The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן תצ"ח סעיף ז'-ח'

Overview

Siman 498 Seif 7:

If one slaughtered an animal in a field it should not be transported on a pole or on a rod as one would during the week, rather it should be carried limb by limb by hand.

- This seems to apply to a healthy animal that was slaughtered as well. (M.B. 43)
- Even though he will be forced to walk more, it is preferred so that he should not engage in weekday activity. (M.B. 44)
- If one needs to transport the animal quickly, e.g. for guests who are waiting, it appears that it is permitted to transport the animal on a pole or a rod. (M.B. 45)

Siman 498 Seif 8:

It is permitted to slaughter a bird that was trampled and there is a concern that its limbs became crushed so that one must wait 24 hours before slaughtering it and it must be examined after slaughter. There is no apprehension that it will be found a tereifah even though there are grounds for concern.

- The concern is that the bird's limbs were crushed and the internal exam is to be assured that it did not suffer an internal injury that would render it a tereifah. (M.B. 46)
- In other words 24 hours passed but the bird was not yet examined. According to Rema in Yoreh Deah since we are not experts at examining the limbs of a crushed bird this halacha does not have application. (M.B. 47)
- Since it initially had a presumption of being kosher it retains that status despite being trampled. (M.B. 48)
- It is also permitted to slaughter it if there is a chance it was pierced with a thorn. (M.B. 49)
- Some authorities disagree with Shulchan Aruch and contend that one may not slaughter an animal when there are grounds that the animal is not kosher or when it is common for animals to possess tereifah wounds. Practically, authorities rule that when 50% of animals are found tereifah one should not slaughter. However, the custom is to avoid slaughtering animals on Yom Tov even when it is not common for animals to be found to be tereifah but birds are slaughtered on Yom Tov. (M.B. 49)

Halacha Highlight

A trampled bird

Shulchan Aruch Siman 498 Seif 8

עוף שנדרס ברגלים

A bird that was trampled by people's feet

Shulchan Aruch (סעי' ח') discusses the permissibility of slaughtering a bird that was trampled underfoot when there is a concern that the bird's limbs were crushed. This issue is discussed in the Gemara Beitzah (34a) and in that discussion the matter is left unresolved. Shulchan Aruch rules leniently about the matter and explains that despite the apprehension that the bird may be found to be a tereifah it is permitted to slaughter it. Mishnah Berurah (ס"ק מ"ח וע"ע בשעה"צ ס"ק מ"ח) explains that although it is necessary to examine the bird after it is slaughtered to confirm that it does not have internal injuries that would render it a tereifah, nevertheless, the bird remains in its initial presumption that it is not a tereifah and it may be slaughtered on Yom Tov.

Rav Shlomo Zalman Auerbach (מנחת שלמה לגמי ביצה שם) questions the basis of the Gemara's uncertainty when it is, in fact, permitted to perform a melacha when that melacha may be used for eating (ספק אוכל נפש). Why is the trampled bird any different? He answers that the principle that permits performing melacha that may be used for eating purposes is limited to where the uncertainty relates to the future. For example, if one cooks food because a guest may arrive there is an uncertainty whether later on in the day a guest may arrive but if one decides to cook the food for that possible guest it is considered as though he is preparing food for a Yom Tov need. In contradistinction is one who has an uncertainty about something related to the past. For example, whether the trampled bird's limbs or internal organs render it a tereifah is already determined, the person, however, is as of yet ignorant of that fact. Since slaughtering the bird may turn out to be an unnecessary slaughter, the Gemara entertains the possibility that it is prohibited on Yom Tov.