

מן הבהמה הטהורה ומן הבהמה אשר איננה טהרה ומן העוף וכל אשר רמש על האדמה

“From all pure (kosher) animals, and all unpure (non-kosher) animals, from the birds, and from all creeping creatures on the earth.”

In this week's Parsha, Noach is commanded by Hashem to gather all species of insects, animals and fowl into his Teivah. From those species which are considered kosher he was to amass seven specimens. From those that are not kosher, only two from a species were collected. We are all familiar with the requirements the Torah describes to distinguish a kosher animal from those that are not. In Parshas Shemini (ויקרא י"א) the Torah depicts the signs of a kosher animal as having split hooves and chewing its cud. Regarding fish, the characteristics required are fins and scales. However, in the Torah, the required signs for kosher birds are not specified. Instead, the Torah lists twenty four species of birds that are not kosher without specifying how one can identify them on his own. However, the Mishna in Chullin (נ"ט ע"א) describes four signs to determine the kosher status of birds. They are as follows:

- 1) The bird must not pounce on its prey.
- 2) It must have an extra toe (this refers to the additional toe opposite the front three toes)
- 3) The bird must possess a crop (a pouch in the digestive system of the bird, used to regurgitate food to provide for its young).
- 4) The outer skin of the bird's gizzard must have the ability to be peeled off by hand, without necessitating the use of a knife.

Any bird that meets these requirements can safely be presumed to not be one of the twenty four non-kosher birds that the Torah enumerates<sup>1</sup>. However, the Rama<sup>2</sup> writes that since it is often very difficult to determine if a bird pounces on its prey, therefore, even if we have never witnessed a specific bird pounce and all the other criterion are met, it may not be eaten unless one has a specific Mesorah (tradition) that this species is kosher. The Rama continues that such is the minhag, to only rely on Mesorah and not to determine kosher species based characteristics<sup>3</sup>.

Based on the above, the Poskim discuss at length the permissibility of eating the turkey bird<sup>4</sup>. The turkey is a bird that is native exclusively to North and Central America, and was completely non-existent in Europe prior to the sixteenth century. The first recording of the turkey in Europe was when the bird was presented to the king of Spain in 1519 by Spanish explorers returning from the Americas. Clearly, it is not possible for a Mesorah to exist regarding the Kashrus of these birds prior to the Psak of the Rama. (The Rama passed away in 1572.)

Some Acharonim<sup>5</sup> claim that the turkey does not really originate from America; rather it is of Indian origin. However, others dispute this conjecture, explaining that this may have erroneously been suggested for several reasons. For one, in many languages (Yiddish, Hebrew, etc.) the turkey is referred to as the “Indian Hen” or similar names<sup>6</sup>. Furthermore, the peacock bird (a native of India) when described on paper is remarkably similar to the description of a turkey, if one fails to mention the colorful plumage that is characteristic of the former. For this reason these Acharonim assumed that the turkey was native to India, when in fact it originates solely from America.<sup>7</sup>

<sup>1</sup> כ"כ הרבה ראשונים, הרמב"ם, ריטב"א, רמב"ן, רשב"א, הר"ח ור"ת, הה"מ, הר"ן, הבעה"מ ע"ש שמוסיף עוד ב' סימנים, ובעל העיטור, וכ"פ הפר"ח ויש"ש, כרית ופליתי, ובכנפי יונה

<sup>2</sup> יו"ד פ"ב ס"ג בשם האיסור והיתר

<sup>3</sup> ומקורו מרש"י בחולין ס"ב וברא"ש שם ועיין, וע"ע בכה"ח ובזבחי צדק

<sup>4</sup> הכה"ח בשם השל"ה כתב דהוה דורס ואוכל וכן בס' טו"ט ודעת לר"ש קלוגר

<sup>5</sup> ס' נחל אשכול ס' כ"ב, וכן במשיב דבר ח"ב ס' כ"ב, ושו"ת מי באר ע' בדרכ"ת, וכן בכה"ח וזבחי צדק

<sup>6</sup> וגם נראה שהיו קוראים לעוף אחרת כן, ע' מ"ב ס' ע"ט בהג"ה, ושם פשוט דאינו העוף הזה, דבזמן האגודה לא היה נמצא בכלל

<sup>7</sup> כך הסביר הגר"י רייסמן שליט"א בקלטת #5 למלכים א'

There are various explanations as to why, in light of the above, nearly all of Klal Yisrael eats turkey without any qualms. Some Poskim explain that the Psak of the Rama to exclusively follow Mesorah regarding the Kashrus of birds was not accepted by the general public prior to turkey having become a standard item on the kosher menu<sup>8</sup>. Others explain that although originally the bird may have been eaten without a Mesorah, once such practice has become widespread, it would require a clear proof of the turkey's non-kosher status to forbid it<sup>9</sup>. However, perhaps the most settling explanation of this practice is that of the Arugas Habosem. He explains that the reasoning behind the Psak of the Rama is (as we explained) based on the difficulty involved in determining conclusively if a bird pounces on its prey, thereby compelling us to rely on Mesorah regarding this matter. Hence, in regard to turkeys, that are domestically raised and have never been sighted or recorded as having pounced on live prey, there is no doubt as to their docile nature, and can indisputably be considered kosher<sup>10</sup>.

Although nearly the entirety of Klal Yisrael considers turkey kosher, and consumes them on a regular basis, some Gedolim in our generation and previous ones refrained from eating this bird due to its lack of a Mesorah<sup>11</sup>.

II. So far we have discussed the Dinim regarding kosher birds. Regarding other animals, the Torah specifies clear signs to differentiate kosher and non-kosher species. The Torah states that any animal that does not have split hooves and does not chew its cud are not kosher. These signs are seemingly straightforward and leave little room for uncertainty. However, the Shach states that even regarding these animals, one may not consume them without a Mesorah attesting to their Kashrus. The reason for this is unclear.

Some Acharonim<sup>12</sup> explain that the Shach did not mean to entirely forbid animals that possess the kosher signs but lack a Mesorah. Rather, he refers to the permissibility of the animals "forbidden fats" (Cheilev). These fats are only forbidden in consumption if they are from an animal that the Torah does not classify as a "Chaya". If the animal does not belong to this classification, its fats are permitted. Regarding these fats, the Shach rules that a Mesorah is required to determine if an animal is a "Chaya" or not. However, other Acharonim<sup>13</sup> explain the Shach according to its simple interpretation; that all animals require a Mesorah in order to determine their kosher status. The Chazon Ish rules in accordance with this opinion<sup>14</sup>.

III. The question is often discussed regarding the Kashrus of the giraffe. The giraffe has split hooves and chews its cud, yet no Mesorah exists that our ancestors ate giraffe meat. However, in Parshas Reeh (דברים) (the Torah lists seven Chayos that are kosher, the last being the זמר. Rashi and other Rishonim state that the identity of the זמר is unknown. However Rav Saadiah Gaon<sup>15</sup> and others<sup>16</sup>, explains that the זמר is in fact the giraffe. Therefore, no further Mesorah is necessary as these Geonim and Rishonim clearly identify the giraffe as a kosher species<sup>17</sup>.

Perhaps the reason one will most likely not find giraffe meat on the shelves of the local supermarket, is due to the great difficulty and expense involved in Shechting a giraffe. It may also not be the tastiest of meat. However, the common misconception that due to the large span of the giraffes neck we do not know where to Shecht it, is incorrect. On the contrary, the giraffe may be slaughtered at any point along its extensive throat<sup>18</sup>.

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<sup>8</sup>שו"מ ח"ה

<sup>9</sup>משיב דבר שם, צמח צדק, וע' דרכ"ת

<sup>10</sup>ארוגת הבושם, וע' אג"מ אם מותר לאכול ביום חגם, ולא הזכיר צד לאסור אכילתו לגמרי. וע"ע במנח"י ח"ה ס' ל"א

<sup>11</sup>כן נהג הגר"י קמיניצקי זצ"ל ובנו הגר"ש שליט"א אחריו

<sup>12</sup>פ"מ"ג, וכן בדרכ"ת ובמשמרת שלום, ארוגת הבושם, ונו"ב תניינא ס' כ"ט

<sup>13</sup>חכמת אדם כלל ל"ו ס"א, ערוה"ש ס' פ'

<sup>14</sup>אגרות חזו"א ח"א ס' צ"ט וח"ב ס' פ"ג וכן ביו"ד ס' י"א

<sup>15</sup>תפסיר התורה עה"ת שם הובא בכפתור ופרח פנ"ח

<sup>16</sup>רבינו יונה בס' השרשים ורד"ק בס' השרשים שלו, וכן ברשב"ץ ע"ס יבין שמועה כתב דהוה חיה אם צואר ארוך, וע' ילקוט יוסף

בשם עוד ראשונים

<sup>17</sup>וע' באג"מ יו"ד ח"א ס' ל"ד דמסורה רק ע"י שם בלא טביעות עין לא מהני, אמנם נראה דכאן אין מקום להסתפק דאין עוד מין

בשם זה והוא כ"כ בעופות שהשם יכול להיות על הרבה מינים שדומים זל"ז ע"ש ודו"ק

<sup>18</sup>באנציקלופדי' לבית ישראל כתב הטעם משום דאין יודעים איפה לשחטו, אבל פשוט דטעות הוא, ע' שיחת חולין וילקוט יוסף ח"י

במילואים וכמבואר ברמב"ם ושו"ע הל' שחיטה

IV. Another animal that is often questioned regarding its kashrus is the buffalo. In the passuk mentioned above, one of the animals is called the תאו. Rashi explains that this refers to the “wild ox”. The Rama<sup>19</sup> explains that this refers to the buffalo. Therefore, although there are other interpretations of the name תאו, there is certainly a clear reference in the Rishonim to the Kashrus of the buffalo, regardless if this is included in the passuk or not. However, the American version of the “buffalo” is actually a different species called bison, and is noticeably different than those that reside in Europe, Africa and Asia. Therefore it is possible that these differences are enough to be considered a unique species requiring its own Mesorah. In spite of this, some of the major Kashrus organizations in America have Hechsherim on kosher buffalo meat.

It is interesting to note that in the Piyut of Akdamus that is said during Leining on Shavuot, the Paytan describes how in the times of Moshiach, Hashem will slaughter the gigantic Livyasan and along with it, the giant שור הבר – buffalo. These delicacies will be served at the great feast that Hashem will prepare for the Tzaddikim.

Another related Shailah came to head a few months ago in Eretz Yisrael. This was in regard to the discovery that most of the meat sold in Eretz Yisrael is from a species of bovines called “zebu”. These animals resemble ordinary cows, albeit with several obvious differences. For example, a zebu has a hump on its back, ears that resemble sheep and a large piece of loose skin protruding from its throat (dewlap). These animals had become the preferential choice for slaughterhouses in South America, where most of the Israeli meat is produced. The problem is, that zebu is not an ordinary species of cows and therefore may not be eaten without a Mesorah.

The issue of these animals had already been disputed by the Chazon Ish and Rav Herzog, more than fifty years ago. At that time the Chazon Ish wrote to him, that since many of the Gedolei Acharonim paskened that no animal may be eaten without a Mesorah, we may not stray from their ruling, and these animals are forbidden. However, in the printed text of the Chazon Ish<sup>20</sup> it does not say regarding which specific animal he is referring to, and therefore over time this led to confusion. When the Poskim in Eretz Yisrael realized that the animals being slaughtered were the same species that the Chazon Ish had forbidden, they immediately halted all further use of the zebu for slaughter.

However, although the Chazon Ish forbade these animals, they actually have a halachic advantage to the issue of turkey, due to the following. In Meseches Bechoros (א"ע"ר), R' Yehoshua ben Levi states that it is impossible for a kosher animal and a non-kosher animal to cross-breed one with another. Based on this rule, one can infer that a zebu must be a kosher animal since it easily breeds with regular cows. On the other hand, since the zebu anyway has split hooves and chews its cud, it is possible that even an additional proof of its kashrus would be insufficient. In any case, regarding turkeys and other birds, even if they cross-breed one with another, it is unclear if they are included in the rule of R' Yehoshua ben Levi altogether, since he may not be referring to fowl<sup>21</sup>.

IV. One lesson that may certainly be learned from all this, is the great emphasis and inimitable importance of Mesorah. Even in the face of clear signs enumerated by the Torah, no animal is permitted without a tradition from one's forebears. Mesorah is the very basis of all the principles of the Torah, the unbroken chain passed from father to son. Only through our intact conveyance of the teachings of our parents, can we insure the eternal continuity of this chain.

Good Shabbos.

מאיר הלוי הלמן  
פעיה"ק תובב"א

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<sup>19</sup>רמ"א ס' כ"ח ס"ד וש"ך ס"פ אות ג'

<sup>20</sup>אגרות הזו"א ס' פ"ו רצ"ב

<sup>21</sup>ע"ש שו"ת מהר"י אסאד ח"א יו"ד ס' ס"ג שדן בענין זה עם שייך בעופות או לא, ובאבנ"י יו"ד ס' ע"ה שכתב דכן שייך