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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

### ***How to Slaughter***

The *Mishna* says that if one slaughters one pipe of a bird or two birds of an animal, it is valid, and the majority of a pipe is tantamount to the whole pipe. Rabbi Yehudah requires one to also sever the blood vessels. If one slaughters half a pipe of a bird or half of two of an animal, it is invalid, while most of one of a bird or most of two of an animal is valid.

The *Gemora* notes that the *Mishna* says “if one slaughters.., it is valid”, implying that it is valid only after the fact, and asks what more should one do?

The *Gemora* offers two possible cases the *Mishna* is referring to:

1. Slaughtering one pipe of a bird, as one should slaughter both.
2. Slaughtering most of a pipe, as one should slaughter the whole pipe. (27a)

### ***Source for Slaughtering the Neck***

The *Gemora* cites three possible textual sources that slaughtering must be done on the neck.

Rav Kahana says the word for slaughtering, *shachat*, is a contraction, teaching that from the place where *shach* – [the animal] bends down, i.e., the neck, *chataihu* – prepare it for eating. The *Gemora* explains that verb *chata* means to make something valid, as we see in two other verses:

1. The verse refers to the *Kohen* who cleanses the house of *tzara’as* – plague, saying *v’chiteh* – and he will prepare the house.
2. The verse in Tehillim, which beseeches Hashem to purify me with a hyssop, *v’et’har* – and I will be cleansed.

The *Gemora* challenges this source, as perhaps the verse is referring to tail, which also bends down.

The *Gemora* answers that the verse is referring to something that bends down, but not the tail, which is always bent.

The *Gemora* challenges further, as it still may refer to cutting the ear, which the animal can bend, but the *Gemora* answers that the verse specifies that the blood critical for the animal's life is spilled by slaughtering, and the ear is not near that blood.

The *Gemora* challenges, saying the verse may mean that one begins slaughtering at the ear, and continues cutting until one reaches the required blood. Furthermore, even if the verse teaches that slaughtering must be done at the neck, it does not teach us the details of what makes slaughtering invalid (*delaying, pressing, burrowing, moving out of place, or dislodging the pipes*). Rather, we must say that the details of slaughtering were taught orally to Moshe at Sinai, and that includes its location on the animal. The verse teaches us that one may not split the animal in two pieces by fully severing the head from the body.

Rav Yeimar says the word for slaughtering, *zavachta*, is a contraction, teaching that from the place where *zav* – it drips



[blood], *chataihu* – cut it. The *Gemora* explains that verb *chata* means to cut something, as the verse relates that Hashem told Yirmiyah not to fear, *v'al taichas* – and don't be broken.

The *Gemora* challenges this source, as perhaps the verse is referring to the nose, which drips liquids.

The *Gemora* answers that the verse is referring to something that drips because of the cutting, while the nose drips on its own.

The *Gemora* challenges further, as it may be referring to the heart, which also drips blood when cut. Furthermore, the verse does not teach any of the details of what makes slaughtering invalid. Rather, we must say that the details were taught orally at Sinai, including the location on the animal, and the verse teaches that one should not fully sever the head from the body.

In the Academy of Rabbi Yishmael they taught the word for slaughtering, *shachat*, can be read *sachat*, which is a contraction teaching that from the place where *sach* – [the animal] talks, *chataihu* – prepare it for eating.

The *Gemora* challenges that perhaps the verse is referring to the tongue, which is also involved in vocalizing, and answers that one must spill the blood critical to the animal's life, which is not located at the tongue.

The *Gemora* challenges that perhaps one cuts at the tongue, and continues cutting until he reaches the required blood. Furthermore, the verse does not the details of what invalidates a slaughtering. Rather, the details of slaughtering were taught orally at Sinai, including the location on the animal, and the verse teaches that one may not fully sever the head from the body.

The *Gemora* cites a *braisa* of Rabbi Chiya, which says the source for slaughtering at the neck is the verse about the *olah*

sacrifice, which refers to the head and the inner fat. Once the verse stated that the *Kohanim* should place the pieces of the *olah* on the altar, it seems unnecessary to repeat that they should place the head and the inner fat.

Rabbi Chiya explains that since the head is separated from the rest of the body, we may have thought that it is not placed on the altar. This verse, which is predicated on the head separated from the body, teaches that the slaughtering is done at the neck.

The *Gemora* explains that the verse refers to the inner fat and the head twice. One teaches that the inner fat should be placed on the place of the cut in the neck, to make the animal presentable on the altar. The other reference teaches that the head is placed on the altar first, since it mentions the head next to the act of placing.

The *Gemora* cites another *braisa* with a source to the location of slaughtering. The *braisa* cites the verse which refers to the law of the animal and bird, and asks how animals and birds are similar, as they have different rules of impurity. The verse teaches that just as an animal must be slaughtered, so must a bird. Lest we think that both pipes must be severed, like an animals, the verse starts with *zos* – *this*, limiting the comparison. Rabbi Eliezer says that the verse teaches that just as a bird sacrifice is severed by *melikah* on the neck, so an animal is slaughtered on the neck. Lest we think that the animal is slaughtered from the back, like *melikah*, the verse about *melikah* states that he will sever *its* head from the back, excluding any other type of neck being severed, i.e., and animal.

The *Gemora* explains that Rabbi Eliezer says the word *zos* – *this* in the verse comparing a bird and an animal limits the comparison, teaching that although only one pipe of a bird must be severed, an animal is different, as both pipes must be severed. (27a – 27b)

### ***Slaughtering Birds***

The *Gemora* cites a *braisa* of Bar Kapara about this verse. The verse lists a bird between an animal and a fish, teaching that it is similar to an animal, as it must be slaughtered, but similar to a fish, as there is no need to sever both pipes. The *Gemora* says we know that fish need not be slaughtered from the verse in which Moshe asks Hashem if all the sheep and cattle will be slaughtered, and if all the fish of the sea will be gathered. Since the same verse which refers to slaughtering animals only refers to gathering fish, it teaches that fish only must be gathered, but not slaughtered. Although another verse refers to the Jews gathering the *slav* bird, that verse makes no other reference to slaughtering, so it does not teach anything about bird slaughter.

Ovaiv from the Galilee taught that animals, which were created from the ground, must be slaughtered by severing two pipes, fish which were created from the water, need no slaughter, and birds, which were created from the marsh, must be slaughtered by severing one pipe.

Rav Shmuel of Kaputkiyah proves that birds were created from the marsh, which has some water, as they have scales on their feet, like fish.

The *Gemora* says that one question asked of Rabban Gamliel by a non-Jew was how to reconcile two verses about the birds. One verse states that Hashem commanded the water to sprout sea creatures, and flying birds, indicating they were created from the water, while another states that Hashem formed from the ground all the beasts of the land, and all the birds of the sky, indicating that they were created from the ground. He answered him that they were created from the marsh, which is a mixture of ground and water. His students were looking at each other in wonder at his answer, and he told them that they should not be concerned that he got rid of his enemy with an incorrect answer. He explained to them that the real answer is that they were created from the water, and the second verse continues to say that Hashem

brought them all to Adam for names. The correct way of reading this verse is that only the concluding phrase, “and he brought them to Adam...” applies to the birds, but the introductory phrase, “and Hashem formed from the land...” does not apply to them. Some versions swap the answers, saying that he told his students that they were created from the marsh, and he told the non-Jew that the second verse only means that he brought the birds to Adam.

Rav Yehudah quotes Rabbi Yitzchak bar Pinchas saying that the Torah does not mandate slaughtering of birds, as the verse describes one who “spills” its blood, indicating that the only requirement is that its blood be spilt.

The *Gemora* asks why we do not say the same about an undomesticated animal, as the same verse refers to spilling its blood.

The *Gemora* answers that the other verse compares a blemished animal sacrifice to an undomesticated animal, teaching that it must be slaughtered like an animal.

The *Gemora* asks why we don’t learn the same from the verse which compares a bird to an animal, and answers that we apply the verse of “spilling” only to the bird, which is adjacent to the word, “spilt.”

The *Gemora* challenges this statement from a *Mishna*, which says that if someone slaughtered incorrectly, making it a *neveilah*, or stabbed it or dislodged the pipes, he need not cover the blood, indicating that the verse only refers to a proper slaughtering.

The *Gemora* deflects this, saying the *Mishna* is referring to an undomesticated animal, which must be slaughtered, and whose blood must be covered.

The *Gemora* challenges from another *braisa*, which says that if one slaughters, even if he only needs the blood, he must cover it. If he only wants the blood, he should stab it or

dislodge the pipes. The *Gemora* assumes this is referring to a bird, whose blood he is using to kill clothing infestation, but the *Gemora* deflects this, saying that it refers to an undomesticated animal, whose blood he is using to dye clothing. (27b – 28a)

## INSIGHTS TO THE DAF

### ***Shechitah:***

#### ***The most Humane Form of Killing***

As Daf HaYomi learners all over the world are occupied with the *sugyos* dealing with *shechitah*, some of them will be embittered in regard to the draconic laws in their own countries forbidding halachic slaughtering!

**The anti-Semitic decrees:** About 150 years ago anti-Semites began to arouse world public opinion against Jewish slaughtering with various excuses, the main one being cruelty to animals. Regulations, laws and decrees, limiting or completely forbidding Jewish slaughtering, quickly spread in the Nazi era and incorporated many European countries. The Jews gathered to pray and defend themselves – many books and even more pamphlets were published with an effort to repel the false accusation.

Before we treat the subject itself, if indeed an animal suffers during *shechitah*, we should mention the great “humanitarianism” of those countries concerning slaying pigs, performed with great cruelty, and their barbaric animal-hunts conducted only for amusement. We now proceed to our tractate.

Our chapter, the second chapter of Chulin, opens with the halachos of *shechitah* itself and determines that an animal must be slaughtered at its neck by cutting the windpipe and esophagus. After a discussion as to if slaughtering at the neck is learnt from a verse, the *Gemora* concludes that this is a *halachah* from Moshe from Mount Sinai.

**Two reasons for *shechitah*:** *Sefer HaChinuch* (mitzvah 451) offers two reasons for this *halachah*, that an animal must be slaughtered at the neck. Firstly, because “it is known that the blood of the body flows out from the neck more than from other parts of the body. We were therefore commanded to slaughter an animal there before we eat it so that all of its blood escapes from there and we won’t eat the soul with the meat”. In other words, as it is forbidden to eat blood, this is the best way to drain most of the blood from the meat. The *Chinuch* adds: “it is further said that the reason for slaughtering at the neck and with an examined (smooth) knife is so that we shouldn’t make an animal suffer too much. The Torah permitted people – in light of their elevated status – to eat them and derive all their needs from them but not to make them suffer for nothing. *Chazal* have already spoken much about the prohibition of cruelty to animals.”

His statement indicates that by slaughtering at the neck, the least suffering is caused to an animal and as long as it is done for a purpose, there’s no prohibition (*Isur Veheter, kelal 59, din 36*, and see *Meoros HaDaf HaYomi, Kiddushin 82a*, and *Responsa Seridei Eish, Y.D. 91*).

As aforementioned, anti-Semites sought to persecute Jews by forbidding kosher slaughtering and consequently much research was conducted but most of it proved that *shechitah* is one of the best methods to prevent cruelty to animals. This research is detailed at length in *Mazon Kasher min HaChai* (II, ch. 9) and we offer here a brief summary of some of the conclusions.

**The level of sensitivity in an animal is lower than that of people:** All agree that the level of sensitivity in animals, and especially in cattle, is much lower than that of humans. Experts recognize the fact that the sense of pain is not highly developed in ruminants – those that chew the cud. Furthermore, even a person cut with a sharp knife does not feel the pain immediately, as opposed to when he receives a blow, when the pain is felt immediately. Hence even if we assume that an animal eventually feels the pain of being cut,

it is reasonable to assume that the centers of pain-sensation in the brain stop functioning due to lack of oxygen before the feeling of pain reaches them. There is support for this assumption from the fact that an animal doesn't move at all for eight seconds after *shechitah* – evidence that it feels no pain; after that period the sense centers in the brain do not function at all. The matter differs in other methods such as shooting, shocking, injection, etc.

Some also opposed the long knife – it is twice as long as an animal's neck – brandished before the animal while other instruments of slaying, such as a gun or a hypodermic, are not so conspicuous.

**The animal licked the knife with the blood:** Researchers held a knife dripping blood in front of many cattle. Most of them reacted complacently aside from one animal that began to lick the knife...

In conclusion, we mention an obvious point. Our holy Torah commanded us about *shechitah*, we have always done so and will continue to do so. If they forbid *shechitah*, we won't eat! We do not need proof of the "humaneness" of the Torah. This research only serves to reject perverse anti-Semitic contentions.

With Hashem's help, next week we shall address a suggestion of gentile governments to enable *shechitah* by first shocking the animal.

### **Beheading during Shechitah**

The Jewish centers where our forefathers lived were raging once again. Not only did the gentiles forbid *shechitah* of cattle but they also caused hardships about eating fowl. It happened in 5693 (1933) when a regulation was passed in Nazi Germany that one must slaughter a fowl's neck from side to side and behead it! As far as the *halachah* is concerned, it suffices to cut only one *siman* in a fowl. *Lechatchilah*, as a first preference, one cuts both *simanim*.

The Germans obligated the Jews to continue and cut the nape, through the spinal column behind the *simanim*, "to kill the fowl quickly" by cutting the spinal cord.

**The halachah of a chicken whose nape was cut through:** *Shulchan 'Aruch* rules (Y.D. 24:5): "If he was slaughtering and cut the whole spine (*mifrekes*), it is kosher." In other words, according to *Shulchan 'Aruch* there's no objection to slaughtering fowl according to the demand of the German legislators. However, the Remo disagrees and writes: "The custom is to declare it *treifah*, even if he only cut most of the spine...and one mustn't change the custom as many hold so."

Why is there a disagreement and what is the source of this custom not to cut the spine? The answers are in our *sugya*.

Our *Gemora* explains that *Chazal* interpreted from a verse (Vayikra 1:5) that "one mustn't make it a *gistara*". The Rishonim disagreed about the meaning of גִּסְטָרָא and there are three major opinions: (1) **Beheading:** the Raaviah explains that according to Rashi (s.v. *Delo leshavei* in the first explanation), the *Gemora* means that is forbidden to slaughter from side to side! In other words, after cutting the *simanim* the *shochet* should stop slaughtering and not behead the animal (however, Tosfos and other Rishonim explained Rashi as meaning that there is no **need** to behead the animal but there is no prohibition to do so; see *Mordechai*, *ibid*). (2) **That he shouldn't cause *derasah*:** Rashi offers another explanation, that the *shochet* must avoid *derasah* – i.e., *shechitah* by putting pressure on the knife; the *shechitah* should be accomplished by passing the knife over the neck. (3) **The prohibition to slaughter from the nape:** Tosfos (s.v. *vetu shehiyah*) explain that the ruling is here given to slaughter an animal at its throat and not at the nape.

Rashi's first explanation is the only one that determines that it is forbidden to behead an animal during *shechitah*. As for the reason, some said that this is a *halachah* from Moshe from Mount Sinai and the Rashba explained (*Toras HaBayis*, beginning of *Bayis Sheini*) that cutting the spine causes blood

to be absorbed in an animal's limbs and therefore one must avoid cutting it.

In Ashkenazic lands the final custom was to declare such chickens *treifah*, even if only most of the spine was cut (*Agur*, cited in *Beis Yosef*). The *Taz* discusses the issue at length and sides with those who allow beheading but concludes, "as the Remo wrote that one mustn't change the custom, we cannot be lenient". The *Shach* ruled likewise (*S.K.* 5), that the basic *halachah* permits it but people have the custom to be strict (see *ibid*, that he wrote that perhaps this pertains when there is no great loss).

These opinions and disagreements are just some of the copious material that faced the leaders of the generation faced with a cry of the German Jews: "by this evil decree there is no food for children, the old and the weak who, according to doctors, cannot subsist without meat".

#### DAILY MASHAL

**The Poskim's replies:** The Committee of German Rabbis, the *shechitah* board which saw to publicizing this letter among all the halachic authorities, added a booklet by HaGaon Rabbi Yechiel Yaakov Weinberg zt"l. After the World War many manuscripts containing the ramified halachic issue and including the replies of the greatest of that generation had disappeared and Rabbi Weinberg rewrote many sections from memory (*Responsa Seridei Eish*, II, 6; see *ibid*, *Kuntres* 2, Ch. 1, where he cites an opinion that even according to the Raaviah this pertains only to cattle and not to fowl but the *Seridei Eish* proved that there's no difference between cattle and fowl).

**The decision of the author of *Achi'ezer* zt"l:** HaGaon Rabbi Chayim Ozer Grodzhinski zt"l, who carried the burden of tens of thousands of Jews on his shoulders, ruled (*ibid*, letter 1) that despite the halachic difficulty, one certainly may be lenient for the weak and ill and, perhaps, even for the healthy. Still, he emphasized that it is fitting to fix a time for

the end of the permission and then they would again gather to decide if they could extend its validity or if it caused a lapse. Thus the matter would not become fixed permission after the decree is annulled. He concluded with an appeal to the G-d-fearing and healthy: "...and it is self-understood that the G-d-fearing and healthy had rather be strict (see further in the letters as for regulations and limitations).

**The Rogatchover's wishes:** The Rogatchover Gaon zt"l, author of *Tzofnas Pa'neiach*, strongly disagreed with this decision and contended that one mustn't be lenient about this *halachah*. He suspected halachic obstacles by changing the form of *shechitah* and expressed his wishes to the German Jews that the decree would be quickly annulled (see *ibid* for more replies from the *geonim* of that generation).