



Shechita on Shabbat

Masechet Chulin begins with the laws of *shechita* – kosher slaughter. One of the laws found in the first *Mishnah* is that if *shechita* is performed on *Shabbat* or *Yom Kippur*, despite the violation of serious prohibitions, the *shechita* is valid.

The *Mishnah* uses the expression "despite being liable with his life". This is because if one performed a *melacha*, such as *shechita*, deliberately, and is forewarned, it is a capital offence. Similarly, performing *shechita* on *Yom Kippur* is punishable with *karet*. A simple reading of the *Mishnah* implies that even if the *shechita* was performed *be'mezid*, with full knowledge that the prohibition will be violated, the *shechita* is still valid.

The *Bartenura* however understands that the case in our *Mishnah* is where the violation is *be'shogeg*, inadvertent. He explains the *Mishnah* to mean that despite the fact that if the *shechita* would have been performed *be'mezid* he would be liable with his life, in this case, where it is performed *be'shogeg*, the *shechita* is nonetheless valid. The *Bartenura* however adds that in our case, it would only be permitted to everyone after *Shabbat*. The *Tosfot Yom Tov* explains that had the *shechita* been *be'mezid*, it would be similar to a case where one cooked on *Shabbat* deliberately; it would be prohibited indefinitely to the one that performed the *melacha*, yet permitted to others after *Shabbat*. Since the *Mishnah* does not differentiate between to whom the animal is permitted, it makes sense to assume that the case is *be'shogeg*.

The *Rambam* (on the *Mishnah*) however explains that if the individual slaughtered the animal *be'mezid* the *shechita* would be invalid, and no one could eat it. He explains that from the moment he begins the *shechita* he is defined as a *mumar le'chalel shabbat*, a *Shabbat* desecrator, and *shechita* by such a person is invalid.

The *Tifferet Yisrael* (*Boaz* 1:1) cites his son who questions the position of the *Rambam*. If we isolate that first act, it is considered destructive – *mekalkel* – for which one is not liable on a biblical level. It is only ultimately considered constructive (*mekalkel al me'nat le'taken*), once the *shechita* is complete. How can he therefore be considered a *mumar* in that first instant? This is indeed the position of the *Ran* (14a) who maintains that he is not considered a *mumar* until the completion of *shechita*.

The *Tifferet Yisrael* explains one is indeed liable for *mekalkel al me'nat le'taken* irrespective if the *tikkun* occurs. For example, if one demolishes with the intention of building, they are liable for the demolition immediately. Consequently, he is can be considered a *mumar* from that first moment.

The *Chatam Sofer* (YD 14) however explains that the *Ran* obviously also agrees with the principle of *mekalel al me'nat letaken* and from the first moment it is considered constructive. He however maintains that he cannot be considered a *mumar* from the first moment since at any point he may change his mind and stop, resulting in a destructive act.

The *Chatam Sofer* however continues citing the *Gemara Horayot* (11a) that according to *R' Yehuda* even regarding a rabbinic violation one can be considered a *mumar*.² Consequently, the *Rambam* maintains that here too according to *R' Yehuda*, even if the first moment is considered *mekalkel*, it is a deliberate rabbinic violation and he would be considered a *mumar*.

The *Tosfot Yom Tov* however cites the *Tosfot* that provide two answers why this individual is not yet considered a *mumar*. One is that he is only defined as a *mumar* if the deliberately violation was performed in public. The other answer is that a single violation does not define one as a *mumar*.

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¹ The *Ketzot* (52:1) also explains the *Rambam* in this manner and notes that both the *Rambam* and the *Ran* agree that he is only defined as a *mumar* from after the moment he is liable, but not at the same time he is liable. The *Ketzot* uses this a proof regarding witnesses on a loan contract with interest.

Despite the fact they performed a sin, they are only considered invalid to act as witnesses from after the violation and the testimony on this contract is valid.

² The example there is regarding rabbinic *kilayim*.

Revision Questions

מנחות י"ב:ד' – י"ג:י"א

- What is the minimum that one must bring if he volunteers to bring:
 - Wood? Frankincense? (י"ג:ג')
 - Gold? Silver? Copper? (י"ג:ד')
 - Wine? Oil? (י"ג:ה')
- What are the “five *kematzim*”? (י"ג:ג')
- What is the law if one volunteered to bring a specific amount of gold but did not remember the amount? (י"ג:ד')
- What other case shares the same law? (י"ג:ה')
- What must one bring if they volunteered to bring a *korban olah*? (י"ג:ו')
- Regarding the previous question, what must he bring if he specified the type, but forgot? (י"ג:ו')
- If someone volunteered to bring a *korban shlamim* what would have occurred if he is required to bring four different animals? Eight different animals? (י"ג:ז')
- What must one bring if they volunteered to bring a calf worth five *sla'im*? (י"ג:ח')
- Explain the debate regarding whether one has fulfilled his obligation if he volunteered to bring a small ox and brought a large one? (י"ג:ח')
- When is there a debate regarding what can be done with two oxen that were volunteered to be offered as an *olah* and both developed blemishes? (י"ג:ט')
- What other debate is similar to the previous one? (י"ג:ט')
- Explain the debate regarding *nedarim* involving *beit chonyo*. (List the cases.) (י"ג:י')
- Can *kohanim* that served in *beit chonyo* serve in the *Beit Ha'Mikdash*? (י"ג:י')
- To what other *kohanim* are they compared? (י"ג:י')
- What does the *Mishnah* learn from the fact that the *Torah* writes “אשה ריח” by animal, bird and *mincha* offerings? (י"ג:יא')

חולין א' א'

- When is *shechita* performed by a minor acceptable? (א' א')
- Can a *nochri* perform *shechita*? (א' א')
- What is the law regarding *shechita* that was performed on *Shabbat*? (א' א')

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Melbourne, Australia

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
26 January כ"ט טבת	27 January א' שבט	28 January ב' שבט	29 January ג' שבט	30 January ד' שבט	31 January ה' שבט	1 February ו' שבט
Chulin 1:2-3	Chulin 1:4-5	Chulin 1:6-7	Chulin 2:1-2	Chulin 2:3-4	Chulin 2:5-6	Chulin 2:7-8

