

30.1.8

9a → 10b (אלא מפני כבודו של חכם) (ואמר רב יהודה אמר שמואל כל טבח שאינו יודע הלכות שחיטה)

I שחיטה's rulings (reported by רב יהודה) regarding

- a Knowledge: any שחיט who is unfamiliar with הלכות שחיטה – the five פסולים – may not perform שחיטה
i Challenge: this is obvious, as all five פסולים (עיקור, הגרמה, חלדה, דרסה, שהייה) are explicitly taught in משניות
ii Defense: even if he slaughtered several times successfully – he may have violated דריסה or שהייה without knowing
- b Checking סימנים: they must be checked after שחיטה
i Challenge (רב יוסף): this is ר"ש's ruling – that the שיעור of שהייה is the time it takes to check
1 Presumption: means ביקור סימנים
2 Rejection: means "investigation by a חכם" (i.e. checking the knife)
(a Block: that sets a variable שיעור לשיעורין)
(b Rather: investigation by a שוחט who is a חכם (again, of knife)
ii If he didn't check: dispute ינאי בן ינאי (טריפה – טומאה) and ברייתא (נבילה – it has טומאת משא)
1 Point of dispute: applying הונא's observation –
(a Observation: a בהמה is איסור בחזקת חי while alive;
(b Until: we know that it was properly slaughtered
(i) טומאה doesn't extend to איסור ד"א
(ii) מטמא במשא wasn't שחוט and is now dead → נבילה (and מטמא במשא)
(c) Once slaughtered: it is בחזקת חי until we verify that it was a טריפה (and how)
(i) Question: why not read "הותרה – הותרה"
(ii) Answer: teaches that even if there is a challenge to its fitness, has חזקת חי
1. Per: question posed to רב – if the innards are taken by a wolf, then returned with claw-marks
a. Do we suspect: that he clawed at a hold that was already there (→ טריפה)?
b. Answer: we do not suspect - not a טריפה
i. Challenge: if we see a bird or rat pecking at fruit, we are concerned that he pecked at a previous hole (made by snake, and there is venom there) → אסור (due to סכנה)
ii. Defense: can't compare איסור to סכנה –
iii. Challenge (רבא): both should be considered מה"ת – and לחומרא
iv. Defense (אבוי): ספק טומאה ברה"ר (אבוי) is considered ספק טהור, but not סכנה
v. Answer (רבא): that is גז"ח, we infer טומאה from ספק טהור
vi. Defense (ר' שמי): if we are unsure if a rat, carrying a שרץ, touched תרומה-bread – טהור
vii. Answer (רבא): also inferred from ספק טהור – agent of טומאה must be able to be asked
viii. Proof (ר' אשי): rule that we are lenient regarding מי חטאת, but in a parallel case, we are stringent for מים מגולים – proving that סכנה is treated more severely than איסור QED
(iii) Tangent: 3 liquids are under the ban of מגולים (water, wine, milk); the amount of time (with no one watching) is enough for a snake to come out from under the handle of the כלי, drink and go back
- Dispute חסדא ר' הונא/ר' חסדא re: finding a knife to be deficient after שחיטה
a חסדא ר' הונא: even if he used it after שחיטה to cut bones, שחיטה is invalid; חשש that it got bent on skin (before שחיטה)
i Reasoning: seems to follow his own position (...בהמה בחזקת איסור) if we don't know that it was valid - פסולה
b חסדא ר' חסדא: valid – perhaps it was bent cutting bone (after שחיטה)
i Reasoning: bones certainly bend knife; skin may bend knife – אין ספק מוציא מידי וודאי
ii חסדא ר' חסדא (supporting ר' חסדא): if he went to מקוה and then found something חוצץ on him, even if he had been involved with those things all day – still טמא (unless he avers that it wasn't on him beforehand)
1 Proving: ספק (when the חציצה got on him) trumps the וודאי (he went into מקוה)
2 Counter: in that case, he had a חזקת טומאה before going in
(a) Response: the animal also had a איסור בחזקת חי before שחיטה
(b) However: he is now שחוט
(i) Counter: the man is also טבול
(ii) However: there is a doubt as to the validity of his טבילה (the חציצה)
1. Response: the knife's blemish is also a ריעותא
2. Block: in this case, the טמא himself has the ריעותא; in that case, the ריעותא is of the knife, not animal

- c Counter (for ר"ה): (background – סימן 1 requires only עוף – invalid)
 - i Ruling: if we are unsure if trachea was removed before or after שחיטת וושט, פסולה, and "כל ספק בשחיטה פסול"
 - ii We assume: the extension "כל ספק בשחיטה פסול" extends to our case
 - iii Correction: it extends to a ספק דרס, ספק שהה
 - 1 Justifying distinction: in this case, ריעותא is in animal itself; in our case – in knife
- d Final ruling: follows ר"ה if he didn't use it on any bone; follows ר"ח if he did use it on bones after שחיטה
 - i Observation: ר"ח himself must hold that it is valid even if he didn't use it on bones – but if so, how did it bend?
 - 1 Answer: on the hyoid bone (around סימנים)
 - ii Story: רב יוסף declared up to 13 animals טריפות (with knife that was found to be פגום afterwards)
 - 1 Following: ר"ה – even the first one was invalid?
 - 2 Perhaps: follows ר"ח – and only the subsequent animals were טריפות
 - (a) Block: it must be כר"ה; if כר"ח, we should assume it broke on hyoid of last animal and all are fit
 - iii Practicum: ר' אשי reported that ר' כהנא would require checking the knife between שחיטות
 - 1 Following: ר"ה – to invalidate the previous שחיטה?
 - 2 Response: following ר"ח – to permit the next שחיטה
 - (a) Counter: if so, he should require בדיקת חכם (to ensure validity of knife)
 - (b) Answer: נאמן באיסורין (השוחט) עד א' – we trust the שוחט to check the knife
 - (i) Block: then we should never require בדיקת חכם
 - (ii) Confirmation: ר' יוחנן noted that בדיקת חכם is a formality out of respect for the חכם