YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**TALMUDIC METHODOLOGY**

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**Shiur #23: The Laws of *Shechita* of a *Kuti***

The Gemara in *Chullin* (3a) discusses the *shechita* of a *kuti*. The *kutim* were a group of people who were resettled in the northern part of *Eretz Yisrael* after the Assyrian conquest under *Sancherib.* They converted to Judaism, but it is unclear whether their conversion was sincere or out of fear because lions began attacking them, and they saw conversion to Judaism as a way to protect themselves. Several Gemaras debate whether the *kutim* were *geirei arayot* —converts due to the lions, meaning they weren't authentic converts—or *geirei emet* —real, authentic converts.

Of course, according to the position that they were inauthentic *geirei arayot*, their *shechita* is disqualified just like the *shechita* of any non-Jew , based on the Mishna in *Chullin* 13a.

However, according to the position that they were *geirei emet*, their *shechita* could, in theory, be validated. Despite their adherence to the Torah, they had no compunctions about the prohibition of *lifnei iver*—enabling others to commit an *aveira*. Interestingly, while they were personally committed to halakha, they lacked a sense of collective responsibility. Therefore, even though their *shechita* may be formally valid, they cannot be trusted to report whether it was performed correctly. Unlike a regular Jewish *shochet*, whom we trust to inform us if the *shechita* was improperly executed, the *kuti* might not, due to their indifference about us consuming *neveila*. Consequently, to rely on their *shechita*, a degree of supervision is necessary to ensure that no technical errors occurred.

The Gemara in *Chullin* 4a cites the position of Abaye that a Jew has to be standing nearby the *shochet*, watching the act of *shechita* to assure that it was performed correctly (*omed al gabav*). Rava disagrees, claiming that this level of supervision is unnecessary; rather, it is sufficient for a Jew to occasionally step in and observe the *shechita* room, just so that the *kuti* knows that he could potentially be seen and checked at any moment. This will motivate him to either perform their proper *shechita* or inform us of any malfunctions

Though this debate may seem technical, whether constant supervision or occasional observation is required, Rabbi Soloveitchik believed that it represented something much larger and more central to the laws of *shechita*. Logically, Abaye is correct: for a Jew to testify that the *shechita* was performed correctly, he must observe the entire *shechita* or *omed al gabav*. By minimizing the requirement of supervision and just requiring occasional checks, Rava is dramatically minimizing the level of proof necessary to confirm that a proper shechita was performed.

Rava’s scenario where someone performs *shechita* knowing that a Jew could catch him through a spot check provides no direct, concrete testimony about a proper *shechita*, but rather **suggests a likelihood** that the *shechita* was performed correctly, as the *shochet* is aware he could be caught at any time.

Effectively, Abaye and Rava are debating the level of proof necessary to certify the shechita. Abaye requires *edut* (testimony), therefore a Jew must watch the entire process so he can testify that it was performed properly. In contrast, Rava holds that a mere likelihood of proper *shechita* suffices, so occasional checks are enough. If a Jew is entering occasionally and we had no reports of malfunction it's likely the shechitah was performed properly.

By creating broader categories about Abaye and Rava's seemingly technical debate, we can associate this question with other parallel disputes. For example, what would happen if a *katan* who is an expert in *shechita* performs it and assures us that it was done correctly? The Tur in *Yoreh De'ah* 2 permits this, while the Rema (ibid 1:5) disagrees.

Perhaps this depends upon the level of certification necessary to validate a *shechita*. In Abaye's view, we require *edut*, and since a *katan* is not suited to be a witness, we cannot rely upon his *shechita*. However, in Rava's view, where only the likelihood of a proper *shechita* is necessary, a *katan* who is an expert in the laws and mechanics of *shechita* provides sufficient likelihood or *umdena* that the *shechita* was performed correctly.

The possibility that we would not require full *edut* to certify a proper *shechita*, but would suffice with likelihood and probability (i.e., *umdena* or the halakhic equivalent), appears in a fascinating *Tosafot* on *Chullin* 9a. The Gemara discusses situations of *safek* *shechita*, where it is unclear whether the shechita was performed in a technically correct manner. Rava claims that we apply *chezkat issur* and treat the item as if it is prohibited to eat. Yet according to one position in the Gemara, we do not treat the animal as a full-fledged *neveila*, in which case it would be forbidden to eat and also *tamei*, but only as meat that is forbidden to eat but remains *tahor*.

If we believe the *shechita* was performed properly, we should be allowed to eat the meat. If we don't believe the *shechita* was performed properly, then it should be both forbidden and *tamei*. How do we explain this partial status of *neveila* where the meat is forbidden, but we don't assume that it is *tamei*?

*Tosafot* *s.v. Ve-asura* provides a novel approach. In *Tosafot’s* opinion, any time there is a *safek* regarding *shechita*, we should apply the principle that most animals are slaughtered properly, , and we should be allowed to eat the meat. The prohibition of eating meat in cases of *safek shechita* is only *mi’derabbanan*. Since the entire foundation of the *issur* is *derabbanan*, the Sages were lenient, and we don't have to treat it as *tamei* —we just can't eat it. This implies that any *safek* *shechita* could be resolved by *rov* or *umdena* without requiring the level of testimony of *eidut*. This logic suggested by *Tosafot* in *Chullin* 10a is much more in line with Rava's position, allowing a Jew to walk in and out during a *kuti's shechita*, as opposed to Abaye's position, which required constant supervision throughout the entire act of *shechita*.

Further indication that verifying proper ***shechita*** does not require *edut*-level information stems from the fact that a *mumar le-te’avon* —someone who adheres to all of halakha but has an extreme craving for non-slaughtered meat—can fundamentally perform a *shechita*. The Gemara recognizes that he may end up being lazy and might not take care to secure a proper knife. However, if we provide him with the proper *shechita* knife, we can eat his *shechita* because he is still considered a Jew. Why is he believed to tell us that he executed the *shechita* properly? Is a *mumar* considered someone who is *kasher* for *edut*?

If we do not require *edut* to verify proper *shechita*, the fact that a *mumar* can help us verify *shechita* proves nothing about his status as an *eid*. If, however, we require *edut*-level information, and we fundamentally accept a *mumar's* *shechita* assuming we provided the knife, we must consider the *mumar kasher* for *edut*, at least in the realm of *issur*.

This question—whether we require *edut*-level information or merely *umdena*-level information to certify a proper *shechita* —is, of course, reflective of the status of the animal before the *shechita*. If, as the Rashba on *Chullin* 9a maintains, every animal prior to shechita has an inherent *issur neveila*, which remains unless *shechita* is properly performed, we are dealing with an object that is classified as *itchazek issura*. The meat has an *issur* before the *safek* emerges, and the consequence of the *safek* is either to retain that *issur* or to remove it. Situations of *itchazek issura* are not typically resolved by anything less than *edut*-level information.

By contrast, if there is no *issur neveila* surrounding the live animal, and *neveila* is merely an outcome of a failed *shechita*, we are essentially dealing with an item that did not have any label of *neveila*, and the question is whether a new label of *neveila* ever emerged. This question could more easily be resolved by *umdena*-level information.