

## Chicks that did not form down (Betzah 1:1 2a)

ביצים שריקמו גוזלים שלא העלו עליהן כנפים- אסורין משום שקץ ואין לוקין עליהן משום נבילה. (ביצה א:א ב.)

Eggs which formed embryos, chicks whose feathers did not form are prohibited under “sheketz” but one does not incur lashes under the prohibition of “nevelah”, an animal which has not been slaughtered.

The Barayatha teaches that one who consumes one of the two mentioned items incurs only the prohibition of “sheketz” but not that of “nevelah”. In other words, one only receives lashes for the former and not for the latter. The reason appears to be because of the principle, אין איסור חל על איסור that a prohibition does not fall upon another prohibition. In this case, the prohibition of “sheketz” came into being first because it is part and parcel of the being itself.

The assumption of the Talmud Yerushalmi appears to be that the chicks fall under the prohibition of “sheketz” on a Biblical level as does the prohibition of “nevelah”. However, the Talmud Bavli rules that the chicks do not actually fall under the Biblical prohibition of “sheketz” as they do not creep, but are prohibited under a Rabbinic decree.

אמר רבא שאם ריקמה ואכלה לוקה עליה משום שרץ השורץ על הארץ . . . מדרבנן וקרא אסמכתא. (חולין סד.)

“Rava said that if it formed and one ate it he gets lashes because of “. . . the prohibition is Rabbinic while the scripture is a Asmakhta.”

Being that the prohibition of “sheketz” regarding chicks is merely Rabbinic, the rule of אין איסור חל על איסור would not apply and it would stand to reason that according to the Talmud Bavli one would incur two sets of lashes.