

# HALACHIC AND HASHKAFIC ISSUES IN CONTEMPORARY SOCIETY

## 180 - EXOTIC CREATURES AND KASHRUT PART 3 - BUFFALO, BISON, ZEBU & GIRAFFE OU ISRAEL CENTER - SUMMER 2020

• Most Jews who eat meat (as opposed to fowl) stick to beef or lamb. However, there is clearly a long list of other mammals which are either definitely kosher, or at least probably so. Often, the limitations on eating these animals is practical and financial, but there are also fascinating issues in halacha which impact on their kashrut.

• We will look briefly in this shiur<sup>1</sup> at the following: Buffalo, Bison, Zebu, and Giraffe.

### A] THE KASHRUT OF ANIMALS - TORAH PRINCIPLES

• The Shulchan Aruch<sup>2</sup> divides kosher species into 5 categories - (i) mammal quadrupeds; (ii) fish; (iii) birds; (iv) invertebrates; (v) bugs.

• Almost all bugs are not kosher.<sup>3</sup> However, there are many example of kosher species in each of the first 4 categories.<sup>4</sup>

1. (א) וידבר ה' אל-משה ואלי-אהרן לאמר אלהים: (ב) ודברו אל-בני ישראל לאמר זאת החיה אשר תאכלו מכל-בהמה אשר על-הארץ: (ג) כל מפרסת פרסה ושסעת שסע פרסת מעלת גרה בבהמה אתה תאכלו: (ד) אך את-זה לא תאכלו ממהל הגרה וממפרסי הפרסה את-הגמל כי-מעלה גרה הוא ופרסה איננו מפריס טמא הוא לכם: (ה) ואת-השפן כי-מעלה גרה הוא ופרסה לא יפריס טמא הוא לכם: (ו) ואת-הארנבת כי-מעלת גרה הוא ופרסה לא תאכלו: (ז) ואת-החזיר כי-מפריס פרסה הוא ושסע פרסה ושסע פרסה לא תאכלו: (ח) מבשרם לא תאכלו ובנבלתם לא תגעו טמאים הם לכם

ויקרא פרק יא

*The Torah gives two signs of kashrut for domesticated (behema) and non-domesticated (chaya) quadruped mammals. The two signs are (i) fully split hooves - mafreset parsa; and (ii) chews the cud - mala'ei gera. Four non-kosher animals are specifically mentioned since they display some of the signs - pig (split hooves but no cud); camel, shafan and arnevet - (cud but no split hooves).*

• The identity of the shafan and the arnevet are not clear. The shafan is probably a hyrax, possibly a rabbit, coney or badger. The arnevet is usually identified as the hare.<sup>5</sup>

2. (ד) זאת הבהמה אשר תאכלו שור שיה כשבים ושנה עינים: (ה) אייל וצבי ויחמור ואקו ודישן ותאו וזמר: (ו) וכל-בהמה מפרסת פרסה ושסעת שסע שתי פרסות מעלת גרה בבהמה אתה תאכלו: (ז) אך את-זה לא תאכלו ממהל הגרה וממפרסי הפרסה השסע את-הגמל ואת-הארנבת ואת-השפן כי-מעלה גרה הוא ופרסה לא תאכלו: (ח) ואת-החזיר כי-מפריס פרסה הוא ולא גרה טמא הוא לכם מבשרם לא תאכלו ובנבלתם לא תגעו: ט

דברים פרק יז

*In Devarim, the Torah gives the same two tests, but also gives a list of 10 kosher animals, sometimes translated<sup>6</sup> as follows:*

- For an excellent article on these issues see *Kashrut of Exotic Animals: The Buffalo*, Rabbi Dr Ari Z. Zivotofsky, available at <https://www.kashrut.com/articles/buffalo/>. See also *Buffalo Burgers and the Zebu Controversy*, R. Yehuda Spitz - [https://ohr.edu/5133#\\_edn1](https://ohr.edu/5133#_edn1),
- YD 79, 80, 82, 83, 84 and 85.
- There are some worms which are in fact kosher. Some worms are halachically permitted to eat if they originated in the food, remained in the food, and did not move around in/on the land, water or air. There is a debate in halacha about worms which originate in plants which are still attached to the ground (as opposed to those which originate in fruit and vegetables when detached from the ground. Some understand that such insects are not fully formed or have not been able to move. For more details see <https://www.torahmusings.com/2013/01/kosher-worms-insects/>.
- In Shiur 178 we looked at fish and in Shiur 179 we looked at birds.
- They do not actually chew the cud but rather excrete moist pellets which they then eat, giving the appearance of chewing their cud. The question of the identity of these animals and how the Torah can classify them as ruminants is dealt with in detail in Rabbi Natan Slifkin's 2004 book - the Camel, The Hare and the Hyrax.
- This is the translation of R. Aryeh Kaplan in *The Living Torah*, which is well researched and annotated. For an academic analysis of the archeozoological evidence for the identity of these species, see *The Contribution Of Archaeozoology To The Identification Of The Ritually Clean Ungulates Mentioned In The Hebrew Bible*, by Zohar Amar, Ram Bouchnick And Guy Baroz, *The Journal Of Hebrew Scriptures* Volume 10, Article 1 - available at <http://halachicadventures.com/wp-content/uploads/2009/09/Amar-Bochnick-and-Bar-Oz-JHS.pdf>. These researchers examined data of animals bones found in the area of Eretz Yisrael from hundreds of Late Bronze Age and Iron Age sites. Based on this data, and the indication that the verse is listing the animals in order of prevalence, they identify the animals as: ayal - fallow deer; tzvi - mountain gazelle; yachmur - hartebeest; ako - arabian oryx; teo - aurochs; zemer - mouflon.

שׁוֹר = the ox  
צִבִּי = the deer  
תָּאֵר = the bison

שֶׁה קְשָׁיִים = the sheep  
יַחְמוֹר = the antelope  
גִּירָף = the giraffe

שֶׁה עֲזִים = the goat  
יֶאֱקוֹ = the ibex

אֵיל = the gazelle  
דִּישָׁן = the chamois

- The split hoof must be split along the entire length<sup>7</sup> of the hoof.



Roe Deer



Mule Deer



Goat



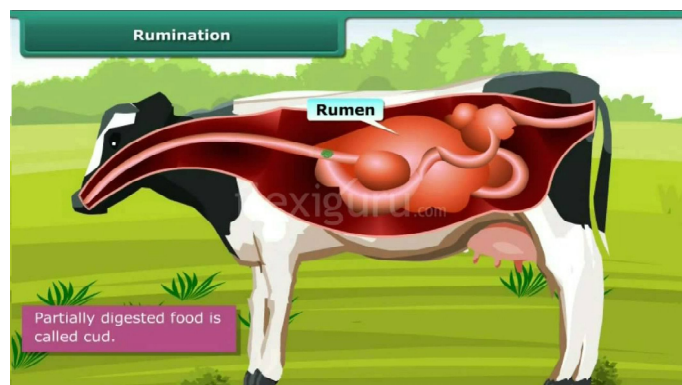
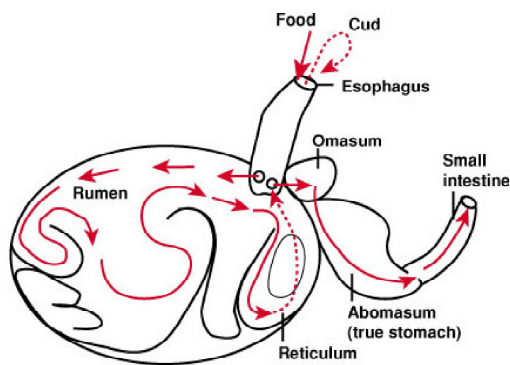
Cow



Sheep

- Chewing the cud - rumination - means that the animal normally has four stomachs; (some, like the the giraffe, have three).
- While grazing, ruminants quickly swallow the raw food into the first stomach - the rumen (*keres*). It is partially digested there and made into soft round balls - the cud. The animal later ruminates the cud back into its mouth, where it is more completely chewed by the molars, and acted upon by saliva. This process occurs many times. It is then sent to the second stomach - the reticulum (*beit hakosot*), where it is further broken down. When it is finely ground and fermented it is sent to the third stomach - the omasum (*hamses*), where the juices are squeezed out. It is then passed to the fourth stomach - the abomasum (*kaivah*), where it is acted upon by normal digestive juices and true digestive activity takes place.

#### Schematic Representation of Ruminant Stomach



3. אין לך בכל בהמה וחיה שבעולם שמותר באכילה חוץ מעשרת המינים המנויין בתורה. שלשה מיני בהמה והם: שור, שה, ועז. ושבעה מיני חיה: איל, וצבי, ויחמור, ואקו, ודישון, ותאו, וזמר - הם ומיניהן כגון שור הבר, והמריא שהן ממין השור. וכל העשרה מינים ומיניהם מעלה גרה ומפרס פרסה. לפיכך מי שהוא מכיר אינו צריך לבדוק לא בפה ולא ברגלים.

רמב"ם הלכות מאכלות אסורות פרק א הלכה ח

The Rambam writes that the **ONLY** kosher animals in the world are these 10 listed in the verse and their related species. One can identify the kashrut of an animal either on the basis of its signs - split hoof and chews the cud - OR if one knows it to be one of these ten.<sup>8</sup>

## B] BEHEMOT vs CHAYOT

- As we have noted, there are two types of kosher animal - domesticated (*behema*) and wild (*chaya*). There are significant halachic differences between them and it is therefore important to know whether the animal one is about to slaughter is a *behema* or *chaya*.

4. כִּי כָל-אֶחָד מִן-הַבְּהֵמָה אֲשֶׁר יִקְרִיב מִמֶּנָּה אֵשֶׁה לָּהּ וְנִכְרְתָה הַנֶּפֶשׁ הָאֶחָדָת מֵעַמִּיהָ:

ויקרא זכה

The Torah prohibits eating chelev - certain abdominal fats<sup>9</sup> - of a behema, since these are brought on the mizbeach as a korban. This prohibition is also subject to karet! However, the chelev of a chaya is totally permitted.

7. 'Shesua' in the verse. Note that there is an opinion in the Talmud that 'shesua' is actually the name of another non-kosher species.

8. See also Aruch HaShulchan YD 79:4.

9. This includes the fat surrounding the kidneys called suet, which is an important ingredient in many non-kosher recipes, including puddings and pastries. The inability of Jews to eat suet is one of the reasons that chicken fat - schmaltz - became such a kosher staple.

5. וְאִישׁ אִישׁ מִבְּנֵי יִשְׂרָאֵל וּמִן־הַגֵּר הַגֵּר בְּתוֹכְכֶם אֲשֶׁר יִצְדָּד צִיד חַיָּה אֶרֶץ־אֶרֶץ וְשָׁפַךְ אֶת־דָּמּוֹ וְכִסָּהּ בַּעֲפָר:

ויקרא יז:ג

*The Torah requires the covering of the blood after slaughter of a chaya or a bird. There is NO such requirement after slaughter of a behema.*

6. א חיה טהורה חלבה מותר ודמה אסור וטעון כיסוי. וחכמים נתנו סימנים, מפי השמועה, בקרנותיה אם הם מפוצלות (פירוש שכרצה פילולין יולאין מהם), ודאי חיה טהורה היא. ואם אינם מפוצלות, צריך שיהיו בהם שלשה סימנים - כרוכות והדורות וחרוקות (פירוש כרוכות - עשויות גלדים כצללים. כדורות - עגולות ולא רחבות. חרוקות - שיש בהם חריצים סביבותם תכופים ומוצלעים זה בזה) והוא דמיבלעו חירקיהו. ואם חסר אחד מאלו השלשה סימנים, חלבה אסור ....  
ה כל שיתפק לך אם הוא מין חיה או מין בהמה, חלבו אסור ואין לוקין עליו, ומכסין את דמו.

שולחן ערוך יורה דעה הלכות בהמה וחיה טהורה סימן פ

*Chazal gave signs, in particular on the horns of an animal, to tell if it is a behema or a chaya. Ultimately, if one is not sure whether the animal is a behema or chaya, this should NOT affect its kashrut, which is identified independently. However, in such a case of safek, one will need to be strict in all directions. The chelev cannot be eaten (in case it is a behema), and the blood must be covered (in case it is a chaya).*

7. כוי יש בו דרכים שוה לחיה, ויש בו דרכים שוה לבהמה, ויש בו דרכים שוה שאינו שוה לא לבהמה ולא לחיה. (פירוש המשנה לרמב"ם. כוי - הוא מין שזריתו בין העזים והכזאים, וכך אמרו כוי צריה צפני עלמו הוא ולא הכריעו בו חכמים אם מין חיה הוא או מין בהמה ונתנו עליו חומרי חיה וחומרי בהמה כמו שיתבאר לקמן)

משנה מסכת ביכורים פרק ב משנה ח

*In fact, there are animals which are impossible to classify. The classic case in the Mishna is the koi or kvi<sup>10</sup>, which is kosher, but which the Rabbis were unable to identify as behema or chaya, and therefore gave it the stringencies of both.*

## C] THE KASHRUT OF ANIMALS - THE TALMUD

- Even though the Torah gives two very clear simanim for kashrut of animals AND lists the 10 kosher varieties, the Rabbis also gave 6 further signs and tests to spot a kosher animal.

### TEST 1 - ALL RUMINANTS ARE KOSHER OTHER THAN THE THREE IN THE VERSE

8. דתני דבי ר' ישמעאל: (ויקרא יא:ד) [וְאֵת־הַגְּמֵל כִּי־מַעֲלֶה גֵרָה הוּא. שליט בעולמו יודע שאין לך דבר מעלה גרה וטמא אלא גמל. לפיכך פרט בו הכתוב 'הוא']

חולין נט.

*The Rabbis stated that the Torah singles out the ONLY examples<sup>11</sup> of animals which chew the cud, but are not kosher. As such, if a person finds a new animal which chews the cud, and which is not one of the camel, hyrax or hare, it MUST be kosher.*

### TEST 2 - (ALMOST) ALL ANIMALS WHICH HAVE NO UPPER INCISOR TEETH ARE KOSHER

9. רב חסדא: היה מהלך במדבר ומצא בהמה שפרסותיה חתוכות - בודק בפיה. אם אין לה שיניים למעלה - בידוע שהיא טהורה, אם לאו - בידוע שהיא טמאה ... ובלבד שיכיר בן גמל.

חולין נט.

*The Rabbis state that the kashrut of an animal can be determined just by examining its upper jaw. If it has upper incisors, it is treif. If it has none, it is kosher, unless it is a young camel, which is the only treif animal to lack upper incisors.*

10. Probably some kind of cross between a goat and a gazelle. Some identify it as a bearded deer or antelope.

11. Some commentators (particularly in the 18th Century) have used this statement as evidence for the divinity of the Torah. Rabbi Slifkin, in his book *The Camel, the Hare and the Hyrax*, analyses this claim and discusses other animals from around the world, such as llamas, which also evidence one sign.

**TEST 3 - ALL ANIMALS WITH SPLIT HOOVES ARE KOSHER OTHER THAN THE PIG**

10. ואמר רב חסדא: היה מהלך בדרך ומצא בהמה שפיה גמום, בודק בפרסותיה. אם פרסותיה סדוקות - בידוע שהיא טהורה, אם לאו - בידוע שהיא טמאה, ובלבד שיכיר חזיר. .... דתנא דבי ר' ישמעאל: (ויקרא יא:ז) וְאֶת־הַחֲזִיר כִּי־מַפְלִיס פְּרָסָה הוּא. שלֵיט בעולמו יודע שאין לך דבר שמפרס פרסה וטמא אלא חזיר, לפיכך פרט בו הכתוב 'הוא'.

ויקרא יא:ט-יב

*The Rabbis stated that the Torah singles out the ONLY example of an animal which has split hooves, but is not kosher. As such, if a person finds a new animal which has split hooves, and which he knows is not a pig, it MUST be kosher.*

**TEST 4 - (ALMOST) ALL ANIMALS WHICH HAVE CROSS-GRAINED MEAT UNDER THEIR TAILS ARE KOSHER**

11. ואמר רב חסדא: היה מהלך במדבר, ומצא בהמה שפיה גמום ופרסותיה חתוכות, בודק בבשרה. אם מהלך שתי וערב - בידוע שהיא טהורה, ואם לאו - בידוע שהיא טמאה, ובלבד שיכיר ערוד.

חולין נט.

*The Rabbis state that only kosher animals have cross-grained meat under their tails, other than the wild donkey. As such, if a person finds an animal with a mutilated mouth and its hooves removed, he can still tell if it is kosher by examining its meat, as long as he knows what a wild donkey looks like.*

**TEST 5 - ONLY KOSHER ANIMALS CAN CROSS-BREED WITH OTHER KOSHER ANIMALS**

12. עברו מן הטמא מי מעברא? והאמר ר' יהושע בן לוי: לעולם אין מתעברת לא טמאה מן הטהור, ולא טהורה מן הטמא, ולא גסה מן הדקה, ולא דקה מן הגסה, ולא בהמה מן חיה, ולא חיה מן בהמה. חוץ מר' אליעזר ומחלוקתו שהיו אומרים - חיה מתעברת מבהמה.

בכורות ז.

*The Gemara states that a kosher animal<sup>12</sup> can never become pregnant from a non-kosher animal. Even though there is a view that a behema and a chaya could cross-breed, all opinions seem to agree that a kosher and non-kosher animal cannot!*

13. כלאים הבא מבהמה טהורה עם חיה טהורה הוא הנקרא 'כוי' - חלבו אסור ואין לוקין עליו ומכסין את דמו. ואין מין טמא מתעבר מטהור כלל.

רמב"ם הלכות מאכלות אסורות פרק א הלכה יג

*The Rambam rules this way. As such, if we find that animal can cross-breed with another that we know to be kosher, the first must be kosher too.*

**TEST 6 - ONLY KOSHER ANIMALS HAVE HORNS**

14. משנה ..... כל שיש לו קרניים - יש לו טלפים (רש"י - פרסותיו סדוקות שאין קרניים אלא לבהמה ולחיה טהורה). ויש שיש לו טלפים ואין לו קרניים (רש"י - כגון חזיר ואין לו קרניים).

נדה נא.

*The Mishna records that all animals with horns also have hooves. Although this is not explicitly a test for kashrut, Rashi understands it to be saying that only kosher species grow horns.*

15. ... וכן שופר מצבחה טמאה, פסול (ר"ן פ"ד דר"ה).

שולחן ערוך אורח חיים הלכות ראש השנה סימן תקפו סעיף א

*Nevertheless, the Rema rules (following the Ran) that a shofar from a non-kosher animal is not valid, and the Acharonim struggle to harmonize this with the Gemara in Nidda!<sup>13</sup>*

- The Shulchan Aruch (YD 79:1) records Tests 1-4, and of course the simanim in the Torah, as psak.
- There is also no dispute about Test 5<sup>14</sup>.

12. We saw in the last shiur that there is a dispute as to whether this also applies to birds.

13. Be'er HaGolah suggests that this halacha may be speaking about the horn of a kosher looking animal which was born from a non-kosher animal!

14. With regards to Test 6 and horns, this is not accepted as psak (see Biur HaGra 79:3) but the Shulchan Aruch rules that we know with certainty that an animal with horns is not a pig.

## D] NEW SPECIES OF ANIMALS IN HALACHA

16. אין לך בכל בהמה וחיה שבעולם שמותר באכילה חוץ מעשרת המינין המנויין בתורה ....

רמב"ם הלכות מאכלות אסורות פרק א הלכה ח

*In principle, the number of kosher animals is very limited<sup>15</sup>. Only the 10 mentioned in the Torah are acceptable. However, it is clear that all related species are also kosher - the Rambam mentions here the 'wild ox' - and this will in practice include a large number of animals.<sup>16</sup>*

- According to rules we saw above, it should be fairly straightforward to identify if a quadruped mammal is kosher. As long as one can identify its hooves or teeth or hind meat, and say with confidence that it is NOT a pig, camel, hyrax, hare or wild donkey, it should be time to start the barbecue!!
- There is NO mention in the Talmud, Rishonim or Shulchan Aruch of any requirement for a mesora for kosher animal. This contrasts with birds, where the issue of mesora is central, from the Talmud and onwards.

### D1] THE SHACH - A NEW REQUIREMENT FOR MESORA?

- We saw above in the discussion concerning the identification of *behema* and *chaya* that the Shulchan Aruch gives various simanim in terms of the structure of the horns of the animal.

17. אם הם מפוצלות כרוכות והדורות וחוקות. עיין פי' של דברים אלו צ"ל. ולפי שאין לנו עתה אלא מה שקבלנו במסורת - וכדלקמן ספ"ז גבי סימני העוף - קלרתי.

ש"ך יורה דעה סימן פ ס"ק א

*The Shach (17th Century, Poland) enigmatically writes that, just as we only rely on mesora now for kosher birds, so too in this case.*

- It appears, since this comment is made on the section dealing with the identification of the *chaya*<sup>17</sup> that this need for mesora is limited to that case. It will restrict eating of kosher *chelev* only to those species where there is a mesora. But it should not impact on the kashrut of the animal itself, other than the *chelev* which would be discarded due to safek.

18. א. אם. עש"ך דהאידינא אין נאכל אלא במסורת .... שכתב רש"י דהא תרגומא דאגמא מתחלה היו מחזיקין בטערה ואח"כ ראו שדרסה. .... אלא דאיכו נמי כ"ק - כיון שרבו הפירושים אין לאכול הכלל אלא במסורת, דאין אנו בקיאים במוצלע חרקייהו ושאר הכימנים

פרי מגדים שפתי דעת על שולחן ערוך יורה דעה הלכות בהמה וחיה טהורה סימן פ סעיף א

*Indeed, the Pri Megadim understands the Shach to mean only that we may not eat chelev without a mesora.*

19. א סימני בהמה וחיה נתפרשו בתורה, והם שני סימנים מעלת גרה ופרסותיה סדוקות. ויש חילוק בין חיה לבהמה, דדם חיה טעון כיסוי וחלבה מותר. ושבעה מיני חיות אמורים בתורה בפרשת ראה. ואם היה מכיר אחד מהן, אפילו לא מצא לו קרנים, חלבו מותר וטעון כיסוי. ואם אינו מכיר נתנו חכמים סימנים להכיר בין חיה לבהמה ובין חיה טהורה לטמאה. ולפי שאין אנו אוכלין אלא מה שקיבלנו במסורת מאבותינו (כדלקמן סימן ו) ואם כן אסור לנו לאכול מן החיות רק הצבי שניכר לנו. ולכן לא העתקתי הסימנים, והרוצה לידע ימצא בשולחן ערוך סימן ע"ט וסימן פ'.

חכמת אדם שער איסור והיתר כלל לו סעיף א

*However, the Chochmat Adam<sup>18</sup> understands that this statement of the Shach applies not only to the status of the chelev but to the kashrut status of the entire animal<sup>19</sup>!! He applies the same principles as with birds, and rules that we may only eat a chaya if we have a clear mesora that it is kosher.*

15. As we saw in the last shiur, this contrasts with birds, where the vast majority of birds in the world are theoretically kosher; the Torah lists only the 24 which are non-kosher. In practice, since most poskim require a masoret for birds, this significantly limits the number of birds which can be reliably certified as kosher.

16. The definition of species - *min* - in halacha is different to that in zoology. Rabbi Dr Zivotofsky identifies that 157 scientific species will in fact be kosher!

17. As opposed to YD 79 which deals with the identification of kosher animals.

18. R. Avraham Danziger, 18th Europe. The Chayei Adam (on Orach Chaim) and Chochmat Adam (on Yoreh Deah) of R. Danziger were the staple halachic codes of the 18th and 19th centuries. Before the broad acceptance of the Mishna Berura in the mid 20th Century, the rulings of R. Danziger carried very considerable weight as the 'bottom line' in Ashkenazi halacha.

19. This position was also taken by other poskim - see Shu't Beit Yaakov 41 (cited by the Pitchei Teshuva) in the following source.

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20. (א) ודאי חיה טהורה היא. עצה"ט סק"צ בשם ש"ך. ועי' בתשובת בית יעקב סי' מ"א כתב שם דאלו סימנים מפוללות כרוכות כו' צעין גם לסימן טהרה, אף על גב דמעלה גרה ומפרסת פרסה. ודוקא צבהמה מהני מעלה גרה כו', משא"כ בחיה. וכתב שיצא ע"ז לקמן ראיות ברורות. ולא נמלא שם שום ראיה לזה! רק כתב דכן משמע לשון הטור וש"ע שכתבו ודאי חיה טהורה הוא ע"ש. ולע"ד אין דינו אמת! ואדרבה מדסיים המחבר ואם חסר אחד מאלו חג' סימנים חלצה אסור, מצואר דעכ"פ טהורה היא ובשרה מותר. כן לעיל סי' ע"ט ס"א סימני צבהמה וחיה נחפרשו בתורה כו', משמע דמעלה גרה ומפרסת פרסה מהני גם בחיה לסי' טהרה והוא פשוט ....

פתחי תשובה על שולחן ערוך יורה דעה הלכות בהמה וחיה טהורה סימן פ סעיף א

*The Pitchei Teshuva<sup>20</sup> vehemently opposes this ruling! He quotes the Beit Yaakov who rules that, although the kashrut tests set out in the Chumash and Talmud are sufficient to identify kosher behemot, they are insufficient for chayot, which require a mesora. However, the Pitchei Teshuva considers this position to be entirely without basis and seeks to prove that the requirement for mesora relates ONLY to eating the chelev. Any new species of chaya should be identified as kosher by the simanim, and the meat (minus the chelev) can be eaten.*

21. .... ולמעשה אין אנו סומכין על סימנים שאין אנו בקיאים בהן ואין חיה נאכל אלא במסורת כמו שיתבאר בס"פ פ"ב בעופות ע"ש [ש"ך סק"א].

ערוך השולחן יורה דעה סימן פ ס"ק י

*However, the stricter position of the Chochmat Adam is taken by the Aruch Hashulchan.*

22. (ה) איל וצבי - ידועים, והחמשה האחרים לריכוס לקבלה.

אבן עזרא דברים פרק יד פסוק ה

*The Ibn Ezra also makes a cryptic comment which could be taken either way on this issue - that the last 5 chayot listed in the Torah are not fully known and require a kabbala.<sup>21</sup>*

• As such, although the lenient position of the Pitchei Teshuva is also taken by many other Acharonim,<sup>22</sup> two of the biggest halachic works of the 18/19 Century - the Chochmat Adam and the Aruch Hashulchan - are strict.

## E] NEW SPECIES OF ANIMALS IN PRACTICE - BUFFALO/BISON

• Clearly, it is less likely that a new species of domesticated animal - *behema* - will be discovered at this stage, and most new questions will arise concerning *chayot*. If the strict position of the Chochmat Adam is adopted, none of these new species will be kosher since they lack a mesora. If the lenient position of the Pitchei Teshuva is adopted, they may be identified as kosher by the normal tests.

### E1] BUFFALO/BISON - BACKGROUND

- There are basically 4 types of buffalo/bison
- (i) European Bison - *Bison bonasus*
- (ii) American Bison - *Bos bison*
- (iii) The Asiatic Water Buffalo - *Bubalus arnee*
- (iv) The African Buffalo - *Syncerus caffer*

- The American 'buffalo' is actually a bison<sup>23</sup> and is related to the European Bison.
- It can be easily distinguished from the buffalo by its horns, the hump on its back and its beard.
- All 4 species display all the kosher signs:
- They also cross-breed well<sup>24</sup> with regular domesticated cattle and have been interbred since the 1950s to produce the 'beeffalo', which is popular due to its low fat content.



North American Bison

20. R. Abraham Zvi Hirsh Eisenstadt - 19th Century Lithuania.

21. Rav Belsky (Shu't Shulchan Halevi, Ch. 19: 1 s.v. u'mah) writes that it is clear that the Ibn Ezra did not intend to rule in halacha, but is rather simply stating that he is aware that there are other kosher animals extant, yet is uncertain how to properly identify them.

22. Pri Megadim (Siftei Da'at YD 80:1), Kreiti U'Pleiti (YD 80:2), Kaf Hachaim (YD 80:5).

23. 'Bison Bill' does not have the same ring, but would be more accurate.

24. Most hybrids are with taurus males and bison females. When bison bulls impregnate domestic cows it rarely goes to term as a result of hydrops amnion - a fetal condition characterized by an accumulation of excessive fluid in the amniotic space. When interbreeding, the female offspring are also fertile in the F1 generation, whilst the males are infertile until the crossbreed is at least 86% pure.



- Is a mesora is not required, all these animals will be kosher (although the chelev may be prohibited due to doubt).
- If a mesora is required, could they claim one?
- American bison clearly have no mesora since they were unknown to Jews until the 16th Century. Unlike turkey, they have not been eaten by many communities since.
- Asiatic water buffalo are highly domesticated and native to South Asia, India, Nepal, Sri Lanka and Borneo. They were almost certainly known to Chazal<sup>25</sup>, but possibly not in biblical times and so are unlikely to be one of the named kosher *chayot* in the verses.<sup>26</sup>
- Water buffalo were introduced to Europe, possibly by the Romans or slightly later by the Goths, and were bred in Italy, Hungary, Romania and the Balkans. Buffalo mozzarella has been produced in Italy from buffalo milk since at least the 12th Century and is produced today in Italy - kosher and chalav Yisrael!



Asiatic Water Buffalo

- African buffalo were almost certainly known to Chazal, although they are mostly in Sub-Saharan Africa. They may have been known in biblical times.
- European bison may have been known to Chazal and possibly in biblical times too.

African Buffalo



## E2] BUFFALO IN THE SOURCES

23. .... פר"ח גבי שור הכר שקורין רובל"א, רבותינו הגאונים נמנו עליו שמכסין דמו

מרדכי מסכת חולין פרק כסוי הדם [המתחיל ברמו תרנב]

*The Mordechai (13C Germany) quotes Rabbeinu Chananel (10C North Africa) who identifies the 'ruffalo'<sup>27</sup> as the wild ox referred to by Chazal.<sup>28</sup>*

24. .... ואותם זופל"ש שאנו קורין 'ראס' ליתא, וחלצם אסור. דראס ודאי מין חיב הוא וחלצו מותר כדכתיב אקו ודישון ומתרגמין ויעלא ורימא. וזופל"ש שצמקומינו קטנים דאין לומר שהוא מין ראס ....

תוספות זבחים קיג: ד"ה אורזילא דרימא

*Tosafot (12C France/Germany) refer to the buffalo as a small domesticated animal which they raised in Europe.*

25. .... ויחמור הם בופאלו"ש ....

אברבנאל מלכים א היג

*The Abarbanel (15C Spain) identifies the yachmor (from the Torah) as the 'buffalo'.*

26. הבר"פלו - נהגו שלא לכסות דמו. הכה: ויש מסתפקים צו"פלו שהוא שור הכר, שמא חיב הוא (הגאונים והערוך). על כן עזב לכסותו בלא צרכה ....

שולחן ערוך יורה דעה הלכות שחיטה סימן כח סעיף ד

*The Shulchan Aruch uses the word buffalo and rules that it is kosher. The Mechaber states that it is a behema, but the Rema concludes that it is a safek chaya.*

- The Israel Chief Rabbinate ruled in 2006<sup>29</sup> that buffalo are kosher. However, as we shall see below in our discussion of the Zebu , many other poskim take a strict line.



Chief Rabbi Shlomo Amar in the Hula Valley  
examining Water Buffalo teeth

25. Alexander the Great's empire included parts of India.

26. Professor Yehuda Felix understood that they used to be found in large numbers in the Chula Valley and are in fact the species *meri* - referred to in Shmuel 2 6:13 and Melachim 1 1:9,19. This species was brought as korbanot by David in the famous entry of the aron kodesh to Yerushalayim, and by Adoniyahu in his premature coronation at the end of David's life. Some have suggested that the water buffalo is the *t'oh* in the kashrut verses in the Torah, or the *re'em* (Bamidbar 23:22, 24:8, Devarim 33:17), but both of these animals were *chayot* and the water buffalo is clearly a *behema*.

27. Not to be confused with the Gruffalo - [https://en.wikipedia.org/wiki/The\\_Gruffalo](https://en.wikipedia.org/wiki/The_Gruffalo)

28. The Ba'er HaGolah (YD 28:9) traces this to the Agur (1099), citing Rav Yeshaya Ha'acharon of Italy.

29. See <https://www.ynetnews.com/articles/0,7340,L-3248717,00.html> which reports that Dr. Zohar Amar and Dr. Ari Zivotofsky, from Bar-Ilan University, worked with the Rabbanut to find proof that would allow water buffalo meat to be declared kosher. "The two presented the chief rabbi with Halachic and historical sources proving that water buffalo slaughtering was a custom among Jewish communities in the past, as well as testimonies of elderly butchers, who were responsible for slaughtering buffalos in the past in Jerusalem, Petach Tikva, Bnei Brak and the Galilee. Rabbi Shlomo Amar later met with the research team and representatives of the Ministry of Agriculture in the Hula nature reserve, where he closely watched the buffalos in the area and personally examined the teeth structure and hoofs of a water buffalo skeleton presented to him. This week, the rabbi once again examined buffalos being raised in Moshav Bitzron in the south of Israel, where he declared that after looking at all the data presented to him he will issue the longed-for kashrut certification."

## F] ZEBU

- The Zebu<sup>30</sup> - *Bos primigenius indicus* or *Bos indicus* or *Bos taurus indicus* - is also known as indicine cattle or humped cattle. It is a species of domestic cattle originating in South Asia. Zebu are characterized by a fatty hump on their shoulders, a large dewlap, and sometimes drooping ears.
- They are well adapted to withstanding high temperatures, and are farmed throughout the tropical countries, both as pure zebu and as hybrids with taurine cattle, the other main type of domestic cattle.
- Zebu are used as draught and riding animals, dairy cattle, and beef cattle, as well as for byproducts such as hides and dung for fuel and manure. Miniature zebu - a modern breed - are kept as pets.
- Whilst zebu originated in India, they are now widely bred across the world, especially in South America.
- Zebu pass all the halachic simanim tests for kosher animals. They freely interbreed with cattle and, indeed, are scientifically<sup>31</sup> regarded as almost indistinguishable from regular cattle.



## F1] THE 1950 ZEBU CRISIS

- Around 70 years ago, the Va'ad HaRabanim in Paris proposed exporting zebu meat (then called the 'Indian Ox') to Israel from Madagascar (a French colony until 1958). The initial concern of the Paris Rabbinat was whether the animal was a *chaya* or a *behema*. This sparked an initial discussion as to the kashrut of zebu. In 1950 the Chazon Ish sided with the Chochmat Adam and Aruch Hashulchan, that a mesora is needed for any new animal, and ruled accordingly<sup>32</sup> that zebu and bison are NOT kosher.

27.

(מ כ ח ב)

היו מזדקקים להכניס לשימוש מין חדש, ומה שהזכיר סי' פ"ב בעופות היינו שאנו נוהגים בבהמות מנהג העופות, ולא שצא ללמוד משם והכל משום מגדר מלחא דנתמעטו הלכדות ונחו לנו להחזיק במסורת, וגם אם נקבל חדשים נסתפק בדיון חלפן וכיוצא דמן ותואר אציהם לענין טריפות כגון עיטות דורדא וכיוצא, ואין עלינו לחפש הטעמים ואין כוונת החכ"א שלא לקבל לחיות אבל לבהמות מותר דהרי הש"ך כתב דלפיכך קציר, ואם יש חילוק בין חיות לבהמות אכתי אנו צריכין לסימני חיה, אלא ודאי כוונתו בכל אופן אין אנו מקבלים מין חדש, ואף לדברי הפמ"ג לדין חסור משום מנהג שקבע בחכ"א וספרו החפשיט בדורו בכל ארץ ליטא, אבל העיקר שדברי הש"ך הן כפי החכ"א, ואין לפרוץ גדר במנהגן של ישראל, ואין לנו שום הכרח לזה, ודי לנו בצקר ואלן שנמסורת.

ד) אחרי שידוע כמה החמירו רבותינו הראשונים והאחרונים ו'ל' אין לנו לטעות שלא לפרוץ גדר שגדלו הראשונים ו'ל' אין לנו לטעות מדברי הגאון חכמת אדם שקבע בספרו שמהגנו שלא לאכול בהמות וחיות אלא במסורת וכפי פשטן של דברי הש"ך סי' פ' סק"א, הלא הפמ"ג ונבאמת דברי הפמ"ג אינם מחקבלים בלשון הש"ך שהם כוונתו ו'ל' שיש לנו לקבל מינים חדשים בלא מסורת, אלא שאנו צריכים לנהוג בהם חומרי חיה וחומרי בהמה א"כ זהו חידוש שחדשו הש"ך היה לו לכוונתו בלשון הוראה שגראה לו, אבל לשונו ו'ל' משמש לדבר ידוע מאי דעמא דבר, והוא ודאי לא שכיח כלל שקיבלנו מין חדש והגנו כי חומרי חיה וח"ב, אלא ודאי כוונתו ו'ל' שאין לנו אלא בהמות כנשים ועודם, ובמש"כ הר"מ, והיה ידוע לו להש"ך ו'ל' דעת החכמים שלא

חזון איש י"ד יא:ד

The Chazon Ish not only rules like the Chochmat Adam but extends this chumra to apply to behemot as well as chayot! The Chazon Ish understands that one of the reasons for the extra stringency is to avoid any confusion about which animals are chayot and behemot, which could lead to eating chelev - an issur karet. In practice, he rules that we should stick to the traditional species - cows, sheep and goats.

The letter is also strong on metahalachic focus, including:

- the imperative not to accept new things (especially new animals which could confuse and destabilize the halacha);
- that we accept the halachic ruling of the Chochmat Adam without the need to understand its reasoning;
- that we need to make safeguards against halachic prohibitions;
- the binding nature of the Chochmat Adam on the Litvish community.

- This position of the Chazon Ish on zebu would also apply to American bison meat.<sup>33</sup>
- This decision was actually part of a correspondence with Chief Rabbi Yitzchak Halevi Herzog, who wrote a pamphlet on the topic - *Kuntres Pnei Shor*<sup>34</sup> - concluding that zebu IS kosher. Rav Herzog questions as to whether the requirement for a mesora is potentially in violation of the Torah prohibition of Bal Tosif - not to add to the Torah. Even if it did need a mesora, he claims that it has one in India and other countries going back hundreds of years.
- R. Ya'akov Kanievsky (the Steipler)<sup>35</sup> also ruled, like the Chazon Ish, that the zebu is not kosher.
- In deference to the Chazon Ish, the Israeli Chief Rabbinat did not approve the import of zebu and the matter was dropped.

30. From <https://en.wikipedia.org/wiki/Zebu>.

31. Nevertheless, scientific classification and halachic classification do not, and need not, coincide.

32. *Chazon Ish* (Y.D. 11: 4 and 5), *Kovetz Igros Chazon Ish* (vol. 1: 99; vol. 2: 83; and vol. 3: 113).

33. In fact the zebu is much more similar to regular cattle than the bison.

34. See *Shu't Heichal Yitzchak* YD 1:20.

35. *Orchot Rabbeinu* (new edition) vol 4 pg 91. He insists that the Chochmat Adam is fundamentally binding on the Ashkenazi community and is on of the 'sifrei yesod lehoratav v'hanhagotav'.



## F2] THE 2004 ZEBU CRISIS

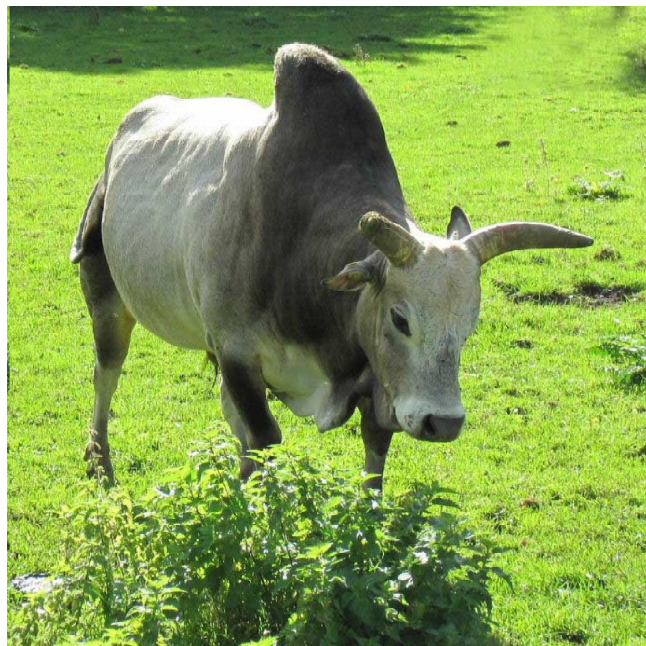
• In 2004 the zebu controversy broke out again in earnest. It was revealed that most of the meat imported to Israel from South America is either zebu or a hybrid of zebu and other cattle. This even<sup>36</sup> applied to the mehadrin suppliers.

• It was also revealed that most milk cows in Israel are descended from zebu, and many of the tefillin, mezuzot and sifrei Torah written in Israel are on zebu parchment! Since these must all be on the parchment of a kosher animal, if zebu were definitively treif, all these sifrei kodesh would be invalid!!

• Rav Eliyashiv convened a committee to discuss the status of the zebu.

• Many poskim followed the position of the Chazon Ish in principle. R. Chaim Kanievsky<sup>37</sup> ruled that the zebu was not kosher. Rav Eliyashiv ruled that, although it was preferable to avoid zebu and bison, and the Israel hashgachot to avoid them, they were essentially kosher.<sup>38</sup>

• Rav R. Shlomo Miller of Toronto also based his psak on the Chazon Ish, but has ruled more leniently in practice.<sup>39</sup>



## F3] LENIENT APPROACHES ON ZEBU

• Notwithstanding the position of the Chazon Ish, most poskim have taken the lenient position on Zebu. These include not only Rav Herzog (as above) but also R. Meshulem Roth<sup>40</sup>, R. Shmuel Halevi Vosner<sup>41</sup>, R. Yisrael Belsky<sup>42</sup> and R. Asher Weiss<sup>43</sup>. It is also reported as the position of R. Moshe Feinstein.<sup>44</sup>

• Reasons for leniency include:

(i) If the Shach really meant to qualify the permissibility of eating a *chaya*, he would have made his comment in YD 79, discussing which animals are kosher, and not in YD 80, dealing with identifying a *chaya*.

(ii) The Chazon Ish himself restricted his positions to an animal that is considered a 'new species', and assumed this to be the case in 1950 for the zebu. It has since been proven that the zebu has been eaten and considered kosher for a long time in many different countries. As such, it may now have the requisite element of *masoret*. The Chazon Ish himself ate turkey, based on a responsum of his father, R. Shemaryahu Yosef Karelitz. Rav Asher Weiss points out that it is inconsistent to permit turkey, where *masoret* is a central element of the halacha, and yet not permit zebu, where the need for *masoret* is far less clear.

(iii) The Chazon Ish writes that the psak of the Chochmat Adam is binding for the Lithuanian community. This is however not the case of the community from Poland and Central Europe. It is certainly irrelevant to the Sefardi community.<sup>45</sup> R. Yaakov Kamenetzky was also quoted<sup>46</sup> as maintaining that the Pri Megadim was considered the authoritative work in Lithuania, and not necessarily the Chochmat Adam.

(iv) The Chochmat Adam writes that deer (venison) is permissible and the Shulchan Aruch ruled that water buffalo is kosher, proving that the Chazon Ish's rule of only eating 'cows, sheep, and goats', is not absolute.

(v) The Chochmat Adam and the Aruch Hashulchan both wrote explicitly that only a *chaya* needs a mesorah, not a *behema*. The zebu is a humpbacked cow and is considered a *behema*, and therefore should not require an oral tradition.

36. Actually, it especially applied to the mehadrin suppliers since zebras are far less likely to have lesions on their lungs, making it more likely that their meat will qualify for mehadrin status.

37. See Sefer Doleh U'Mashkeh pg. 255 - 256.

38. R. Yehuda Spitz writes in his article on the issue (footnote 26): "See also Orchos Rabbeinu (new edition; vol. 4, pg. 12-13) which details several fascinating conversations between its author, Rav Avrohom Halevi Hurvitz and Rav Eziel Auerbach, Rav Elyashiv's son-in-law, on this topic. He concludes that lemaaseh, Rav Elyashiv held that the Israeli hashgachos should not perform shechitah on Zebu to import it davka to Eretz Yisrael, as the ikar hanhagah should be according to "Rabban shel Yisrael" the Chazon Ish, but even so, notes that Rav Elyashiv held that the Chazon Ish's psak is not the "psak hakavua b'davar issur achilas beheimos bli mesores", and therefore was essentially meikil regarding other Zebu-related issues, such as chashashos of offspring, milk, Sifrei Torah and Tefillin, etc.

39. See *Are Zebras Kosher*, by Rabbi Yechiel Teichman of the COR Kashrut Council of Canada - at [https://www.cor.ca/view/776/are\\_zebus\\_kosher.html](https://www.cor.ca/view/776/are_zebus_kosher.html). R. Teichman writes: Rav Shlomo Miller *shlit'a*, *Rosh Beis Din* of Kollel Toronto explained that even according to *Chazon Ish* the *minhag* not to eat new species is not related to *simanei kashrus*. The concern is that there is a lack of certainty regarding the classification of the animal (i.e. *chaya* or a *behema*). Since a status of *safek chaya/safek behema* requires one to fulfill the *chumras* (stringencies) of both i.e. not to eat the *cheilev*, and do *kisui hadam*, the *minhag* was to avoid this because people would rationalize and not keep both *chumras*. Rav Miller pointed out that this concern is valid because those who *shecht* zebu do not practice *kisui hadam*. On a practical level regarding whether COR should allow imported meat from zebu extraction, Rav Miller gave the following advice which was heeded by COR's rabbinic staff: he said that it does not seem that the prevalent practice of Torah observant Jews in America is to be concerned with the *Chazon Ish's minhag*. Perhaps then this is a *minhag* that can change over time subject to acceptance. Even those who are bound by this *minhag* can use meat when the majority of the meat supply is not zebu.

40. Shu't Kol Mevasser 1:9

41. Shu't Shevet HaLevi 10:114. Rav Vosner is in fact dealing with bison and not zebu.

42. Shu't Shulchan HaLevi, Chelek Habiurim 19.

43. Minchat Asher on Shemini 14.

44. Masoret Moshe Vol 1, YD 13 p 211 and fn 22, Vol 2 YD 15 p 169.

45. The Sefardim may in principle be more lenient even in the need for mesora for birds, which is the origin of the *chumra* for zebu.

46. Shu't Shulchan Halevi (ibid., pg. 282, s.v. v'yoser).

(vi) The Chazon Ish himself, in a later letter<sup>47</sup> accepts that the zebu is technically a kosher animal, but reiterates that we need a proper mesora to permit it. He reasons there that "in our times, with Reform making inroads into authentic Torah Judaism, it is impossible to allow new things to be considered permitted if in the past they were deemed prohibited... as one breach (of tradition) leads to subsequent breaches". Not all poskim agreed with this metahalachic analysis in 1950, and even the Chazon Ish might see the situation different today in light of the modern reality<sup>48</sup>.

(vii) There is room for leniency in third generation zebu mix breed, using the concept of rov (majority) when the offspring is mostly from a kosher behema. This would remove the obligation of kisui hadam and permit its use.<sup>49</sup>

## G] GIRAFFE

- The giraffe<sup>50</sup> appears to be a kosher animal and displays all of the necessary signs<sup>51</sup>.
- It is a myth that we do not know where to shecht it. The precise halachic parameters of where to shecht on the neck are well defined and, whereas on the pigeon they are a couple of inches to work with, on the giraffe there is over six feet.<sup>52</sup>
- The main impediments are cost (giraffe meat is \$10,000 per kilo), availability<sup>53</sup>, and the ability to get the animal to safely lay down to be slaughtered<sup>54</sup>!
- The Septuagint translates the 'zemer' in Devarim 14:5 as the kamelopárdalis (camelopard), which is the classic name for the giraffe (camel + leopard), and its scientific classification - *Giraffa camelopardalis*. The name giraffe is from the Arabic - zarafa.

28. וזמר - זרפא

פירוש רב סעדיה גאון דברים יד:

Rav Saadia Gaon translates the zemer as 'zarafa'.<sup>55</sup>

29. ... ולא ידעין מאי ניבו או 'תאו' או 'זמר' בן דלל צקיאין צכו

רש"י חולין פ. ד'ה מתקין לה רב אחא

Rashi rules that we no longer know for sure what the zemer is. As we saw above, this is also the position of the Ibn Ezra.

- The archeozoological evidence does not indicate the presence of giraffe in the Eretz Yisrael or the Levant region, and most academics identify the zemer with a species of wild mountain goat.
- All of the above issues concerning mesora would also apply to the giraffe. If indeed a mesora is needed, this will definitely be lacking for the giraffe. If however simanim will suffice, the giraffe should be kosher.
- There is however another potential issue with the giraffe, which is that it is clearly a chaya and not a behema (unlike the zebu), but it lacks the qualifying signs of the horns<sup>56</sup> of a chaya, as set out in the Shulchan Aruch. This may mean that it is a non-kosher chaya!
- Finally, there will be metahalachic concerns in killing an animal which is an endangered species.

30. א [יג] ראה את מעשה האלהים כי מי יוכל לתקן את אשר עותו. בשעה שברא הקדוש ברוך הוא את אדם הראשון נטלו והחזירו על כל אילני גן עדן ואמר לו 'ראה מעשי כמה נאים ומשובחין הן וכל מה שבראתי בשבילך בראתי. תן דעתך שלא תקלקל ותחריב את עולמי, שאם קלקלת אין מי שיתקן אחריך'

קהלת רבה (וילנא) פרשה ז

Chazal understand that Mankind's privilege in the Garden of Eden was given with a stern warning that he must not destroy that world. For if he did, there would be no way to restore it for future generations!<sup>57</sup>

47. Printed in Pa'er Hador (ibid, pg. 228 - 230), and later reprinted in Kovetz Igrot Chazon Ish (vol. 3: 113), and Orchot Rabbeinu (ibid, pg. 12 - 13).

48. This would include on the one hand the far lesser perceived religious threat from non-Orthodox movements, and on the other the prevalence of zebu meat, milk and parchment!

49. R. Teichman of the COR writes that whether or not one could consider this offspring rov behema, would be dependent on how one views a mixed breed. Pri Megadim views a mixed breed as 50% of each type. It would follow that an additional cross breed with a behema would be considered 75% behema and 25% chaya, and would not be obligated in kisui hadam. Chochmat Shlomo however rules that in a mix breed one never knows how much of each type is in any given part of the animal. Rav Miller ruled that, since the majority of animals shechted today is third generation species, it would not appear as noticeable zebu, i.e. hump backed. Therefore all, even those who follow the Chazon Ish can consume the meat of the zebu species as kosher.

50. For a detailed article on the kashrut of the giraffe and zebu see *Contemporary Halachic Problems Vol 5*, R. J. David Bleich p 248-264.

51. Although they do not cross-breed, even with other related giraffe species.

52. <https://www.kashrut.com/articles/giraffe/quotes> a kashrut expert as stating that "anyone who does not know where to shecht a giraffe either knows nothing about the laws of shechitah or could not hit the side of a barn with a baseball."

53. It is meant to taste good though. Celebrity chef Hugh Fearnly-Whittingstall writes, "Properly prepared, and cooked rare, giraffe's meat steak can be better than steak or venison. The meat has a natural sweetness that may not be to everybody's taste, but is certainly to mine when grilled over an open fire."

54. A kick from a giraffe can kill a lion.

55. This is also the position of Rabbeinu Yona, Redak (Shorashim - 'zemer'), Kaftor Veferach (Chap 58) and others - see *What's The Truth About Giraffe Meat!* by R. Dr Ari Zivotofsky - <https://www.kashrut.com/articles/giraffe/>.

56. Giraffes do have short horns, called ossicones, but they are very different in appearance than the horns of other chayot.

57. For more on Torah and Environmental issues see <http://rabbimanning.com/wp-content/uploads/2018/02/Climate-Change-and-Environmentalism.pdf>