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Hilchos Shechitah

Shiur 1

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Who are Qualified to Do Shechitah?

Yoreh De'ah - Siman 1:1

סימן א'

Siman 1 Se'if 1

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 לבדוקו, 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 פרושת בהעלתה). 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 בשחיתות ובדיקות המסורים לכל. ואם בדיקו איזה שוחט ובדוקו, 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 (holds) 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. Therefor 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. Therefor 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*.

SIMAN 1
SE'IF 1

The Torah Requirement to Shecht (Ritual Slaughter)

SOURCE

Gemora:
Chulin 28a

It was taught in a Beraissa: Rebbe said, [the Pasuk states] וזבחת כאשר צויתך – And you shall slaughter like I have commanded you. This teaches us that Moshe was commanded regarding the esophagus and the trachea, the majority of one for birds and the majority of two for animals.

Rashi explains that he was commanded orally regarding the laws of *Shechitah* as these laws are not mentioned in the Torah. The *Drisha* (1) explains that *Rashi* understands that all the laws of *Shechitah* are הלכה למשה מסיני – Oral Tradition to Moshe at Sinai. The *Pri Megadim* explains that even according to those that hold when a situation of *Safeik* arises on a הלכה למשה מסיני we may be lenient, here we must be strict since the *Pasuk* directly references the הלכה למשה מסיני, it's considered like a *Safeik* of a *De'Oraissa* level.

Tosefos and the *Ran* make the reference to *Shechitah* through the use of a *mnemonic device*. The letters of the word כאשר is understood as follows:

א - אחד - ONE: Cutting just one *Siman* is sufficient for the *Shechitah* of a bird.

ש - שנים - TWO: By an animal, two *Simanim* must be cut.

ר - רוב - MAJORITY: Cutting a majority of a *Siman* ...

כ - כמוהו - IS THE SAME.

This is understood as follows, cutting the majority of a *Siman* is equivalent to cutting it in its entirety.

The *Tur* prefaces *Hilchos Shechitah* with the *Beraissa* mentioned above. The *Bach* explains that the *Tur* is making a point that birds require *Shechitah* according to Torah law and

not just *Mide'Rabanan* which is true according to other opinions. The practical difference is how to deal with a situation of a *Safeik* by a *Shechitah* of a bird. According to the *Tur* we treat like a *Safeik* of a *De'Oraissa* and we must be strict.

The *Darhei Moshe* quotes the *Rambam* at the beginning of *Hilchos Shechitah*.

It's a positive commandment to *Shecht* before eating the meat of an animal or a bird, as the *Pasuk* states וזבחת מבקרך וצאנך - and you shall slaughter from your cattle and from sheep. And with regard to a firstborn animal - בכור - with a blemish, [ibid.:22] states: "As one would partake of a deer and a gazelle." From this, we learn that a wild beast - חיה - is [governed by] the same [laws] as a domesticated animal with regard to *Shechitah*. And with regard to birds, [Leviticus 17:13] states: "that will snare a beast or a fowl as prey... and shed its blood." This teaches that spilling the blood of a bird is equivalent to spilling the blood of a wild beast.

From this we see that the *Rambam* holds that *Shechitah* is a Torah requirement for animals, wild beasts and birds.

Can Women Shecht?

SOURCE

**Mishnah:
Chulin 2a**

Everyone may Shecht, and their Shechitah is valid, except for a deaf-mute, a Shoteh and a minor, lest they ruin the Shechitah.

There's a *Machlokes amongst the Rishonim* if women may *Shecht*.

Hilchos Eretz Yisrael

Sefer Hilchos Eretz Yisrael Paskens that women shouldn't *Shecht* since it's likely for her to feel weak and faint while *Shechting*.

Tosefos

Tosefos hold that women are allowed to *Shecht* as the *Mishnah* clearly states that everyone may *Shecht*. Only a deaf-mute, a *Shoteh* and a minor are excluded by the *Mishnah*. Women are not excluded and may *Shecht lechatchila*.

The *Tur* lists many other *Rishonim* that agree with *Tosefos*. They are the *Rambam* (4:4), *Rashba*, *Rosh*, *Ran*, *Mordechai*, and the *Hagabos Ashri*.

Agur

The *Agur* says that although a woman is valid to *Shecht*, we see that women are not used for *Shechitah*. Therefore, we don't allow women to *Shecht* because this is the *Minbag* and *Minbag* is also *Halacha*.

Kolbo, RI

The *Kolbo* brings the opinion of the *RI* that says that women may *Shecht* for themselves, but not for others.

The *Beis Yosef* says he doesn't understand such a distinction, since if they are valid for themselves then why are they not valid for others? The *Beis Yosef* says that what the *RI* meant that they can *Shecht* for themselves really meant they can *Shecht* by themselves and no one has to oversee them.

In conclusion

The *Tur* holds that women are permitted to *Shecht* without any hesitation. This is like the opinion of *Tosefos* and the majority of *Risbonim*.

However, although the *Mechaber* follows this ruling, the *Rama* brings the opinion of the *Agur* that maintains that the *Minbag* is not to allow women to *Shecht*.

The *Taz* brings *Tosefos'* proof from *Zevachim* 31a. It says there that any of the *Pesulim* (ineligible people) *Shechted* a *Korban* it is kosher. This includes women too. Although the *Mishnah* uses also a term that implies that we only accept their *Shechitah post facto*, the *Gemora* explains that that only is true for a person that's *Tamei*. Otherwise, all the rest are allowed to *Shecht* even *lechatchila*.

The *Rama* brought the opinion of the *Agur* as mentioned. The *Shach* defends this opinion from the question posed by the *Beis Yosef* that we do not establish a *Minbag* from what we didn't observe. He contends that *Minbag* is based on what is accepted practice to refrain from doing.

The *Pri Megadim* gives two reasons why women don't *Shecht*. 1) We are concerned they may faint from the sight of the *Shechitah*. 2) We do not trust women on causing others to sin - לפני עור - Placing a stumbling block in front of others [to sin].

Pri Megadim negates the second reason as not being true as we see we trust women to perform ניקור - removing the forbidden portions of fats from the meat.

The *Simlah Chadashah* rules that *Bedieved* if a woman did *Shechitah* we accept it and it is kosher for consumption in a place where women do not customarily *Shecht*. In those places where women do practice *Shechitah*, we allow that custom to continue unfettered.

Slaves

The *Tur* writes that *Avadim Meshubraram* - עבדים משוחררים - (freed slaves), are allowed to perform *Shechitah*. The *Beis Yosef* questions, why does he only allow those that were already freed who are full-fledged Jews? Even those who are presently still slaves are considered to be obligated in all *Mitzvos* which women are obligated by virtue of entering into the covenant with *Milah* and *Tevilah* upon becoming slaves to Jewish owners? *Darhei Moshe* notes that in fact, the *Rambam* just writes that slaves are allowed to *Shecht*, making no distinction whether or not they were freed.

The Practical Halacha

The *Shulchan Aruch* *paskens* that slaves are kosher for *Shechitah*. The *Shach* explains that the reluctance to freely allow slaves to *Shecht* is because generally slaves are commonly not trustworthy due to their lack of amiable character traits. Therefore, we would only allow those slaves who we trust and that are well-versed in the laws of *Shechitah*. This is also what the *Shulchan Aruch* means to say.

The *Taz* disagrees with the *Beis Yosef*. He says that although slaves are considered to be obligated in *Mitzvos* like women, they are still not fully Jewish and are therefore not valid to *Shecht*. The meaning of slaves in the *Mishnah* means slaves that were freed that are now considered to be fully Jewish.

The *Nekudos Hakesef* argues back that slaves that are currently owned by Jews are indeed considered to be Jewish (except regarding marrying in). Their level of *Mitzvos* is like that of women who are exempt from time-bound *Mitzvos*. Regarding *Shechitah* they are no different than anyone else.

Elderly and Mourners

The *Gilyon Maharsha* writes in the name of *Mahar" a Kloizner* that an eighty-year-old person should no longer practice *Shechitah*. Likewise, someone that is in *Aveilus* (in his seven-day mourning period). The *Sefer Beis Yaakov* explains that a mourner is usually despondent and may not perform *Shechitah* with his usual precision. Generally, someone that's eighty years old loses his expertise to *Shecht* and should therefore retire at that age.

He writes that this is not a steadfast rule, as there are those who are younger and have lost their skill while some are over eighty and are still adept like younger people [*Ibid.*].

Who is Eligible to Shecht Lechatchila and Who is Eligible Bedieved?

SOURCE

Mishnah: Chulin 2a

The *Mishnah* states:

Everyone can Shecht and their Shechitah is valid.

The *Gemora* examines its meaning:

The Mishnah states everyone can Shecht, implying that it is lechatchila, then the Mishnah states that if they Shecht it's kosher, implying that it's only Bedieved.

The *Gemora* has a number of ways to resolve this. We will just discuss the explanation which is brought according to *Halacha*.

Ravina according to the first version:

Lechatchila we give the *Shechitah* to an individual who is well-versed in the laws of *Shechitah* even though we have not ascertained that he will not faint from the sight of the *Shechitah*. *Bedieved*, if he already *Shechted* and we are not sure that he's well versed in *Hilchos Shechitah*, we check his knowledge of *Hilchos Shechitah* afterwards. If he knows the laws the *Shechitah*, it is valid, otherwise, not.

Ravina according to the second version:

If we have ascertained that this person doesn't faint from the sight of *Shechitah* then we can allow him to *Shecht* even if we are not aware that he's well-versed in *Hilchos Shechitah*. If we are not sure that he won't faint, then he shouldn't *Shecht* not in our presence. If he did and he says that he's sure that he didn't faint, we are allowed to rely on his *Shechitah Bedieved*.

Dissenting Opinion of the Amora'im:

The *Amora'im* disagree on both points. They hold that most people who actually *Shecht* are well-versed in *Hilchos Shechitah* and they also don't have issues of fainting from the *Shechitah*.

Machlokes Rishonim which Opinion to Follow

Although some *Poskim* rule like *Ravina* the *Rif* doesn't follow that opinion since the *Gemora* brought a refutation of that opinion. The *Beis Yosef* writes that this is the consensus amongst the *Poskim*.

Now, regarding those opinions that disagree with *Ravina* and are not concerned that a person practicing *Shechitah* doesn't know it's *Halachos* there's a dispute in the *Rishonim* why this is so.

Rashi and others

Since the majority of people who *Shecht*, know *Hilchos Shechitah*, we don't have to examine a *Shochet* even if he's present. This is also the opinion of the *Ram* in the name of the *Ba'al Hama'or*, *Mordechai*, *Hagabos Ashri*, *Darhei Moshe* in name of the *Ohr Zaru'a*, *She'iltos*, and the *Beis Yosef's* understanding of the *Ba'al Ha'Ittur*.

Ge'onim, Rif, Rambam and Rosh

The *Rosh* brings from the *Ge'onim* that if the *Shochet* is present, we must test him to see if he knows *Hilchos Shechitah*. That which we allow him in the first place is because we are relying on testing him afterwards. *Bedieved*, if he is no longer present. after he *Shechts*, we rely on him being from the majority that *Shecht* who know the *Halachos* of *Shechitah*. The *Rashba* also agrees to their opinion. He said that "we must not budge from their

opinion, for it is [pure] Torah.” The *Rif*, *Rambam*, and the *Rosh* all follow this ruling and the *Beis Yosef* brings this as the *Halacha*.

Agur

The *Agur* states that since the only reason we rely on the *Shechitah* is when the *Shochet* is not present, because we rely on the majority that all those who perform *Shechitah* are learned, the *Minhag* of *Ashkenaz* was to require a certificate from the *Rabbanan* that they tested him on *Hilchos Shechitah* and he also *Shechted* three birds in their presence.¹ They then gave him [a certificate of] “*Reshus*” (i.e. permission) to perform *Shechitah*. Like this, we don’t have to resort to rely on the rule of “*Row*” (i.e. majority) to accept his *Shechitah*.

The Concern of Fainting

The Rosh’s understanding of the Rif

The *Rosh* understood that the *Rif* holds that if the *Shochet* is present, we must ask him if he has the tendency to faint while *Shechting*. Only if he’s not present, we rely on the “*Row*” and *Bedieved* his *Shechitah* is kosher.

The Ran and the Rashba’s understanding of the Rif

The *Ran* and the *Rashba* both understood that the *Rif* was not concerned with the issue of fainting at all. He doesn’t require asking him even if he’s present.

Rambam

The *Rambam* is concerned with this issue but he doesn’t require that we ask a *Shochet* if he tends to faint since the *Shochet* knows the *Halachos* of *Shechitah*, he wouldn’t *Shecht* if he would pass out, since this render his *Shechitah* invalid because of “*She’hayah*.”²

¹ This demonstrates that he doesn’t faint during *Shechitah* and that he is skilled to do the *Shechitah* in the correct portion of the neck.

² *She’hayah* (pausing) is one of the things that renders a *Shechitah* invalid.

A Review of the Main Points of the Shiur

- 1) It's a *Mitzvas Asei* (positive command) to eat meat of an animal, beast or bird, only after it is *Shechted*. [*Gemora, Rambam* and the *Tur*] The laws of *Shechitah* were taught by *Hashem* to *Moshe Rabbeinu* orally [*Gemora*]. Some say this means *Halacha le'Moshe* by *Har Sinai* [Rashi]. Others explain that the requirements are hinted in the word **כֹּאֲשֶׁר** [*Tosefos*].
- 2) It's a *Machlokes* amongst the *Poskim* whether a woman may *Shecht*. Some say no, because of fainting concerns [*Hilchos Eretz Yisrael*]. Others say it's totally acceptable [*Tosefos* and majority of *Rishonim*]. Some have *Minbag* prohibiting women [*Agur*].
- 3) *Halacha: Shulchan Aruch* allows women to *Shecht*. *Rama* says the *Minbag* is that women do not *Shecht*. Their *Shechitah* is accepted *Bedieved* if we check their knives. This is only necessary if she is not used to *Shechting* yet [*Simlah Chadashah*]. Others say that we must **always** check her knife, even if she always *Shechts* [*Pri Megadim*].
- 4) Slaves: Some say that a “freed slave” may *Shecht* [*Tur*]. Some say even those that are presently serving as slaves [*Darbei Moshe* in the name of the *Rambam*]. *Shulchan Aruch paskens* that slaves may *Shecht* even though they are still serving as slaves as long as we know they are trustworthy and that they know the *Halachos* of *Shechitah* [*Shach*]. Others *Pasken* like the *Tur* that only “freed” slaves may *Shecht* [*Taz*].
- 5) Some that an *Aveil* and an elderly person may not *Shecht* [*Gilyon Maharsha*]. An *Aveil* because he's despondent he may not *Shecht* skillfully. Elderly depends on his acumen [*Ibid*].
- 6) Some individuals are allowed to *Shecht lechatchila* while others may not, but *Bedieved* we accept their *Shechitah* as valid [*Mishnah* and *Gemora, Chulin 2a*]. Some hold that *lechatchila* we don't allow a person who is unknown to us to *Shecht* and *Bedieved* we check him out after the *Shechitah* [Ravina; first version]. Others say that as long as we know he doesn't faint he may *Shecht* even though we're not sure he knows the *Halachos* [Ravina; second version]. Yet others say that anyone that can *Shecht* may go and *Shecht* because we assume he knows the

Halachos and won't faint, because the majority of those who *Shecht* are knowledgeable in *Hilchos Shechitah* and don't faint.

- 7) The *Rishonim* have a *Machlokes* how to *Pasken*. Some rule like Ravina since he's a later authority [*Rif* in name of "Some say"]. Others *Pasken* like the *Amora'im* who argue with Ravina [*Rif* and most *Rishonim*]. Others rely on anyone that *Shechts*. Even if they are present, they need not be tested [*Rasbi* and many other *Rishonim*]. Others only rely on the "Rov" ("majority") when he's not present. Otherwise we test him [*Ge'onim*, *Rif*, *Rambam* and *Rosh*]. Some say that the custom is that he needs to earn a certificate that he knows the *Halachos* and that we watched he perform three *Shechitahs* on birds [*Agur*].
- 8) Another *Machlokes* s regarding the concern that he may faint and cause the *Shechitah* to be invalidated. Some say we must question him about this when present and *Bedieved* it's valid if we didn't ask him [*Rosh*]. Others say it's not necessary to ask him at all [*Rashba*, *Ran* and also *Rambam*].