

30.5.6

83a (משנה ג) → 83b (סיום הפרק)

1. וְשׂוֹר אוֹ שָׂה אֶתְּךָ וְאֶת בְּנוֹ לֹא תִשְׁחָטוּ בַּיּוֹם אֶחָד: וְיִקְרָא כַּב, כַּח
 2. וְיִקְרָא אֱלֵהִים לְאוֹר יוֹם וְלַחֲשָׁךְ קָרָא לַיְלָה וְהִי עֶרֶב וְהִי בֹקֶר יוֹם אֶחָד: בְּרֵאשִׁית א, ה

- I 4g משנה ג: responsibility to notify buyer re בנו ואת – that one of offspring/mother was sold for שחיטה
- i Note: if he didn't inform, the buyer may slaughter immediately and need not inquire about it
 - b Busy seasons: when selling on י"ט of end of ערב ר"ה, פסח of עיר"ט, סוכות of ערב י"ט
 - i And: per ריה"ג (גליל) ערב יוה"כ, ריה"ג
 - ii דבי יהודה: this only applies if he sold both on the same day
 - iii But: ר"י agrees that if he sells the mother to the חתן's family and the baby to the כלה's family (even on different days), that he must notify them, as we know that they are going to slaughter on the same day
 - 1 Note: mention of "mother" to חתן and "baby" to כלה incidentally teaches that the חתן's family expends more for the wedding feast
- II ד משנה ד: at these four times (see above), we force the שוחט to slaughter an animal, even if the only buyer he has has purchased a small amount of the animal (ex. – if the animal was worth 1K דינר and he only bought 1 דינר's worth)
- a Therefore: if the animal dies (after paying, before שחיטה), the buyer loses his דינר
 - i But: the rest of the year, we do not force him to do so
 - ii Therefore: if it dies, the שוחט loses (and must return the money paid by the buyer)
 - b Challenge: why does the buyer lose – he didn't take possession (via משיכה)
 - i Answer1 (ר' הונא אמר רב): if he took possession
 - ii Challenge: if so, why does he get his money back the rest of the year
 - iii Answer2 (ר' שמואל בר ר' יצחק): he didn't take possession; but another bought on his behalf without his knowledge
 - 1 Therefore: during that season, when it is an obvious advantage to him, we employ זכין לאדם שלא בפניו
 - (a) However: other times of the year, when it is a liability, the "self-appointed שליחית" is invalid – אין חבין לאדם (גיטין א:ו) אלא בפניו
 - iv Answer3 (ר' יוחנן): at these 4 times, חכמים maintained the תורה דין תורה of acquisitions (מעיות קונות)
 - 1 As opposed to: the usual rule where, due to the concern of being deceived by someone who sells and then claims the product was destroyed afterwards – only after taking possession (משיכה) is it a קנין
- III ה' משנה ה: definition of יום אחד (v. 1) – day follows night before
- a Source: דרשה ר"ש בן זומא – just as v. 1 employs יום אחד, so too in context of Creation (v. 2) – יום אחד
 - i Just as: יום אחד in v. 2 describes day following night,
 - ii So too: יום אחד in v. 1 is day following night before
 - iii Background (to his דרשה): since the entire context of א"ב is קדשים, where the night follows the day, therefore we infer from יום אחד: יום אחד that in this case, the day follows the night
 - iv Additional דרשה (רבי): יום אחד alludes to a "special day" which requires announcement (of sale of mother or offspring) – i.e. the rule in 4g משנה (above)