Chapter 9

Head of Swordfish for Leil Rosh Hashanah
refs 223 and 239
refs 224 and 226
Another halakhic category that might be crucial in determining the kashrut of fish is the question of the mesorah tradition. Can fish, like birds, be declared kosher because there is a tradition concerning them? For instance, if certain communities eat swordfish, is this sufficient to establish them as kosher even if they do not appear to possess the kosher signs? The majority opinion is that, unlike the halakhah concerning birds, and in contradistinction to Rabbi Unterman’s claim mentioned below, mesorah can neither forbid nor permit fish. If presented with a fish, the posek need only verify that it meets the physical requirements outlined in the Torah for it to be kosher, and their absence is what renders it non-kosher.10

The Knesset Gedolah lived in Turkey, and swordfish is called kille in Turkish. However, he — like many Jews of Constantinople — probably still spoke Greek, or another Mediterranean language. In several modern locales the name for swordfish is: pesce espada (Algeria), xiphias (Greece), pesce spada (Italy), pes espada (Spain), pesce espada or boussi (Tunisia, épée de mer (France), zwaard-fish (Dutch) or schwertfisch (German).

The Knesset haGedolah’s halakhic statement is widely cited as authoritative and reliable by a host of classical authorities.44 For example, it is mentioned by the Peri Meggadim (Siftei Da’at, 83:2); the ‘Ikre Dinim (a.k.a. Ikre Ha-tsa’ir, Daniel Timi, of Florence, Italy), YD 8:4; the Darke Teshuvah, YD, 83:17; the Hida (Haim Yosef David Azul’ai, of Hevron, Israel [1724-1806]), Ma’ashike Berakha, YD, 83:3; the Zveche Tsedek, YD, 83:8; the Kaf ha-Chaim, YD, 83:9; and Kesech Solet, p. 95, no. 24 (written by Rabbi Yehudah Eli, originally published in Solonka, 5558[1798],45 republished 1998).

In a 1951 list of kosher fish prepared for the OU, Rabbi Moshe David Tendler, born in 1926, with a Ph.D. in microbiology from Columbia University, and son-in-law of Rabbi Moshe Feinstein, became the first authority known to this author to question the accepted swordfish tradition by including it in the list of “common non-kosher ‘sea food’ sold in the United States.45 Several years later, when Rabbi Isser Yehudah Unterman (1886-1976),77 then Chief Rabbi of Tel Aviv-Jaffa, and later Chief Rabbi of the State of Israel, permitted the swordfish to a questioner58 (1 Marcheshvan 5722/ 11 October 1961), Rabbi Tendler reiterated his position prohibiting swordfish in a letter to Rabbi Unterman. Thus began the great and very public swordfish debate, which took place in the responsa of the posekim and the pages of halakhic journals (Sinai, ha-Ma’or, ha-Pardes to name a few) in Israel and the United States for most of the 1960s.

The effort to ban swordfish essentially took place in two geographic locales, the United States and Israel; it succeeded in both places.
This is as opposed to Israel, where the willingness to permit it persisted for longer than in the United States.

112 Interestingly, until the summer of 2005 there was still a restaurant in Israel under Orthodox rabbinical supervision that served swordfish.
113 Including Mr. Gedalyah Ga'on who moved from Izmir to Kfar Saba in 1948, and states that his community continued to eat swordfish in Israel. Rabbi Naftali Haleva reports (personal conversation, 30 August 2002) that Jews in Turkey treat swordfish as kosher to this day.

Rabbi Isak Haleva of Istanbul, Turkey, and Rabbi Abraham ben Palti formerly of Istanbul and now of Mexico City, Mexico, both related the following interesting story that happened to them (personal conversations, July 2001). In approximately 1962, then Israeli Chief Rabbi Nissim visited Turkey and was invited to dine at Turkish Chief Rabbi David Asseo’s (1914 – 14 July 2002; became Chief Rabbi in 1961, replacing Rabbi Rafael Saban) house. In honor of the esteemed guest they served a delicacy – swordfish. Rabbi Nissim refused to eat, claiming the fish had no scales and was not kosher. Rabbi Asseo rebutted that he had a long-standing tradition from his esteemed predecessors that the fish is kosher and has been eaten by Turkish Jews for generations. Rabbi Asseo and company ate it; Rabbi Nissim refrained. Thus, already in 1962 there were those in Israel treating it as non-kosher.

refs 225, 227, 230, 231, 234, 235, 236, 241 and 242
ref 228
הלכות דגמי ספין פנ"ג

ודא שטמר בגב דגמי מלוחות...

ref 229
For at least 350 years, the swordfish was treated as kosher and eaten by Jews in Mediterranean countries and later the US. In 1951, Tendler ruled it unkosher, because scientists at the time thought swordfish had scales as juveniles but not as adults, and for fish to be kosher, they must have fins and scales. The Chief Rabbinate here and the Conservative Movement in the US never accepted the ruling, which created schisms. “We have examined them on several occasions in different places and they have always had scales,” said Zivotofsky, who urged participants at last Thursday’s meal to consider whether to eat the fish. At the meal, a 300-page source book was distributed, which contains Tendler’s explanations and several articles and letters validating the swordfish as kosher.
Chapter 9  CONTINUED