

YESHIVA PIRCHEI SHOSHANIM SHULCHAN ARUCH PROJECT IN
PARTNERSHIP WITH YESHIVA YOREH DEAH

Hilchos Shechitah

Shiur 2

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Who are Qualified to Do Shechitah?

Yoreh De'ah - Siman 1

סימן א'

Siman 1 Se'if 1 (Continued)

1. הכל שוחטין לכתחלה, אפלו נשים. הגה: יש אומרים שאין להניח נשים לשחט, שכבר נהגו שלא לשחט, וכן המנהג שאין הנשים שוחטות (בית יוסף בשם האגור).

ועבדים וכל אדם, אפלו אין מכירין אותו שמחזק לשחט שלא יתעלה, וגם אין יודעין בו שהוא ממחה ויודע הלכות שחיטה, מתר לתן לו לכתחלה לשחט, ומתיר לאכל משחיטתו, שרוב הרגילין לשחט הם בחזקת מחזין ומחזקין. במה דברים אמורים, בשאינו לפנינו, אז מתיר לאכל משחיטתו וסומכים על החזקה. אבל אם הוא לפנינו, צריך לבדוק, אם הוא ממחה ויודע הלכות שחיטה, אבל אין צריך לשאלו אם נתעלה. הגה: יש אומרים שאין לסמוך על החזקה אלא בדיעבד, אבל לכתחלה אין לסמוך על החזקה, במקום דיכולין לבררו, (מדיכי והגהות אשרי ואגור בשם אור זרוע ושאלתות פרשת בהעלתך). וכל זה מירי באחרים, שאין בקיאים ויודעין אם זה השוחט בקי או לא, אבל השוחט עצמו לא ישחט, אף על פי שיודע הלכות שחיטה וממחה, עד ששחט ג' פעמים בפני חכם וממחה בהלכות שחיטה, שיודע שהוא רגיל וזריז שלא יתעלה. (טור בשם הרמב"ם) ולכן נוהגין שאין אדם שוחט אלא אם כן נטל קבלה לפני חכם, (אגור בשם הלכות א"י). ואין החכם נותן לו קבלה, עד שידע בו שהוא יודע הלכות שחיטה ובקי ביד. ולכן נוהגין שכל הבאין לשחט, סומכין עליהם לכתחלה, ולא בדיקו אותם לא בתחלה ולא בסוף, דכל המצויין אצל שחיטה כבר נטלו קבלה לפני חכם, (ד"ע). ובקצת מקומות נוהגין להחמיר עוד, דהמקבל נוטל כתב מן החכם, לראיה שנתן לו קבלה. וכל שוחט, אף על פי שנטל קבלה, יראה שיהיה לפרקים הלכות שחיטה, שיהיו שגורים בפיו ובלבו שלא ישכחם (מהר"ר יעקב הלוי בשם מהר"ש). וכמו שהדין בהלכות שחיטה ובמי שצא לשחט, כך הוא הדין בהלכות בדיקות הראה ובמי שצא לבדיקה, ודינם ומנהגם שנה בכל זה, (ד"ע). ויש לב"ד לחקר ולדרוש אחר הבדיקים והשוחטים, ולראות שיהיו בקיאים וממחים וכשרים, (מהר"ר סי' נ'). כי גדול אסור המכשלה בשחטות ובדיקות המסורים לכל. ואם בדיקו איזה שוחט ובודקו, ונמצא שאינו יודע, אם נטל פעם אחת קבלה אין מטריפין למפרע מה ששחט, דאמרין השתא הוא דאתרע, (חדושי אגדה). אבל אם לא נטל קבלה מעולם, כל מה ששחט, טרפה, גם כל הכלים שבשלו בהן מה ששחט, צריכין הכשר, (רשב"א סימן רי"ח).

1. ALL MAY SLAUGHTER (SHECHT), LECHATCHILA, EVEN WOMEN.

Rama: There are those that say that women should not be permitted to Shecht, as we have already established a custom that (women) are not to Shecht, and thus the tradition (bolds) that women do not Shecht.

SLAVES AND ANYONE, EVEN IF YOU DO NOT KNOW THAT HE DOES NOT FAINT (BECAUSE OF SHECHTING), EVEN IF YOU DO NOT KNOW IF HE IS AN EXPERT THAT KNOWS THE LAWS OF SHECHITAH (RITUAL SLAUGHTER), IT IS PERMITTED LECHATCHILA TO LET HIM SHECHT AND IT IS PERMITTED TO EAT FROM HIS SHECHITAH. THIS IS BECAUSE THE MAJORITY OF THOSE THAT REGULARLY SHECHT ARE UNDER THE PRESUMPTION OF BEING EXPERTS (IN SHECHITAH). WHAT SITUATION ARE WE TALKING ABOUT HERE? (WE ARE TALKING ABOUT A SITUATION) WHERE THAT PERSON IS NOT IN FRONT OF US, ONLY THEN IS IT PERMITTED TO EAT FROM HIS SHECHITAH, AND WE RELY ON THE PRESUMPTION (REFERENCED TO ABOVE). HOWEVER, IF HE IS PRESENT, WE NEED TO CHECK HIM, IF HE IS AN EXPERT AND KNOWS THE LAWS OF SHECHITAH, HOWEVER WE DO NOT NEED TO ASK IF HE FAINTS.

Rama: There are those that say that one should only rely on the presumption after the fact and that initially the presumption should not be relied upon if you are in a place where you can clarify him (the Shochet's [ritual slaughterer's] abilities). All this applies to those that aren't proficient and need to know if this Shochet is proficient. But the Shochet himself shall not Shecht, even if he knows the laws of Shechitah and is proficient, until he has Shechted 3 times in front of a learned man and one that is proficient in the laws of Shechitah. Therefore, we practice that a man shall not Shecht without having obtained Kabbalah (ordination) from before a learned one. And the learned one should not give Kabbalah until he knows that he (the Shochet) knows the laws of Shechitah and is proficient with his hands. Therefore, we practice that all who come to Shecht we trust them initially and we don't check them before or after. Because all that are found to be Shechting have already received Kabbalah from before a learned one. And in a few places they are more stringent. That the one who received (Kabbalah) also gets a written letter from the learned one, as proof that he has given him Kabbalah. And every Shochet, even though he has received Kabbalah, it is fitting that he should return to the chapters of laws of Shechitah. That they (the laws of Shechitah) should live in his mouth and in his heart, so that he will not forget them. And like in the laws of Shechitah and with one that comes to Shecht thus is the ruling in the laws of Bedikas Ha're'ah (checking the lungs for disqualifying illness) and one that comes to check (the lungs). And their (Shechitahs and Bedikahs) rules and customs are all equal in all of this. And it is fitting for a Beis Din to investigate and the Bodkim (checkers of disqualifying illness) and Shochtim (ritual slaughterers). Because large is the transgression in Bedikahs and Shechitahs, that are applicable to all. And if they checked some Shochet or Bodek and it is found that he does not know, if at one time he received kabbalah we do not deem all everything he has Shechted in the past to be Treif (not kosher), for we say that only now did he become bad. But if one has never received Kabbalah, everything that he has Shechted will become Treif, and also all the dishes on which what he Shechted was cooked would need to be Koshered.

Who May We Allow to Shecht Lechatchila and Who Bedieved?

Shulchan Aruch and Rama

The *Shulchan Aruch* *Paskens* that one may give any *Shochet* an animal to *Shecht* even if we don't know if he knows the *Halachos* and if he may faint when *Shechting*. We may eat from his *Shechitah* if he's not present. If he's present, we need to check to see if he knows the laws of *Shechitah*. The *Shach* explains the position of the *Mechaber*, that we are allowed to give him the animal to *shecht* with intention to test him afterwards.

The *Rama* *Paskens* that *lechatchila* we should test him before giving him the animal for *Shechitah*. If he already did the *Shechitah* then we test him afterwards to see if he's knowledgeable in *Hilchos Shechitah*. If he's not available after the *Shechitah* we are allowed to eat from his *Shechitah* because we rely on the aforementioned "Rov."

The *Rama* adds that the *shochet* himself shouldn't *Shecht* by himself until he practices on three birds in the presence of a *Chacham* who's well-versed in *Hilchos Shechitah*. The custom nowadays is to test the *Shochet* first and then confer him "Kabbalah" (acceptance to be a *Shochet*). Since this is the custom, anyone that presents himself as a qualified *Shochet* will be allowed to *Shecht* without further proof since we have a "Rov" that the majority of people who *Shecht* have received "Kabbalah". In some places they are strict and they issue a certificate of "Kabbalah" as proof of his worthiness to perform *Shechitah*.

The *Shach* brings that the *Bach* rules in the name of the *Ra'avan* that if the *Shochet* left, we don't have to chase after him to see whether he knows *Hilchos Shechitah*. The *Shach* comments that this doesn't fit in with the opinion of *Ravina* in the *Gemora* who holds that we must ask him if no one saw him at the time of the *Shechitah*. However, this really doesn't matter to us according to the *Rama*¹ [who *Paskens* that we don't hold like *Ravina*. We hold that anyone can *Shecht* without any questions asked].

¹ The *Pri Megadim* has difficulty understanding what the *Shach* means that according to the *Rama* the *Ra'avan's* point is irrelevant.

The *Taz* writes that *lechatchila* we should ask him before *Shechitah* if he has a certificate of “*Kabbalah*”. If we didn’t ask him beforehand, we should ask afterwards. If he never received a “*Kabbalah*” then it is forbidden to eat the meat of the animal which he slaughtered. Since everyone that practices *Shechitah* nowadays receives “*Kabbalah*” and he did not receive one, this casts a strong doubt about his qualification to *Shecht* and we consider his *Shechitah* to be *Treif*.

Shechting Three Birds - Chickens

The *Shach* (6) explains the custom of new *Shochtim* to slaughter three birds in front of a *Chacham*. The custom is to give him two female and male chicken. The *Chacham* doesn’t take the chickens for himself; rather he distributes them to the poor. The *Shochet* doesn’t get remuneration for his services either [nor does he get reimbursed for the chickens.]

The *Shach* says that a novice should not attempt to *Shecht* any small birds since they are difficult to *Shecht* properly. Even those who are experts at chickens are not better at these small birds. Even those who are trained at these small birds would take a precaution to *Shecht* a small bird along with a chicken so that the *Beracha* he makes for the *Mitzvah* of *Shechitah* will not be in vain if the small bird isn’t slaughtered properly. At the very least he would slaughter a minimum of two small birds at a time so that there is less of a chance that both birds will end up being slaughtered improperly.

How Often Must a Shochet Review the Halachos?

The *Rama* writes:

And every Shochet, even though he has received Kabbalah, it is fitting that he should return to the chapters of laws of Shechitah. That they (the laws of Shechitah) should live in his mouth and in his heart, so that he will not forget them. And like in the laws of Shechitah and with one that comes to Shecht thus is the ruling in the laws of Bedikas Ha're'ah (checking the lungs for disqualifying illness) and one that comes to check (the lungs). And their (Shechitahs and Bedikahs) rules and customs are all equal in all of this. And it is fitting for a Beis Din to investigate and the Bodkim

*(checkers of disqualifying illness) and Shochtim (ritual slaughterers).
Because large is the transgression in Bedikahs and Shechitahs, that are
applicable to all.*

The *Taz* rules that the *Shochet* must familiarize himself with the laws of *Shechitah* and know them by heart. He notes that the language of the *Gemora* is that he must know *Hilchos Shechitah* and **say** them. The meaning of “and **say** them” implies to say them by heart. [The reason we are stricter here is that he must know them by heart is because *Shechitah* is a common practice and its open to all, therefore it needs to be regulated with more stringent measures.] Unfortunately, it's very common that even the *Shochtim* that have received “*Kabbalah*” do not review the *Halachos* and forget them. Therefore, it is now common for *Rabbanim* to test even those who have received “*Kabbalah*” to make sure that they constantly review the *Halachos*.

The *Be'er Hagolah* brings the *Maharil* that writes that the *Maharash* said in the name of his brother the *Rabbeinu Yonah* that a *Shochet* who just begins his career should review the *Halachos* once a day for the first thirty days. After that once a month for the first year. After that he should review them from time to time for the rest of his life. If he doesn't do so, his *Shechitah* is considered *Treif*.

The *Be'er Heiteiv* says in the name of *sefer Beis Hillel* that the *Rama* that requires reviewing *Hilchos Shechitah* from time to time means he should review it every thirty days.

A Certificate of Kabbalah from his Father or Relative

The *Pischei Teshuva* discusses whether it's acceptable to receive a certificate of *Kabbalah* from one's father or relative. The *Panim Me'iros* that a father can confer *Semichah* to his son. Even if we find the son deficient in his knowledge of the *Halachos* at a later time, we will assume that originally he was qualified and deserving of his *Semichah*. Therefore, we don't disqualify all the *Shechitahs* he did until now and all the *Keilim* (utensils) are kosher. *Shevus Yaakov* prefers that one should receive his certificate of “*Kabbalah*” from someone that's not his relative.

A Shochet Who is Found to be Ignorant in Hilchos Shechitah

The *Risbonim* discuss how we treat the meat and *Kasbrus* of the pot in which they were cooked when a *Shochet* is found to be ignorant in *Hilchos Shechitah*.

Agudah

The *Agudah* bases his ruling in a *Gemora* Chulin 10a where we find a *Machlokes* between Rav Huna and Rav Chisda. The case in point was where a *Shochet* checked his knife before *Shechitah* but he didn't check it again after the *Shechitah* and then he proceeded to use it to cut bones and found his knife had a nick. Rav Huna is of the opinion that the *Shechitah* is invalid because we assume the knife got nicked when he started cutting through the skin of animal's neck before the *Shechitah* even though it definitely could have gotten the nick when he chopped bones after the *Shechitah*. Rav Chisda says the *Shechitah* is valid because we assume the nick happened after the *Shechitah* when it hit through the bone in the back of its neck.

The *Gemora* asks a *Kashya* (question) on Rav Chisda:

Why is this case different than a case of a *Tamei* person that immersed himself in a *Mikveh* and then found a *Chatzitzah* (interposition) on his skin and we assume it was there before he immersed himself, yet here we assume the nick occurred only after the *Shechitah*?

The *Gemora* offers the following distinction:

In the case of the *Mikveh* the person found a deficiency on his person (i.e. the *Chatzitzah*) and not on the *Mikveh*. Therefore, we assume the person remains in his *Tamei* status which is where the deficiency was found. Here, by the *Shechitah*-knife which got a nick, the deficiency is in the knife and not on the animal which was slaughtered.

Accordingly, the *Agudah* draws a similar conclusion in our case. Here the *Shochet* was found to be ignorant in *Hilchos Shechitah*, but the animal which was slaughtered wasn't found to be deficient in any way. Therefore, we assume the animal was slaughtered in a kosher manner and the meat is kosher. Likewise, the *Keilim* are also considered to be kosher for the same reason.

The *Beis Yosef* quotes the *Rashba* (Responsa Vol. 1:218):

The story was that *Remen* was appointed to do *Shechitahs* and also *Bedikahs* on the animals. After a while, *Remen* was tested on the *Halachos* and was found to be ignorant. What were the people to do with the salted and Koshered-meat which they possessed?

The *Rashba* answered that we definitely do not apply the “*Rov*” in such a case where he was tested and he doesn’t know the *Halachos*. Obviously, he’s from the minority who *Shecht* despite their lack in basic knowledge of *Hilchos Shechitah*. Also we cannot say here that we should assume the status quo that he once knew the *Halachos*, since here it’s possible he never knew the *Halachos* in the first place. Therefore, all the meat and the pots in which they were cooked are *Treif*. All we have is a single *Safeik*, did he ruin the *Shechitahs* or did he *Shecht* them properly (despite his lack of knowledge).

What emerges is that we apparently have a divergence of opinions between the *Agudah* and the *Rashba*. We will yet see that there’s a *Machlokes* in the *Poskim* how to interpret their opinions.

The Final Ruling

The *Rama* makes a distinction whether we originally knew that he once was knowledgeable in *Hilchos Shechitah* because he had a certificate of “*Kabbalah*” and where he never had a “*Kabbalah*.” If he once had a “*Kabbalah*” we can assume that he was knowledgeable and that which he forgot them happened only recently. Therefore, we will treat all his previous *Shechitahs* as valid and kosher. If he never had such a certificate, then will have to assume he never was qualified to *Shecht* in the first place and everything will be treated as *Treif*.

The *Shach* understands from this that the *Agudah* and the *Rashba* are not arguing with each other. Each is talking of a different case. The *Agudah* is referring to a case where the *Shochet* was originally knowledgeable and the *Rashba* was talking where he was never known to be knowledgeable.

The *Taz* totally disagrees with this approach. He maintains that the *Rashba* held the *Shechitah* to be *Treif* even if he was once knowledgeable. Anyone who wishes to disagree with him should come and refute his proofs.

There are a number of reasons he gives for his conclusion:

In the case of the *Shechitah*-knife, he used it to chop bones which gives us very good reason to assume the nick only happened now.

It's not likely at all that he forgot all the *Halachos* at once. It's more like a *Mikeveh* that was found to be lacking the minimum forty-*Se'ab* amount, which obviously started slowly over time. Therefore, it must have already started getting deficient from an earlier time.

The *Levush* explains that there is a *Machlokes* between the *Agudah* and the *Rashba*. The *Agudah* assumes everything is kosher even without a certificate of "*Kabbalah*" while the *Rashba* holds that everything is *Treif* even if he once had a certificate of "*Kabbalah*."

The *Shach* agrees that according to *Halacha*, we *Pasken* like the *Rama* that if he once was knowledgeable, then we must assume he forgot them now. However, if we never knew if he was knowledgeable, then most probably he never knew because it's not likely that he just forgot the *Halachos* now. [See *Nekudos Hakessef* where he refutes the proofs brought by the *Taz*, one by one.]

A *Shochet* that became an apostate or sold *Treif* meat invalidates himself from any future *Shechitah*. However, anything that he produced up to that point is assumed to be kosher.

The *Pischei Teshuva* brings the opinions of the *Taz* and the *Tevn'os Shor* that hold that all the meat and the vessels in which they were cooked are considered *Treif* retroactive. Amongst the *Acharonim* (later *Halachic* authorities) there are many that follow the *Shach* on this issue while others follow the *Taz*. The author of *Mayim Rabbim* in his Responsa makes a distinction between someone who decided become an Apostate and someone who was just lazy and didn't check to see if the animal had any signs of being *Treif*. In the former, we say he just now was overpowered by his Evil Inclination and decided to become an Apostate; therefore, all meat until now is assumed to be kosher. However, in the latter, he was most likely lax and lazy in performing his duties all along and therefore we consider everything *Treif* retroactive.

A Shochet who Admits to Producing Treif Meat and is now Remorseful and Repenting

Pischei Teshuva cites the following opinions:

The *Sefer Giv'at Shaul* holds that we don't consider anything *Treif*, not now nor in the past. This is based on the principle that a person cannot condemn himself – אין אדם משים עצמו רשע.

The *Chavos Ya'ir* holds that that rule doesn't apply in such a case where a person is coming to *Teshuva*. Therefore, we will believe him and consider everything *Treif* retroactive.

The *Pischei Teshuva* adds a comment from the *Tumim*, that even in the opinion of the *Giv'at Shaul* if he produced meat that was only considered *Treif* on a Rabbinic level, he would be believed to say he did that lower level transgression.

The *Sefer Bris Avraham* says that even on a Rabbinic level, a person cannot be believed to condemn himself. However, if he says that he sold the meat of an animal which he wasn't sure if he invalidated it by pausing (*She'h'yab*), during the *Shechitah*, we would take his word since that's not considered to be such a bad transgression in people's eyes.

A Review of the Main Points of the Shiur

- 1) The *Shulchan Aruch* holds we may give an animal to anyone for *Shechitah* [if we plan on testing him afterwards to see if he's knowledgeable in *Hilchos Shechitah – Shach*]. If he's still present, we will test him and we will also ask him if he may have fainted during *Shechitah* [*Rif, Rosb. Rambam* agrees but he holds we don't have inquire about fainting].

The *Rama* rules that we should *lechatchila* test his knowledge in *Hilchos Shechitah* before giving him an animal for *Shechitah*. *Bedieved* if we didn't, then we must test him afterwards. If he's no longer present, then we assume the meat to be kosher anyway and we don't have to chase after him [*Shach, Bach* in name of *Ra'avan*] even if it's not difficult to catch up to him [*Pri Megadim*].

- 2) A *Shochet* at the outset of his career should first *Shecht* three chickens [one should be male – *Shach*] in front of a *Chacham*. The *Chacham* should then distribute the to the poor and the *shochet* should not receive remuneration [*Shach* in name of *Mabarsha*].

He shouldn't do this three-bird trial on small birds, since they are much more difficult to *Shecht* in the proper area. Even a skilled *Shochet* would *Shecht* a chicken along with small birds since this avoid his *Beracha* on the *Shechitah* from being said in vain if the small birds wouldn't be *shechted* properly. Alternatively, they would take at least two small birds to lessen the chance of a *beracha levatala* (blessing said in vain) [*Shach*].

- 3) The *Minbag* is that a *shochet* only *Shechts* after being tested and receiving “*Kabbalah*.” Therefore, anyone that is actively *shechting* is assumed to have received a “*Kabbalah*.” Others give a written certificate of “*Kabbalah*” to prove his worthiness to *Shecht*.
- 4) Some say that we should inquire about his “*Kabbalah*” before *Shechitah* and *Bedieved* after *Shechitah* is also accepted. However, if he's no longer present and we don't know his credentials, we consider his *Shechitah* to be *Treif* [*Taz*].
- 5) A certified *shochet* needs to constantly review *Hilchos Shechitah* his entire life so that he remains fluent in them by heart [*Rama, Taz*]. *Beis Din* should test them every so often because of the common problems with the *Shochtim*. Those that do the *Bedikahs* (checking for signs of *Treifos*) of the animals must also review their *Halachos* [*Rama*].

- 6) Some say the *Rama's* requirement for periodic review means once every thirty days [*Be'er Heiteiv*]. *Maharil* brings the opinion of the *Maharash* from his brother *Rabbeinu Yonah*. He says that first he must review the *Halachos* every day for thirty days. Then once a month for the first year. Then every once in a while for the rest of his life [*Be'er Hagolah*].
- 7) Some allow receiving “*Kabbalah*” from a father or relative. Others say that this should be avoided when possible [*Pischei Teshuva*].
- 8) A *shochet* who was found to be ignorant, the meat and utensils are considered *Treif* [*Rashba* in Responsa]. Others allow the meat that was already produced but not any future *Shechitah* [*Agudah*]. This appears to be a *Machlokes* [*Levush*]. The *Rama* interprets that it's not a *Machlokes*. One case is referring to one who received a valid “*Kabbalah*” and then he forgot the *Halachos*, and the other scenario is where he never received a “*Kabbalah*” in the first place [*Shach*]. Others are strict to prohibit all the meat and utensils retroactive [*Taz*].
- 9) A *Shochet* who became an Apostate, his *Shechitah* is not *Pasul* retroactive. Likewise, if he brazenly sold *Treif* meat, we don't assume previously sold meats to be *Treif* [*Shach*]. Some say that everything is *Treif* retroactive [*Pischei Teshuva* in name of *Giv'at Shaul*]. Some make a distinction between someone that was lazy to check properly and someone who brazenly sold *Treif* [*Pischei Teshuva* in name of *Mayim Rabbim*].
- 10) A remorseful *Shochet* who admitted to selling *Treifos*, some opinions hold we don't believe him because one cannot condemn himself [*Pischei Teshuva* in name of *Giv'at Shaul*]. Some make a distinction between a Rabbinic law and a Torah law [*Pischei Teshuva* in name of *Tumim*]. Yet others say that there's no difference [*Pischei Teshuva* in name of *Bris Avraham*]. Others accept his admission since he's trying to do *Teshuva* [*Chavos Ya'ir*].