

9 Adar 5778  
Feb. 24, 2018



Avodah Zarah Daf 40

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamot of

**Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h**

**Tzvi Gershon ben Yoel (Harvey Felsen) o”h**

May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

### **Signs of a Kosher Fish**

It was taught: Rav Huna says that the head and spine of a fish must be apparent (*to know if it is kosher*). Rav Nachman says: Either is sufficient.

Rav Ukva bar Chama asks: The *Mishna* says that the rule by fish is that if they have fins and scales they are kosher! (*Heads and spines should not matter!*)

Abaye answers: This *Mishna* is only required regarding the *bara* and *palmuda* fish, whose heads look like non-kosher fish (*they can therefore be identified by looking at their fins and scales*).

Rav Yehudah says in the name of Ulla: This argument is regarding whether or not one can dip (*i.e. bread*) in their brine. However, to eat the fish itself, everyone agrees one must see the head and spine.

Rabbi Zeira says: I used to always dip in the brine. When I heard that Rav Yehudah says in the name of Ulla that this argument is regarding whether or not one can dip in their brine, but to eat the fish itself everyone agrees one must see the head and spine, I stopped eating the brine as well (*if he did not see both the head and spine*).

Rav Pappa says: The law is that the head and spine of every fish must be apparent.

The *Gemora* asks a question on this from a *braisa*. If pieces of fish have a sign that they are kosher, whether all of them

or some of them have this sign, or even if one out of one hundred has this sign, they are all permitted. There is an incident where an idolater brought a jug full of pieces where one of the pieces had a sign it was kosher, and Rabban Shimon ben Gamliel permitted the entire jug! (*How can we say that one must see the spine and head of each one?*)

Rav Pappa explained: The case of the *braisa* is where all of the pieces of fish were clearly part of one fish (*the pieces fit together like a puzzle*).

The *Gemora* asks: If so, why is the *braisa* necessary? (*There is only one fish present, and it has a sign it is kosher. It is obvious the entire fish is kosher!*)

The *Gemora* answers: One might think we should suspect that there was some kind of trickery with the pieces (*and that they are really part of more than one fish*). This is why the *braisa* must teach that all of the pieces are permitted.

There was a boat containing salty fish that came to Sichra. Rav Huna bar Chinina went out, and saw that there were fish scales on the boat, and therefore permitted its contents.

Rava said: Is it possible to permit the entire contents of the boat in a place where scales are common?! (*Perhaps it is a mixture of non-kosher and kosher fish!*)

Rava therefore publicized (*perhaps he had people blow shofar to draw attention to his ruling*) that he had banned

the fish, while Rav Huna bar Chinina publicized that he permitted them.

Rabbi Yirmiyah from Difti said: Rav Pappi told me that Rav Huna only permitted dipping in the brine from these fish, not the fish meat itself.

Rav Ashi said: Rav Pappa told me that Rav Huna even permitted the fish meat. Rav Ashi continued that he therefore did not forbid the fish, as Rav Pappa had said Rav Huna permitted it. He did not permit the fish either, as Rav Yehudah had said in the name of Ulla that the only argument is regarding the brine, but everyone agrees that to eat the meat one must see the head and spine.

Rav Chinina bar Iddi sat before Rav Adda bar Ahavah and said: If an idolater brought a small boat full of barrels (*of fish*), and a *kilbis* was found in one of them, if they are all open, they are all permitted. If they are closed, only the barrel in which it was found is permitted.

He asked: How do you know this to be true?

Rav Chinina answered: I know this from three great scholars, namely Rav, Shmuel, and Rabbi Yochanan.

Rav Bruna said in the name of Rav: Innards of fish and their fetuses are only bought from an expert (*some say a person who has halachic reliability*).

Ulla asked a question to Rav Dostai from Biri. Being that Rav said that innards and fetuses of fish are only bought from an expert, he seems to imply that non-kosher fish have fetuses as well. However, didn't we learn that non-kosher fish have fetuses while kosher fish lay eggs?

Rav Dostai answered: Rav must not have included fetuses in this law (*the word fetus is a mistake*).

Rabbi Zeira said: Do not take this word out of Rav's statement. They both lay eggs. However, the kosher fish lay the eggs and hover over them until the baby fish come out, while the baby fish actually come out of their eggs when they are still inside the non-kosher fish.

The *Gemora* asks: Why does one need to buy these things from an expert if he can just check whether or not they have the signs of a kosher fish? This is as the *braisa* states: The signs of kosher fish are the same as kosher bird eggs. This cannot be, the *Gemora* interjects, as fish require fins and scales! Rather, it means that the signs of kosher fish eggs are the same as kosher bird eggs. The signs of kosher eggs are wide one side that gets progressively narrow, and a roundish shape. If one side is wider and one side is pointy, it is kosher. However, if they are both wide or pointy it is non-kosher. If the yolk is on the outside and the white is on the inside, it is non-kosher. If it is the other way around, it is kosher. If the two are mixed together, this is the egg of a *sheretz*.

Rava answers: The case where an expert is needed is where the eggs were crushed.

According to Rabbi Dostai from Biri who said that the word fetuses should not be in Rav's statement, doesn't the *braisa* say that the signs of kosher fish eggs are the same as kosher bird eggs? (*This shows they do have fetuses!*)

The *Gemora* answers: He understands this refers to the innards of fish.

The *Gemora* asks: Do we find that innards of fish have these signs of being wide and narrow?

The *Gemora* answers: This does apply regarding a fish's bladder.

The *Gemora* asks: If there is no expert there, what is the law?



Rav Yehudah says: If a reliable person says, I salted them, and I saw that they were all kosher fish, he is believed.

Rav Nachman says: He must say, "These are the fish, and these are their innards." (*We suspect that he does not know that the fish are actually non-kosher.*)

Rav Yehudah told his helper, Adda, that as long as the reliable person says that he salted the fish himself and they were all kosher, it is permitted. (40a – 40b)

### ***Kosher, or Non-Kosher?***

The *Mishna* says that *chiltis* leaves are permitted.

The *Gemora* asks: This is obvious!

The *Gemora* answers: This is required due to the small pieces of the fruit (*which are prohibited*) that may have attached themselves to the leaves. This teaches us that the small pieces are assumed to have fallen off.

The *Mishna* says that the olives that are packed in a vessel, making them like a cake of olives, are permitted.

The *Gemora* asks: What could be wrong with them?

The *Gemora* answers: Being that their pits have fallen out as they are so weak, one might think we should suspect that the gentile put wine in it. This is why the *Mishna* says it is permitted, in order to teach that the oil makes them weak, not wine.

The *Mishna* quotes Rabbi Yosi as saying that *shalchin* are forbidden

The *Gemora* asks: What are *shalchin*?

Rabbi Yosi the son of Rabbi Chanina says: They are olives that when they are picked up, the pit falls out.

The *Mishna* said that grasshoppers sold before the storekeeper in baskets are forbidden.

The *braisa* states: Grasshoppers, cooked leeks, and regular leeks that come from storehouses, places where they are salted or stocked, and boats, are permitted. If they are sold in the market in front of storekeepers, they are prohibited, as the storekeepers tend to sprinkle wine on them. Similarly, apple wine of idolaters that comes from storehouses, stockpiles, and a storekeeper is permitted. If it is being sold in the market it is forbidden, as they tend to mix in wine.

The *braisa* states: Once Rebbe had a stomach ache. He asked: Does anyone know if it is permitted to drink apple wine of idolaters? Rabbi Yishmael the son of Rabbi Yosi said that once his father had a stomach ache, and they brought him seventy year old apple wine from an idolater, and he drank it and felt better. Rebbe said: You knew this and did not tell me right away, causing me pain! They searched, and found an idolater who had three hundred barrels of apple wine that were seventy years old. Rebbe drank, and felt better. He then said: Praised is Hashem who gave His world over to guardians!

The *Mishna* says this is also true regarding *terumah*.

The *Gemora* asks: What is true regarding *terumah*?

Rav Sheishes answers: This means that the same is true regarding a *Kohen* who is suspected to sell *terumah* as *chulin*. If he is selling it in front of him, it is prohibited. If it comes from his storehouses, stockpiles, or other places where it is gathered, it is permitted. This is because he is scared that if he is caught selling from a stockpile or silo, the Rabbis will come and take away the entire silo. (40b)



WE SHALL RETURN TO YOU, EIN MAAMIDIN

### ***Worshipped Once a Year***

All idols are forbidden, because they are worshipped at least once a year. These are the words of Rabbi Meir. The *Chachamim* say: The only ones that are forbidden are ones that are holding a stick, bird, or ball. Rabban Shimon ben Gamliel says: If it is holding anything, (*it is prohibited*).

The *Gemora* asks: If they are worshipped once a year, how could the Rabbis permit it?

Rabbi Yitzchak bar Yosef says in the name of the Rabbis: In Rabbi Meir's area they would worship it once a year. Rabbi Meir suspects even due to a small percentage. Therefore, he said that all such statues in all cities are forbidden. The Rabbis do not suspect based on a small percentage, and they therefore do not decree that all other statues in all other cities are prohibited (*unless proven to be worshipped*).

Rav Yehudah says in the name of Shmuel: The case is regarding a statue of kings. (*Rabbi Meir suspects it is worshipped.*)

Rabbah bar Chanah says in the name of Rabbi Yochanan: This (*Rabbi Meir's suspicion*) is when they are at the entrance to the country. (40b)

### **DAILY MASHAL**

#### **A Jew Doesn't See It...**

When Rebbe Aharon of Belz was in the ghettos, there were Jews who dedicated themselves so that he would have a glass of milk each day. A certain person would sneak out despite danger to a farm, supervise the milking and bring the milk to the Rebbe. One day he came late due to the heavy surveillance and the farmer gave him the milk that he had milked alone. The Jew decided that the Rebbe's perilous

health took precedence over other matters and gave him the milk without further explanation. When the milk remained on the table a long while, he brought it closer to the Rebbe but the Rebbe made a careless gesture and the milk spilt. When the Jew asked him why he didn't drink the milk, the Rebbe replied, "**I didn't see any milk.**" The person told him the whole story and the Rebbe remarked, "After all, they said, "milk milked by a gentile and **not seen by a Jew**" – he who has the eyes of a Jew doesn't see it at all..." (*Ma'yanah shel Mishnah*).