

The cow that wouldn't die: Some things never change?

1. Rabbi Shlomo ibn Aderet (13<sup>th</sup> century Spain), Responsum 1:98

Question: An animal was found to have an extra eiver [*yeteret*], from one of those eivarim which renders the animal a tereifah, in a place which should render it a tereifah. It was clarified that twelve months had passed. Would we say that since twelve months passed it is not a tereifah, and it is kosher, for Chullin 58 says that a tereifah cannot live twelve months? Although I have seen and heard that some permit this and are lenient, I wish to know your view.

2. Rabbi Moses Maimonides (12<sup>th</sup> century Egypt), Laws of Slaughter 10:12-13

One may not add to this list of *tereifot* at all. For anything that happens to a domestic or wild animal or to a bird, aside from those conditions listed by the sages of early generations and agreed upon in Jewish courts, the creature may live – and even if we know, medically, that it will not live.

And for all of those listed where they said it is a *tereifah*, even if it appears based on our medicine that some of these conditions are not fatal and they could live, we only have that which the Sages listed; as Deuteronomy 17:11 says, “Based on the Torah they will teach you.”

3. Rabbi Shlomo ibn Aderet (13<sup>th</sup> century Spain), Responsum 1:98

Response: If you saw or heard one who is lenient and permits a *yeteret*, or any other situation the sages listed as a tereifah, do not listen to him, do not agree with him, there should not be such in Israel. It appears to me that one who permits this is slandering the words of the sages. I will speak with you about this at length, so that a fence will be built for you and for all who tremble at the word of Gd, and the words of the holy sages of Israel will not be made like a fence that has been pushed aside, such that a fox could ascend and break through...

And if there is one whose heart disturbs him, saying that perhaps the sages only spoke of the majority of cases and most animals experiencing one of the listed tereifot will not survive, but some of them might survive due to their physical and constitutional strength, then you will have cancelled our mishnah's rule of, “None like this live.” All of the cases listed by those sages, within the view of the mishnah's author, cannot live... You cannot escape one of two possibilities: Either a tereifah cannot live and the fact that this animal lived testifies that it is not a tereifah, or this case resolves the debates [regarding whether a tereifah can live] and testifies that the law is against the author of the mishnah, and like the author of the baraita who stated that a tereifah can live...

And if you will reply: What can we do – we have seen a *yeteret* of the foot survive twelve months, with our own eyes! This is what Rabbi Yehoshua ben Levi told Rabbi Yosi ben Nehorai: “You depend on that?” Meaning: This is not possible. It is as though you testify that you have seen the impossible. Or, there is another cause. So, too, here we ask the witness how he knows that this animal had, in fact, survived that period. Perhaps you forgot or erred, or perhaps you were confused regarding the time, or perhaps you confused this animal for another, for it is not possible for him to testify that this animal was in his sights for the entire twelve months. And if he will strengthen himself in his error and say, “No, for I love these foreign words, this is what I saw and this is what I will follow (Jeremiah 2:25),” then we will tell him that it is impossible to slander the words of the sages. This witness, and one thousand like him, should be cancelled, rather than cancel one point of the positions agreed upon by the holy Jewish Sages, the prophets and students of prophets, and statements given to Moshe at Sinai...

4. Rabbi Shlomo ibn Aderet (13<sup>th</sup> century Spain), Commentary to Talmud, Avodah Zarah 24b (Zaks edition)

In this matter, nature has changed. The same is true for the *inonita d'varda*... which exists in all of our animals.

5. Rabbi Avraham Yeshayah Karelitz (20<sup>th</sup> century Israel), Chazon Ish Yoreh Deah 5

One should not be shocked; in truth, it appears that Gd created cures even for *tereifot*... But they were not revealed in every generation and every place. Some were revealed and forgotten, but all was arranged by Gd from the beginning of Creation. The Sages were charged with identifying *tereifot* with their Divine inspiration, and it had to happen in the two thousand years of Torah, setting the laws of *tereifot* for all generations...

6. Rabbi Aryeh Carmell, *Comments*, B'chol Derachecha Da'ehu 6 (Winter 1998)

An interesting solution, and one relevant to our topic, is that of the author of *Sefer ha-Hinnukh*, who accepts that since human beings are fallible, giving absolute authority to one body of people must sometimes lead to error. He avers, however, that: "It is better to tolerate one error, with everyone relying on a single authority, rather than that each person should act [with regard to *mitzvo*] according to his own opinion. This course would lead to disruption of the law, disunity of the people and complete abrogation of the truth."

If we assume that Rambam would agree with *Sefer ha-Hinnukh* on this point, the difficulties raised above disappear. By citing the verse from Deuteronomy, Rambam indicated that halakhic decisions comprised in the Talmud, including the list of *trefo*, are as binding on Israel as a decision of the Sanhedrin. Just as a decision of the Sanhedrin cannot be challenged for the reason adduced above, so the list of *trefo* cannot be updated. To update the list from time to time in accordance with advances in veterinary medicine might well lead, in theory at least, to an increase in accuracy. But, in practice, it would most certainly lead to disruption and confusion in halakhic decision making. Questions of *trefo* of fowl and animals occur frequently in every Torah-observant household (or did until recently). One cannot expect every local rabbi to be up-to-date on the latest medical advances, not to speak of differences in medical opinion which there would be no means of resolving. A fixed list enables him to decide every case with certainty. Paraphrasing the *Hinnukh* we might say: *Haza* preferred to tolerate some factual errors and gain certainty in the decision-making process.

7. Rabbi Avraham Shapira (20<sup>th</sup> century Israel), cited by Rabbi Dr. Neria Gutel, *Hishtanut haTeivaim* pg. 39 fn 55  
This animal's life has been weakened and diminished, and this is no longer its normal life. For the halachic category of *tereifah*, and for the prohibitions against consumption which depend on it, this weakness is sufficient – even if today it will not necessarily lead to death.

8. Similar concepts Blessings / Etrogim / Kosher dishes

Copernicus and the Jews

9. Jeremy Brown, *Rabbi Reuven Landau and the Jewish Reaction to Copernican Thought*, Torah uMadda 15 (2008-9)  
In the opening years of this century, Rabbi Shlomo Benizri, once Israel's Minister of Labor and Social Affairs, published a comprehensive textbook on the Jewish calendar titled *Ha-shamayim Mesapperim* (The Heavens Proclaim). Most of R. Benizri's work covers the complex mathematical and astronomical foundations which determine the structure of the lunar based Jewish calendar, and the last part of the book describes the nature of the solar system. In this last section, R. Benizri concludes that despite nearly five hundred years of scientific and astronomical evidence to the contrary, it is the sun that revolves around the earth, not vice-versa. Although R. Benizri was educated in traditional Orthodox yeshivot and never attended university, his book made use of many modern scientific instruments and discoveries. It reproduced high resolution telescopic images of the surface of the planets (including those sent from the famous Viking 1 Project) and described the composition of the atmosphere and surface of the planets using data from NASA's solar explorations. And yet, after a lengthy analysis, R. Benizri stated that the earth does not orbit the sun, because, in his account, the Bible, the rabbis of the Talmud and their medieval commentators had all concluded that the earth lay at the center of the universe.

10. Joshua 10:12

And [Joshua] spoke before the eyes of Israel: Sun in Givon, be silent [still]! And Moon, in the Valley of Ayalon.

11. Isaiah 38:7-8

And this is your sign from Gd, that Gd will do that which He has said. I will return the shade of the degrees, which have descended on the degrees of Achaz by the Sun, ten degrees backward. And the Sun retreated ten degrees...

12. Ecclesiastes 1:4

A generation goes, a generation comes, and the earth stands forever.

13. Rabbi Moses Maimonides (12<sup>th</sup> century Egypt), Guide of the Perplexed 3:13 (Friedlander translation)

We who believe in the Creation must admit that G-d could have created the Universe in a different manner as regards the causes and effects contained in it, and this would lead to the absurd conclusion that everything except man existed without any purpose, as the principal object, man, could have been brought into existence without the rest of the creation. I consider therefore the following opinion as most correct according to the teaching of the Bible, and best in accordance with the results of philosophy; namely, that the Universe does not exist for man's sake, but that each being exists for its own sake, and not because of some other thing.

14. Rabbi Saadia Gaon (10<sup>th</sup> century Baghdad), Ha'Emunot v'haDeiot 4

Customary practice and construction place the most honoured element in the centre of the elements that are not as honoured. We will begin from the smallest things and note that a grain kernel is in the middle of all of the leaves... And as we see this apply to most things, and I have seen that the Earth is in the centre of the heavens, with the spheres revolving about it on all sides, this validates for us that the Earth is the goal of Creation. We then look at all of the Earth's elements, and see that the dirt and water are silent, and the animals cannot communicate [abstract thought], and all that remains is Man...

15. Rabbi Judah Loeb [Maharal] (16<sup>th</sup> century Prague), Netivot Olam, Netiv haTorah 14

Just as one came along, who was called the master of a new science, and he presented a model contradicting all that the early ones gave as a model describing the path of the stars and constellations and celestial causes. He gave a model from a new wisdom – and he himself wrote that he still could not resolve all of the issues. And when Israel calculates cycles and constellations and gives good logic and knowledge, it is because that which [secular scholars] debate, regarding the time in which the Sun circles its sphere and the Moon its sphere, they don't agree with each other, for how could they agree? Each one is clever via his own knowledge and intellect...