YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**TALMUDIC METHODOLOGY**

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**Shiur #05: The Function of *Hekhsher Okhel***

Foodstuffs can only receive imparted *tuma* (ritual impurity) if they first undergo a process known as *hekhsher* (being made fit) by contact with one of seven mainstream liquids. According to *Chullin* 34b, the requirement of *hekhsher* is based on two Torah verses. The assertion of two different sources may imply two very different models toward understanding the function of *hekhsher okhel*.

The first verse (*Vayikra* 11:34) describes the food object and mandates that it first come in contact with liquid: all food which is *eaten* which first comes in contact with water can receive *tuma*. This verse portrays contact with water as necessary to confer upon the item a status of food and render it suitable for *tuma* transfer. In order to be susceptible to *tuma*, an object must be categorized as *okhel* (food). Just as the foodstuff must be edible and of a minimum quantity, similarly it must be cleansed by contact with a liquid. Until the requisite cleaning, the material is not defined as “*okhel asher yeiachel*,” food which is typically eaten, and therefore cannot receive *tuma*. In this model, *hekhsher okhel* is necessary to confer a full status of “*shem okhel*” upon the item.

Our model for determining the status of food is borne out in several locations. Rashi, in his commentary on *Vayikra* 11:37, asserts that the legal status of *okhel* is only acquired through this aforementioned *hekhsher,* which reinforces the role of *hekhsher* as a deciding factor in food categorization. A gemara in *Chullin* (18) equates the function of *hekhsher okhel* to the completion of an oven construction. Just as an unfinished oven isn’t yet considered a halakhic *kli* (vessel) and doesn’t absorb *tuma,* similarly unwashed food is not considered fully prepared and therefore cannot receive *tuma*. By way of these two *gemarot, a* structural parallel is created between completing the construction of an oven and cleaning foodstuffs through contact with liquid. In each instance the object in question becomes completed and can now receive *tuma*. Similarly, the Chinukh (mitzva 160) equates *hekhsher okhel* to the ripening stages of fruits for *teruma* (priestly portion) and *ma'aser* (tithing). Just like *teruma* cannot be taken prior to the natural maturation of fruits, *tuma* cannot be transmitted until *hekhsher okhel*. The parallel seen here establishes *hekhsher* as a final stage in the creation of halakhic *okhel.*

By contrast, a second verse (*Vayikra* 11:38) describes the actual *tuma* transfer, but does not discuss the status of the food that receives the *tuma.* If water falls on seed and a dead carcass touches the seed, *tuma* is transferred. Such a description suggests that *hekhsher okhel* does not alter the status of the food but rather becomes the vehicle for *tuma* to be transferred. In other words, the first verse suggests that contact with liquid is necessary to legally define the object as food which is, by virtue of its status, capable of receiving *tuma*. The second verse implies that contact with liquid facilitates the actual *ma'aseh tuma* (transfer of *tuma*). Ramban’s comments on *Vayikra* 11:37 indicate a preference for this model. He claims that many *tuma*-conferring items are covered in dust and cannot adhere properly to foodstuffs unless that food is moist. Consequently, the Ramban claims that the need for moisture is to enable adherence to an item and thus *tuma* transfer. According to the Ramban, *hekhsher okhel* enables the mechanics of *tuma* transfer rather than fully developing or completing the object.

This question about the nature of *hekhsher okhel* may help solve an interesting qualification of *hekhsher*: the liquid must contact the foodstuff after it is harvested. Water that contacts the item before it has been harvested does not create the *hekhsher*, as we will see shortly*.* Rashi (*Chullin* 118b *s.v U-keshem*) and the Rambam (*Hilkhot Makhshirin* 1:1) each wrestle with the issue of attached and detached produce. Both Rashi and the Rambam issue an apparently technical solution. They explain that if any contact with liquid were to create *hekhsher*, all food would inevitably undergo *hekhsher* as a result of contact with rainwater. Inasmuch as the Torah assumes that only some produce experiences *hekhsher*, undoubtedly the contact must occur after detachment. Neither Rashi nor Rambam provides a logical structure as to why pre-detachment *hekhsher* is insufficient; they merely prove that it cannot yield *hekhsher*.

A subsequent question about the function of *hekhsher okhel* may significantly influence the application of *hekhsher okhel*. To that end, it is unclear how much of the surface area of the food must come in contact with the liquid in order to qualify as *hekhsher.* The gemara itself does not directly address this issue, but the Vilna Gaon (*Shulchan Arukh OC* 158:9) infers that even limited contact with liquid would suffice to render *hekhsher*. By contrast, the *Arukh La-ner* on *Keritut* 15b infers from the Rambam (*Makhshirin* 1:1) that the entire item must be cleansed by the liquid; the Rambam employs the term "immersed," which suggests that the entire food is enveloped in the liquid. Rashi and Tosafot address a gemara in *Pesachim* (20a) which rules that animals which passed through a river undergo *hekhsher* through contact with the river water. Rashi assumes that a droplet will ultimately touch the flesh after *shechita* (ritualslaughter). Tosafot claim that the entire skin became moistened, presumably demanding that the entire surface area become moistened.

Perhaps this question is influenced by the nature of *hekhsher*: if *hekhsher* merely enables the passage of *tuma,* perhaps even limited contact with liquid facilitates the process. Moistened food can absorb *tuma* from a conveyor, whereas completely dry food cannot. However, if *hekhsher* is meant to represent the final preparation of the produce, a comprehensive cleansing would be necessary.

An additional question arises regarding the requirement of deliberate liquid contact. This issue may also depend on the nature of *hekhsher*. The gemara in *Bava Metzia* 22a asserts that the contact must be deliberate rather than accidental, but does not elaborate whose knowledge is necessary for *hekhsher* to occur. The Rambam (*Tumat Ochlin* 12:11) posits that only the awareness of the owner is sufficient for valid *hekhsher*. By contrast, Tosafot in *Bava Kama* (98a *s.v. hah*) claim that any human awareness is sufficient for *hekhsher*. Once again, the dispute about how to achieve *nichuta* (consciousness) may be a product of what *hekhsher* is trying to accomplish. If *hekhsher* aims to define the produce as fully developed food, perhaps the recognition of the owner is all that is necessary to change the status by virtue of his ownership. However, if *hekhsher* enables proper *tuma* transfer, any *hekhsher* recognized by a human is deemed meaningful enough to register as part of the *tuma* process.

*Hekhsher* is not necessary in two significant cases, and they deserve further attention. By examining these scenarios further, the function of classic *hekhsher* can be more positively identified. Why are these cases exceptional, such that they do not require *hekhsher*?

One such exception is that of food belonging to *hekdesh* (sanctified for Temple use). As the gemara in *Chullin* 36b asserts, these foodstuffs do not require actual *hekhsher* since *chibat ha-kodesh machshartan*, the affection people feel for *hekdesh* suffices in place of actual *hekhsher*. The gemara in *Chullin 36b* therefore supports *hekhsher* as a model by which *okhel* status is conferred upon food. As we have learned, typical foodstuff is not considered *okhel* until it is cleansed and prepped for consumption. However, the high regard people have for *hekdesh* renders any *hekdesh* food material as *okhel* even is not fully prepared. If *hekhsher* were an instrumental stage in transferring *tuma,* it should be required in situations of *hekdesh* as well. In truth, Rashi (*Chullin* 36, *Zevachim* 46, and *Menachot* 21) repeatedly suggests that *hekdesh* is not an exception and that this rule is only a Rabbinic *chumra* (stringency). Assuming, as *Tosafot* do, that the rule is indeed *de'oraita* (Torah law), it would imply an object-based function to *hekhsher*.

An additional exception surrounds Rabbi Shimon's position regarding *shechted* (ritually slaughtered) animals. Rabbi Shimon contends that animals do not require actual liquid contact since the act of *shechita* prepares the animal for consumption and functions as *hekhsher*. Such an exception would suggest that *hekhsher* represents the final stage of produce preparation. Since *shechita* is pivotal in halakhically preparing meats, it may serve a similar function to actual *hekhsher* and replace it. If *hekhsher* entailed part of the *tuma* transfer process, it is not immediately clear how Rabbi Shimon could have imagined that *shechita* would supplant or obviate it.