



OVERVIEW of the Daf

1) **MISHNAH:** The Mishnah discusses what is necessary for a valid slaughtering and what constitutes an invalid slaughtering.

2) Clarifying the Mishnah

The Gemara offers two explanations why the Mishnah uses language that implies **בדיעבד**.

3) Slaughtering

R' Kahana offers a source that slaughtering is done from the throat.

This source is unsuccessfully challenged.

R' Yeimar suggests another source that slaughtering is done from the throat.

This source is unsuccessfully challenged.

D'vei R' Yishmael offers an alternative source that slaughtering is done from the throat.

This source is unsuccessfully challenged.

R' Chiya cited in a Baraisa identifies another source that slaughtering is done from the throat.

This exposition, as well as other parts of the Baraisa, is clarified.

Another Baraisa points to another source that slaughtering is done from the throat.

R' Eliezer's exposition in the Baraisa is further explained.

Another interpretation of the pasuk cited is presented.

The source that fish need not be slaughtered is identified.

A rationale to explain why different species have different slaughtering requirements is suggested.

A contradiction is noted and then reconciled about the origin of birds.

4) Slaughtering of birds

R' Yehudah in the name of R' Yitzchok ben Pinchas asserts that there is no Biblical requirement to slaughter birds.

This exposition is unsuccessfully challenged.

This ruling is unsuccessfully challenged. ■

REVIEW and Remember

1. What is the source that slaughtering is done on the throat?

2. What is the source for the five acts that invalidate a slaughtering?

3. Why does the Torah juxtapose an animal and a bird?

4. How do we know that birds were created from mud?

Distinctive INSIGHT

May fish be eaten live?

דגים דלאו בני שחיטה נינהו מנלן?

Rambam (Hilchos Shechita 1:3) rules that “fish and kosher grasshoppers do not need shechita to permit them to be eaten. Simply gathering is sufficient, as we find (Bemidbar 11:22), ‘Will the sheep and cattle be slaughtered for them, will all the fish of the sea be gathered for them’ The act of gathering for fish serves the same function as does shechita for sheep and cattle. Also, in regard to grasshoppers we find (Yeshayahu 33:4): ‘like the gathering of the locusts.’ Even if fish die by themselves in the water, they may be taken and eaten. They may even be eaten without first being killed.”

Rambam holds that the rule of **אבר מן החי**—the prohibition of eating flesh of live animal—does not apply to fish, as he writes that they may be eaten before being killed. Kesef Mishnah explains that Rambam holds that when shechita is necessary, the animal's life must be taken with that shechita, and eating from the animal before that point constitutes **אבר מן החי**. Also, eating from the animal when shechita was not performed is prohibited due to the animal being a neveilah. However, fish, which do not require shechita, are not included in the prohibition of **אבר מן החי** nor in the category of neveilah.

Pri Chadash (Yoreh De'ah 13:#1) suggests that we find later (Chullin 102a) that the Torah associates the prohibition of consuming blood of an animal with the prohibition of **אבר מן החי** (in Devarim 12:23). Therefore, only animals whose blood is prohibited are included in the prohibition of **אבר מן החי**. Fish are therefore excluded.

Beis Yosef (Y.D. 13) cites Rabbeinu Saadia Gaon who says that it is prohibited to consume live fish. Beis Yosef then presents the view of the Ba'al HaTtur and Rabbeinu Nissim Gaon who disagree with R' Saadia Gaon based upon a Tosefta

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HALACHAH Highlight

Slaughtering an animal created by miraculous means

אלא מעתה גבי שליו דכתיב ויאספו את השלו וכו'

If that is so then regarding the quail when the verse says, "And they gathered the quail etc."

The Gemara teaches that when the Jewish People ate quail while they were in the wilderness they slaughtered it first. What makes this interesting is that the Gemara Yoma (75b) relates that the quail fell from the sky together with the manna, indicating that it came into existence by miraculous means. Sefer Benayahu¹ asserts that according to the letter of the law it was unnecessary for them to slaughter the birds since they did not come into existence from a mother and father. Nevertheless, due to concerns of mar'is ayin it was necessary for them to slaughter the quail so that no one should suspect them of eating quail without first slaughtering it. Teshuvos Divrei Chein² disagrees and writes that the reason they slaughtered the quail was that they were, in fact, born to mothers and fathers. It just happened to be that they fell from the sky with the manna. Pardes Yosef³ proves that something that was created miraculously requires slaughtering. The Mishnah in Avos (5:6) teaches that the ram used by Avrohom Avinu in place of Yitzchok was created during bein hashemashos of the first erev Shabbos and yet the Gemara in Zevachim (97b) derives from the akeidah that it is necessary to slaughter with a knife.

Sefer Benayahu explains further that when Chazal relate that Yosef suspected his brothers of eating a limb from a living animal what had actually occurred was that the brothers had created animals through miraculous means and thus were permitted to eat the meat without first slaughtering it. Yosef, however, was unaware that they had created the animal though miraculous means

(Insight...continued from page 1)

(Terumos 9:6) which explicitly states that a person may consume fish or grasshoppers whether they are alive or after they are dead. Notwithstanding, Hagahos Mordechai understands that the message of this Tosefta is that one may consume fish that were gathered alive or dead, but they must be dead when they are consumed. We might have thought although they may be eaten without shechita, they must at least be gathered while alive.

Beis Yosef then notes that even according to R' Saadia Gaon, it is perhaps not prohibited to eat live fish due to the law of אבר מן החי, but it may still be prohibited to do so due to the law which prohibits a person from acting in a disgusting manner (from Vayikra 20:25; see Makkos 16b and Shabbos 90b).

Radba"z explains that Rambam holds that the rule of אבר מן החי does not apply to fish, and that the flesh of a fish may be cut and eaten before the fish dies. Furthermore, the issue of eating it in a disgusting manner is avoided by cutting off a piece, rather than eating it whole and intact while still alive. ■

and thus suspected them of eating the limb from a living animal. This approach is found in Shelah⁴ as well. He writes that a creature created by the use of God's Name does not require slaughter and the animals eaten by the tribes were created in this manner unbeknownst to Yosef. This position is cited in Pischei Teshuvah⁵ and he writes that nonetheless, one should slaughter the animal out of concerns for mar'is ayin. ■

1. ספר בניחו יומא ע"ה :
2. שו"ת דברי חן סוף סי' י"ט.
3. פרדס יוסף וישב ל"ז: ב ד"ה וראיתי.
4. שלי"ה תורה שבכתב פרשת וישב דרך חיים ד"ה ויבא.
5. פתי"ש יו"ד סי' ס"ב סק"ב. ■

STORIES Off the Daf

Words of encouragement for kashrus

השוחט

The Chafetz Chaim noticed that some people were lax in their observance of kashrus. He spoke with them and encouraged them.

"The Torah admonishes us (Vayikra 11:43) 'Do not contaminate yourselves with them (the forbidden foods).' Why does the verse then conclude by stating the obvious, that by partaking of these foods, 'you will become contaminated'?"

"Eating non-kosher food contaminates the soul of a person. When one consumes crawling and creeping creatures, as

well as meat from animals that had died due to causes other than kosher shechitah, these fibers of impurities cause a dulling and desensitizing of one's spiritual system, which is quite delicate. Soon, the person does not feel that these items are repulsive, and he may even continue to feel comfortable eating them, as he no longer senses the poisonous nature of these foods.

"This can be compared to a case of a merchant who dealt in spices, whose fragrant aroma he enjoyed. Then his business dealings changed, and he became a broker who now processed and supplied hides of animals. At first, during the transition, things were difficult for him, for he was unable to tolerate the putrid odor of the hides of the carcasses which permeated his office. Soon, however, he became ac-

customed to the new smell, and it no longer was noticeable to him. It now even appeared to those who observed him in his new venture as if he had been a merchant of obnoxious-smelling hides his entire life.

The Torah warns us "Do not contaminate yourselves with them (the forbidden foods)", for the Torah knows that once a person indulges in consuming these items even once, they cause a detrimental effect. Soon the person will lose his sensitivity which abhors other forbidden foods as well. How does this happen? It is because 'you will become defiled through them.' These contaminating items cause one's heart and soul to become dulled and plugged up."¹ ■

1. חפץ חיים על התורה