is that this is a stringency that does not have such strong basis. Unsupervised milk is forbidden due to possible contamination with the milk of non-kosher beasts. Their cream does not turn to butter. If a small amount of such milk is present it can be boiled out through cooking. The flavor will be *batel.* Therefore, the *machmir* may practice leniency. A further leniency is applied to *pas palter. Machmirim* may dine with *maikilim*, using the same utensils, even though crumbs might mingle. Some even permit eating the bread, due to the weak level of stringency of *pas palter*, combined with the need to avoid strife.

A *machmir* may be served by a *maikil*. Presumably, he will avoid leading the *machmir* to sin. Based on the level of *chumra* [see section B], the poskim discuss whether the *maikil* must inform the *machmir* about the contents of the food or the utensils. If the *chumra* is based on a belief that the food is forbidden, the *maikil* may not serve him in *'maikil'* utensils. He must also inform him about the content. If it is a matter of *minhag*, it depends on the extent of the original adoption. In some cases, those adopting it allowed themselves to eat food that might be cooked with it, and certainly in its utensils. If the *machmir* knows that there is reason to be lenient, but practices stringency as a family *minhag* or for personal piety, he may practice leniency in this case.

Those practicing stringency with turkey understand that it is really permissible, based on *simanim*. The issue is the lack of *kabalah*. In light of the way the lenient practice spread, it is like *pas palter,* where leniency was applied because the decree did not spread everywhere. Turkey was basically accepted everywhere but for a few pockets. In the absence of a known practice with regard to utensils, they may rely on the lenient opinions and eat from them. They may even eat from the same serving platters, despite crumbs mingling. However, the *Askenazic* practice to permit *pas palter* in company due to strife would probably not apply to turkey. The *machmirim* on turkey consider it a concern of Scriptural origin, as opposed to *pas palter*, which is Rabbinically decreed. [See Tur Sh Ar YD 64:9 112:15 115:3 119:7, commentaries.]

In conclusion, unless there is a known *chumra* on utensils, *machmirim* may use the same utensils as *maikilim.*

On the Parsha ... *Now please take your sword and bow and trap* ***for me*** *.. make* ***for me*** *foods of many tastes [27:3] Sharpen your knife, beware to feed me slaughtered meat [Rashi]. And Yitzchok trembled .. and said "Who then was it who trapped game and brought it to me and I ate* ***of all of it*** *.. ?" [27:33]* Why was Yitzchok insistent that the trapping be done *'for me'*? Perhaps he he practiced certain stringencies. Eisav knew these well. He had been serving his father game for a long time. Yitzchak now trembled because someone else had hunted game, but not *'for me'*. Had he just eaten the other foods, he could say that he had not violated his *chumros*, even if they were on the same utensils. Since he ate *of all of it*, he was concerned about violating his *chumros*. Having not sensed that anything was amiss, it must have been up to his strict standards. He realized that that 'hunter' was Yaakov, who had managed to satisfy his father's standards without being told. Therefore, he continued: *"may he also be blessed!!"*

Sponsored in loving memory of Gershon ben Avraham z"l, whose *yahrzeit* was the 23rd of *Cheshvan,* and Moshe ben Avraham z"l, whose *yahrzeit* is on the 30th of *Cheshvan,* observed on the 1st of *Kislev*.

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Parshas Toldos 5772 Vol. XV No. 6 בס"ד

HALOCHOSCOPE

This week's question:

Someone practices stringency with regard to eating turkey. May he eat other foods prepared by those who do eat turkey, in the same utensils?

The issues:

A) *Of tahor*, identifying kosher species of fowl and poultry

B) The nature of a *chumra,* adopted stringency

C) Using utensils of those who practice leniency

A) The kashrus of turkey

The Torah describes the species of animals, fowl and fish that are permissible. For mammals *simanim,* or signs, are given. They must chew the cud and have split hooves. Fish are identified by their fins and scales. Fowl are not identified by *simanim.* Rather, the Torah lists twenty-four species of fowl that are not permissible, or *of tamei,* and includes their subgroups, known as *leminaihu*. Any other species is permissible.

However, it is not always so easy to determine which species a particular bird belongs to. Therefore, the Talmud finds common ground between the forbidden species. These common characteristics then serve in place of *simanim.* The common denominator of forbidden species is that they are all considered *doraiss,* which is translated by the different commentators as a manner of attacking prey. Some say these species pick up their prey to eat it. Alternatively, a non-kosher species of bird will hold down its prey with its foot as it eats it slowly. Others contend that this characteristic could apply to some kosher birds as well. They maintain that a *doraiss* eats its prey alive, not waiting for it to die. [Eating live insects is not included in *doraiss*.] In a third view, any bird that digs its claws into its prey is *doraiss.* An additional three *simanim* are counted. Permissible birds have a crop, a sack attached to the gullet to store a supplementary food supply. They also have an additional toe. According to one view, this refers to the claw at the back of the foot. Since birds of prey also have this claw, others explain it as having one longer toe. Kosher birds' stomachs can be peeled in layers.

One who is fully familiar with all the forbidden species listed by the Torah, and their sub-species, may eat any species omitted there. Nowadays, such familiarity does not exist. In addition, we do not know all the sub-species. Therefore, we must turn to the *simanim.* If one is unsure whether a bird is *doraiss*, he may test it by standing it on a wire. If it separates its toes, two on either side, it is *doraiss.* Also, if it catches its food in mid-air and then eats it, it is to be considered *doraiss.* If there is evidence that it is not *doraiss* and it has the additional *simanim*, it may be considered permissible. The Talmud debates whether all the *simanim* are needed. Some poskim allow it with any single *siman.* Others maintain that the essential *siman* is the layering of the stomach.

In practice, we only permit 'known' permissible species. A 'known' species has a *mesorah*, or *kabalah*, an unbroken tradition that it is an *of tahor*. Nonetheless, with certain *simanim* unique to some species, we allow some fowl with no 'known' *mesorah*.

Turkey became popular a few hundred years ago. There is confusion about both its name and about its origins. Some call it *indick,* or *Indisher hahn*, a hen coming from India (in Hebrew, *tarnegol Hodu* – nothing to do with Thanksgiving!). Others call it *Englisher hahn*, English hen. Some said it was brought from India to England and spread to Europe from there. One posek maintains that the Jews of India have a *mesora* for this fowl back to Moshe Rabainu. However, his sources are not traceable. Most poskim do not subscribe to this view. They agree that the turkey originated in America, which was erroneously confused with India by Columbus. It has the *simanim* for *of tahor*, but it had no *kabalah* in the New World (rumors of the Ten Lost Tribes notwithstanding.)

How did it become acceptable? One suggestion is that the requirement of a *mesorah* is a *chumra,* adopted stringency. While universal nowadays, it was not required in Talmudic times. It is suggested that the *chumra* was not widely accepted at first. It was during this early period that turkey was permitted, based on the *simanim.* There follows a discussion on the consequences of the later adoption of this *chumra.* In one view, since we now observe the stringency, we may no longer permit the fowl with no *kabalah.* The other view is that once permitted, turkey assumes the status of any permissible species. This is as good as a *kabalah.* A slight variation of this is that we are in no position to cast doubts on the poskim and Jews of earlier generations. Firstly, they might have had a reason to permit it, to which we are not privy. Secondly, by our forbidding it we will effectively be condemning their practices. We are always careful to avoid this. Finally, some suggest that this species is so commonplace that we can observe it well enough to ascertain that it is not *doraiss.* The prevailing practice follows a consensus permitting it. Nonetheless, some families refrain from eating turkey, and even stipulate with future spouses that they keep up the '*minhag'.* [See Parshas Shemini 11:13-19 Re'ay 14:11-18. Chulin 59a 61a-65a, Poskim. Tur Sh Ar YD 82:1-3, Darkei Teshuva 26 commentaries.]

B) Chumros

Chumros related to food consumption can be based on *halachic* issues. Certain *halachic* regulations allow for leniencies. One who is able to, should not rely on these. The *halacha* recognizes the weakness of a section of the consuming public. While laxity is allowed, stringency is recommended. Sometimes a debate arises based on new practices. Even those ruling leniently might recommend personal stringency.

Chumros could be self-imposed. The *halacha* sometimes rules in favor of a lenient point of view, or finds a way to disregard a particular concern. A *baal nefesh*, one who is strong enough to resist the temptation, should refrain from relying on this. The Talmud's example is meat of an animal that was brought to a Rav for ruling. He ruled it kosher, but since a question was raised, one who refrains from eating it is praiseworthy. Some *halachos* apply to certain segments of the population more than to others. For example, an *adam chashuv*, one who is respected, should act stringently. Less knowledgeable onlookers might make wrong presumptions, or assume the *adam chashuv* to be on a higher standard than that demanded of them. They will add a leniency of their own, thinking that

they need not live up to the 'higher standard.' Sometimes, *tznuin*, people who practice stringencies secretly, are expected to follow specific *chumros.*

Some *chumros* are practiced as a *minhag* by an entire community. The waiting period after meat varies by communal *minhag*. Those who rely on their traditions are not practicing a leniency, but following their own *minhag*. Some communities follow a ruling that a kosher lung must be *glatt,* smooth, meaning any adhesion slides off easily. Others allow some rubbing to remove a lesion, or non-*glatt.* For communities that are *machmir*, non-*glatt* is possibly *traifah,* a non-kosher scab.

A common form of self-imposed *chumra* might be based on *chashash*. For example, if one found that he still had cheese in his mouth hours after eating meat, he would adopt a personal practice to wait six hours (and perhaps to clean his mouth). Sometimes, a *chashash* becomes a matter of *minhag*, such as when a community follows the ruling of its Rav to refrain from '*gebrochtz*'. Some issues are a combination of the above.

Some *kulos,* leniencies, arise with no apparent ruling, but are justified later. *Chalav akum*, milk milked by a gentile with no Jew supervising, is forbidden Rabbinically. In some communities, leniency is practiced. To justify this, some say that the decree was made due to a *chashash* of adulteration with non-kosher milk. It does not apply where no such animals are raised. Others say that the requirement of a Jew supervising is to instill fear of getting caught. If such fear exists anyhow, a there is no need for supervision. A *machmir* maintains that the original lenient practice should never have arisen.

A *Chumra* could be a trust issue. A particular vendor might be trustworthy by basic *halachic* standards, but an individual might not feel comfortable, due to lapses he is personally aware of.

Chumros can be binding, based on the rules of *nedarim*, vows and oaths. One cannot be compelled to follow his parents' *nedarim.* By following their *minhagim*, he is effectively adopting a personal ban of his own. Generally, he would need to be absolved if he wished to practice leniency. A communal *minhag* is binding on all members of the community. As such, *minhagim* often have in-built leniencies. It can be assumed that those undertaking it never meant it to apply under certain circumstances. [See e.g., Psachim 51a Nedarim 15a 81b Chulin 6a-b 44b, Poskim. Tur Sh Ar OC 168:4 196 YD 39:13 64:9 112:2 115:3 116:7 119 214 etc, commentaries.]

C) Utensils of the lenient

Forbidden fats must be removed. Different communities have varying traditions on which fats are forbidden. In an interesting ruling, the poskim say that people who follow different customs may eat from each others' utensils. The poskim debate the reasoning for this mysterious ruling. Some say that it assumes that the amount of questionable fat is assumed to be *batel*, overwhelmed by permissible ingredients every time it is cooked. Others say that the utensils are presumed to be *ainan benei yoman*, unused for the last twenty-four hours. Their forbidden flavor has spoiled. Some say that this fat is rarely consumed. Some, however, remain baffled, and prefer not to accept this ruling.

Some communities practice leniency with butter made from unsupervised milk, a lesser issue than the forbidden fat. If one from a *machmir* community travels to a lenient community, he may eat with them. The poskim debate the reason for this. One suggestion