**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKYO VIRTUAL BEIT MIDRASH (VBM)**

**\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\***

**TALMUDIC METHODOLOGY**

**By Rav Moshe Taragin**

**Shiur #20:**

**Is Shechita Cutting Organs or Killing an Animal from the Neck (4):**

**Can Shechita be Valid if Only a Minority of the Siman was Cut**

In the previous *shiur*, we discussed the concept of *rubo ke-kulo* as it applies to *shechita*. Whether rooted in the general principle of *rubo* *ke-kulo* or a special halakha unique to *shechita*, halakha only requires severing the majority of the *siman* for the *shechita* to be valid. This *shiur* will explore whether there are situations in which a valid *shechita* can be accomplished even without severing the majority of the *siman*.

The most extreme version of this idea is suggested by Rav in *Chullin* 28b. Rav claims that by severing only 50% of the circumference of the esophagus and the windpipe, *shechita* is successful. This is extremely peculiar because there are less than a handful of instances in halakha where 50% is sufficient. Presumably, this reflects a dramatically different view of *shechita*, and the 50% allowance is a distinct halakha pertaining to *shechita*.

One approach is to take Rav's *shechita* literally and claim that, for some reason, in the case of *shechita*, 50% is sufficient. However, there may be a slightly different way of understanding Rav's position. The Gemara justifies Rav's leniency of 50%, by citing the language of the *halakha le-Moshe mi’Sinai*. Hashem told Moshe "Don’t leave the majority of an uncut *siman* intact." By cutting exactly half of the *siman*, you have created a condition where only 50% of the healthy *siman* is left. Since the remaining part of the uncut *siman* does not exceed 50%, the *shechita* is valid.

This is a very unusual way to view *shechita*. Normally, *shechita* is defined as an act of incision performed either on the animal or on the *simanim*. The *shiur* or halakhic measurement should govern the action, namely the incision. Why, then, is Rav envisioning a *shiur* that governs the remaining part of the *siman*, not the part that actually underwent *shechita*?

Perhaps this position of Rav is the most radical expression of the view that *shechita* is not simply about cutting *simanim*. If *shechita* were about cutting *simanim*, a *significant* cut of the *siman* would be required, meaning that at least 51% of the *siman* should be cut. Instead, according to Rav, *shechita* is about weaking or killing the animal by cutting the animal in the **area of the simanim**. The act of *shechita* is oriented towards the animal, not primarily the *siman*. If the consequence of the *shechita* is that the remaining part of either the esophagus or windpipe is healthy enough - because it still retains 51% of its circumference - to somewhat support life, the act of killing hasn’t been completed, and the *shechita* is invalid. However, if as a consequence of a 50% incision, only 50% of the remaining windpipe or esophagus is intact, which cannot support life, the animal has effectively been killed through an incision in the area of the *simanim* and the *shechita* is valid.

Rav’s position allowing *shechita* of only half of the circumference of the *simanim* is therefore based on the understanding that *shechita* is not primarily about cutting the *simanim* but about negatively affecting or eliminating the life-sustaining capacity of the animal through an incision in the area of the *simanim*. As long as the remaining part of the esophagus and windpipe have been weakened to the point that they cannot allow air or food to flow, the life capacity of the animal has been eliminated, and *shechita* has been successful because the animal has been deprived of its ability to sustain life by an incision in the area of the *simanim*.

Ultimately, the Gemara does not accept Rav's position, requiring instead the cutting at least 51% of the circumference of the esophagus (*kaneh*) or the windpipe (*veshet*). However, there is a different position of Rav, which, depending on how the Rishonim understand it, may also reflect the idea that Rav viewed *shechita* not as the direct severing of the *simanim*, but rather as the act of killing the animal **in the location of the *simanim*.**

The Gemara in *Chullin* 30a cites Rav's position on a cryptic form of *shechita* called "*shachat be-shtei u’shelosh mekomot*" - someone who performed *shechita* in two or three locations. Rav validates this *shechita* while Shmuel invalidates it. It is unclear what specific type of *shechita* the Gemara is referring to and why Rav and Shmuel are debating this case.

Tosafot quote the position of the Sheiltot, which explains that the Gemara refers to a situation in which a person cut a small portion of the circumference of the esophagus or the windpipe at one point, then moved the knife slightly up along the rim of the *siman* and made another cut in a different part of the circumference. This process was repeated until all the respective incisions, when combined, represented 51% of the circumference of the *kaneh* or the *veshet*. However, the cuts are not all on the same level, so there is no continuous cut covering 51% of the circumference.

For obvious reasons, Shmuel disqualifies this *shechita*. If the *shiur* of *shechita*, namely the halakhic minimum necessary to constitute an act of cutting, is 51%, it has to be done in one continuous cut - similar to the *shiur* of a *kezayit* for eating, which has to be consumed in a single act, albeit within the timeframe of *kedei achilat pras*. When the cuts are made at different levels of the *siman*, the separate cuts do not combine to form one continuous 51% of the circumference.

By validating this *shechita* even without a continuous cutting representing the majority of the circumference, Rav may hold that the act of *shechita* is not strictly defined as cutting the *siman*. Instead, the act of *shechita* may be understood as weakening the animal by diminishing the life-sustaining capacity of the esophagus and windpipe. An act of cutting the *siman* hasn’t been fully performed if the entire *shiur* isn't continuous. However, by making multiple cuts along different levels and heights of the *siman*, you have weakened it to the point where it can no longer properly conduct food or air - depending on whether it’s the *kaneh* or the *veshet* - and thereby effectively performed a successful *shechita*.

The more radical version of Rav’s view is that since *shechita* is about killing the animal, it is enough to cut 50% of the *siman* as long as the remaining portion is also only 50% intact. Even if we reject this more lenient position and require cutting at least 51%, the cuts do not need to be aligned along the same level. As long as 51% of the *siman* has been cut, even in different places, the *siman* has been sufficiently weakened, and the animal has been put to death in accordance with the halakhic requirements of *shechita*.

A fascinating scenario in *shechita* where a valid halakhic act is achieved without cutting a full 51% of the circumference emerges from the Gemara's discussion of *chatzi* *kaneh pagum* - a situation where half of the esophagus is already severed before the *shechita* begins. Of course, if half or less of the windpipe is cut during *shechita*, the animal would be deemed a *treifa* and unfit for consumption. However, if half of the esophagus or *kaneh* is already cut, the animal can still survive. The Gemara validates a subsequent *shechita* on such an esophagus, raising an intriguing question: why is this *shechita* deemed kosher?

One interpretation suggests that the initial cut of the esophagus merges with the act of *shechita*. By cutting slightly more to bring the total cut beyond 51%, it is as if the *shechita* itself achieved the necessary 51% cut. Another approach, as proposed by the Imrei Moshe, posits that shechita doesn't inherently require cutting 51% of the circumference; rather, it requires what he calls the *mi’ut ha-mashlim* - the minimal additional cut needed to bring the existing cut from below 50% to above it. In this view, if the esophagus is already 50% severed, and the shochet cuts another 2%, even this minimal cut would suffice, as it completes the necessary majority.

These two perspectives may shed light on an intriguing debate among the Amoraim regarding a case where *shechita* is performed in three stages: the first 30% through *gramma* (an indirect cut), the next 33% properly, and the final 33% again through *gramma*. According to Rabbi Yehuda, this *shechita* is invalid, as only 33% was cut properly. Rav Huna, however, deems it valid.

The Imrei Moshe suggests that this debate may hinge on how to understand the case of *chatzi kaneh pagum* and whether its principles can extend to this scenario. Rabbi Yehuda likely holds that a valid *shechita* requires a proper cut of 51% of the circumference. In the case of *chatzi kaneh pagum*, the initial partial cut becomes part of the *shechita* because it would have been cut anyway, making the final act complete. However, he would not validate a case where only 33% was cut properly because there is no complete and proper *shechita* of more than 51%.

On the other hand, Rav Huna may argue that the leniency of *chatzi kaneh pagum* stems from the understanding that *shechita* only requires the additional cut necessary to achieve a majority. In his view, the second third of the *shechita*, which raises the cut from 33% to 66%, constitutes the *mi’ut ha-mashlim*, making the *shechita* valid even though the first and final thirds were performed through *gramma*. This act, having achieved a majority in a halakhically valid manner, suffices to render the *shechita* kosher.