

Whom can one trust to tell you that meat was slaughtered properly, and under what circumstances can you trust them? For consumers nowadays, this question is generally far removed from the actual locations and personnel of slaughtering – we discuss which hechsher to trust, not which shochet. The industrialization of kosher food production has further allowed us generally to remove obviously questionable links from the halakhic food chain – my impression is, for example, that just about all shochatim these days are comfortably shomer Shabbat.

In the Talmud, however, this appears not to have been so, or at the least the Talmud displays deep theoretical interest in the status of meat slaughtered by incompletely observant slaughterers. The first pages of Masheket Chullin discuss meat slaughtered by those who eat nonkosher meat to defy G-d, and alternatively, those who eat nonkosher meat because they cannot resist temptation, and finally, those who are Kuthim. For the purposes of this discussion we will define Kuthim as Jews who belong to an ethnically distinct group and whose Jewish practice is uniform but does not conform to accepted rabbinic norms.

With regard to the last two groups, the Talmud ideally requires supervision, at various levels. What, however, if the slaughtering took place unsupervised? One opinion in the Talmud is that, should one find a Kuti post-slaughter, one should feed him an olive-sized piece of the slaughtered animal – if he eats it, you can eat from that animal as well, and if not, not.

The Talmud subsequently cites a beraita which states the same law in a parallel case. If one comes upon a Kuti who has slaughtered a brace of birds, one gives him the head of one bird to eat – if he eats it, you can eat them all, and if not, not. The Talmud discussion begins with some macabre humor, but then gets to a question that begins to reveal the Rabbis' construction of Kuthi ideology and practice– how do we know that Kuthim require birds to be ritually slaughtered?

Why is this question asked about birds, but not about animals? Rashi explains that the verb *zavach* is used in the Torah with regard to animals, but not with regard to birds, which are included via a Rabbinic interpretive move. We assume that the Kuthim accept the written Torah, but not Rabbinic interpretation.

But the Talmud concludes that this distinction is unsustainable. Unless they accept Rabbinic interpretation, why would Kuthim necessarily engage in Halakhically acceptable methods of slaughter? There are any number of halakhic requirements for kosher slaughter that are not explicit in Torah. Rather, the Kuthim must accept the Rabbinic interpretation of any mitzvah they practice, although they do not practice all mitzvot. Therefore, just as they accept and practice the Rabbinic definition of kosher slaughter – and therefore we can eat any slaughtered meat they eat – so too they accept the Rabbinic scope of the obligation of slaughter – and therefore we can eat any slaughtered birds they eat. Indeed, one opinion in the Talmud is that Kuthim are more reliable than Jews with regard to the practice of those mitzvot they accept.

The puzzle here is why one needs to watch the Kuti eat, rather than simply asking him/her whether the meat is kosher. One might suggest that, since they do not accept all mitzvot, they are invalid witnesses, and so we need their action rather than their speech. Rashi, however, offers a different

understanding. Rashi says that Kuthim do not practice the metaphorical mitzvah “lifnei iver lo titen mikshol” = “before a blind person you must not place a stumbling block” – they understand it purely literally, as a ban against placing a stone in the path of a blind person, rather than as a prohibition against causing a person to sin, whether by temptation or by deception. They therefore see nothing wrong with feeding nonkosher meat to another Jew.

In the Rabbinic imagination, then, credibility is not necessarily a function of validity to testify. Rather, if Kuthim believed that misleading a fellow Jew into sin was sinful, we would believe their statement that a given piece of meat was kosher, so long as they were knowledgeable enough to make such a statement competently. We would believe them because we could trust them to live up to their own standards, even when those standards did not consistently conform to ours.

This is, of course, a situation common in modernity, and the presumptive invalidity of non-shomer Shabbat Jews as witnesses creates all sorts of infelicities, indignities, and injustices. One common solution is to distinguish different types of testimony, and claim that formal invalidity should be distinguished from formal lack of credibility. People who are not halakhically observant, but known to be honest, can then be believed regarding financial issues, even if they cannot, for example, serve as the ritually necessary witnesses who sign a halakhic divorce. This solves some crucial difficulties – it would, for example, enable a beit din to judge a case between a shomer Shabbat and non-shomer Shabbat Jew without presumptively believing the shomer Shabbat when the parties’ stories conflict. But it does not allow one to eat the food that a Jew who doesn’t keep kosher serves, even when they guarantee that it is kosher to your standards. It does not allow one to use a Torah scroll borrowed from a nonobservant Jew, even if they promise that it is repaired by an observant scribe whenever errors are noticed. And so on and so forth. We do not even have the luxury of relying on the Talmudic method for believing Kuthim, as on the whole non-Orthodox Jews explicitly reject Orthodox Halakhah, both in principle and in practice, even with regard to those mitzvot they regularly practice.

I suggest, however, that we do have a new phenomenon, which we might in traditional terms call “anti-Kuthim”, and in contemporary language “pluralists”. These are Jews who keep one mitzvah above all, namely *lifnei iver*, which they define, not quite Rabbinically, as an obligation never to cause someone else to violate their own principles.

It seems to me that the Talmud recognizes that one can derive reliable information from the actions of people who consistently follow their own principles, even if we cannot formally believe their statements. It follows then that we can believe people whose principle is pluralism when they competently tell us things which have implications for our own actions, even if their own actions tell us nothing.

I wonder if, to think boldly and imaginatively, we might consider creating a formal status for “shomrei lifnei iver”, who would be required to learn enough about various fields to be able to competently assure their fellow Jews that a given action would be in consonance with their values and/or halakhic positions. This would, for example, require nonobservant Jews and halakhically undereducated Jews to learn the intricacies of kashrut and Shabbat, and observant but socially underaware Jews to learn about

the intricacies of fair trade and labor relations issues. Holders of this status would not be required to aid or abet anyone else's values, but only to be conscious of and honest about not doing so.

Advocates of Jewish pluralism often cite Mishnah Yebamot 1:4's statement that Beit Shammai and Beit Hillel married one another despite halakhic disagreements about whether particular relationships generated children who were mamzerim, ineligible to marry ordinary Jews. This is used to challenge halakhic Jews failure to accept nonhalakhic practice, or Orthodox refusal to accept nonorthodox practice. The Orthodox response is to note that the Talmud there says that the two Houses did not accept each other's rulings, but rather trusted one another to fully disclose any such issues. One might argue legitimately that the Mishnah speaks only of trust among the halakhically committed; nonetheless, it seems to me that the suggestion above fulfills its spirit.

Shabbat shalom

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