



## OVERVIEW of the Daf

### 1) Esteem for holy things (cont.)

The Gemara inquires about the extent of the tum'ah that is acquired and the matter is left unresolved.

2) **MISHNAH:** The Mishnah discusses the slaughter of an animal that is close to death and the criteria to determine whether the animal may be consumed.

### 3) Close to death

The Gemara first explains why we would think that an animal close to death is prohibited and then cites a proof that it should be permitted.

This proof is rejected and another source is cited.

This proof is also rejected and another proof is suggested.

The latest proof is unsuccessfully challenged.

Two additional proofs are suggested.

R' Yehudah in the name of Rav defines an animal that is close to death.

Two ways to further refine this definition are presented.

A second version of this discussion is recorded.

### 4) Convulsing

Rav's opinion regarding the convulsing motion necessary to indicate life is cited. ■

## REVIEW and Remember

1. What does an animal have to do to show that it was alive when it was slaughtered?  
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2. Why would one think that an animal close to death may not be slaughtered?  
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3. Why does the Torah repeat the word חלב?  
\_\_\_\_\_
4. What is a sign of an animal that is close to death?  
\_\_\_\_\_

Today's Daf Digest is dedicated  
 לע"נ  
 מרת מרים חנה בת ר' יום טוב ע"ה

## Distinctive INSIGHT

*Compounding the prohibition of neveilah with that of cheilev*

אמרה תורה יבא איסור נבלה ויחול על איסור חלב

The Mishnah rules that even if an animal is weak and sick and in danger of dying imminently, it is permitted to shecht it and to thus permit its meat. The Gemara tries to find a source from where we learn this halacha.

One of the proofs brought is from an analysis of the halacha of forbidden fat (cheilev). The Torah (Vayikra 7:24) says that it is prohibited to eat the cheilev of a neveilah or a tereifah. The Gemara immediately notes that cheilev had already been categorically prohibited (Vayikra 3:17). What do we learn from the Torah's prohibiting it once again in regard to animals which died without shechita? The Gemara answers that the lesson of the verse is that although the cheilev portion of an animal is already a prohibited item, if an animal dies without shechita the Torah compounds the original prohibition with an additional prohibition of neveilah or tereifah. At this point, if someone were to eat it, he would be liable for both prohibitions, i.e. cheilev and neveilah. We do not use the rule "one prohibition cannot come and additionally prohibit something that is already not allowed."

Rambam (Hilchos Ma'achalos Asuros 7:2) explains that the prohibition of neveilah or tereifah adds to the prohibition of cheilev because those are more comprehensive prohibitions. Until this point, the cheilev was among the few parts of the animal which were prohibited. When the animal dies without shechita, the entire animal becomes prohibited to eat, which includes many more parts than just the cheilev. Because the law of neveilah is applicable regarding these other parts of the animal, it therefore is applicable to the cheilev as well.

Tosafos (Yevamos 33b) uses this same approach to explain this compounded law. However, Tosafos presents a question against this explanation. R' Yose HaGalili holds that we do not allow compounding of even more comprehensive prohibitions when it would entail compounding a lighter negative commandment upon a more severe command. And, in our case, the prohibition of eating cheilev is punishable with kareis, which is clearly more severe than the punishment for eating neveilah or tereifah, which is only lashes. This seems to be a clear indication that the prohibition against eating cheilev is more severe than that

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# HALACHAH Highlight

## Stunning an animal before slaughter

השוחט את המסוכנת

One who slaughters an animal that is close to death

It has happened and continues to happen that different governments become involved in regulating ritual slaughtering. One practice which has been imposed in different countries at different times is the legal requirement to stun the animal with an electrical current before slaughtering it. The belief is that by doing so one minimizes the pain the animal experiences when slaughtered. When the Poskim analyzed the permissibility of this practice they collectively came out strongly against the practice and one of the primary reasons they discussed was the topic discussed in our Gemara, namely, the allowance to slaughter an animal that is close to death.

Teshuvos Minchas Yitzchok<sup>1</sup> was asked to comment about the practice of stunning an animal before slaughtering it while he was still in England when there was a movement to create such a law. He first commented that this issue has been raised before and the conclusion was that the meat from an animal that was stunned before it was slaughtered is treated as neveilah and tereifah and Gedolai Yisroel have come out forcefully against the practice. In those countries where this type of law was instituted the people remained firm refusing to eat meat from such animals despite the hardships that this caused.

(Insight...continued from page 1)

of eating neveilah.

Tosafos answers that in certain regards, the prohibition against eating cheilev has leniencies which we do not find in regard to neveilah, and that is that cheilev is only prohibited when it is from a domesticated animal (בהמה), but it is not prohibited from a חיה, a beast. The law of neveilah is universal, as it applies by all kosher birds and mammals. This is enough of a difference to allow the law of compounding of prohibitions to apply in this case. ■

One proof that he suggested that making an animal unconscious before slaughtering is prohibited is that Chazal never instituted the practice of putting an animal into a state of unconsciousness before slaughtering. Since the prohibition against causing pain to an animal is Biblical, if it were true that slaughtering an unconscious animal would save it from pain, Chazal would have certainly instituted such a practice. The fact that no such practice was instituted indicates that it is not necessary. Another reason stunning an animal before slaughtering is prohibited is the possibility that the electrical current brings the animal close to death. Although the Gemara discusses ways to determine whether an animal that was close to death was alive for the slaughter, those methods may not hold true for an animal that was stunned with electricity since the animal's movements may be a consequence of the electricity rather than movements indicating life. For this and other reasons he rules that the meat is prohibited. ■

1. שו"ת מנחת יצחק ח"ב סי' כ"ז. ■

# STORIES Off the Daf

## The Invalid Shochet

השוחט בליה

Today's daf continues to discuss the halachos of shechitah.

During Sivan of תרצ"ד the Chazon Ish, zt"l, took the shechitah of his city in hand. When he met the shochet and bodek for the first time he insisted that the man must be replaced. The notables of the city were surprised. Wasn't it well known that the shochet was an expert in the relevant halachos? The Chazon Ish brushed this claim away. "He shechts 'vochadig'—in a mundane manner."

Although some had reservations, the shochet was removed. Some time later the Chazon Ish's assessment was found to be valid when the shochet was revealed to be sorely lacking in religious observance.

The Chazon Ish asked Rav Yosef Tzvi Dushinsky, zt"l, for help in finding a new shochet, one who possessed profound fear of Heaven. When asked why that was so essential for shechitah, he gave a startling response. "Shechitah and bedikah are essential in Jewish life—they are the hinge upon which Yiddishkeit revolves. The reason why I put so much emphasis on fear of Heaven for a shochet is that I hold like Rabbeinu Yonah. He writes in Sha'rei Teshuvah that

one who lacks yir'as shamayim will not be able to check the chalaf properly. He may think he did a good job but he won't be careful enough and can easily miss slight blemishes in the knife—which invalidate shechitah."<sup>1</sup>

In a letter to Rav Gerstenkorn—the original founder of Bnei Brak—the Chazon Ish encouraged him to deal responsibly with this issue. He stated, "Since you have the ability to establish proper shechitah in our city it is incumbent upon you to act. You should be enrobed with a spirit of purity and not let up until this important goal is achieved!"<sup>2</sup> ■

1. שערי תשובה, שער ג', סי' צ"ו

2. משעה איש, ח"א, ע' ק"ט ■