

Chullin – Simanim

פרק א – הכל שוחטין

דף 9 – ט

1. בהמה בחייה בחזקת איסור עומדת עד שיודע לך במה נשחטה (is it even מטמא?)

Shmuel says the butcher must inspect the סימנים after *shechitah* to ensure they were properly cut. If he did not, Rebbe Elazar bar Rebbe Yannai says it is considered טריפה, and forbidden to eat, but a Baraisa teaches that it is a נבילה, and is מטמא through being carried. This *machlokes* stems from Rav Huna's principle: בהמה בחייה בחזקת איסור – *an animal during its lifetime is established as prohibited* (Rashi explains that it was forbidden in consumption as החי מן השחטה, אבר מן החי – *until it becomes known to you how it was shechted*, i.e., that it was properly *shechted*. Thus, the Baraisa holds that if the סימנים were not inspected, בחזקת איסור קיימא – *it remains in its established prohibited state* (i.e., the principle of חזקה dictates to assume the animal remains prohibited, and was not *shechted* properly), והשתא מתה היא – *and now it is dead*. A dead animal which was not *shechted* is a נבילה, and is מטמא. Rebbe Elazar bar Rebbe Yannai holds: בחזקת איסור אמרינן – *although we say the animal is established in a prohibited state*, בחזקת טומאה לא אמרינן – *we do not say it is established in a state of tumah*, since it was not *tamei* during its lifetime. Therefore, its status is similar to a טריפה.

2. נשחטה בחזקת היתר עומדת עד שיודע לך במה נטרפה, even if a ריעותא arose

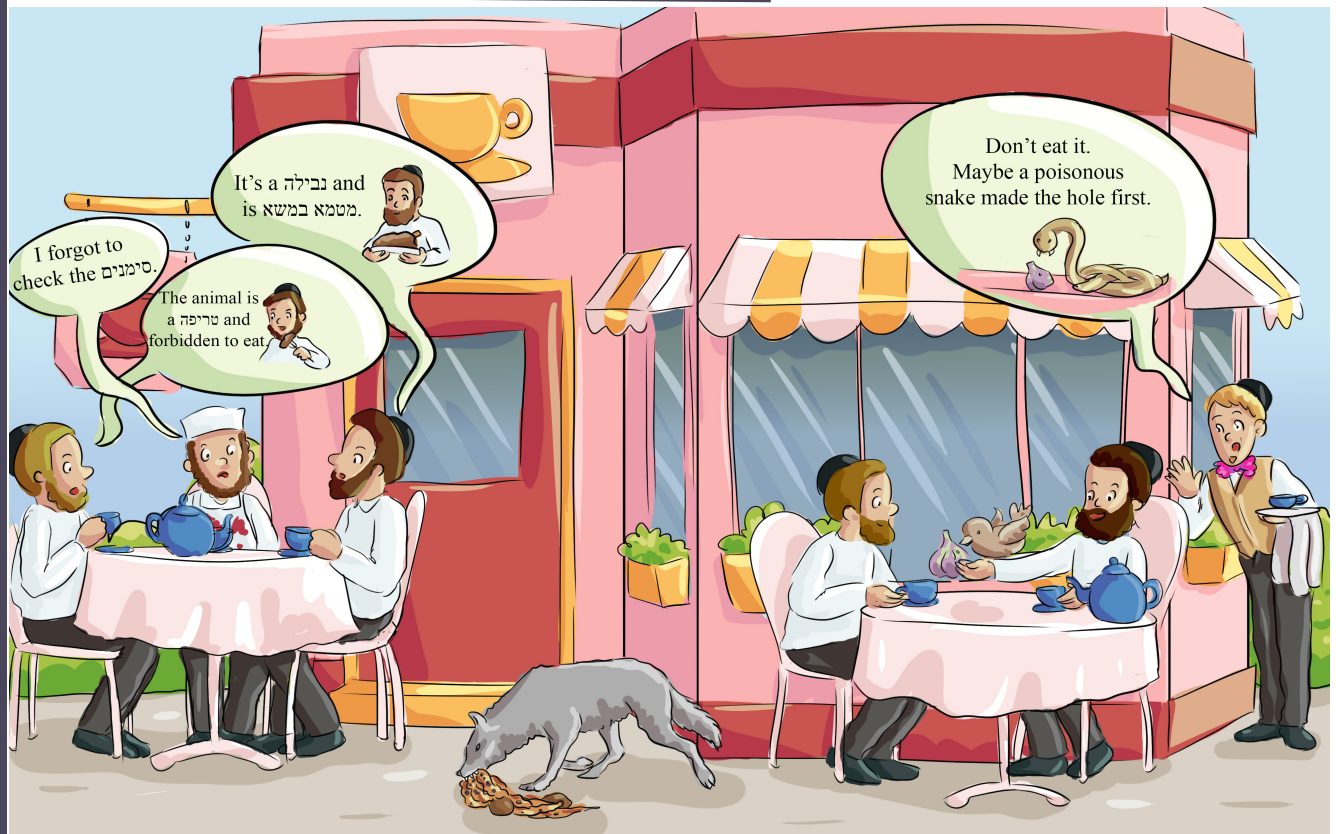
Rav Huna said an animal is בחזקת איסור until it is known that it was properly *shechted*. He added: נשחטה – *But once it was shechted*, עד שיודע לך במה נטרפה – *until it becomes known to you how it became a tereifah*. He did not simply say that it becomes permitted when it is *shechted*, in order to teach ריעותא בה ריעותא – *that even if a cause for suspicion arose* that it may have been a טריפה before *shechitah*, it is still assumed to be permitted. This applies to the question Rebbe Abba asked Rav Huna: בא זאב ונטל בני מעים – *if a wolf came and took the intestines*, what is the *halachah*? This question is revised to be: נטלן שמא במקום נקב – *if it took [the intestines] and returned them punctured*, are we concerned that נקב – *perhaps [the wolf's teeth] punctured a spot* of the intestine which had a pre-existing hole, and the animal was a טריפה, or do we assume the holes were created by the wolf? Rav Huna answered that we are not concerned there were pre-existing holes, and rely on the animal's חזקה that it was not a טריפה.

3. חמירא סכנתא מאיסורא

Rebbe Abba challenged Rav Huna from a Baraisa which teaches that if one saw a bird pecking at a fig, or a mouse puncturing watermelons, we are concerned that the hole was made where there was already a pre-existing hole made by a poisonous snake, and the fruit may not be eaten!? Rav Huna replied: מי קא מדמית איסורא לסכנתא – *are you comparing prohibitions to danger?*! סכנה שאני – *Danger is different*, and is treated more stringently than concern for a possible prohibition. Rava questioned this distinction: מאי שנא ספק סכנתא לחומרא – *what is different* about danger, that a *doubtful* case of *danger is decided stringently*? But ספק איסורא נמי לחומרא – *a doubtful case of prohibition is also decided stringently!* Amoraim seek to disprove Rava from two cases of ספק טומאה which are ruled *tahor*, in contrast to a ספק מים מגולים – *exposed waters*, which are forbidden. Rava replies that these are unique laws derived from הלכה למשה מסיני. However, the Gemara eventually proves that חמירא סכנתא מאיסורא – *danger is treated more stringently than a question of prohibition*.

Siman – Teapot

At the **tea house** where a butcher sitting down with his friends drinking **tea** confessed **he didn't check the סימנים after shechitah** and his friends debated if the animal was a טריפה or נבילה, a wolf that took the intestines suddenly entered and returned them punctured, as a waiter jumped to stop a patron from taking a fig that a bird was pecking for fear there was already a hole made by a poisonous snake.



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3 things to remember

1. Is animal considered *treifah* or *neveilah* if the knife wasn't checked after shechitah?
2. Wolf returning with intestines
נשחטה בחזקת היתר עומדת עד שיודע לך במה נטרפה
3. Bird pecking at fig - חמירא
סכנתא מאיסורא

