is also not included in oso v'es beno!? Why does a Braisa says that oso v'es beno applies to kilayim and to a "kvi" (type of animal)? Also, the pasuk says "seh" and **Rava** has said that whenever a pasuk says "seh" it means to exclude kilayim!? **A:** The pasuk says "oy" which comes to include kilayim.
 - **Q:** The "oy" is needed to separate so that we don't think one is only chayuv when he shechts an ox and its offspring **and** a seh and its offspring!? **A:** We know this from the use of the singular verbiage for "beno". This teaches that shechting even one type of animal with its offspring would make a person chayuv.
 - **Q:** The word "oy" is needed as can be seen in a Braisa. The Braisa says, if the pasuk would have said "shor v'seh ubeno" we would think that one is only chayuv if he shechts a shor, a seh, and an offspring of one of them. The pasuk therefore says "v'shor oy seh oso v'es beno". Presumably the Braisa is using the "oy" to teach this!? **A:** It uses the word "oso" to teach this.
 - **Q:** This can work according to the **Rabanan** who hold that the word "oso" is extra, but according to **Chananya** who holds that the "oso" is not extra, how does he know to separate the ox and the seh? **A:** He holds like **R' Yonason** who says that whenever the Torah writes two things, even when connected with a vuv (as in "shor v'seh") it means to treat each one separately, unless the Torah specifically tells us to treat them as one, by adding the word "yachdav".
 - The machlokes between **Chananya** and the **Rabanan** is found in a Braisa. The Braisa says, oso v'es beno applies to females and their offspring, but not to males and their offspring. **Chananya** said it applies to females and to males.
 - The view of the **Rabanan** is taught in a Braisa. The Braisa says, we would think that oso v'es beno applies to males and their offspring and to females and their offspring. The Braisa asks, how could we even think so? We should learn from the issur of taking a mother bird along with its babies (regarding the mitzvah of shiluach hakein) that just as that only applies to the female, oso v'es beno also only applies to the female!? The Braisa says, shiluach hakein does not apply to birds that one owns whereas oso v'es beno does. Therefore, we would say that oso v'es beno is more expansive and we would think to say that it even includes the males as well. The pasuk therefore says, "oso", which is singular and limits it to one. Once we know that it only applies to one, we can learn from shiluach hakein that it only applies to the female and not the male. If you want you can also say, the pasuk says "beno" which teaches that it applies to the parent that the offspring clings to – which is the mother and not the father.
 - The Gemara explains, this last drasha of "beno" is given in case one will say that "oso" is written in the masculine form, which suggests the male. Therefore,

we have the drasha of “beno” to teach that it is only the female.

- **Chananya** holds that “oso” suggests the male, and “beno” suggests the female. Therefore, it applies to both male and female.