

## And the butcher can buy and hold

## והטבח לוקח ושוהה -

### Overview

The ברייתא stated that a butcher may buy cattle and hold on to them for a while as long as he does not hold on to the 'עגונה שבהם' for thirty days. There is a dispute between רש"י and תוספות, how to explain the ruling of this ברייתא -

פירש בקונטרס<sup>1</sup> עד יום השוק ובלבד שלא ישהה העגונה שבהם שלשים יום -

רש"י explained that he may keep the animals only until the market day, and when the ברייתא stated; provided that he should not keep העגונה שבהם thirty days, רש"י explained that העגונה שבהם refers to -

אותה שלקח באחרונה לא ישלים לה שלשים יום אחר השוק<sup>2</sup> -

**That animal which he bought last (within thirty days of the market day), he should not complete the thirty days after the market day -**

In summation according to רש"י the butcher may buy the cattle within thirty days of the market day, and cannot keep any of them after the market day

פרש"י asks on תוספות:

וקשה דבתוספתא (פרק ח"ג) גרס יותר מל' יום<sup>3</sup> -

**And there is a difficulty, for the text in the תוספתא reads, 'provided that he does not leave over the last one of them more than thirty days' -**

ואם כן לפי התוספתא יכול להשהות אחר יום השוק -

**So therefore according to the תוספתא he can keep them even after the market day -**

A second question:

ועוד קשה דלעיל<sup>4</sup> גבי רגל קרי לה אחרונה והכא קרי לה עגונה -

**And an additional difficulty: for previously regarding the festival, he refers to the last one as אחרונה, and here he calls the last one עגונה; why the difference -**

A third question:

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<sup>1</sup> בד"ה לוקח ובד"ה ובלבד.

<sup>2</sup> Let us assume the he bought the last animal 10 days before the market day; he needs to slaughter it on the market day and cannot keep it for another 20 days to 'complete' the thirty allotted days.

<sup>3</sup> בלבד שלא ישייר את האחרונה שבהן יתר משלשים יום; תוספתא in ה"ד reads.

<sup>4</sup> This expression indicates that he may keep it up to thirty days even after the יום השוק (since we are discussing יום). See 'Thinking it over'.

<sup>5</sup> ע"ב.

### ועוד שלא הזכיר התנא יום השוק כלל -

**And furthermore, the תנא of this ברייתא did not mention 'market day' at all, so why does רש"י assume that we are discussing holding it until after the יום השוק –**

תוספות offers his explanation:

**ונראה לרבינו יצחק לפי שהטבח רגיל לקנות כמה בהמות ביחד ומותר להשהות<sup>6</sup> -**

**And it appears to the ר"י that the explanation is as follows, since it is customary that the butcher buys many cows at once, so he is permitted to keep them for thirty days -**

**ובלבד שאפילו העגונה<sup>7</sup> שבהן אותה שנשארה יחידה אחר חברותיה<sup>8</sup> -**

**Provided that even the עגונה amongst them, meaning the one that remained alone after all the others were already slaughtered and sold, so this singular cow -**

**שלא ישהה יותר מל' יום אף על פי שהיא יחידה<sup>9</sup> -**

**He should not keep it for more than thirty days even though it is an only cow –**

תוספות cautions:

**ומיהו בכל הספרים גרסינן שלשים יום<sup>10</sup> ולא גרסינן יותר :**

**However, all the texts read, 'thirty days', but they do not read 'more than thirty days'.**

### **Summary**

According to תוספות we are not discussing יום השוק, nor the last cow, but rather the ruling is that even a single remaining cow may not be kept for more than 30 days.

### **Thinking it over**

It would seem that the תוספתא (which states יותר מל' יום) disagrees with our ברייתא (which states ל' יום). What then is the question on רש"י from the תוספתא;<sup>11</sup> obviously the תוספתא disagrees with our ברייתא?<sup>12</sup>

<sup>6</sup> He slaughters them as the need arises according to his customers, so he may keep them for thirty days. We are not discussing יום השוק here at all.

<sup>7</sup> The word עגונה is often used regarding a woman who cannot marry, because we are unsure whether her husband is alive. She lives alone; she is an עגונה.

<sup>8</sup> The עגונה is not the last cow he bought (so we cannot call it אחרונה), but rather it is the cow that happened to be left over after he got rid of the other cows.

<sup>9</sup> If there are many cows left over, he certainly cannot keep them more than 30 days (because of the rule that אין מגדלין, however even if only one is left over, he still may not keep it more than 30 days; there are no exceptions.

<sup>10</sup> According to the ר"י the text should read that he cannot keep this only cow for more than thirty days, since up to thirty days he may keep it, like all the other cows (since there is no יום השוק); however our text does not support the פרי"י.

<sup>11</sup> See footnote # 4.

<sup>12</sup> See מהרש"א in the עד"ז.