The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן תצ"ח סעיף י"ד-ט"ו

Overview

Siman 498 Seif 14:

One may not slaughter an undomesticated animal or bird on Yom Tov unless one has dirt prepared from before Yom Tov. If one slaughtered anyways but has a shovel that was inserted in soft ground he may take that dirt to cover the blood (and even if many shovelfuls are necessary it is permitted).

- The dirt must be soft enough that it could be used to cover the blood. Dirt that must be ground into smaller particles may not be used since grinding clumps of dirt is related to the melacha of tochen that is prohibited on Yom Tov. If one has prepared dirt or ash it should be spread out where one will slaughter and then cover the blood with dirt or ash on top of the blood. If one slaughtered on hard dirt and there is a large quantity of blood, one should take some blood place it on soft dirt and then cover it. (M.B. 70)
- Digging on Yom Tov involves two prohibitions, digging a hole and moving the dirt that is muktzah. (M.B. 71)
- According to many Poskim it is necessary to insert the shovel with the intent to prepare the dirt for Yom Tov. (M.B. 72)
- Although removing soft dirt also leaves a hole the act does not constitute a Biblical prohibition since it is a מלאכה שאינה צריכה לגופה and it is destructive and Chazal permitted Rabbinic injunctions to perform the mitzvah of covering the blood. When there is a large quantity of soft dirt there is no concern since other dirt will immediately fill in the hole. (M.B. 73)
- Later authorities write that when there is a large quantity of dirt so that a hole will not be created one may slaughter and then b'dieved use the dirt even though he did not prepare the shovel before Yom Tov. (M.B. 74)
- Some authorities maintain that one may only take the dirt that was prepared with the shovel before Yom Tov but may not dig up more dirt. (M.B. 75)

Siman 498 Seif 15:

Ash from an oven that was kindled from erev Yom Tov may be used to cover blood. If the oven was used on Yom Tov the ashes are prohibited unless the ash is still hot enough that one could roast an egg in them. If one already slaughtered an animal, the ash may be used to cover the blood even though it is not hot enough to roast an egg. (However, it is preferable to use dirt taken from a shovel inserted in soft ground to cover the blood.)

- One may slaughter even l'chatchila with the intent to use this ash since it was prepared already from before Yom Tov. (M.B. 76)
- If one burned wood on Yom Tov on ash that was prepared from before Yom Tov and they intermingled it is nullified in the majority. This assumes that the new ash was never discernible on its own because if it was the principle of davar she'yesh lo matirin applies. (M.B. 77)
- Since the ash may be moved to roast an egg, it may also be moved to cover blood. (M.B. 78)
- Chazal permitted, b'dieved moving muktzah in order not to forgo the mitzvah of covering blood. (M.B. 79)
- Numerous later authorities disagree with Rema's ruling and assert that it is preferable to use ash rather than to shovel up dirt. (M.B. 80)

Halacha Highlight

Slaughtering and covering the blood

Mishnah Berurah Siman 498 Seif 14

אלא אם כן יש לו עפר מוכן מבעוד יום

Unless he has dirt that was prepared from before Yom Tov

Shulchan Aruch (סעי' י"ד) rules that one may not slaughter an undomesticated animal or a bird on Yom Tov unless one has dirt that was prepared before Yom Tov for the purpose of fulfilling the obligation to cover the blood of the animal or bird after slaughter. Later authorities are troubled by the ruling that the inability to fulfill the mitzvah of covering the blood should stand as an impediment towards slaughtering an animal. Magen Avrohom (סי' י"ג סק"ח) writes that one who has a garment but no strings with which to make tzitzis or if it is Shabbos and one is prohibited from tying tzitzis, it is permitted to wear the garment without tzitzis. The reason is that the Torah did not prohibit one from wearing a four cornered garment without tzitzis; it obligated one to tie tzitzis to the garment. When one is incapable of fulfilling the mitzvah he is an אונס but is not prohibited from wearing the garment. Seemingly the same principle should apply and it should be permitted to slaughter the animal or bird even though one will not be able to cover the blood.

Sefer Avi Ezri (פי"ד מהלי' שחיטה ה"א) writes that although covering the blood is not essential for the meat to be permitted for consumption, nevertheless, it is considered the completion of the mitzvah of slaughtering. Therefore, one who will not be able to cover the blood should not slaughter since he will not be able to properly fulfill that mitzvah. Teshuvas Har Tzvi (או"ח ח"א סי' ט"ז) explains that one is actually obligated to fulfill the mitzvah of covering the blood on Yom Tov and had he properly prepared he would be able to fulfill the mitzvah as well. Since he is actually obligated to fulfill the mitzvah he may not create a circumstance in which he will not be able to fulfill the mitzvah and thus is prohibited to slaughter.