

כיסוי הדם כגמר מצות שחיטה

(ביצה ז:)

The first משנה in מסכת ביצה delineates three different disputes that exist between בית הלל and בית שמאי in regard to הלכות יום טוב. One of these disputes revolves around the exact circumstances in which one can slaughter an animal to be eaten on יום טוב. The general היתר of אוכל נפש allows one to slaughter an animal for consumption on יום טוב, however the משנה describes that the היתר to slaughter the animal is not sufficient alone, but one also must actively prepare dirt or the like in order to perform the מצוה of כיסוי שחיטה that follows every שחיטה.

ערב יום שמיאי posits that בדיעבד if no dirt was prepared one may perform the כיסוי with dirt that was made available on יום טוב while בית הלל argues that if no dirt is available to cover the blood, the שחיטה may not be performed.

The גמרא on ז: quotes the aforementioned משנה and points to two separate statements that seem to imply contradictory implications. On one hand the משנה writes “One who

slaughtered an animal on Yom Tov” implying that we are dealing with an event that already occurred under ex post facto circumstances, where as the continuation of the משנה says: “בית הלל” says one should not slaughter at all (in the absence of any available dirt)” seemingly implying we are talking to someone who is preparing to slaughter but has not yet slaughtered. Recognizing this contradiction the גמרא attempts to resolve it by answering that if one slaughtered and realized he does not have any dirt available for כיסוי הדם, בית הלל holds that one should not perform כיסוי הדם. In his commentary, רש”י writes, that according to בית הלל, when they say one should not finish the slaughtering, their intention is to highlight that one should not perform כיסוי הדם, which is contained in the act of slaughtering.

רש”י makes a striking inference from מהר”ץ חיות opposed to perceiving the שחיטה and כיסוי as two separate mitzvos, it seems from רש”י that we actually define the כיסוי as a component of the שחיטה itself. He continues by quoting the פסק of the שולחן ערוך that after one makes the ברכה, one may not talk about anything irrelevant to the שחיטה.¹ The רמ”א adds that technically one may speak between the שחיטה and the כיסוי but it is better to be cautious and not to speak until the כיסוי is performed. The ט”ז writes that this added caveat cited by the רמ”א not to speak is in order to accommodate the opinion that כיסוי is

¹ יורה דעה י”ט:ד’

considered part of the שחיטה therefore one may not verbally interrupt the שחיטה until the entire מצוה is performed.² The מהר"ץ חיות concludes in wonderment that the ט"ז did not quote רש"י's interpretation of כיסוי הדם as a clear proof that כיסוי is in fact part of the mitzvah!

היות מהר"ץ חיות brings an additional proof to this hypothesis based on the מסכת ביצה פרק א' הלכה ג' in תלמוד ירושלמי writes that if one began to slaughter on יום טוב, even if it was prohibited for him to do so, he should still perform the מצוה of כיסוי since "once one (even prohibitively) began a מצוה of שחיטה we tell him to cover (perform כיסוי)". This is another place we find the מצוה of כיסוי defined as a component of the מצות שיטה.

An additional place we find where רש"י is consistent in his definition of כיסוי הדם (based on the מהר"ץ חיות) is regarding the היתר to slaughter for a חולה on שבת. The גמרא explains that in such a case one is required to perform כיסוי הדם, even if it requires violating שבת. רש"י writes, "since the Shabbos is pushed aside for the mitzvas שחיטה, so too **all the mitzvos contained in the שחיטה** are pushed aside." The רמב"ן asks that in general we never apply the principles of דחייה, such as עשה דוחה לא תעשה in the context of איסורי עשה since שבת contains not only a תעשה but an עשה as well along with a punishment of כרת. That being the case, how can we have ever thought that even the מצוה of כיסוי

² שם ס"ק ה'

would be דוחה שבת? The חתם סופר explains בה"ג via the כיסוי mentioned above, that since we consider the מעשה שחיטה as an integral part of the שחיטה, the relationship is so close that it even allows the דוחה שבת along with the שחיטה.

In addition to these proofs we find a number of places in הלכה where the מצוה of כיסוי הדם is presented as a part of the שחיטה as opposed to being considered separate מצוה divorced from the שחיטה preceding it, manifesting itself in a variety of practical applications.

The רמב"ם in חולין quotes in the name of the בה"ג that when performing the כיסוי one should first cover the blood then make the ברכה.³ Even though we usually subscribe to the general principle that all ברכות are made before the performance of the מצוה, this only refers to the beginning of the מצוה. However since כיסוי הדם is the conclusion of the מצוה and technically speaking one may not make a ברכה in the middle of a מצוה, therefore one should make a ברכה on the שחיטה before the שחיטה and a ברכה on the כיסוי at the conclusion of the מצוה. However the רמב"ם concludes we are not accustomed to perform as the בה"ג prescribes since we consider כיסוי הדם as an independent מצוה. Although it seems within the thought of the רמב"ם that כיסוי is

³ פרק ו' סימן ו'

considered a separate מצוה from the שחיטה, the sefer מעדני טוב explains that even though regarding the ברכות made on the כיסוי the רא"ש disagrees with the בה"ג and understands כיסוי as an independent mitzvah, he points out another psak of the רא"ש that in principle the רא"ש agrees with the בה"ג that כיסוי is a part of the שחיטה. The רא"ש comments on the גמרא in חולין on דף פו that in a situation where one slaughtered an animal, covered its blood and continued to slaughter another animal, the second שחיטה requires a ברכה since the כיסוי of the first animal's blood signifies a cessation of the first act of שחיטה.

Another place in הלכה where we see כיסוי labeled as a גמר שחיטה is regarding the ברכת שהחיינו normally recited before the first time a mitzvah is performed. The ש"ך writes that one should not recite a ברכת שהחיינו on כיסוי, similar to the reason one does not make a ברכת שהחיינו when betrothing a woman.⁴ The גלין מהרש"א comments that with regard to קדושין one is not required to make a ברכת שהחיינו if he does not want to live with the woman however by שחיטה that after one slaughters the animal one is always required to cover the blood. But as stated, if one assumes that כיסוי is in fact the גמר שחיטה then no new ברכת שהחיינו of ברכה is required at all since in the context of שחיטה it is not necessarily considered an independent מצוה.

⁴ סימן כ"ח ס"ק ה'

R. Shlomo Kluger in האלף לך שלמה discusses whether it is permissible for the slaughterer to honor someone else with the performance of כיסוי הדם.⁵ He notes that the concern is the principle that one who is obligated to perform a מצוה should not hire an agent unless he cannot perform it himself (קדושין מא). R. Kluger suggests that if the bird (or non-domestic animal) is owned by the slaughterer, the slaughterer should perform the כיסוי הדם. If the bird is owned by someone else, then the slaughterer is acting as an agent of the owner when slaughtering the bird and the owner is the one who should perform the כיסוי הדם. R. Kluger's idea seems to follow the approach that שחיטה and כיסוי הדם are two independent mitzvos. The slaughterer has the special right to perform כיסוי הדם and therefore he shouldn't allow someone else to perform it. Even though the slaughterer was initially acting on behalf of the owner, the owner is given this unique right. If one assumes that כיסוי הדם is the conclusion שחיטה, it is logical that even if an agent performed the שחיטה, the agent should complete the מצוה by performing כיסוי הדם as well.

Lastly, as a general principle one is required to stand up for the recitation of a ברכת המצוה. Regarding the ברכה made on כיסוי הדם the גליון מהרש"א writes that one should stand.⁶ However, when he is actually slaughtering the animal he

⁵ האלף לך שלמה יו"ד ס' כג

⁶ ס' רפב

does not have to stand. He bases his opinion on the מגן אברהם who writes that any ברכת המצוה that is coming as a means of refining a food, such as חלה, then the ברכה can be recited while sitting. Therefore in the case of שחיטה where the purpose of the slaughtering is in order to enable the food to be eaten, the כיסוי should be recited standing since it doesn't have a role in making the food edible. However, according to the aforementioned idea regarding the relationship between הדם וכיסוי השחיטה, since the כיסוי is an integral part of the שחיטה one may argue that even the ברכה על הכיסוי can be made while sitting.