

Parashat Shemini 5783, 2023:

## *The Power of Mesorah*

Rabbi David Etengoff

Dedicated to the sacred memories of my mother, Miriam Tovah bat Aharon HaKohane, father-in-law, Levi ben Yitzhak, sister, Shulamit bat Menachem, sister-in-law, Ruchama Rivka Sondra bat Yechiel, Chana bat Shmuel, Yehonatan Binyamin ben Mordechai Meir Halevi, Tikvah bat Rivka Perel, Gittel Malka bat Moshe, Alexander Leib ben Benyamin Yosef, the *Kedoshim* of Har Nof, Pittsburgh, and Jersey City, the *refuah shlaimah* of Mordechai HaLevi ben Miriam Tovah, and the health and safety of our brothers and sisters in Israel and around the world.

Our *parasha* contains a biblical “*Shulchan Aruch*” of the laws of *kashrut*: “This is the law regarding animals, birds, all living creatures that move in water and all creatures that creep on the ground, to distinguish between the unclean (*tamei*) and the clean (*tahor*), and between the animal that may be eaten and the animal that may not be eaten.” (*Sefer Vayikra* 11:46-47, this and all Tanach translations, *The Judaica Press Complete Tanach*) The Torah goes on to provide *simanim* (physical characteristics) that enable us to determine the *tamei* (non-kosher) and *tahor* (kosher) status of “animals...all living creatures that move in water and all creatures that creep on the ground.” This is not the case, however, regarding birds. Instead, we are presented with a catalog of 24 *tamei* species, leading to the logical inference that the remaining approximately 11,000 species of birds should be deemed *tahor*.

However, Rabbi Ari Z. Zivotofsky Ph.D., in his article, “*Is Turkey Kosher?*” makes quite clear this is not the case, since: “... today when these [24 species] can no longer be accurately identified, things are quite a bit more complicated.” He also cites a well-known statement of the *Minchat Chinuch* concerning the matter: “In order to fully explain the identification of kosher birds [it] would take a small booklet of its own (*Mitzvah* 157).”

([https://www.kashrut.com/articles/turk\\_part1](https://www.kashrut.com/articles/turk_part1)) Moreover, works by the Chatam Sofer

*zatzal* (Rav Moshe Schreiber, 1762-1839) and Rabbi Yonatan Eybeschutz *zatzal* (1690-1764), among others, have not met with universal acceptance due to the lack of consensus as to how to interpret the Mishnaic, Amoraic and Rishonic sources upon which these writings are based.

In response to these concerns and following the Talmudic statement, “a kosher bird may be eaten based upon *mesoret* (accepted tradition),” [*Talmud Bavli, Chulin 63b*] Rashi *zatzal* (1040-1105) ruled:

No bird is consumed by us unless there is a *mesoret* concerning this exact species that was given to us by our forebears attesting that it is *tahor*. [Consequently,] if no *mesoret* was given to us, we must question its status. [However,] we may fully rely upon the *mesoret*. (*Talmud Bavli, Chulin 62b*, s.v. *chaziuah d’drasah v’achlah*, translation and brackets my own)

Rashi’s singular import led the most prominent Ashkenazi halachic authority of all time, Rabbi Moshe Isserles *zatzal* (Rema, 1530-1572), to conclude that the sole factor in determining the *tahor* or *tamei* status of a bird is *mesoret*:

There are those that say that one may not rely even on this [the *simanim* presented by Rabbi Yosef Karo *zatzal* in the *Shulchan Aruch*], and that one may not eat any bird unless there is a *mesoret* that has been accepted that it is *tahor*. And this is the practice to which we are accustomed that must not be altered. (*Shulchan Aruch, Yoreh Deah*, 82:3, s.v. *v’yash omrim*, translation and brackets my own)

Closer to our own time, the Rema’s *p’sak* was codified by both Rabbi Avraham Danzig *zatzal* (1748-1820) in *Chachmat Adam* 36:6, and by Rabbi Yechiel Michel Epstein *zatzal* (1829-1908) in *Aruch HaShulchan, Yoreh Deah* 82:29. As such, within the greater Ashkenazi Jewish community, the *kashrut* status of a particular bird species is determined by one criterion: the absence or presence of a reliable *mesoret* from *klal Yisrael*.

Shabbat Shalom

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\*\*\* My audio *shiurim* on the topics of *Tefilah* and *Tanach* may be found at:  
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\*\*\* I have posted 164 of Rabbi Soloveitchik's English language audio *shiurim* (MP3 format) spanning the years 1958-1984. Please click on the highlighted link: [The Rav](#)