



Happiness in Meat and Wine

Our *Mishnah* (5:3) tells us that when *Yom Tov* is coming (except for *Yom Kippur* and *Yom Tov Rishon* of *Sukkot*), the *halachot* for purchasing meat changes. While ordinarily when purchasing a moveable object it would be necessary to take the object for the sale to come into effect, here all that is necessary is the transfer of money. *Rabbi Yochanan* explains that is so because the necessity for actually taking possession of the object is rabbinic whereas the transfer of coins is a *Torah* requirement (*Chullin* 83a). The *Chachamim* lifted their enactment in this period enabling a person who purchased a part of an animal from a butcher, to force him to slaughter the animal even if the rest was not yet sold.

This *Mishnah* may hold the explanation for a particular *Halacha* the *Rambam* wrote which has puzzled many of the *Rishonim* and *Achronim* (*Arba'a Turim* 529a, *Beit Yosef* there and others). The *Rambam*, when discussing the obligation of *Simcha* (happiness) on *Yom Tov*, says: "There is no happiness other than with meat, and there is no happiness other than with wine." (*Hilchot Shvitat Yom Tov* 6, 18) This seems to contradict the following *Gemara*:

Rabbi Yehuda ben Beteira says in the time that the *Beit Ha'Mikdash* stands, there is no happiness other than with meat as it is written: "And you will sacrifice a peace offering and you will eat there and you will be happy before Hashem your God" (*Devarim* 27, 7) and now, there is no happiness other than with wine... (*Pesachim* 109a)

Many explanations are proposed, however the two most common are:

1. The *Rambam* felt that while the primary mover for happiness today is wine, while meat still has a role. (*Bach* on the *Arba'a Turim*, *Orach Chayim* 529)
2. The *Rambam* was referring to different time periods. When he referred to meat he was referring to the time of the *Beit Ha'Mikdash* and when he spoke of wine he was speaking of the period until the *Beit Ha'Mikdash* is rebuilt. (*Bnei Shmuel* on the *Rambam*)

The second explanation suffers from two flaws: no proof is brought that this was the *Rambam's* opinion other than that it seems logical, and it is difficult within the words of the *Rambam* who does not write about or imply any difference between the two with regard to the *mitzvah* of happiness.

The first explanation however, is easier to explain (based on the analysis of the *Bach*). The *Gemara* on *Chullin* 83a presents another explanation of our *Mishnah*:

Rabbi Shmuel bar Rav Yitzchak says... [the *Mishna* speaks of a case] where the benefit was conferred upon him by way of another, [but only] in these four times (*Erev Rosh Hashana*, *Erev Pesach*, *Erev Shavuot* and *Erev Shmini Atzeret*) because it is a benefit for him, as it is said: one can confer a benefit on another without his knowledge. On other days of the year it is a detriment for him and we do not cause detriment to another without his knowledge.

This means that the meat was given to a third party to deliver. Ordinarily this would be insufficient to effect a change in ownership (meaning that the *Shochet* could change his mind) until the purchaser received the meat, however, in this case, just the transfer of coins to the seller is sufficient. *Rashi* comments on the *Gemara* here, saying:

... "it is a benefit for him" for it (*Yom Tov*) will not be sufficient without meat.
"it is a detriment for him" [meaning] to pay is a detriment for him...

It would seem from here that there is an obligation of eating meat on *Yom Tov*, for why else would the expense of the meat not be considered a detriment? If so, it must be explained from here that there is a *mitzvah* to eat meat on *Yom Tov* albeit not a very strong one as apposed to the obligation which *Rabbi Yehuda* speaks about in *Gemara Pesachim* that refers specifically to eating the sacrifice, which is no longer.

However, the question must now be asked why is the first *Yom Tov* of *Sukkot* different? *Rabbi Ovadya* from *Bartenura* answers that the reason is that before *Sukkot* everybody is worried about building a *Sukkah* and buying the *Arba'a Minim* and has no time to buy and slaughter meat. While it seems strange that this would mean that the *halacha* does not apply for *Sukkot*, certainly there are places where the *halacha* takes account of *torach hatzibbur*, the inconveniencing of the public. Similarly, to answer the question of why the *mitzvah* exists for *Shmini Atzeret* but not for the last day of *Pesach*, the *Bartenura* states that *Shmini Atzeret* is considered an independent festival, while the last day of *Pesach* is still part of *Pesach* and so *Shmini Atzeret* has a stronger *mitzvah* of happiness.

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Revision Questions

חולין די' - די' - ה' :

- What is the law regarding an animal fetus that extended its limb outside the mother and was severed prior to the mother being slaughtered? (די: די)
- Explain the debate regarding the previous question when the limb was severed after the mother was slaughtered? (די: די)
- What is the law regarding a fetus found inside a slaughtered animal? (ה: די)
- Regarding the previous question, which specific case is debated? (ה: די)
- When does a severed leg render an animal a *treifa*? (י: די)
- What is an *ever meduvdal* and when is it *kosher* (after *shechita*)? (י: די)
- When does a placenta found in slaughtered animal able to become *tameh*? (י: די)
- What is the law regarding a placenta expelled from an animal that had not yet give birth? (י: די)
- 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*? (אי: די)
 - 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 the 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? (ה: בי)
- Does the law of *oto v'et b'no* apply today? (ה: די)
- What is the law regarding the prohibition of *oto v'et b'no* when: (ה: גי)
 - One of the animal was a *treifa*?
 - One of the *shechitas* was invalid?
- How many sets of lashes does one receive if they: (ה: 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? (ה: גי)
- What other law applies to these times in the year? (ה: די)
- What is the definition of one day for the law of *oto v'et b'no*? (ה: די)
- To what animals does the law of *kisui ha'dam* apply? (אי: די)
- Does *kisui ha'dam* apply to an animal that was found to be a *treifa*? (י: בי)
- Does *kisui ha'dam* apply to an animal that had a faulty *shechita*? (י: בי)
- 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*? (י: גי)
- If someone sees that another did not perform *kisui ha'dam* is he obligated to do it himself? (י: די)
- 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? (י: די)
- When is blood that is mixed with water still required to have *kisui ha'dam*? (ה: די)
- What is the law if it is mixed with other blood that does not require *kisui ha'dam*? (ה: די)

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Chulin 6:6-7	Chulin 7:1-2	Chulin 7:3-4	Chulin 7:5-6	Chulin 8:1-2	Chulin 8:3-4	Chulin 8:5-6

