

MITZVA 73: TO NOT EAT FROM A 'TORN' ANIMAL

שמות 20:33 ואנשי-קדש תהיו לי ובשר בשדה טרפה לא תאכלו לכלב תשלקו אתו:

SEFER HACHINUCH 73

To not eat a torn animal: To not eat from a torn animal, as it is stated (Exodus 22:30), "and meat in the field of a torn animal, you shall not eat." And the obvious understanding of this verse is to warn us about an animal that a wolf or a lion tore in the field, and that it is torn in a way that it is inclined to die from this tearing. As certainly, its understanding does not include that if [the wolf or lion] touched the tip of its ear or tore from its wool, that it be called a torn animal for this. Rather, its correct understanding - and the tradition supports this - is that it was torn enough that it will die in the hour, or soon, because of that tearing. And they, may their memory be blessed, said (Chullin 57b) that this time is [up to] a year. And it should also be understood by all those that understand, that the Torah is not exacting that the tearing be by a wolf or a lion or a bear, but rather any animal that inflicts a wound which brings [another animal] to die is forbidden regardless. And those are the wounds that the sages enumerated that kill, and it is as it comes in the Mishnah (Chullin 42a), "This is the general rule: anything that nothing like it stays alive is a torn animal." And that which the verse stated, "in the field," is not specific, but rather it is the way of Scripture to always state what is common, and it is the way of animals to get torn in the field. And so is it [found] in the Mekhilta d'Rabbi Yishmael 23:30), "The Torah stated what is common." And it was also needed to write, "in the field," in order to teach many other things. ... is to teach [also] about meat from a living animal, which is included in the [concept of] meat of a torn animal. And that which is inside is this - that it teaches about any meat that went out of its boundary, that it is forbidden and becomes like a torn animal - for example consecrated meats that went outside [the Temple] courtyard, and lightly consecrated meats that went outside of [Jerusalem's] wall, and the meat of a Pesach sacrifice that went outside of its assemblage. And the understanding of the Scripture comes like this, as if it stated, "and meat in the 'field' is 'torn,'" meaning to say, meat that went out of its boundary - as that is [the meaning of] the expression, 'field,' that it has no boundaries - is a 'torn' animal. *

It is from the roots of this commandment [that it is] because the body is an instrument of the soul - with it, it carries out its activity; without it, it can never complete its work. Thus we find that the body at its command is like a pair of tongs in the hand of a blacksmith: with it he can produce a tool fit for its purpose. Now in truth, if the tongs are strong and properly shaped to grasp tools in them, the craftsman can make them well. But if the tongs are not good, the tools will never come out properly shaped and fit. In the same way, if there is any damage in the body, of any kind, some function of the intelligence will be nullified, corresponding to that damage. For this reason, our whole and perfect Torah removed us far from anything that causes [such] a defect. In this vein, according to the simple understanding, would we say [that] we were given a ban by the Torah against all forbidden foods.**

And if there are some among them whose harm is known [understood] neither by us nor by the wise men of medicine, do not wonder about them; as the faithful, trustworthy Physician who adjured us about them is wiser than both you and them. And how foolish and impulsive is the one who thinks that things don't have damage or benefit, except for that which he can grasp.

And you should know that their reasons were not revealed, for our benefit; lest people who hold themselves to be great sages get up and feign wisdom to say, "X damage that the Torah stated in thing y is only in place a, whose nature is such," or "with person b, whose nature is such," and lest the dim-witted be seduced by their words. Therefore their reason was not revealed to aid us avoid this obstacle.

CHATAM SOFER (DERASHOT 1889)

For we observe God's statutes as statutes without reasons, the Torah being the decree of the King, may His name be blessed. Even if a person observes the entire Torah and all the commandments as he is required, if in his heart he does so for some particular reason, it is not received by God with favor.

MOREH NEVUCHIM 3:31

There is a group of human beings who consider it a grievous thing that causes should be given for any law; what would please them most is that the intellect would not find a meaning for the commandments and prohibitions.

What compels them to feel thus is a sickness that they find in their souls, a sickness to which they are unable to give utterance and of which they cannot furnish a satisfactory account. For they think that if those laws were useful in this existence and had been given to us for this or that reason, it would be as if they derived from the reflection and the understanding of some intelligent being. If, however, there is a thing for which the intellect could not find any meaning at all and that does not lead to something useful, it undoubtedly derives from God; for the reflection of man would not lead to such a thing. It is as if, according to these people of weak intellects, man were more perfect than his Maker; for man speaks and acts in a manner that leads to some intended end; whereas the deity does not act thus, but commands us to do things that are not useful to us and forbids us to do things that are not harmful to us. But He is far exalted above this; the contrary is the case ... on the basis of its dictum: "For our good always, that He might preserve us alive, as it is this day." And it says: "Which shall hear all these statutes [chukkim] and say: Surely this great community is a wise and understanding people." Thus it states explicitly that even all the statutes [chukkim] will show to all the nations that they have been given with wisdom and understanding. Now if there is a thing for which no reason is known and that does not either procure something useful or ward off something harmful, why should one say of one who believes in it or practices it that he is wise and understanding and of great worth? And why should the religious communities think it a wonder? Rather things are indubitably as we have mentioned: every commandment from among these six hundred and thirteen commandments exists either with a view to communicating a correct opinion, or to putting an end to an unhealthy opinion, or to communicating a rule of justice, or to warding off an injustice, or to endowing men with a noble moral quality, or to warning them against an evil moral quality.

SA'ADYA GAON (EMUNOT VE'DE'OT 3:1, on mitzvot sichliot versus mitzvot shim'iyot)

"The second consists of things neither the approval nor the disapproval of which is decreed by reason, on account of their own character, but in regard to which our Lord has imposed upon us a profusion of commandments and prohibitions in order thereby to increase our reward and happiness." [But nevertheless, one cannot help noting, upon deeper reflection, that they have some partial uses as well as a certain slight justification from the point of view of reason."]

SANHEDRIN 21B

ואמר ר' יצחק מפני מה לא נתגלו טעמי תורה שהרי שתי מקראות נתגלו טעמן נכשל בהן גדול העולם כתיב (דברים יז, יז) לא ירבה לו נשים אמר שלמה אני ארבה ולא אסור וכתוב (מלכים א יא, ד) ויהי לעת זקנת שלמה נשיו הטו את לבבו

And Rabbi Yitzhak says: For what reason were the rationales of Torah commandments not revealed? It was because the rationales of two verses were revealed, and the greatest in the world, King Solomon, failed in those matters. It is written with regard to a king: "He shall not add many wives for himself, that his heart should not turn away" (Deuteronomy 17:17). Solomon said: I will add many, but I will not turn away, as he thought that it is permitted to have many wives if one is otherwise meticulous not to stray. And later, it is written: "For it came to pass, when Solomon was old, that his wives turned away his heart after other gods" (I Kings 11:4).

וכתיב (דברים יז, טז) לא ירבה לו סוסים ואמר שלמה אני ארבה ולא אשיב וכתוב (מלכים א י, כט) ותצא מרכבה ממצרים בשש יוגו:

And it is also written: "Only he shall not accumulate many horses for himself nor return the people to Egypt for the sake of accumulating horses" (Deuteronomy 17:16), and Solomon said: I will accumulate many, but I will not return. And it is written: "And a chariot came up and went out of Egypt for six hundred shekels of silver" (I Kings 10:29), teaching that not only did Solomon violate the Torah, but he also failed in applying the rationale given for its commandments. This demonstrates the wisdom in the Torah's usual silence as to the rationale for its mitzvot, as individuals will not mistakenly rely on their own wisdom to reason that the mitzvot are inapplicable in some circumstances.

רש"י שמות 22:30

לכלב תשלכון אתו. אף הגוי כפֿלֿב; או אינו אֶלֶא כֶּלֶב כִּמְשִׁמְעוֹ? ת"ל בַּגְּבֻלָה או מִכֶּר לְנִכְרֵי (שם י"ד), קו"ן לְטִרְפָה שֶׁמִּתְרַתֵּב בְּכֹל הַנְּאֻוֹת. אִם כֵּן מֵהַ ת"ל לְכֹלֵב? לְמִדָּה שֶׁהַכֶּלֶב נִכְבָּד מִמֶּנּוּ, וְלִמְדָה הַכֶּתוּב שֶׁאֵין הַקֶּב"ה מְקַפֵּחַ שְׂכָר כָּל בְּרִיָּה, שֶׁנֶּאֱמַר וְלִכְל בְּנֵי יִשְׂרָאֵל לֹא יִחְרַץ כֶּלֶב לְשֵׁנו (שמות י"א), אֲמַר הַקֶּב"ה תָּנוּ לוֹ שְׂכָרוֹ (מכילתא)

בראשית 32-33

וַיִּשְׁלְחוּ אֶת־קִתְנֵת הַפְּסִים וַיְבִיאוּ אֶל־אָבִיהֶם וַיֹּאמְרוּ זֹאת מָצָאנוּ הִכְרַזְנוּ בְּנֵךְ הוּא אִם־לֹא:

They had the ornamented tunic taken to their father, and they said, "We found this. Please examine it; is it your son's tunic or not?"

וַיִּכְרָה וַיֹּאמֶר קִתְנֵת בְּנִי חַיָּה רָעָה אֲכָלְתָּהּוּ טָרֵף טָרֵף יוֹסֵף:

He recognized it, and said, "My son's tunic! A savage beast devoured him! Joseph was torn by a beast!"

THOMAS MANN, JOSEPH AND HIS BROTHERS

They fell upon him as the pack of hungry wolves falls upon the prey; their blood-blinded lust knew no pause or consideration, it was as though they would tear him into fourteen pieces at least. Rending, tearing apart, tearing off – upon that they were bent, to their very marrow. "Down, down, down!" they panted with one voice; it was the ketonet they meant, the picture-robe, the veil. It must come off, and that was not so easy ...

בְּנֵימִין זָאֵב יִטְרֹף בְּבִקְרוֹ, יֹאכֵל עַד וְלַעֲרֹב יִחַלֵּק שְׂגֵל:

תִּתֵּן טָרֵף לְבֵיתָהּ

וְהִנֵּה עָלָה זֵית טָרֵף בְּפִיהָ

***SEFER HACHINUCH continued**

The laws of the commandment: For example, the [types of] 'torn' animals that were [instructed] to Moshe at Sinai, and they are the eight main categories (avot, Chullin 54a): the clawed; the pierced; the lacking; the removed; the split; the torn; the fallen and the broken. And the clawed is the most severe of all, since it is explicit in the Torah. And hence, they, may their memory be blessed, said (Mishneh Torah, Laws of Ritual Slaughter 5:3) that any doubt that comes about it [renders it] forbidden. And with other 'torn' animals, there are some wherein a doubt is permissible. And each and every one of these main categories has many, many derivatives, as their listings come in the Gemara. And the tally of all the 'torn' animals that it is possible to find ... is seventy-two. ... And a person need not search for all of these 'tearings' that the sages enumerated in animals and in birds and check them before he eats the meat of an animal or bird - since most animals are assumed to be fit (kosher), as we assume most living creatures to be healthy - except for one of them that the Sages required to check before we eat the meat, because this 'tearing' is much found. And that is the 'tearing' in the lung in which mucous membranes called sirkhot (adhesions) are found. And there is a concern with them that they not pull the tissue of the lung and puncture it. Hence, a person must always see on which side these mucous membranes are found in the lung before he eats from the animal. And if he finds them in [such] a way that it is possible that from their movement, the lung would be punctured, it is a 'torn' animal - as we say that we consider anything that stands to be punctured regardless as punctured [already]; and it is as if it is dead, since it is impossible for it to be saved from death.

****SEFER HACHINUCH continued**

And it is known from the paths of medicine that the meat of all torn animals that are forbidden to us brings damage to the body of its eater, as the state of being 'torn' indicates sickness in the animal. And do not ask yourself to say, "What damage can there be in an animal that was torn and immediately slaughtered?" As it is not from wisdom that you would ask about this. Do you not know that there is a beginning to everything? And if you admit to me that in the course of time, the damage will be found in it due to its being in a status of being 'torn,' you will be obligated to admit that the damage begins from the first instant, except that it is small at first. Yet there is no doubt that even a little damage is bad.

משנה אבות ב' ט"ו-ט"ז

(טו) רבי טרפון אומר, היום קצר והמלאכה מרובה, והפועלים עצלים, והשכר הרבה, ובעל הבית דוחק

(טז) הוא היה אומר, לא עליך המלאכה לגמר, ולא אתה בן חורין לבטל ממנה. אם למדת תורה הרבה, נותנים לך שכר הרבה. ונאמן הוא בעל מלאכתך שישלם לך שכר פעלתך. ודע מתן שכרן של צדיקים לעתיד לבא