

NEWS

Preserving the Kashrus Mesorah

by Dr. Ari Z. Zivotofsky

Pheasant under glass and roasted grasshopper. Not what one expects to eat at a kosher restaurant. But the pheasant (which wasn't under glass) and grasshopper were both served at a special kosher dinner that my friend Dr. Ari Greenspan and I staged on 3 Tammuz 5762 (June 13th, 2002) in Jerusalem. The concept is simple and straightforward; the implementation was anything but.

The story of the dinner begins over twenty years ago, when Greenspan and I came to Israel after high school to study in yeshiva. We decided also to learn the practical laws of *shechita*, and eventually received *kabboloh* as *shochtim* from the chief *shochet* of Yerushalayim. After we completed the nearly year-long course of study, a friend asked if we could *shecht* pheasant for her family. Not yet very experienced, we started with the basic question: is pheasant indeed a kosher bird? We began to investigate.

How do we know which animals and birds are kosher? Regarding animals, the Torah provides two physical signs. Any animal that has split hooves and chews its cud is kosher. All others are not. Thus, for example, sheep, goat, cow, deer, buffalo, gazelle, and giraffe are kosher, while pig, camel, and llama, for example, are not.

Regarding birds, the situation is more complex. The Torah simply lists 24 species that are non-kosher. All others are acceptable. However, we are no longer certain of the identity of the non-kosher birds listed, so for close to 1000 years the overriding principle has been: "Tradition!" The only birds that are treated as kosher are those for which a reliable tradition, from teacher to student, exists that in the previous generation it was treated as kosher.

Regarding pheasant, we found an article that traced the history of the "*pasyon*" (the Hebrew word for pheasant) for nearly 1500 years and demonstrated that it was always treated as a kosher bird. The *gemora* says that one of the types of *slav* eaten by the Jews in the desert was *pasyon*. In another place the *gemora* uses the *pasyon* as an example of a delicacy a person might feed a father to honor him.

In the 18th century the Divrei Dovid records that the Ramchal permitted *pasyani* and in the 19th century the Zivchei Kohen records that it was treated as kosher. But there is no way of knowing for certain that the bird called *pasyon* 1500 years ago -- or even 100 years ago -- is the same bird called *pasyon* today. And the trail seemed to have gone cold. HaRav Moshe Feinstein discussed the issue and concluded that he was unable to find a living person with a tradition on it and so it must be treated as non-kosher.

We had all but given up hope of providing our friend with kosher pheasant, when a friend in the yeshiva mentioned to us that a leading Yemenite posek, Rabbi Yosef Kafich, had just that week spoken of a tradition attesting to the pheasant as a kosher bird. We asked Rabbi Kafich to confirm the *kashrus* of the pheasant, but he insisted that we bring him two live pheasants, so that he could verify that the bird we were calling pheasant was indeed the pheasant he knew. No easy task, but we managed to find two birds, we brought them to Rabbi Kafich, *shechted* the birds and received a letter from Rabbi Kafich attesting to the fact that we had the tradition and could pass it on.

This seemingly trivial event was actually not a mundane matter. The only way to know a bird is kosher is to have a rock-solid tradition. Although today the turkey is treated as kosher by the vast majority of Jews, it was not a simple matter. The turkey is a New World bird and thus the origin of the *mesorah* for turkey is shrouded in mystery. Several of the *gedolim* of the last generation, including Rav Yaakov Kamenetsky, had personal *chumros* not to eat turkey.

We continued our hunt, not for animals, but traditions. Sadly, we realized that traditions can easily be lost. Up until fifty years ago there were Jewish communities all over the world that each had a local *shochet*. The *shochtim* and rabbonim in each locale had traditions regarding which birds in their area were kosher. Today food production is centralized and most of those communities have been destroyed. If action is not taken soon, traditions will be lost.

A stark example of this can be seen in a book written less than 200 years ago by an Italian *shochet*, the Zivchei Cohen. He presents diagrams of 30(!) birds that he recognized as kosher. Today we have trouble finding 13 kosher birds altogether.

In order to stem the loss of traditions, Greenspan and I decided to organize a dinner in which we would serve all birds for which we could find a good *mesorah*, and as many types of animals as possible. Our first task was to determine which birds were kosher.

The magnitude of the undertaking did not occur to us. For example, we suspected that the guinea fowl was kosher. So we purchased two guinea fowl, put them in a cage on top of the car, and headed out to look for old *shochtim* and rabbis who may have slaughtered it in the old country. In order to make sure we were getting only solid *mesorahs* we looked for references for any rav or *shochet* we approached with our birds. Because the guinea fowl is native to north Africa, we tried north Africans and Yemenites.

Unfortunately, none of the rabbis we consulted recognized it. After repeated attempts around Jerusalem, we were ready to give up.

Finally, our perseverance paid off. While returning from up north from slaughtering a deer, we had one guinea with us and we went to see an old Algerian *shochet*. We struck gold. He unquestionably recognized the bird and attested to the fact that he had slaughtered it in Algeria close to 50 years ago. Since then we have also found a Yemenite *shochet*, a French *shochet*, and a South African individual who have also provided testimony to guinea fowl being treated as kosher.

Our next subject was the partridge, another bird we suspected was kosher. Here we were having even greater difficulty. Then I recalled that once, while researching the small Aramaic speaking community, their rabbi, originally from northern Iran, had told me that he had slaughtered a bird named "*keklik*" in Turkish. Some quick research revealed he was talking about the partridge. It looked like we might have found the *mesorah*. But again, a name is not enough. We brought him a bird, he identified it, and we were on our way with another tradition.

In order to bring this dinner to fruition we also needed birds to serve. Finding quail today in Israel is relatively easy, but finding guinea fowl is another matter. A technician in the Israeli veterinary school eventually led us to his friend Rafi, but failed to inform us that Rafi calls himself "Jungle Boy."

The two deer, emu, and other assorted creatures in his back yard were immaterial; what mattered to us was that he had guineas he was willing to sell to us.

Pheasant were less difficult. It should be obvious that the place to buy pheasant is a large ostrich farm in the south of the country. We bought eight to start with, and packed two in a box. We brought them to one of the leading *shochtim*, Rav Machpud, to slaughter. He took one out of a box. I grabbed the other and before I realized it, the lucky bird was high up in the sky. If anyone finds a pheasant flying around Kiryat Malachi, that is our other missing bird!

Even such simple things as duck and goose proved challenging. In Israel the vast majority of goose is raised for pate, but because of the distress it causes the animal it does not receive *mehadrin* certification. Some even considered such geese to be *treif*. Finally we managed to obtain non-fattened goose. Muscovy duck, another New World bird, also presented a challenge because it is only raised in small quantities to provide the breeding stock necessary to produce the cross-breed mullard.

The purpose of this dinner was to preserve and transmit the surviving traditions. At the end, nearly 100 people jammed the restaurant to hear over 2 hours of *shiurim* and partake of 13 courses.

Left to my own devices, I would have cooked all 13 types of birds in one big stew. But we found a master chef, Moshe Basson, who prepared each one differently. Rather than starting with chicken soup, we started with what he called *shiluach haken* soup. It was pigeon and dove soup, with pasta shaped like a nest into which he placed a fleishig egg. To be complete we served chicken, but it was prepared with tamrini sauce and stuffed into a large fig.

Legal issues arose as well. It never would have occurred to us that the sparrow is a protected species. Thankfully, Minister Without Portfolio Rabbi Yitzhak Levi procured for us a one-time dispensation to slaughter several. He was not able to do the same for ibex or antelope.

After hunting for traditions, searching for birds, and clearing the legal hurdles, the dinner included: chicken, turkey, duck, goose, muscovy duck, mullard, pigeon, dove, pheasant, partridge, quail, guinea fowl, sparrow, cow udder, lamb, bison, water buffalo, and deer. And of course there was a need for a special dessert.

The Torah states that certain grasshoppers are kosher. But just like birds there is a need for a tradition regarding the identity of the kosher species. We arranged this part of the dinner in conjunction with Dr. Zohar Amar, possibly the world expert on this obscure subject. Jews from Morocco and Yemen still eat them to this day, and Amar has interviewed hundreds of Jews from those countries. We procured several hundred of the kosher species and the day before the big dinner visited several Yemenite Jews in Kiryat Ekron who moved to Israel only seven years ago. Dressed in traditional garb and using a traditional oven they roasted and boiled the grasshoppers for us the way they did in Yemen. And they then actually ate them! The chef prepared several more and at the meal there were more than enough for everyone to partake. I was shocked that 10-15 percent of the participants actually tried them.

The *mesorah* on *chagovim* is today only found among Yemenite and Moroccan Jews. This raised the question whether other Jews may eat them. Of course the same question can be asked regarding birds: Can Jews of one "group" rely on the *mesorah* of another group. This question was addressed by many of the *rishonim* and *acharonim*, and most of the later authorities, including the Shach and Oruch Hashulchan, ruled that indeed all Jews may rely on each other.

Regarding *chagovim* the question would appear to be the same. However, there the *mesorah* is more controversial. Even the great Moroccan/Israeli authority the Or HaChaim questioned it, so it is less clear cut. There are contemporary authorities who permit others to eat *chagovim* and others who prohibit them to all but Yemenites and Moroccans.

At the dinner each person followed his own *posek*. I consulted with one of the leading Ashkenazic halachic authorities in Yerushalayim and he told me that regarding both birds and *chagovim*, if the bearer of the tradition is a reliable *talmid chochom* one and all may rely on him.

Originally Chef Basson was hesitant about serving grasshoppers for fear it would jeopardize his kosher certification. But after we received a letter from a prominent rav that stated that, even for those Jews who do not treat them as kosher because they lack the requisite tradition, grasshoppers will not make kosher dishes non- kosher, Chef Basson was so excited that he wants to add grasshoppers to his regular menu.

The main purpose of this dinner was education and transmission of the traditions. That cannot be done via something on a dinner plate. For that purpose we needed to find real animals again. Present at the dinner were live grasshoppers, a pair of quails, a guinea fowl, muscovy duck and several sparrows. A stuffed pheasant and partridge were also present. Each of these was displayed, described, and discussed.

It also cannot be done without education. Towards that goal, we put together a 150-page booklet of biblical, Talmudic, legal, and scientific source material and the meal was accompanied by no fewer than six *halachic shiurim*.

In conclusion, I request that anyone who knows an old rabbi or *shochet* who can testify to traditions regarding any other species of bird, please contact us so that the tradition is not lost to the Jewish people.

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Tradition, Tradition!

Dr. Zohar Amar
Land of Israel Studies

The Torah permits us to eat a wide variety of animals, according to certain signs of purity. Among these animals are mammals, fish, fowl, and various grasshoppers. The list includes wild as well as domesticated animals (Lev. 11; Deut. 14). The Torah's way of speaking is to list the exceptions, thus "countless birds" remain permissible for eating,^[1] save for the twenty-four impure birds expressly forbidden. Moreover, the phrase "of every variety" (Lev. 11:22) indicates that we are not dealing with specific varieties, rather with broad categories of animals that have certain similarities in their form or behavior.^[2] Thus the stock of kosher animals available to our ancestors was rich and varied.

What happened since then? Over the years the tradition of identifying most of these varieties was lost and the identification of many animals became doubtful, so that the choice of meat available to us has become far more limited than that available to our ancestors.

The Tradition of Identification

Several of the names and indications of kosher as opposed to non-kosher animals are explicitly mentioned in the Torah. What was clear to the Israelites, however, when they received the Torah, was not completely obvious to later generations. Even when the Torah was given, it was necessary to identify unequivocally the animals mentioned, since not everyone could identify these animals or know them by name. The Sages, interpreting from the precise words of Scripture, "These are the creatures that you may eat" (Lev. 11:2), understood that the Holy One, blessed be He, conveyed the tradition to Moses tangibly:

We learn from this that the Holy One, blessed be He, grabbed hold of each and every variety and showed Moses, saying to him, 'This you may eat, and this you may not eat.'^[3] Moses passed the tradition on to the Israelites in

like fashion: 'These are the creatures that you may eat.' From this we learn that Moses grabbed hold of the creature and showed it to the Israelites, saying to them, 'This you may eat, and this you may not eat. The following you shall abominate among the birds. These you shall abominate, and these you shall not abominate. The following shall make you unclean; these are unclean, and these are clean.'[\[4\]](#)

Later, identifying the names of the animals became problematic because of the absence of a continuous and reliable tradition of identification, due to events that befell the Jewish people: the exile from their land and dispersion throughout the world, and the long time that elapsed between antiquity and the present. This is compounded with the fact that some Jews came to regions where certain animals that had been common in the "lands of the Bible" (the Fertile Crescent) were not part of the local fauna or were not generally eaten there for cultural reasons.[\[5\]](#) Furthermore, one cannot rely on identification of animals merely by how they are called, since names change from place to place.

There are, broadly speaking, two approaches to identifying the animals and plants mentioned in ancient sources. The first is the traditional approach generally accepted in the world of Jewish halakhah and traditional exegesis. In time several exegetical schools emerged, such as those of R. Saadiah Gaon, Rashi, and Maimonides, that served as models to later commentators. These commentators generally derived their interpretations from the traditions of Jewish study current in their time and place, and sometimes from independent analysis and deductions that gave rise to original interpretations.

The second approach to identification is the "scientific approach," developed in recent generations in accordance with scientific method. This approach, of course, is based on analysis of the sources themselves, but also incorporates research from a number of other areas: linguistics, comparison with sources from the Apocrypha and Pseudepigrapha, archaeology, zoology, and others.[\[6\]](#)

The suggested identifications for animals that appear in both approaches, whether Jewish writings on the one hand, or in scientific journals on the other, do not suffice to make animals kosher for eating, even when the identification is most certain.

Rather, other fundamental conditions must be satisfied as well, namely recognizing the animals, their names, and indications as determined by the Sages.^[7] Another necessary condition is the existence of a "tradition." According to most halakhic authorities, this is essential in the case of birds; as Rabbi Isaac said, "Birds are eaten by tradition."^[8] As for beasts and animals, it follows from Maimonides that recognizing them suffices.^[9] However some Ashkenazi halakhic authorities have ruled that these animals, as well, require a tradition.^[10]

Halakhic Tradition

As we have said, in order to give binding halakhic force to a suggested identification, an additional fundamental requirement must be satisfied, namely that which we call "tradition." This is not a marginal folkloristic matter, rather an important halakhic principle. "Tradition" in our sense of the word requires at least two essential conditions. The first is an ancient, reliable and authorized source for the tradition. The second is a preserving force that knows how to safeguard tradition. These two conditions do not always coincide, and sometimes certain traditions (as important as they may be) ceased to exist in certain communities for various reasons, such as losing contact with an important ancient center of Jewish study, or because of cultural and geographical circumstances. A halakhically acceptable tradition can only be received from reliable sources: that means G-d-fearing people who are in possession of a living and active tradition according to the Talmudic principle: "A hunter may be relied upon to say, 'This bird is kosher, my Rabbi has informed me.'"^[11]

Later generations relied primarily upon Rabbis and ritual slaughterers (*shohet*) who had a tradition that had been passed on to them, from one person to the next over the generations, and that had been maintained through actual practice. They had authentic, precise and reliable information, since by its very nature halakhic tradition cannot rely on surmise, but rather must be based on unequivocal identification, passed down through an unbroken chain and maintained for centuries without any changes. The reliability of this tradition is absolute, since Jews throughout the Diaspora were known for their strict adherence to the dietary laws of kashrut. In fact, precisely this extreme strictness in certain cases caused traditions that had become no longer active to lose their validity.

The importance of preserving the tradition in our day

An active tradition regarding the kashrut of a wide variety of animals existed from antiquity until recent times. Generally speaking, the standard of living in a traditional society was low and characterized by economy and maximal utilization of potential benefits that could be derived from the world of nature. Therefore, it is not the least surprising that in many countries, especially in times of drought or famine, Jews used to eat locusts, small song birds, or wild animals that were still readily available, such as gazelles. It actually the relative prosperity in which we live and the impact of Western culture that have led certain traditions to be cancelled and many others to be in danger of disappearing totally.

Therefore, it is our duty to document these traditions and preserve them for the sake of later generations. These traditions can be received only from "the older generation," who still are in possession of an ancient and living heritage, an "Oral Law." The order of the day is to commit these traditions to writing, formulating them as clearly as possible according to scientific criteria and documenting them visually. This will assist preservation of the tradition and thus also enable later generations to have a continuous tradition of kashrut for various animals.

The list of animals in the "Project for Preservation of the Tradition"

As we have said, in the past a tradition of kashrut existed for a large number of animals. The tradition regarding many of these animals was lost, according to some *posekim* beyond retrieval. For example, there is no active tradition of eating giraffes (according to some commentators, thought to be the biblical *zemer*), and therefore it is difficult to document.[\[12\]](#) Hence, one of our goals in preserving the tradition is to establish a preliminary list of animals that clearly display the indicators of kashrut, that have many sources attesting an active tradition of eating in recent times, and that have reliable informants to confirm and transmit the tradition.

The list includes animals at "high risk," meaning animals that in our opinion are in great danger of losing their kashrut tradition. Although the list includes domesticated animals such as the guinea hen, naturally we decided to focus on non-domesticated animals like the sparrow, partridge and gazelle.

Another category includes animals that people have attempted to raise in captivity and market with kashrut certification, but for which the certification is still in question, such as quail, pheasant and deer. In preparing the list we availed ourselves of later halakhic literature containing information about various species of kosher animals,[\[13\]](#) the important work by Y. M. Loewinger,[\[14\]](#) and additional primary sources culled thus far from various informants and likely to be decisive in determining the kashrut of animals according to Jewish tradition.

As the model for this project we used the comprehensive interdisciplinary study recently made for the tradition among Yemenite Jews and some North-African Jews to eat locusts - a study that included gathering testimony from hundreds of informants. Among those interviewed were Jews who had immigrated from Yemen to Israel several years ago and who identified with great certainty live locusts that were shown them and even reenacted how these creatures had been eaten.[\[15\]](#)

Some Names of Specific Animals

* Only common names of species are listed

Hebrew name today	Scientific name	English	German	Arabic
<i>Tzvi</i>	<i>Gazella</i>	Gazelle	Pracht	A'zal, T'bi
<i>Ayal</i>	<i>Cervus, Capreolus</i>	Deer, Roedeer	Hirsch	Ayyal, Yahmor
<i>Yahmor</i>	<i>Dama Dama</i>	Fallow Deer	-----	Yahmor, Ayal, Adam
<i>Dror</i>	<i>Passer</i>	Sparrow	Sperling	A'tzpor
<i>Hoglah</i>	<i>Alectoris</i>	Partridge	Steinhuhn	Hajl

<i>Slav</i>	<i>Coturnix</i>	Quail	Wachtel	Slawi, Smani
<i>Peniniyah</i>	<i>Numida</i>	Guinea-fowl	Perlhuhn	Djaj Habshi, Harziyyah, Bar Elabid
<i>Pasyon</i>	<i>Phasianus</i>	Pheasant	Fasan	Tedraj, Deraaj

An Appeal

We would like to take this opportunity to appeal to all those who can contribute information on kashrut traditions regarding the animals in this list, or other animals that have a less-well-known tradition of being eaten today (such as the ibex or swan). Please transmit any such information to the author in written form, or to Dr. Ari Zivotofsky, zivotoa@mail.biu.ac.il. Please include the source of your information (the person from whom you received it, the date and place), as detailed a description of the animal as possible, and its names. Any reliable information, both written references and orally transmitted testimony, will be gladly received.

Conclusion

In the final analysis, the validity of the tradition that we shall obtain depends on posekim confirming the kashrut. This may differ from one animal to another, in accordance with the source of the tradition (land of origin) and its quality (degree of reliability, notability of the transmitter and the halakhic circle to which he belongs). In addition, it must be remembered that the system of kashrut in Israel and the Diaspora is not monolithic, but lies in the hands of a variety of groups and authorities. In actual practice even the governmental institution of the Israel Rabbinat has many local authorities that operate under its umbrella, with no uniformity in the level of kashrut, the differences depending first and foremost on the nature of the local kashrut authorities

Since we are aware of this complexity, for the first stage we would like to document existing traditions before they disappear and to provide a data base for those wishing to preserve them.

If this project succeeds, it might be possible to set up an authorized body, accepted by most religious circles, that will be able to coordinate between the various kashrut authorities and set standards and a system of agreed rules and codes, so that everyone will be able to eat the animals permitted by his or her tradition.

[1] Babylonian Talmud, *Hullin* 63b.

[2] Maimonides, *Hilkhot Ma'akhalot Asurot* 1.8. Also see the research work of M. Kislev, "Ekronot ha-Miyun le-Kevutzot shel Baalei Hayyim ba-Torah ve-Hadgamatam be-Shemonah ha-Sheratzim," **Halamish**, 7 (1989), pp. 27-40; *ibid.*, "Behinat ha-Zihuyim shel Aseret Minei Maalei-ha-Gerah ha-Tehorim al-pi ha-Taxonomia," **Sinai**, 125 (2000), pp. 216-225.

[3] Babylonian Talmud, *Hullin* 42a.

[4] Sifra, *Shemini*, 2.

[5] On the absence of a tradition of eating grasshoppers in Europe, see Z. Amar, "Ha-Arbeh ve-Akhalato be-Mesoret Yisrael," Proceedings of the conference held at Bar Ilan University, 14/4/99, pp. 11-12.

[6] The principles of the various methods of identification are illustrated in my article, "Zihui Minei Sheretz ha-Of Be-Re'i ha-Mesoret ve-ha-Mada," **B.D.D.** 11.

[7] Maimonides, *Hilkhot Ma'akhalot Asurot* 1.15; *Shulhan Arukh*, *Yoreh De'ah* 82.2.

[8] Babylonian Talmud, *Hullin* 63b.

[9] *Ma'akhalot Asurot* 1.8.

[10] Especially Hazon-Ish, in his explanation of the *Shakh* (*Sifte Kohen*). See the discussion of this subject in the article by Rabbi A. Hamami, "Ha-Giraffa - Kashruto le-Akhalah," **Tehumin**, 20 (2000), pp. 91-92; A. Z. Zivotofsky, "Kashrut of Exotic Animals: The Buffalo," *The Journal of Halacha and Contemporary Society*, 38 (1999), pp. 117-128.

[11] Babylonian Talmud, *Hullin* 63b.

[12] See A. Hamami's article, *loc. cit.*, note 10. Incidentally, Rabbi Joseph Kafih ruled that the giraffe is kosher from the outset and that no tradition of eating it is required. See my article, "Several Principles of R. J. Kafih's System to Identify Plants and Realia", Rabbi Yosef Kafih Memorial Volume, TelAviv, 2001, pp. 68-73; A. Zivotofsky, A. Greenspan, "On the Kashrut of Pheasants", *ibid.*, pp. 107-116.

- [13] For example, Hida, ***Mahazik Berakhah le-Yoreh De'ah***; Y. M. Cohen, ***Zivhei Cohen***, Leghorn 1832; A. Ben-David, *Sihat Hullin*, Jerusalem 1997. Many other collections of responsa, especially by *posekim* from Northern Africa, contain information that has not yet been fully appreciated.
- [14] Y. M. Loewinger, ***Mazon Kasher min he-Hai***, Jerusalem 1980.
- [15] H. Seri and Z. Amar, "The Kashrut of Locusts," ***Tehumin*** 19 (1999), pp. 283-299. The complete study will be published by Bar Ilan University.