

HALACHIC AND HASHKAFIC ISSUES IN CONTEMPORARY SOCIETY

179 - EXOTIC CREATURES AND KASHRUT

PART 2 - TURKEY

OU ISRAEL CENTER - SUMMER 2020

- Israelis consume more turkey per capita than any other people in the world - almost double that of the US.¹
- Turkey represents about a quarter of Israel's meat production, and half of its fowl output. In 2014, Israel produced over 125,000 tons of turkey, making it eighth in overall turkey production worldwide. More than half of that is exported, mostly to the EU.
- How did this bird of questionable kashrut provenance become the a staple food for the Jewish state?²

A] THE KASHRUT OF BIRDS - CHUMASH

1. (יג) וְאֶת־אֵלֶּה תִּשְׁקָצוּ מִן־הָעוֹף לֹא יֵאָכְלוּ שֶׁקֶץ הֵם אֶת־הַנֶּשֶׁר וְאֶת־הַפֶּרֶס וְאֶת־הָעֹזְנִיָּה: (יד) וְאֶת־הַדְּאָה וְאֶת־הָאֵיָּה לְמִינָהּ: (טו) אֶת־כָּל־עֶרֶב לְמִינָהּ: (טז) וְאֶת־בֵּת הַיַּעֲלָה וְאֶת־הַתַּחֲמָס וְאֶת־הַשֹּׁחַף וְאֶת־הַנֶּץ לְמִינָהּ: (יז) וְאֶת־הַכּוֹס וְאֶת־הַשֶּׁלָּד וְאֶת־הַיִּנְשׁוּף: (יח) וְאֶת־הַתְּנִשְׁמֶת וְאֶת־הַקָּאֵת וְאֶת־הָרָחֵם: (יט) וְאֶת־הַחֲסִידָה וְאֶת־הָאֲנָפָה לְמִינָהּ וְאֶת־הַדּוֹכִיפֶת וְאֶת־הָעֵטָף

ויקרא פרק יא

13 These are the flying animals that you must avoid. Since they are to be avoided, do not eat any [of the following]: The eagle, the ossifrage, the osprey, 14 the kite, the vulture family, 15 the entire raven family, 16 the ostrich, the owl, the gull, the hawk family, 17 the falcon, the cormorant, the ibis, 18 the swan, the pelican, the magpie, 19 the stork, the heron family, the hoopoe, and the bat.³

Unlike with mammals, fish and invertebrates (eg locusts), the Torah does not give signs to determine which birds are kosher. Instead, there is a list of 24 birds, or their species, which are NOT kosher.

2. (יא) כָּל־צִפּוֹר טְהוֹרָה תֹּאכְלוּ: (יב) וְזֶה אֲשֶׁר לֹא־תֹאכְלוּ מֵהֶם הַנֶּשֶׁר וְהַפֶּרֶס וְהָעֹזְנִיָּה: (יג) וְהָרָאָה וְאֶת־הָאֵיָּה וְהַדְּאָה לְמִינָהּ: (יד) וְאֶת־כָּל־עֶרֶב לְמִינָהּ: (טו) וְאֶת־בֵּת הַיַּעֲלָה וְאֶת־הַתַּחֲמָס וְאֶת־הַשֹּׁחַף וְאֶת־הַנֶּץ לְמִינָהּ: (טז) אֶת־הַכּוֹס וְאֶת־הַיִּנְשׁוּף וְהַתְּנִשְׁמֶת: (יז) וְהַקָּאֵת וְאֶת־הָרָחֵם וְאֶת־הַשֶּׁלָּד: (יח) וְהַחֲסִידָה וְהָאֲנָפָה לְמִינָהּ וְהַדּוֹכִיפֶת וְהָעֵטָף: (יט) וְכָל־שֶׁרָץ הָעוֹף טָמֵא הוּא לָכֶם לֹא יֵאָכְלוּ: (כ) כָּל־עוֹף טְהוֹר תֹּאכְלוּ

דברים פרק יד

11 You may eat every kosher bird. 12 The birds that you may not eat are the eagle, the ossifrage, the osprey, 13 the white vulture, the black vulture, the kite, 14 the entire raven family, 15 the ostrich, owl, gull and hawk families, 16 the falcon, the ibis, the swan, 17 the pelican, the magpie, the cormorant, 18 the stork, the heron family, the hoopoe, and the bat. 19 Every flying insect that is unclean to you shall not be eaten. 20 However, you may eat every kosher flying creature.

In Devarim, there is an almost⁴ identical list of non-kosher birds.

3. ... וּבְעוֹפוֹת פֶּרֶט לֶךָ הַטְּמָאִים, לִלְמַד שֶׁהַעוֹפוֹת הַטְּהוֹרִים מְרֻזִּים עַל הַטְּמָאִים. לְפִיכֵךְ פֶּרֶט אֶת הַמוּעֵט. (שַׁפְּטִי חֲכָמִים – מֶה שָׁאִין כֵּן צִבְחָהּ וְחִיָּה שֶׁפֶּרֶט לֶךָ הַטְּהוֹרִים).

רש"י דברים יד:יג

Rashi explains that the majority of birds are kosher, so the Torah only lists those which are not. However, with animals, the opposite is true. The vast majority are NOT kosher, so the kosher ones are listed.

- Clearly, the implication is that all birds, other than those on the list, are kosher.⁵ If we can clearly identify those on the prohibited list (or at least avoid anything which could be questionable), we should be able to eat everything else.

1. <https://www.timesofisrael.com/israelis-gobble-up-more-turkey-than-anyone-thanks-in-part-to-pastrami/>

2. For an excellent article, see *Is Turkey Kosher?*, Rabbi Dr. Ari Z. Zivotofsky, available at https://www.kashrut.com/articles/turk_intro/. Much of the research for this shiur comes from that article. For more on Rabbi Zivotofsky see the shiur #178 on swordfish.

3. Translation from R. Aryeh Kaplan - *The Living Torah*, available on line at <http://bible.ort.org/books/pentd2.asp>. To some degree, the naming of the species here is conjecture, or at least subject to debate.

4. See Rashi and the other mefarshim who harmonize the lists.

5. See also Sifte Chachamim Devarim 14:5.

- The only birds which the Torah specifically confirms to be kosher are the *tur* (turtle dove) and the *ben yona* (pigeon), which were brought as korbanot⁶. In fact, these are the only birds which the Karaites would eat!

4. הדוכיפת - אמרו הכדוקים שהיא התרנגולת, ואלה טפשי עולם! כי מי הגיד להם?!

אבן עזרא ויקרא פרק יא פסוק יט

The Ibn Ezra records that the Karaites would not eat chicken, and calls them world-class fools for this!

B] THE KASHRUT OF BIRDS - TALMUD & RISHONIM

5. סימני בהמה וחיה נאמרו מן התורה וסימני העוף לא נאמרו. אבל אמרו חכמים כל עוף הדורס טמא, כל שיש לו אצבע יתירה וזפק וקורקבנו נקלף טהור. רבי אליעזר בר צדוק אומר כל עוף החולק את רגליו טמא:

משנה מסכת חולין פרק ג משנה ו

The Mishna adds that, although the Torah did not give definitive 'simanim', the Rabbis did give guidelines to identify kosher and non-kosher birds. Three are mentioned here:

(i) Birds of prey⁷ are not kosher.

(ii) Kosher birds have an extra toe (ie a hind toe facing in the opposite direction of the others), a crop⁸, and a gizzard⁹ which can be easily peeled.

(iii) Rabbi Eliezer bar Tzadok adds that any bird which parts its toes is not kosher.

6. רבן שמעון בן גמליאל אומר - כל שיש לו אצבע יתירה בעוף טהור, כל העוף הדורס טמא. ר' שמעון בן אלעזר אומר - כל הקולט באויר ואין קרקבנו נקלף. ר' אלעזר בר' צדוק אומר - כל הנותן על גבי משיחה החולק שתיים לפניו ושתיים לאחוריו טמא. אחרים אומרים השוכן בין הטמאים ודומה לטמאים טמא, השוכן בין הטהורים ודומה לטהורים טהור.

תוספתא מסכת חולין (צוקרמאנדל) פרק ג הלכה כב

The Tosefta contains extra tests of kashrut for NON kosher birds, including a bird which grabs its prey in flight, and a bird which walks on a rope with two toes on each side (as opposed to one and three).

7. א"ר יצחק: עוף טהור נאכל במסורת. נאמן הצייד לומר: עוף זה טהור מסר לי רבי. א"ר יוחנן: והוא שבקי בהן ובשמותיהן. בעי ר' זירא: רבו - חכם, או רבו - צייד? ש"מ: רבו - צייד, ש"מ.

חולין סג:

Chazal state that a bird may be classified as kosher based on tradition - masoret¹⁰. They also state that hunters with their own expertise, learned from another expert, can be relied upon to identify kosher species.

B1] WHAT IS A 'DORES'

- Identifying a bird as a *dores* will classify it as NOT kosher. What exactly does this term mean? There are a number of opinions:
 - A bird that seizes its food with its claws and lifts it off the ground to its mouth.¹¹
 - A bird that holds down its prey with its claws and breaks off small pieces to eat.¹²
 - A bird that holds down its food (dead or alive, animal or vegetable) with its feet.¹³
 - A bird that ingests its prey¹⁴ while it is still alive.¹⁵
 - A bird that strikes its prey before consuming them alive.¹⁶
 - A bird which claws its prey to death or injects them with venom.¹⁷
 - A bird which seizes its prey in flight, without first landing on the ground.¹⁸

6. Presumably *slav* - quail could be added to this list since the Bnei Yisrael ate this in the desert.

7. ie predators; the Hebrew is *dores* - to pounce or trample.

8. *Zekef* - Ingulvius. In biblical Hebrew this is the *more'eh* (Vayikra 1:16).

9. *Kurkvan*. In Yiddish, this is the pipik.

10. This is brought in the Gemara as a *leniency*. If a community has a tradition that a bird is kosher, this need not be questioned based on other simanim, unless the bird is found to be a *dores*. Later, we will see that the concept of 'mesoret' is applied by many mefarshim as a stringency!

11. Rashi (Chullin 59a) and Rav Ovadiah Mibartenura (Chullin 3:6 - first explanation).

12. Rashi (Chullin 62a, Niddah 50b) and Rambam (Perush Hamishnayot, Chullin 3:6).

13. Raavad

14. Most mefarshim explain that live worms or flies are not included. Some limit it specifically to eating other live birds.

15. Ran, Tosafot (Chullin 61a, s.v. hadores) in the name of Rabbeinu Tam, Sefer Haeshkol 10 and Rav Ovadiah Mibartenura (Chullin 3:6 - second explanation). They reject Rashi's definition because it would seem to include chickens.

16. Rashash, quoted by Divrei Aharon #29.

17. Ramban, Rashba, Sefer Hachinuch, and Shach.

18. Rabbeinu Gershom.

B2] HOW MANY SIGNS DOES IT NEED?

- How do the signs listed in the Mishna interact? Do we say that they are alternatives - a bird is kosher if it EITHER is not a bird of prey OR has the three other signs? Or, do we say that *dores* is essential and ALL birds of prey are treif. Then, once we know that it is NOT a bird of prey, we need to test for the other 3 signs?

8. הכי גרסינן יש לו אצבע יתירה וזפק וקורבנו נקלף בידוע שהוא טהור – וארישא סמיך דתנא ליה כל עוף הדורס טמא, ואם אינו דורס ויש לו עוד שלשה סימנים דהוּוּ לכו ארבעה, בידוע שהוא טהור.

רש"י חולין סה.

Rashi¹⁹ rules that we need ALL 4 signs. As such, any bird which is dores will be treif. Once we know that it is not a dores, we look for the other three signs.

9. תרנגולא דאגמא חד משמונה ספיקות הוא אמר רב פפא: תרנגולא דאגמא - אסירא, תרנגולתא דאגמא - שריא. וסימניך, עמוני ולא עמונית. דרש מרימר: תרנגולתא דאגמא - אסירא: חזויה דדרסה ואכלה.

חולין סב.

Unfortunately, the indications for a dores are not always clear. The Gemara discusses the swamp rooster which was first classified as safek, and then treif. The swamp hen was first classified as kosher and then changed to treif when people saw it trampling on its food before eating it!

10. ומתוך שאין לנו בקיאים בהם נראה לי דעוף הבצא לפנינו יש לומר שמה ידרוס. דהא כך תרנגולתא דאגמא היו מחזיקין בטחור ולאחר זמן ראה שדורסת. ואין עוף נאכל לנו אלא במסורת עוף שמסרו לנו אבותינו בטחור, ושלא מסרו לנו יש לחוש. ובמסורת יש לנו לסמוך כדאמר לקמן (דף סג:) שעוף טהור נאכל במסורת.

רש"י חולין סב: ד"ה חזויה דדרסה ואכלה

Rashi rules that, due to the confusion of definitions, the ONLY bird we should eat is one which has a masoret.

11. יב עוד שיטה יש לחד מרבוותא שאליה הסכימו רוב רבותינו, היא שיטת הר"מ בר יוסף שבמאור יד עוף שיש לו ג' סימנים שבגופו הוא ודאי טהור. ורק לשיטת רש"י צריך גם לדעת אם אינו דורס. וכיון דבעינן דריסה יש לטעות א"כ אין לסמוך על סימנים וצריך מסורת ...

ערך השולחן יורה דעה סימן פב סעיף יב, יד

The other main opinion is that of Rav Moshe bar Rav Yosef²⁰. He rules that only the three positive signs of a kosher bird need to be identified. Once the bird clearly has these 3 signs we know that it is not a dores. The Aruch Hashulchan understands that this opinion is followed by most poskim.

B3] SUMMARY OF THE MAIN HALACHIC POSITIONS FOR KASHRUT OF BIRDS

1. ONLY THREE SIGNS ARE NEEDED

- Rambi, Razah, Ramban, Rashban, Ran, Ittur and others: This is the most lenient position²¹.
- As long as the bird displays the 3 main signs, this means that it is NOT a *dores* and we can assume it is kosher. According to some²², EVEN if it displays the behavior of a *dores*, this is considered anomalous and can be ignored.
- According to others, if we see that it actually displays signs of being a *dores*, then it will not be kosher.

12. ח (פמ"ג) אם יש לו ג' סימנים בגופו. ומהרש"ל שם פסק דלעולם מהני ג' סימנים לחוד דאז ידוע שאינו דורס וא"ל לחזור שוב אחר שום סי' אפילו באידגא ואז אפי' ראינו שדורס אינו כלום דאמר' שינוי הוא עכ"ד. ולפע"ד אין להקל כ"כ:

ש"ך יורה דעה סימן פב

The Shach quotes the lenient position of the Maharshal, that as long as it has 3 signs, it will be kosher, even if displays evidence of being a dores. The Shach does not allow that level of leniency.

19. Also Rosh, Chinuch (157). See Chochmat Adam 36:2.

20. 12th Century Provence.

21. There is actually an even more lenient minority opinion, which permits birds if they only have TWO signs, as long as one of them is the peelable gizzard. See Aruch HaShulchan YD 82:12-13.

22. See Shach YD 82:8, quoting the Maharshal.

2. FOUR SIGNS ARE NEEDED

- Rashi, Rosh, Rasba, Chinuch, Rambam(?). This is the middle position.
- It requires that the bird has ALL 3 positive signs and that we ALSO know the bird is NOT a dores. Proving a negative is however very difficult. Clearly, if we see any indication of *drisa* this will disqualify the bird.
- Some (Ba'al HaMaor and others) accept the 'Goose Comparison' - which is that if the bird has a wide beak and webbed feet, like a goose, we know that it is not a *dores*. Then, if we find the other 3 signs, we can permit the bird.

3. A MASORET IS NEEDED AND SIGNS ARE NO LONGER RELEVANT

- Rashi, Tosafot: This is the strictest position. Given the confusion in proving or disproving the signs, we no longer refer to them at all, but eat ONLY those birds for which we have a tradition from our ancestors that they are kosher.
- Even if there is a mesoret, if the bird is seen to be a *dores* the mesora is assumed to be mistaken, and the bird is not kosher.²³

13. אכלו אנו צמדינתנו קיימא לן כחותן הפוסקים דכל הסימנים שצטולם לא מהני להתיר אלא מה שנמסר לנו מאבותינו. ...

חכמת אדם שער איסור והיתר כלל לו סעיף ו

The Chochmat Adam rules that signs are now entirely irrelevant, and only mesoret will suffice.

C] THE PSAK OF THE SHULCHAN ARUCH

14. א סימני עוף טהור לא נתפרש מן התורה, אלא מנה מינים טמאים בלבד, ושאר מיני העוף מותרים. והמינים האסורים כ"ד האמורים בתורה.

ב כל מי שהוא בקי באותם מינים ובשמותיהם, הרי זה אוכל כל עוף שאינו מהם, ואינו צריך בדיקה. ועוף טהור נאכל במסורת, והוא שיהיה דבר פשוט באותו מקום שזה עוף טהור. ונאמן צייד לומר 'עוף זה התיר לי רבי הצייד'. והוא שיוחזק אותו צייד שהוא בקי במינים הטמאים האמורים בתורה ובשמותיהם. מי שאינו מכירם ואינו יודע שמותיהם, בודק בסימנים: כל עוף שהוא דורס ואוכל, בידוע שהוא ממינים הטמאים. ואם אינו יודע אם דורס אם לא, אם כשמעמידן אותו על חוט חולק את רגליו, שני אצבעותיו לכאן וב' אצבעותיו לכאן, או שקולט האויר ואוכל, בידוע שהוא דורס. ואם ידוע שאינו דורס, יש שלשה סימני טהרה: אצבע יתירה, זפק, וקורקבנו נקלף ביד, לאפוקי אם אינו נקלף אלא בסכין. היה חזק ומדובק, והניחו בשמש ונתרפה ונקלף ביד, הרי זה סימן טהרה. ואף על פי שיש לו ג' סימנים אלו, אין לאכול, לפי שאנו חוששין שמא הוא דורס, אלא א"כ יש להם מסורת שמסרו להם אבותיהם שהוא טהור.

ג יש אומרים שכל עוף שחרטומו רחב וכף רגלו רחבה כשל אווז, בידוע שאינו דורס ומותר באכילה אם יש לו שלשה סימנים בגופו. הגב: ויש אומרים שאין לסמוך אפילו על זה. ואין לאכול שום עוף אלא צמסורת שקצלו צו שחור טהור (בארוך כלל י"ו ובחא"ו נט"ו). וכן נוכחין, ואין לשנות.

שולחן ערוך יורה דעה הלכות בהמה וחיה טהורה סימן פב

The Shulchan Aruch follows the position of Rashi on the issue of dores in that all birds of prey are treif. Once we are confident it is not a bird of prey, the Mechaber allows an expert hunter to rely on simanim to establish kashrut, although mesora is preferable²⁴. The Rema, however, also rules in addition like the other position of Rashi, that we no longer rely on simanim at all and ONLY a mesora of kashrut will permit a bird.

- As such, it seems that the psak (at least in the Shulchan Aruch) follows the stricter opinions and does not allow birds to be eaten based on the 3 positive signs alone.
- Whilst some poskim have questioned the even stricter position of the Rema - which is based on two stringencies in Rashi - many accepted it fully and ruled that no bird may be eaten today unless it has a clear masoret²⁵.

D] HOW RELIABLE IS A MESORA?

- Since, according to many poskim, a mesora is essential, some important questions about it must be answered, including
 - Who is authorized to start one?
 - Can there be a 'negative' mesora - that a community does NOT eat a certain bird?
 - Can a person visiting another locale eat a bird for which there is a mesora there, but not in his home town?
 - How can a mesora be transferred to other birds? How similar do birds have to be in order to share a mesora?

23. See Shach YD 82:6.

24. The difference between the Mechaber and Rema is not great. Effectively, the Mechaber also requires a mesoret, with a few exceptions.

25. Many Sefardi authorities also rule this way in practice.

D1] GOOD, BAD AND 'NEGATIVE' MESOROT

15. ששאלת על חסידה. דע כי בארצנו ובספרד אין אוכלין עוף המקנן על הבתים ... ולועזין קורין אותו סיגוניה ואנו קורין לו חסידה, כך אנו מקובלין בארצנו. ומה נעשה למקומות שאוכלין אותו? הם יאמרו לך עוף טהור נאכל במסורת ואנו מקובלין שהוא טהור. אבל טוב לחקור אחר קבלתם שמא אדם אחד סמך על חכמתו ובדק בסימניו והכשירו ואין לסמוך על זה כי שמא דורס הוא. ועוד כי יש תשע עשרה מיני עופות טמאים שיש לכל אחד ג' סימני טהרה ושני מיני עופות טמאים שיש לכל אחד ב' סימני טהרה; הילכך אין לסמוך על עופות על בדיקת סימני טהרה. וכן מצינו בחכמי התלמוד (חולין סב:) שהיו אוכלין עוף והיו סבורין שהוא טהור כי מצאו לו סימני טהרה ואחר כך אסרוהו. וכל שכן בדורות הללו שאין לסמוך על בדיקת עופות. ודע כי אני לא הייתי אוכל על פי המסורת שלהם כי אני מחזיק את המסורת שלנו וקבלת אבותינו ז"ל חכמי אשכנז שהיתה התורה ירושה להם מאבותיהם מימות החרבן. וכן קבלת אבותינו רבותינו בצרפת יותר מקבלת בני הארץ הזאת. והא דאמרין (חולין סג:) עוף טהור נאכל במסורת היינו בעוף שאין אדם מכיר אותו ואם יבא למקום שאוכלין אותו ויאמרו לו מקובלין אנו שהוא טהור יסמוך עליהם ויאכל עמהם. אבל בעוף המקובל מחכמי ישראל שהוא טמא לא יאכלנו על פי מסורת אחרים הפחותים מהם.

שו"ת הרא"ש כלל כ סימן כ

The Rosh rules that not all mesorot are born equal! Before relying on a local mesora to eat a bird, one needs to ascertain (i) if the mesora is based on long-standing and strong tradition or could be based on a mistaken identification by a few people; (ii) whether there is a contrary 'negative' mesora? Local mesora will only permit an otherwise unknown bird - not one which is already believed to be treif!

D2] VISITING OTHER PLACES AND RELYING ON OTHER MESOROT

16. מי שהוא במקום שנוהגין אסור בעוף אחד מפני שאין להם מסורת, והלך למקום שאוכלים אותו מפני שיש להם מסורת יכול הוא ג"כ לאכול שם, אפילו דעתו לחזור למקומו. ואין כאן משום חומרי מקום שיצא משם. שהרי מה שאין אוכלין אותו במקומו לא מפני שאומרים שהוא אסור אלא שמודים שהוא מותר, ורק מפני שאין להם מסורת ובלא מסורת אין אנו אוכלין. וכיון שהוא עתה במקום שיש להם מסורת למה לא יאכלם? וכן ההולך ממקום שיש להם מסורת למקום שאין להם מסורת יכול הוא לאכול שם ואין כאן משום חומרי מקום שהלך לשם מהטעם שכתבנו. ויראה לי דזה אינו אלא בדעתו לחזור למקומו. אבל כשמתיישב שם אסור לו לאכול, דכל אדם נגרר אחר מקומו. דאל"כ כשיתיישבו כמה אנשים משם ויאכלו וכל העיר לא תאכל, אין לך לא תתגודדו יותר מזה!! ויש מי שמסתפק בזה, ולי נראה ברור ...

ערוך השולחן יורה דעה סימן פב סעיף לב

The Aruch Hashulchan rules that someone with no specific mesora on a bird and, who will therefore not normally eat it, is permitted to eat it when with someone who DOES have a mesora. This is because they do not rule it to be treif, but simply refrain from eating it due to lack of knowledge. If however, there is a specific reason why a person would NOT eat a bird²⁶, they cannot rely on another mesora to do so. Someone who visits a place where they do not eat a certain bird, may continue to rely on their own 'home mesora' to eat it, until such time as they settle permanently in the new place.

D3] IDENTIFYING MESOROT

- All authorities agree that one CANNOT rely on names of birds to identify them halachically²⁷. Many similar or identical names are used in different locales for completely different species!²⁸
- Mesora is usually oral in the community, although some communities recorded their mesorot in writing.²⁹

D4] TRANSFERRING MESOROT

Can a mesora be 'transferred' to another bird which is sufficiently similar? The answer is yes! Although there will often be grey areas, the mefarshim set out a number of halachic tests to ascertain that birds can fit into an existing mesora, including:

26. For instance Ashkenazim who do not rely on the goose comparison - see above.

27. See Igrot Moshe YD 1:34.

28. For instance, Rashi (Chullin 59a, s.v. v'harei tzvi) explains that what was called *tzvi* in his day was not the *tzvi* of talmudic times. Tosfot (Chullin 63a, s.v. *netz*) prove that the *netz*, *neshet* and *korah* in their time were different than the *netz*, *neshet* and *korah* of the talmudic period.

29. For instance, the established mesorot of the Livorno community which were recorded in the early 19th Century by R. Isaac ben Meir ha-Kohen of Livorno in *Zivchei Cohen*. He provided diagrams and Italian names of 30 birds for which he says a mesorah existed, including pheasant, peacock, quail, mallard, dove, and robin, but NOT including chicken and turkey! Early editions of the work with color diagrams have also been found and republished.

- **The Kilayim Test** - if the birds are in the same halachic *min* and would not be kilayim for each other, they can share a mesora.³⁰
- **The Egg Test** - if the birds have identical eggs³¹, they can share a mesora.³²
- **The Neighbor Test** - if an unknown bird looks like and lives naturally³³ together with a kosher species, they can share a mesora.³⁴
- **The Zivug Test** - If a questionable bird is placed together with birds of the opposite sex of both its species and a known kosher species and, of its own volition, it sometimes chooses the kosher species, some poskim are willing to permit the new bird.³⁵
- **The Cross-breeding Test** - This is a different kind of test. If two different bird are able to cross-breed, some poskim accept that they must both be kosher.³⁶ This does not mean that they share a mesora, but may mean that the other bird does not need one. Most poskim are unwilling to rely on this in practice, since it is thought that kosher and non-kosher birds can sometimes breed.

E] THE DISCOVERY OF THE TURKEY

• Turkeys are classified in the family of Phasianidae (which includes pheasants, partridges, francolins, junglefowl and grouse), in the taxonomic order of Galliformes.

• There are two extant species: the wild turkey of eastern and central North America and the ocellated turkey of the Yucatán Peninsula.³⁷

• Turkeys were domesticated in ancient Mexico and discovered by Europeans in the 16th Century. Spaniards brought tame Mexican turkeys³⁸ to Europe in 1519, and they reached England by 1524.³⁹

• Ben Franklin thought the North American wild turkey should be the national bird of the US.⁴⁰

• In fact, in the 16th century, two new birds were introduced to Europe: the American wild turkey and the African guineafowl. Both were called "Indian⁴¹ hen", "Turkish hen" and also meleagris, Greek for guineafowl.

• To complicate matters further, turkeys were often simply referred to as large chickens⁴². In the 19th century, many new large breeds of chicken were being imported from Asia. One such slightly larger chicken, which had feathers on its legs and made deeper sounds, arrived in Europe from India, Africa or the Middle East. It was commonly known as the 'kibbitzer hen'.

• Thus, in halachic responsa literature from that period, it is often very difficult to determine whether they are discussing turkeys, guineafowl or chickens⁴³.



30. Chatam Sofer YD 74.

31. Note that the Gemara (Chullin 64a) and Shulchan Aruch (YD 86) provide indicators to distinguish kosher from non-kosher eggs. Eggs which have two rounded ends or two pointed ends are definitely from non-kosher species, but eggs that have one rounded and one pointed end may be from kosher birds. If the yolk is inside and the white is on the outside it may be kosher, but if the yolk is on the outside, it is non-kosher.

32. See Avnei Nezer YD 1:76:6-12.

33. As opposed to where a farmer forces them to live together. We saw this test above in the Tosefta.

34. Chullin 65a.

35. See Netziv (Mishiv Davar YD:22) and Arugat Habosem (Kuntrus Hatshuvot, 16).

36. With quadrupeds, the Gemara (Bechorot 7a) rules that kosher and non-kosher species are not able to cross-breed. The poskim do not agree if this applies also to birds.

37. This species, *Agriocharis ocellata*, has never been domesticated and its kosher status is undetermined. All kosher turkeys are from the species *Meleagris gallopavo*.

38. It is not clear how they came to be called turkey. Theories include (i) When Europeans first encountered turkeys in America, they incorrectly identified the birds as a type of guineafowl, which were already being imported into Europe by 'Turkey merchants' via Constantinople and they were therefore nicknamed Turkey coqs. (Middle Eastern merchants were called Turkey merchants as much of that area was part of the Ottoman Empire). The name of the North American bird became 'turkey fowl' or 'Indian turkeys', which was then shortened to just turkey; (ii) Turkeys come to England not directly from the Americas, but via merchant ships from the Middle East. The importers lent the name to the bird, hence the name Turkey-cocks and Turkey-hens, and soon thereafter, turkeys; (iii) Some say Columbus thought the land he discovered was connected to India which had a large population of peacocks. Columbus thought turkeys were part of the peacock family and called them tuka, which is the Indian word for peacock; (iv) Perhaps the name turkey came from Native Americans who called the birds firkee, which sounds like turkey; (v) Some say that turkey name came from the sound turkeys make when they are afraid - "turk, turk, turk."

39. Shakespeare references turkey in 1601 when he wrote Twelfth Night. In Act 2 Scene 5 Fabian states: "O, peace! Contemplation makes a rare turkey-cock of him. How he jets under his advanced plumes!"

40. The wild turkey of his day was very unlike the domesticated descendants we have today. Wild turkeys were then brightly plumed birds of flight, living in flocks. They had longer necks and legs as well as smaller breasts than turkeys bred for the table today. In fact, our domesticated turkeys have such large chests that the male, 'tom turkey' is not able to fertilize the eggs of the female, 'hen turkeys' naturally. All turkey eggs are fertilized by artificial insemination for the hatchery.

41. Although the English related the bird to Turkey, nearly everyone else thought it came from India. In fact, it came from Mexico, which was then known as The Spanish Indies or the New Indies. Thus, in most European languages, Arabic, and Hebrew it is called something like the 'bird of India'. The modern Hebrew (tamagol hodu) and Yiddish (hendika hen) both mean 'Indian chicken'.

42. Chickens originated in the Far East but reached the Middle East as domesticated birds by the 7th Century BCE. As such, there is an ancient mesora for chickens and all chicken species are kosher.

43. For instance, some responsa refer to the 'Americanisha hen' but are almost definitely NOT discussing the turkey, but a type of chicken. See also *Turkey, the Traditionless Bird*, Rabbi Dr. Natan Slifkin - <https://www.biblicalthistory.org/blog/turkey-the-traditionless-kosher-bird/>

F] HOW CAN TURKEY BE KOSHER?

- Jews had been eating turkey since the 1500s, when the birds arrived in Europe. But in the 19th Century people began to seriously question how this was halachically possible. Since the Rema requires a mesora, and turkey was only discovered in the 1500s, the bird should not be permitted!
- This was a major concern, since to declare the bird treif would denigrate observant Jews who had eaten it for generations, and label them sinners. There is very strong reluctance to do such a thing; first, due to the talmudic statement that God will not allow the righteous to unwittingly sin⁴⁴, and second, so as not to cast aspersions on earlier generations - *motzi la'az al harishonim*. Thus, there was strong motivation to justify eating turkey and a number of approaches were suggested.
- Based on simanim, turkey does very well. It has all 3 kosher signs - a crop, a peelable gizzard and an extra toe. Furthermore, its eggs have the indicators of kosher eggs. It does not however easily share a mesora with a chicken, and fails most of the tests: the eggs look completely different, it is very difficult to cross-breed⁴⁵, and they do not live together naturally.⁴⁶

F1] THE ASSUMPTION OF AN OLDER MESORA

17. [כא] מה שאנו קורין תרגול ענגלש"י הינ"ר מותר, אף על פי שזוהו כפוף כדוכיפת, מכל מקום כל סימני טהרה יש בו (כנסת הגדולה בהגדות בית יוסף אות כ"ז, זכתי לזק אות י"א). וכתב ויתכן שזכו שקורין אותו צנגדלד יע"א דיי"ך אל הנ"ד, והוא צא מערי הגדיי"א והם אוכלים אותו.

כף החיים יו"ד פבכא

The Kaf HaChaim quotes a tradition from the Knesset HaGedolah⁴⁷ that turkey has the signs of kashrut and is permitted. He understands that it could be an Indian bird which was eaten in Baghdad.⁴⁸ As it became clearer that the bird originated in the Americas, this argument was not tenable.

F2] NO MESORA IS NEEDED AND 3 SIMANIM ARE SUFFICIENT

18. ראיתי אשר נחרדתם על אודות העופות הגדולים אשר משונים הם בגדלם ובקול ובצנים אשר מתחלה אכלו אותם. וכעת בא אגרת מעיר קאמיניטץ אשר הרב וכו' אסרם, וע"כ לא היה להם בשר על יום טוב העבר..... הנה ידעו מעלתם שורש דבר - אם העופות הללו יש להם ג' סימנים, רק שלא נודע אם הם דורסים הנה היו כשרים בלי פקפוק והנה לשיטת ר"מ בר יוסף המחזור מכל השיטות, אשר הרמב"ן והרשב"א והריטב"א והה"מ קיימו וקבלו השיטה הזאת, כל שיש לו ג' סימנים רק שלא נודע אם הם דורסים הם כשרים. ולדעת ר"ת כל שיש לו שני סימנים של טהרה הם כשרים. ולא נשאר רק שיטת רש"י והרא"ש וטוש"ע. אמנם אף לרש"י תלוי במסורת ואני מעיד לכם כי יש לי גביית עדות מהרבה לומדים מאה"ק אשר היו פה, וכאשר ראו אותן העופות העידו שכמו אלו העופות אוכלים באה"ק ולבי אומר לי שרש"י בעצמו בראותו קושי הסוגיא לפי דבריו ע"כ תלה במסורת, ועכ"פ כאן יש מסורת! ואני מעיד לכם שאני בעצמי אוכל אותם משופרא שופרי. ... ומ"ש שבירושלים אסרו זה שקר מוחלט! שר' שמואל העליר בעצמו העיד שאוכלין אותן שם בלי פקפוק. אוי לנו מפני פרצת הדור, שיאמרו האפיקורסים - 'ראו כי התורה נתחלקה קרעוה פרעוה לשנים עשר גזרים'. אמנם חלילה חלילה! העופות הם כשרים, והמערערים רק מפני גאוה להראות לעולם כי המה קדושים, ובעוה"ר יש הרבה דברים חמורים שדומה להם לקלות. ...

שו"ת שואל ומשיב מהדורה חמישה סימן סט

R. Yosef Shaul Nathanson (1810-1875) argues, against the psak of the Shulchan Aruch, that the correct halachic view actually follows Rav Moshe bar Yosef and not Rashi. As such, as long as a bird possesses the three signs of a kosher bird it may be eaten, and no mesora is required. He also notes that there was also already a sufficient mesora of respected communities which ate turkey.

F3] THE REQUIREMENT FOR MESORA IS ONLY WHEN WE ARE NOT CLEAR ON STATUS

The Arugot Habosem⁴⁹ understood that the Rema only required a tradition when there is uncertainty about the bird's status as a *dores*. Where a bird has been observed for over 12 months, and seen to be non-dores, it no longer needs any mesora.⁵⁰ As such, even according to Rashi and the Rema, the turkey, which had been raised for hundreds of years and seen not to be a *dores*, did not require a mesora since it already has the three other simanim of a kosher bird.

44. The Gemara (Chullin 5b) states the God does not even allow the animals of the righteous to eat improper food by accident.

45. They do not cross-breed naturally but can be hybridized in the lab. However, turkeys do cross-breed with pheasants, and pheasants cross-breed with turkeys, making turkeys and chickens 'in-laws' of sorts!

46. Anecdotally, it appears to occasionally pass the Zivug test, although bear in mind that turkeys are no longer even able to breed with each other naturally!

47. We were introduced to Rabbi Dr. Zivotofsky in the last shiur concerning the kashrut of swordfish!

48. See also Shut Mei Be'er #19 (Rabbi Yitzchak Schur, 19th Century Bucharest) who rules that we eat turkey (indik) in reliance on the Jews of India, which he quotes as the origin of the turkey. He assumes that there was an ancient Indian mesora, and the only real question was whether Europeans could rely on the Indian mesorah (which he says they can).

49. R. Aryeh Lebusch Bolchiver, 19th Century Russia. Kuntras Hateshuvot in the back, siman 16.

50. This is the position of R. Herschel Schachter. He understands that the mistake concerning the swamp hen discussed in the Gemara relates to a case where the error was discovered quickly.

F4] TURKEYS FIT INTO THE EXISTING MESORA FOR CHICKENS

Some poskim⁵¹ have suggested that turkeys were accepted as part of the mesora for chickens. For the reasons pointed out above, this is very problematic.

F5] TURKEYS WERE BROUGHT TO EUROPE BY SEFARDIM

Some poskim have suggested that since turkeys were first brought to Sefardi lands, no mesora was required since the Sefardim did not rule like the Rema and did not require a mesora. Turkey passes the basic rules of the Mechaber - 3 simanim plus the goose comparison. Later, as a Sefardi mesora to eat it developed, Ashkenazim could rely on that since they never had a specific 'negative' mesora.⁵²

F6] TURKEYS WERE BROUGHT TO EUROPE BEFORE THE REMA'S PSAK WAS ESTABLISHED

Some poskim have suggested that turkeys were first brought to Europe before the Rema's psak was established. The Rema was born in 1530 and his psak only became accepted in the late 16th Century.⁵³ Before then, the Ashkenazim may have followed the more lenient ruling of the Rambam and others, and relied on simanim.

F7] NOT TO DENIGRATE PREVIOUS GENERATIONS

19. אבל אחר שכבר נהגו לאכלם ומסתמא גם אז היה עפ"י הוראת חכם שנראה לו שהוא מין אווז הטהור והחזק בזה להיתר, אין לנו לאסור ולהוציא לעז על אבותינו שאכלו עוף טמא ח"ו. והרי תרגולתא דאגמא שאכלו מסתמא לא היה אפילו מסורה שהוא כשר, אלא שהיו מדומים שהוא מין תרגול עד שראו טעותם, הא אי לא נודע שדורסים לא מיוח בהם אחר שכבר יצאו בהיתר. ומכש"כ באוץ שכן רגליהם רחב דאיכא קבלת בעל המאור שאין לחוש שמא הוא דורס. ותדע שהיתר העוף אינדיק שאנו אוכלין היו הרבה מערערים עליהם בשעה שהביאום מאינדיא, ולא היה מסורת על כשרותם. וגם עוד היום יש מחמירים ופורשים מהם, ומ"מ כבר נהגו להיתר ואין פוצה פה. והוא משום שכבר הוחזקו להיתר ואין ראיה לאסורם, ה"נ בהני אווזות הגדולות כך דעתי הקלה נוטה ...

שו"ת משיב דבר חלק ב סימן כב

R. Naftali Zvi Yehuda Berlin deals with the kashrut of a certain kind of large goose. Stressing a metahalachic point, he states that, since it had become widespread in previous generations to eat the bird, later authorities may not cast doubts upon this⁵⁴. He brings turkey as another example. Since previous generations of pious Jews ate it, we can assume that this was approved by the Rabbis of the time. He also legitimizes eating a variety of bird which is very similar to any existing kosher species, unless it has clear non-kosher indications, and especially if it has kosher indications.

G] CONCLUSIONS

- All major kashrut organizations approve turkey as a kosher bird. This was also the position of Rav Moshe Feinstein, Rav Soloveitchik and most 20th Century poskim.⁵⁵
- However, there have always been individuals who refused to eat turkey. Rabbi Yaakov Kaminetzky did not eat turkey.⁵⁶
- The Horowitz family, descendants of the Shela haKadosh⁵⁷ (Rabbi Isaiah ben Avraham haLevi Horowitz), have a tradition that the Shela supposedly left instructions that they should not eat turkey since he once witnessed it picking at its food with its claws - one of the simanim of being a *dores*. To this day there are members of that family who adhere to this custom⁵⁸. This instruction is not found in the Shela's writings.
- There is a similar custom (possibly also from the Shela) among the Lapidus family, and other descendants of the Tosafot Yom Tov.
- There was a well-known Russian family (Frankel) whom poskim identify as not eating turkey.

51. R. Eliyahu Klatzkin (1852-1932), the Lubliner Rav, Dvar Halacha (1921; siman 53, page 74).

52. See R. Herschel Schachter - <https://outorah.org/p/38894/>

53. The Shulchan Aruch was published in 1565 without the glosses of the Rema, which were later published as a separate commentary.

54. The Ba'al Shem Tov was also particularly unhappy at the idea of denigrating the name of past generations by suggesting that turkey was not kosher.

55. Their halachic position on Thanksgiving is an entirely different matter! See <http://rabbimanning.com/wp-content/uploads/2016/11/Thanksgiving-and-Chukat-Hagoy.pdf>

56. Rabbi Shmuel Kaminetsky explains that his father's family did not have a specific tradition to avoid turkey but that R. Yaakov adopted the custom out of respect for his wife, whose family did not eat turkey. R. Shmuel Kaminetsky continues to refrain from turkey in deference to his family custom, but his wife and children eat it.

57. R. Isaiah ben Avraham haLevi Horowitz - 16th Century Eretz Yisrael.

58. I know personally a family in which the men do not eat turkey as a chumra. They understand they this started with an ancestor who was a talmid of the Shela. Even totally non-observant members of that family are particular not to eat turkey since, according to their family folk-lore, members of the family who did eat turkey died unusual deaths r'!! See also <https://outorah.org/p/38894/> where R. Hershel Schachter tells a similar story.