

Was it Fast-food, or Vegan?

PARSHA INSIGHTS - VAYAISHEV (5758)

“MY BROTHERS ATE MEAT TAKEN FROM A LIVE ANIMAL” - TWO APPROACHES

“And Yosef brought an evil report about them to their father...” (37:2). The narrative is well known. This young *tzadik* [righteous man] of seventeen years, meticulous in *mitzvos* [commandments], differing with his brothers in some major *halachic* [legal] issues, conveyed negative information about them to his father, Yaacov Avinu [Jacob our forefather]. One of these alleged offenses was that the revered, holy sons of Yaacov were eating “*aiver min hachai*” [limbs taken from animals while those animals were still alive] (*Midrash Rabba* 84:7, also quoted by *Rashi* on our *pasuk* [verse]).

The perplexity is obvious. How could the sons of Yaacov, pillars of righteousness, be suspected of such a grievous transgression? Although there were other “accusations” leveled against them, today’s discussion will focus on TWO solutions to THIS one puzzle - *aiver min hachai*. Indeed, there are other answers even to this question.

Commentaries on this *Midrash* speak at length to solve the profound mysteries contained therein. The *Sifsai Chachamim* (a respected interpreter of *Rashi*’s words, quoted and used by many *gedolim* [great Torah sages] for example, see Rav Moshe Feinstein’s writings on *B’ha’aloscha* 8:2 where he bases an entire *drasha* [Torah lecture] on *Sifsai Chachamim*’s *pshat* [explanation] in the name of the *R’aim*) sets out to clarify the matter. Perhaps Yosef was under a mistaken impression regarding the behavior of his brothers. He should have looked more closely into the matter, and he would have seen that no sins were actually being committed.

Approach # 1: Let us say the brothers slaughtered an animal according to *halacha* [law]. Surely they would cut [at least most of the way] through the trachea and esophagus of a domesticated beast, as outlined in the *Shulchan Aruch Yoreh Daiah* 21:2. But we know that at times, an animal continues to struggle after the *shechita* [ritual slaughter] has been properly performed - it has not died immediately. The *Shulchan Aruch Yoreh Daiah* 27:1 deals with this. If the meat was taken off the animal BETWEEN *shechita* and actual death, is it permissible?

The *din* [law] says that technically, if some meat were torn from an animal AFTER the *halachic shechita* but BEFORE all nerve impulses ceased, that meat (or limb) is NOT considered *aiver min hachai* - taken from a live animal. *Halacha* proclaims that meat IS allowed to be removed at that point and eaten later! The *Gemara Chulin* 33A, right before the *Mishna*, officially informs us that one may slaughter an animal, cut off a piece of its meat (from the area where *shechita* is done so it will not need to be skinned, and it is easy to cut it off quickly and do the processes of salting, etc. before it dies - *Rashi*), salt it and wash it according to the *din*, AND THEN WAIT UNTIL THE ANIMAL DIES. At that point, says the *Gemara*, one may eat the meat, whether a Jew or a non-Jew. The meat is completely permissible. There is a separate reason, mentioned by *Rashi* on *Chulin* 33A, to wait until the animal dies before eating it. The bottom line is that the meat was cut from this animal after *shechita* but before total death. This is our *din* in *Yoreh Daiah* 27; the *Aruch Hashulchan* in 27:3 also cites and analyzes this *Gemara* here. For *halachic* reinforcement, please notice the words of the *Shach* in 27:1: “...it is forbidden to eat from an animal before it dies. But after it has died it is permitted to eat of it, EVEN WHAT HE CUT OFF FROM IT BEFORE IT DIED.”

We now know the *halacha*: We must wait until the animal dies to eat meat which was taken from it before it died, but that meat is permissible. *Sifsai Chachamim* suggests that Yosef might have seen the brothers taking limbs during the time period between slaughtering and complete death of the animal, and of course they would wash and salt it properly. In the words of the *Sifsai Chachamim*, “He saw that they ate from an animal which was slaughtered but was still struggling. It is permitted to eat it, because since it was *shechted* [slaughtered], the *shechita* makes it *mutar* [permitted]. But he (Yosef) felt that as long as it is struggling, it (the meat taken from it at that time) is considered *aiver min hachai* - limbs taken from a live animal”. As mentioned above, we can be sure that the brothers washed and salted the meat, waited for the animal to die, and THEN ate of it. But since it had been cut from the animal while it still showed signs of life, after the *shechita*, Yosef interpreted it as *aiver min hachai*, or he disagreed as to its permissibility.

Approach # 2: A second, but not final, approach is found on page 303 of the *sefer* [book] of the *Shla Hakadosh*, cited in the *Pischai Teshuva* on *Shulchan Aruch Yoreh Daiah 62:2*. It is contained within the laws of *aiver min hachai*. The question is raised: If someone creates an animal using the *Sefer Hayetzira* - the Book of Formation - does it need *shechita*? In other words, we know that there is a *sefer* that contains the *kabbalistic* formulae for instilling life into lifeless forms such as fabricated animals. It is called the *Sefer Hayetzira*. What if someone pondered over its equations and procedures, and then created a moving, living animal - may it be eaten without a *halachic shechita*? After all, we must admit that such an organism did not come into being in the conventional way. Perhaps the Torah never required such a creature to be ritually slaughtered in order to allow us to eat it!

The *psak halacha* [decision on the law]? Certainly it may be eaten without *shechita*. It may even be consumed while still alive, says the *Pischai Teshuva* in the name of the *Shla*.

☞ Please do not be perplexed by this - the animal is not actually “alive” according to the technical definition.

The *Shla* adds that THIS IS WHAT HAPPENED WITH YOSEF AND THE SHEVATIM. He saw them eating meat which was taken from an animal which had been created by means of the *Sefer Hayetzira*. It did not need *shechita*, so they did not bother slaughtering it. Yosef observed their deed, misinterpreting it as the sin of *aiver min hachai*. Yosef thought it was a regular animal, so he reported to his father that his brothers were eating meat taken from a live animal. We know that the Torah commands us to judge others favorably if circumstances permit (*Rambam* in *Sefer Hamitzvos, Mitzvas Asai 177*), but did you ever imagine such an example? Yosef should have judged them in a positive way, that there is SOME explanation for what they are doing. Instead, he assumed they were committing a transgression. Although the *Pischai Teshuva* holds it must be *shechted* so that people do not get the impression that it is *aiver min hachai*, the bottom line is that *min haTorah* [from the Torah], it does NOT need *shechita*. This *din* of *maris ayin* [something that looks wrong] - slaughtering it so it will not LOOK like *aiver min hachai* - is from the *Rabanan* [Rabbis]. Perhaps the brothers were not concerned for this *maris ayin*; that issue can be explored. But Torah law says it is not *aiver min hachai*, so Yosef’s accusation was unjustified. The *Pischai Teshuva* does have another objection to the *pshat* of the *Shla*, but at least we have been exposed to this approach as another possible solution.

We must remember to give people the benefit of the doubt. Whichever explanation we prefer, one thing is certain: The *shevatim* did NOT eat *aiver min hachai*.

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