

The Weekly Daf



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Chullin 12-18

Week of 18-24 Elul 5756 / 2-8 September 1996
Rav Weinbach's insights, explanations and comments for the 7 pages of Talmud studied in the course of the worldwide Daf Yomi cycle

Case of the Missing Agent

	Case 1	Case 2
The Cases:	A man appoints an agent to slaughter an animal for him. He later finds the animal slaughtered but does not know whether the agent, a qualified <i>shochet</i> , or someone else perhaps unqualified, did the <i>shechita</i> .	A man appoints an agent to tithe his grain for him. He later finds the grain tithed but does not know if the agent whom he appointed did it or someone else whom he did not appoint.
The Ruling:	In Case One we consider the <i>shechita</i> valid. In Case Two he must tithe again.	
The Problem:	If we assume that an agent always carries out his mission, then the tithing should also be valid. If we do not assume this then the <i>shechita</i> should be invalid. What is the logic of distinguishing between the two cases?	
The Resolution:	The question of whether we may assume that an agent has carried out his mission is already dealt with in a number of places, especially in Gittin 64 where it is applied to situations where agents have been appointed to effect marriage or divorce. The conclusion is that there is a doubt as to whether we can assume that an agent has completed his mission and we therefore deal stringently in such situations, as we do in all cases of Torah law where there is a doubt. If a man should appoint an agent to contract marriage with an undesignated woman and the agent dies before returning to him, that man will be forbidden to marry any woman in the world lest she be the forbidden relative of the mysterious woman whom the agent married for him. On the other hand, if he delegated an agent to deliver a divorce document to his wife and this document is not in her possession but she claims she received and subsequently lost it, we do not assume her to be divorced. In both cases everything hangs on the assumption that the agent has completed his mission. Since this assumption is doubtful we only apply it for stringency, as in the first case of marriage, but not for leniency, as in the second case of divorce. In our own problem of <i>shechita</i> and tithing we use the same approach. We are in doubt as to whether the agent carried out his mission to do the <i>shechita</i> . But even if we assume that someone else overheard the owner's order and did the <i>shechita</i> without being appointed we rule that the <i>shechita</i> is valid because most people who undertake <i>shechita</i> are qualified to do so. The fact that he has not been appointed is irrelevant to the validity of this act to the owner of the grain or someone he has appointed as his agent. Since there is doubt as to whether the agent carried out his mission and anyone else's tithing is invalid we therefore rule that the grain is still considered untithed.	

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Question Mark Leftovers

When was the command of *shechita* first in effect?

From the time the Jews entered Eretz Yisrael, says Rabbi Akiva, "When the place which Hashem, your G-d, has chosen to place His name upon is distant from you," says the Torah (Devarim 12:21), "You will slaughter from your cattle and your sheep." While they were in the Wilderness they were always near the Sanctuary so there was yet no ban on eating the meat of an animal which had been killed in any manner.

Rabbi Yirmiyahu poses an interesting question. If someone had parts of an animal which was killed not through *shechita* with him when Jews first entered Eretz Yisrael was he permitted to eat them?

Rashi views this as a purely academic contemplation as to what happened, with no practical relevance. Rabbi Asher (Rosh) challenges this approach because the Talmud indulges in academic contemplations for the explanation of Torah passages, but not for speculation about what happened historically. He suggests, instead, a practical application. If someone took upon himself a vow not to eat from a certain species after a given date, will he be permitted to eat from the supply he had been eating from until that date once the date has arrived?

One of the great Chassidic leaders, the author of "Bnei Yissaschar," quotes a scholar who suggested another parallel to Rabbi Yirmiyahu's question. If someone had meat left over from his Shabbos meals will he be permitted to eat it the next day even though it is in the Nine Days before the Fast of the Ninth of Av in which eating meat is forbidden?

This comparison is, however, challenged by the Bnei Yissaschar. In the case of Rabbi Yirmiyahu there is no inherent problem with meat of a dead animal. It is only the mitzvah of *shechita* which renders non-kosher all meat from an animal otherwise killed. Therefore there is room for assuming that meat from an animal put to death before the mitzvah came into effect remains permissible to eat. Regarding the Nine Days, however, the ban on eating meat stems from the need to mourn for the destruction of the Beis Hamikdash which took place on the Ninth of Av, so there is, therefore, no logic in assuming that one can relax this mourning simply because he has meat left over from a time when it could be eaten.

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