



## Oto V'et Beno Stabbed

The fifth *perek* deals with the prohibition of *oto v'et beno* – the prohibition of slaughtering a mother animal and its offspring on the same day. When probing the scope of this prohibition, the *Mishnah* (5:3) teaches that if one fails in performing valid *shechita* or stabs or tears out the *simanim* of one of the animals, and performs *shechita* on the other, they are exempt – they have not violated the prohibition. That is because the prohibition only applies to slaughtering both on the same day, and in his case one of the animals died and was not slaughtered.

One detail worth addressing is that the *Mishnah* appears uncharacteristically wordy: "... he is exempt from the prohibition of *ota v'et beno*". Considering that the *perek* is dedicated to discussing this prohibition, it would have been enough had it written "he is exempt".

The *Tifferet Yisrael* explains that the *Mishnah* is teaching that after the first animals died by one of these means, the prohibition does not exist at all for the second animal. In other words, one is completely permitted to slaughter the second animal. In other words, had the *Mishnah* only written "he is exempt", one might have thought that this is the case only after the fact, but ideally the second animal should not be slaughtered.

The *Tosfot R' Akiva Eiger* however present a different explanation. The fact that the *Mishnah* stressed from which prohibition he is exempt, implies that there are prohibitions that would be violated. By killing the animals in such manners, one violates the prohibitions of *tzaar baalei chaim* (causing pain to animals) and *bal tashchit* (waste).

The *Tifferet Yaakov* (114) however does not accept this answer, because the question of further *issurim* does not appear relevant to this *perek*. Whether or not those prohibitions apply is relevant to all animals and not just

in the context of *oto v'et beno*, and may not apply in cases of need.

The *Tifferet Yaakov* therefore suggests that the closing of this *Mishnah* is important for the debate in the beginning. The *Mishnah* records the debate regarding a case where a valid *shechita* was performed to one of the animals, yet there was another reason that made the animal forbidden. For example, it was discovered that the animal was a *treifa* or it was slaughtered for idol worship. According to *R' Shimon* one is exempt if the second animal was slaughtered on the same days. Since the slaughter did not permit the animal for consumption, it is not considered *shechita*. The *Chachamim* (*R' Meir*) disagree and the prohibition of *ota v'eta beno* would apply to the second animal.<sup>1</sup>

The *Tifferet Yaakov* explains that the closing of the *Mishnah* appears to support those that maintain that the debate is only when the first animal slaughtered was, e.g. discovered to be a *treifa*. If however the first animal received a proper *shechita*, then even *R' Shimon* would agree that for the second animal, a *shechita* that does not permit the animal to be consumed is considered *shechita* for the purposes of *oto v'et beno*.<sup>2</sup>

The *Tifferet Yaakov* concludes that the words closing the *Mishnah* are necessary to teach that in the case where one of the animals was, e.g. stabbed even the *Chachamim* agree that there is no prohibition at all of *oto v'et beno* irrespective of the order in which the animals died. He adds that the *Mishnah* was ordered in this way, mentioning in the first case that *R' Shimon* said "he is exempt" so that the two "exemptions" can be contrasted. Since *R' Shimon's* statement is more concise, it is understood that he only exempts one in the case where the animal that was slaughtered first was discovered to *treifa*, but not if it was slaughtered second.

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<sup>1</sup> The *Gemara* records that the debate is based on exposition from *pesukim*.

<sup>2</sup> See the *Tifferet Yaakov* who explains the distinction based on the how the *R' Shimon's* position is derived from *pesukim*.

**Revision Questions**

חולין די גי - גי: גי:

- When does a severed leg render an animal a *treifah*? (די: גי)
- What is an *ever meduldal* and when is it *kosher* (after *shechita*)? (די: גי)
- When is a placenta found in slaughtered animal able to become *tameh*? (די: גי)
- What is the law regarding a placenta expelled from an animal that had not yet give birth? (די: גי)
- What is the law regarding the animals and the people who slaughter a cow and its offspring on the same day:
  - When they are regular animals?
  - When they are *kodshim* and slaughtered outside the *Beit Ha'Mikdash*?
  - When they are *kodshim* and slaughtered inside the *Beit Ha'Mikdash*? (הי: גי)
  - When the first is *chulin* and the second is *kodshim*, slaughtered inside? Outside?
  - When the first is *kodshim* and the second is *chulin*, slaughtered inside? Outside?
  - When they are both:
    - *Chulin* and the first is slaughtered inside and the second outside?
    - *Kodshim* and the first is slaughtered inside and the second outside?
    - *Chulin* and the first is slaughtered outside and the second inside?
    - *Kodshim* and the first is slaughtered outside and the second inside? (הי: גי)
- Does the law of *oto v'et b'no* apply today? (הי: גי)
- What is the law regarding the prohibition of *oto v'et b'no* when: (הי: גי)
  - One of the animals was a *treifah*?
  - One of the *shechitas* was invalid?
- How many sets of lashes does on receive if they: (הי: גי)
  - Slaughtered the mother animal and then its two children?
  - Slaughtered its children first?
- At what times in the year is a seller required to inform the buyer that he also sold the mother animal? (הי: גי)
- What other law applies to these times in the year? (הי: גי)
- What is the definition of one day for the law of *oto v'et b'no*? (הי: גי)
- To what animals does the law of *kisui ha'dam* apply? (הי: גי)
- Does *kisui ha'dam* apply to an animal that was found to be a *treifah*? (הי: גי)
- Does *kisui ha'dam* apply to an animal that had a faulty *shechita*? (הי: גי)
- With respect to which case is there a debate whether the ruling is the same for *oto v'et b'no* and *kisui ha'dam*? (הי: גי)
- If someone sees that another did not perform *kisui ha'dam* is he obligated to do it himself? (הי: גי)
- If one slaughters many animals is one required to perform *kisui ha'dam* after each slaughter and can it be performed once at the end? (הי: גי)
- When is blood that is mixed with water still required to have *kisui ha'dam*? (הי: גי)
- What is the law if it is mixed with other blood that does not require *kisui ha'dam*? (הי: גי)
- Is one obligated to perform *kisui ha'dam* to the blood found on the slaughter knife? (הי: גי)
- What general rule does *Rabban Shimon ben Gamliel* state regarding what can be used for *kisui ha'dam*? (הי: גי)

**Melbourne, Australia**

**Sunday -Thursday**  
10 minutes before *Mincha*  
Mizrachi Shul  
Melbourne, Australia

**Friday & Shabbat**  
10 minutes before *Mincha*  
Mizrachi Shul  
Melbourne, Australia

**Efrat, Israel**  
*Shiur in English*

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9:00am  
Kollel Magen Avraham  
Reemon Neighbourhood

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**Next Week's Mishnayot...**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
16 February כ"א שבט	17 February כ"ב שבט	18 February כ"ג שבט	19 February כ"ד שבט	20 February כ"ה שבט	21 February כ"ו שבט	22 February כ"ז שבט
Chulin 7:1-2	Chulin 7:3-4	Chulin 7:5-6	Chulin 8:1-2	Chulin 8:3-4	Chulin 8:5-6	Chulin 9:1-2

