

שמלה חדשה

SIMLA CHADASHA The Shochet's Guide

— With an Elucidated English Translation —
Including Matei Osher and Rulings of the Alter Rebbe



למען ילמדו
Lemaan Yilmedu

סימן ג

שְׁחִיטָה אֵינָה צְרִיכָה כּוֹנֶנָה

ובו ה' סעיפים

מבוא

"שחיטה אינה צריכה כוונה". משמעות המושג הוא שאדם שחתך בלי לכוון כדבעי על מצוות השחיטה, בלי להתכוון לשחוט בכלל ואפילו אם לא התכוון לחתוך כלל, ובסופו של דבר גילה ששחט כהלכה – שחיטתו מותרת מעיקר הדין. הסימן שלפנינו עוסק בדינים הנגזרים מקביעה זו: כיצד נהוג לפסוק בדינים אלו כיום, מה דין פעולה שנעשתה כתוצאה מכוחו ולא מכוחו ממש, דין החותך ולא בכוח גברא, מי שחיתוכו אינו נחשב לכוח גברא כלל ועוד.

שחיטה אינה צריכה כוונה, אך צריכה שתיעשה בכוח גברא

א. אַמְרִינָן בְּגִמְרָא נְחֻלִין דָּף לֹא, בָּא: מִדְּגָלִי רַחֲמָנָא בְּקִדְּשִׁים (ויקרא א, ה) "וְשַׁחַט אֶת בֶּן הַבֶּקֶר", לְלִמַּד שְׂיִכּוֹן לְשַׁחַט בֶּן־בֶּקֶר – שְׁמַע מִנֶּה, דְּשַׁחֲיִטַת חֲלִין לֹא בְּעֵי כּוֹנֶנָה. וְאַפְלוּ הַפִּיל סָפִין בִּידּוֹ אוּ בְּרִגְלוֹ וְלֹא נִתְכַּוֵּן לְחַתֹּךְ בָּהּ דְּבַר, וְהִלְכָה וְשַׁחֲטָה כְּרֹאוּי – כְּשֶׁרָה. וְצָרִיךְ שְׂיִדַּע שְׁלֹא עָשָׂה חֲלָדָה, כְּמִבְּאָר לְקַמֵּן סִימָן כּד (ט"ג). וְאִם רָאָה הַנוֹצֵצוֹת אוּ הַשְּׁעָר הַתּוֹכִים, וְדָאִי שְׁלֹא הָחֲלִיד. וְאִי חִישִׁינָן שְׁמָא נִתְרַחֵב הַנֶּקֶב וְנַעֲשֶׂה רַב עַל־יָדֵי פְּרָכּוּס, עֵין לְקַמֵּן סִימָן כּה (סעיף ג).

SIMAN 3

Intention is Not Needed for Kosher Slaughtering

Includes 5 Se'ifim

Intro

"Shechita eina tzricha kavana — intention is not needed for *shechita*¹." The meaning of this phrase is that if one slaughtered² an animal without proper intention — to fulfill the mitzva of *shechita*, or without intention to halachically slaughter, or without intention to kill the animal in any way — and in the end, he realized that he had slaughtered the animal according to halacha — it is considered a proper *shechita*, even from the perspective of raw halacha³. This *siman* discusses this halacha, and other halachos which emanate from this principle, such as: The halacha when the animal was cut as a result of one's energy, but not directly; the halacha of cutting which did not occur through human energy; and the type of cutting which is not classified as having been done through "human energy," and so on.

Intention is not necessary for kosher slaughtering,
but it must be performed through "human energy"

§. The gemoro states (Chulin, 31b): From the fact that the Merciful One revealed with regard to sacrifice animals: 'And he should slaughter the bull,' [which is] to teach us that he *intends* to slaughter the bull — we derive from this that intention is not necessary when slaughtering animals for mundane use.

And even if he dropped a knife with his hand or foot, and did not intend to cut anything in [the animal], and the knife continued onward [on its own"] and slaughtered properly — [the animal] is kosher. But, he must know that it was not cut in a "*chalada* — 'hidden/embedded⁴'"

1 Kosher slaughtering.

2 Throughout this text, the term "slaughtering" is used to mean "kosher slaughtering."

3 "Me'ikar hadin." As opposed to it only being permitted "b'dieved — after it happened."

4 From the word "chulda — weasel": just as a weasel covers itself.

וְנִרְאָה לִי, דְּאָפְלוּ הָיָה הַזֹּרֶק חֲרֹשׁ שׁוּטָה וְקָטָן, שֶׁשְּׁחִיטָתוֹ כְּשֶׁרָה בְּעוֹמֵד
עַל גִּבּוֹ כְּדִלְעִיל סִימָן א (סעיפים כח-לא) 1 – כְּשֶׁרָה; דִּהְרִי נִשְׁחָטָה מִכַּח אָדָם.
אָבֵל נִפְלָה סָפִין מַעֲצָמָה, שֶׁלֹּא עַל-יְדֵי כַּח יִשְׂרָאֵל הַפֶּשֶׁר לִשְׁחֹט, וְהִלָּכָה
וְשִׁחָטָה – פָּסוּל, [משנה שם (לא, א)] דְּכָתִיב (דברים יב, כא) "וְזָבַחְתָּ וְאָכַלְתָּ"; מֶה
שֶׁאַתָּה זֹבֵחַ אֶתָּה אוֹכֵל.

וְנִרְאָה לִי, דְּאָפְלוּ תָפַס סָפִין בְּיָדוֹ וּפָתַח יָדוֹ, אוֹ מִנַּחַת בְּחִיקוֹ וְעָמַד, וְנִפְלָה
הַסָּפִין וְשִׁחָטָה – הֵרִי זֶה פָּסוּלָה; שֶׁלֹּא הִלָּכָה מִכַּחוֹ, רַק עַד עֲתָה הִיְתָה
מַעֲכָבֶת בְּיָדוֹ, וּכְשֶׁסָּר כַּחוֹ מִמֶּנָּה – הִלָּכָה בְּעֲצָמָה, וְאַנֵּן בְּעֵינֵי דְכַח אָדָם
יַעֲשֶׂה פְעֻלָּה שְׁתַּלַּךְ וְתִשְׁחֹט. וְאָפְלוּ פָתַח יָדוֹ בְּכוֹנָה שְׁתַּלַּךְ וְתִשְׁחֹט – לֹא
מִהֲנִי, כִּיּוֹן דְּלִיכָא כַּח אָדָם:

❧ קיצור בגדי מלכות ❧

1. בסימן א מבשיר שחיטת חרש, שוטה וקטן רק בתנאים מסויימים (אם יודע הלכות שחיטה, אם מכיר את פרקטיקת השחיטה וכו'). אך לפי דברי אדה"ו (שוע"ר סימן א קו"א ס"ק יב) נראה שיבשיר שחיטה זו גם בלי תנאים אלו (היוצא דופן היחיד הוא בנוגע לקטן מתחת לגיל 6. לדעת אדה"ו, אין כוח קטן זה נחשב לכוח גברא ושחיטתו פסולה מהתורה גם כאן).

manner, as explained later, in *siman* 24 ⁽⁹⁻¹³⁾. And if he saw [that] the feathers or hair [was] cut, it is certain that it was not in a *chalada* manner. And if we are worried that the hole became wider, and [ripped through] the majority [of the simanim which must be cut] through [the animal.s] “*pirkus* — spasms,” see later, *siman* 24 ⁽³⁾.

And it seems to me that even if the one throwing was a deaf or special needs person, or a child, their *shechita* is kosher if someone is watching, as explained above, *siman* 1 ⁽²⁸⁻³¹⁾⁵. It is kosher because it was slaughtered with “human energy.” But, if the knife fell on its own — not through the energy of a Jewish person who may slaughter, and it continued onward and slaughtered, [the *shechita* is] disqualified (mishna, *ibid*), as the passuk states: “And you shall slaughter and you shall eat” (Devorim, 12:21) [which infers that] what *you* slaughter, you can eat.

And it seems to me that even if he grasped the knife with his hand and he then opened his hand, or if it was in a crease in his garment, and he stood up, and the knife fell — it is disqualified, for it did not travel because of his energy, but rather, until now it was held up in his hand — and when his energy was removed from it, it continued onward on its own, and we require that the energy of a person should do the act which causes [the knife] to go and slaughter. And even if he opened his hand with the intention that it should go and slaughter, it does not help, because there is no human energy.

5 **Rulings of the Alter Rebbe:** in *siman* Alef, the author only permits the slaughtering of a person who is deaf, special needs, or a child, under certain conditions (if they know the Hilchos Shechita, if they are familiar with the practical side of it, etc.) But the Alter Rebbe's opinion (Shulchan Aruch, *siman* Alef, Kuntres Acharon, se'if koton Yud Beis) seems to be that such *shechita* is permitted, even without these conditions present. (The only exception is the slaughtering of a child under the age of 6. The Alter Rebbe holds that such a child's actions are not classified as “human energy,” and his slaughtering is *pasul min hatorah* — also in our case here.)

דין כוח כוחו

ב. זרק אבן והכה בסכין, והלכה הסכין ושחטה – נראה לי דפסולה מספק; דכח כחו הוא, ודלמא לאו כחו דמיא:

דין הזורק סכין, ושחטה בחזרתה אליו

ג. זרק סכין והכה בפתל, ומכח ההפאה חזרה לאחוריה ושחטה בחזרתה – כשר. ואין זה כח כחו, אלא כח ראשון הוא; דהסכין הראשון הוא ששחט. ואם זרק סכין למעלה והלכה לצדדין ושחטה, נראה לי דכשר, דמכחו הלכה; דאי לאו כחו, היא היתה יורדת למטה פנגדו. ולכן אם זרקה למעלה, ואחר שעלתה למעלה ירדה למטה פנגדה, ושחטה בירידתה – פסול. וכל הפסול משום דלאו כחו הוא, אפלו נתפון לשחט – לא מהני:

שחיטה דורשת קצת כוונה

ד. יש מגדולי הפוסקים שכתבו, דאף-על-גב דלא בעינן שיכוון אפלו לחתיכה בעלמא, מפל-מקום פונה קצת בעינן, דקרא ד"וזבחת" הוה לה כאלו כתיב "ועשית", פגון שיכוון להפיל; אבל אם לא כון לשום דבר,

The halacha of the “energy of one’s energy” — indirect energy

ב. If he threw a stone and it hit a knife, and the knife continued onward and slaughtered — it seems to me that it is disqualified out of doubt; for it is the “energy of one’s energy,” and perhaps it is not like his own energy.

If one threw a knife and it slaughtered after bouncing back

א. If he threw a knife and it hit the wall, and from the power of the hit, it bounced backward, and slaughtered on its return, it is kosher. And this is not the “energy of his energy,” but rather, it is his “first energy”; because the knife, which was the first [item he threw], is what slaughtered.

And if he threw a knife upward, and it continued [and traveled away and] to [any] sides, and it slaughtered, it seems to me that it is kosher, because it continued onward through his energy. For if not for his energy, it would have fallen down parallel to him [and not to the side]. And therefore, if he threw it upward, and after it ascended up high, it descended downward, opposite [where it was thrown], and it slaughtered on its descent, it is disqualified [because it fell down on its own and not because of his energy].

And any [slaughtering which is] disqualified because it is not one’s energy — even if he intended to slaughter — it is not effective.

Some intention is necessary for kosher slaughtering

א. There are those of the great *poskim* who write that even though we do not require one’s intention — even merely to cut [a non-halachic slaughter]; still, minimal intention is required, because the [wording of the] passuk, “And you shall slaughter,” means as if it was written, “And you shall do” — such as intending to drop [a knife.] But if he did not intend anything, but rather, his hand bumped into a knife, and made it fall with this energy, without intention, and it [then] slaughtered — [the

רק נכשל ידו בספין והפילו בכחו בלא כוונה, ושחטה – פסול. ויש לפסק בדבריהם².

והוא הדין אם בשנה דחה לספין, או בהקיץ בלא כוונה כלל – נמי פסול. וכל-שכן אם דחפו גוי וכיוצא בו על הספין והלכה ושחטה, דפסול. ונראה לי, דאם ישראל דחפו לחברו על הספין, והלכה ושחטה – יש להחמיר גם-כן; דהראשון לא קעביד מעשה – דכת כחו הוא, והשני לא כון לשום מעשה:

דין המכוון להרוג ועלתה בידו שחיטה כשרה

ח. דעת רש"ל ז"ל [ים של שלמה פ"ב סי"ג] דהא דמכשרינן זרק ספין – דוקא ששחטן סתמא; דסתמיהו לשחיטה עומד, והנה כאלו כון לשחט. אבל כון לנחר ולעקר, ועלתה בידו שחיטה הגונה – פסול, עד-כאן. וראוי לחוש לדבריו:



². דעת אדה"ז (שוע"ר סימן ב קו"א סק"א) היא ששחיטה אינה צריכה כוונה כלל. ועל כן: אם ישן, וכן אם נדחה ע"י גוי, ומבלי להוסיף שום כוח מצידו נגרמה השחיטה – פסולה, אך במקרים האחרים המנויים כאן אין צורך להחמיר.

slaughtering] is not valid. And we should rule according to their words⁶.

And the same halacha applies if he pushed a knife in his sleep, or while awake, without any intention at all — it is also disqualified. And it is certainly so if a non-Jew, or similar, pushed him onto the knife and it continued onward and slaughtered — that it is disqualified. And it seems to me that if a Jew pushed his fellow onto a knife, and it continued onward and it slaughtered — that we should also be stringent. For the first [person, who pushed], did not perform an action, as it was the “energy of his energy,” and the second did not intend [to perform] any action.

The halacha of one who intends to kill an animal and ended up doing it halachically correct

נ. The opinion of the Rashal z”l (Yam Shel Shlomo, perek Beis, se’if Yud Gimmel) [is that] the fact that we permit [in a case] when he threw the knife, is only [in a case] when he slaughtered them without specific intention, because without specific intention, it is for *shechita*, and it is as if he intended to slaughter. But, if he intended to perforate⁷ [the animal, i.e., to kill it in a non-halachic manner], it is disqualified. Until here [are the words of the Rashal]. And it is proper to worry about his words.

6 **Rulings of the Alter Rebbe:** The Alter Rebbe’s opinion (Shulchan Aruch, siman Beis, Kuntres Acharon, se’if koton Alef) is that there is no requirement for any type of awareness with regard to shechita. And therefore: If one was sleeping, or if they were pushed by a non-Jew, and without adding of their own energy, the shechita took place, it is pasul; but in the other cases enumerated here, there is no need to be stringent.

7 Create a hole.



Lemaan Yilmedu

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