

Daf Notes

Insights into the Daily Daf

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Daily Daf

Attached to the Ground

The *Gemora* cites a *braisa* as a source that there is a difference between slaughtering with a knife that was always attached to the ground and one that was originally detached and only now is attached: If one slaughtered with a wheel (*by attaching a knife to it*), the *shechitah* is valid; with an implement that was attached to the ground, the *shechitah* is valid; if one inserted a knife into a wall and slaughtered (*by moving the neck of the animal back and forth across the blade*), the *shechitah* is valid; if there was a sharp flint stone jutting from the wall, or a reed growing by itself, and one slaughtered with it, the *shechitah* is invalid. Now is there not a contradiction here (*between the two rulings regarding implements that are attached to the ground*)!?

This proves that there is a distinction between that which was always attached (*like the stone; shechitah with that is invalid even after the fact*), and that which was first detached and subsequently attached (*which is valid after the fact*). This is indeed a proof. (15b – 16a)

Primary and Secondary Force

The master had stated: If one slaughtered with a wheel (*by attaching a knife to it*), the *shechitah* is valid.

The *Gemora* asks: But was it not taught in a different *braisa* that the *shechitah* is invalid?

The *Gemora* answers: This is not difficult, for one *braisa* deals with a potter's wheel (*for since it is turned by the potter, it is valid*); whereas the other *braisa* is referring to a wheel turned by water (*and is invalid, for the shechitah needs to be performed by a human force*).

Alternatively, you can answer that in both *braisos* the wheel was turned by water, and yet there is no difficulty, for the first *braisa* is dealing with a case where it was turned by his primary force (*the first revolutions of the wheel which was a direct result of the person's lifting of the gate – that caused the water to flow to the wheel*); whereas the other *braisa* is referring to a case where it was turned by his secondary force (*and therefore the shechitah is invalid, for it was not slaughtered by human force*).

The *Gemora* notes that this distinction is similar to that which Rav Pappa said elsewhere: If a man bound his fellow and caused a jet of water to flow over him (*by making a hole in a dam*) so that the victim died, he is liable (*to death*). What is the reason for this? The gush of water is regarded as his arrows against the victim. But this is the law only in the case where the victim was killed by his primary force, but where he was killed by his secondary force, he is exempt, for then it is regarded as an indirect cause of the death. (16a)

Detached from the Ground

Rav was once sitting behind Rabbi Chiya while Rabbi Chiya was sitting before Rebbe, when Rebbe said the following: From where is it derived that the *shechitah* must be performed with a detached implement? It is from this verse: *And Avraham took the knife to slaughter his son.*

Rav then asked Rabbi Chiya: What does he mean? He replied: He has written for you a letter *vav* that is broken in pieces (*a seemingly straight letter that is in fact broken*) when written on a tree trunk. [*Rabbi Chiya disagreed and maintained that shechitah may be performed with a detached implement.*]

The *Gemora* asks: But does he not support his opinion by citing a verse?

The *Gemora* answers: The verse merely serves to show the zeal of Avraham (*that he would bring a knife with him out of fear that he would not find anything suitable on the mountaintop*).

Rava said: It is obvious to me that in the law concerning idolatry, an object, which was first detached and subsequently attached to the ground, is regarded as detached (*and therefore, if it is worshipped, it does not become forbidden*). For the master had stated: If a man bows down to his own house, it thereby becomes forbidden. Now, if you were to hold that such an object (*which was originally detached*) is to be regarded as attached, why would the house be forbidden? Is it not written: *their gods on the mountains*, which we derive from there that the mountains themselves are not their gods? In the law concerning the susceptibility of produce to become *tamei*, it is the subject of dispute among the *Tannaim*, for it was taught in a *Mishna*: [*In order for produce to be rendered capable of becoming tamei, it must first become wet by water or other specified liquids. It is necessary that the owner must be satisfied with the contact – even if the liquid was only pleasing to him in the beginning (but not necessarily when it came into contact with the food).*] If one inverted a plate and placed it on top of a wall in order that the plate might be washed (*by the rainwater, and the rainwater dripped from the plate onto some produce*), the rule of '*if the water is placed*' applies (*because he was*

pleased with the water). If, however, the plate was placed there in order that the wall should not become damaged (*from the rain*), the rule of '*if the water is placed*' does not apply (*and the produce is not susceptible to tumah*). Now, is there not an inherent inconsistency here? First it was stated that if it was placed there in order that the plate might be washed, the rule of '*if the water is placed*' applies. It follows, however, that if one placed it there in order that the wall might be washed, the rule of '*if the water is placed*' does not apply (*for the wall is attached to the ground*). Yet then the *Mishna* states that if it was placed there in order that the wall should not become damaged, the rule of '*if the water is placed*' does not apply. It follows, however, that if one placed it there in order that the wall might be washed, the rule of '*if the water is placed*' does apply.

Rabbi Elozar said: It is a contradiction! You must say that the *Tanna* who taught the first part of the *Mishna* did not teach the second part.

Rav Pappa answered: The entire *Mishna* was taught by one *Tanna*, but the first part deals with the wall of a cave, whereas the second part deals with the wall of a building. Accordingly, the *Mishna* should be read as follows: If one inverted a plate and placed it on top of a wall in order that the plate might be washed, the rule of '*if the water is placed*' applies. It follows, however, that if one placed it there in order that the wall might be washed, the rule of '*if the water is placed*' does not apply (*for the wall is attached to the ground*). When are these words said? Only in the case of the wall of a cave (*for since it has always been attached to the ground, the laws of becoming susceptible to tumah does not apply*). However, in the case of the wall of a building, the law that if one placed it there in order that the wall should not become damaged, the rule of '*if the water is placed*' does not apply. It follows, however, that if one placed it there in order that the wall might be washed, the rule of '*if the water is placed*' does apply (*for initially, the wall was not attached to the ground*).

Rava inquired: What is the *halachah* concerning slaughtering with respect of an implement which was first detached and subsequently attached?

The *Gemora* attempts to resolve this from a *braisa* mentioned above: If there was a sharp flint stone jutting

from the wall, or a reed growing by itself, and one slaughtered with it, the *shechitah* is invalid. [Now, the wall was originally detached from the ground, and when the stone protrudes from it and slaughters, the *shechitah* is ruled to be invalid.]

The *Gemora* deflects the proof by saying that we are dealing here with the wall of a cave. This is proven from the fact that the next case is a reed growing by itself (*which was never detached from the ground*).

The *Gemora* attempts to resolve this from a different part of that *braisa*: If one inserted a knife into a wall and slaughtered (*by moving the neck of the animal back and forth across the blade*), the *shechitah* is valid. [Now, the knife was originally detached from the ground, and the *shechitah* is ruled to be valid.]

The *Gemora* deflects the proof by saying that the knife is different because one does not nullify the knife to the wall. [He does not plan on keeping it there indefinitely.]

The *Gemora* attempts to resolve this from a different part of that *braisa*: If one slaughtered with an implement that was attached to the ground, the *shechitah* is valid. [Now, this implement was originally detached from the ground, and the *shechitah* is ruled to be valid.]

The *Gemora* deflects the proof by interpreting the *braisa* as follows: What is meant by ‘an implement that was attached to the ground’? We are referring to a knife, which one does not nullify to the wall (*and that is why the shechitah is valid*). (16a – 16b)

Pressing

The master had stated in the *braisa*: If one inserted a knife into a wall and slaughtered, the *shechitah* is valid.

Rav Anan said in the name of Shmuel: This is the *halachah* provided that the knife was on top and the neck of the animal was below it. If, however, the knife was below and the neck of the animal was on top of it, the *shechitah* is invalid, for we are concerned that he will slaughter through pressing (*rather than cutting; this can happen in this case because the animal's head will press down upon the knife*).

The *Gemora* asks from a different *braisa*, which states: The *shechitah* is valid, whether the knife is on top and the animal's neck below (*which is the usual method*), or the knife below and the animal's neck on top!?

Rav Zevid answered: The *braisa* should be interpreted as speaking about two different cases as follows: The *shechitah* is valid when the knife is below and the neck is on top of it – that is only where the knife is detached (*for then, there is no concern of pressing*); the knife on top and the neck below it – that is where the knife is attached (*and certainly one that is detached*).

Rav Pappa answered: The *braisa* is dealing with the slaughtering of a bird which is of light weight (*and therefore, there is no concern for pressing*). (16b)

Reeds

Rav Chisda said in the name of Rav Yitzchak, and others said that it was taught in a *braisa*: There were five things said in connection with a stem of a reed (*all because of the fact that the reed splinters*):

1. One may not slaughter with it.
2. One may not perform circumcision with it.
3. One may not cut meat with it.
4. One should not pick his teeth with it.
5. One should not wipe himself with it.

The *Gemora* asks: But we learned in a *braisa* that one may use a stem of a reed to slaughter with?

Rav Pappa answered: The *braisa* is referring to the sedge of the marshes (*which do not splinter*).

The *Gemora* notes that Rav Pappa used to cut fish innards with it, for they are transparent (*and a splinter would be noticeable*). Rabbah the son of Rav Huna used to cut fowl meat with it, for it is soft (*and will not cause splintering*).

The *Gemora* asks: Why did the *braisa* need to say that one should not wipe himself with it (*due to splinters that cause injury*)? Isn't it forbidden based on what the master had stated elsewhere: Whoever wipes himself after defecating with a material that is flammable (*like a reed*) tears away his teeth!?

Rav Pappa answered: The *braisa* was referring to the cleansing of the mouth of a wound. (16b)

INSIGHTS TO THE DAF

Rabbi Akiva Eiger's question on our sugya

By: Meoros HaDaf HaYomi

HaGaon Rabbi Akiva Eiger zt"l wrote a letter to his father and at the end he presented a difficult question, quoted in his work (*Responsa Rabbi Akiva Eiger*, 51), which he came across while learning a halachah in *Shulchan Aruch*, in the light of our *sugya*: "I am now holding in *Shulchan Aruch*, Y.D. 6:2: He who slaughters with something attached to the ground or to a body, such as a tooth or nail attached to an animal. He raises the difficulty that our *Mishna* definitely rules that one mustn't slaughter with an attached tooth or nail but it doesn't mention if it means that of a person or an animal.

Rabbi Akiva Eiger to his father: "his son, servant and pupil, Akiva": As for myself, says Rabbi Eiger, I would explain that the *Mishnah* only means a human tooth or nail as we find in the Talmud that people (slaves) are compared to land and therefore a person's tooth or nail is considered attached, like the ground, but what is the source of *Shulchan Aruch* to include in this halachah animals, which are not compared to land? The brilliant *gaon*, whose every word was and still is revered by hundreds of thousands, ends his letter with "his son, servant and pupil, Akiva".

The difference between "land" and "attached", and between "detached" and "chattels": HaGaon Rabbi Meir Michel Rabinovitz zt"l, one of the great Rabbis of Lithuania and who served as *av beis din* of Shat and a *dayan* in Vilna, tries to solve Rabbi Eiger's question by separating the term "land" from the term "attached" and the term "detached" from the term of "chattels".

A person who bought the whole world: The halachah is well known that there is no fraud (*onaah*) concerning land (if one pays too much, it is not considered an erroneous purchase) as *Chazal* (Bava Metzia 56b) interpreted from a verse that *onaah* only applies to chattels. This halachah,

says Rabbi Rabinovitz, does not stem from the fact that land is "attached" but because land is defined as property that doesn't move. He explains this with a fine parable. Let us imagine that someone claims that he bought all the land in the world and that the whole of Earth belongs to him. The planet Earth is not attached to anything: it is detached. Can there be fraud in such a case? Certainly not, as we are not focusing on detached or attached articles but on land as such.

On the other hand, when slaughtering was forbidden with an attached knife, the intention was to forbid *shechitah* with an article attached to its natural place, even if it moves, such as a nail attached to the body of a person or animal, which is considered attached though it is moved by the body. Now if the basis of the rule "there is no *shechitah* with an attached article" was because slaughtering must not be conducted with land, we wouldn't understand why one mustn't slaughter with an animal's tooth or nail: after all, it isn't land. However, the halachah states "there is no *shechitah* with an attached article" and does not concern the type of knife but its manner of placement: is it detached or not. Thus even something which is not land is disqualified for *shechitah* if it is attached, and therefore *Shulchan Aruch* ruled that an animal's tooth or nail are also disqualified for slaughtering. (See further *ibid* questioning Rabbi Eiger's equating "slaves are compared to land" to *shechitah* with an attached article, because the comparison of a slave or a person to land only concerns monetary laws; and see *Mikdash David* on Rabbi Eiger, *ibid*, who writes similarly to *Hameir La'olam* and cites a source for *Shulchan Aruch* from Rashi on 18a, s.v. *shein*).

A brief review of auxiliary machines for slaughtering and the halachic aspects

In this article we shall treat the practical aspects of slaughtering – how the animal is turned over and who watches that it shouldn't move its head – and shall confront the halachic problems involving the different machines invented to turn over and hold animals.

In the past, a *shochet* and his helpers would cause an animal to lie down by various tactics. Tough men would then hold it fast so it wouldn't move its head till the slaughtering was finished. This method demanded much

time and manpower and therefore, when machines were invented for the purpose they were in great demand.

The Weinberg machine and the Yugoslavian method: The first machine was called the Weinberg machine for the *shochet* who invented it about 80 years ago. He built a cage on an axle (like a washing machine). At the front he designed an opening through which the animal enters the cage and from behind he designed a hole through which the animals extends its head. When it entered the cage, the gate was closed, the cage turned 180 degrees and the *shochet* faced a restrained animal on its back with its neck sticking out ready to be slaughtered. With the Weinberg machine they could slaughter over 30 animals per hour! However, after it turned out that the animal was severely knocked up as it rolled in the cage, the use of the machine ceased and in many countries the government forbade its use. Aside from that, in the United States slaughtering on the ground was forbidden for hygienic reasons and since then it was impossible to use the “Yugoslavian method” or the “felling method”, which share the same principle: putting the animal in a raised cage, tying its legs and opening the floor of the cage – the animal slides out with its back on the floor and its legs tied above.

Sixty years ago the Box machine became common in Canada and the United States. The animal is put in a cage and after its doors are closed, hydraulic walls press against the animal and prevent it from moving. The animal puts its head out through a window onto a device that raises and holds its head and the *shochet* proceeds at his work.

Slaughtering an animal while it's standing: The innovation of this method was that the animal was slaughtered while it stood! In this way much care must be taken that the slaughtering should be properly conducted as an animal slaughtered while standing is a *neveilah*! In the process of *shechitah* the animal will move its head downwards and it is a halachah from Moshe from Mount Sinai that *derasah* causes a *neveilah* – i.e., the *shochet* must pass the knife on the animal's neck without any pressure till it is slaughtered by the weight and sharpness of the knife only. If pressure is put on the knife by the slaughterer or the animal, the *shechitah* is disqualified.

Our *sugya* treats this issue at length and many *poskim* discuss it. All conclude that our *sugya* indicates that slaughtering a standing animal, while its head is firmly held

upwards, is allowed *lechatchilah* - as a first preference (see *Shach*, Y.D. 6, S.K. 8; *Pri Chadash*, ibid, S.K. 11; *Samlah Chadashah*, ibid, *se'if* 7; *Tevuos Shor*, ibid, S.K. 15; *Minchas Yitzchak*, X, 59).

The animal's head must be held on all sides: The author of *Minchas HaZevach* (*klal* 3 in *Kometz*, *se'if* 6, and in *'Isaron*, S.K. 20), who was an esteemed *shochet ubodek* in great communities as attested by the *'Arugos HaBosem* (Y.D. 3), writes that, at any rate, the traditional method of *shechitah*, with the animal's neck facing the *shochet*, is recommended and preferred over slaughtering a standing animal even if its head is tied. HaGaon Rabbi Yitzchak Weiss zt"l explains (ibid) that there is still a suspicion that the animal will move its head upwards or to the sides and the *shochet* will cease slaughtering for a slight moment and the slaughtering would be disqualified due to *shehiyah* (delaying). However, the author of *Minchas Yitzchak* rules that if the animal's head is tied on all sides, such that it cannot move it at all, the *shechitah* is kosher *lechatchila*.

New training for veteran *shochatim*: Still, he emphasizes that *shochatim* who are practiced to slaughter downwards, with the animal's back facing the floor, need special training to get used to slaughtering while the animal is standing. They don't see the place of slaughtering and can't see if the *simanim* (windpipe and esophagus) were properly cut, only by feeling with their hands. (See Responsa *Igros Moshe*, Y.D., II, 13; Responsa *Har Tzvi*, Y.D. 11; the article by HaGaon Rav Z. Sorotzkin zt"l in the collection *Sha'arei Torah*, 45-50, Yerushalayim, 5721; Responsa *'Ama Devar*, 1).