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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Mishna

Anyone may slaughter and their slaughtering is valid – except for a deaf-mute, a deranged person and a minor, for they might botch their slaughtering. However, if any of them slaughter and others watch them, their slaughtering is valid. (2a)

In the First Instance, or After the Fact?

The *Gemora* asks that there seems to be an apparent contradiction in the *Mishna*: The expression ‘anyone may slaughter’ implies that everyone is permitted to slaughter, yet the expression ‘and their slaughtering is valid’ implies that it is merely valid after the fact!?

Rav Acha the son of Rava said to Rav Ashi: Is it true that the expression ‘anyone may ...’ implies a permission in the first place? If so, let us consider the following *Mishna*: Anyone may make a *temurah* (the owner illegally attempts to exchange a different animal with the original *korban*; the *halachah* is that the *temurah* animal gets the same sanctity as the original one, and both animals must be brought as a *korban*) whether a man or a woman. Is that allowed in the first instance? Is it not written: *He shall not exchange it, nor substitute it, whether good for bad, or bad for good?*

Rav Ashi answers: There the *Mishna* explains itself: Not that a person is allowed to substitute, but rather, if he has substituted, the change is effective and he receives forty lashes.

Rav Acha asks: Then, consider the following *Mishna*: All may make an *erech* vow (the Torah gives a fixed value to people based on their ages; this amount is given to the Temple treasury) or their *erech* may be vowed by others; they may vow another’s

worth and their worth may be vowed by others. Does this mean that are allowed to make these types of vows in the first instance? Is it not written: *And if you refrain from vowing, there will be no sin in you (but if you do vow, it is a sin)?* And it is also written: *Better it is that you do not vow at all, than that you should vow and not pay.* And it has been taught in a *braisa*: Rabbi Meir says: One who does not vow at all is better than this one and that one (*one who vows and pays and one who vows and does not pay*). Rabbi Yehudah says: One who vows and pays is better than this one and that one (*one who does not vow and one who vows and does not pay*). And even Rabbi Yehudah refers only to the case of one who says, “Let this be consecrated,” but if he says, “I accept upon myself,” it is not praiseworthy!?! [And an *erech* vow is similar to the latter case!?!]

Rav Ashi counters: And do you say that whenever the expression ‘anyone may ...’ is used, it means that it is not allowed in the first instance? But let us consider the following *braisa*: Everyone is obligated in the *mitzvah* of *sukkah*, and, everyone is obligated in the *mitzvah* of *tzitzis*. Do these not imply an obligation in the first instance?

Rav Acha answers: I am not referring to cases where the expression ‘everyone is obligated’ is used. [When ‘everyone’ is followed by ‘obligated,’ it obviously means that it must be done like so in the first instance.]

Rav Ashi asks: But let us then consider the following *Mishna*: Everyone performs the *semichah* (the owner places his hands on the head of the sacrificial animal before it is slaughtered and leans on it with all his weight), whether a man or a woman. Does this not mean that this should be done in the first instance?

Surely it is written: *And he shall lean his hand . . . and it shall be accepted for him.*

Rav Acha answers: Yes! There are times when the expression ‘anyone may ...’ implies in the first instance, and there are times that it implies after the fact. This being so, in the case of our *Mishna*, why should you say that it means in the first instance and consequently raise a difficulty? Say, rather, that it means after the fact, and there will be no difficulty.

Rav Ashi replied: My difficulty is with the expression ‘and their slaughtering is valid.’ Since it states, ‘and their slaughtering is valid,’ which is obviously referring to after the act, ‘everyone may slaughter’ must be an allowance in the first instance, for otherwise, why is it necessary to state permission after the fact twice?

Rabbah bar Ulla interprets the *Mishna* as follows: Everyone may slaughter - even a *tamei* person may slaughter *chullin* (an unconsecrated animal).

The *Gemora* asks: is that not obvious? [Why would we think that a *tamei* person would not be allowed to slaughter a *chullin* animal?]

The *Gemora* answers: We are referring to a case of *chullin* which was made according to the *taharah* (pure) standard of *kodesh* (pious people would treat *chullin* in their house as if it was *kodashim* in order to train the members of their family with these stringencies) is regarded as if it was *kodesh* itself, and this *Tanna* is of the opinion that *chullin* which was made according to the *taharah* standard of *kodesh* is regarded as *kodesh* (and the *tamei* person must make sure that he does not contaminate the meat).

The *Gemora* explains how he accomplishes this: He brings a long knife and slaughters with it; this way, he avoids touching the meat. But in the case of consecrated animals, he (a *tamei* person) should not slaughter at all (even with a long knife), lest he touch the meat (which is a Biblical prohibition). Nevertheless, if he did slaughter and he said, “I am certain that I did not touch

the meat,” his slaughtering is valid (and that is what the *Mishna* means when it says that it is valid after the fact).

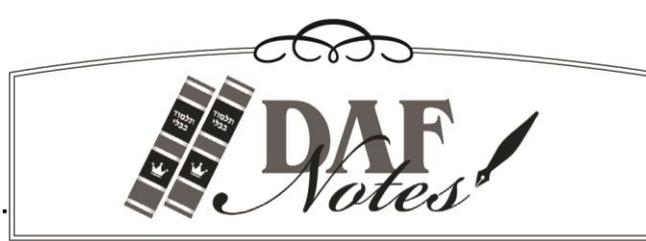
The *Mishna* continued and stated that (everyone may slaughter) except a deaf-mute, deranged person and a minor; this law applies even by ordinary *chullin*, and even after the fact, for perhaps they will invalidate the slaughtering by pausing (during the slaughtering), pressing the knife downward, or burrowing (the knife) between the pipes. [Those are laws that invalidate the slaughtering; they will be explained later.]

And when the *Mishna* concludes by saying, ‘however, if any of them slaughter (and others watch them, their slaughtering is valid),’ who is it referring to? It cannot be in reference to the deaf-mute, deranged person and a minor, for having just now dealt with these, the *Tanna* should have simply said, ‘however, if they slaughtered’ (and not ‘any of them’). And it cannot refer to a *tamei* person slaughtering *chullin*, for the *Mishna* had already ruled that he may slaughter even in the first instance! It cannot be referring to a *tamei* person slaughtering a consecrated animal, for we have ruled that in that case, it is sufficient (and valid) if he said, “I am certain that I did not touch the meat.”

The *Gemora* answers: It refers to such a case (a *tamei* person slaughtering a consecrated animal), and specifically to one where he is not present to be questioned.

The *Gemora* asks: Is this *halachah* derived in fact from our *Mishna*? Was it not taught in the following *Mishna* in Tractate Zevachim: Anyone who slaughters a sacrifice is valid, since slaughtering any sacrifice (even the more severe *kodshei kodashim*) may be done by all – non-Kohanim, women, slaves, and people that are *tamei*, as long as the *tamei* person does not touch the meat!?

The *Gemora* answers: Our *Mishna* is the source of the law; the other *Mishna* – since it mentions those people who are disqualified to slaughter (*kodashim*), it mentions the *tamei* person as well. Alternatively, however, I can say, that the other *Mishna* is the source of the law, seeing that it is in the tractate



which deals with consecrated things; our *Mishna* – since it mentions the *tamei* person slaughtering an ordinary animal, it mentions the *tamei* person slaughtering a consecrated animal as well. (2a – 2b)

INSIGHTS TO THE DAF

Tractate Chulin: Hakol Shochatin

With Hashem's help we have finished Menachos and now we pass from the realm of *kodshim* to the realm of *chullin* - the mundane. *Chullin* is one of the longest tractates in the Talmud and its *sugyos* treat practical and most important subjects. It is one of the most varied tractates as it addresses a number of utterly different topics and therefore learners find much interest and satisfaction because of the many concepts they discover.

The tractate before us: First we shall learn the details of slaughtering, without which an animal is a *neveilah*. In the third chapter we shall learn about the signs of *treifah* and the signs of *kashrus* of land animals, fish and locusts. In the next chapter we shall complete different details of the topics learnt in the previous chapters and especially concerning the embryo of a slaughtered animal (*ben peku'ah*) and the impurity of a *neveilah*. Further on, the chapters are full of different subjects accompanying slaughtering and *kashrus*. In Chapter 5 we shall examine the details of the negative mitzvah not to slaughter an animal and its offspring on the same day and in the next chapter we shall explore the mitzvah to cover up the blood of a slaughtered wild animal or fowl. In Chapter 7 we shall learn about the prohibition of *gid hanasheh* and Chapter 8 is devoted to the prohibition of meat and milk. In these chapters we shall also become aware of the great questions of mixtures. The halachos of a limb from a live animal and the impurity of a *neveilah* are detailed in Chapter 9 and in Chapter 10 and 11 we shall learn halachos concerning gifts to *kohanim*. The final chapter addresses the mitzvah of *shiluach haken* (chasing away a mother bird before taking its eggs).

After we finish *chullin*, we shall again learn about *kodshim*. *chullin* is like an island of matters of mundane meat among the tractates dealing with *kodshim* and some say that it is therefore called *chullin* or Shechitas *chullin*, as Rashi often calls it. Rambam (in the preface to his commentary on the Mishnah) explains that *chullin* was placed after Zevachim and Menachos because the Torah also treats the halachos of sacrifices and then addresses eating mundane meat: "Yet as much as you desire you shall slaughter and eat meat" (Devarim 12:15).

Who is fit to be a shochet?

In the first paragraph of the first chapter of *Yoreh De'ah* the Remo details who is fit to serve as a *shochet*: "He shouldn't slaughter, though he is an expert and knows the halachos of *shechitah*, till he slaughters three times before a *chacham* expert in the halachos of *shechitah*, so that he knows that he is expert and will not faint (*Tur* in the name of Rambam). Therefore, we are accustomed that no one slaughters unless he received a *kabalah* (approval to slaughter) from a *chacham*. The *chacham* does not grant him a *kabalah* unless he knows that he knows the halachos of *shechitah* and is expert with his hands. Therefore we are accustomed to rely on anyone who comes to slaughter (that he surely received a *kabalah*)... and in some places they have the custom to be stricter, that the recipient takes a written *kabalah* as proof. Every *shochet*, though he has a *kabalah*, should review the halachos of *shechitah* **from time to time**, that he should be expert in them not to forget them (Rav Yaakov HaLevi in the name of the Maharash). The same applies to the halachos of examining the lungs and to the *bodeik* - the person who examines - their halachah and custom are equal in this entire matter. And the *beis din* should inspect the *bodekim* and *shochetim* to see that they should be expert and kosher (Mahariu, 50) for the hazard of any transgression concerning *shechitah* and *bedikah*, accessible to everyone, is immense."

How often must he review of the halachos of *shechitah*: When the Remo said "from time to time", he meant that a *shochet* should review the halachos every month! (*Baer Heiteiv, S.K. 8*). *Beer HaGolah* wrote in the Maharil's name that during the first

30 days of his position a *shochet* should review the halachos of slaughtering and examination every day. After the first 30 days he should review them every 30 days and when he completes his first year, he should review them once in a while but if he doesn't do so, his slaughtering is disqualified!

ShUB: *shochet ubodek*: It has always been known that a *shochet* must be an outstandingly G-d-fearing person and the title *Shub*, the initials of *shochet ubodek* is a source of pride to many, such that some adopted it as their family name. The need for an outstandingly G-d-fearing slaughterer is not mere stringency but concerns the basic halachos of slaughtering, as follows.

The three phases of *shechitah*: The process of rendering an animal fit to eat by *shechitah* consists of three phases: (1) examining the knife, (2) slaughtering, (3) examining the lungs.

Examining the knife: Rabeinu Yonah writes in his *Sha'arei Teshuvah* (*sha'ar* 3, *os* 96) that examining the knife demands extreme scrupulous care: "And regarding someone who is not conscientious, his heart will not understand to be meticulous about examining the knife for he must greatly concentrate all his attention on his examination. You will see that a person sometimes checks two or three times without detecting a slight fault and then he finds it, for he concentrated the last time." Indeed, the task of examining the knife was given to the *chacham* or Rabbi and a *shochet* who didn't show his knife to the Rabbi before slaughtering would be ostracized (*chullin* 18a)! *Shulchan Aruch* (Y.D. 18:17) maintains that in later eras the custom arose to appoint special people for this task and the Rabbi relinquishes his honor to them as they are scrupulously careful. In fact, the author of *Shulchan Aruch HaRav* (18, *Kuntres Acharon*, S.K. 9) maintains that the Rabbanim only relinquished their honor for G-d-fearing people but others are not allowed to examine knives!

Slaughtering: One witness is believed regarding prohibitions (*chullin* 10b), as opposed to halachos of property and marriage, which require at least two witnesses. According to the Reem, one witness is still not believed to testify that an animal was properly slaughtered as, opposing his testimony there is a

chazakah (previous knowledge) of prohibition to eat the (unslaughtered) animal, and one witness is not believed against a *chazakah*. Only a witness known to be faithful and kosher may testify (*Mordechai, chullin*, §579). There is therefore a need for a G-d-fearing *shochet* because otherwise, if he slaughtered an animal alone, he is not believed to testify that he slaughtered it properly. We emphasize that the Reem's opinion was not accepted as halachah (see *Pri Megadim* in the preface and „*Aroch HaShulchan*, 4). But all the *poskim* repeatedly warn that we must eat from the *shechitah* of a G-d-fearing and scrupulous *shochet*, as *Baer Heiteiv* asserts (S.K. 29): "Not to give a *kabalah* to anyone who is frivolous but only to the G-d-fearing."

Examining the lungs: An examination of the lungs is conducted to eliminate the possibility of a hole or another disorder of the lung, rendering the animal *treifah*. Though most animals are not *treifah*, one must examine the lungs because of the frequency of *treifos* (*Shach*, *ibid*) and *Shulchan Aruch* warns (Y.D. 39:1): "Anyone who breaches the fence - to eat without examination - should be bitten by a snake."

Only the G-d-fearing may be lenient: Regarding two types of suspected *treifah* that could occur in a lung, *Shulchan Aruch* states (*ibid*, *se'if* 11 and 13) that in certain instances we may be lenient but he limits his statement: "We rely on this leniency only in case of an outstandingly G-d-fearing and kosher examiner." We thus see that the need for an outstandingly G-d-fearing *ShuB* is essential, as otherwise one must not be lenient.

DAILY MASHAL

A Fast

The Chasam Sofer zt"l decreed a fast in his yeshivah before learning *chullin* according to *Sefer Chasidim* (261 and 1012; *Mekor Chesed* on *Sefer Chasidim*, 261, remark 6). Some believe that the reason is because of the danger that arises when a person demonstrates the matters of slaughtering and *treifos* on his own body (*Sichas chullin* in the preface, according to the Maharsha, *Gitin*, end of 57b).