



Volume 11. Issue 15

## Shechita performed by Minors

*Masechet Chullin* opens by teaching that anyone who is competent in the laws of *shechita* can perform it. The *Mishnah* then excludes the *cheresh* (deaf-mute), *shoteh* (imbecile) and *katan* (minor) since we are concerned that they will err in the *shechita*. The *Bartenura* explains that this even includes a child prodigy, since a minor is assumed to have erred. Consequently, the *Mishnah* adds that if their *shechita* was supervised then it is valid. The *Mishnah* however continues that the *shechita* of a *Nochri* however is not valid irrespective of age or intellectual capacity. We shall try to understand the status of a *katan's shechita*.

The *Rama* (YD 1:5) rules that if a *katan* performs *shechita* alone then it is invalid despite his knowledge of *shechita*. The *Shach* (1:27) cites the *Ra'ah* who explains that the issue is the trustworthiness of a *katan*. The *Shach* also cites the *Levush* who explains that a *katan* has not yet reached the age where he is obligated in *shechita*. Since the *Torah* commanded “*ve'zavachta*” (and you shall slaughter) it excludes those not commanded in the *mitzvah* of *shechita* from being able to perform it. Indeed the *Tosfot* (3b s.v. “*kasavar*”) excludes *Nochrim* based on this *pasuk*. The *Shach* however is not satisfied with this answer for two reasons. First, a *Nochri* is not commanded in *shechita* at all, while a *katan* is not allowed to eat meat without *shechita*. Secondly, we find situations where a *katan's shechita* is valid – when he is being supervised by a *gadol*.

The *Pri Megadim* (*Siftei Daat* 1:27) continues that the *Levush* addressed the second issue explaining that when a *katan* acts under supervision he acts for them (*al daatam*). The *Tevuat Shor* however argues that if the *katan* is not considered commanded, supervision does not help. We find that a *katan* cannot write *tefillin* even if supervised. The *Pri Megadim* adds that supervision being considered acting on the *daat* of an adult only helps when the issue with the *katan* is *daat* (legal intent) – like in the case of writing a *get* – and not if the *katan* is considered not commanded.

Now if a *katan* is considered a *bar zevicha* – one that can perform *shechita* – we need to ask why? How do we understand the *Shach's* statement reasoning, “a *katan* is not allowed to eat meat without *shechita*”?

*Rav Soleveitchik* (*Shiurei HaRav* 8) questions the *Shach's* reasoning for we find that a *katan* is not punished for eating non-kosher meat. The *Rav* provides two answers. First he explains that even though *Beit Din* is not instructed to prevent a *minor* from eating *neveilot*, nevertheless we find that one is forbidden from feeding *neveilot* to a *katan*. Consequently even though a *katan* is not punished, the prohibition still impacts him in practice.

The second answer he brings is in the name of the *Grach* who explains that even though a *katan* may not be punished for performing a transgression, that act perform is still defined as a prohibited act.<sup>1</sup> Consequently since *shechita* has practical consequences for the *katan*, he is defined as a *bar zevicha*.

The difficulty with this explanation is, as cited above, the *Gemara* (*Gittin* 45b) excludes a *katan* from writing *tefillin* due to the *pasuk* “you shall bind and you shall write” – only those commanded in wearing *tefillin* can write them. How is this case different?

The *Rav* first answers that a *ma'aseh mitzvah* (a positive act) of a *katan* is insignificant since he is not yet at the age of being commanded. A *ma'aseh aveirah* (act of transgression) however is different, as we have already explained.

He also answers based on the *Tosfot* who ask how a *katan* can write a *get* under supervision. They answer that since the child will eventual be of age where it applies to him, then he is able to already. Why does this logic not also apply to the case of *Tefillin*? The *Rav* answers that since the obligation of *Tefillin* is new everyday, future obligations do not impact today. That being the case since the obligation to *shecht* is only when one wishes to eat, the future obligation can impact today.<sup>2</sup>

His final suggestion is that even if the transgression has not relevance to the *katan*, the laws of *tumah* and *tahara* do apply to a *katan*. Since valid *shechita* means the difference between *tumah* and *tahara*, he is considered a *bar shechita*.

*Yisrael Yitzchak Bankier*

<sup>1</sup> The *Rav* presents a number of proofs for this position.

<sup>2</sup> This answer can also be found in the *Achiezer* III 81:12

### Revision Questions

מנחות י"ג: ה' י"ג: א'

- What is the minimum that one must bring if he volunteers to bring
    - Wine? Oil? (י"ג: ה')
  - What are the "five *kematzim*"? (י"ג: ג')
  - What is the law if one volunteered to bring a specific amount of gold but did not remember the amount? (י"ג: ד')
  - What other case shares the same law? (י"ג: ה')
  - What must one bring if they volunteered to bring a *korban olah*? (י"ג: ו')
  - Regarding the previous question, what must he bring if he specified the type, but forgot? (י"ג: ז')
  - If someone volunteered to bring a *korban shlamim* what would have occurred if he is required to bring four different animals? Eight different animals? (י"ג: ח')
  - What must one bring if they volunteered to bring a calf worth five *sla'im*? (י"ג: ט')
  - Explain the debate regarding whether one has fulfilled his obligation if he volunteered to bring a small ox and brought a large one? (י"ג: י')
  - When is there a debate regarding what can be done with two oxen that were volunteered to be offered as an *olah* and both developed blemishes? (י"ג: י"א')
  - What other debate is similar to the previous one? (י"ג: י"ב')
  - Explain the debate regarding *nedarim* involving *beit chonyo*. (List the cases.) (י"ג: י"ג')
  - Can *kohanim* that served in *beit chonyo* serve in the *Beit Ha'Mikdash*? (י"ג: י"ד')
  - To what other *kohanim* are they compared? (י"ג: י"ה')
  - What does the *Mishnah* learn from the fact that the *Torah* writes "אשה ריח ניחוח" by animal, bird and *mincha* offerings? (י"ג: י"ו')
- חולין א' א': ז'
- When is *shechita* performed by a minor acceptable? (א': א')
  - Can a *nochri* perform *shechita*? (א': א')
  - What is the law regarding *shechita* that was performed on *Shabbat*? (א': א')
  - Why can one not perform *shechita* with a saw? (א': ב')
  - Explain the debate between *Beit Shammai* and *Beit Hillel* regarding the use of a *magal katzir* for *shechita*. (א': ב')
  - Explain the debate regarding how much of the *shechita* must be performed within the *taba'at* before the knife may deviate towards the head of the animal. (א': ג')
  - Can *shechita* be performed from the side of the neck? (א': ד')
  - Explain how, for the following pairs, what is valid for one is invalid for the other and vice versa:
    - *Shechita* and *melika*. (א': ד')
    - *Torin* and *Bnei Yona*. (א': ה')
    - Cow and calf.
    - *Kohanim* and *Levi'im*. (א': ו')
  - Explain how, for the following pairs, what is *tahor* for one is *tameh* for the other and vice versa: (א': ו')
  - Earthenware and other utensils.
  - Wooden and metal utensils.
  - At what point will *tamed* not invalidate a *mikvah* and what other *halachic* implication does it have at this point? (א': ז')
  - When are two brothers required to contribute a *kalbon* and how does it relate to their obligation to separate *ma'aser behema*? (א': ח')
  - What other two rules, relating to a *ketanah*, raised in the *Mishnah* resemble the last two? (א': ח')
  - What would occur in the *Beit Mikdash* between *Yom Tov* and *Shabbat* would not occur between *Shabbat* and *Yom Tov*? (א': ט')

### Local Shiurim

#### Melbourne, Australia

##### Sunday -Thursday

10 minutes before *Mincha*  
Mizrachi Shul  
 Melbourne, Australia

##### Friday & Shabbat

10 minutes before *Mincha*  
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#### Efrat, Israel

*Shiur in English*

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Rabbi Mordechai Scharf  
 9:00am  
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#### ONLINE SHIURIM

Rabbi Chaim Brown  
[www.shemayisrael.com/mishna/](http://www.shemayisrael.com/mishna/)

Rav Meir Pogrow  
[613.org/mishnah.html](http://613.org/mishnah.html)

Rabbi E. Kornfeld  
 Rabbi C. Brown  
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

#### SHIUR ON KOL HALOSHON

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### Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
4 <sup>th</sup> May ד' אייר	5 <sup>th</sup> May ה' אייר	6 <sup>th</sup> May ו' אייר	7 <sup>th</sup> May ז' אייר	8 <sup>th</sup> May ח' אייר	9 <sup>th</sup> May ט' אייר	10 <sup>th</sup> May י' אייר
Chullin 2:1-2	Chullin 2:3-4	Chullin 2:5-6	Chullin 2:7-8	Chullin 2:9-10	Chullin 3:1-2	Chullin 3:3-4

