

The Betch-Slifkin *Shafan* Debate—An Assessment

by Rabbi Dovid Kornreich

Dr. Isaac Betch, collaborating with Dr. Obadia Maya, has revisited a hot-button issue that has been employed as both as a confirmation of, and a challenge to, the Divine authorship of the Torah. In the last issue of *DIALOGUE* they published a synopsis of their book, *The Enigma of the Biblical Shafan* (which has since been published), in which they argue that the biblical *shafan* is the rabbit. Rabbi Natan Slifkin, who has recently republished his own *The Camel, the Hare and the Hyrax* wherein he attempts to show that the *shafan* is the hyrax, responded with a critical letter-to-the-editor and an on-line post. This was followed by a lengthy on-line debate between Betch and Slifkin on two separate blogs.

Both Betch and Slifkin are similar in their indefatigable ability to research their topics; however there are probably no two writers within the Orthodox Jewish world with such contrasting world-views. Betch believes that the Torah—both the Written and the Oral Torah—contains Divine, eternal wisdom, all of which must by definition must be true and that any

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The author would like to apologize for citing, in the absence of reputable historical sources, a number of informal, online articles as historical references. These citations appear on many sites and lead one to believe that they are reliable.

conflicts between it and science will ultimately be confirmed by the advance of scientific knowledge.¹

Slifkin, on the other hand, believes that the Torah and Talmud are rife with gross factual and historical mistakes, primitive superstitions, and fabricated myths. He is confident that current scientific opinion is the ultimate repository of truth² and that consequently any Orthodox practice based on a different view of nature is the product of erroneous ancient beliefs which should be discarded.³

This essay addresses many of the issues raised by the exchange. There are two major parts to the essay. First of all, it will address Slifkin's critical approach to the *mesorah* (transmission) of Torah by the Sages and the Rishonim and will show that this approach is not only completely unacceptable to those who follow it, but relies on faulty assumptions and poor comprehension of the sources. In particular it will point out Slifkin's erroneous approach to determining the identities of various animals mentioned in Tanach and will discuss Slifkin's use of the dictum *dibra Torah kilshon bnei odom*. The second part of the essay will discuss the strengths and weaknesses of both positions regarding the definition of the *shafan*,⁴ concluding that Betech's suggestion stands on firmer ground than Slifkin's.

1. Indeed, he has devoted much of his life to presenting such confirmations to both lay and professional Jewish audiences worldwide.

2. See: <http://www.rationalistjudaism.com/2010/04/traditionalist-vs-academic-torah-study.html> accessed on April 9, 2013. There he writes, "*The academic/ rationalist approach is superior in terms of ascertaining the historical reality of what is actually going on in the Chumash/ Nach/ Talmud/ Midrash/ Rishonim. But the charedil/ yeshivish/ traditionalist approach is generally superior in terms of imparting religious devotion.*"

3. For example, the removal of human organs after clinical brain-death but before the heart and lungs have ceased functioning is considered by most major Poskim (halachic authorities), including Rav Moshe Feinstein, to be an act of murder. Slifkin, far from being recognized as an halachic authority, stridently disagrees. The source of the opinion of these Poskim, he says, is their assumption, based on the Sages, that thoughts and feelings are generated by the heart and kidneys, a misconception which has informed their definition of death. However, now that science has established that thoughts are generated in the brain, this view has become obsolete, and organs may be removed after brain death.

4. It will refer to Betech and Maya's forthcoming book as well as to Slifkin's *The Torah Encyclopedia of the Animal Kingdom*. Sample chapter on the hyrax is made available for free download here: <http://www.zootorah.com/RationalistJudaism/HyraxSample.pdf> accessed on April 10, 2013

The Debate

The difference of opinion between Betech and Slifkin regarding the *shafan* is based on several points:

1. Betech cites a source from the time of the Rishonim that the *shafan* is a rabbit.

Slifkin claims that the *shafan* cannot be the rabbit since it does not inhabit Eretz Yisroel or its environs and the Torah refers only to animals within the experience of the Jewish people at the time of the giving of the Torah.

He further argues that any tradition in the Rishonim or later authorities regarding Biblical zoology and botany is largely unreliable because they lived in Europe and were not familiar with the flora and fauna of Eretz Yisroel, and the Torah refers only to those of that area. He claims that the Rishonim were ignorant of the principle of geographic distribution and mistakenly assumed all living things exist at all times in all places.

2. Although the Torah describes the *shafan* as *maale geira* (usually translated as chewing its cud), Betech claims that the rabbit's caecotrophy (reingestion of its feces) qualifies it as a *maale geira* (see below where this is explained in more detail).

Slifkin says this goes against the classical etymology of the term which relates *geira* to "throat." He says that although the hyrax does not chew its cud, it gives the appearance of chewing its cud and the Torah refers to appearances. This he says is included under the Talmudic dictum, *dibra Torah kilshon bnei odom*. Alternatively, Slifkin argues, the hyrax sometimes regurgitates its food, which can be termed "chewing its cud."

3. Slifkin cites *Tehillim* 104 and *Mishley* 30 which refer to a *shafan* which hides in rocks which does not apply to the rabbit.
4. Betech argues that the hyrax cannot be the *shafan* since it is a *sheretz*, or creeping animal. Slifkin counters that the hyrax is not a *sheretz* by any definition.
5. Slifkin argues that the *shafan* as hyrax is supported by Rav Saadia Gaon, Septuagint, Vulgate, Malbim, Rabbi Dovid Tzvi Hoffman Rabbi Yosef Schwartz and Professor Yehudah Feliks.

I. Questioning The Integrity of the Mesorah

We will first address Slifkin's first argument. Following on a theme pervasive in all of his writings, Slifkin believes that the Torah and Chazal addressed only the locality familiar to the Jewish People in the Desert. Thus, European Rishonim wrongly identify the fauna of the Torah because they were ignorant of the reality in that area. This view is likely the immediate consequence of his understanding of *dibra Torah kilshon bnei odom* ("the Torah speaks in the language of humans") discussed below.

Two illustrations of how Slifkin applies his approach are as follows:

- A. There is a thousand-year tradition by European Rishonim that *maror* (the bitter herb used on Pesach) is horseradish.⁵ According to Slifkin, the European halachic authorities ascribed this identity to *maror* simply because, based on their limited experience, this was their best candidate but is really another species.
- B. Rashi identifies the grain called *shiboles shual* as oats because due to his geographic location he was familiar with oats and not with the true *shiboles shual*; however it is really another grain.

While this approach certainly reflects the approach of academic scholars of biblical zoology and botany, it has been rejected by almost all serious Torah authorities of the past centuries and is a serious indictment of the integrity of our *mesorah* and the manner in which it is transmitted.

It is true that many Acharonim did claim that Rishonim interpreted various statements of Chazal in terms that were familiar to them. They interpreted the Sages as referring to a geocentric universe because this is the way it is perceived. Various descriptions by the Rishonim of the geography of Eretz Yisroel have inaccuracies because since they did not live there and they were unfamiliar with it. The Chasam Sofer said that various Rishonim misinterpreted certain passages in the Talmud because of their incomplete knowledge of female anatomy.⁶ However, to assume that they identified

5. I have heard from the Rosh Yeshivah of Yeshivas Toras Moshe, Rav Moshe Meiselman, that Rav Chaim of Volozhin said that the mesorah that horseradish is maror could be traced back at least to Rav Shimshon of Metz.

6. חדושי החתם סופר, נדה יח ע"א, ד"ה כאן שנמצא: א"א לנו להכחיש המציאות, שאינו כפרש"י ותוס' וציור מהר"ם לובלין. ואין לנו אלא מ"ש הרמב"ם בחיבורו ובפ' המשנה.

flora and fauna in terms of species familiar to them and thereby unwittingly falsified the halachic *mesorah* regarding basic everyday halachic definitions and terms is of a different nature. The identification of these items is a fundamental part of our *mesorah*. A definition by the Rishonim, unless defined otherwise, is their transmission of the *mesorah* from generation to generation for the object defined. To say that they arrived at their definition by a guess, but neglected to say so would mean that they falsified the *mesorah*.

Rashi must have had a *mesorah* as to the definition of *shiboles shual*, or else he would have indicated otherwise. Accusing Rashi of (wittingly or unwittingly) falsifying the *mesorah* impunes the integrity of Rashi's character and undermines our belief in the accuracy of that *mesorah*.

There is an additional argument that morphologically oats are different than the description of *shiboles shual*. Rashi lived very close to agriculture and would not have made such an elementary mistake.

This is why, when Professor Yehudah Feliks presented his position on *shiboles shual* to various Gedoley Torah, it was rejected outright, because there was a *mesorah* that taught otherwise.⁷ The latter's position was that the Torah and the Rishonim transmitted a *mesorah* which was based on knowledge of the reality of the entire world, not merely on local experience.

The idea that the Torah is based on knowledge of the entire world and that Chazal were the faithful transmitters of certain aspects of this comprehensive knowledge did not begin with these Gedoley Torah. It is in Rishonim

7. He presented them to Rav Shlomo Zalman Auerbach *ztz"l* who dismissed them out of hand. In his view none of the professor's arguments had any relevance to the halachic process. A grandson of Rav Shlomo Zalman, quotes the following from an unpublished letter of his grandfather in his *sefer Halichos Shelomo (Inyanei Pesach, p.297, fn. 326)*:

וז"ל מעולם לא אמרתי לשנות מהמסורת ומהשו"ע, וכמו שאין שומעין לפרופ' פליקס שהוא שומר מצות [שהוכיח בספרו "הצומח בתורה"] ששבולת שועל הוא לא מה ששקוראים היום, ואין שומעין לו ומברכים מזונות, וכן הוכיח באותות שתמכא הנקרא חריין לא ה' בכלל בזמן חז"ל ואין יוצאים בזה מרור, ואעפ"כ אין שומעין לו נגד המסורת, וכ"ש בענין המפורש בשו"ע עכ"ל.

such as the Kuzari,⁸ the Ramban,⁹ the Rambam in his *Moreh Nevuchim*,¹⁰ the Abarbanel¹¹ and the Rema.¹²

Erroneous Applications Based on This Approach

There are several instances where Slifkin applies his approach to the Rishonim based on a misunderstanding of the sources.

A. One of his attacks on the Rishonim is his perennial pre-Pesach discussion of the size of a *kezayis* (the size of an olive which is the minimum requirement for the eating of Matza on the night of the Seder).¹³ Slifkin claims that the current opinion as to the size of *kezayis* is in error and the result of the fact that the European Rishonim and Acharonim never saw an olive. This is without basis. The Romans cultivated the olive in Northern Europe,¹⁴ and cured olives were exported throughout Europe.¹⁵

Slifkin's claims are based on a miscomprehension of what is the reason for the halachically accepted determination of the size of a *kezayis*.

The Talmud in one place records that the throat cannot swallow at once more than the size of two *zaysim*.¹⁶ In another place it records that the throat cannot swallow something larger than a chicken egg.¹⁷ This led many

8. *Ma'amar Sheni* 63-66; *Ma'amar Shlishi* 40-42

9. In his introduction to his Commentary on the Torah.

10. מורה נבוכים חלק א פרק נד: אמנם אמרו כל טובי, הוא רמז להראות אותו הנמצאות כולם הנאמר עליהם וירא אלקים את כל אשר עשה והנה טוב מאד. ר"ל, בהראות אותם לו שישגי טבעם והקשרתם קצתם בקצת, וידע הנהגתו להם איך היא בכלל ופרט. ואל זה הענין רמז באומרו, בכל ביתי נאמן הוא. כלומר, שהוא הבין מציאות עולמי כולו, הבנה אמיתית קיימת 11. ספר ישועות משיחו חלק שני, הקדמה.

12. תורת העולה, חלק א פרק ב: והנה אומר שכן הם דברי חכמינו ז"ל כלם בנויים על צד החכמה האמיתית, ואין בדבריהם נפתל ועקש, אף על פי שלפעמים נראה לפי תחלת המחשבה שאין מסכימים לדברי החכמים הבאים על צד המופת, בפרט בענין התכונה, וכו'. אבל לא יחשוב האדם החס על כבוד קונו וכבוד חכמי התורה כן אלא ידקדק בדבריהם. שבודאי נמצא תוך כל דבריהם, כמו שנתבאר באלו המאמרים שידעו סוד התכונה על צד שידעו אותן חכמי הגוים ויותר מהם, שידעו גם כן דרכים אחרים אשר נעלמו מכל חכמי הגוים.

13. <http://www.zootorah.com/RationalistJudaism/TheEvolutionOfTheOlive.pdf>.

14. <http://www.oliveoiltimes.com/olive-oil-basics/olive-oil-production-in-rome/23058>.

15. <http://www.oliveoilsource.com/page/history-olive>.

16. *Kerisus* 14a.

17. *Yoma* 80a.

Rishonim and Acharonim to conclude that a *kezayis* is approximately one-half the size of a chicken egg.¹⁸ One of these Rishonim was the Meiri,¹⁹ who lived in Provence, southern France, which is sandwiched between Spain and Italy, a region of active olive production. The Meiri was obviously aware of the size of an olive and the size of a chicken egg; yet he had no problem with this conclusion that a *kezayis* is approximately one-half of a chicken egg—an interpretation overlapping with that of Tosafos who lived in Northern France and in Germany.

However, it is clear to anyone that nowadays the volume of an egg is more than two olives. Obviously then, either our chicken eggs or our olives differ from those of the time of the Sages.

Slifkin was not the first to make the observation that the size of our chicken eggs and the size of our olives do not fit these proportions. The Maharshah²⁰ who lived in Poland (and was probably familiar with either fresh or cured olives) raised the issue in the 16th century. His solution was that the size of the olive in Israel has decreased since the destruction of the Bais Hamikdash. There is a passage in the Talmud that says explicitly that fruits lost their size then.²¹ Thus it must be that the size of the halachic *kezayis* recorded in the Talmud reflects the size of an olive of an earlier period, an explanation which has been accepted by most authorities.

Slifkin rejects the contention of all these opinions (which include the Sages and the Acharonim) that the olives at the time of the Temple were larger. His evidence is that archeologists have recovered olive pits from the times of Tanach and Chazal and they are the same size as our contemporary olive pits. But this is irrelevant. When the Poskim argued that there was a decrease in

18. Some Rishonim say that the *zayis* is one-third of a chicken egg. See *Magen Avraham* 486:1 for a discussion of this.

19. See *Bais HaBechirah* to *Eiruvin* 80b.

20. *Yam Shel Shlomo* Chulin 3:88.

21. תלמוד בבלי מסכת סוטה דף מח עמוד א. משבטלה סנהדרין - בטל השיר מבית המשתאות, שנאמר (ישעיהו כד) בשיר לא ישתו יין וגו'. משמתו נביאים הראשונים - בטלו אורים ותומים. משחרב בהמ"ק - בטל השמיר, ונופת צופים, ופסקו אנשי אמנה מישראל, שנאמר (תהלים יב) הושיעה ה' כי גמר חסיד וגו'. רשב"ג אומר, העיד ר' יהושע: מיום שחרב בהמ"ק - אין יום שאין בו קללה, ולא ירד הטל לברכה, וניטל טעם הפירות. ר' יוסי אומר: אף ניטל שומן הפירות. ר' שמעון בן אלעזר אומר: הטהרה - נטלה את (הטעם ואת) הריח, המעשרות - נטלו את שומן הדגן. וחכמים אומרים: הזנות והכשפים כילו את הכל.

the size of the olive they referred specifically to the oil and flesh content of the olive—not to the size of the pit at its center.

Slifkin further argues²² that Rav Chaim of Volozhin, from Russia, who was familiar with either fresh or cured olives, agrees with his position. This reflects a gross misunderstanding of what R. Chaim said. He never discussed whether or not our olive is the same as that of the time of the Sages. He merely stated that the halachic measure of the *kezayis* varies from generation to generation depending on the size of the olive of that generation. Neither he, nor any of the Rishonim make any presumption regarding the size of an olive in the times of the Sages.

B. Another illustration is Slifkin's discussion of the *tzvi*. He writes:

For example, the gazelle of Israel perfectly matches all Scriptural, Talmudic and Midrashic descriptions of the *tzvi*. While Jews in North Africa, which also has gazelles, had a (correct) tradition that the *tzvi* is the gazelle (and that the deer is the *ayal*), there were no gazelles in Europe. As a result, the name *tzvi* in Europe was transposed to the deer (hirsch). This led Rashi, in his commentary to *Chullin* 59b, to note that the creature traditionally called *tzvi* in Europe (i.e. the deer) is not the *tzvi* described by *Chazal*. Thus, Rashi himself observes that European traditions regarding the identities of animals mentioned in the Torah are not accurate.²³

The problem with this critique is that the translation of *tzvi* as a deer was never an halachic one employed by the Gedoley Torah of Rashi's time, but merely one used in the vernacular. Rashi who wanted to maintain the integrity of the *mesorah* is pointing out that one should not confuse the popular use of the term, as a deer, with its halachic meaning, which is gazelle. Contrary to Slifkin, Rashi's comments in *Chulin* themselves indicate Rashi's sensitivity to the very problem that Slifkin raises about geographic distribution. Rashi clearly takes pains not to misinterpret the word *tzvi* despite his lack of familiarity with the gazelle—the vernacular use of the term notwithstanding.

Despite what has been said, none of this has a bearing on the identity of the *shafan*. Betech quotes Ibn Janach as the only source for this, but there is no

22. <http://www.rationalistjudaism.com/2011/04/seder-historical-realities-vs-seder.html>.

23. Slifkin's letter to DIALOGUE.

serious *mesorah* in the European Rishonim and Acharonim of the rabbit as the *shafan*. It might be its vernacular identity, similar to the identification of the *tzvi* with the deer.

Dibra Torah Kilshon Bnei Odom

Slifkin is enamored by the famous dictum, *dibra Torah kilshon bnei odom*. He uses it throughout his writings to interpret a variety of verses which conflict with science. In his Encyclopedia he defines this principle as:

The Torah packages its messages and laws within the scientific worldview of antiquity. Thus since the hyrax appears to chew the cud and it is commonly thought of as being a cud chewer, the Torah describes it as such.²⁴

In other words he uses this principle to explain how the Torah addresses the manner in which an allegedly primitive people thought and understood the world.

This usage is employed in his letter to DIALOGUE as well.

A data-based search indicates that In the Talmud Bavli this expression is never used in this manner. (See Endnote for a full listing of this search.) It is used only for describing a mode of expression in the Torah which is not subject to exegesis. Since the Torah uses the Hebrew language in the way people normally speak, certain modes of expression, such as the repetition of a word, cannot be taken to imply a hidden meaning. In all the Rishonim and Acharonim as well, it is only used as a description of a particular linguistic style, such as anthropomorphism²⁵ or exaggeration (see above endnote).²⁶

Nowhere is it used, as Slifkin does, to mean that “the Torah packages its messages and laws within the scientific worldview of antiquity.” Slifkin does not provide a source for this usage with its implication that the Torah

24. <http://www.zootorah.com/RationalistJudaism/HyraxSample.pdf> page 46 accessed on August 9, 2013.

25. פסיקתא זוטרתא (לקח טוב) שמות פרשת יתרו פרק כ. כי ששת ימים עשה ה' את השמים ואת הארץ. וכו' וינח ביום השביעי. וכי יש לפניו יגיעה, והא כתיב לא ייעף ולא ייגע אין חקר לתבונתו, ואומר נותן ליעף כח אלא ללמדך שלא דברה תורה אלא כלשון בני אדם.

26. רש"י מלכים א פרק א. ותבקע הארץ - דברו הנביאים בלשון הבאי כלשון בני אדם:

was given to a primitive people who misunderstood the world. In fact, it is a total fabrication.

Ibn Kaspi

The primary source of Slifkin's radical usage of the phrase, *dibra Torah kilshon bnei odom*, is the medieval philosopher Ibn Kaspi.²⁷ Ibn Kaspi is an authoritative source, Slifkin says, because he is mentioned in the ArtScroll book on the history of Rishonim.²⁸ However he was hardly authoritative. He was a radical medieval philosopher who wrote 29 books, few if any which were published for centuries until, in the mid-nineteenth century. Some of these books were published by the *maskilim* who tried to undermine Jewish tradition. The Abarbanel and the Tashbetz viewed him as a heretic because of his belief, among other things, that the world eternally existed and was not created. Although the Efodi and Moshe of Narbonne spoke highly of him, his views were so radical that subsequent generations viewed him as a heretic because of his denial of miracles, his denial of the existence of a first man Adam HaRishon, his agreement with Spinoza and because of various other matters.²⁹ Therefore, it is largely irrelevant to Torah Jews what Ibn Kaspi actually said. Dr. Isadore Twersky, who wrote a book on Ibn Kaspi (from which Slifkin derived his sources), writes that Ibn Kaspi was merely an historical curiosity. He emphasizes Ibn Kaspi's radical departure from the Rishonim in his usage of *dibra*

27. R. Slifkin is preceded in this attempt by Rabbi Shubert Spero, "The Biblical Stories of Creation, Garden of Eden and the Flood: History or Metaphor?" *Tradition*, 33:2, Winter 1999, Dr. David Shatz, "Is there Science in the Bible? An Assessment of Biblical Concordism," *Tradition*, 41:2, Summer 2008, pp. 198-244. Joel Wolowelsky "Teaching the Flood Story: The Importance of Cultural Context," *Ten Da'at: A Journal of Jewish Education*, 9:1 (Winter 1996), pp. 87-92 (available at <http://www.lookstein.org/articles/flood.htm>) and "A Note on the Flood Story in the Language of Man," *Tradition* 42:3, 2009 available in full at: http://www.traditiononline.org/news/_pdfs/0041-0048.pdf.

28. See: <http://www.rationalistjudaism.com/2010/04/ibn-kaspi-and-torah-speaks-in-language.html>

29. For a brief introduction to Ibn Kaspi, see the on line entry on him in the Stanford Encyclopedia of Philosophy and the entry on him in Wikipedia.

Torah kilshon bnei odom.³⁰ The bottom line is that Ibn Kaspi is hardly a source for authentic Torah interpretation. Therefore, Artscroll notwithstanding, there is no justification for adopting a radical reinterpretation of this phrase based on the unique opinion of a man rejected by the Torah *mesorah* as a heretic.

Having established Ibn Kaspi as an authority, Slifkin then pulls a bait and switch routine and informs us that the Rambam, Ralbag, and Rav Hirsch all agree with Ibn Kaspi.³¹ However, this is not true. They do not deviate from the traditional usage of that phrase, and invoking their names is a perversion of their words.³² Twersky himself points out that this usage is unique to Ibn Kaspi

30. Twersky first describes the usage of this phrase by Rishonim in the same way we have described and then adds the following description of Ibn Kaspi's usage of the phrase:

Now, Kaspi rather boldly takes a third step and more or less systematically extends the parameters of this philological principle to include issues and problems totally unrelated to anthropomorphism. In so doing, he converts it from a pedagogic principle which provides a license for allegorical interpretation to an hermeneutical principle which provides a lesson in what we would call historicism. Many scriptural statements, covered by this plastic rubric, are seen as errors, superstitions, popular conceptions, local mores, folk beliefs, and customs (*minhag bene 'adam*), statements which reflect the assumptions or projections or behavioral patterns of the people involved rather than an abstract truth. In its Kaspiian adaptation, the rabbinic dictum may then be paraphrased as follows: "The Torah expressed things as they were believed or perceived or practiced by the multitude and not as they were in actuality."

. . . *Leshon bene adam* is not just a carefully calculated concession to certain shortcomings of the masses, that is, their inability to think abstractly, but a wholesale adoption of mass views and local customs . . . The Torah did not endorse or validate these views; it merely recorded them and a proper philosophic sensibility will recognize them . . . *Leshon bene adam*, which insists that the text be interpreted in accord with all rules of language as well as all realia, including folk beliefs, enables the exegete to sustain a literalist-contextual approach, thus obviating the need for excessive allegory and yet not doing violence to philosophic conviction . . . [Ibn Kaspi] proposes an alternate exegetic procedure, simple yet far-reaching, which will yield a literal understanding of the text without adding or emending or shuffling. This procedure combines exegetical naturalism—trying to understand everything in the context of ordinary experiences—and historicism—noting cultural realities, differences in manners, habits, geography, expression.

31. The Encyclopedia entry footnote for "Dibra Torah" cites all the Rishonim and Acharonim together with Ibn Kaspi without distinction.

32. The alleged references to this concept (if not the phrase) in the Rambam in the Moreh and Ralbag in Bereishis cited by Jewish academicians (and contemporary rabbis who adopt their approach) is a result of a serious misunderstanding of the dual nature of prophecy in general and additionally the singular nature of the prophecy of Moshe Rabbeinu in particular.

and does not agree with anything the Rambam, Ibn Ezra, Ralbag, etc., say.³³ The conflation of their opinions with that of Ibn Kaspi is wrong and betrays a misunderstanding, either willful or otherwise, of Twersky's words.³⁴

Slifkin in his various writings makes much of his incorrect interpretation of *dibra Torah kilshon bnei odom*. In his letter to DIALOGUE, he gives an example of the use of this expression as the "descending" of the dew or the kidneys "giving counsel." As we have explained, the dictum refers to language usage and has nothing to do with these.

The Generation of the Desert

Worse than this, Slifkin uses *dibra Torah kilshon bnei odom* to present a view of *yetzias mitzaryim* and *kabbolas haTorah* that is radically different from the one that one finds in Chazal and Rishonim (and not coincidentally a view dominant in Jewish academic circles). This approach proposes that the Torah was a time-bounded document given to reflect the mistaken concepts and false understandings of the Israelites who harbored the primitive notions of the ancient world at the time of the Exodus.

In Slifkin's view Moshe Rabbeinu led out of Egypt a group of primitive slaves whom he had to wean from their primitive idolatry and superstitions.³⁵ Hence, he proposes, the Torah is replete with countless false doctrines that were necessary parts of this weaning process.

However Chazal and Rishonim viewed the generation of the Desert in a radically different manner. They saw it as a *dor deah* (a generation filled with knowledge)³⁶ who reached the level of prophecy.

Slifkin tells us that the Rambam would have agreed with his approach; however, the Rambam describes in detail that prophecy implies knowledge of

33. See the citation of Twersky at the beginning of footnote 46

34. It is important to note that R. Slifkin's view of Twersky's understanding of ibn Kaspi is also unique. See Marc Shapiro's essay on Seforim Blog <http://seforim.blogspot.com/2011/02/new-writings-from-r-kook-and-assorted.html> who suggests a more limited view of Twersky's understanding of ibn Kaspi. Shapiro is far from a traditionalist but even he suggests that ibn Kaspi never said the radical things that R. Slifkin suggests.

35. See his book on Cosmology and Evolution, *Challenge of Creation*, Chs. 14 and 15.

36. ויקרא רבה פרשת צו פרשה ט. זה דור המדבר שכולו דעה.
קהלת רבה פרשה ז. זה דור המדבר שכולו דעה.

the entire cosmos,³⁷ and that not only Moshe Rabbeinu, Aharon and Miriam reached this level,³⁸ but the entire Jewish People achieved a prophetic level at least twice shortly after their Exodus from Egypt, once at the spitting of the Yam Suf and once at Har Sinai.

When the Yam Suf split *Chazal* tell us that the Jewish People reached a level of *nevuah* greater than that of Yechezkel in the *maaseh hamerkavah*.³⁹ The Rambam equated this with the highest level of philosophic knowledge.⁴⁰ The Rambam then tells us what it was that the Jewish people experienced at *Kabbolas HaTorah* at Har Sinai. The Rambam explains the *ma'amar Chazal* that the Jewish people received from Moshe Rabbeinu only 611 (out of 613) commandments because they themselves heard *Onochi* and *Lo Yihyeh* themselves at Har Sinai. He says that the highest level of *nevuah* is that of Moshe Rabbeinu where Hashem communicates with a voice and with words—*ka'asher yidaber ish el rayahu*. Hence Moshe Rabbeinu was able to hear the words of the *Aseres Hadibros*. The Jewish people only were on the level to hear a sound but no words. However from that Divine Revelation itself they got a complete philosophic understanding of the existence and

37. רמב"ם מורה הנבוכים חלק ב' פרק לח'

ודע כי הנביאים האמתיים יגיע להם השגות עיוניות בלא ספק, לא יוכל האדם בעיון לבד להשיג הסבות אשר יתחייב מהם הידוע ההוא, ודומה לזה הגידם דברים לא יוכל האדם בסברא ובמשער הכולל לבד שיגידם, שהשפע ההוא בעצמו אשר שפע על הכח הדמיוני עד שהשלימו, עד שהגיע מפעולתו שיגיד מה שיהיה ושיגהו כאלו הם ענינים כבר הרגישו בהם החושים, והגיעו אל זה הכח המדמה מצד החושים, הוא גם כן ישלים פעל הכח הדברי עד שיגיע מפעולתו שידע ענינים נאמני המציאות, ויגיע לו זאת ההשגה כאלו השיגה מהקדמות עיוניות, זה הוא האמת אשר יאמינהו מי שיבחר להודות באמת, כי הדברים כלם יעידו קצתם על קצתם ויודו קצתם על קצתם.

38. ורה נבוכים חלק א פרק נד: אמנם אמרו כל טובי, הוא רמז להראות אותו הנמצאות כולם, הנאמר עליהם וירא אלקים את כל אשר עשה והנה טוב מאד. ר"ל, בהראות אותם לו ששיג טבעם והקשרתם קצתם בקצת, וידע הנהגתו להם איך היא בכלל ופרט. ואל זה הענין רמז באומרו, בכל ביתי נאמן הוא. כלומר, שהוא הבין מציאות עולמי כולו, הבנה אמתית קיימת.

39. מכילתא דרבי ישמעאל בשלח - מסכתא דשירה פרשה ג. זה א', רבי אליעזר אומר מנין אתה אומר שראתה שפחה על הים מה שלא ראו ישעיה ויחזקאל שנ' וביד הנביאים אדמה וכתוב נפתחו השמים ואראה מראות א'משל למלך בשר ודם שנכנס למדינה ועליו צפירה מקיפתו וגבורים מימינו ומשמאלו וחיילות מלפניו ומלאחריו והיו הכל שואלין אי זהו המלך מפני שהוא בשר ודם כמותם אבל כשנגלה הקדוש ברוך הוא על הים לא הוצרך אחד מהם לשאול אי זהו המלך אלא כיון שראוהו הכירוהו פתחו כולן פיהן ואמרו זה א' ואנוהו.

40. רמב"ם הלכות יסודי התורה פרק ב הי"א. דברים אלו שאמרנו בענין זה בשני פרקים אלו כמו טיפה מן הים הם ממה שצריך לבאר בענין זה, וביאור כל העיקרים שבשני פרקים אלו הוא הנקרא מעשה מרכבה.

unity of Hashem. Hence they did not receive these as commandments but as an understanding.

If so, the Generation of the Desert in the eyes of Chazal were a sophisticated people capable of accepting the Torah and binding all their descendants to it. Slifkin's view that they were a group of primitive, ignorant, superstitious slaves is unacceptable to anyone who believes in the *mesorah* of Torah.

II. The *Shafan* as *Maale Geira*

Eleven animals referred to in the Torah as *maale geira*⁴¹ chew their cud and that this is implied in the etymology of the word *geira* (throat). The question is: Is the chewing of the cud produced by stomach chambers the *exclusive* halachic definition of *maale geira*? Or is there some element of chewing the cud that we use to give us a broader halachic definition of *maale geira*?

Betech and Maya suggest that although the *shafan* (and the *arneves*, usually translated as “hare,” as well) does not chew its cud, it does practice another form of secondary digestion. Food is first passed through the digestive system and excreted in soft fecal pellets called caecotrophs. These are then reingested, swallowed through the throat and passed through the system again. The purpose of this process is similar to that of actual rumination—to extract nutrients from high cellulose food sources through multiple digestions. They claim that this suffices to qualify them as *maalei geira*.

The advantage of this definition is that it is clear and precise and fits the basic concept of *maalei geira*. Even though animals that chew their cud do so through multiple stomachs, the halachic definition of *maalei geira* according to this suggestion means all forms of necessary reingestion as a basic nutritional strategy.

This form of reingestion is common in pikas as well as in rabbits and hares. To adopt Betech's definition of *maalei geira* one would have to either subsume the pikas under rabbits or hares or presume that the pika is a form of a *sheretz* (creeping animal) which is not included under the sweeping statement of the Chazal that there are only four animals in the world that have one kosher sign. It is reasonable to assume that the pika is a *sheretz*, but

41. Devarim 14:4-7

this is something that Betech still has to prove.⁴²

Slifkin counter-argues that the type of multiple digestion, also called coprophagia, is practiced by capybaras,⁴³ hamsters and other related species. Furthermore, it could not constitute *maale geira* because etymologically *geira* means “throat.”

Slifkin errs in equating the etymology of the word with its halachic definition. It goes without saying that the most common type of redigestion is rumination where the food passes through the throat multiple times. However, this does not say that there may be other forms of redigestion that qualify halachically as *maalei geira*. Slifkin himself, in his book *The Camel, the Hare, and the Hyrax* recognizes the possibility that there is a difference between etymology and halachic definition.

In his letter to *DIALOGUE*, Slifkin gives two suggestions as to why the hyrax, his interpretation of the *shafan*, is a *maale geira*:

Rabbi Dovid Tzvi Hoffman and Rabbi Menachem Kasher, for example, argued that the lateral, gyratory chewing movements of hares and hyraxes resemble those of a cud-chewer, and the Torah’s description follows such appearances, as per the principle of *dibra Torah kilshon bnei adam*, “the Torah speaks like the language of men.”

We have already shown that the dictum *dibra Torah kilshon bnei odom* is irrelevant to our discussion, nor did Rabbis Hoffman nor Kasher invoke it;

42. In fact, one of the missing elements of the Betech–Maya work is a clear definition of *sheretz*. The lack of this definition weakens their argument that the hyrax is a *sheretz* and therefore is not the *shafan*, as Slifkin points out. It should be noted that in Dr. Betech’s newly published book, he develops another working definition of *sheretz* to include the hyrax. This is not the place to evaluate that definition.

43. Based on the extensive research of Dr. Betech, it seems that the coprophagia practiced by the capybara is not vital for its nutritional needs and is therefore not a candidate for *halachic maalei geira*. In private communication, Betech makes the following statement about capybaras. “300 capybaras observed over 3 months with an appropriate diet did not practice caecotrophy (and just when the diet was restricted this phenomenon of caecotrophy appeared). This shows that caecotrophy in capybaras is not a regular nutritional imperative process as it is in rabbits.” It would be helpful if we had more complete research on the capybara so that we could make a more precise evaluation.

that is Slifkin's own commentary on their opinion.⁴⁴ Aside from this, the definition of *maale geira* as giving an appearance of chewing the cud is unacceptable for another reason, even though the esteemed above-mentioned sources have it otherwise.

The implicit assumption of this explanation is that the nation who received the Torah, and the Chazal who transmitted it, believed that the hyrax chewed its cud because of its lateral chewing motion. This is not feasible. The multiple stomachs which constitute the anatomy of cud-chewing animals are well known to even the most elementary student of Halachah. How could they not have ascertained that the hyrax does not have these stomachs and is therefore not a *maale geira*? To assume that the nation who received the Torah, and *Chazal*, thought that the hyrax chewed its cud because of its lateral chewing motion and were ignorant of its basic anatomy borders on the absurd. The implicit assumption here in Slifkin's approach is that we are talking about a very primitive text and legal system—hardly what one would expect from the One who rules the entire world.

Slifkin then proposes another possibility, that *maale geira* refers to regurgitation:

Some zoologists, however, have observed that hyraxes do in fact regurgitate small quantities of food for remastication—a behavior that I have managed to film in my own captive hyrax.

To justify applying the term *maalei geira* to eating regurgitated food (mercyism) has major difficulties.

There are some animals that clearly engage in regurgitation regularly such as the koala, kangaroo and proboscis monkey. This is because they do not completely digest their food but must regurgitate it for redigestion. However, there are three problems with applying this solution to the hyrax.

1. If eating regurgitated food is part of the expanded halachic definition of *maalei geira*, it should play a significant role in the digestion of the hyrax—which it does not.
2. In this letter to Dialogue, Slifkin says he has filmed his hyrax behaving in a way which can be interpreted as regurgitating. However, he has

44. <http://www.org.hebrewbooks/pdfpager.aspx?req=51458&st=&pgnum=73>

not shown that this occurs because of the necessity to redigest its food on a regular basis. It may be the result of nothing more than indigestion. Furthermore, in his Encyclopedia, Slifkin says only that one can only theorize that the hyrax engages in mercyism. There is no definitive proof. Hence in the Encyclopedia, he seems to concede Betech's point that the scientific literature in general does not view the hyrax as practicing mercyism.

3. Finally, if we equate mercyism with halachic *maalei geira* then there are other animals that practice mercyism which do not have split hooves. However, this would seem to contradict the Talmud in *Chullin* 59a that there are only three animals that are *maaleh gera* which do not have split hooves.

Slifkin recognizes that there are many more animals that give the appearance of chewing the cud or have minor regurgitation. But he explains this problem away in his Encyclopedia and his book, *The Camel, The Hare and The Hyrax*, by applying his innovative use of the principle, *dibra Torah kilshon bnei odom*, that the Torah and Chazal only describe animals that were familiar to the Jewish people at the time of the giving of the Torah. They believed that the hyrax chews its cud, but there are more such animals. We have already shown that this approach to the Torah and to the Rishonim is without basis in any classic source and is unacceptable.

But more pertinent, it is clear from Chazal in *Chullin* 59a that they did not believe that there were more than three such animals in the world which are *maale geira* and do not have split hooves. The Talmud there seeks to ascertain if there are any exceptions to this rule and concludes that there are none since

the One who rules the world knew that there are only three such animals.⁴⁵ To say that there are more than three such animals and that the Torah refers only to that part of the world where the Jews lived during the giving of the Torah is impugning the credibility of this explicit, absolute Talmudic statement.

This is not the only absolute statement which *Chazal* make about the world. For instance, they tell us that any fish with scales has fins. *Tosafos* asks whence where did *Chazal* derive this fact? They comment that either they had a *mesorah* from Adam Harishon or it was a *halachah leMoshe Misinai* (a tradition given to Moshe at Har Sinai). When the *Tosafos Yom Tov* was shown a supposed fish with scales without fins, two centuries of Acharonim engaged in a discussion about justifying this fact. Not a single Acharon offered the solution (of the sort which *Slifkin* suggests) that *Chazal* were only referring to the area of the world with which they were familiar. Obviously, when *Chazal* make a statement about the whole world they mean exactly that. The statement about the animals which are *maale geira* is the same.⁴⁶

45. תנו רבנן אלו הן סימני בהמה כל בהמה מפרסת פרסה וגו' כל בהמה שמעלת גרה בידוע שאין לה שיניים למעלה וטהורה וכללא הוא והרי גמל דמעלה גרה הוא ואין לו שיניים למעלה וטמא גמל ניבי אית ליה והרי בן גמל דניבי נמי לית ליה ותו הרי שפן וארנבת דמעלת גרה הן ויש להן שיניים למעלה וטמאין ועוד שיניים מי כתיבי באורייתא אלא הכי קאמר כל בהמה שאין לה שיניים למעלה בידוע שהיא מעלת גרה ומפרסת פרסה וטהורה וליבדוק בפרסותיה כגון שהיו פרסותיה חתוכות

וכדרב חסדא דאמר 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 גמל גמל ניבי אית ליה אלא ובלבד שיכיר בן גמל לאו אמרת איכא בן גמל איכא נמי מינא אחרינא דדמי לבן גמל? לא ס"ד דתני דבי ר' ישמעאל ואת הגמל כי מעלה גרה הוא שליט בעולמו יודע שאין לך דבר מעלה גרה וטמא אלא גמל לפיכך פרט בו הכתוב הוא

ואמר רב חסדא היה מהלך בדרך ומצא בהמה שפיה גמוס בודק בפרסותיה אם פרסותיה סדוקות בידוע שהיא טהורה אם לאו בידוע שהיא טמאה ובלבד שיכיר חזיר לאו אמרת איכא חזיר איכא נמי מינא אחרינא דדמיה לחזיר? לא ס"ד דתנא דבי ר' ישמעאל ואת החזיר כי מפריס פרסה הוא שליט בעולמו יודע שאין לך דבר שמפריס פרסה וטמא אלא חזיר לפיכך פרט בו הכתוב הוא

46. *Slifkin's* primary source supporting his reading of "world" in the phrase "the One who rules the world knows . . ." as being limited to a local region only, is Rabbi David Gans, a disciple of the Maharal of Prague, in *Nechmad Ve'Na'im* 89 where he applies a limited meaning of "world" to certain passages of *Chazal*. However, all of his examples do not refer to passages in *Chazal*, such as our case, which describe Hashem's infinite knowledge and power over the world. He would obviously agree that when referring to these, *Chazal* meant the entire world or else they do not show this.

Rabbits in Eretz Yisroel

One of Slifkin's major objections with accepting the rabbit as the *shafan* is that the *shafan* is described in *Tehillim* 104 and *Mishlei* 30 as hiding among rocks, a behavior not typical of rabbits. Betech, on the other hand, shows research that there are many such rabbits in various parts of the world albeit not near Eretz Yisroel.

Slifkin claims further that the *shafan* cannot be the rabbit because the rabbit was unknown in the Middle East at the time of the giving of the Torah. We have already noted that the fact that the rabbit was not known in Eretz Yisroel at the time of the giving of the Torah does not preclude the fact that the identity of the *shafan* was known at that time to Him who created the *entire* world.

But besides this objection, Slifkin's argument does not stand on its own. How could Slifkin know if rabbits were not imported into Eretz Yisroel, for example as gifts? Monkeys and peacocks were given as gifts to Shlomo HaMelech even though they are not native to the country. Rabbits were brought to Crete because of the many benefits that they were hoped to bring.⁴⁷ The ancient Phoenicians are assumed to have introduced rabbits throughout the Mediterranean region as early as 1100 B.C.E. if not earlier.⁴⁸ Is it not possible that they were also brought to Israel?

How, in general, can we have any definitive knowledge that something did not happen thirty-five hundred years ago? For archaeology to prove the something did not happen is next to impossible.

Slifkin further argues that one can assume that Dovid HaMelech in *Tehillim* 104 and Shlomo HaMelech in *Mishlei* 30 were referring to animals well known in their locale, for to presume that they referred to rabbits in distant lands is far-fetched. Since these passages are descriptive and not halachic, there is a degree of cogency to this argument. However, there may be a simple resolution to this problem, the fact that the Torah uses the same name to apply to two species. This is discussed by Rabbi Moshe Meiselman in his

47. See: http://en.wikipedia.org/wiki/History_of_crete/Prehistoric_Crete which says: "The Late Neolithic sees a proliferation of sites, pointing to a population increase. In the late Neolithic, the donkey and the rabbit were introduced to the island, deer and agrimi hunted."

48. See: <http://om.ciheam.org/om/pdf/c41/99600122.pdf>

forthcoming book, which he has graciously permitted me to quote:

Species names⁴⁹ in the Torah and Rabbinic literature must be understood and applied with caution.⁵⁰ The correct identifications are frequently in doubt, Biblical and Rabbinic usage may differ and what is more, even within a single body of literature the same species may have multiple names and the same name may apply to more than one species.⁵¹ We saw in the last chapter, for example, that the term *achbar* is used by *Chazal* to refer to two completely different species. In a passage in *Avodah Zarah* the urban *achbar*—usually identified as a mouse—is called “repulsive,” while the country *achbar*—evidently a kind of squirrel—is a delicacy fit for kings.⁵²

Although there are certainly commonalities between mice and squirrels—both are small furry rodents, represented by numerous burrowing forms—it is impossible to confuse the two. It is only the country *achbar* that Rashi glosses with the old French word *escurel*—“squirrel,” while for the identity of the urban *achbar* he relies upon common knowledge. Rashi is in no doubt that two very different creatures are being discussed.

Chazal make it clear that the multiple use of this name is not accidental. They tell us explicitly that all (terrestrial) species bearing the name *achbar* have

49. Throughout the following discussion I will be using the word “species” in its common, not scientific meaning.

50. According to the *Gemora* even Moshe Rabbeinu was uncertain of the identities of certain species until he was shown them prophetically; see *Menachos* 29a.

51. One must be especially circumspect about relying upon the various “scientific” works on Biblical and Talmudic nomenclature that have come out in recent years, complete with English and Latin equivalences and full-color illustrations. While these texts may be useful, it must be born in mind that the identifications found in them are often no more than educated guesses. At times they are even at variance with traditional sources and with the established *halachah*. The authors, while well-meaning, are frequently not *talmidei chachamim* of stature, capable of evaluating the relevant source material.

52. עבודה זרה סח ע"ב: ההוא עכברא דנפל לחביתא דשיכרא. אסר' רב להווא שיכרא. אמרוה רבנן קמי' דרב ששת, נימא קסבר נט"ל אסור? אמר להו רב ששת, בעלמא סבר רב נט"ל מותר, והכא חידוש הוא, דהא מימאס מאיס ובדילי אינשי מיני', ואפילו הכי אסר' רחמנא. הלכך נט"ל נמי אסור, וכו'. ומי מאיס והלא עולה על שלחן של מלכים אמר רב שימי מנהרדעא לא קשיא הא בדברא הא בדמתא.

רש"י: דמתא—עכבר של יישוב מאיס. עכבר דדברא—אשקור"ל בלע"ז.

similar *halachos*.⁵³ Thus it is evident that a shared name indicates a commonality of some sort, although the exact *halachically*-relevant commonality can only be a matter of conjecture.

The phenomenon of a single name referring to more than one species is found in the Torah itself. In the lists of unclean animals in *Sefer Vayikra* the name *tinshemes* is used within the space of just a few verses for both an unclean bird⁵⁴ and an unclean crawling creature.⁵⁵ The *Gemora* itself notes the double usage, taking it for granted that it implies a similarity of some sort—one *tinshemes* is the *bavas* of the crawling creatures while the other is the *bavas* of the flying creatures.⁵⁶ The Amora Abaye attaches common names to the two species—the winged *tinshemes* he calls a *kipof* while the terrestrial one he labels a *kurpedai*.⁵⁷

Rashi explains the meanings of these terms. Regarding the terrestrial *tinshemes* he is confident that it is a mole. For the flighted one he offers two possibilities—it is either an owl or a bat.⁵⁸ Rashi prefers the latter because bats are more similar to moles, but in any case the general commonality seems clear—all these species are creatures of darkness.⁵⁹

According to the classic commentaries, based on *Chazal*, even when a name appears only once in a Biblical context it may include a number of different

53. חולין ככו ע"ב: תנו רבנן, מתוך שנאמר עכבר, שומע אני אפילו עכבר שבים ששמו עכבר, וכו'. טימא בחולדה וטימא בעכבר, מה חולדה כל ששמה חולדה, אף עכבר כל ששמו עכבר, אפילו עכבר שבים ששמו עכבר? ת"ל על הארץ.

54. ויקרא יא יח: ואת התנשמת ואת הקאת ואת הרחם.

55. שם יא ל: והאנקה והכח והלטאה והחמט והתנשמת.

56. חולין סג ע"א: תנו רבנן, תנשמת באות שבעופות, כו'. תניא נמי גבי שרצים כה"ג, תנשמת באות ששרצים, וכו'.

The commentaries offer a number of very different explanations for the term *bavas* or *ba'us*. It is clear, however, that a shared quality of some sort is indicated.

57. שם: אמר אביי, באות שבעופות קיפוף, באות ששרצים קורפדאי.

58. רש"י שם: קורפדאי—טלפ"א. קיפוף—ציאי"ט. ולי נראה שקורין קלב"א שורי"ץ, שדומה לטלפא ששרצים.

59. In fact, according to the Vilna Gaon the term *bavas* indicates blindness; see *Aderes Eliyahu*, *Vayikra* 11:18.

species.⁶⁰ Since these species may be morphologically and genetically very different from one another, it is clear that the Torah's system of classification is not the Linnean, nor is it based upon genetic relationships. All classificatory systems are designed to be useful, but usefulness is defined by one's objectives. The Torah's objectives are not those of the scientists, consequently the rules by which it organizes living creatures and other phenomena are not those of the scientists either. The Torah is its own independent system.

From this citation, it is clear that the *shafan* in the Torah on one hand, and in *Tehillim* and *Mishley* on the other, may not be referring to the same animal. *Shafan* may very well be a species that includes both rabbits and hyraxes or some other animal that hides among the rocks for some reason unbeknownst to us. The verse in the Torah might well refer to one member of the family—one that is *maale geira* and does not have split hooves—and the verse in *Tehillim* and *Mishley* could be referring to that member of the family which hides in rocks, either the hyrax or some other animal which is not necessarily *maale geira*.

Indeed, the ancient Phoenicians who were natives of the Middle East and were presumably familiar with hyraxes, nevertheless gave the name of “Shaphan” (pronounced “Spain” in English) to the Iberian peninsula because of its prolific rabbit population.⁶¹ Assuming the Phoenicians also called the hyrax by the term *shaphan* they apparently understood that the similarities between rabbits and hyraxes were significant enough to use the same name for both.

The inclusion of multiple types of animals under one biblical name is not unknown to Slifkin. He has recognized that the name *nesher* might sometimes refer to a vulture and sometimes to an eagle, and they can both possibly be

60. רבנו בחיי, ויקרא יא ב: והצב למינהו—הצב שני מינים, האחד שמו ערוד והשני שמו סלמנדר"א. ונרמזה סלמנדר"א זו במלת למינהו שהוסיף הכתוב בשבילו. (ע"פ ספרא שמיני פרשתא ח ז). רבנו בחיי, ויקרא יא מ: ודבר ידוע כי עכבר שני מינין, אחד ביבשה ואחד בים, וכן בשאר השרצים שלא ידענו. ועל כן אמר בכל השרץ השורץ, כלומר אפילו בשרץ הים. מלב"ם, ויקרא יא כט: אבל פה שחשב ח' שרצים ומקומם נודע שהוא בארץ, למה אמר על הארץ? אמר בספרא שזה מפני העכבר, שיש ממנו כמה מינים. ויש עכבר היבשה ועכבר המים כנודע, ושניהם נקראו בעברי בשם עכבר סתם. וכן יש עכבר הגדל בים וביבשה.

61. <http://www.drba.ca/Information/RabbitWhoandWhy.aspx> Or possibly, Shaphan was only used for the rabbit and they had a different name for the hyrax. Dr. Betech in his newly released book on the Shafan (p. 273) has cited the Malbim in Melachim 1 chap. 10 v. 22 who cites this theory of the origins of the name of Spain

subsumed under the same term.⁶² He has also proposes in his Encyclopedia entry that the name *nameyr* can refer to both the leopard and the cheetah.⁶³ Why can he not assume that the same is true about the hyrax and the rabbit?

Linguistic Evidence of the *Shafan* as Hyrax

In the second half of his critique of Dr. Betech's submission, Slifkin has two linguistic proofs that the *shafan* is the hyrax.

A. He says that the hyrax is

identified as the *shafan* by Rav Saadiah Gaon, as well as the Septuagint and Vulgate . . . Any difficulties raised with descriptions of the *shafan* are not reasons to disqualify the hyrax, since there is no other remotely reasonable candidate. If David HaMelech were to describe the *shafan* as "bouncing," we would be challenged with understanding how this refers to the hyrax.

The problem with this is, first and foremost, that these points are either contradicted or seriously mitigated by Slifkin's own more expanded citation of these sources in his Encyclopedia. There, he quotes the Septuagint and the Vulgate (hardly authoritative sources) as translating the *shafan* as *chyrogrillius*, an unclear word, which, he reveals has been translated as either a grunting pig or bristly animal. Then, in a fanciful twist, Slifkin shows that this could possibly refer to a hyrax since the hyrax has bristly hair similar to a pig, which emerge occasionally.

This betrays a fundamental methodological error. Names are given by defining characteristics. While the occasional bristly hair creates an analogy between a hyrax and a grunting pig, it is hardly enough of a defining characteristic to merit being described by it.

Furthermore, Slifkin's reasoning is circular. Only if we first assume that the *shafan* is the hyrax can we, after the fact, justify the ambiguous translation. How, then, can he cite the Septuagint and Vulgate as a source that the *shafan* is the hyrax?

62. See: <http://www.rationalistjudaism.com/2013/01/on-eagles-wings.html> and <http://www.zootorah.com/essays/the-identity-of-the-neshar> specifically footnote 17

63. <http://zootorah.com/assets/media/LeopardChapter.pdf> page 6

Secondly, although Dovid HaMelech did not describe the *shafan* as a “bouncer,” Onkelos, whom Slifkin neglects to mention in this letter, did translate *Shafan* as *tafza*—a jumper. In his Encyclopedia, Slifkin says that the hyrax often leaps from rock to rock. But this seems to be occasional behavior not a defining characteristic. Onkelos seems to be indicating that the *shafan* is not the hyrax.

B. The second linguistic proof is that “hyraxes which live in Israel are called by a variant of the name *shafan* in local dialects.”

This is significantly qualified by what Slifkin writes in his Encyclopedia. There he records that the hyrax is called *thufun* only in the Ekhili (Sabeen) dialect of Arabic and reportedly in Southern Arabia. Apparently then, there are many other dialects of Arabic where the word for hyrax has no relationship to *shafan*. Furthermore, in the Encyclopedia he supports his Arabic source as a proof by citing that Ibn Ezra does the same. However, Ibn Ezra merely says that because the contemporary use of the word *nesher* and the Arabic overlap, we can assume that they are identical. This is a far cry from using one of several dialects to prove a point.

The only point that has any credibility is the fact that Rav Saadiah Gaon translates *shafan* as *wabr*. *Wabr* in modern Arabic is the most common way of referring to a hyrax—note that this has no relationship to the Hebrew word *shafan*. However, as Betech points out, *wabr* merely means a furry or hairy animal. And, says Betech, there is no proof that one thousand years ago the Arabic referent of a furry or hairy animal meant only the hyrax. It may have meant many other hairy or furry animals.

Slifkin himself seems to have realized the tenuous nature of all his proofs and in the end he asserts that the *shafan* must be the hyrax primarily because there is no other reasonable candidate—assuming the confining principle of geographic distribution. This is hardly a definitive argument. More than that, all of the above evidence seems to indicate that it is *not* the hyrax.

Proof From a Mishna

Another source which indicates that the hyrax cannot be the *shafan* is the Mishna in *Uktzin* that says that the meat of the camel, the pig, hare and *shafan* do not have to be designated as food to acquire the *tumah* (ritual

uncleanness) indigenous to food.⁶⁴ The Rambam and other commentaries explain that since these are standard food items they automatically acquire *tumah* and do not need any special designation as food.

Rabbit meat is a very standard item. Hyrax meat does not seem to be. However, in his Encyclopedia, Slifkin cites Tristram that hyrax meat is “much prized by the Arabs” thus making it a popular food. “Prized” usually implies uncommon, which would make it a delicacy. This is understandable given that hyraxes live exclusively in the wild and cannot be domesticated or trapped regularly. Thus, according to the Mishna which says the *shafan* is a common food, the hyrax fails as a candidate for the *shafan*. It does leave open the possibility that the rabbit may be the *shafan*.

Proof From the Habitat of the *Shafan*

Slifkin claims that the *shafan* must have the same habitat as the ibex. The source of this claim is that the two animals appear in the same verse in *Tehillim* 104. Thus, he argues, the *shafan* must be the hyrax, since in Ein Gedi it coexists with the ibex.

We will not enter into a discussion of the identity of the *ya'el* here; it may well not be the ibex. However, it is difficult to view *Tehillim* 104 as a description of Ein Gedi since that chapter also mentions the open sea, which is far from Ein Gedi. Furthermore, the fact that the two animals appear in the same verse is a weak proof that they have the same habitat.

In summary, Slifkin has failed to give a convincing argument that the hyrax is the *shafan* other than to say that this is the opinion of biblical zoologists, that it hides in rocks and that it is a native of the Land of Israel. We have seen that these arguments are easily refuted.

64. גג נבלת בהמה טמאה בכל מקום, נבלת העוף הטהור בכפרים—צריכין מחשבה, ואינן צריכין הכשר. נבלת בהמה טהורה בכל מקום, ונבלת העוף הטהור, והחלב בשווקים—אינן צריכין לא מחשבה, ולא הכשר. רבי שמעון אומר, אף הגמל, והארנבת, והשפן, והחזיר.

Conclusion

Drs. Betech and Maya have made a valuable contribution to the halachic and scientific literature, but more work has to be done. They are to be commended that they offer the rabbit as the translation of the *shafan* as a suggestion rather than as a definitive statement, since, in the absence of a clear *mesorah*, we can only theorize about this.

Slifkin, on the other hand, who makes a definitive statement that the *shafan* is the hyrax and who unequivocally rejects their work, has no real basis for his position in either Torah literature or in empirical studies. Even more so, his solution seems far-fetched. Finally, his critical approach to Rishonim as distorters of the halachic *mesorah* and his use of the dictum, *dibra tora kilshon bnei odom* is incorrect.

ENDNOTE

Regarding *Dibra Torah Kilshon Bnei Odom*

Jews who are faithful to our 3,300 year old tradition take it as axiomatic that every word and letter of *Torah shebiKsav* is filled with meaning because of the Divine origin of the Torah. The methodology of the *Torah Shebaal Peh* is to analyze the text of Chumash in a detailed way and to use every letter to expose the deeper meaning of the text of *Torah she-biKsav*. There are many instances in Torah when a word is repeated—*ish, ish, hikores tikores* etc. *Chazal* debated whether they could find meaning in such repetition. One opinion is that whereas this is a common way human beings speak one can see nothing here beyond the normal usage of language. The Torah uses the Hebrew language in the way people normally speak. Another school disagrees. This is the way that the phrase is used in the 32 times that it is employed in Talmud Bavli. All of these are used in halachic contexts.

The phrase is used twice in *Midrashei Halacha*. Once in the above manner and once to say that whereas people use similar phrases to mean different things, so too when the Torah uses different phrases for the same idea we have to

understand why the Torah switched the phrase.⁶⁵ *Chazal* only used the phrase in a halachic framework and only in this context. There is no other usage of the phrase in the halachic literature.

The expansion of this to anthropomorphism by *Rishonim*⁶⁶ still remained within the bounds that we already find. Language is used in the Torah in the way people use language to communicate to one another. We are talking about the way a divinely written Torah uses language. (This dictum is never used by *Rishonim* to allegorize an entire story. How we use words and figures of speech and how we understand stories are two different things. The use of this dictum to allegorize the *Mabul* by certain contemporary authors is a perversion of the usage by *Chazal* and it hijacks a phrase to justify a methodology that was never meant by this phrase or by *Chazal* or *Rishonim*.⁶⁷)

The *Rambam* elaborates on this extensively in *Moreh Nevuchim*. In fact, this is the theme of the first fifty chapters of *Moreh Nevuchim*. His main point is that human language includes a whole web of meanings within the usage of a specific word. We talk about the heart of the human being and the heart of the matter. We do not always refer to a blood-pumping organ of the body. Similarly, when we talk about thoughts emanating from the heart we do not mean that the heart is the source of the thought process. Every human being (including *Chazal*⁶⁸) experiences thought in his head. When one says that he is expressing what is in his heart he is using language in this manner even today—after the function of the heart is clear. The Torah's use of anthropomorphism does not mean that Hashem has anger, regret or that he rests or that he has other human features. The Torah and *Chazal* used language in the way human beings use language.

We will now continue with our survey.

65. ספרא קדושים פרשה י. פרשה י ואל בני ישראל תאמר, ואל בני ישראל תדבר, אמור אל בני ישראל, דבר אל בני ישראל, צו את בני ישראל ואתה תצוה אל בני ישראל, רבי יוסי אומר דברה תורה כלשון בני אדם בלשונות הרבה, וכולם צריכים להידרש, ישראל אילו ישראל, גר אילו הגרים, הגר, לרבות נשי הגרים, בישראל, לרבות נשים ועבדים.

66. פסיקתא זוטרותא (לקח טוב) שמות פרשת יתרו פרק כ. כי ששת ימים עשה ה' את השמים ואת הארץ. וכו' וינח ביום השביעי. וכי יש לפניו יגיעה, והא כתיב לא ייעף ולא ייגע אין חקר לתבונתו, ואומר נותן ליעף כח אלא ללמדך שלא דברה תורה אלא כלשון בני אדם.

67. The authors mentioned in fn. 40 obviously were insensitive to this point.

68. פסיקתא זוטרותא (לקח טוב) שמות פרק כח (לח) והיה על מצחו תמיד. וכי לא היה נכנס לבית המרחץ או לבית הכסא, אלא תמיד שלא יסיח דעתו ממנו בשעה שהוא לובשו, ק"ו לתפילין, ומה אים ציץ שאין בו אלא קודש לה', אמרה תורה והיה על מצחו שלא יסיח דעתו, תפילין לא כל שכן:

Rashi uses the phrase to explain the dictum that the Torah and the *Navi* sometimes speak in *lashon havai*—usage of an exaggeration to make a point.⁶⁹ *Lashon havai* is used by the Gemara in a number of places to say that one need not take certain phrases in Torah literally because the Torah and the *Navi* use language in the way human beings do. They talk in an exaggerated manner to make a point.

The Ibn Ezra uses the phrase 24 times and does not essentially deviate from the usage of *Chazal*.⁷⁰ Anthropomorphisms and metaphoric usage of language reflect the way human beings use language. The Redak follows suit⁷¹ as does the Ramban⁷² and Rabeinu Bachye.⁷³ The Ralbag uses the phrase once in *Tanach* in the explanation of an anthropomorphism.⁷⁴ However, the Ramban adds an important point that although the *psbat* of a phrase follows the human usage of

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- 69: רש"י מלכים א פרק א. ותבקע הארץ - דברו הנביאים בלשון הבאי כלשון בני אדם.
70: אבן עזרא בראשית פרק א. אח"כ אמר השם למלאכים נעשה אדם. אנחנו נתעסק בו, ולא המים והארץ. ואחר שידענו שהתורה דברה כלשון בני אדם, כי המדבר אדם גם כן השומע, ולא יוכל לדבר איש דברים בגבוה עליו או בשפל ממנו, רק על דרך דמות האדם, וכן אמר פי הארץ, יד הירדן, וראש עפרות תבל.
אבן עזרא בראשית פרק ו. וינחם ד' ידוע כי לא אדם הוא להנחם, רק דברה תורה כלשון בני אדם, כי המשחית מה שעשה יראה שניחם.
71: רד"ק שופטים פרק ט. המשמח א' ואנשים - מכאן סמכו רז"ל שא"א שירה אלא על היין שנאמר המשמח א' וי"ת דמיניה מנסכין קדם ה' וביה חדן רברבין הרחיק יונתן ע"ה השמחה מהבורא יתעלה כמו שהרחיק כל שאר התארים ממנו כי אין לפניו לא שמחה ולא עצבון ומה שנאמר בו מהם על דרך משל כי דברה תורה כלשון בני אדם וכן תרגם אנקלוס ויתעצב אל לבו ואמר במימריה למיתבר תוקפיהון כרעותיה הרחיק לשון העצבון ממנו ית' ומה שלא עשה כן במלת ויחר אף ה' והדומים לו הוא לסוד ידוע אצל מביני מדע.
72: המב"ן בראשית פרק ו. וינחם ה'. ויתעצב אל לבו - דבר תורה כלשון בני אדם. והענין, כי מרו ועצבו את רוח קדשו בפשיעה. וענין "אל לבו", כי לא הגיד זה לנביא שלוח אליהם, וכן הלשון במחושב, כדרך לדבר אל לבי וזולתו:
73: רבינו בחיי בראשית פרק א. ואחר שנתבאר לך זה בכ"מ שאתה מוצא בתורה זכרון דברים גשמיים מיוחסים לבורא כגון יד ה', עיני ה', אזני ה', פני ה', בכולם תוכל להתבונן שאין הדברים כפשוטן, אבל הם מלות מורות ענינים נעלמים במין אחד ממיני החכמה, וזהו מאמר רז"ל תמיד דברה תורה כלשון בני אדם.
74: רלב"ג שופטים פרק י. והנה קצר רצון הש"י מהושיע אותם תשועה שלימה כמו הענין בתשועות הקודמות בסבת עמל ישראל אמר זה ע"ד דברה תורה כלשון בני אדם שהם כאילו סבבו לש"י עמל ויגיעות להצילם ולשוב להצילם פעמים רבות מצד היותם שונים במרים ככלב שב על קיאו וכאילו הלאוהו על זה או ענין עמל מענין שקר וכזב כמו עמל ואון וירצה בזה כי בסבת השקר והכזב שבחר בו ישראל והוא עבדם אלהים אחרים קצר רצון הש"י מהושיע אותם תשועה שלימה כמו הענין בתשועות הקודמות ולזה לא אמר להם בזה הענין:

language there may be hidden kabbalistic meaning in the exact phraseology.⁷⁵

As one proceeds through the generations one finds that the Abarbanel uses it in this context.⁷⁶ In a similar way we find Rabbeinu Ovadia Bartenura, Rabbeinu Eliyahu Mizrahi and the Or HaChaim using it in the exact same manner. They restrict this only to anthropomorphism.

In the medieval philosophic works such as *Chovos Halevovos*, *Kuzari*⁷⁷ and *Moreh Nevuchim*⁷⁸ one finds this phrase used only in the context of anthropomorphisms.

This was used extensively by more modern commentaries such as the Malbim, *Meshech Chochmah*, *Torah Temimah* and Rav Hirsch,⁷⁹ all in the same context.

Our conclusion of this survey of Chazal, *Rishonim* and *Achronim* via the data-base search is decisive: we never find any classic commentator using this phrase in any manner other than as a convention of human language and idioms and only that.

75. רמב"ן דברים פרק ה. מי יתן והיה לבבם זה להם ליראה אותי - בעבור היות רשות האדם בידו להצדיק ולהרשיע, והכל בידי שמים חוץ מיראת שמים, יאמר הכתוב כן, והוא כלשון בני אדם. ועל דרך האמת הוא כמו ויאמר לאדם הן יראת ה' היא חכמה וסור מרע בינה. וכך אמרו בשכרן של מצות ראה שחותכין בשרו של ר' עקיבא במקולין, אמר לו רבונו של עולם זו תורה וזה שכרה, השיב לו הקדוש ברוך הוא שתוק כך עלה במחשבה לפני. ותבין זה ממה שאמר ואתה פה עמוד עמדי:

76. אברבנאל בראשית פרק ח. והסכים בלבו ועצתו העליונה לגבות את חובו כשיחטאו לפני בני אדם בדרך אחרת מהעונשים. ומעט מעט כפי חטאתם לא בדרך כליה כוללת כאשר עשה במבול והוא אמרו ויאמר ה' אל לבו ודברה תורה כלשון בני אדם כי כמו שבני אדם גם בני איש במחשבותיהם ועצתם יסכימו בלבם לעשות דבר זולת דבר כן הקדוש ברוך הוא נתייעץ בלבו ובעצמו וכמ"ש חז"ל בענין הבריאיה במי נמלך בלבו נמלך.

77. ספר הכוזרי מאמר ה. אמר החבר: וכו' וכאשר יהיה המעשה והכונה שלמים כראוי, יהיה עליהם הגמול, ויהיה זה על דרך בני אדם כאילו הוא זכרון, ודברה תורה כלשון בני אדם.

78. ספר מורה הנבוכים חלק א פרק כט. יאמר עליו ויאמר ה' אל לבו, להדמות בענין ההוא האנושי, על המשך דברה תורה כלשון בני אדם, וזה מבואר נגלה,

79. רש"ר הירש ויקרא פרק כו. ולא אריח וגו'. לא אתחשב בכך, שעדיין מקריבים לי שם קרבנות, וקרבנות אלה מבטאים דרך סמל את התמסרותכם לעשיית רצוני. בשעת החורבן מצויים שם נציגיהן של כל דרכי עבודת ה' ואלים, כלשון בני אדם: