

Covering the Blood of a Slaughtered Animal on Yom Tov

The Mishnah (Betzah 1:3) records a dispute between Beth Shamai and Beth Hillel in the case of one who slaughters on Yom Tov. The former maintains that it is permissible to do so and should dig up earth to cover up the blood. The latter maintains that one may only slaughter if he had already prepared the earth before Yom Tov.

On the one hand we have the commandment to cover the blood (ושפך את דמו וכסהו בדמו, Leviticus 17:13). On other hand there is a prohibition of doing work on Yom Tov (כל מלאכת עבודה לא תעשו, ibid 23:7). Covering the blood involves the act of plowing which is a *Melakhah* and is Biblically prohibited.

Havraya (the Rabbis) maintain that a positive commandment displaces a negative commandment. מצוות עשה דוחה למצוה בלא תעשה (ביצה א:ג ה.), in other words if the Torah commands us to do perform an act while that act falls under something that the Torah prohibits, the positive commandment overrides the negative commandment.

The Babylonian Talmud (*Betzah* 8b and *Shabbath* 25b) maintains that the prohibition of doing work on Yom Tov contains within it both a negative and positive commandment, the combination of which cannot be overridden by the positive commandment of covering the blood.

Why is covering the blood permitted? The case of the Mishnah is where the soil is loose. Ordinarily, digging into the loose soil and creating an indentation (גומא) in it violates the prohibition of “Binyan”. However, when the purpose of digging is to obtain the soil and not to create an indentation there is no violation since the act is destructive (*Hagigah* 10a).