



## OVERVIEW of the Daf

1) **MISHNAH:** The Mishnah rules that even though one who slaughters on Shabbos or Yom Kippur is subject to the death penalty, nevertheless, his slaughter was valid.

### 2) Clarifying the Mishnah

Rav is cited as ruling that the slaughtered animal mentioned in our Mishnah may not be consumed on the day it was slaughtered.

It is suggested that this ruling follows the opinion of R' Yehudah and the Gemara begins to explore which ruling of R' Yehudah indicates that the meat is prohibited on that day.

R' Abba suggests a ruling but after an exchange Abaye successfully refutes R' Abba's suggestion.

### 3) Bereirah

Based on the previous discussion the Gemara begins to search for the ruling that indicates that R' Yehudah rejects the principle of bereirah.

On the second try the Gemara succeeds at demonstrating that R' Yehudah rejects the principle of bereirah.

### 4) Clarifying the Mishnah (cont.)

The Gemara resumes its search for R' Yehudah's ruling that indicates that the meat discussed in the Mishnah is prohibited that day.

Numerous unsuccessful attempts to find a ruling of R' Yehudah that indicates that the meat should be prohibited that day are presented. ■

## REVIEW and Remember

1. What is the status of meat from an animal that was slaughtered on Shabbos?  
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2. Explain ברירה.  
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3. If a utensil breaks on Shabbos, does it become muktzah?  
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4. Why is it prohibited to move an old lamp on Shabbos?  
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 Mr. and Mrs. Hillel Efron  
 As an expression of Hakoras HaTov to Hashem  
 for the birth of our daughter  
 Yehudit Naava  
 And all of our other children

## Distinctive INSIGHT

*When the act of shechita is done on Shabbos or Yom Kippur*

השוחט בשבת וביום הכפורים וכו' שחיטתו כשרה

**T**he Mishnah taught that if shechita is done on Shabbos or Yom Kippur, the shechita is valid.

Earlier (5a), the Gemara taught that one who publicly violates the Shabbos is considered a renegade for the laws of the entire Torah, and, as such, his shechita is not valid. The Rishonim ask, therefore, how to understand the halacha of our Mishnah. One who performs shechita on Shabbos has demonstrated that he is a Shabbos violator, and although his act may be precise, his shechita is, by definition, not valid.

Rambam (Commentary to the Mishnah) explains that the case must be that when the person did the shechita, his act of violating Shabbos was unintentional. Either he forgot that it was Shabbos, or he forgot that the act of shechita was not allowed on Shabbos. Rambam notes that the case cannot be where the person did the shechita as his first act of defiance of Shabbos, and he had not yet established himself to be a violator of Shabbos as of yet until his second offense. This argument also recognizes that the shechita is not complete until the end of the act, and perhaps the one doing the act is not deemed a "Shabbos violator" until the shechita is complete and thus valid. Nevertheless, this approach is not accurate, because the truth is that as soon as the person causes an injury to the neck of the animal he has already violated Shabbos, even before cutting any part of the two organs in the neck. He is already a renegade as the process begins, and as the shechita continues it is therefore performed by a Shabbos violator and should be invalid. This is why Rambam insists that the case of the Mishnah must be where the Shabbos violation aspect of the act was done unintentionally.

Rambam adds that even if the beginning of the act of cutting the skin of the animal is not yet a violation of Shabbos, the shechita is certainly a forbidden act as soon as the cutting of two organs of the neck is begun, and as the act is completed it is being performed by a Shabbos violator. Avnei Nezer explains that Rambam adds this clarification because the initial drawing of blood may be מפרק (draining blood from its "container") which is not a technical violation of Shabbos here, where the act is not done to collect the blood (אינה צריכה לגופה). When the organs of the neck are cut, the melacha is not regarding the blood, but it is

# HALACHAH Highlight

## Slaughtering on Shabbos

השוחרט בשבת ... שחיטתו כשרה

One who slaughters on Shabbos ... his slaughtering is valid

The Mishnah teaches that someone who slaughters on Shabbos or Yom Kippur the slaughtering is valid even though they violated a prohibition in the process. The Gemara Temurah (4a) records a disagreement between Abaye and Rava concerning someone who violates a Biblical prohibition. Abaye maintains that the action of one who violates a Biblical prohibition takes effect (אי עביד מהני) whereas Rava maintains that the action done in violation of the Torah does not take effect (אי עביד לא מהני). Maharashdam<sup>1</sup> questions Rava's position from our Mishnah. If a person slaughters an animal in violation of Shabbos his action should not take effect and the slaughtering should be invalid. How then could the Mishnah rule that it is valid?

Shach<sup>2</sup> answers that Rava's position that an action done in violation of the Torah does not take effect is limited to those actions that can not be done in a permitted manner. For example, the prohibition of transferring the sanctity of animal designated as a korban cannot be done in a permissible manner since transferring is in and of itself a Biblical prohibition. Therefore, were it not that the Torah informs us that this action takes effect we would assume that it does not take effect. Slaughtering, on the other hand, can be

(Insight...continued from page 1)  
killing the animal, which applies whether there is blood or not.

Tosafos explains that our Mishnah may even be referring to a case where the act of violating Shabbos was done intentionally. Yet, a person is only a renegade for Shabbos and the entire Torah where he violates Shabbos publically. Here, we are dealing with a case where he acted in a private manner. Here, the person is not a renegade for the entire Torah, and perhaps as a renegade for one aspect of the Torah, his shechita is still valid. ■

done in a permitted manner, e.g. he could slaughter the animal on a weekday. Any time the action could be done in a permitted manner it takes effect even if it was done in violation of a prohibition. Therefore, even according to Rava slaughtering done on Shabbos could be valid.

Rav Akiva Eiger<sup>3</sup> answers that Rava's position is that anytime the Torah prohibited a particular action not only is it prohibited but if one does it, it does not take effect. In contrast, if the prohibition addresses a general prohibition, e.g. do not do melacha on Shabbos, the Torah cannot be interpreted to mean that his actions should not take effect since the result of their action is present (the building he built is there). In such a case the prohibition is interpreted as a mere prohibition but it does not undo the effect of the action. Consequently, a slaughtering done on Shabbos is valid. ■

1. שו"ת מהרש"ם יו"ד סי' קט"ו.

2. ש"ך חו"מ סי' ר"ח סק"ב.

3. שו"ת רעק"א מהדו"ק סי' קכ"ט ד"ה זאת. ■

# STORIES Off the Daf

## The Shochet on Shabbos

"השוחרט בשבת וביום הכיפורים..."

We find on today's daf the halachos of one who slaughtered on Shabbos.

A certain shochet was caught playing a musical instrument on Shabbos. He claimed that he had forgotten that playing a musical instrument on Shabbos is forbidden and wished to do teshuvah. But the witnesses told a different story.

They said, "We can't say how he feels now, but when asked why he was playing on Shabbos he replied that the prohibition is not serious."

The town's rav was uncertain whether this constitutes enough of a reason to remove the shochet. He explained to the shochet that he would consult with the author of Yehudah Ya'aleh, zt"l, regarding this matter and forbade him from shechting until he received a clear decision.

The Yehudah Ya'aleh, zt"l, permitted the shochet to be reinstated. "You are correct that playing a musical instrument on Shabbos is a multiple violation of a rabbinic prohibition and that some poskim hold that a shochet should be removed for three violations of even rabbinic laws, since this makes him a mumar. Nevertheless, even if we agree with the poskim that rabbinic violations are enough to make him like an idolater,

that is only if he violated in front of ten people. In our case he did not do so and also asked to do teshuvah. Nevertheless, it is good that you told him to wait for my reply. A shochet has to be profoundly G-d-fearing and this man's gross dereliction betrays a marked lack of yir'as shamayim. How could a person with profound yir'as Shamayim forget that this is prohibited?"

He concluded, "This man may not shecht until he accepts upon himself to be careful in all rabbinic prohibitions and be a proper shochet who exhibits profound yir'as Shamayim. From now on he must fulfill the verse, 'בכל דרכיך' and make a proper cheshbon hanefesh. Only in this manner can he be sure there will not be a recurrence."<sup>1</sup> ■

1. שו"ת יהודה יעלה, יו"ד, סי' ח' ■