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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

The *Gemora* challenges Rav (who maintains that an exact half is equivalent to the greater portion) from the following *braisa*: If a man cut half of the trachea and paused for the length of time required for another slaughtering, and then finished it, the slaughtering is valid. Now, if you say that an exact half is equivalent to the greater portion, he has rendered the animal a *tereifah*! [How can the *shechitah* be valid?]

The *Gemora* answers: Are you assuming that the *braisa* is dealing with animals? It is actually dealing with a bird, and whichever view you take, the *shechitah* will be valid, for if an exact half is equivalent to the greater portion then he has cut here the greater portion; and if an exact half is not equivalent to the greater portion then he has done nothing at all (and since the animal is not a *tereifah*, he may continue on to perform a valid *shechitah*).

The *Gemora* challenges Rav from the following *braisa*: If half of the trachea (of a bird) was blemished and a man cut a fraction more and finished it, the *shechitah* is valid. Now, if you say that an exact half is equivalent to the greater portion, then was it not already *tereifah* (before the slaughtering)?

Rava answered: With regard to the law of *tereifah*, it is different, for everyone agrees that we require a greater portion as is perceptible to the eye.

Abaye asked him: But is there not here a *kal vachomer*: If in the law concerning *tereifah*, where in certain cases the slightest defect will render an animal a *tereifah*, nevertheless when we require a greater portion, we insist upon a greater

portion that is perceptible to the eye; how much more so in the law concerning *shechitah*, where no slaughtering is valid without the greater portion having been cut, should we not insist upon a greater portion which is perceptible to the eye?

Rather, the *Gemora* concludes: All are of the opinion that an exact half is not equivalent to the greater portion, and Rav and Rav Kahana disagree only in connection with the *pesach* sacrifice, as follows: If the community of Israel was exactly equally divided, half being *tahor* and half *tamei* (where the law ordinarily is that an individual who is *tamei* brings his *pesach* sacrifice on the next month – the fourteenth of Iyar, and if a majority of the Jewish people are *tamei*, they bring the sacrifice on the regular day – although they are *tamei*), Rav said that an exact half is equivalent to the greater portion (and those that are *tamei* can bring the sacrifice on the regular day, for they are regarded as a majority), and Rav Kahana said that an exact half was not equivalent to the greater portion.

Rav’s reasoning is based upon the following verse: If any man of you shall be *tamei* through a corpse. This signifies that only an individual is obliged to postpone his *pesach* sacrifice on account of *tumah*, but not a community.

The *Mishna* had stated: The greater part of one pipe in the case of a bird.

The *Gemora* asks: Has not the *Tanna* already taught this to us, when he stated: the greater part of a pipe is equivalent to the whole of it?

Rabbi Hoshaya answered: One *Mishna* refers to unconsecrated animals, and the other refers to consecrated animals. And they are both necessary, for had he taught the rule only in connection with unconsecrated animals I would have thought that only there is the greater portion of the pipe sufficient since the blood is not required for any purpose, but in the case of consecrated animals, since the blood is required for a special purpose (the throwing of the blood on the altar), I would have thought that the greater portion of the pipe is not sufficient, but that the whole pipe must be cut. And if the rule

was taught only in connection with consecrated animals, I would have thought that only there is the greater portion of the pipe necessary, since the blood is required for a special purpose, but in the case of unconsecrated animals, since the blood is not required for any purpose, I would have thought that half of the pipe was sufficient. Therefore, both are necessary.

The *Gemora* asks: Which *Mishna* refers to unconsecrated animals and which to consecrated animals?

The *Gemora* answers that the first *Mishna* refers to unconsecrated animals and the second to consecrated animals.

The *Gemora* suggests different proofs to this:

Rav Kahana says that it is because the *Mishna* begins with: if one slaughters (one pipe in the case of a bird). Now, if you were to say that it refers to consecrated animals, it should have stated: if one performed *melikah*.

Rav Shimi b. Ashi said: It can be proven from the clause which stated: one pipe in the case of a bird. Now, if you were to say that it refers to consecrated animals, the question would be asked: What about the *olah* bird which requires both pipes to be severed?

Rav Pappa said: It can be proven from the clause which stated: Rabbi Yehudah says: he must cut through the jugular veins. The Rabbis, however, disagree. Now, if you were to say that it refers to consecrated animals, the question would be asked: Why do the Rabbis disagree? Isn't the entire purpose of the slaughtering of consecrated animals for the sake of obtaining the blood?

Rav Ashi said: It can be proven that the latter *Mishna* deals with consecrated animals from the following statement: If one slaughtered two animals simultaneously, the *shechitah* is valid. This expression clearly implies that the slaughtering is valid only after the fact, but there is no right to slaughter like this in the first instance. Now, if you say that this *Mishna* deals with consecrated animals, then it is evident why there is no right to slaughter like this in the first instance, for Rav Yosef taught a *braisa*: It is written: You shall slaughter, which teaches us that two people shall not slaughter one sacrifice. And also: You shall slaughter it, which teaches us that one person shall not slaughter two sacrifices simultaneously. But, if you were to say that the latter *Mishna* deals with unconsecrated animals, then surely there is a right to slaughter like this even in the first instance!

The *Gemora* notes that also Rish Lakish is of the opinion that the first *Mishna* deals with unconsecrated animals while the second deals with consecrated animals. For Rish Lakish said: Since our *Mishna* teaches us that the greater part of a pipe is equivalent to the whole of it, why was it necessary to state further: the greater part of one pipe in the case of a bird, or the greater part of each pipe in the case of animals? It is necessary because we have learned elsewhere: When they brought to him (the *Kohen Gadol* on *Yom Kippur*) the daily offering (the *tamid*), he made an incision (to effect a *shechitah*) but another *Kohen* completed the slaughtering for him (in order that the *Kohen Gadol* would be able to accept the blood; this is because only he was able to perform the service on *Yom Kippur*). Now, from this *Mishna* I might have thought that if another had not completed the slaughtering it would have been invalid; our *Mishna* therefore teaches us:



the greater part of one pipe in the case of a bird, or the greater part of each pipe in the case of animals. [Evidently, this *Mishna* is dealing with consecrated animals.]

The master had stated: I might have thought that if another had not completed the slaughtering it would have been invalid.

The *Gemora* asks: But if this were so, then an integral service would have been performed by another, and it has been taught: in a *braisa*: The entire service of *Yom Kippur* must be performed by the Kohen *Gadol* alone!?

The *Gemora* answers: Rather, this is what he meant: I might have thought that if another had not completed the slaughtering it would have been invalid by a Rabbinic edict, for it might have been argued that the Rabbis declared the slaughtering invalid; our *Mishna* therefore teaches us: the greater part of one pipe in the case of a bird, or the greater part of each pipe in the case of animals, the *shechitah* is valid. The *Gemora* notes, however, that it is meritorious to complete it.

Rabbi Shimon ben Lakish said in the name of Rabbi Levi the Elder: A *shechitah* is only at the end of the slaughtering process. But Rabbi Yochanan said: The entire process would be regarded as a *shechitah*.

Rava said: All agree that where an idolater cut the first pipe and a Jew cut the second, the slaughtering is invalid, for the animal has already been rendered a *tereifah* by the hand of the idolater³ Furthermore, all agree that in the case of an *olah* bird, where the *Kohen* performed the *melikah* on the first pipe below the red line and the second pipe above it, the *melikah* is invalid, for by performing *melikah* on the first pipe below - he has already done to this offering all that is prescribed for a *chatas* bird. The dispute arises only where a person cut the first pipe outside the Temple Courtyard and the second inside the Courtyard. According to the one who says that the entire process of slaughtering from beginning

to end is classified as *shechitah*, he would then be liable (for slaughtering a sacrifice outside of the Courtyard). However, according to the one who says that only the last stage of the slaughtering is classified as *shechitah*, he would not be liable.

Rabbah bar Shimi asked him: But the master, Rav Yosef, did not say like this, for he said that even where a person cut the first pipe outside the Temple Courtyard and the second inside the Courtyard, he would also be liable, because he has done to this offering outside the Courtyard a service that would render the *chatas* bird valid (if it would have been performed inside the Courtyard).

Rather, the dispute arises only where a person cut the lesser parts of the pipe outside the Courtyard and completed it inside. According to the one who says that the entire process of slaughtering from beginning to end is classified as *shechitah*, he would then be liable (for slaughtering a sacrifice outside of the Courtyard). However, according to the one who says that only the last stage of the slaughtering is classified as *shechitah*, he would not be liable.

Rabbi Zeira asked on Rabbi Yochanan from the following *Mishna*: All who participate in the service of the red heifer, either at the beginning or at the end, render their garments *tamei*. And if they do any other work at the same time, they render the heifer invalid. If any invalidating occurrence befell it during the slaughtering, whether he participated in its service before or after the invalidating occurrence, it does not render his garments *tamei*. If it became disqualified during the sprinkling of its blood, it renders the garments *tamei* worn by those who participated in any service before the disqualification, but it does not render *tamei* the garments worn by those who participated in any service after the disqualification. Now, if you say that the entire process of slaughtering from beginning to end is classified as *shechitah*, the *Tanna* should have drawn a distinction even in the slaughtering, as follows: If any invalidating occurrence befell it during the slaughtering, it renders *tamei* the garments worn by those who participated in any service



before the disqualification, but not the garments worn by those who participated in any service after the disqualification!?

Rava replied: You are referring to an occurrence which ruined the slaughtering (and rendered it a *neveilah*)! But that is quite a different matter, for it is now apparent that there never was a valid slaughtering in the first instance!

Rava said: If I have any difficulty regarding this *Mishna*, it is this: According to the one who maintains that the entire process of slaughtering from beginning to end is classified as *shechitah*, the *Tanna* should have drawn a distinction even where the slaughtering of the heifer was performed correctly, as in the case where two people slaughtered it!? It would emerge that the first person does not render his garments *tamei*, but the second one does!?

Rav Yosef retorted: Are you referring to the case where two people slaughtered one sacrifice? This is not a viable suggestion, for I have learned a *braisa*: It is written: You shall slaughter, which teaches us that two people shall not slaughter one sacrifice. And also: You shall slaughter it, which teaches us that one person shall not slaughter two sacrifices simultaneously.

Abaye asked him: Was it not reported in conjunction with this exposition the saying of Rabbah bar bar Chanah in the name of Rabbi Yochanan that the opinion expressed was that of Rabbi Elozar the son of Rabbi Shimon, who was often quoted anonymously, whereas the Rabbis are of the opinion that two people may slaughter one sacrifice? And furthermore, even according to the view of Rabbi Elozar the son of Rabbi Shimon, the *Tanna* could have drawn a distinction in the case where only one person slaughtered it, but he wore two different hats (consecutively) while slaughtering!? It would emerge that the first garment is *tahor* and the second one is *tamei*! It must be that the *Tanna* dealt only with those circumstances where the heifer was in fact

rendered invalid, but not where everything was done entirely correctly. (29a – 30a)

INSIGHTS TO THE DAF

Is there shechitah lechatchilah and shechitah bdi'eved?

Last week we expanded on the rule of “the majority is like the entirety” (*rubo kekulo*), according to which an animal is kosher to be eaten if **most** of the (diameters of the) windpipe and esophagus (*simanim*) were cut. In this article we shall focus on the question as to why, though *rubo kekulo*, one should nonetheless as a first preference (*lechatchilah*) cut each *siman* entirely and not be satisfied with cutting most of it (27a; *Shulchan Aruch*, Y.D. 21:1).

A difference between the four cups and *shechitah*: Indeed, *shechitah* is not the only mitzvah in which, as a first preference, one should not rely upon *rubo kekulo*. About the mitzvah of the four cups on the *sefer* night it was ruled (*Mishneh Berurah*, 472, S.K. 30) that *lechatchilah* one should drink the whole cup, though someone who drinks most of it observes the mitzvah because of *rubo kekulo*. In fact, Rashi indicates (21b, s.v. *Veeino mavdil*) that the rule of *rubo kekulo* is only applied *bdi'eved* (after the fact) and therefore our Gemara’s ruling, that as a first preference one must cut the entire *siman*, is a halachah of the **Torah** as one should take care to heed its words in full (see Responsa *Beis HaLevi*, II, 11, os 5). The Acharonim emphasize, however, that according to Tosfos’ opinion, to be explained later, our Gemara’s statement, that *lechatchilah* one should cut the entire *siman*, is only a rabbinical decree. Although concerning the four cups and similar mitzvos, one must, as a first preference, avoid observing the mitzvah by means of *rubo kekulo*, *shechitah* is different as it bears no concept of a “first preference” and *bdi'eved*. *Shechitah* is either kosher or disqualified (and that stated in our Gemara, that *lechatchilah* one must cut the entire *siman*, is a rabbinical precautionary requirement because the *shochet* might not discern if he indeed cut *rov*, and it could turn out that he

didn't slaughter the animal at all). The Acharonim well explain the basic difference between the mitzvah of the four cups and *shechitah*, as follows.

A mitzvah which is a means and a mitzvah which is itself an end: Tosfos taught us an important principle (Nidah 66b, s.v. *Kol*): There can be *lechatchilah* and *bedi'eved* in performing mitzvos not meant to achieve a result, but concerning mitzvos given for a defined aim there is no *lechatchilah* and *bedi'eved*. To understand the depth of this statement we should examine the two mitzvos: *shechitah* and the four cups; we'll discover that there's a vast difference between them. The mitzvah of *shechitah* is meant to permit an animal to be eaten while the mitzvah of the four cups is meant to... observe the mitzvah. There's no practical goal or result. The mitzvah is not a means. It is the beginning and the end. We should therefore observe the mitzvah of the four cups in a way of *lechatchilah* as Hashem commanded something definite and it should be done in a preferred way. However, the mitzvah of *shechitah* is different, as it is only a means to permit the meat. Since there is no kosher meat *lechatchilah* or *bedi'eved* but only completely kosher meat or completely *treifah*, there's no logic to apply *lechatchilah* or *bedi'eved* to the way of performing the means if, at any rate, the result will be *lechatchilah*.

Of course, there can still be halachos of *shechitah* practiced as a first preference but they do not stem from the fundamental principles of those halachos but from external precautions such as a disagreement of the *poskim* that was not decided, a suspicion of halachic confusion or the like.

There's no first-preference immersion: Tosfos express their opinion concerning the mitzvah of immersion in a mikveh. Everyone knows that to become pure in a mikveh, the immerser's whole body must come in contact with the water. Could we say that *bedi'eved* someone who immersed most of his body became pure but, *lechatchilah* he should take care to immerse himself entirely? Not at all, as the mitzvah of immersion is the result – the purification – and concepts

of a first preference and *bedi'eved* have no logic in this context as pure and impure are absolute concepts. There's no logic to require a preferred way of performing the means to an end if, at any rate, the result will be fine.

There's no "first-preference" divorcee: To "soften" the topic we offer another obvious example. Tosfos, concerning a bill of divorce (Gittin 3b), state that also concerning a bill of divorce there's no first preference or *bedi'eved* as could we imagine that a certain woman could be divorced *bedi'eved*?... Either she's married or divorced. The concept of *bedi'eved* has no place in this case (see the entire subject in *Hameir La'olam*, I, 6; and *Toras Zeev*, 34; *Kovetz He'aros*, 28; *Beis HaLevi*, II, end of 14 – that the principle of the above Tosfos is a point of dispute).

DAILY MASHAL

According to One's Way

The great Chassidim wrote that profound and exalted teachings are hinted in this *Mishna*: All people resemble *keilim* – receptacles. The lowly are compared to earthen vessels and the great are compared to other vessels. Each of them has different ways to serve Hashem. Sometimes a certain way is good for some but not for others. The *Mishna* hints such: That which is pure in an earthen vessel is impure in all other vessels; that which is pure in other vessels is impure in earthen vessels. Every receptacle has its own way (*Degel Machaneh Efrayim, Chukas*).