

HALOCHOSCOPE

May a child check eggs for blood spots? May a gentile be relied on for this? Would the ruling change if an incentive is offered for finding one?

The issues:

- A) Blood spots in eggs
- B) Testimony in such matters
- C) Testimony of children and gentiles in these and other matters; incentives

A) *Dam Beitz*, Blood in Eggs

It is forbidden Scripturally to consume the blood of animals and birds. Blood of other living beings is often forbidden Rabbinically, because of *mar'is ayin*, appearances. Animal blood has three levels of stringency. *Dam Hanefesh*, blood in the main arteries, is the first to leave the animal when it is slaughtered. It is most stringent, punishable by *kareis*, untimely death, when consumed intentionally. Unintentional consumption must be atoned by a sin-offering in temple times. *Dam Aivarim Shepiresh*, blood that separates from the meat, is punishable by *makos*, lashes (when the *sanhedrin* is functioning), when done intentionally. *Dam Aivarim Shelo Piresh*, blood still inside the meat, is not forbidden Scripturally. However, it is practically impossible to eat raw meat without forcing some blood out. Cooking it certainly separates blood, which is consequently reabsorbed. [The stringency level of cooked blood is a matter of debate.]

An egg is not an animal or bird. It comes from a bird, and contains the 'embryo' of a bird. Two passages in the Talmud appear to contradict each other on the status of blood in an egg. One forbids it, the other apparently excludes it from the prohibition. Two reconciliations are offered. One suggestion is that it is excluded from the Scriptural prohibition. Since the egg is not the meat of the bird, and has not yet developed into a new bird, it can not be considered blood of a bird or animal. However, since it comes from a bird, it is forbidden Rabbinically.

The other suggestion is that it depends on which part of the egg the blood is found. The Talmud distinguishes between locations in the egg, in determining whether the entire egg is forbidden or only the blood. If the blood is found in the *kesher*, the thick stringy part of white (albumen) which is attached to the yolk, it is forbidden. The rest of the egg is not forbidden. If it has started spreading from there, it indicates the further development of the chick. The entire egg is then forbidden. Accordingly, the blood must be somewhere in the *kesher*, or it is not forbidden. Anywhere else it is not part of a developing chick. It probably came from the hen. Presumably, it is not considered *dam aivarim shepiresh* because it was never a separate entity. It moved directly into the egg. According to this view, blood directly linked to a developing chick is considered blood of meat and Scripturally forbidden. If the chick is further developed, indicated by further spread of the blood, the whole egg is forbidden. Blood not linked to a developing chick is not forbidden Scripturally. Nonetheless, many poskim forbid it Rabbinically.

There are differences of opinion on the definitions of *kesher* and other parts of the egg made by the Talmud. Therefore, any time blood is found in the yolk or in the *kesher* in the

albumen and has spread outside the *kesher*, the whole egg is forbidden. If it is found in the rest of the albumen, or if it is in the *kesher* and has not spread, the blood may be removed. The rest of the egg may be eaten. However, one opinion forbids the entire egg whenever blood is found in the *kesher*. Only if it is found in the rest of the albumen is the rest of the egg permitted. If an egg is known to be infertile, only the blood need be disposed of. The rest of the egg would always be permitted. In this case, the blood is forbidden due to *mar'is ayin*. Nowadays, most commercially produced eggs are infertile. Egg farms cultivate a small amount of fertile eggs, and sell the surplus together with the bulk of infertile eggs. One may rely on the overwhelming majority of eggs being infertile. However, in practice, any time blood is found in a single egg, the rest of the egg is not saved, with certain exceptions. [See Krisos 21a, Chulin 64b, Poskim, Tur, Shulchan Aruch Yoreh Deah, 66:2-3, commentaries.]

B) Testimony in Such Matters

There is some discussion on whether one needs to check eggs for blood. If blood is found, one follows the basic guidelines discussed above, but few eggs have blood. Therefore, in general, one should be able to presume that no blood will be found. In addition, even if there is blood, it might not forbid the egg. Though the actual blood is forbidden, once it is mixed into a mixture it is *bateil*, the prohibition is neutralized. Nonetheless, the prevailing practice is to check raw broken eggs if there is enough light. If an egg was not checked, and then mixed in food, or even cooked alone, the food is not forbidden.

Accordingly, the checking seems to be a minor stringency. One would think that anybody would be relied on to do this. However, since the practice has arisen to check eggs, the person charged with this responsibility must be reliable halachically. Generally, in matters requiring testimony, there are specific prerequisites. For matters requiring a hearing in *bais din*, two witnesses are generally needed. Witnesses are also required for permissibility, such as to report on the status of meat. One needs to verify that it was slaughtered correctly, cleaned and salted etc. For this, the rule of *aid echad ne'eman* applies; one witness is acceptable. Anyone credible in the area he reports on, who would care about the issue at hand, is believed. In our situation, the checker also needs to do a bit of work. Therefore, he or she must be reliable on this aspect as well. Sometimes, one might qualify as a checker to perform the task, but not to be relied on for the testimony. In these circumstances, a qualified witness could supervise the checker and testify that he or she did the job.

In general, any Jew is *muchzak beakashrus*, trusted inherently. However, a *chashud*, one who is suspect, is not to be trusted. He could be suspect due to carelessness, ignorance, scoffing at the prohibition, or a lack of adherence even one time when he could have restrained himself. Suspicion is established by persistent rumor, provided it was not spread by enemies. One need not establish it by testimony in *bais din*. However, according to some, if the suspect brags about violating we need not believe him fully. A rumor initiated by a gentile or by one not normally accepted as a witness, is not enough to discredit the person.

There are many levels of suspicion. One who has aroused direct suspicion as a violator on a particular prohibited food, may not be relied on to testify about his own food. This would include anything that he is charged with providing. However, he would not be suspected of exchanging someone else's kosher food for other forbidden food. If one is careful to eat kosher food himself, but sells non-kosher food to others, one may not purchase food from him, but may eat his personal food. One suspected of one violation is still trusted on other types of prohibitions. However, if providing the second food is somehow connected to

providing the first, he is not trusted. If the first prohibition is more stringent, he is not trusted on the more lenient one, unless everybody takes the more lenient prohibition more seriously than the stringent one. One who steals is suspected of cheating on kosher matters as well. One who cheats is also somewhat suspect in these matters. One who violates the entire Torah, publicly desecrates *shabbos*, practices or professes idolatry, has no credibility at all.

The principle behind the discrediting of a *chashud* is that if he does not take the matter seriously himself, he may not be trusted to report to others about it. If he is ready to violate something for convenience, for money, or out of spite, he can not be relied on to verify the *kashrus*. However, as we mentioned, some levels of *chashud* can be partially trusted. They might not go out of their way to mislead, or they might only do it for profit. One who has shown that he does not respect the *mitzvah* of *lifnei ivair*, forbidding misleading others, is evidently disqualified from being trusted on anything. [See Gitin 2b, Chulin 10b, 5b-6b, Bechoros 29b-31a, 35b-36b, Avoda Zara 39b, Maasros 5:3, Demai 3:4-6, 4:all, Poskim Tur, Sh. Ar. Y.D. 119, 127:3, commentaries.]

C) Children and Gentiles

Generally adult Jewish men and women can be relied on in these matters. Children, however, are not obligated in the *mitzvos* Scripturally. Therefore, in Scriptural matters, their testimony is generally unacceptable, and their performance of such activities may not be relied on inherently. For some matters, an adult could supervise them and testify on them. In Rabbinical matters, or matters that have become a custom, children's testimony sometimes helps. As long as the matter is within their ability to do, and it does not require extensive effort, they may be trusted to perform it and to report on it. Our case would fit those guidelines. As we explained, the blood in these eggs is unlikely to be forbidden Scripturally. The practice to check has been adopted as a custom. [See Eruvin 31b, Psachim 4a-b, Chulin 2a 3a, Poskim. Tur, Sh. Ar. O.C. 437:4, 432:2, Y.D. 48:12, 120:14, 127:3, commentaries.]

Gentiles are not accepted as witnesses. Some say that they qualify Scripturally. Rabbinically, they do not have the same presumption of honesty as Jews, so they were disqualified. When they are forced to be truthful, such as in their courts, their testimony is acceptable. If they are known to be trustworthy, they are accepted. Others maintain that they are disqualified Scripturally, based on specific exclusions in the Torah. Rabbinically, they are believed when they are compelled to tell the truth, or because of the validity of the law of the land. A third view considers them disqualified Scripturally due to the presumption of dishonesty, and that they qualify Rabbinically in the aforementioned situations. [See Gitin 9b, Baba Kama 14b-15a, 88a, Poskim, Bais Yosef, Sh. Ar. C.M. 34:19, commentaries.]

Even for matters of prohibitions, there is no presumption of honesty. In such cases, they see no difference in the truth anyhow. They do not value the severity of the prohibition. Even on a stringency, they are not automatically believed. They might think that their claim helps them sell a product, while it happens to raise halachic issues. In certain situations, the only requirement is information. If the gentile supplies the information, innocently thinking he is telling a story, he might be believed. However, if realizes that his words are being used as testimony of any kind, his report is not accepted.

If the gentile is afraid of the Jew, such as his boss, he is trusted not to cause halachic damage and to follow halachic instructions. He knows he might get caught, either in the act of doing something wrong, or afterwards when the item he affected is discovered (by taste, looks or the like). There is a debate whether this applies to a gentile not employed by the

Jew relying on him. If the gentile disobeys instructions once, he is no longer trusted to be afraid. If a gentile makes a specific claim about something, he may be trusted. If the claim turns out to be false, he will look very bad. However, if it is vague enough for him to claim he meant something different, he may not be relied on. A professional is trusted because his professional integrity is at stake. Similarly, if saying the wrong thing could cause him serious trouble, he may be believed on a fact that affects halacha, even if he is aware of this. [See Demai Yerushalmi 5:8, Yevamos 121b-122a, Avoda Zara 12a 69a, Chulin 95a 97a, Poskim, Tur, Sh. Ar. O.C. 20:1, 618:1, Y.D. 69:10, 98:1, 114:5 118, 122:9-11, 127:Shach 20, 129, 130, 394:28, 187:8, E.H. 17:3 37, commentaries.]

Incentives in cases like ours are not mentioned by the poskim. One could say that the general idea seems to be that if the gentile stands to lose by lying, he will be truthful. Therefore, if he stands to lose his incentive, he will always try not to. What if he decides he is not interested in the incentive? Since there is no actual penalty, and he can not be caught after the fact, the only true way to ascertain his compliance is to watch over him. If a gentile is suspected of switching an item while the Jew is not looking, he may not be trusted. However, if he stands to gain nothing by switching, he is trusted not to switch. In our case, the gentile stands to gain nothing by ignoring the blood spots in the eggs. The incentive is to counteract his laziness. Therefore, while it is not foolproof, the incentive goes some way to gaining the compliance of the gentile. Coupled with the laxity of the prohibition, as explained above, this would be an acceptable way to check for the blood spots.

On the Parsha ... *Yaakov's sons answered Shechem and Chamor, his father, with guile (wisdom, Rashi).* What was the wisdom or trick? How did the brothers know that this proposal would extricate them from this situation? Did they think that the citizens of Shechem would not agree to circumcise themselves? How were they permitted, as a result of this, to kill them?

Chamor and Shechem were the absolute rulers. When they decided that everyone should be circumcised, why did they make speeches, offer incentives and have a vote? They could issue a decree (as did Yosaif in Egypt) and the citizens would have no choice. The answer is that the plan was that the citizens would thereby convert to Judaism, and 'be one people' with the children of Yaakov. One can not coerce a conversion. However, Chamor and Shechem made it sound conditional on the anticipated social and economical rewards. A Jew, or a true convert, does a *mitzvah* for its own sake, simply to fulfill the will of *Hashem*. Anticipated reward is only as an additional impetus. If the reward does not come about, the Jew is still satisfied with having done a *mitzvah*. In the case of Shechem, the incentive was portrayed as the entire purpose of the conversion. Evidently, they would not convert *sincerely* and give up their idolatrous lifestyles. They were still caught up in a gentile mentality. When a gentile does something for the sake of heaven he has the same mentality as a Jew. However, when he makes it conditional, if the condition does not come through, he regrets having agreed to do it. [*Rashi to Rosh Hashana 4a (the daf)*] Thus, we find, they still kept their idols. This was the excuse that Yaakov planned to use, according to *Maharshal*, for why they were punishable by death. The brothers understood the gentile attitude towards reward and incentives. They knew how Chamor and Shechem would present it and they knew that the citizens would circumcise themselves. Thus, they would convert, while worshipping idols, and be punishable by death.

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