

**Wormy Cheese, Cloned Pig Meat
and much more
for a Kosher table?**

by
Rabbi Dr. Chaim Simons

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INDEX

* Wormy Cheese with fruit salad for Tu Bishvat	6
* Cloned Pig Meat for Mishloach Manot	12
* Kreplach filled with minced Swans' meat for Hoshana Raba	16
* Gefilte Turbot for Shabbat dinner	20
* Fried Locusts with yoghurt	25
* Giraffes giblets as hors d'oeuvre for Yom Tov meal	30
* Bees' Royal Jelly prior to a meal	35
* Nightingale schnitzels for Chol Hamoed	39
* Head of Swordfish for Leil Rosh Hashanah	43
* Rice Cakes for Ashkenazi Jews for Seder night	48
* Fish Blood Borsht for Erev Pesach	52
* Deer's Kidneys for Melave Malka	56
* Hard boiled Sparrows' eggs for Erev Tisha b'Av	60
* Pig Bone Gelatin coating on Chanukah Latkes	64
* Caviar from Sturgeon for Seudah Shlishit	68
* Milk dessert following a Meat meal for Shavuot	73
* Zebu meat in Shabbat cholent	77

A C K N O W L E D G M E N T S

In order to write this book, I had to assemble a vast amount of material. Today, with the Internet, many of the papers and articles which I utilized in writing my book were to be found there. I acknowledge with gratitude the various authors of this material.

In particular, I must mention the writings of the following: Rabbi Dr. Ari Zivotofsky, Professor Zohar Amar, Rabbi Dr. J. David Bleich and Dr. Yisrael Meir Levinger. Their material was invaluable for my book. My sincere thanks and gratitude to these four researchers.

Another important source on the Internet is the website of "HebrewBooks." For almost every book I required, and indeed there were a large number, I was able to download the appropriate pages from their website. Those responsible for this website, have contributed an immeasurable amount for the study of Torah.

The few books (and really there were only a few!) I could not find on HebrewBooks, I found in the Israel National Library in Jerusalem, and in the Yeshivat Nir Library in Kiryat Arba. My sincere thanks to these two libraries.

P R E F A C E

Although the index has been written in a humorous style, this book is a serious work whose object is to teach some of the laws of Kashrut in a novel way. However, none of the foods mentioned should be eaten before consulting a Rabbinical authority.

Each chapter is divided into three sections: General Knowledge, Halachic discussion, Bon Appétit.

General Knowledge: In this section, a selection of general knowledge associated with each item is given. This information has been gleaned from a number of encyclopedias, dictionaries and other reference books. Needless to say, this information is not exhaustive.

Halachic discussion: This is by far the longest and most important section of the book. A halachic discussion is made regarding each item and this usually includes historical and geographical material.

In some cases where there is a vast amount of discussion by the Rabbis on a particular item, in order to keep the discussion to a reasonable length, only a selection of the arguments are described.

There are some items where the scope of the discussion has been broadened to incorporate associated material.

In order to avoid repetition, in cases where some of the material for different chapters are identical or nearly identical, the arguments are generally limited to just one of the items.

In this section, the references are meticulously documented. Abbreviations have been kept to a minimum and those regularly used are as follows:

SA = Shulchan Aruch

OC = Orach Chaim section of Shulchan Aruch

YD = Yoreh De'ah section of Shulchan Aruch

Rambam = Rabbi Moshe Maimonides' Mishneh Torah

OU = Orthodox Union of America

As is customary when quoting references, two Latin expressions are used:

Ibid. = same as previous reference

op. cit. = refers to a previously cited work. In order to make it easier for the reader, a detailed reference is given the first time it is mentioned in a particular chapter, even though it has been given in an earlier chapter.

In a few cases it was necessary to use Hebrew or Greek letters in the text, they are followed by the transliteration into English style letters. In the footnotes, Hebrew words have been transliterated into English style letters. Needless to say, there are different ways of transliteration.

Bon appétit: In this section, often in a humorous manner, a suggested occasion in the year, or method of eating the item, is given.

Don't look for the ingredients and method of making the various items given in the index. You won't find them!! That is left for you to experiment with!!!

As already stated, this book is to teach halachot of kashrut. Before eating any of these items, consult with a Rabbinical authority who is proficient in this field.

Chapter 1

Wormy Cheese with fruit salad for Tu Bishvat

General Knowledge

Cheese is a dairy product derived from milk, which usually comes from cows and goats, although it also comes from, amongst other animals, giraffes and camels. It is usually made by coagulation of the milk protein casein. In fact, the word “cheese” comes from the Latin word “caseus.” During the production of cheese, the milk is usually acidified and the enzyme rennet is added and this causes coagulation. (Rennet can be replaced by vegetarian alternatives.) The solids are then separated and pressed into their final form. In some areas, cheese is still made by allowing the milk to curdle naturally. Cheese has a longer shelf life than milk, and hard cheeses last longer than soft cheeses. There are hundreds of types of cheese, with certain cheeses being historically associated with various countries and areas. Their styles, textures and flavors depend on a number of factors: the origin of the milk, the animal’s diet, whether the milk has been pasteurized, the butterfat content, the bacteria and mold, the processing and the aging. Sometimes other ingredients are added to give flavoring to the cheese.

Halachic discussion

Would the presence of worms in otherwise kosher cheese make the cheese not kosher? The answer is in the negative. Wormy cheese [often the term maggoty cheese is used] is not, according to the Shulchan Aruch, forbidden to be eaten because of the worms in it.¹ Already, about the end of the twelfth century, which was several hundred years prior to the composition of the Shulchan Aruch, Rabbeinu Eliezer ben Reb Yoel Halevi (the Ra’avyah) wrote that he heard from his father that the worms found in cheese may be eaten.² However, this is an exception to the halachot regarding the eating of insects, since the Torah forbids the eating of worms and almost all forms of insects. In fact, by eating them, one transgresses more prohibitions than by eating pork! These prohibitions apply to

¹ SA YD 84:16

² Rabbeinu Eliezer ben Reb Yoel Halevi, *Sefer haRa’avyah*, (Mekitsei Nirdamim Jerusalem, 5698/1938), para.1089; this permission to eat such wormy cheese also appeared in the *Kolbo* (author unknown) chap.101 whose first printing was in 1519

those insects who live in the sea and streams, those who fly in the air, and those who creep on the ground.³ For such a creature to be forbidden to be eaten, it has to be visible to the naked eye. One does not have to use a microscope or even a magnifying glass to check the presence of such insects!⁴ Some years ago it was discovered that there were almost microscopic insects in the water in New York, which led to the question of whether one could drink the water without straining it.⁵ However, the worms in cheese are not microscopic or even almost microscopic. They can reach a length of 8 millimeters.⁶

Some government health departments allow a certain number of insects in foods.⁷ (One might ask whether wormy cheese would be an exception to these government rules?!) However, according to the halachah, Jews may not eat such products without removing these insects.

Some foods are so infected with insects and as a consequence great effort and time has to be expended to remove these insects.⁸ A practical example is the lettuce required on the Seder night for the maror. The Mishnah Berura refers to this problem and states that a person who does not have the ability to make such a check should use horseradish for maror.⁹ Today this problem has been largely solved by Gush Katif lettuce which is specially grown in conditions which will make it bug free.¹⁰

Another vegetable that was recently found to be infected is strawberries. Research was done by “Machon haTorah veHa’aretz” to investigate the removal of all these insects and it was found necessary to do four successive washings to accomplish this.¹¹

In addition to cheese, there are instances where the consumption of visible insects is permitted. One of them concerns fish where worms are often found in

³ Rabbi Moshe Via, *Bedikat Hamazon Kahalachah*, (Hamachon lehanhalat hahalachah, Jerusalem, 5758/2008), pp.97-98

⁴ Via, op. cit., pp.56, 100

⁵ “New York City Tap Water Statement,” OU Kosher, (Internet)

⁶ Professor Zohar Amar, “Kashrut Hamazon, Al tolaim kesheirov sheb’gevina v’kinim shemutar laharog b’Shabbat,” (Internet); an almost identical paper by Zohar Amar appeared in *Emunat Itecha*, (Machon haTorah veHa’aretz: Kfar Darom, 5777/2017), issue 116, pp.115-19

⁷ Via, op. cit., pp.49-50

⁸ e.g. books by Rabbi Moshe Via

⁹ Mishnah Berura 473:42

¹⁰ Via, op. cit., pp.65, 272

¹¹ Rabbi Yehudah haLevi Amichai, “Al Bedikot Tut Sadeh 5776,” *Emunat Itecha*, (Machon haTorah veHa’aretz: Kfar Darom), Nissan 5776/2014, issue 111, pp.154-55

some of them. Those which are in the fishes' flesh may be eaten whilst those in its intestines are forbidden since these insects had been in the sea and were recently swallowed by the fish.¹² It should be noted that due to new scientific studies, the permissibility of worms in the flesh has been questioned.¹³

It is also permitted to eat worms found in a fruit that had been detached from its source of growth and never exposed to the air. However, those worms which grew in a fruit whilst it was attached to the ground are forbidden.¹⁴ In a case where it is difficult to ascertain how long they had been in the fruit, the fruit would be forbidden to be eaten.¹⁵

As stated above, worms found in cheese may be eaten. However, even with the presence of worms, the cheese might still not be kosher. There are indeed a number of factors for a cheese to be permitted to be eaten. The first question is does the cheese contain non-kosher ingredients. During the production of cheese from milk, rennet is used. Rennet is an enzyme which is produced in the stomach of a cow and it helps turn the milk into cheese. If it comes from a non-kosher animal, this in itself will make the cheese not kosher. Today there are alternative non-animal sources for rennet.¹⁶

Even if all the ingredients in the cheese are found to be strictly kosher, the cheese cannot necessarily be eaten. There is a Rabbinical enactment known as "gevinat akum" against the eating of non-Jewish cheese. Even a person who is lenient and drinks non-Jewish milk "chalav akum" is forbidden to eat gevinat akum.¹⁷ To make cheese into gevinat Yisrael - "Jewish cheese", a Jew needs at least to be present when the cheese is being made and according to some opinions must himself actually add the rennet into the milk. With most Kashrus authorities, both these conditions are fulfilled in cheeses under their supervision.¹⁸ Whether or not the law of gevinat akum applies only to hard cheese or also to soft cheeses is open to dispute.¹⁹

¹² SA YD 84:16

¹³ "What's Going on with the 'Bugs' in the Fish?" OU Kosher Certification, (Internet)

¹⁴ SA YD 84:6

¹⁵ SA YD 84:7

¹⁶ "Kosher Cheese," OU Kosher Certification, (Internet)

¹⁷ SA YD 115:2 and Rema

¹⁸ "Kosher Cheese," op. cit.

¹⁹ Ibid.

Worms might be found in cheeses which are hard,²⁰ aged about six months, or are prepared in a way which gives the cheese a very sharp taste.²¹ If the ingredients are strictly kosher and the laws concerning gevinat Yisrael have been observed, the presence of worms will not make the cheese non-kosher!²² These worms may be eaten as long as they remain embedded within the cheese. However, if they leap off or otherwise separate from the cheese they are then forbidden to be eaten. However, there are more lenient opinions which rule that they still may be eaten so long as they have not gone further than the plate or the serving dish. Should these worms get mixed up with other food and one is unable to remove them, the food does not become forbidden since some permit them under any circumstances, although it is better to be strict unless there is a big loss.²³

A question that can be asked is whether one may eat the cheese whilst the worms are alive and even moving around. The answer is implied by the Rema who writes about the worms jumping about on the cheese.²⁴ A more direct positive answer is given by Rabbi Avraham ben Mordechai who lived in Egypt in the seventeenth century, who wrote that Ashkenazi Jews eat cheese containing worms which are still alive.²⁵ A question which immediately then follows is whether it is permitted to eat this cheese on Shabbat since by doing so one will kill the worms, and killing living creatures on Shabbat is forbidden by the Torah. However, the answer is yes²⁶ and it can be compared to the killing of lice on Shabbat which is permitted.²⁷

How did the worms get into the cheese? There is a cheese called Casu Marzu in Sardinia called Sardinian Sheep Milk Cheese, which has live maggots in it. To produce this maggoty cheese, whole pecorino cheeses are left outside with part of the rind removed to allow the eggs of the cheese-fly *Piophilidae casei* to

²⁰ Taz SA YD 89:4

²¹ Rabbi Ari Enkin, "Kosher Worms and Insects," Orthodox Union, (Internet)

²² Ibid.

²³ SA YD 84:16 and Rema

²⁴ Rema YD 84:16

²⁵ Rabbi Avraham Halevi, *Ginat Veradim*, (Constantinople, 5476/1716), YD klal aleph chap.3

²⁶ Rabbi Yitzchak Yosef, *Yalkut Yosef*, issur v'heter vol.2, 84:53; Rabbi Yisrael Lifschitz, *Mishnayot im Peirush Tiferet Yisrael*, (Vilna 5673/1913), Kalkalet Shabbat 26 (hashochet); Rabbi Binyamin Aryeh Hakohen Weiss, *Even Yekorah al Arba'ah Chelkai haShulchan Aruch*, (Druck von F Badnarski: Lemberg, 5654/1894), responsum 174; Rabbi Gavriel Zinner, *Nitei Gavriel, Hilchot Chag Hashavuot*, (Jerusalem, 5759 /1999), chap.29 para.14 and fn.24.

²⁷ Lifschitz, op. cit.

be laid in the cheese. A female *Piophilha casei* can lay more than 500 eggs at one time. The eggs hatch and the larvae begin to eat through the cheese. The acid from the maggots' digestive system breaks down the cheese's fats. The texture of the cheese becomes very soft with some liquid seeping out. By the time it is ready for consumption, a typical Casu Marzu will contain thousands of these maggots. The larvae themselves appear as translucent white worms about 8 millimeters long.²⁸

Although until fairly recently, Casu Marzu cheese could officially be made and sold, a number of years ago the European Union prohibited its manufacture for health reasons.²⁹ As a result, the manufacturers had to go underground and manufacture it in private houses. Dr. Zohar Amar went in search of this maggoty cheese in 2015.³⁰ After a lot of searching he found it in the village of Oliena Sardinia in Italy where, due to climatic conditions, it was available only during certain seasons of the year. He went to a restaurant and they took it out of the refrigerator where it was stored. It looked like a round cheese cake. After cutting off the outer layer with a sharp knife, one could see hundreds of maggots moving around,³¹ as in the words of the Rema, "Jumping here and there on the cheese."³² Wormy cheese with a hechsher can be bought at the Machane Yehudah market in Jerusalem.³³

If the method described above of producing the maggots in the cheese is acceptable according to the halachah, then by using only kosher ingredients and following the laws of gevinat Yisrael, one can have kosher l'mehadrin Casu Marzu cheese with maggots!

Bon Appétit

On the night of Tu bi'Shvat it is customary to eat a large number of different fruits, since it is the New Year for Trees.³⁴ Originally this custom was stated as

²⁸ Casu marzu, (Wikipedia)

²⁹ Amar - Al tolaim, op. cit.

³⁰ It was for academic purposes and not for eating since it might contain non-Kosher ingredients and be gevinat akum!

³¹ Amar- Al tolaim, op. cit. A far more detailed account of a successful attempt to obtain casu marzu cheese in 2017 was written by Matt Collangelo in "A Desperate Search for Casu Marzu, Sardinia's Illegal Maggot Cheese," (Internet)

³² Rema SA YD 84:16

³³ Information from Rabbi Ya'akov Blau, Kiryat Arba, 2 Elul 5778/13 August 2018

³⁴ Rabbi Yissachar ben Mordechai Sasson, *Ibur Shanim - Tikun Yissachar*, (Venice, 5339/1579), e.g. p.22b

an Ashkenazi custom,³⁵ but it has now also become a Sephardi custom which includes reading from a book entitled “Pri Etz Hadar,” and conducting a “Seder Tu bi’Shvat.”³⁶ There would seem to be no problem in making a fruit salad out of a large number of fruits and eating them together with wormy cheese!

³⁵ Ibid.

³⁶ Rabbi Shlomo Yosef Zevin, *Hamo'adim b'Halachah*, (Avraham Tzioni: Tel Aviv, 5724/1963), p.187

Chapter 2

Cloned Pig Meat for Mishloach Manot

General Knowledge

Cloning is the process of generating a genetically identical copy of a cell or organism. In biomedical research, cloning is broadly defined to mean the duplication of any kind of biological material for scientific study. There are two ways of cloning an animal, such as a pig. In one of them, one takes cells from fetal pig skin and performs on them various processes in order for them to develop into embryos. These embryos are then transplanted into surrogate female pigs. The pig will be born naturally and it will therefore be no different from any other pig. The second method is a laboratory method in which the cells from the fetal pig skin is treated with various nutrients which cause it to grow into a piece of pig meat. The cloning of mammals including pigs, goats, rats, mice, dogs, horses and mules has been performed since the early 1980s. The first cloned cat was called “Copy Cat” and was born to her surrogate mother at the end of 2001.

Halachic Discussion

Would a cloned pig be kosher? Needless to say, the advent of cloning of animals has led to the question regarding their kashrut, in particular the cloning of non-kosher animal, such as pigs.

An answer to this question was widely reported in March 2018. This was after Rabbi Yuval Cherlow, a Rosh Yeshivah in Ra’anana and one of the founders of the Tzohar organization, stated in an interview with Ynet that meat from a genetically cloned pig would be kosher for consumption by Jews – including when eaten with dairy products.³⁷

Rabbi Cherlow did not specifically state which of the two cloning methods he was referring to, (namely, the pig born naturally, or the pig meat grown in a laboratory), but it is thought to be the second method. His view was supported by Rabbi Dov Lior, the former Rabbi of Kiryat Arba and Rabbi Shlomo Aviner, the Rabbi of Bet-El.³⁸ In fact, according to the first method given above, the pig will be born naturally and there is no halachic reason why the baby pig should be any different from any other pig.³⁹

³⁷ “Rabbi: Genetically Cloned Pig Meat is Kosher, even with Milk,” JTA [Jewish Telegraphic Agency], 22 March 2018, (Internet); “Rabbi says meat from genetically cloned pig could be eaten by Jews – including with milk,” JTA [Jewish Telegraphic Agency], 22 March 2018, (Internet)

³⁸ “haRabbanim Lior, Cherlow v’Aviner: basar m’turbat yiyeh kasher...,” Netanel Lipa, forum “Kipa,” 17 May 2016 (5776), (Internet)

³⁹ “Cloned Pigs Aren’t Kosher,” Rabbi Gil Student, “Torah Musings,” 9 April 2018 (5778), (Internet)

There was great opposition to Rabbi Cherlow's opinion. Already, at an earlier date, namely in 5773 (2013), Rabbi David Bleich wrote a long paper on this subject. Some Dutch scientists had made a single beef hamburger in a laboratory. He immediately made the comment that one day a pork chop will be made by this method. He discussed a number of different factors on this subject and concluded that if the cells were taken from a kosher animal that had been shechted and the nutrients were kosher, the meat produced would be permitted, even with milk. However, if the cells were taken from a pig it would be forbidden.⁴⁰

There are a number of reasons for forbidding the eating of cloned pig meat. Probably the most important one is on the question of bitul (nullifying) of a forbidden substance, namely the cells taken from the pig. As a general rule, less than one sixtieth is enough to nullify. However, in this case there is a question of *davar hama'amid*, namely a substance which supports or upholds the mixture. In such a case, even less than one sixtieth would not nullify the forbidden substance. For example, in cheese making, rennet is essential and only a minute quantity is required – yet non-kosher rennet will make the cheese not kosher. Similarly here, although the pig cells are miniscule compared with the nutrients, without the pig cells one would not obtain the cloned meat and thus bitul does not apply here.⁴¹

Another interesting argument which was mentioned was that the taking of cells from a live animal was “*aiver min hachai*,” cutting off a limb from a living animal, and this is one of the seven Noachide laws applying also to a non-Jew. Because of these Noachide laws, even a non-Jew could not eat this cloned pig meat!⁴²

A person who does not follow the opinion of eating cloned pig meat has a different method to know what pig meat tastes like.

The Gemara⁴³ states that everything that the Torah has forbidden Jews to eat, it has permitted an equivalent. It has forbidden pig's meat but it has permitted the brain of the fish “*shibbuta*” which has the same taste as pig's meat.

Researchers are fairly certain that the *shibbuta* is the freshwater fish known as the *shabout* (scientific name: *Arabibarbus grypus*) which is found in the Tigris-Euphrates basin, namely the area around Iraq, Iran and Turkey.⁴⁴ According to the Gemara, it is the brain, and not necessarily the remainder of the fish, which

⁴⁰ Rabbi J. David Bleich, “Stem-Cell Burgers,” *Tradition*, no.46 issue 4, 2013, (Rabbinical Council of America), Survey of Recent Halachic Periodical Literature, pp.48-62

⁴¹ Rabbi Yair Hoffman, “Tzohar Rabbi Is Incorrect: Cloned Pig Meat Is Not Kosher,” *Halachic Musings*, reprinted from “The 5 Towns Jewish Times,” 5 April 2018, (Internet)

⁴² Gil Student, *op. cit.*

⁴³ Talmud Bavli, Chulin 109b

⁴⁴ *Shabout*, (Wikipedia); Ari Zivotofsky and Zohar Amar, “Identifying the Ancient *Shibuta* Fish,” (originally appeared in *Environmental Biology of Fishes*, March 2006, vol.75, issue 3, pp.361-363), (Internet)

tastes like pork. One could ask a non-Jew who eats pork and fish to taste the brain and answer whether its tastes like pork!

The shibutta was served at the “Mesorah Dinner” in Israel in 5770 (2010). In preparation for this dinner, Rabbi Zivotofsky and Dr. Greenspan journeyed to the Euphrates River in Turkey and inspected the fish. Before the dinner, they ordered 17 kilos of shibutta and had it sent to Israel where it was stored in a neighbor’s freezer until the dinner.⁴⁵

The reason that it is forbidden to eat a pig is that although it has a cloven hoof, it does not chew the cud.⁴⁶ However, maybe one could find in the world a member of the pig family which does chew the cud? Since the Torah lists only ten animals that are kosher,⁴⁷ such a pig would have to be one of these ten kosher animals. This is possible since there are differences of opinion in identifying some of these ten animals.⁴⁸

There are a number of species of the pig family, one of them being the babirusa pig, a pig which is found in Indonesia.⁴⁹ In the autumn of 1984, an article published in “Horizons” a publication of the US Agency for International Development stated that the babirusa pig had a stomach similar to that of a ruminant, namely that it had two stomachs and was thus an animal that chewed the cud.⁵⁰ This led to speculation that a kosher pig had been found!⁵¹ At the time there was only one such babirusa pig in the entire United States and it was in the Los Angeles Zoo. The zoo’s director commented, “It has a modified stomach shaped like an hourglass but it does not have two stomachs and it does not chew the cud.” Thus as with other species of pigs, this one was also not kosher!⁵²

Rabbi Bleich writes that if indeed the babirusa was kosher, the Gemara would have given this as the alternative to the pig rather than the brain of the shibutta.⁵³ Although all kinds of pig are not kosher today, the future will be different as Rabbi Chaim ben Attar asks, “Why is the pig called ‘chazir’?” and he answers because one day it will return (“chazor”) to become permitted to eat.⁵⁴

⁴⁵ Ari Zivotofsky and Ari Greenspan, “Quail, Blue Eggs and Shibuta,” *Mishpacha Jewish Family Weekly*, Jerusalem, 28 Tishri 5771/ 6 October 2010, p.45

⁴⁶ Chumash: Vayikra 11:7, Devarim 14:8

⁴⁷ Chumash Devarim 14:4-5

⁴⁸ Dr. I. M. Levinger and Dr. M. Dor, “Sheva ha’Chayot ha’Tehorot” (The Seven Clean Wild animals), *Torah u’Mada*, vol.4 no.2, Elul 5735/September 1975, (Association of Orthodox Jewish Scientists in Israel), pp.37-50

⁴⁹ Babirusa, (Wikipedia)

⁵⁰ Rabbi David Bleich, “The Babirusa: A Kosher Pig?” *Contemporary Halachic Problems*, vol.3, (Ktav Publishing House: New York), p.66

⁵¹ “Israeli Farmers Say They’ve Found a Pig whose Meat is Fit for a Rabbi,” Hugh Orgel, Tel Aviv, 17 July 1990, (Internet)

⁵² This Little Piggy Not Likely to Be on Kosher Menus,” John Dart, Times Religion Writer, 19 February 1985, (Internet)

⁵³ Bleich – Babirusa, op. cit., p.74

⁵⁴ Rabbi Chaim Ben-Attar, *Ohr Hachaim al Chamishah Chumshai Torah – sefer Vayikra*, (Zolkiew, 5559/1799),

Dr. Moshe Tendler has said that if the babirusa pig is found to be kosher “I’ll serve it at my daughter’s wedding.”⁵⁵

Bon Appétit

One of the mitzvot of Purim is to send a fellow Jew two items of food or drink.⁵⁶ Almost all manner of foods and drink are permitted to fulfil this mitzvah. Some even permit sending a raw item which requires cooking by the recipient.⁵⁷ It seems that cloned pig meat (preferably cooked) would be permitted as one of these two items for mishloach manot!

Chumash Vayikra 11:3

⁵⁵ “This Little Piggy ...,” op. cit.

⁵⁶ SA OC 695:4

⁵⁷ Rabbi Naftali Tzvi Yehudah Berlin (Netziv), *Ha’amek She’eila al Sheiltot d’Rav Achai Gaon*, (Vilna, 5621/1861), Parashat Vayakhel 67:9

Chapter 3

Kreplach filled with minced **Swans'** meat for Hoshana Raba

General Knowledge

The Mute Swan (scientific name: *Cygnus olor*) is a member of the duck and geese families. Both “*Cygnus*” and “*olor*” are the Latin for “swan.” This species of swans is called “mute” since it is less vocal than other swans, although it does make a variety of grunting, hoarse whistling and snorting noises and can also hiss at intruders trying to enter its territory. It grows to a height of up to 170 centimeters and it has a long neck. Its color is wholly white with an orange beak bordered in black. Swans migrate in diagonal formation or V-formation at great heights and no other waterfowl moves as fast on the water or in the air. They nest on large mounds which they build with waterside vegetation in shallow water on islands in the middle or at the very edge of a lake. They can live for 20 years in the wild and 50 years or more in captivity. The swan is one of the heaviest flying birds and has very powerful wings – but the statement that they are powerful enough to break a man’s limbs has been variously claimed to be a fact or just a wives’ tale!

Halachic Discussion

Is a swan a kosher bird? Unlike animals, fish and locusts, the Torah does not give a list of bodily characteristics to distinguish permitted and non-permitted birds, but just gives a list of birds which are forbidden.⁵⁸ Since it is difficult to identify the birds on this list, only birds for which there is a tradition to eat are permitted.⁵⁹ However, different communities have different traditions.

To determine whether there is a tradition for a particular species of bird to be kosher, one has to first study various physical features and actions of the bird. To this end, the Gemara⁶⁰ gives various signs, one of them being that the bird is not a bird of prey (טורף - *dores*). There are a number of different opinions amongst the Rishonim⁶¹ to explain what is meant by “*dores*,” one of them being that it eats its prey whilst it is still alive. This is the view of Rabbeinu Tam.⁶²

What is the situation with the swan? Does it “*dores*”? On this question, Rabbi Yisrael Bruna, a German Rabbi and Posek who lived in the fifteenth century, writes that he had heard secondhand that someone had seen a swan eating

⁵⁸ Chumash: Vayikra 11: 13-19, Devarim 14: 12-18

⁵⁹ SA YD 82:2-3

⁶⁰ Talmud Bavli, Chulin 59a, 65a

⁶¹ e.g. Rash on Talmud Bavli, Chulin 59a; Tosafot “*hadores*” on Talmud Bavli, Chulin 61a; Rambam Peirush Hamishnayot Chulin 3:6

⁶² Tosafot “*hadores*” on Talmud Bavli, Chulin 61a

young birds alive and thus, according to the opinion of Rabbeinu Tam, it would be non-kosher. Either he did not accept the view of Rabbeinu Tam, or he did not regard secondhand information as reliable, since he then continued that it is obvious that in all the world, the swan is a kosher bird.⁶³ On his commentary on the Shulchan Aruch, entitled *Darkei Teshuvah*, written in the latter part of the 19th century, Rabbi Zvi Hirsch Shapira, the Muncatch Rebbe, quotes Rabbi Bruna, thus reiterating that the swan is a kosher bird.⁶⁴

There is further evidence from a shochet named D. Yaluz, from Tiberius, who testified that in Russia he did shechitah on the swan.⁶⁵ Dr. Levinger concurs with the view that the swan is a kosher bird.⁶⁶

In contrast, Rabbi Moshe Hanoch Berstein, who was a leading Shochet in London towards the beginning of the twentieth century, identified the swan as the תנשמת (tinshemet) which is one of the forbidden birds listed in the Torah.⁶⁷ Dr. Yisrael Meir Levinger was a bit puzzled at Rabbi Berstein's identification.⁶⁸ However, the confusion could have arisen by virtue of the fact that for nearly two thousand years "תנשמת" (tinshemet) was incorrectly translated as "swan." This seems to have begun with the Septuagint (the translation of the Torah into Greek) who translates tinshemet in both the books of Vayikra and Devarim as κύκνω which in English is swan.⁶⁹ The Vulgate (translation of the Bible into Latin) similarly made such a translation, namely, cycnum,⁷⁰ and later translators obviously used these texts to translate the word tinshemet.

There is unfortunately a technical problem when researching this subject. The translators mix up the order of the names of these forbidden birds and furthermore they are sometimes moved to a different verse. It is therefore in some cases almost impossible to know which forbidden bird they are translating as swan.⁷¹

At the beginning of the 17th century, the British King James arranged for a team of 47 scholars to make a new translation of the Bible. The team utilized the Septuagint and Vulgate in their work. The Bible is known as the King James' Version or the Authorised Version.⁷² In their translation, in the lists of non-

⁶³ Rabbi Yisrael ben Chaim Bruna, *Teshuvot Mahari Bruna*, (Saloniki, 5558/1798), responsum 145, p.56

⁶⁴ Rabbi Tzvi Hirsch Shapira, *Darkei Teshuvah* on SA YD vol.3, 2nd edition, (Vilna, 5652/1892), YD 82:13

⁶⁵ Dr. Yisrael Meir Levinger, *Mazon Kasher min Hachai* (Modern Kosher Food Production from Animal Source), (Institute for Agricultural Research According to the Thora: Jerusalem 5740/1980), p.71. fn.187

⁶⁶ *Ibid.*, p.71; Meir Levinger, "Oaf tahor ne'echal bamasoret," *Sinai*, vol.64 Tishri-Adar 5729/1969, (Mosad Harav Kook, Jerusalem), p.265 (8)

⁶⁷ Rabbi Moshe Berstein, *Olam hatoshia*, (London 5710/1950), p.72

⁶⁸ Levinger - mazon kasher, op. cit., p.71

⁶⁹ *Septuagint*: Levitikón 11:18, Defteronómio 14:16

⁷⁰ *Vulgate*: Leviticus 11:18, Deuteronomium 14:16

⁷¹ Kosher animals, (Wikipedia)

⁷² King James Version of Bible, (Wikipedia)

Kosher birds in both Vayikra and Devarim, the swan appears as a non-kosher bird.⁷³

However, the King James' Version was not the first English translation. There had been previous translations of the Bible into English, the first being by John Wycliffe in the 14th century. Since this was prior to the era of printing, books were then handwritten. He made a literal translation from the Vulgate and thus, as to be expected, he used the word "swan" in both lists of non-Kosher birds.⁷⁴

In 1569 the Bishops' Bible was published. Strangely enough swan is mentioned in just one of these lists – in Devarim but not in Vayikra!⁷⁵ Another translator from the 16th century was William Tyndale who was the first to translate from the original Hebrew. He did not write swan in either of the two Torah lists of non-kosher birds. His life was terminated by his execution!⁷⁶ A number of subsequent translators wrote "swan" in their translations.⁷⁷

Isaac Leeser published his translation in 5614 (1854) and used the word "swan" in both Vayikra and Devarim. However, he added a footnote: "Although this word [swan] has been left unchanged from the English version, it is not probable that the rendering 'swan' is correct."⁷⁸

Many, (but not all⁷⁹), of the later translations do not use the word swan.⁸⁰ In the various translations throughout the ages the word "תושמת" (tinshemet) has received a number of translations. They are: swan, horned owl, waterhen, lechuza blanca (Spanish for white owl), backe (meaning is unclear⁸¹), cycnum (Latin for swan), κύκνον (Greek for swan).⁸²

How could such an error of translating tinshemet as swan, which persisted for nearly two thousand years, have occurred? Dr. Yisrael Meir Levinger suggests that since the name of the bird called the stork is Cleonia, and it is similar to the name of the swan which is Cygnus, it was easy for there to have been a mix-up.⁸³

⁷³ *The Holy Bible, King James Version*: Leviticus 11:18, Deuteronomy 14:16

⁷⁴ John Wycliffe's translation of Bible: Leviticus 11:18, Deuteronomium 14:17

⁷⁵ *The holie Bible* - the Bishops' Bible: Deuteronomy 14:17

⁷⁶ The Tyndale Bible. At about the same period a translation of the Bible was made into German and this was known as the "Luther Bible" and in both Leviticus and Deuteronomy appears "swan" (den Schwan), Levitikus 11:17, Deuteronomium 14:17

⁷⁷ e.g. Noah Webster Bible, (mid-19th century); Darby Bible, (late 19th century)

⁷⁸ *Holy Scriptures* translation by Isaac Leeser, (Philadelphia, 5614/1854), p.229 fn.a

⁷⁹ Jubilee Bible published in 2000 writes "swan": Leviticus 11:18, Deuteronomy 14:16

⁸⁰ e.g. *Holy Bible*, New International Version (1970s); *Holy Bible*, New King James Version (1982); *Holy Bible*, English Standard Version (2001); *The Holy Scriptures*, Jewish Publication Society of America, 5677 (1917)

⁸¹ "backe" cannot be another name for swan since in the Bishops' Bible in the list of non-kosher birds in Devarim appears **both** "swan" and "backe"

⁸² "Disclaimer About Bible Version Usage," Lee, 28 February 2012, (Internet).

⁸³ Levinger - Mazon Kasher, op. cit., p.71 fn.189

Whether or not this is the reason for classing the swan as a non-kosher bird, there are kashrut organizations who specifically do so. An example is Badatz Igud Rabbonim KIR, which is one of the largest Kosher Certification organizations in Europe today.⁸⁴

There are several species of swans. The species which Dr. Levinger states is kosher is the Mute Swan (*Cygnus olor*). However, he adds that it is doubtful if one can include within the tradition for a swan to be kosher, other species, such as the black swan.⁸⁵

A person in England would have a problem if they wanted to do shechitah on a swan! They are the property of the Queen of England and since the late fifteenth century in partnership with the Vintners' Company and the Dyers' Company!⁸⁶

Bon Appétit

There are three occasions in the year when it is customary to eat kreplach, often filled with meat, for example the meat of swans. The reason is that there is some form of banging on these three days. One of them is Hoshana Raba when one beats the aravot (willows).⁸⁷

⁸⁴ "What Does Kosher Mean?" Badatz Igud Rabbonim KIR, (undated), (Internet)

⁸⁵ Levinger - Mazon Kasher, op. cit., p.71

⁸⁶ Swan Upping, (Wikipedia)

⁸⁷ "Kreplach: A look beneath the dough," foodhistoryreligion, "Schoolchanger," 8 October 2015, (Internet)

Chapter 4

Gefilte **Turbot** for Shabbat dinner

General Knowledge

The turbot (scientific name: *Rhombus maximus* or *Scophthalmus maximus* or *Psetta maximus*) is a large European flounder. [There are other species of turbot which are undoubtedly kosher, but this account is limited to the European turbot, which is the only one which has come under great scrutiny!] It is a flat-fish with both eyes on the left-hand side of the head. It can reach a maximum length of about one meter, has a great width of body, and a weight of about 25 kilograms. Its color varies with the surroundings but is usually gray brown or light brown with darker markings. It has bright white flesh that retains this appearance when cooked. Turbots are to be found in the North Atlantic, the Baltic Sea and the Mediterranean Sea. It is carnivorous and the adult turbot live mainly on fish. Spawning takes place in the Atlantic during the summer months, and in the spring in the Mediterranean. Its eggs are small and very numerous, varying from five to ten million. It has been a popular fish since the times of the Roman Empire, namely, two thousand years ago. Today it remains among the elite seafood of Master Chefs everywhere. Its production used to be limited to the European area but now turbot farming has been developed in China.

Halachic Discussion

Is the turbot a kosher fish? The Torah gives two distinguishing signs for a fish to be kosher. These are that it must have both fins and scales.⁸⁸ Almost all fish have scales. However, the books on zoology state that the turbot is scaleless, but its body is covered with conical bony tubercles.⁸⁹

Despite this, turbot was eaten by Jews in many locations in Europe over many centuries. The cause of the confusion could have arisen since the turbot closely resembles a halibut or plaice which are kosher fish. All these fish are black on one side and white on the other, the difference being that the left side of the turbot is black whilst the right side of the kosher species is black. The question is

⁸⁸ Chumash: Vayikra 11:9, Devarim 14:9

⁸⁹ *Encyclopedia Britannica* 1911: Turbot

what is the right side and what is the left side of a fish?! Rabbi David Feldman gives a simple method to ascertain this. It is by holding the fish in a certain way.⁹⁰

It has been suggested that the dispute on whether the turbot is a kosher fish goes back about 900 years. A number of the Rishonim permitted a fish called Barba (Barbuta) whilst Rabbi Yehudah Hachasid and Rabbi Yechiel from Paris were careful not to eat it.⁹¹ Possibly the fish under question was the turbot. Another possibility was that they were in fact referring to two different fish.⁹²

However, what is known, is that in 5498/1738 two emissaries came to England and there publicly ate turbot saying that it was eaten in Venice.⁹³ Following this incident, there were Rabbinical discussions on the matter, by amongst others the Chief Rabbi of the Ashkenazic community of Amsterdam, Rabbi Aryeh Leib Lowenstam, who concluded that there was an uncertainty as to whether the turbot was the same fish that had been permitted in Venice, and therefore he refused to sanction the turbot as a kosher fish.⁹⁴

Despite this, a pocket calendar published in Amsterdam in 1706-1707 and in 1725-1727 recommended the eating of turbot during two of the winter months. This calendar was published with the approbation of the Chief Rabbis of that city. It has been suggested that they did not check this part of the calendar!⁹⁵

In some locations in Europe, namely in Holland⁹⁶ and in Hamburg,⁹⁷ turbot was eaten. In the Hague it was eaten until the Second World War.⁹⁸ However, in Altona (a borough of Hamburg) it was not eaten.⁹⁹ (It has been suggested that this was as a result of the dispute at the time of Rabbeinu Tam.) There is also written signed evidence from the 18th or 19th century that the turbot was eaten by Jews

⁹⁰ Rabbi David Feldman, *Shimusha shel Torah*, (Hamadpis: London, 5711/1951), p.19

⁹¹ Rabbi Yitzchak ben Yosef of Corbeil, *Sefer Mitzvot Katan (haSmak m'Tzorich)* part 2, (Jerusalem 5737/1977), mitzvah 209 fn.135; Rosh and Yisrael of Krems, Hagahot Asheri Avodah Zarah 2:41

⁹² Dr. Meir Levinger, "Al zihui hadag hanikra Barbuta," *Hamayan*, (Jerusalem), vol.22 issue 2, Tevet 5742/1982, pp.17-18

⁹³ M. Levinger and M. Negin, "I'iyun b'shailat dag haturbot," *Sridim*, (Standing Committee of European Rabbis), no.5, Iyar 5744/1984, p.15

⁹⁴ Rabbi J. David Bleich, "Kashrut – Turbot," *Contemporary Halachic Problems*, vol.3, (Ktav Publishing House: New York, 1989), p.63

⁹⁵ *Ibid.*, p.63 fn.8; *Sridim*, op. cit., p.15

⁹⁶ Rabbi David Tzvi Hoffmann, *Melamed Leho'il*, vol.2 YD, (Hermon Press: Frankfurt am Main, 5687/1927), responsum 19

⁹⁷ Rabbi Meir Lerner, Hadar *Hacarmel*, vol.2 YD, (London, 5731/1971), responsum 28

⁹⁸ Levinger - *Hamayan*, op. cit., p.18

⁹⁹ Lerner, op. cit.

in London, in Eastern countries and especially Constantinople, in Venice, and in a further unidentified place.¹⁰⁰

Rabbi Lowenstam's son, Rabbi Zevi Hirsch, who was the Chief Rabbi of the Great Synagogue in London, ruled (or according to other sources, he was in favor but did go as far as to actually approve¹⁰¹) that the turbot was a kosher fish.¹⁰²

Rabbi Hirsch's son, Rabbi Solomon Hirschell, was between the years 1802-1842, Chief Rabbi of the Great Synagogue in London. In 5582/1822, before Rosh Hashanah he received an enquiry from the north of England on whether the turbot was kosher and he answered in the affirmative. This decision was widely relied upon in England during the following 132 years.¹⁰³

At about the same time as Rabbi Hirschell ruled permissively on the turbot, Rabbi Yisrael Lipshitz, in his commentary on the Mishnah entitled "Tiferet Yisrael" specifically wrote that the fish Steinbutten (turbot) does not have the scales required for a kosher fish.¹⁰⁴

In a list of kosher fish brought out by the Berlin Center for Shechitah on erev Pesach 1937 and signed by Rabbi Munk, turbot appeared as a kosher fish. This entry was followed by "siehe [see] Steinbutt."¹⁰⁵ The entry for Steinbutt has a bracket around it (although the entry for Turbot did not) and on this Dr. Levinger suggests that maybe Rabbi Munk had some doubt about it.¹⁰⁶

Likewise, in a list of kosher fish compiled by the London Beth Din in 5703/1943, and published in the London *Jewish Chronicle*, turbot was included.¹⁰⁷ However, following some scientific enquiries about the turbot, it did not appear in their list of kosher fish of 5709/1949, but still a large proportion of the Jewish population did not pay attention to this change and continued to eat the turbot.¹⁰⁸

¹⁰⁰ Dr. C. Duschinsky, *The Rabbinate of the Great Synagogue, London, from 1756-1842*, (Oxford University Press, 1921), pp.292-93

¹⁰¹ Bleich - Turbot, op. cit., p.64

¹⁰² Duschinsky, op. cit., p.292

¹⁰³ Hyman A. Simons, *Forty Years a Chief Rabbi: the Life and Times of Solomon Hirschell*, (Robson Books: London, 1980), p.68

¹⁰⁴ Rabbi Yisrael Lipschitz, "Tiferet Yisrael Yachin" on Mishnah Chulin chap.3 fn.96

¹⁰⁵ Dr. Yisrael Meir Levinger, *Mazon Kasher min Hachai* (Modern Kosher Food Production from Animal Source), (Institute for Agricultural Research According to the Thora: Jerusalem 5740/1980), p.205

¹⁰⁶ Levinger - *Hamayan*, op. cit., p.18

¹⁰⁷ "Kasher Fish – List Issued by [London] Beth Din," *The Jewish Chronicle* (London), 14 May 1943, p.18

¹⁰⁸ *Sridim*, op. cit., p.16

It was in October 1954 that the Anglo-Jewish Association had a dinner under the supervision of the London Kashrus Commission. Listed in the menu was *le turbot poché*. It is no exaggeration to say that this did not pass over quietly! The Chief Rabbi, Sir Israel Brodie, was present at this dinner and he left his place at the head table to question the kashrut supervisor. It was claimed that it was a different variety of turbot which was kosher. It is reported that most of the diners ate the turbot!¹⁰⁹

Two weeks later there appeared in *The Jewish Chronicle* a statement by the London Beth Din pointing out that in 1949 they had made some enquiries with the Zoological Society of London regarding the anatomy of the turbot and, it was their duty to inform the public that “the turbot is not to be included in the list of kosher fish.”¹¹⁰

As a result of this incident, a further enquiry was made to experts regarding the anatomy of the turbot. It was the clerk of the London Beth Din who, on 29 November 1954, wrote to the Museum of Natural History asking whether the turbot had scales. The reply sent on 8 December 1954, was that it has “small tubercles of bone scattered over its skin” adding that whether or not these were scales is a “theological matter.”¹¹¹ As can be seen, this occurred after the Beth Din had publicized their ruling on 12 November 1954.

It was in 1951 that Rabbi David Feldman, the head of the Bet Din of the Machazikei Hadas of Manchester England, published his book “Shimusha shel Torah.” In it he discusses the turbot. He writes that he has heard from various places that it is eaten and he does not know on what those who eat it rely on, since the books on zoology state that it has not got scales. He added that this fish is commonly found in these countries (names not given) and a lot of religious people transgress and eat it due to their lack of knowledge. He therefore published this fact in order to make it known to these people.¹¹²

What is the situation regarding turbot on the lists of kosher and non-kosher fish brought out at this period? The list of kosher fish prepared by Dr. James Atz, an authority in Ichthyology, and at a later date this list was brought out by the

¹⁰⁹ “Incidentally ... Fishy Business,” *The Jewish Chronicle* (London), 29 October 1954, p.6

¹¹⁰ “Confusion over Turbot – Statement by Beth Din,” *The Jewish Chronicle* (London), 12 November 1954, p.5

¹¹¹ Anne J. Kershen, ed., *Food in the Migrant Experience*, (Centre for the Study of Migration, University of London, 2002(?)), pp.90-91, and fn.42

¹¹² Feldman, op. cit., p.19

Orthodox Union (OU) Kosher Consumer Directory, includes a long list of kosher flounders followed by in heavy print: “But not including European turbot (*Scophthalmus maximus* or *Psetta maximus*).”¹¹³ The list prepared by Dr. Moshe Tendler gives at the end “Common non-kosher ‘sea foods’ sold in the United States.” However, turbot does not appear in this list.¹¹⁴ Maybe the reason is that it was not “a common sea food sold there.” In the lists of kosher fish brought out by the London and Paris Batei Din, turbot does not appear, (they did not include a list of non-kosher fish).¹¹⁵ However a list brought out by the Paris Bet Din in the early 1960s did include turbot.¹¹⁶

Bon Appétit

One of the 39 forbidden works on Shabbat is “borer” separating.¹¹⁷ Included in this is removing the bones from fish. Often fish are full of bones making it difficult to eat the fish in a permitted manner. It was for this reason that Jews eat gefilte fish on Shabbat, since the bones were removed prior to Shabbat whilst the gefilte turbot was in the process of being made.¹¹⁸

¹¹³ “Kosher and Non-Kosher Fish,” list published by Kashrut.com, updated 19 July 2017, (Internet); Levinger, op. cit., p.211; lists brought out by other kashrut organizations make a similar comment following their list of permitted flounders.

¹¹⁴ Levinger – Mazon Kasher, op. cit., p.208

¹¹⁵ Ibid., p.220

¹¹⁶ Kershner, op. cit., p.91

¹¹⁷ SA OH 319

¹¹⁸ Rabbi Zushe Blech, “The Fortunes of a Fish,” (reprinted by Kashrut.com. from MK Vaad News & Views, February 2000), (Internet)

Chapter 5

Fried **LOCUSTS** with yoghurt

General Knowledge

The desert locust (scientific name: *Schistocerca gregaria*) is a winged short-horned insect with long back legs. When fully grown it has a length of nearly 7 centimeters. The female locust lays eggs in an egg pod, about 3-4 centimeters in length, primarily in sandy soils, the pod containing about 100 eggs. She lays eggs at least three times during her lifetime, her total lifetime being three to five months. The locust develops in three stages. The first is the egg which after it hatches is known as a hopper. The skin of the hopper molts five times until it becomes an immature adult whose color is usually pink. Two to five generations of locusts are born annually. They are to be found mainly in the Middle East, Africa and Asia. Locusts are migratory and can travel about 100 kilometers a day, the direction often depending on the wind. These desert locusts have two phases, the solitary phase and the gregarious phase. In the former they live alone and are harmless. However, in the gregarious phase, they do not travel as individuals, but as a “cloud” of at least millions, if not more, of locusts. Billions and even twelve trillion have been known to arrive in a cloud stretching over a very large area. The locusts are not friendly visitors but they are able in a very, very short period of time to consume all the vegetation which leads to a famine in the area. A single locust can eat its weight in vegetation in a single day. Between March to October 1915, there was a plague of locusts in Eretz Israel. They consumed almost all the vegetation which seriously depleted the food supply in the area. There are photographs of a tree just before the locusts arrived and after they had stripped bare the foliage on the tree. One of the ten plagues in Egypt was these locusts and indeed as history has shown it is a serious plague.

Halachic Discussion

Are locusts kosher? The Torah forbids the eating of all insects with the exception of four named species of locusts. The Torah¹¹⁹ and the Mishna¹²⁰ give various anatomical signs to help identify these locusts. However, today the identity of only one of these four locusts is known. It is the locust referred to in the Torah as the “arbe” whose scientific name is *Schistocerca gregaria*.¹²¹

¹¹⁹ Chumash Vayikra 11:21

¹²⁰ Talmud Bavli, Chulin 59a

¹²¹ Zohar Amar, “The Eating of Locusts in Jewish Tradition After the Talmudic Period,” *The Torah u-Mada Journal*, (Association of Orthodox Jewish Scientists in Israel), volume 11, 2002-2003, p.188

Over the course of time, due to expulsions and migrations of Jews and the local availability of locusts, some countries have completely forgotten how to recognize these locusts, others have partially forgotten, whilst yet others have retained the oral traditions they had held for generations.

Spain: From the writings of the Rishonim we can see that about 800 years ago there was a tradition in some areas, but not all, of Spain to eat locusts.¹²²

North Africa: Following the Inquisition in Spain, many of its Jews moved to North Africa and took with them the tradition of eating locusts. This tradition reached areas of Libya, Tunisia, Algeria and Morocco.¹²³ It was about 300 years ago that Rabbi Haim Ben-Atar, who lived in Morocco, came out in a very long statement in his commentary “Pri Toar” on the Shulchan Aruch, against the eating of locusts.¹²⁴ As a result, some Jews in North Africa stopped eating them. It should be mentioned that many Rabbinical authorities strongly opposed the ruling of Rabbi Ben-Atar and continued the tradition of eating locusts openly and publicly.¹²⁵ Included amongst those who opposed Rabbi Ben-Atar’s opinion was Rabbi Ptachyah Birdogo, who was a prominent Rabbi in North Africa towards the end of the 18th century. He wrote a long responsum in strong language refuting Rabbi Ben-Atar’s opinion point by point.¹²⁶

Yemen: The tradition of eating locusts was accepted by all factions of Yemenite Jewry. They were experts in identifying the kosher types of locusts. In fact, they were happy when swarms of locusts arrived, despite the damage they would cause to the surroundings.¹²⁷ This tradition continued with the mass Aliyah of the Yemenite Jews to Israel in 1949, and there are a large number of accounts of this tradition by the Yemenite Jews.¹²⁸

Europe: Since locusts are not to be found in Europe, the traditions to eat locusts was not found amongst Ashkenazi Jews and hence in modern times the reservations of the Ashkenazi Poskim to certify locusts as kosher. The Aruch

¹²² Ibid., pp.190-91

¹²³ Ibid., pp.191-92

¹²⁴ Rabbi Haim Ben-Atar, “Peri Toar” on *Peirot Ginosar*, (Amsterdam, 5502/1742), SA YD 85:1

¹²⁵ Amar - Locusts, op. cit., pp.193-95

¹²⁶ Rabbi Petachya Mordechai Birdugo, *Nofet Tzufim*, (Casablanca, 5698/1938), YD responsum 13

¹²⁷ Rabbi Amram Korach, *Sa’arat Teiman*, (Jerusalem, 5714/1954), p.94

¹²⁸ Amar - Locusts, op. cit., pp.195-96

Hashulchan even wrote that he had not even heard of a place who ate locusts.¹²⁹ However, the Poskim did not actually forbid them.¹³⁰

The question is whether Jews whose direct ancestors did not have a tradition to eat locusts are allowed to eat them today? This question has been written about by many Poskim. Rabbi Yitzchak Ratzabi, a famous Yemenite Rabbi, the Av Bet Din of “Peulat Tzedek” wrote a long responsum on the subject and in it he ruled that all Jews may eat these locusts.¹³¹ Other prominent Yemenite Rabbis, Rabbi Yosef Kafih (Kapach) and Rabbi Shlomo Korach have concurred with this ruling.¹³² Amongst the Ashkenazi Rabbis there are differences of opinion on this question, with Rabbi Pinchas Scheinberg permitting Ashkenazi Jews to eat them.¹³³ However, various major kashrut authorities, such as OU, OK and StarK in the United States will not allow locusts under in their supervised functions.¹³⁴ Therefore, in the “Mesorah Dinners” organized by Rabbi Zivotofsky and others in the United States, the supervising body did not permit locusts on the menu. There was a substitute – chocolate in the shape of locusts!¹³⁵ The dinners in Israel did have real locusts and it was reported that they were popular!¹³⁶

If one goes to a place where the tradition is to eat locusts, even if it is one’s custom not to do so, one may partake of them.¹³⁷

It is reported that locusts taste like “something between chicken schnitzel, toasted sunflower seeds and prawns.¹³⁸ Many recipes have been written for Jews which have locusts included in its ingredients.¹³⁹

¹²⁹ *Aruch Hashulchan* YD 85:5

¹³⁰ “The Desert Dessert Locust,” Biblical Museum of Natural History, Bet Shemesh Israel, (Internet)

¹³¹ Rabbi Yitzchak Ratzabi, “Achilat Chagavim Haksherim al pi haMasoret” part 2, *Tenuvat Sadeh*, (Hamachon Lemitzvot Hat’luyot Ba’aretz: Bet Uziel), no. 23, Nisan-Iyar 5759/1999, pp.33-39

¹³² *Dessert Desert Locust*, op. cit.

¹³³ *Ibid.*

¹³⁴ “Can insect powdered food be Kosher?” Rabbi Alex Shandrofsky founder of “L’chaim Foods – Artisan Kosher Cuisine,” San Francisco California, 23 August 2016, (Internet)

¹³⁵ “Adventurous Kashrus,” Amy Spiro, “The New York Jewish Week,” 26 July 2011, (Internet); Shallots Bistro, menu for “Mesorah Dinner” held in Chicago on 24 July 2011, (Internet)

¹³⁶ “Eating locusts: The crunchy kosher snack taking Israel by swarm,” Cordelia Hebblethwaite PRI’s The World, “BBC News Magazine,” 21 March 2013, (Internet)

¹³⁷ “Why are locusts kosher?” Meir Lipnick, 8 September 2014, (Internet)

¹³⁸ *Eating locusts*, op. cit.; prawns are a non-kosher sea creature and it is reported that “When Australia was hit by a swarm of locusts in 2004 they were renamed ‘sky-prawns’.”

¹³⁹ e.g. “Matconnei arbe lo l’Taimanim bilvad,” News from Walla, 7 March 2013, (Internet)

One can now purchase kosher locusts at the Biblical Museum of Natural History at a price of NIS 25 per locust,¹⁴⁰ but this is only individual locusts. What about the sale of kosher locusts on a large scale? It was in the summer of 5778 (2018) that Rabbi Ratzabi went with his Bet Din to visit Moshav Elifelet in Upper Galilee, where in 2014, three men set up Hargol Foodtech, a company where they breed locusts. It is reported that this Moshav is keen in receiving the hechsher of Rabbi Ratzabi's Bet Din for their locusts, and this was the reason for their visit.¹⁴¹

From where did Rabbi Zivotofsky get the large quantity of locusts for the "Mesorah Dinner" in Jerusalem? They were at first ordered from a man who grows them for research on the roof of a girls' seminary in Jerusalem, (the girls don't know this!). However, due to the hot weather, all the juvenile locusts died. Following some research online, a company in London was found who grew them for zoos and research and sold them in packets of ten or a money saving pack of fifty. Two hundred and fifty were purchased and someone brought them by airplane to Israel.¹⁴²

Just like fish, locust do not require shechitah¹⁴³ (but they may not be eaten whilst still alive¹⁴⁴), a physical defect cannot make them treife, their blood¹⁴⁵ and cheilev is permitted and they are parva.¹⁴⁶ Even though it is written that there is a Sephardic custom not to eat fish with milk,¹⁴⁷ this does not apply to locusts.¹⁴⁸

Bon Appétit

The berachah recited before eating locusts is shehakol.¹⁴⁹ Since locusts are parva and may be eaten with milk, there is no problem in picking up a locust with one's

¹⁴⁰ Dessert Desert Locust, op. cit.

¹⁴¹ "Haposek Hataimani biker b'chavat gidul chagavim," Menachem Kolodski, "Altualia olam hayahudut," 25 June 2018, (Internet); "Kasher l'ma'achal? Tiud: Maran haRav Yitzchak Ratzabi siyar b'chavat chagvim," Kalman Teller, "Chadashot Chareidim," 12 Tammuz 5788/ 25 June 2018, (Internet)

¹⁴² Ari Zivotofsky and Ari Greenspan, "Quail, Blue Eggs and Shibuta," *Mishpacha* Jewish Family Weekly, Jerusalem, 28 Tishri 5771/6 October 2010, p.49

¹⁴³ SA YD 85:2

¹⁴⁴ Rema SA YD 13:1

¹⁴⁵ *Aruch Hashulchan* YD 85:7

¹⁴⁶ SA YD 87:3

¹⁴⁷ Bet Yosef on Tur YD 87 "dagim"; Rabbi Ovadia Yosef, *Yechave Da'at* vol.6, (Jerusalem, 5744/1984), responsum 48; Rabbi Yitzchak Yosef, *Yalkut Yosef – Kitzur Shulchan Aruch*, (Machon Chazon Ovadia: Jerusalem, 5757/1997), YD 86:1 "din achilat dagim im chalav o basar"; Rabbi Eli Mansour wrote "the custom in Halab (Syria) was to avoid eating fish with milk," (Daily Halachah), (Internet)

¹⁴⁸ SA YD 87:3; Rabbi Yitzchak Ratzabi, *Shuchan Aruch Hamekutzar*, YD vol.1, (Bnei Brak, 5760/2000), 136:8

¹⁴⁹ SA OC 204:1

hand or with a fork and before eating it dipping it into a pot of yoghurt. Before dipping something with one's hands, into the "seven liquids," one of which is milk, one has to wash one's hands.¹⁵⁰ and this would thus be required when dipping a food, such as locusts, into yoghurt.¹⁵¹

¹⁵⁰ SA OC 158:4

¹⁵¹ Ba'er Heteiv OC 158:9; According to Rabbi Ben-Zion Abba Shaul, (*Ohr LeZion*, (Machon Ohr LeZion: Jerusalem, 5753/1993), responsa part 2, chap.11, responsum 5 and fn.) with frozen yoghurt (presumably almost frozen!) one would not have to wash one's hands

Chapter 6

Giraffe's giblets as hors d'oeuvre for Yom Tov meal

General Knowledge

The giraffe (scientific name: *Giraffa camelopardalis*) is a long-necked mammal with long legs, the front pair being longer than the back pair. It has two short horns which are covered with skin and hair. The giraffe is the tallest of all land animals which in a male giraffe may exceed five and a half meters which is reached after about four years. The males can weigh up to nearly two thousand kilos. The giraffe has a coat pattern of irregular brown patches on a light background. They have an excellent eyesight and can see a lion, one of their predators, who is about one kilometer away. The giraffe has an enormous appetite and a large male consumes about 65 kilos of food every day. The female giraffe can become pregnant after four or five years and pregnancy lasts for about 15 months. Invariably, just one baby giraffe is born and at birth its height is about 2 meters and its weight about 100 kilos. It suckles from its mother until about 18-22 months. A giraffe can live up to about 26 years. They are to be found in East Africa south of the Sahara Desert.

Halachic Discussion

Is the giraffe a kosher animal? The Torah gives a list of 10 animals which are kosher.¹⁵² All these animals have two identifying signs, namely chew the cud and have a cloven hoof. There is also a dispute between the poskim on whether, like in the case of birds, there has to be a tradition in order to eat these animals. There are some Ashkenazim, followers of the Chazon Ish,¹⁵³ who hold that there needs to be such a tradition.

The last animal in this list is the zemer and there is a dispute as to its identity. Both Rashi¹⁵⁴ and Ibn Ezra¹⁵⁵ cannot give a definitive answer on the identity of the zemer. However, this is not the case in the various Targumim of

¹⁵² Chumash Devarim 14:4-5

¹⁵³ Rabbi Avraham Yeshaya Karelitz, *Chazon Ish*, YD, (Bnei Brak, 5754/1994), YD 11:4

¹⁵⁴ Rashi on Talmud Bavli, Chulin 80a

¹⁵⁵ Ibn Ezra on Chumash Devarim 14:5

the Torah. According to Targum Onkelos¹⁵⁶ it is a דיצא (ditza) (some sort of wild goat) and in Targum Yonatan ben Uziel¹⁵⁷ a similar word דיציין (ditzin) is used.

In contrast, the Septuagint¹⁵⁸ translates zemer as καμηλοπαρδαλιν (camelopardalis); in those days they believed that a giraffe was a cross-breed between a camel and a pardalia (the Greek word for leopard) and they thus called a giraffe by this name. The Vulgate¹⁵⁹ also gives the same translation as the Septuagint for the zemer.

At a slightly later period, in his translation of the Torah known as the Tafsir, Rabbi Sa'adia Gaon¹⁶⁰ translates zemer as זראפה (giraffa). Some other Rishonim, namely, Rabbi Yona ibn Ganach (also known as Abulwalid Merwan ibn Ganach),¹⁶¹ Rabbi David Kimchi (the RaDak)¹⁶² and Rabbi Shimon ben Tzemach Duran (the Rashbatz)¹⁶³ also refer to the zemer as a giraffe. A number of Acharonim likewise translate zemer as giraffe. These include Rabbi Yehosef Schwartz (who also adds that in the translation into Persian, zemer is translated as giraffe),¹⁶⁴ Rabbi Yitzchak Ratzabi¹⁶⁵ and Rabbi Yosef Kafih (Kapach).¹⁶⁶ However, when asked about the kashrut of giraffe, Rabbi David Lau the Chief Rabbi of Israel, answered that there was a dispute about it.¹⁶⁷ The Chazon Ish would probably have forbidden it, since there was no tradition amongst the Ashkenazim to eat a giraffe.¹⁶⁸

A giraffe both chews the cud and has a cloven hoof. The Rambam¹⁶⁹ writes that the only animals in the world which have both these signs are the ten given

¹⁵⁶ Targum Onkelos, Devarim 14:5

¹⁵⁷ Targum Yonatan ben Uziel, Devarim 14:5, (according to other opinions it is Targum Yerushalmi)

¹⁵⁸ *Septuagint*, Deuteronomio 14:5

¹⁵⁹ *Vulgate*, Deuteronomium 14:5

¹⁶⁰ Rabbi Sa'adia Gaon, *Tafsir* (Judeo-Arabic translation of Torah), Devarim 14:5

¹⁶¹ Rabbeinu Yona (Abulwalid Merwan ibn Ganach), *Sepher Haschoraschim*, lexicon, (Druck von H. Itzkowski: Berlin, 5656/1896), "zemer," p.134

¹⁶² Rabbi David ben Yosef Kimchi (RaDak), *Sefer Haschoraschim*, lexicon, (Impensis G. Bethge: Berolini, 5607/1847), "zemer," p.89 col.177

¹⁶³ Rabbi Shimon ben Tzemach Duran (Rashbatz), *Yavin Shmuah*, (Levorno 5504/1744), Hilchot Teraiphot

¹⁶⁴ Rabbi Yehosef Schwartz, *Tevuot Ha'aretz - Totzaot Ha'aretz*, (J. M. Stand: Lemberg 5625/1865), p.2

¹⁶⁵ Rabbi Yitzchak Ratzabi, *Shuchan Aruch Hamekutzar*, YD vol.1, (Bnei Brak, 5760/2000), 134:1 fn.6

¹⁶⁶ *Sefer Zicharon I'Rav Yosef ben David Kafih (Kapach)*, ed. Zohar Amar and Hananel Seri, (Bar-Ilan University: Ramat Gan, 5761/2001), p.73; Zohar Amar, "Ibud Ohr Giraffa I'ketivat Stam," *Masorah I'Yoseph* (Moreshet of Rabbi Yosef Kafih (Kapach), vol.9, (Machon Mishnat HaRambam: Netanya, Israel, 5776/2016), fn.2

¹⁶⁷ "Shal et Harav – Kashrut," answer by Rabbi David Lau – Modi'in, 3 Tevet 5765/2005, "Moreshet," (Internet)

¹⁶⁸ Rabbi Eliezer Melamed, "Bein habeheimah hatahorah I'temeiah," "Revivim" (weekly column in newspaper "B'sheva" by Rabbi Eliezer Melamed), 24 Nisan 5773/4 April 2013, (Internet)

¹⁶⁹ Rambam, Ma'achalot Asurot 1:8

in the Torah, thus confirming that the giraffe is the zemer. However, there are some who question whether the giraffe has the cloven hoof as required by the Torah. There is a thin layer of spongy tissue beneath the toes which attaches them together. For this reason, the camel, even though one could say its hooves are cloven, is regarded as non-Kosher. However, this tissue in the giraffe is thinner than in the case of the camel.¹⁷⁰

A point made against identifying the giraffe as the zemer is that archeological evidence shows that at the time of the Bible there were no giraffes in the Middle East. Others however dispute this and have recently found evidence that there were giraffes in Egypt at the time of Moshe Rabbeinu.¹⁷¹ One could ask, that even if there were no giraffes in the Middle East in Biblical times, why should their absence at a certain period prevent it from being a kosher animal!

An additional point in favor of the giraffe being a kosher animal comes from its milk. Only the milk of kosher animals can be curded. To investigate giraffe milk, in the year 5768 (2008), a group led by Professor Zohar Amar went to the Safari Park in Ramat Gan and took a routine sample of milk from a giraffe. It was examined at Bar-Ilan University and it was found that it curded in the way required by halachah. Rabbi Shlomo Mahpoud, who it seems actually accompanied this group to the Safari Park, then ruled, “The giraffe has all the signs of a ritually pure animal, and the milk forms curds which strengthen that view.”¹⁷²

A point continually made to try and prove that the giraffe is not kosher is that with such a long neck the shochet will not know where to cut! The contrary is true! With a small bird the shochet has a very limited place, just a few centimeters, in which to cut; with a giraffe it could be a span of two meters!¹⁷³

There are however a number of technical problems in obtaining a giraffe to shecht. In many countries a giraffe is a protected animal and cannot be killed

¹⁷⁰ “Kashrut of a Giraffe,” “Torah Learning Resources” under the direction of The Edmond J. Safra Synagogue, (Internet)

¹⁷¹ Dr. Oded Shveirman, “Ieparashat Re’ah – Zemer l’Giraffer - al Kashrut Ba’alei Chaim,” (Internet)

¹⁷² “Giraffe is Kosher, rabbis rule in Israel,” Tim Butcher in Jerusalem, *Telegraph* (England), 6 June 2008, (Internet); “Rabbi decides it’s OK for Jews to eat giraffe after declaring the animal’s meat kosher,” reporter, *Daily Mail online*, 6 June 2008, (Internet)

¹⁷³ Avi Zivotofsky, “What’s The Truth About ... Giraffe Meat!” *Jewish Action*, (Orthodox Union of America), Fall 2000/5761; Rabbi Yirmiyahu Ullman, “Kosher Giraffe,” letter to Ben in Baltimore from Ohr Somayach, (Internet)

for the fear that the animal might go into extinction.¹⁷⁴ However, in some African countries it is neither an endangered nor a protected species.¹⁷⁵ Even if one could obtain legally a giraffe to shecht, the shochet would require a ladder to perform the shechitah.¹⁷⁶ The giraffe is a very strong animal and with a kick can even kill a lion¹⁷⁷ - the shochet would surely not want this fate! Furthermore, the price of purchasing a giraffe is enormous - \$25,000 has been asked.¹⁷⁸ Should after inspecting the lungs of the giraffe after shechitah, it would be found to be treife, unlike with a cow or sheep, there would be no market to sell the carcass resulting in an enormous financial loss.¹⁷⁹

Despite all this, there have been rare cases of doing shechitah on a giraffe. One of these were at the Jerusalem Biblical Zoo. The giraffe was old and would soon have died. It was therefore shechted, the lungs inspected where it was found to be kosher, and the meat was then sold as a fundraiser.¹⁸⁰ In 5767 (2007), it was planned to get a young giraffe for a “Mesorah Dinner,” but it did not work out¹⁸¹ and Rabbi Zivotofsky said that it would have to wait for the next “Mesorah Dinner.”¹⁸²

The giraffe appears on the OU list of kosher game animals,¹⁸³ and thus unlike locusts, one could serve giraffe meat at a “Mesorah Dinner” held in America.

Can one in fact go to a restaurant and order giraffe meat? The answer is positive, but they are non-Jewish restaurants, where the giraffe was killed by a method other than shechitah, possibly by a big game hunter with a high-powered rifle.¹⁸⁴ A restaurant in Killington Vermont in the United States, which opened about 1994, had on its menu giraffe meat. In 1997 the newspaper the “Boston

¹⁷⁴ “Giraffe,” Lory Herbison and George W. Frame, *Britannica online*, (Internet); Ullman, op. cit.

¹⁷⁵ “Kosher Conundrums,” Gil Stern Stern Hoffman, *Jerusalem Post Magazine*, 30 July 2010, (Internet); “Quail, Blue Eggs and Shibuta,” *Mishpacha Jewish Family Weekly*, Jerusalem, 6 October 2010, p.48

¹⁷⁶ “Has a Giraffe ever been slaughtered for its kosher meat,” Pete Zeman, “Quora” (an online question and answer site based in Mountain View California), 21 December 2015, (Internet)

¹⁷⁷ “Eating Giraffe Meat, Why is it common practice not to eat Giraffe meat?” “Mi Yodeya,” 4 July 2010, edited 29 November 2011, (Internet); Ullman, op. cit.

¹⁷⁸ “Has a Giraffe ever been slaughtered for its kosher meat,” op. cit., Zev Sero, 29 December 2015.

¹⁷⁹ Ibid.

¹⁸⁰ Ibid.

¹⁸¹ Ibid.; Quail, op. cit.

¹⁸² Quail, op. cit.

¹⁸³ “Stalking kosher game (Hold the Giraffe),” Kara Newman, 19 October 2005, *The New York Times*, (Internet)

¹⁸⁴ “The Jewish Giraffe,” Larry Kaplan, 11 June 2008, *The Atlantic (USA)*, (Internet)

Phoenix,” described it as “a red meat that was served very rare, which made it extra tender. It had a melt-in-your-mouth quality.” Others however claim that there is a lack of taste in giraffe meat.¹⁸⁵ There is also a restaurant in Johannesburg which serves giraffe meat.¹⁸⁶

Bon Appétit

On an ordinary weekday one’s main meal would begin with the main course or sometimes, a soup would precede it. On Yom Tov, however, to keep the mitzvah of rejoicing on a Festival one would have a more elaborate meal¹⁸⁷ and possibly start the meal with additional course, an hors d’oeuvre, such as giraffe giblets.

¹⁸⁵ Hoffman, *Jerusalem Post*, op. cit.

¹⁸⁶ “What does Giraffe Meat Taste Like?” Adam Martin, 10 February 2014, *New York Magazine*, (Internet)

¹⁸⁷ Mishnah Berura 529:11

*Chapter 7***Bees' Royal Jelly** prior to a meal*General Knowledge*

Honey Bees are winged insects. They average about 1.5 centimeters in length and are light brown in color. They are usually oval shaped creatures with golden yellow colors and brown bands. The body of a honey bee is segmented into: a stinger (used as a defensive weapon and for the receiver is painful, acidic and usually harmless), legs, antenna, three segments of thorax and six visible segments of abdomen. In the wild, bees' hives are often located in the holes of trees and on rock crevices. The members of the hives are divided into three types. The "boss" of the hive is the Queen who runs the whole hive and is the largest in size of all the bees in the hive. She lays the eggs which will produce the next generation of bees. The next group are the Workers. They are all female and their job is to forage for pollen and nectar from flowers. They also have to build, protect and clean the hive, and these are the only bees seen flying outside the hive. The last group are the Drones. They are all males and their function is to mate with the Queen who can lay 2,500 eggs a day. There are several hundred in each hive during the spring and the summer. When the winter comes, the drones are kicked out the hive! Royal Jelly is a glandular secretion from the worker bees. It is an extremely nutritious thick milky white creamy substance. The bees produce this as food for the developing larva and as the unique diet for the Queen bee. Should the Queen bee die, then one of the worker bees would be fed with a large quantity of Royal Jelly to make her into a new Queen bee. All the other post-larval bees in the hive are not fed this royal jelly. Without this royal jelly, the Queen bee would fail to develop properly and this food accounts for their large size and longevity which can be as long as seven years compared with just seven weeks for the worker bees. Royal jelly is rich in protein and vitamins as well as in fatty and amino acids. It thus has a number of health benefits for humans. These include increasing of the life span, strengthening and stimulating the immune system, helping healing wounds, decreasing pain and increasing appetite. It has thus become a popular dish for humans to eat.

Halachic Discussion

Is Royal Jelly kosher? Things which come from non-kosher species such as camel milk¹⁸⁸ or ostrich eggs¹⁸⁹ are non-kosher. It could thus well be that since Royal Jelly is a secretion from a non-kosher insect, namely a bee, it could well be non-kosher.

To be able to investigate whether bees' Royal Jelly is kosher, one first has to understand why bees' honey is kosher, even though it comes from a non-kosher insect. The method of production of bees' honey is as follows: Worker bees suck nectar from flowers with their proboscis (mouth). The nectar mixes with saliva and is swallowed into the honey sac where enzymes from the saliva break down the nectar into honey. It should be noted that the nectar is never digested but just transformed into honey by the saliva.¹⁹⁰

The bees do not mass produce honey. It takes up to two million flowers and 556 bees to make about half a kilo of honey, and a hive of bees have to fly the equivalent of twice around the world gathering nectar for such a half a kilo! Despite all her hard work, the average worker bee only makes one twelfth of a teaspoon in her lifetime!¹⁹¹

The question that must be asked is that since honey is coming from a non-kosher insect, why is it kosher? The Gemara¹⁹² gives two reasons. The first is that the bees do not secrete honey from their bodies, but only convert the collected nectar into honey. The other reason given is that one can learn from a verse in the Torah that specifically bees' honey is permitted. Were it just for the first reason, then honey of other insects, such as wasps, would also be kosher, which according to the majority of opinions it is not.

Honey is not the only product produced by bees. There are indeed many products, amongst them is Royal Jelly. The question is whether it can be compared with honey and thus be classed as kosher.

Some poskim argue that unlike honey, Royal Jelly is a glandular secretion and therefore forbidden as something coming from a non-kosher species. On the other hand, there are some who argue that it is honey-like and should therefore

¹⁸⁸ SA YD 81:1

¹⁸⁹ SA YD 86:1

¹⁹⁰ "Do Bee don't Bee – A Halachik guide to Honey and Bee Derivatives," Rabbi Dovid Heber Star-K Kosher Certification, Baltimore Maryland, Fall 2010, (Internet)

¹⁹¹ "Honey Interesting Facts," Dr. Yvette Alt Miller, 16 September 2017, Aish Hatorah, (Internet)

¹⁹² Talmud Bavli, Bechorot 7b

be included by virtue of the verse in the Torah which permits bees' honey. Another argument in favor of permitting it, is that it is very bitter and not fit for human consumption, although this has been challenged by those who say that admittedly it is bitter, but is by no means inedible in the raw state. A further argument in favor is that it is not a "food" such as an egg from a non-kosher bird and is therefore not forbidden.¹⁹³

The health benefits of eating Royal Jelly very likely led to many of the contemporary poskim discussing whether or not it is kosher. In the course of their discussions they carefully analyzed the wording of the subject in the Talmud and in the Rishonim. Several of them, including Rabbi Eliezer Waldenburg¹⁹⁴ and Rabbi Moshe Shternbuch¹⁹⁵ permit it for a sick person. Rabbi Isser Unterman,¹⁹⁶ a former Chief Rabbi of Israel would permit it even for a healthy person, but added especially for a sick person. It is suggested that from Rabbi Moshe Feinstein's¹⁹⁷ ruling that shellac is kosher, one could derive that he would permit Royal Jelly. Another posek who permitted it was Rabbi Padwa,¹⁹⁸ Rosh Beis Din of the British Orthodox Union.

On the other hand, there were a number of authorities who questioned the permissibility of eating Royal Jelly. One of them was Rabbi Shlomo Zalman Auerbach¹⁹⁹ who was inclined to forbid it, except in cases of great need. Rabbi Moshe Via²⁰⁰ wrote that one should be strict and not eat it, but in the case of medical necessity a posek should be asked.

As can be seen, several of the poskim who specifically permitted the eating of Royal Jelly for sick people, did so because of the many health benefits, even for those who were not seriously ill.

Despite all the poskim who did not rule that it was not kosher, many of the kashrus authorities in the United States stated that it was not kosher or they did

¹⁹³ Sources for above arguments are given below; for summary see paper by Rabbi Zushe Yosef Blech, BDK Sao Paulo Brazil, (Internet)

¹⁹⁴ Rabbi Eliezer Waldenberg, *Tzitz Eliezer*, vol.11, (Jerusalem, 5733/1973), chap.59

¹⁹⁵ Rabbi Moshe Sternbuch, *Teshuvot ve-Hanagot*, vol.4, (Jerusalem, 5762/2002), YD 188

¹⁹⁶ Rabbi Isser Yehuda Unterman, "lishaylat 'Tuny Royal' - badin 'J'ila Royal' hayotsei m'devorim," *Kol Tora*, (Slomon: Jerusalem), year 13 issue.6, 5719/1959, p.5

¹⁹⁷ Rabbi Moshe Feinstein, *Igrot Moshe*, YD vol.2, (New York, 5733/1973), responsum 24

¹⁹⁸ Rabbi Chanoch Dov Padwa, *Cheishev haEphod*, vol.2, (London, 5737/1977), responsum 104, (pp.122-23)

¹⁹⁹ Rabbi Shlomo Zalman Auerbach, *Minchat Shlomo*, vol.2, (Jerusalem, 5760 /2000), responsum 64

²⁰⁰ Rabbi Moshe Via, *Bedikat Hamazon Kahalachah*, (Hamachon L'hanchalat haHalachah: Jerusalem, 5758/1998), p.149

not give their hechsher for it. These include the OU,²⁰¹ Star K,²⁰² and Kof-K.²⁰³ On the other hand, Triangle K²⁰⁴ and KSI Kosher Supervision in Germany²⁰⁵ gave their hechsher on Royal Jelly products.

In addition to honey and Royal Jelly, there are other products originating from bees. According to Star K, Propolis, Bee Pollen and Beeswax are kosher since they are not secretions of the bees. On the other hand, Bee Venom which is secreted in the venom glands of the bees, is ruled by them as non-kosher.²⁰⁶

Bon Appétit

A person has eaten something and then decides he wants to wash and eat bread. The question is does he have to recite an after berachah on what he has already eaten before washing and saying the berachah over the bread, or will birchat hamazon at the end of his meal cover also what he has eaten before eating the bread. As a general rule, he has to say an after berachah on the food he has eaten before eating the bread. However, there are some exceptions. One is eating something such a shmaltz herring which will give him an appetite for his subsequent meal.²⁰⁷ One of Royal Jelly's benefits is to give a person an appetite to eat and therefore no after berachah would be required before eating the bread.

²⁰¹ "Halachos of the Hive," OU Kosher Certification, (Internet); "Royal Jelly in Raw Honey," Council of Orthodox Rabbis of Greater Detroit, 1 March 2018, (Internet)

²⁰² "The Bee Folks," statement put out by The Bee Folks Company of Maryland, (Internet)

²⁰³ "The Kashrus and Halachos of Honey," Kof-K Kosher supervision Teaneck New Jersey, (Internet)

²⁰⁴ Advertisement of "Fruitful Yield Health Foods," Bloomingdale Illinois for Royal Jelly stating it is supervised by Triangle K, (Internet)

²⁰⁵ Kosher certification for Royal Jelly by Rabbi T. Hod-Hochwald of KSI Kosher supervision Bad Kissingen Germany, (Internet)

²⁰⁶ "Bee Folks," op. cit.

²⁰⁷ Mishnah Berura 176:2

Chapter 8

Nightingale schnitzels for Chol Hamoed

General Knowledge

The nightingale (scientific name: *Luscinia megarhynchos*) is famous for its singing, which is done by the male bird (the only male bird that sings), and its song is regarded as one of the most beautiful sounds in nature. Nearly 200 years ago, groups of people would go outside to listen to the nightingales singing. Indeed, the old English word for nightingale is “Nihtgale” which means “singer of the night.” The nightingale’s length is about 15 centimeters, its wingspan 24 centimeters and its weight is about 21 grams. Its color is plain brown except for its reddish tail. It is larger than a robin with which it can be confused, especially when they are both young. The nightingale is a secretive bird who likes nothing better than hiding in the middle of an impenetrable bush, and it is therefore hard to see the singing males. It builds its nests in bushes close to the ground. It is a migratory bird which, in its southward journey from Europe, passes over Israel in the autumn, and it returns by the same route during the following spring. Although the nightingale can be seen flying in the sky in different areas of Israel, it would seem not to be a regular occurrence, since one is asked on the internet to report sightings of nightingales together with the date and location.

Halachic Discussion

Is the nightingale a kosher bird? The Torah does not give physical signs for a bird to be kosher or non-kosher. However, the Gemara²⁰⁸ gives a number of signs for a bird to be kosher, one of them being that a bird does not prey. What is the situation with the nightingale? Does it prey on other living creatures? The diet of a nightingale consists largely of insects, beetles and ants, and failing that caterpillars, spiders and earthworms, and on rare occasions moths and small butterflies.²⁰⁹ From this it can be seen that the nightingale does prey on other living creatures. The question is whether preying on these creatures makes a bird non-kosher? One can bring a proof from a chicken which is according to all opinions a kosher bird. Like a nightingale, a chicken preys on insects. From this

²⁰⁸ Talmud Bavli, Chulin 65a

²⁰⁹ “Nightingale – Birds,” what-when-how - in Depth Tutorials and Information, (Internet)

we can see that this eating of insects does not make a nightingale non-kosher. The following story clearly illustrates that the nightingale is not a predatory bird.

It was towards the beginning of the 14th century that Rabbi Kalonymus ben Kalonymus ben Meir translated into Hebrew a story which had been written by an Islamic sect in Arabic several hundred years earlier.²¹⁰

In this story, a group of men were shipwrecked on an island with no human habitation. There were however a whole variety of animal species on this island and the shipwrecked men made these animals their slaves. The animals strongly objected and demanded a trial be held between them and the men. The judge in this case was the Spirit King. The animals were divided into six groups and each group appointed a representative to deliver their case before the judge. One of these groups was the non-predatory birds. As specifically stated in this story, they appointed the nightingale, a non-predatory bird, to present their case.²¹¹ As stated above, one of the major factors to determine that a bird is kosher is that it is non-predatory.²¹²

Dr. Levinger writes that the nightingale is a kosher bird quoting as the source of his information the book “Zivchei Kohen,” a book which includes a summary of the laws of shechitah, of checking the lungs and removing the cheilev from animals. It was written about two hundred years ago by the shochet Rabbi Yitzchak Cohen of Livorno in Italy.²¹³

This book includes 30 hand drawn numbered sketches of kosher birds together with the names of these birds in Italian.²¹⁴ Number 16 is named “Petti-Rosso consimili al Rosignolo” which in English is “red breasts (robins) similar to nightingales.”²¹⁵ It should be mentioned that the robin and the nightingale do in fact have a number of physical and behavioral similarities.

The question can be asked is whether Rabbi Cohen is just identifying sketch number 16 as a robin and adding a comment that it is similar to a

²¹⁰ Rabbi Kalonymus ben Kalonymus, *Igeret Ba'alei Chaim*, (Vilna, 5634 /1874); Prior to this book, there was no word in Hebrew for “nightingale” and when Rabbi Kalonymus made his translation he created the word “zamid” for a nightingale. This word occurs in Shir Hashirim 2:12, but there it means a song or pruning a vine.

²¹¹ Kalonymus, op. cit., p.53a; *The Animals' Lawsuit Against Humanity*, English translation by Anton Laytner and Dan Bridge, (Fons Vitae: Louisville Kentucky, 2005), pp.42, 50

²¹² SA YD 82:2

²¹³ Rabbi Yitzchak ben Meir haKohen, *Zivchei Kohen*, (Livorno, 5592/1832), frontispiece

²¹⁴ Ibid., between pp.12-13

²¹⁵ Ibid., p.13

nightingale, or alternatively is stating that both a robin and a nightingale are kosher birds.

It would seem from the later literature that the second alternative is the case and both these birds are thus kosher. This can be seen from Dr. Levinger's book and paper which give these two birds as kosher utilizing sketch number 16.²¹⁶

Another indication comes from Dr. Zohar Amar's book "Masoret ha'Oaf." In it he makes a chart based on the sketches in the book "Zivchei Kohen."²¹⁷ The first column gives the names of the birds in Hebrew and for sketch 16 appears the names of both the robin and the nightingale. The second column gives the scientific names in Latin of both these birds; the third column is what appears in the book "Zivchei Kohen." The following columns give the names of the birds which appear in various manuscripts. One of them is the "Rome manuscript" which for sketch 16 gives in Italian the names of both birds, although the other manuscripts only name the robin.

Encyclopedia Judaica which reproduces the sketches by Rabbi Cohen, and underneath them gives the scientific names of the birds together with the English names, (as stated in Dr. Levinger's paper in "Sinai"²¹⁸). For sketch 16, the Encyclopedia Judaica gives robin, but does not give nightingale.²¹⁹ Even if one would be of the opinion that sketch 16 is a robin and not a nightingale, this would not necessarily mean that nightingale is a non-kosher bird, since there are numerous kosher birds, an obvious example being chicken, which are not amongst the 30 on this sketch.²²⁰

Bon Appétit

There is a Torah mitzvah to rejoice on a Festival and this includes Chol Hamoed. One of the ways of rejoicing is eating more elaborate meals than during the year, and especially mentioned is meat (preferably beef) and wine.²²¹ Thus eating

²¹⁶ Dr. Yisrael Meir Levinger, *Mazon Kasher min Hachai* (Modern Kosher Food Production from Animal Source), (Institute for Agricultural Research According to the Thora: Jerusalem 5740/1980), p.85; Meir Levinger, "Oaf tahor ne'echal b'masoret," *Sinai*, vol.64 subvols.1-6 (366-391) Tishri-Adar 5729/1969, (Mosad Harav Kook: Jerusalem), p.274 (17) no.11

²¹⁷ Zohar Amar, *Masoret ha'Oaf* - kovetz ma'amarim, (Tel-Aviv, 5764/2004), pp.52-53

²¹⁸ Levinger - *Sinai*, op. cit., pp.263-276

²¹⁹ *Encyclopedia Judaica* vol.6 - Dietary Laws, (Keter Publishing House: Jerusalem), pp.29-30

²²⁰ see Levinger - *Mazon Kasher*, op. cit. and Levinger - *Sinai*, op. cit.

²²¹ Rambam, Hilchot Yom Tov 6:17-18

nightingale schnitzels on Chol Hamoed will be one of the methods of rejoicing on a Festival.

Chapter 9

Head of **Swordfish** for Leil Rosh Hashanah

General Knowledge

The swordfish (scientific name: *Xiphias gladius*) is characterized by a long sword, which is flat rather than rounded as in other spear-nosed fishes. This sword is about one third the length of the swordfish's body, and it extends from its snout. This sword is not used in a conventional manner, but is used to slash and injure its prey in order to make for an easier catch. It eats a whole variety of fish, the smaller ones being eaten whole. The swordfish is purplish or bluish above and silvery below and grows to a maximum length of about four and a half meters, and a maximum weight of about 500 kilos. The females are larger than the males and they carry many millions of eggs. Swordfish reach maturity between the ages of four and five years, and they live until about 9 years. They are found in tropical and temperate parts of the Atlantic, Pacific and Indian oceans and also in the Mediterranean. They are frequently found basking at the surface of the water, airing their first dorsal fin. Due to its popularity in restaurants, the swordfish population is decreasing and steps are being made for its conservation.

Halachic Discussion

Is the swordfish a kosher fish? For a fish to be kosher it must have both fins and scales. The Gemara²²² states that all fish which have scales have fins. Therefore, one has to just look for the scales on a fish for it to be kosher. In some cases, the existence of scales on a fish is not so clear cut and there are different Rabbinical opinions on whether the fish has scales or is scaleless.²²³

The earliest mention of the possible kashrut of a swordfish was nearly 400 years ago, when Rabbi Chaim ben Yisrael Benvenisti, known after his book, as the "Knesset Hagedolah" permitted "the fish with the sword."²²⁴ He then gave its name as פִּיִּשֵׁי אִישׁפָּאדָה (fishei ispada), which is very similar in a number of languages to the name given to swordfish.²²⁵ Someone then questioned him that

²²² Talmud Bavli: Chulin 66b, Niddah 51b

²²³ *Encyclopedia Talmudit* vol.7 – Dagim, (Talmudic Encyclopedia Institute: Jerusalem, 5713/1956), col.208

²²⁴ Rabbi Chaim ben Yisrael Benvenisti, *sefer Knesset Hagedolah*, (Constantinople, 5471/1711(?)), YD dinei dagim, chap.83

²²⁵ Ari Z. Zivotofsky, "The Turning of the Tide -The Kashrut Tale of the Swordfish," *B.D.D* (Bekhol Derakhekha Daehu), 19 January 2008, (Bar-Ilan University, Ramat Gan 2008), p.21 and fn.41

there were no scales on this swordfish. He answered that when the swordfish came out the water it shed its scales. (He did not answer that in its juvenile state it had scales.) To prove his point, the Rabbi took a black cloth, put it in his fishing net and after he caught a swordfish showed his questioner that it was full of scales.²²⁶

On the basis of this ruling of the Knesset Hagedolah, Jews would eat swordfish. One could say that it became a tradition to eat it and there are those who say that tradition to eat a particular fish, as with birds, is a relevant point.²²⁷ There were a number of prominent Acharonim, the Pri Megadim,²²⁸ the Kaf Hachaim²²⁹ and others,²³⁰ who cited the ruling of the Knesset Hagedolah as authoritative and reliable.²³¹ For at least 350 years, the swordfish was regarded as kosher and eaten by Jews in Mediterranean countries.²³² As can be seen in a list of kosher fish published in 1933 and in 1934 by the Agudat ha-Rabbonim of America and Canada, swordfish is included as a kosher fish.²³³

It was in 1951 that the turnabout began. This was organized by Rabbi Dr. Moshe Tendler, the son-in-law of Rabbi Moshe Feinstein. In a list of “non-Kosher sea food sold in the United States” he included the swordfish.²³⁴ Several years later when Rabbi Isser Unterman, then Chief Rabbi of Tel Aviv (and later Chief Rabbi of Israel) permitted the swordfish, Rabbi Tendler wrote to him²³⁵ and thus began a very public and even acrimonious debate on the subject.²³⁶ Rabbi Dr. Tendler’s argument to forbid swordfish was that it was not the fish referred to by the Knesset Hagedolah. Then followed an exchange of correspondence between him and Rabbi Unterman, the latter maintaining that it

²²⁶ *Knesset Hagedolah*, op. cit.

²²⁷ Zivotofsky - *BDD*, op. cit., p.20

²²⁸ Rabbi Yosef ben Meir Teomim, *Pri Megadim*, YD Sifte Da’at, (Amsterdam, 5588/1828), YD 83:2

²²⁹ Rabbi Ya’akov Chaim Sofer, *Kaf Hachaim*, YD 83:9

²³⁰ see Zivotofsky - *BDD*, op. cit., p.22 for list

²³¹ Zivotofsky - *BDD*, op. cit., p.22

²³² “Kosher Conundrums,” Gil Stern Stern Hoffman, 30 July 2010, *Jerusalem Post Magazine*

²³³ “Et ze tochlu micol asher bamayim,” *Hapardes*, (Chicago Illinois), vol.7 no.1, Nissan 5693/April 1933, p.17; “Et ze tochlu mikol asher bamayim, kol asher lo snapir v’kaskeset tocheilu,” *Hapardes*, op. cit., vol.8 no.9, Kislev 5698/December 1934, p.19

²³⁴ Zivotofsky - *BDD*, op. cit., p.24

²³⁵ possibly the letters reproduced in *Hapardes*, op. cit., vol.40 no.4, Tevet 5726/January 1966, pp.16-18

²³⁶ Zivotofsky - *BDD*, op. cit., pp.5, 25

indeed was the swordfish which was given in the ruling by the Knesset Hagedolah.²³⁷

Other prominent Rabbis joined in the debate, which included articles in the journals Hamaor and Hapardes, generally, but not all, agreeing with Dr. Tendler that the fish referred to by the Knesset Hagedolah was not the swordfish.²³⁸

It was at this period that volume 7 of the “Encyclopedia Talmudit” was published. Included in this volume was an entry on dagim - fish. Photographs of 12 fish were shown with the comments of whether they were kosher or non-kosher. Included amongst them was the swordfish (and two other fish) where the comment whether or not they were kosher was omitted!²³⁹

Also, at this period, the Conservative movement in the United States entered the picture declaring that the swordfish was kosher, bringing as support a noted ichthyologist, Dr. Bruce B. Collette, who stated that the juvenile swordfish has scales.²⁴⁰ In addition, this turned the subject into a “fight” between the Orthodox and the Conservative movement.

Dr. Tendler fought strongly against anyone who challenged his opinion, and towards the end of the 1960s his opinion was finally accepted in some countries. These included America, and in parts of Israel.²⁴¹ However, countries which had a tradition to eat swordfish usually continued to eat it.²⁴²

A number of scientific papers have been published on the subject of scales on a swordfish. One of them is a bulletin published by the Fisheries Research Board of Canada, which states that “scales and teeth are found only on young swordfish.”²⁴³ Therefore as the fish grows older, the scales disappear and thus an adult swordfish is scaleless. Neither the Talmud nor the responsa literature discuss such a case of scales disappearing with maturity.²⁴⁴ However, it would

²³⁷ *Hapardes*, op. cit., vol.40 no.4, Tevet 5726/January 1966, pp.16-19, includes exchange of letters between Rabbi Unterman and Dr. Tendler from Adar II 5722 (1962)

²³⁸ Zivotofsky - *BDD*, op. cit., pp.28-33

²³⁹ *Encyclopedia Talmudit* vol.7 – Dagim, op. cit., between columns 208-209

²⁴⁰ “Swordfish,” *Proceedings of the [Conservative] Rabbinical Assembly (USA)*, year 30, 1966 - prepared for the Committee on Jewish Law and Standards, pp.111-115

²⁴¹ Zivotofsky - *BDD*, op. cit., p.45, p.46 fn.107, p.48 fns.112, 113

²⁴² *Ibid.*, pp.48-49 and fn.113

²⁴³ “The swordfish (*Xiphias gladius* L.) its life-history and economic importance in the northwest Atlantic,” *Bulletin*, no.130, “The Fisheries Research Board of Canada,” 1961, p.4

²⁴⁴ “Why Swordfish is Unclean,” based on an article by Cecil E. Maranville, (Internet)

seem that the Chatam Sofer²⁴⁵ and some contemporary poskim rule that such a fish is kosher.²⁴⁶

However, in two other scientific papers it can be seen that an adult swordfish has scales but they are almost “out of sight.” The first is a paper published in the United States in 1952, which states: “The bases of the scales in the rows are almost connected giving a strong keeled effect The rows of scales may contain two or three different stages of scale development The scales of the largest specimen are strong and cover the entire body The scales have degenerated conspicuously, being embedded in the skin, with their existence still traceable exteriorly.”²⁴⁷

Over fifty years later in 2004, a further paper on this subject was published in the scientific journal *Copeia*²⁴⁸ by six authors (one of them being Rabbi Ari Zivotofsky). The paper showed that as a juvenile the swordfish had scales. As the fish grew however, the scales are not shed or resorbed but become more deeply embedded within the dermis as it thickens, and as a consequence only the tips of the spines of the scales protrude through the dermis of the adult swordfish. Further unpublished research by Zivotofsky showed that some of the scales were thought to be loosely attached to the fish.²⁴⁹

The results of the research in the above two papers could answer several of the debatable points in the Knesset Hagedolah’s description of the “fish with the sword” (as he called it) and explain why he saw no scales on the fish and why some were found on the black cloth he used to catch them.

Periodically, “Mesorah Dinners” are organized, (Rabbi Ari Zivotofsky being one off the main organizers). In such a dinner held in Jerusalem in the summer of 5770 (2010), swordfish appeared on the menu.²⁵⁰ However, in

²⁴⁵ Rabbi Moshe Sofer, *Chatam Sofer*, YD responsum 75

²⁴⁶ Zivotofsky - *BDD*, op. cit., p.19

²⁴⁷ George F. Arata Jr., “A Contribution to the life history of the swordfish *Xiphias gladius* Linnaeus, from the south Atlantic coast of the United States and the Gulf of Mexico,” *Bulletin of Marine Science of the Gulf and Caribbean* vol.4 no.3, 1954, p.215

²⁴⁸ J. J. Govani et al., “Ontogeny of Squamation in Swordfish, *Xiphias gladius*,” *Copeia*, (The American Society of Ichthyologists and Herpetologists), vol. 2004 no.2 (May 5 2004), pp.391-96

²⁴⁹ Zivotofsky - *BDD*, op. cit., p.44 fn.102

²⁵⁰ “Locusts, Swordfish and Doves: All the Fixings for a Gourmet Kosher Meal,” *The Associated Press: Jewish World – Haaretz – Israel News*, 29 July 2010, (Internet)

contrast, in one held in Chicago in America a year later, there were no swordfish.²⁵¹

Bon Appétit

It is customary on the first night of Rosh Hashana to eat certain foods as a sign for a good coming year. These include a head (preferably of a ram) and also fish.²⁵² Many people combine these two customs and eat the head of a fish. By using the head of a swordfish there could be a further sign. The “Untaneh Tokef” prayer recited at Mussaf on Rosh Hashanah states that it will be decided on these days who will die by the **sword**, and we pray that it will not be us.

²⁵¹ Shallots Bistro, menu for “Mesorah Dinner” held in Chicago on 24 July 2011, (Internet)

²⁵² Ba’er Heteiv SA OC 583:4; *Kitzur Shulchan Aruch* 129:9

*Chapter 10***Rice Cakes for Ashkenazi Jews** for Seder night*General Knowledge*

Rice is an edible starchy cereal and is the seed of a grass species (scientific name: *Oryza sativa*). To grow this species, the seeds are sown in prepared beds and when the seedlings are 25 to 50 days old they are transplanted to a field or paddy which has been enclosed by leaves and submerged under five to ten centimeters of water and they remain submerged during the growing season. Rice is normally grown as an annual plant but it can survive a ratoon crop. [Ratooning is the practice of cutting down most of the above ground portion of the plant but leaving the roots and growing shoots intact so to allow the plant to recover and produce a fresh crop in the next season and indeed up to 30 years.] The plant normally grows to a height of just over one meter, and its leaves are long and flattened. The harvested rice kernel is enclosed by a hull, which can be removed by milling. Rice is the most widely consumed staple food for a large part of the world's human population especially in Asia (just as bread is in Western countries). Therefore, as to be expected the principal rice producing countries in the world are in this area, namely China, India, Japan, Indonesia and Myanmar (Burma). A large variety of dishes can be made using rice. One of them is rice cakes which can be made from rice which has been shaped, condensed or otherwise combined into a single object. A large variety of rice cakes exist in many different cultures in which rice is eaten.

Halachic Discussion

Is it permitted to eat rice or rice products such as rice cakes (*pirchei orez*) on Pesach? The Torah forbids the eating, benefitting and possession of chametz during the Festival of Pesach.²⁵³ What is Chametz? The process of a food becoming chametz can only occur when, after a specific time interval, which depends on a number of external factors, water has come in contact with one of the five species of grain, namely, wheat, barley, oats, spelt and rye. Becoming chametz is the result of a series of biochemical reactions in which starch, which is a long chain polysaccharide molecule, is broken down in successive stages, to

²⁵³ Rambam, Hilchot Chametz uMatzah 1:1-2

give the gas carbon dioxide. This gas causes the dough to swell (similar to blowing air into a balloon) and this swelling makes the dough chametz. Only with the five species of grain can chametz occur.²⁵⁴

During the period of the Rishonim, it became the accepted norm for certain communities not to eat kitniyot, which in general are pod products.²⁵⁵ Not everyone agreed and Rabbeinu Yerucham went as far as to call it a stupid custom (“minhag shtut”).²⁵⁶

Several reasons have been given for this custom of not eating kitniyot on Pesach. Grain can easily be mixed up with the kitniyot and it requires considerable checking to remove it; a further reason is that in the same way as grain can be made into flour, so can kitniyot, and this can lead to mix ups.²⁵⁷ Kitniyot themselves cannot become chametz even if one were to soak them in boiling water for an extended period.²⁵⁸ The reason is that it does not have one of the components necessary for the biochemical reaction to give carbon dioxide.²⁵⁹

The communities which accepted not eating kitniyot on Pesach are all the Ashkenazi communities²⁶⁰ and to a limited extent some Sephardi communities.²⁶¹ The Vilna Gaon ruled that today it is forbidden (for Ashkenazim) to eat kitniyot, even in a time of famine.²⁶²

What is included under the heading of kitniyot? There are numerous opinions on this question. On rice, peas and beans there is general agreement, but on other products, there are different opinions.²⁶³ There is even an opinion that potatoes are kitniyot, since one can make potato flour from them.²⁶⁴ On this, Rabbi Moshe Feinstein writes that logically potatoes should be included as kitniyot and that the reason that they are not is that when the decree of not eating kitniyot was made, potatoes had not yet reached Europe.²⁶⁵ Similarly, peanuts

²⁵⁴ Chaim Simons, *Ma ze Chametz?* (Nehemiah Institute: Kiryat Arba, 5753/1993), pp.3-4, 12

²⁵⁵ Amongst those who mention this, but do not necessarily agree are: Mordechi masechet Pesachim 588; Maharil Hilchot Pesach; Tur OC 453

²⁵⁶ Rabbeinu Yerucham ben Meshullam, *Sefer Toldot Adam v'Chava*, (Venice), sefer Adam, chap.5 para.3

²⁵⁷ Mishnah Berura 453:6

²⁵⁸ Ibid., 453:5

²⁵⁹ Simons, op. cit., p.7

²⁶⁰ “What is Kitniyot?” Kashrut.com, authored by the OU, 2008, (Internet)

²⁶¹ Kitniyot, (Wikipedia)

²⁶² Vilna Gaon (the Gra), *Ma'aseh Rav*, para.184

²⁶³ “What is Kitniyot?” op. cit.

²⁶⁴ Rabbi Avraham Danzig, *Nishmat Adam*, (Warsaw, 5632/1872), responsum 20

²⁶⁵ Rabbi Moshe Feinstein, *Igrot Moshe*, OC, (New York, 5733/1973), responsum 63

were not known in the Jewish communities at that period and thus he holds they are not included in the decree of kitniyot,²⁶⁶ whilst in contrast the Eda Charedis in Jerusalem rules they are.²⁶⁷ However, the Eda Charedis does not include potatoes as kitniyot.²⁶⁸ Very recently, quinoa has come on the market and there have been discussions on whether or not it is kitniyot, with some permitting it whilst others forbid it.²⁶⁹

Another question is what about oil made from kitniyot, such as sesame oil. Rabbi Avraham Yitzchak Kook held that it did not come within the prohibitions of kitniyot and this caused a big argument in Jerusalem where the opponents said it had been forbidden hundreds of years earlier.²⁷⁰ Today all such oil is marked “for those who eat kitniyot.”

One product on the market today in Israel is “pirchiot orez” – rice cakes, and they are made with a hechsher for Pesach. One such manufacturer is B & D (Better and Different, Mishor Adumim, Israel). A few weeks before Pesach 5778 (2018), Rabbi Elyakim Levanon, the Rabbi of the Shomron, sent round a letter in which he stated that he had inspected the B & D factory during the manufacture of their rice cakes and they could be eaten by Ashkenazim during Pesach. He added that his reasoning could be found in the website of “Kosharot.”²⁷¹ There he writes that the reason for him permitting it, is that no water comes into contact with the rice during the entire production of these rice cakes.²⁷²

This was immediately challenged by the two Chief Rabbis of Ma’ale Adumin, namely Rabbi Yehoshua Katz and Rabbi Mordechai Nagarim, who gave the hechsher to this factory. In a letter to the public at large, in response to this letter of Rabbi Levanon, they wrote that these rice cakes were only kosher for Pesach for those Jews who ate kitniyot on Pesach.²⁷³ Furthermore, a Sephardi

²⁶⁶ Ibid.

²⁶⁷ Beth Din Tzedek Eda Charedis (Jerusalem), *Madrich haKashrut lechag haPesach*, vol.69, 5778/2018, p.17

²⁶⁸ Ibid. Potato flour was under their supervision for Pesach, p.63; however, at a much earlier period (including the 1960s) they stated it was only for young children (although it cannot be excluded that it was for some other reason)

²⁶⁹ Rabbi Yehuda Spitz, “Pesach - The Quinoa-Kitniyos Conundrum,” *Ohr Somayach*, 5775/2015, (Internet)

²⁷⁰ This is described at length in footnote 13 to “The Quinoa-Kitniyos Conundrum,” *op. cit.*

²⁷¹ Letter to the general public from Rabbi Elyakim Levanon, the Rabbi of Shomron, headed “pirchiot orez – ‘kasher le’Pesach,” 28 Adar 5778 (2018), (Internet)

²⁷² “Bama l’Kashrut – Pirchiot Oreiz – B & D – l’Ashkanazim,” para.5, Rabbi Elyakim Levanon, *Kosharot*, (Internet)

²⁷³ Letter to the general public from the two Chief Rabbis of Ma’ale Adumim headed “hoda’ah b’nosei pirchiot oreiz,” erev Pesach 5778 (2018), (Internet)

Bet Din who also gave a hechsher for this product wrote on the wrapper that it was only for Jews who ate kitniyot.

A few days before Pesach the Chief Rabbi of Israel, Rabbi David Lau in a questions and answers session, was asked about this ruling of Rabbi Levanon, and he replied that they were only permitted for those who ate kitniyot on Pesach.²⁷⁴

This permitting of rice on Pesach, something which had been forbidden to Ashkenazim for about 850 years was commented upon by Rabbi Refoel Goldmeier from Ramat Bet Shemesh. He wrote: “What I do not understand from what [Rabbi Levanon] says is that even those who prohibit [rice on Pesach] do not prohibit this rice. Why not? Did they differentiate in types of rice? If rice is kitniyot and prohibited, who cares how much you sift it or keep it away from water? And if keeping it away from water and sifting it is good enough to circumvent the custom against eating kitniyot, why not eat many other forms of kitniyot that are banned, as long as you sift it and inspect it and keep it away from water.”²⁷⁵

Bon Appétit

On the Seder plate are placed two cooked dishes in memory of Pesach celebrated at the time of the Temple. It is customary to use a piece of roasted meat and a roasted egg.²⁷⁶ But there is no problem in using two entirely different foods. The Gemara²⁷⁷ gives rice and beetroot as these two cooked dishes. According to some communities, one may not eat roasted meat at the Seder.²⁷⁸ However, if one were to use rice cakes instead of meat there would be no problem to eat it during the Seder meal!

²⁷⁴ “Pirchiot Orez b’Pesach,” Question submitted to the Chief Rabbinate of Israel on the question of pirchiot orez, and the subsequent answer, Yeshiva website – Ask the Rabbi, 5 Nissan 5778 (2018), (Internet); “Harav David Lau: Im kol hakavod l’Rav Levanon, ossur le’echol pirchiot orez b’Pesach,” Guy Ezra, Chadashot Srugim, 13 Nissan 5788/ 29 March 2018, (Internet)

²⁷⁵ “Interesting Psak: B & D rice cakes are not kitniyot,” life in Israel.blogspot, 15/18 March 2018 (5778), posted by Rafi G., (Internet)

²⁷⁶ SA OC 473:4

²⁷⁷ Talmud Bavli, Pesachim 114b

²⁷⁸ SA OC 476:1-2

*Chapter 11***Fish Blood** Borsht for Erev Pesach***General Knowledge***

Blood is a body fluid in humans and animals that delivers necessary substances such as nutrients and oxygen to the cells and transports metabolic waste products away from those same cells. Creatures can be divided into cold-blooded and warm-blooded, fish being cold-blooded. In addition to fish, cold-blooded creatures include locusts, insects and reptiles. Warm-blooded include humans, animals and birds. The difference between the two is that warm-blooded try and keep their bodies at a constant temperature. They do this by generating their own heat when they are in a cooler environment and cooling themselves when they are in a hotter environment. In contrast, cold-blooded creatures take on the temperature of their surroundings. They are hot when the environment is hot and cold when their environment is cold. There are both advantages and disadvantages for cold and warm-blooded creatures. How does the blood circulate within a fish? They have a closed-loop circulatory system in which the heart pumps the blood in a single loop throughout the body. The blood of fish is similar to that of other vertebrates. It consists of plasma and cellular blood cells components. The cellular components are red blood cells, white blood cells and thrombocytes.

Halachic Discussion

Is it permitted to drink blood? There is a strict prohibition in the Torah regarding the eating of blood,²⁷⁹ and in some cases the punishment is karet (the excision of the soul by Divine punishment).²⁸⁰ The blood is regarded as the soul of a creature,²⁸¹ and to draw blood on Shabbat comes under the same category of forbidden work on Shabbat as killing.²⁸²

Blood of creatures is divided into three categories, the most severe being the blood which spouts out when the creature is killed. Eating this blood has the

²⁷⁹ Chumash Vayikra 7:26

²⁸⁰ Chumash Vayikra 7:27

²⁸¹ Chumash Devarim 12:23

²⁸² Mishnah Berura 316:29

punishment of karet. Less severe is the blood which oozes out after the creature is killed. By eating it one transgresses a negative commandment in the Torah. The third category is blood which is contained in the flesh or muscles of the creature. This is only forbidden when the blood has left its original position.²⁸³ Therefore, if one wants to eat the creature raw, one can just wash it and eat it without any further preparation.²⁸⁴ If however, one wants to cook or roast the creature one has to perform the “salting process” to remove the blood.²⁸⁵

However, all the above only applies to animals and birds. It does not apply to fish and, according to the Torah one may eat the blood of fishes.²⁸⁶ Needless to say, this is only the blood of a kosher fish, since anything which comes from a non-kosher creature is not kosher.²⁸⁷

Although fish blood is permitted, there is the problem of *marit ayin*, namely doing an action which can be interpreted as doing something forbidden. In this case, if someone were to see a Jew drinking a cup of fishes’ blood, he might well think that he is drinking the blood of an animal or bird.²⁸⁸ This applies even in the privacy of one’s house.²⁸⁹

The Gemara²⁹⁰ discusses this problem and forbids collecting fishes’ blood into a vessel to drink. However, it then gives a permitted way to do so, namely have some fish scales in the cup of blood so that anyone seeing it will know that it is fishes’ blood.²⁹¹ Strangely, the Rambam leaves out the condition of putting the scales in the cup of blood,²⁹² and the poskim try and understand the reason for the Rambam’s omission.²⁹³

There is obviously no problem in eating a piece of fish with the fish blood inside it, since there is no chance of *marit ayin*. Similarly, if instead of putting some fish scales in the cup of fish blood, one mixes the fish blood with another

²⁸³ SA YD 67:1

²⁸⁴ SA YD 67:2

²⁸⁵ *Chochmat Adam* 30:1

²⁸⁶ SA YD 66:1

²⁸⁷ Rambam, *Ma’achalot Asurot* 6:1

²⁸⁸ SA YD 66:9

²⁸⁹ *Kaf Hachaim*, YD 66:43; Rabbi Yitzchak Yosef, *Yalkut Yosef – Kitzur Shulchan Aruch*, (Machon Chazon Ovadia: Jerusalem, 5757/1997), YD 66:6

²⁹⁰ Talmud Bavli, *Kritut* 21b; SA YD 66:9

²⁹¹ *Ibid*; *ibid*.

²⁹² Rambam, *Ma’achalot Asurot* 6:1

²⁹³ *Aruch Hashulchan* YD 66:34

substance, there is no need to add fish scales.²⁹⁴ Thus in making fish blood borsht one would add, for example, raw eggs and sugar to the fish blood, and then one would not have to put some fish scales in the borsht.

Another question concerns the blood of a human being. Is it the same as blood of an animal and therefore forbidden, or is it like the blood of a fish which is permitted. According to most opinions, it is not forbidden by the Torah. The problem, as with fish blood, is that of *marit ayin*. Although one would not normally drink human blood, the question arises should one cut, for example, one's finger, or should one bite one's tongue, which will result in blood accumulating in one's mouth. In the latter case there is no problem of *marit ayin* and one may swallow the blood. If on the other hand, it is coming out of some external organ, there are different opinions on whether one may suck and swallow this blood. If it goes on to some food which one is eating, then that part of the food should be cut away.²⁹⁵

The drinking of blood is not just academic. All over the world, blood, albeit blood of animals and birds, is drunk or it forms an ingredient in various foodstuffs. For example, the Maasai tribe in Tanzania drink raw animal cooked blood and blood-milk mixtures (as well as other foods). Studies have shown that they are extremely healthy with no signs of heart disease and their cholesterol levels are about half those of the average American.²⁹⁶ Seal blood is drunk in some Arctic regions, and a blood soup is consumed in Poland. In Europe, as well as in America and Mexico several varieties of blood sausage are made by cooking animal blood with a filler until it is thick enough to congeal when cooked. In China and southeast Asia a popular dish is made from pig's blood. In a northern region of Portugal, they have a traditional blood soup. In Finland pig's blood is used with milk, flour and molasses to make blood pancakes. There are also further examples from other areas of the world.²⁹⁷ Although animal or bird blood is used in the above foods, possibly it could be replaced with permitted fish blood thus making it a kosher delicacy!

²⁹⁴ Rema SA YD 66:10; *Kaf Hachaim* YD 66:50; *Yalkut Yosef*, op. cit., YD 66:6

²⁹⁵ SA YD 66:10; *Aruch Hashulchan* YD 66:35; Rabbi Avraham-Sofer Avraham, *Nishmat Avraham*, 2nd expanded edition, vol. 2, YD, (Jerusalem, 5767/2007), YD 66:1

²⁹⁶ "Traditional Maasai Food: Blood and Milk," Thomson Safaris, 16 January 2014 (5774), (Internet)

²⁹⁷ Blood as food, (Wikipedia)

Bon Appétit

At about midday on Erev Pesach, one is limited with what one may eat. Bread may not be eaten. Matzah may not be eaten. Therefore, some have the custom to have potatoes and borsht at this meal on Erev Pesach.²⁹⁸ Thus at this meal one could, at least halachically, eat borsht made using fish blood in place of beetroot water. It probably would not be so tasty!

²⁹⁸ "Chasal Sidur Pesach k'hilchato," *Yisrael Hayom*, 3 April 2015 (5775), (Internet)

Chapter 12

Deer's Kidneys for Melave Malka

General Knowledge

A deer (scientific name: Gazella) is an animal which has long and narrow legs which enables it to jump, and it can run as fast as 70 kilometers an hour. It can grow to a height of about one meter and a weight of about 450 kilos. Its color is yellowy gray or brown. The male has a pair of horns, which grow from boney supporting strictures called pedicels. They are covered in velvet which is rich in nerves and blood vessels. The horns fall off each year and are then regrown. Unlike the horns of sheep which consist of a horny substance covering a bone which can be removed thus making the horn hollow, those of a deer are solid bone. Drilling throughout the length of this solid bone will not make it into a kosher shofar for Rosh Hashanah since it is not naturally hollow. The deer is a selective eater, its main diet being fruit and grass including acorns. Its habitat is the dense forests and planted areas in Europe, Asia and North America. It lives to an age of between 10 and 20 years. The length of pregnancy of a deer is about 200 days. Sometimes one needs to recognize when it is pregnant, since in some places one is not allowed to hunt a pregnant deer!

Halachic Discussion

Can one readily obtain kosher deer's kidneys or are there problems? The Torah gives a list of ten animals which are kosher.²⁹⁹ There have been discussions to identify the last seven names on this list. The fifth name in this list is צִבִי (tzvi), and this word appears in the Torah on four occasions.³⁰⁰ Dr. Meir Levinger, in a paper on this subject, wrote that there is general agreement that the tzvi is the gazella, namely the deer.³⁰¹ Furthermore, the Septuagint translates tzvi as δορκάδα (dorkada)³⁰² and the Vulgate translates it as capream,³⁰³ both when translated into English are "roe deer."

²⁹⁹ Chumash Devarim 14:4-5

³⁰⁰ Chumash Devarim: 12:15, 12:22, 14:5, 15:22

³⁰¹ Dr. Meir Levinger and Dr. M. Dor, "Sheva hachayot hatehorot," *Tora u'Mada*, vol.4 no.2, Elul 5735/September 1975, (Association of Orthodox Jewish Scientists in Israel), pp.43-44

³⁰² *Septuagint*, Defteronómio 14:5

³⁰³ *Vulgate*, Deuteronomium 14:5

After shechitah and inspection of, especially the lungs of a kosher species of animal, there are other parts that must be removed before the animal may be eaten. These are the blood, the gid hanasheh (sciatic nerve) and in many cases also the cheilev (forbidden fats). The hardest to remove is the cheilev and this is almost exclusively found in the hindquarters, including around the kidneys, of the animals. The process of removal of the cheilev is known as nikkur (or in English porging and in Yiddish treiben).³⁰⁴

To remove this cheilev from the hindquarters, one requires a highly skilled person trained to accomplish this³⁰⁵ and it was found that sometimes it was not done properly. Because of these problems, from the Middle Ages onwards, in some locations no nikkur was done on the hindquarters and in other locations the custom of whether to do it or not do it periodically changed. When it was not done, the hindquarters were sold to non-Jews.³⁰⁶

From the middle of the twentieth century, Jewish butchers in Britain were forbidden to sell the hindquarters.³⁰⁷ At the same period nikkur of both the forequarters and hindquarters was practiced in Jerusalem. In Israel today it is under the supervision of the Rabbanut and Sephardic Batei Din.³⁰⁸ However the Eda Charedis of Jerusalem only sell the forequarters of animals.³⁰⁹

Although the generic term “animal” is used to define kosher animals, in fact the Torah divides animals into two categories, even though the list of ten kosher animals appears without any obvious sign that there are two classes. One class is beheimot, domesticated animals, and the other class is chayot, wild animals.

To know which class a particular animal is in, is not just academic. There are in fact some significant differences on the laws applying to these two groups; for example, cheilev is forbidden in beheimot whilst it is permitted in chayot.³¹⁰ Therefore, one needs to know how to distinguish which animal is a beheimah and

³⁰⁴ Ari Zivotofsky, “What’s the Truth About ... Nikkur Achoraim?” *Jewish Action*, (Orthodox Union of America), Fall 2006

³⁰⁵ Dayan Dr. Isidor Grunfeld, *The Jewish Dietary Laws*, vol.1, (Soncino Press: London, 1972 (5732)), pp.66-67

³⁰⁶ *Jewish Action*, Fall 2006, op. cit.

³⁰⁷ Grunfeld, op. cit., p.67 fn.1

³⁰⁸ *Jewish Action*, Fall 2006, op. cit.

³⁰⁹ Beth Din Tzedek Eda Charedis (Jerusalem), *Madrich haKashrut lechol Hashanah*, vol.69, 5778/2018, p.76

³¹⁰ SA YD 80:1

which is a *chayah*. The distinguishing signs are the shape of its horns.³¹¹ A deer comes under the class of *chayot*.³¹²

Therefore, there is no *cheilev* to remove from a deer, although the prohibitions of blood and the *gid hanasheh* equally apply to *beheimot* and *chayot*. There is relatively no difficulty in removing them. Thus, there should be no problem in obtaining and eating deer's kidneys. In America, the OU supervises the removal of the *gid hanasheh* from deer.³¹³ Thus deer, presumably including its kidneys and the remainder of its hindquarters, is available in the United States and some other locations, as will now be illustrated.

About 1990, the restaurant *Levana* on the Upper West Side of New York added to its menu deer. At that time, it was mainly imported from Israel, but for some reason they were not able to continue importing it. Then Norman Schlaff, a deer farmer in Goshen New York, stepped into the breach. He raises the deer on his 100 acre farm, *Musicon Farm*, where they are slaughtered in a barn specially set up for this purpose, by a *shochet* under careful supervision and are then sold to individuals and restaurants.³¹⁴

Another venue where venison (deer meat) is served is in Prague, in a Glatt Kosher restaurant, called the *King Solomon*. This restaurant has a whole variety of deer recipes including a soup, tongue, goulash and steak.³¹⁵

On its menu, this restaurant relates an interesting historical occurrence involving deer. During the nineteenth century the Austro-Hungarian Empire permitted the Jews with the approval of Emperor Franz Joseph the First to perform a ceremony of *shechting* a deer. Likewise, during the time of Baron Rothschild, the Jews in Britain were permitted to observe the tradition of hunting a deer and then *shechting* it. However, at a later date the Jews were forbidden to continue this tradition.³¹⁶

³¹¹ *Ibid.*

³¹² *Encyclopedia Talmudit*, vol.14 - *Chayah*, (Talmudic Encyclopedia Institute: Jerusalem, 5733/1973), col.744

³¹³ *Jewish Action*, Fall 2006, op. cit.

³¹⁴ "Stalking Kosher Game (Hold the Giraffe)," Kara Newman, 19 October 2005, *The New York Times*, (Internet); "From Venison to Addax Kosher Game," Aaron Kagan, 17 February 2011, *The Forward* (New York City), (Internet)

³¹⁵ "Tafrit Basar Hatzvi b'Misedet King Solomon hakasheirah Prague," menu publicized by this restaurant, (Internet)

³¹⁶ *Ibid.*

In the year 5774 (2014), a leaflet was published by the London Beth Din which states, “Venison is no longer available for kosher tables only because according to agricultural regulations, deer must be shot in the open field and not brought into an abattoir.”³¹⁷ An identically worded statement appeared in a leaflet published by the New South Wales Jewish Board of Deputies in 5769 (2009).³¹⁸ It would seem from this that the same restriction applies in Australia.

Bon Appétit

In addition to eating three meals on Shabbat, one also has to eat a meal after Shabbat has terminated known as the Melave Malka.³¹⁹ Ideally, one should have bread this meal, but failing that cake or even fruit will suffice.³²⁰ The Gemara relates of a Rabbi who would shecht a calf after Shabbat in order to eat of its kidney for melave malka.³²¹ As stated above, it requires great skill and experience to remove the cheilev from the area of a beheimah’s kidney. Since there is no prohibition of cheilev for a deer, there would not be this difficulty in obtaining and eating a deer’s kidney for Melave Malka.

³¹⁷ “Kosher. What is Kosher?” London Beth Din, 5774/2014, (Internet)

³¹⁸ “Kosher Food,” New South Wales Jewish Board of Deputies (Australia), 5769/2009, (Internet)

³¹⁹ SA OC 300:1

³²⁰ Mishnah Berura 300:1

³²¹ Talmud Bavli, Shabbat 119b

Chapter 13

Hard boiled **Sparrows'** eggs for Erev Tisha b'Av

General Knowledge

The house sparrow (scientific name: *Passer domesticus*) is one of the world's best known and abundant small birds. It is about 15 centimeters long and has a weight of about 30 grams. Its color is brownish-gray with the male having a black bib. Its vocalizations are variations in its short and incessant chirping call. It originated in the Middle East but over the course of years has spread to most parts of the world. However, it only migrates over a limited area, and its speed of flight is about 45 kilometers per hour and about 15 wingbeats per second. On the ground it hops rather than walks. It can also swim short distances under water. Its diet is mainly seeds and insects, and where available, also earthworms, lizards and frogs. Until about 15 days after hatching the baby sparrows are fed mainly on insects. Sparrows are also known to eat discarded food. Nest sites are varied, though cavities are preferred, and the nests are frequently built in the eaves and other cavities of houses. In warmer climates the sparrow may build its nest in the open on the branches of trees, especially on evergreens and hawthorns. The nests are made of coarse vegetation with finer materials such as feathers, string and paper for the lining.

Halachic Discussion

Is a sparrow a kosher bird? Unlike in the case of animals, fish and locusts, the Torah does not give physical signs for a bird to be kosher. The Gemara writes that it depends on tradition which is passed down from generation to generation. This is even though the Rabbis have found a common denominator of signs for a kosher bird, namely, it does not prey on other birds, and has several anatomical features, namely an extra toe, a crop and a gizzard that can be peeled.³²²

What then is the situation with the birds known as the sparrow? In his book, Dr. Levinger writes that there is tradition from almost all the various Jewish communities in the world for the house sparrow to be a kosher bird.³²³ Likewise,

³²² SA YD 82:2

³²³ Dr. Yisrael Meir Levinger, *Mazon Kasher min Hachai* (Modern Kosher Food Production from Animal Source), (Institute for Agricultural Research According to the Thora: Jerusalem 5740/1980), p.80

both “Purtal Hadaf Hayami,”³²⁴ and Rabbi Shlomo Min-Hahar³²⁵ write that it is a tradition amongst all Jews to eat sparrows. The following are examples of this tradition in different communities.

Amongst the Ashkenazi Jews, there was a tradition that each year, or every few years, in the city of Halberstadt they would symbolically shecht one sparrow.³²⁶ In a leaflet published by the London Beth Din in 5774 (2014), under the section of kosher birds they write that there is a Germanic tradition that a sparrow is a kosher bird.³²⁷

Jews from Lithuania relate that during the First World War at the time of a famine when there was nothing to eat, they would shecht sparrows. Others who gave evidence on this subject was Chacham Ezra Yair who said that the shochetim in Jerusalem shechted sparrows. Rabbi Mordechai Peretz from Morocco testified that until today he shechts sparrows, and Rabbi D. Yaluz, a shochet from Tiberias, testified on the eating of house sparrows.³²⁸

There is much testimony on the eating of sparrows by the Jews of Yemen. They would put out traps at the beginning of the night and by morning a large number of sparrows would be trapped. There is even a report of over a thousand sparrows which were found in the various traps put out on a particular night. They were then taken to be shechted and then after the necessary preparations would be eaten.³²⁹ Furthermore, at the “Mesorah Dinner,” a Yemenite Rabbi vividly described trapping sparrows by the hundreds when he was a child in Yemen.³³⁰

Furthermore, the Septuagint in both the list of non-kosher birds given in Vayikra and in Devarim, identifies the *בת יענה* (*bat ya'anah*) as *στρουθὸν* (*strouthón*)³³¹ Some of those who translated the Septuagint into English, translated it as sparrow, thus indicating that the Septuagint listed a sparrow as a non-kosher bird. However, this is an incorrect translation from the

³²⁴ “mashal leadam shemosar tzipur dror l'avdo – dror habayit,” *Purtal hadaf hayomi*, 13 Av 5766 (2006), (Internet)

³²⁵ Rabbi Shlomo Min-Hahar, “Kashrut habayit – hatamei vehatahor,” “Haskel,” *Michlelet Herzog*, Gush Etzion 5747, (Internet); he writes that “ankor” is sparrow

³²⁶ Levinger – Mazon Kasher, op. cit., pp.80-81; Ari Zivotofsky and Ari Greenspan, “Quail, Blue Eggs and Shibuta,” *Mishpacha* Jewish Family Weekly, Jerusalem, 6 October 2010, p.50

³²⁷ “What is Kosher?” London Beth Din, 5774/2014, (Internet)

³²⁸ Levinger - Mazon Kasher, op. cit., p.81

³²⁹ Zohar Amar, “Achilat tziporei dror b'masoret yehudai Taiman,” *Afikim – l'techia ruchanit v'chevratit l'haganat zechuyot u'lmizug goluyot*, (Tel Aviv), vol.123-124, Nisan 5763/2003, pp.51-52

³³⁰ Quail, op. cit.

³³¹ *Septuagint*: Levitikón 11:15, Defteronómio 14:15

Greek into English. This error occurred because strouthón is also the Greek for ostrich,³³² which everyone agrees is a non-kosher bird. There are also other translations into English of the Septuagint which correctly translate it as ostrich. Similarly, the Vulgate translates בת יענה (bat ya'anah) as strutionem,³³³ which is the ostrich.

There are in fact a number of species of sparrows, including the Italian Sparrow and the Spanish sparrow. The Zivchei Kohen in his book brings a sketch of the different kinds of kosher birds.³³⁴ Under number 2, he writes the Passera which is the generic name for all the sparrows,³³⁵ his intention being those which were known at his location.³³⁶ Dr. Levinger comments that the Italian sparrow is a hybrid of the Spanish Sparrow and the House Sparrow and it is reasonable to suggest that all these different sparrows are included in the tradition.³³⁷ In his chart of kosher birds, Dr. Zohar Amar writes that in all the various hand-written manuscripts he examined, including MS London, MS Rome, MS Moscow, and MS Livorno, the sparrow appears as a kosher bird.³³⁸

In contrast to those permitting sparrows, there are some papers on the mitzvah of shiluach hakan (sending away the mother bird)³³⁹ which specifically state that the sparrow is not kosher. This mitzvah only applies to kosher species of birds. What about birds who have the Rabbinically kosher signs but do not have a tradition to be eaten? On this the American Kashrut organization Star-K writes that one may perform this mitzvah with them but they may not be eaten, and they give a short list of such birds which includes sparrows, namely, in practice, they regard sparrows as non-kosher.³⁴⁰ Likewise in a question on shiluach hakan submitted to Rabbi Ya'akov Ariel, he writes that a sparrow is non-kosher.³⁴¹

³³² Kosher animals, (Wikipedia)

³³³ *Vulgate*: Leviticus 11:16, Deuteronomium 14:15

³³⁴ Rabbi Yitzchak ben Meir haKohen, *Zivchei Kohen*, (Livorno, 5592/1832), between pp.12-13

³³⁵ *Ibid.*, p.12

³³⁶ Levinger - Mazon Kasher, *op. cit.*, p.81

³³⁷ *Ibid.*

³³⁸ Amar, *op. cit.*, p.52

³³⁹ Chumash Devarim 22:6-7

³⁴⁰ "Shiluach Hakan," Rabbi Zvi Goldberg, Kashrus Kurrents 2017, Star-K, (Internet). This is in contrast to the OU in America who certifies sparrow as a kosher bird, ("OU position on Certifying Specific Animals and Birds, OU Kosher, (Internet))

³⁴¹ "Shiluach Hakan b'Tzipor Dror," Rabbi Ya'akov Ariel, Yeshivah website, (Internet)

Anything coming from a non-kosher creature, such as eggs or milk, is not kosher.³⁴² Therefore, the eggs of a sparrow, which is generally accepted as a kosher bird, are kosher. The eggs of a house sparrow are white, bluish white or greenish white, spotted with brown or gray. They are subelliptical in shape, about 2 centimeters in length and 1.5 centimeters in breadth, surface area 9 square centimeters and they weigh about 3 grams.³⁴³ In each clutch the bird lays about four to five eggs and there at least two clutches per year. The period of incubation is between 11 and 14 days.³⁴⁴

After these eggs have been laid, and there is no embryo or blood in them, they may be eaten.³⁴⁵ Eggs which are completely formed and are found in a kosher bird are parva.³⁴⁶ If, on the other hand, partially formed eggs are found in the bird after it has been shechted, they are fleishig (meaty).³⁴⁷

Sparrows were served at the “Mesorah Dinner.” They were in the soup course together with other birds, namely dove and pigeon.³⁴⁸ However, there is no record of sparrows’ eggs being on the menu!

Bon Appétit

At the meal before the fast of Tisha b’Av there are limitations on the food which may be consumed, namely no meat or wine and no more than one cooked dish.³⁴⁹ It is a custom to eat at this meal just a hard-boiled egg plus bread dipped in ashes.³⁵⁰ Normally one uses a chicken’s egg but one could use a different kosher bird’s egg, such as a sparrow’s egg.

³⁴² SA YD 81 title of chapter; Rambam, Ma’achalot Asurot 3:1

³⁴³ House Sparrow, Eggs and young, (Wikipedia). For comparison purposes size of an average chicken’s egg: length 59 cm, breadth 44 cm, surface area 74 square cm, weight 50 gm. (Chicken egg sizes, (Wikipedia))

³⁴⁴ House sparrow, op. cit.

³⁴⁵ SA YD 86:5

³⁴⁶ SA YD 87:5

³⁴⁷ Ibid.

³⁴⁸ “At Kosher Feast, Fried Locusts for Dessert,” Nathan Jeffay, Jerusalem, 28 July 2010, *The Forward*, New York City, (Internet)

³⁴⁹ SA OC 552:1

³⁵⁰ *Kitzur Shulchan Aruch* 123:3

Chapter 14

Pig Bone Gelatin coating on Chanukah Latkes

General Knowledge

Gelatin is a translucent, colorless, brittle (when dry) flavorless food derived from collagen. Collagen is a fibrous, insoluble protein that makes up a major portion of bone, skin and connective tissues of animals such as cattle, chicken, pigs and fish. The word “gelatin” comes from the Latin word “gelatus,” meaning stiff or frozen. Gelatin is manufactured as a powder or in thin sheets. For practical reasons, about ninety per cent of gelatin is made from the skin of young pigs. Gelatin is used in various ways during the manufacture of numerous foodstuffs. These include jelly-like confections, toffees, bakery glazes, cake mixes, meringues, spreadable frostings, creams, yoghurts, ice creams and fluffy marshmallows. A practical example of using gelatin is by adding it to a candy since it can make it last longer, since gelatin does not break down as quickly as sugar. Gelatin is also used in various medications such as making a gelatinous coating to hold in the contents of pills and also to make them easier to swallow.

Halachic Discussion

Is there any kashrut problem in incorporating gelatin in food products? Although history shows that gelatin has been used since the 1400s, and it was originally made by boiling cattle hoofs for six hours,³⁵¹ the first discussion on its kashrut status was only about one hundred year ago.

The various Rabbinical responsa on this question have generally revolved around the question of whether the dry bones of a non-kosher animal (namely, a non-kosher species, or one not slaughtered by shechitah, or one found to be treife after an inspection) may be eaten by a Jew.³⁵² Another relevant point is whether after the various processes utilized in making the gelatin, the dry bones are fit for eating.³⁵³

³⁵¹ *Encyclopedia of Food and Culture* – Gelatin, The Gate group, 2003

³⁵² “Getting into the Thick of Things: Gelatin,” Rabbi Avrohom Mushell, Spring 2013, Kashrus Kurrents 2013, Star-K Kosher certification, (Internet)

³⁵³ “Kashrus, Food and Chemicals,” Dayan Gabriel Krausz of Manchester Beth Din, 3 April 1972 (5732), p.3; *Emunat Itecha*, issue 97, Tishri 5773/2002, chap.37, Gelatin, (Machon haTorah veHa’aretz: Kfar Darom), p.41

It can be derived from the Gemara³⁵⁴ that animal bones do not have the status of meat on a Torah level. However, on a Rabbinical level they are forbidden, but if in gelatin they are completely unfit for human consumption, there is a leniency to allow one to eat them.³⁵⁵

The first recorded source on the kashrut of gelatin is a responsum by Rabbi Chaim Ozer Grodzinski, who was the Rabbi of Vilna just before the Second World War. He held that there was no problem whatsoever in eating dry bones of non-kosher animals.³⁵⁶ In 1953, Rabbi Yechezkel Abramsky, who was a Dayan in the London Beth Din, wrote a responsum on the subject where he argued that since the Torah only prohibits the flesh of non-kosher animals, and of animals which are treife, there is no prohibition to eat gelatin which is from the bones of such an animal.³⁵⁷ Despite this, however, he was reluctant to permit gelatin, the reason being that up to then it had been forbidden, and by now permitting it, might make people lax in observing other halachot.³⁵⁸ Rabbi Ovadiah Yosef also permitted the eating of gelatin.³⁵⁹

However, there are those who take the opposite opinion with regards to eating gelatin from any non-kosher animal. Amongst them are Rabbi Aharon Kotlar. He argued that were gelatin to be unfit for human consumption it would be permitted to eat it, but because it has now been processed to make it edible it has become forbidden.³⁶⁰ There are also other contemporary Acharonim³⁶¹ who hold similar views.

In April 1972 (5732), Rabbi Gavriel Krausz, a Dayan in the Manchester Beth Din in the north of England, delivered a lecture on the subject of gelatin. He concluded that it was forbidden to eat it. However, in the case of medicaments containing gelatin, he said that one could be lenient especially if they are tasteless or preferably have an unpleasant taste.³⁶² It thus follows that capsules made from

³⁵⁴ Talmud Bavli, Chulin 114a

³⁵⁵ "Gelatin in Halacha: Recent Developments," David Roth, 9 July 2014, *Torah Musings*, (Internet)

³⁵⁶ Rabbi Chaim Ozer Grodzinski, *Achiezer*, (Vilna), YD chap.33, para.5

³⁵⁷ This responsum is brought in the introduction to volume 4 of *Tzitz Eliezer* by Rabbi Eliezer Waldenberg, (Jerusalem, 5715/1954), p.10

³⁵⁸ *Ibid.*, p.12

³⁵⁹ Rabbi Ovadia Yosef, *Yabia Omer*, vol.8, (Jerusalem (new edition), 5775/2015), responsum 11

³⁶⁰ Rabbi Aharon Kotler, *Mishnat Rabbi Aharon*, vol 1 OC YD, (Machon Yerushalayim: Jerusalem, 5745 /1985), YD chap.17

³⁶¹ e.g. Rabbi Moshe Feinstein, *Igrot Moshe*, YD, (New York, 5720/1960), YD responsum 37; Rabbi Yitzchak Ya'acov Weiss, *Minchat Yitzchak*, vol.5, (Minchat Yitzchak: Jerusalem, 5753/1993), responsum 5

³⁶² Krausz, op. cit., p.7

pig skin gelatin may be consumed. In contrast, the OU holds that for those who are not “desperately sick” it might be better to avoid such medicines.³⁶³

However, the production process for the making of gelatin has since then changed. Today gelatin is made from fresh, namely soft, bones instead of dry bones and thus the leniency of permitting gelatin made from dry bones no longer applies.³⁶⁴

Today most kashrut organizations in America do not permit gelatin and will only give their approval if it is made from kosher fish or from animals which have been killed by shechitah.³⁶⁵ The London and Manchester Botai Din do not certify or approve products containing gelatin from a non-kosher source.³⁶⁶ There are conflicting opinions of the situation in Israel, regarding permitting or forbidding gelatin, depending on whether the product is mehadrin or regular kashrut.³⁶⁷ A former Chief Rabbi of Israel, Rabbi Bakshi-Doron said that although the Rabbanut would certify as kosher the gelatin taken from the bones of non-kosher animals, they required the product to be labelled as such.³⁶⁸ However, the number of products on the market labelled “Kosher for those who eat gelatin” has considerably decreased over the last decades.³⁶⁹ A further question is what is the situation regarding gelatin made from kosher but non-glatt animals? It was ruled that such gelatin could be used in glatt products.³⁷⁰

Another question which arises when manufacturing gelatin from kosher animals is whether the gelatin is then parva or fleishig (meaty). There are those who state it is parva, whilst others state it is fleishig.³⁷¹ There is also a discussion on whether one may eat it with fish, since meat-fish mixtures are forbidden because of a danger to health.³⁷²

The laws concerning eating meat and milk do not apply to a non-kosher species of animal, such as a pig.³⁷³ Therefore, by eating pig meat with milk one

³⁶³ “What is Kosher Gelatin Revisited,” OU Kosher certification, (Internet)

³⁶⁴ *Torah Musings* – Gelatin, op. cit.

³⁶⁵ Ibid.

³⁶⁶ Readers’ Comments to *Torah Musings* – Gelatin, op. cit., including a notice from the London Beth Din, (Internet)

³⁶⁷ *Torah Musings* – Gelatin, op. cit., fn.27

³⁶⁸ Ibid.

³⁶⁹ “Who determines the kosher status of “new” foods?” “Mi Yodea,” 4 July 2012, (Internet)

³⁷⁰ “What is kosher gelatin revisited,” op. cit.

³⁷¹ Kashrus Kurrents - Gelatin, op. cit.

³⁷² SA YD 116:2; Kashrus Kurrents - Gelatin, op. cit.

³⁷³ Rambam, Ma’achalot Asurot 9:3

does not transgress the prohibition of eating meat and milk together. Thus, those who permit the eating of gelatin, and also hold that one may not eat gelatin from a kosher species of animal together with milk, could not likewise hold this for pig bone gelatin.

There are today gelatins which originate from kosher species of fish, and gelatin originating from vegetable matter such as agar-agar. Here kashrut problems are avoided but these gelatins are inferior to that of animal origin gelatin.³⁷⁴

Bon Appétit

There are several foods mentioned by the poskim which it is customary to eat on Chanukah. Some of them are milk-based foods whose source is the book of Yehudit in the Apocrypha,³⁷⁵ and there are also sufganiyot (donuts), which are mentioned in the writings of Rabbi Maimon ben Yosef (the father of the Rambam).³⁷⁶ These foods include cheese blintzes. The cheese sometimes oozes out, especially during transport, and since pig bone gelatin is parva, a thin coating of it over the surface of these blintzes might prevent this oozing.

³⁷⁴ Kashrus Kurrents - Gelatin, op. cit.

³⁷⁵ Rema SA OC 670:2

³⁷⁶ "The "Hole" Truth About Sufganiyot," Carol Green Ungar, *Jewish Action*, (Orthodox Union of America), Winter 2012

Chapter 15

Caviar from **Sturgeon** for Seudah Shlishit

General Knowledge

Sturgeons (scientific name: Acipenser) are large cartilaginous fish which are found in the temperate waters of the Northern hemisphere. Their average length is about 3 meters and their weight is of about 270 kilos. The basic diet of the sturgeon consists of crayfish, shrimp, snails, plants, aquatic insects, larvae, sludge worms and clams. They are long-living, late maturing fish having an average lifespan of 50 to 60 years. They migrate upstream to spawn but spend most of their lives feeding in river deltas and estuaries. A female can lay from 100,000 to three million eggs, but not all will be fertilized. The fertilized eggs become sticky and it takes between 8 and 15 days for the embryos to mature into larval fish. During this period, they are dependent on their yolk sac for nourishment. Sturgeons are famous for caviar which is processed from their roe. One method used to extract this roe from the sturgeon is by stripping it from ripe females who are subsequently released. As a result of the popularity of caviar, the sturgeons are overfished and their numbers are decreasing, resulting in a risk of extinction.

Halachic Discussion

Is a sturgeon a kosher fish? To be kosher, the Torah requires fish to have both fins and scales.³⁷⁷ However, neither the Torah nor the Talmud make conditions regarding the scales. It was the Ramban (Nachmanides) in his commentary on the Torah who ruled that for a fish to be kosher one must be able to remove the scales by hand, namely they are not stuck to the underlying skin. He brings a proof from Targum Onkelus³⁷⁸ who translates the word for scales as “kalfin” something which can be peeled off.³⁷⁹ The Ramban’s opinion is accepted in the Shulchan Aruch as halachah.³⁸⁰

Zoologists give a classification of the various type of scales on fish.³⁸¹ Some scales are easily removable; others the skin is torn, and with others the

³⁷⁷ Chumash Vayikra 11:9

³⁷⁸ Targum Onkelus, Vayikra 11:9

³⁷⁹ Ramban on Chumash Vayikra 11:9

³⁸⁰ Rema SA. OC. 83: 1

³⁸¹ e.g. Amna Jalil, “Types of Scales in Fishes,” 21 February 2015, *Education* (further identification not

scales can only be removed without tearing the skin by the application of various treatments such as hot water. With this latter class of fish, there are various opinions as to whether or not they are kosher.³⁸²

One of the fish coming into this latter category is the sturgeon and others of the same family such as the sterlet.³⁸³ It is from the roe of this fish that caviar, a great food delicacy which is grossly expensive (50 grams costing \$470³⁸⁴) is made. It is reported that some of the best caviar in the world is made in Israel and then exported to New York.³⁸⁵

The first recorded report on the possible kosher status of the sturgeon was given by the Ramban. On this, Rabbi Shmuel ben Meshullam Gerondi, who was a scholar in Gerona Catalonia in Spain in the early fourteenth century, writes in his book of dinim “Ohel Moed”: “The fish called the sturgeon Is permitted The Ramban checked it and soaked it in boiling water and the scales then came off it, and therefore it is permitted.”³⁸⁶

It is significant that the Ramban who was the Rabbi who forbade scales which were not easy to remove allowed as kosher a fish which requires boiling water treatment to remove its scales.

The Ohel Moed also stated that Rabbeinu Tam ruled that the sturgeon is a kosher fish. In addition, he wrote that there were those who forbade (“yesh sheosrim”) the eating of the sturgeon but gave no names of those who forbade it.³⁸⁷ The son of the Nodah b’Yehudah wrote that the use of this expression means that there was only a single opinion who forbade its consumption. It does not say, as some others have suggested, that the Ohel Moed agreed with those who forbade eating sturgeon.³⁸⁸

specified), (Internet)

³⁸² “All About Kosher Fish,” Aryeh Citron, Parashat Shemini. Chabad.org, (Internet)

³⁸³ Dr. Yisrael Meir Levinger, *Mazon Kasher min Hachai* (Modern Kosher Food Production from Animal Source), (Institute for Agricultural Research According to the Thora: Jerusalem 5740/1980), p.106 fn.2

³⁸⁴ “New York’s Finest Caviar: All the Way From a Socialist Kibbutz in Northern Israel,” Haim Handwerker, 27 April 2010, *Haaretz* online, (Internet)

³⁸⁵ Ibid.

³⁸⁶ Rabbi Shmuel ben Meshullam Gerondi, *Ohel Moed*, part 1, (Shmuel Halevi Tzukerman: Jerusalem, 5646/1886), sha’ar issur v’heter, derech rishon, netiv daled, p.14

³⁸⁷ Ibid.

³⁸⁸ Rabbi Yechezkel Landau, *Noda b’Yehudah*, section OC/YD, 2nd edition, YD responsum 29 (written by his son Shmuel)

At a later date, the Pri Chadash in his commentary on the Shulchan Aruch quotes verbatim the Ohel Moed, but makes no comment that he disagrees with it.³⁸⁹

Several hundred years later a fish was sent to the Noda b'Yehudah by Rabbi Tzvi Hirsch, the Rabbi of Temesvar, in order for him to rule whether or not it was kosher. The Noda b'Yehudah did not state the name of the fish, (it has been suggested that it was the sterlet, which is of the same family as the sturgeon) but it required the same processes as the sturgeon for the removal of its scales. The Noda b'Yehudah ruled that the fish which had been sent to him was kosher.³⁹⁰

This ruling of the Noda b'Yehudah caused an enormous controversy in Europe. Rabbi Mordechai Banet, the Chief Rabbi of Moravia, in one of his responsa, argued that one could not remove the scales of this fish without tearing the skin underneath, and also that for hundreds of years Jews had not eaten this fish.³⁹¹ However, it is reported that the Jews of Turkey did eat this fish.³⁹²

In contrast, one of the Noda b'Yehudah's students, Rabbi Aharon Chorin published a book in defense of this ruling.³⁹³ (Ironically, at a later date, Chorin became a member of the Reform movement.)

In 5559 (1799), Rabbi Yitzchak Grishaber, the Rabbi of Paks published a book (which contained the approbation of nine great Rabbis) against the ruling of the Noda b'Yehudah.³⁹⁴ In his book, Rabbi Chorin wrote that Rabbi Grishaber claimed that the Noda b'Yehudah had retracted his ruling on the kosher status of the sturgeon and that the Noda b'Yehudah had written a letter to this effect for Rabbi Grishaber to hand over to Rabbi Hirsch, who had originally asked the Noda b'Yehudah this question.³⁹⁵ However, he added that Rabbi Grishaber had claimed that this letter had got lost³⁹⁶ and he could not even find the copy he made for himself!³⁹⁷ However, this was not true. The Noda b'Yehudah's son Shmuel wrote two responsa which have been published amongst the Noda b'Yehudah's

³⁸⁹ Rabbi Chizkiah da Silva, *Pri Chadash*, (Amsterdam, 5451/1691), YD 83:26

³⁹⁰ *Noda b'Yehudah*, op. cit., YD responsum 28

³⁹¹ Rabbi Mordechai Banet, *Har Hamor*, (Vienna, 5622/1862), responsum 12

³⁹² Rabbi Yitzchak Grishaber, *Makel Noam*, (Vienna, 5559/1799), p.8a

³⁹³ Rabbi Aharon Chorin, *Imrei Noam*, (Prague, 5558/1798)

³⁹⁴ Grishaber, op. cit.

³⁹⁵ Chorin, op. cit., pp.12b-13a

³⁹⁶ *Ibid.*, p.16b

³⁹⁷ *Ibid.*, p.19a

responsa³⁹⁸ which in strong and direct language called Rabbi Grishaber a liar saying that no such letter ever existed. If his father had reversed his decision, he would have sent it direct to Rabbi Hirsh in the fastest possible way, publicized the fact, kept a copy of the letter and deleted the original responsum from his book.³⁹⁹ Likewise, one of the Noda b'Yehudah's leading students, Rabbi Eleazer Fleckeles wrote in a similar style to Rabbi Grishaber.⁴⁰⁰

In mitigation of Rabbi Grishaber's spreading this false information about the Noda b'Yehudah's retraction of the ruling permitting this fish, the Noda b'Yehudah's son magnanimously wrote that Rabbi Grishaber did this with the best intentions to prevent Jews from eating this fish.⁴⁰¹

Which opinions were later followed regarding the sturgeon? In the lists of kosher fish published by the Agudas ha-Rabbonim in America in April 1933, and in December 1934, sturgeon appears as a kosher fish.⁴⁰² Furthermore, the 1934 list is followed by letters received from the Washington Bureau of Fisheries, and the American Museum of Natural History, in which their experts write that the sturgeon has the scales required by Jewish law to be kosher.⁴⁰³

However, these lists are now history. The lists of fish produced by Dr. Moshe Tendler,⁴⁰⁴ by Dr. James Atz⁴⁰⁵ and by the Chabad organization⁴⁰⁶ also give lists of non-kosher fish and in these lists sturgeon is included as a non-kosher fish. The lists published by the Batei Din in London and Paris⁴⁰⁷ don't specifically give lists of non-kosher fish, but their lists of kosher fish do not include the sturgeon.

³⁹⁸ *Noda b'Yehudah*, op. cit., YD responsa 29-30 (written by his son Shmuel)

³⁹⁹ *Ibid.*, YD responsum 29 (written by his son Shmuel)

⁴⁰⁰ Rabbi Elazar Fleckeles, *Teshuvah m'Ahava*, vol. 2, (Prague, 5581/1821), responsum 329

⁴⁰¹ *Noda b'Yehudah*, op. cit., YD responsum 29 (written by his son Shmuel)

⁴⁰² "Et ze tochlu mikol asher bamayim," *Hapardes*, (Chicago Illinois), vol.7 no.1, April 1933, p.17; "Et ze tochlu mikol asher bamayim, kol asher lo snapir v'kaskeset tocheilu," *Hapardes*, (Chicago Illinois), vol.8 no.9, December 1934, p.19

⁴⁰³ *Hapardes* 1934, op. cit., pp.20-21

⁴⁰⁴ list is in Dr. Yisrael Meir Levinger, *Mazon Kasher min Hachai* (Modern Kosher Food Production from Animal Source), (Institute for Agricultural Research According to the Thora: Jerusalem 5740/1980), p.208

⁴⁰⁵ list in Levinger – *Mazon Kasher*, op. cit., p.219

⁴⁰⁶ Citron, op. cit.

⁴⁰⁷ both lists appear in Levinger – *Mazon Kasher*, op. cit., p.220

If today in Britain one catches a sturgeon, one has to ask the permission of the Queen of England to keep this fish! Even with this permission, selling it can lead one to be arrested!⁴⁰⁸

Bon Appétit

There is a custom to eat fish at all three meals on Shabbat.⁴⁰⁹ To avoid problems of “borer” (selecting) on Shabbat,⁴¹⁰ fish without bones are the preferred type.⁴¹¹ In caviar there are no bones and so this problem of selecting does not arise. Thus caviar is an ideal food for a Shabbat meal!

⁴⁰⁸ “Police inquiry over sturgeon sale,” BBC News, 3 June 2004, (Internet)

⁴⁰⁹ *Kitzur Shulchan Aruch* 72:7

⁴¹⁰ SA OC 319

⁴¹¹ Gefilte fish, (Wikipedia in Hebrew); “The Truth about Gefilte Fish,” Jewish Treats, Juicy Bits of Judaism, *Daily*, 24 April 2009, (Internet)

*Chapter 16***Milk** dessert **following a Meat** meal for Shavuot***General Knowledge***

Milk is a fluid secreted by the mammary glands of females and is the primary source of nutrition for infant mammals. The origin of the word “milk” is from the Old English “meolc” and from the Anglian “milc.” Milk is extracted from farm animals, almost entirely cows (about 85 percent) but also from goats and other animals, during or soon after pregnancy. Some milk is converted into milk powder. In 2011, dairy farms worldwide produced about 730 billion kilograms of milk from 260 million dairy cows, the largest producer of milk being India. Throughout the world more than six billion people consume milk and milk products. Meat is animal flesh that is eaten as food. The word “meat” comes from the Old English word “mete” which refers to food in general. Meat is mainly composed of water, protein and fat, and is edible raw but is usually eaten after it has been cooked. As far back as thousands of years ago, hunters would go after and kill animals and meat was of a considerable portion of their diet. Today, many animals have been domesticated and are slaughtered in abattoirs using various methods. The nature of the animals killed often depends on the country and there are even locations in the world where dogs and cats are eaten.

Halachic Discussion

What are the restrictions regarding mixtures of meat and milk? On three occasions the Torah forbids the cooking of a domesticated kosher animal (beheimah) with the milk of such an animal.⁴¹² From this, one learns that there are three Torah prohibitions regarding milk and meat mixtures, namely, cooking, the subsequent eating, and the subsequent deriving benefit.⁴¹³ The Rabbis have added the prohibition of eating a kosher wild animal (chaya) and a kosher bird with milk.⁴¹⁴ Furthermore, the Rabbis forbade the eating of milk products after meat for a certain period of time.⁴¹⁵

⁴¹² Chumash: Shemot 23:19, Shemot 34:26, Devarim 14:21

⁴¹³ SA YD 87:1

⁴¹⁴ SA YD 87:3

⁴¹⁵ SA YD 89:1 and Rema

The question is how long is this period of time? The Gemara⁴¹⁶ quotes a statement by Mar-Ukba that the time period is from one meal to the next meal. This can be interpreted in two different ways. One of them is the time a person waits between partaking of two meals. The other interpretation is that of a new meal which is consumed immediately after finishing a previous meal.

According to the first interpretation one needs to investigate what is the accepted interval of time between two meals and to this there are various opinions. The Gemara⁴¹⁷ refers to a scholar having his meal at midday, and his next meal will be at the beginning of the night – namely a space of six hours. (The Vilna Gaon⁴¹⁸ implies that this is the source for the Shulchan Aruch giving a waiting time of 6 hours.) The Rambam⁴¹⁹ and the Shulchan Aruch⁴²⁰ both quote a figure of six hours and this is the figure accepted by Sephardi Jews, with no room for divergent opinions. However, in practice there are reports (but almost invariably without the original sources being quoted) that some Sephardi Jews who lived in European countries waited less than six hours. These included those living in Greece, Amsterdam and Italy.⁴²¹ Also, the Jews of Tunisia, although after eating meat would wait six hours, after eating bird would wait only three hours.⁴²²

To be precise, the Rambam writes *about* 6 hours and this word “about” has halachic ramifications. There are Jews who interpret it as five and a half hours or even five plus (even one minute!) hours. Rabbi Aharon Kotler ruled five and a half hours, whilst Rabbi Yosef Shalom Eliashiv ruled five hours plus.⁴²³ There are Yeshivot who serve a milky supper five hours (or five and a half) hours after a meaty dinner.⁴²⁴ One might well ask that since the Rambam writes *about* six hours, why go down to five - instead go up to seven!

⁴¹⁶ Talmud Bavli, Chulin 105a

⁴¹⁷ Talmud Bavli, Shabbat 10a

⁴¹⁸ Vilna Gaon (the Gra) SA YD 89:2

⁴¹⁹ Rambam, Ma’achalot Asurot 9:28

⁴²⁰ SA YD 89:1

⁴²¹ “Where do the different traditions for hours of waiting between meat and milk come from?” “Mi Yodea,” asked 29 November 2011, edited 1 May 2012, (Internet)

⁴²² “Hamtana bein basar l’chalav,” (Wikipedia in Hebrew)

⁴²³ “Dairy After Meat: How Long A Wait?” Parshas Shlach, Rabbi Doniel Neustadt, torah.org fn.10, (Internet)

⁴²⁴ “Hamtana bein basar l’chalav,” op. cit.

There is a yekke (German) custom to wait three hours.⁴²⁵ This opinion is quoted by one of the Rishonim, Rabbeinu Yerucham⁴²⁶ (although in another book he writes "at least six hours" when writing about the meat of beheimah⁴²⁷). Three hours is also quoted by Rabbi David Pardo (born in Venice in 1718).⁴²⁸ Rabbi Tzvi Hirsch Shapira quotes Rabbi Pardo and comments that this is the custom in a number of places and on this there is what to rely.⁴²⁹ A number of reasons have been put forward to justify the waiting of just three hours.⁴³⁰ Rabbi Tzvi Krakhour has an interesting explanation. A person is awake for fifteen hours and in Germany ate five meals during that time, namely three hours from meal to meal.⁴³¹

The custom in Holland is to wait just one hour.⁴³² Also, the Rema writes that in the place where he lived, Krakow, the custom was to wait one hour.⁴³³ On this period of time of one hour, the Terumat Hadeshen⁴³⁴ writes that there is no basis for this and it is a compromise between six hours and zero waiting time. However, one could bring some support for the opinion of one hour from the Zohar⁴³⁵ which mentions one hour.

The Rema⁴³⁶ quotes a number of opinions on this question. He begins by stating that Birchat Hamazon and clearing the table is sufficient – namely, according to the letter of the law, no waiting time is required. There are a number of Rishonim⁴³⁷ who support this interpretation of “one meal to the next” – namely immediately beginning a further meal, and this, according to these opinions, is the halacha. (The Rema goes on to also mention six hours.)

⁴²⁵ Neustadt, op. cit.; “Hamtanah bein basar l’halav,” op. cit.

⁴²⁶ Rabbeinu Yerucham ben Meshullam, *Issur v’Heter*, chap.39 para.1

⁴²⁷ Rabbeinu Yerucham ben Meshullam, *Sefer Toldot Adam v’Chava*, (Venice), sefer Adam, chap.15 para.5 subpara.28

⁴²⁸ Rabbi David Pardo, *Mizmor l’David*, (Livorno, 5578/1818), Hilchot basar b’chalav, YD 89 (p.61)

⁴²⁹ Rabbi Tzvi Hirsch Shapira, *Darkei Teshuvah* on SA YD, 2nd edition, (Vilna, 5673/1912), YD 89:6

⁴³⁰ “Where do the different traditions...,” op. cit.

⁴³¹ Ibid.

⁴³² Neustadt, op. cit.; “Hamtana bein basar l’chalav,” op. cit.

⁴³³ Rema SA YD 89:1

⁴³⁴ Rabbi Yisrael ben Petachia Isserlein (author of “Terumat haDeshen”), hagahot on *Sha’arei Dura hashalem* (written by Rabbi Yitzchak ben Meir Dueren), part 2, (Vernov, 5700/1940), dinei issur achilat basar achar gevinah, fn.50

⁴³⁵ *Sefer haZohar*, Parashat Mishpatim 125a

⁴³⁶ Rema SA YD 89:1

⁴³⁷ Tosafot “lis’udata” on Chulin 105a; Mordechi in the name of haRa’avyah, Chulin chap.8 para.689; hagahot Asheri, Chulin chap.8; hagahot Maimani on Rambam Ma’achalot Asurot 10:3

Thus, if one were to eat a meaty meal, then say Birchat Hamazon and clear the table, one could immediately have cheese cake for the dessert! In practice one does not do this, but today people usually follow an opinion of a greater interval of time between meat and milk, usually six hours.

So far, the discussions have been regarding the required time interval between meat and milk. Now two cases will be brought regarding the theoretical eating of meat and milk *together* during a meal. The first is regarding udders of kosher cattle. After they have been shechted it is very likely that milk will be found in their udders. By Torah law this milk is fleishig (meaty) and the udders could thus be eaten together with the milk which is inside it. However, the Rabbis have ruled that the udders should be cut and smacked against a wall to remove all the milk.⁴³⁸ Dr. Moshe Tendler who was present at a “Mesorah Dinner” knew how to do this and before the meal he did this and the udders were then served.⁴³⁹

The second case involves a ben pekuah. If after shechting (for example) a cow and opening it, one finds inside it a live baby calf just ready to be born, this baby is known as a ben pekuah. According to some opinions the laws regarding milk and meat do not apply to it and it can therefore be eaten with milk.⁴⁴⁰

Bon Appétit

On the Festival of Shavuot it is customary to eat milk foods.⁴⁴¹ Being Yom Tov one should also eat meat. There is then the technical question of how to arrange one’s timetable of meals in order to wait the appropriate time (according to one’s custom) between the meat and the milk. It is reported that it was customary to shorten this period on Shavuot,⁴⁴² but this is not regarded as acceptable.⁴⁴³ However, those who follow the opinion to just recite birchat hamazon and clear the table, could immediately following their meat meal by having a dessert of milk ice cream, milk chocolate, cheese cake, cheese blintzes etc.

⁴³⁸ SA YD 90:1

⁴³⁹ Ari Zivotofsky and Ari Greenspan, “Quail, Blue Eggs and Shibuta,” *Mishpacha* Jewish Family Weekly, Jerusalem, 28 Tishri 5771/ 6 October 2010, p.47

⁴⁴⁰ Rabbi Yitzchak ben Moshe Nunes Belmonte, *Sha’ar haMelech*, parts 3 and 4, (S. L. Flecker: Lemberg, 5619/1859), Hilchot Isurei Mizbeich chap.3

⁴⁴¹ Rema SA OC 494:3

⁴⁴² Ba’er Heteiv OC 494:8

⁴⁴³ *Aruch Hashulchan* OC 494:5

*Chapter 17***Zebu** meat in Shabbat cholent***General Knowledge***

The zebu (scientific name: *Bos indicus*) is a species of cattle characterized by a fatty hump on its back, and indeed the name “zebu” comes from the Tibetan word “ceba” which means “hump.” It is also characterized by its hanging skin and this enables it to survive for long periods of time in very hot climates without food or water. Zebras are one of the smallest breeds of cattle, with some adults being only one meter tall at the shoulder. They are also about half the weight of other cattle, reaching a weight of up to 200 kilograms. The color of their fur can be black, white and brown. The zebu can run up to 40 kilometers per hour. The diet of zebras is, as with other cattle, grass, seeds, leaves and flowers. It has a life span of between 12 to 16 years. The zebu originated in the Indian subcontinent and today they are to be found in Africa, Asia and to a lesser extent in the American continents. It is the only cattle species that can easily adapt to life in the hot tropics and it is mainly used for lighter agricultural work.

Halachic Discussion

Is a zebu a kosher animal? The Torah gives two signs for an animal to be kosher. It must chew the cud and also have a cloven hoof.⁴⁴⁴ The zebu definitely has these two signs. According to the Rambam,⁴⁴⁵ the Shulchan Aruch⁴⁴⁶ and other Rishonim, one just requires these two physical signs for an animal to be kosher. This is unlike the case of a bird, where one requires a tradition for it to be kosher.⁴⁴⁷

However, at a later date, one of the commentators on the Shulchan Aruch, Rabbi Shabtei Cohen (17th century), known as the Shach,⁴⁴⁸ added that a tradition is also required for an animal to be kosher. Rabbi Avraham Danzig (late 18th century), the author of Chochmat Adam⁴⁴⁹ agreed with the Shach. On the other

⁴⁴⁴ Chumash: Vayikra 11:4, Devarim 14:6

⁴⁴⁵ Rambam, Ma’achalot Asurot 1:2

⁴⁴⁶ SA YD 79:1

⁴⁴⁷ Talmud Bavli, Chulin 63b

⁴⁴⁸ Rabbi Shabtei Cohen (the Shach) SA YD 80:1

⁴⁴⁹ Chochmat Adam 36:1

hand, Rabbi Yosef Teomim (18th century) the *Pri Megadim*⁴⁵⁰ disagreed, claiming that it would be contrary to the *Gemara*⁴⁵¹ and that there was no mention of such a requirement in the earlier sources. There are those who interpret the words of the *Shach* and the *Chochmat Adam* differently, and state that their intention is that one needs to be able to distinguish between a kosher *beheimah* (a domesticated animal) and a kosher *chaya* (a wild animal). The reason for this is that there are some different practical *halachot* between these two species of animals, and one thus needs to know to which of these two categories an animal belongs.

In the case of the zebu there is some uncertainty in this matter and thus if one would allow the shechting of zebu one might not do *kisui hadam* (the mitzvah of covering the blood of a *chaya*)⁴⁵² thinking a zebu was a *beheimah*.⁴⁵³

However, as can be seen below, the *Chazon Ish* had a different understanding of the *Shach* and the *Chochmat Adam*.

It was in 1950, soon after the establishment of the State of Israel, that there was a shortage of food. Zebu meat is eaten throughout the world, and it was thus suggested to shecht zebus in Madagascar and bring their meat to Israel.⁴⁵⁴ A question was submitted to the Israeli Chief Rabbi Yitzchak Herzog on whether the zebu was a kosher animal.⁴⁵⁵ He answered that it was kosher since it had the required two physical signs and whether or not it was a *beheimah* or a *chaya* would have no bearing on the permissibility to eat it.⁴⁵⁶ In the course of his research on the subject, he approached Rabbi Avraham Yeshaya Karelitz, the *Chazon Ish* for his opinion. The *Chazon Ish* was of the opinion that the zebu was a non-kosher animal since there was no tradition to eat it, and one had to follow the opinions of the *Shach* and the *Chochmat Adam*.⁴⁵⁷ There then followed an exchange of correspondence on the subject between these two Rabbis.⁴⁵⁸

⁴⁵⁰ Rabbi Yosef ben Meir Teomim, *Pri Megadim*, YD Siftei Da'at, (Amsterdam, 5588/1828), YD 80:1

⁴⁵¹ Talmud Bavli, Chulin 59a

⁴⁵² Chumash Vayikra 17:13

⁴⁵³ "Are Zebus Kosher," Rabbi Yechiel Teichman quoting Rabbi Shlomo Miller the Rosh Beis Din of Kollel Toronto, Kashruth Council of Canada (COR), (Internet)

⁴⁵⁴ Rabbi Tzvi ben Moshe Yibrov, *Ma'aseh Ish* (*Chazon Ish*), (Bnei Brak, 5759/1999), p.122

⁴⁵⁵ Rabbi Yitzchak Halevi Herzog, *Psakim v'Katavim*, vol.4, (Mossad Harav Kook: Jerusalem, 5750/1990), chap.20, "Kuntras P'nai Shor," p.57

⁴⁵⁶ Ibid.

⁴⁵⁷ Rabbi Avraham Yeshaya Karelitz, *Kovetz Igrot*, (Jerusalem, 5715/1955), letter 99; Yibrov, op. cit., p.122

⁴⁵⁸ Zohar Amar, "Hazebu b'Eretz Yisrael: Bakar im Chatoteret," *Katedra* (Cathedra), (Yad Yitzchak Ben-Tzvi: Jerusalem), no.137, Tishri 5776/2015), pp.17-20

In one of his later letters, the Chazon Ish accepted that technically the zebu was kosher but reiterated that one needs a proper tradition to permit it to be eaten.⁴⁵⁹ However, in contrast, Rabbi Herzog held that there was a tradition for Jews to eat zebu.⁴⁶⁰ Indeed Iraqi Jews who had been living in India for hundreds of years ate the zebu.⁴⁶¹ The elderly experienced shochetim in Jerusalem testified that zebus were shechted in Jerusalem.⁴⁶² Furthermore, Rabbis from Yemen stated that they would shecht zebus.⁴⁶³

The followers of the Chazon Ish thought that his opinion to forbid the zebu had been accepted.⁴⁶⁴ However, this was not the case and zebu meat was imported from several locations in Ethiopia under the supervision of the Israeli Chief Rabbinate, and this continued until the Yom Kippur War. The shechitah was then continued in Israel (where they had by then started breeding zebus) and also in the diaspora, and it was marketed as mehadrin.⁴⁶⁵

It was in the spring of 5764/2004 that this subject flared up in Israel and the religious press was full of it. According to one report, what caused the flareup was the following incident. A shochet in a south American country revealed that almost all the animals shechted there and certified as glatt were from the zebu. A Rabbi from Har Nof in Jerusalem took the matter to Rabbi Yosef Shalom Eliashiv who said he would investigate the matter but meanwhile it should not be publicized.⁴⁶⁶

However, as often happens in these incidents, the matter was leaked to the press. The first paper to publish it was the Hebrew edition of *Mishpacha* weekly, who printed an enormous size headline, “The Great Meat Scandal.”⁴⁶⁷ Other religious papers then followed suit.⁴⁶⁸

⁴⁵⁹ Rabbi Avraham Yeshaya Karelitz, *Pa'er Hador*, vol.4, (Netzach: Bnei Brak, 5733/1973), “pirtzah goreret pirtzot,” p.229; Rabbi Avraham Yeshaya Karelitz, *Kovetz Igrot*, vol.3, (Bnei Brak, 5750/1990), letter 113, p.135

⁴⁶⁰ “The Zebu Controversy,” *Zoo Torah*, (Rabbi Nosson Slifkin), 5773/2013, (Internet)

⁴⁶¹ Yibrov, op. cit., p.122

⁴⁶² Amar - Hazebru, op. cit., p.25

⁴⁶³ Ibid, p.27; Zebu controversy, op. cit.

⁴⁶⁴ Amar - Hazebru, op. cit., p.20

⁴⁶⁵ Ibid.

⁴⁶⁶ Ibid., p.21

⁴⁶⁷ Ibid., p.21, on p.31 is a photocopy of this front page of *Mishpacha* Jewish Weekly Hebrew edition, 18 Adar 5764 / 11 March 2004

⁴⁶⁸ Ibid. pp.21-22, some news clippings reproduced on p.22

As a result of all this publicity many families did not cook the meat they had bought for Shabbat, others koshered their saucepans (although afterwards it was announced that this was unnecessary⁴⁶⁹), whilst some yeshivot threw away hundreds of portions of cholent they had prepared.⁴⁷⁰ Even wedding menus were changed at the last moment.⁴⁷¹

After all the dust had settled and the matter could be looked at rationally, it was found that zebus had been shechted in Jerusalem and Tiberius for years without anyone raising an objection, and that it was acceptable to everyone as mehadrin shechitah.⁴⁷² In contrast, it was reported that there were some Botei Din and Kashrut organizations in Israel (the names were not specified) who did not shecht the zebu,⁴⁷³ perhaps these followed the opinion of the Chazon Ish. However, Rabbi Shmuel Halevi Wozner⁴⁷⁴ said it was permitted as did the various chareidi non-state Batei Din.⁴⁷⁵ Even in Bnei Brak, the city where the Chazon Ish had lived, they would every year shecht zebus and no one objected to it.⁴⁷⁶

Bon Appétit

On Shabbat it is forbidden to cook, but it is proper to eat hot food and this includes the daytime of Shabbat.⁴⁷⁷ Thus cholent was “invented.” On erev Shabbat various beans, vegetables and pieces of meat are placed into a saucepan. This is left on the Shabbat platter from before Shabbat until it is required during the Shabbat day meal.⁴⁷⁸ Different meats can be used including that of the zebu.

⁴⁶⁹ Ibid. p.22 fn.80

⁴⁷⁰ Ibid. p.22

⁴⁷¹ Zebu controversy, op. cit.

⁴⁷² Amar - Hazebu, op. cit., p.25

⁴⁷³ Zebu controversy, op. cit.; Amar - Hazebu, op. cit., p.26

⁴⁷⁴ Rabbi Shmuel Halevi Wozner, *Shevet Halevi*, vol.10, (Bnei Brak, 5762/2002), responsum 114; he does not specifically mention the zebu but rules that the physical criterion given in the Torah are sufficient to permit eating the animal

⁴⁷⁵ Amar - Hazebu, op. cit., p.26

⁴⁷⁶ Ibid., p.27

⁴⁷⁷ Hamaor Hakatan on Rif Masechet Shabbat Perek Hakira, p.16b

⁴⁷⁸ “Cholent! A Guide to Proper Enjoyment,” Rabbi Moshe T. Schuchman, Kashrus Kurrents, Star-K Kosher Certification Baltimore Maryland, Spring 2011, (Internet)