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Avodah Zarah Daf 35

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Daf Notes is currently being dedicated to the neshamot of

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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

Prohibited Curds

Rava says that we have a proof to the statement that waste of an animal whose benefit is prohibited is still permitted, except in the case of an animal of idolatry. Since Rabbi Yishmael challenged the reason Rabbi Yehoshua gave him by noting that one may eat the curds inside an *olah – burnt offering* animal, although one may not benefit from an *olah*, this proves that the waste of an animal prohibited from benefit is permitted. When Rabbi Yehoshua answered that we are concerned that they use the curds of calves of idolatry, Rabbi Yishmael said that the cheese should then be prohibited from benefit, proving that the waste of animals of idolatry are prohibited from benefit.

The *Gemora* asks why Rabbi Yehoshua did not answer Rabbi Yishmael’s question by saying that the prohibited item is not present in the cheese itself, just as the Sages prohibit only *eating* the brine of non Jews, since the wine which may be in it is not clearly present.

The *Gemora* answers that since the curds changed the milk into cheese, they are considered clearly present. (34b – 35a)

Non Jewish Cheese – Why?

The *Mishna* states that Rabbi Yehoshua distracted Rabbi Yishmael to a different topic, by asking him whether the verse in Shir Hashirim which states “because your endearments are better than wine” is a statement to the male (i.e., Hashem) or female (i.e., the Jewish nation).

Rav Dimi explains that this verse is the statement of the

Jewish nation that “the words of your beloved ones (i.e., the Sages) are more pleasant to us than the wine of Torah (i.e., the explicit words of Torah).”

Rabbi Shimon ben Pazi (or Rabbi Shimon bar Ami) explains that he chose this verse to hint its beginning – *he will kiss me [yishakaini] from the kisses of his mouth*. This hinted to Rabbi Yishmael that he should *chashok* (similar to *yishakaini*) – close – his mouth, since the prohibition of a non Jews cheese is new, and one does not explain the reason for a new prohibition.

The *Gemora* asks what the rationale was for the prohibition, and offers the following possibilities:

We are concerned that the non-Jew was not vigilant to avoid a snake partaking of the cheese or the milk it came from, and it is therefore dangerous to eat. (Rabbi Shimon ben Pazi, quoting Rabbi Yehoshua ben Levi)

The *Gemora* explains that Rabbi Yehoshua did not offer this reason, since Ulla says that when they would enact a new prohibition in *Eretz Yisrael*, they would not reveal the reason for a year. This would avoid someone disrespecting the prohibition because he does not agree with the reason.

Rabbi Yirmiyah challenges this reason, since Rabbi Chanina says that anything that is prohibited due to concerns of a snake’s venom is permitted when it has dried or aged, since the venom would not allow it to dry or age. Thus, according to this reason, one should be permitted to eat dry or aged cheese.

The cheese likely will have drops of milk which have not



become cheese, and this may be non kosher milk. (Rabbi Chanina)

The non-Jews make the milk into cheese by using the stomach lining of a non kosher animal (Shmuel).

The *Gemora* infers that if they would just use the curds in the stomach of a non-kosher animal, the cheese would be permitted, which contradicts another statement of Shmuel. The *Mishna* says that the curds of “a non-Jew’s animal, and of a non-slaughtered animal” is prohibited. Although the *Mishna* seems to imply that a non-Jew’s animal is not the same as a non-slaughtered one, Shmuel explains that the *Mishna* is referring to one item, stating that the curds of an animal slaughtered by a non-Jew is tantamount to the curds of a non-slaughtered animal, and is prohibited. This indicates that Shmuel says that curds of a non-kosher animal are not kosher.

The *Gemora* resolves this by saying that Shmuel was only explaining the *Mishna* which was recording the original ruling prohibiting a non- kosher animal’s curds, but Shmuel is here following the final ruling, which permits it.

The non-Jews smooth the surface of the cheese with lard. (Rav Malkia quoting Rav Ada bar Ahavah)

The non-Jews make the milk into cheese by using wine vinegar. (Rav Chisda)

The non-Jews make the milk into cheese by using the sap of *arlah* - trees in the first three years of growth. (Rav Nachman bar Yitzchak)

The *Gemora* suggests that this follows Rabbi Eliezer, who prohibits cheese made by the sap of *orlah*, but says that it can even follow Rabbi Yehoshua, since he only permits cheese made by the sap of the *orlah* tree, but agrees that cheese made by the sap of *orlah* fruit or leaves is prohibited.

The *Gemora* notes that the last two explanations are difficult, as the cheese should not just be prohibited for eating, but also from benefit, since the underlying

prohibition is one of benefit. (35a – 35b)

Torah Scholars and Teaching

Rav Nachman the son of Rav Chisda explained the following verse in Shir Hashirim: *As the smell of your oil is good, your name is like poured oil.* This is a parable to a Torah scholar, whose name (i.e., reputation) is only established when he teaches others, like a flask of balsam oil, whose fragrance travels only when it is uncovered.

The verse continues: *Therefore, the young men [alamos] love you.* Rav Nachman explains that word *alamos* in three alternate ways:

alumos – hidden : Even hidden parts of the Torah are revealed to him.

al maves – on death : Even the angel of death loves him.

alamos – worlds : He inherits this world and the world to come. (35b)

Prohibited Foods

The *Mishna* lists the items of non-Jews which are prohibited only for eating:

Milk milked by a non-Jew without Jewish supervision.

A non-Jew’s bread and oil (*lest a Jew come to marry a non-Jew*). The *Mishna* notes that Rebbe and his court later permitted oil.

Food cooked by a non-Jew (*lest a Jew come to marry a non-Jew*).

Pickled food, where it is common to pickle them in wine and/or vinegar.

Mashed *taris* fish (*since there may be non-kosher fish pieces mixed in*).

Fish brine, which does not have a *kilbis* fish swimming in it (*as a kilbis only lives in the brine of kosher fish*).

Chilak fish, which loses its fins and scales (*since it is similar to a non-kosher fish*).

A slice of *chiltis* fruit (*since it may have non-kosher fat from the non-Jew’s knife*).

Shalkundi salt. (35b)



Milk

The *Gemora* asks what the concern is with non-Jewish milk. If we are concerned that the milk is non-kosher, we should be able to identify it based on its color, and we should not be concerned that non-kosher milk may be mixed with kosher milk, since the non-Jew would not mix it, as the non-kosher milk will not become cheese.

The *Gemora* says that we are concerned for one who will buy milk for drinking. The *Gemora* says that we cannot simply test the milk by making it into cheese, since there is always whey that separates out, and that may be from the non-kosher milk. Alternatively, the *Gemora* says that even to make cheese one may not use non-Jewish milk, as there will always be pockets of milk in the cheese, which may contain non-kosher milk. (35b)

Bread

Rav Kahana quotes Rabbi Yochanan saying the non-Jewish bread was not permitted by the court.

The *Gemora* explains that this is in contrast to those who think that Rebbe permitted non-Jewish bread. The *Gemora* offers two options for the source of this misconception:

Rav Dimi said that once Rebbe went to the field, where a non-Jew brought a lot of bread he baked, and Rebbe asked why the Sages prohibited such nice bread in the field, as there is no concern of intermarriage in an unsettled area.

The *Gemora* explains that people thought that Rebbe was permitting bread, but Rav Kahana is teaching that he was just wondering at the prohibition, but not permitting it.

Rav Yosef (or Rav Shmuel bar Yehudah) said that once Rebbe came to a place where there was little bread for the Torah students. He wondered, "Is there no baker here?", leading people to think that he was permitting them to eat bread baked by a non-Jewish baker. Rav Kahana is teaching that Rebbe was referring to a Jewish baker.

Rabbi Chelbo says that even those who say that Rebbe permitted bread of a non-Jewish baker only permit it if there is no Jewish baker.

Rabbi Yochanan says they only permit it in the field, but not in the city, since there is a concern of intermarriage there.

Ayvo was biting and eating non-Jewish bread on the borders of the fields. Rava (or Rav Nachman bar Yitzchak) told his students to not quote Ayvo, as he is eating non-Jewish bread. (35b)

Oil

Rav says that Daniel prohibited the oil of non-Jews, while Shmuel says that it was prohibited later due to the concern of its being cooked in non-kosher utensils. (35b – 36a)

INSIGHTS TO THE DAF

Cheese

The *Gemora* discusses the possible reasons the Sages prohibited non-Jewish cheese. The Rishonim differ in their understanding of the nature of this prohibition.

Tosfos (35a Chada) quotes Rabbeinu Tam who explains why non-Jewish cheeses should be permitted in his time. First, he notes that of all the reasons offered, we rule like Rabbi Yehoshua ben Levi, who says it is out of concern of a snake's venom. The last two were challenged by the *Gemora*, with no resolution, and of the remaining reasons, we follow Rabbi Yehoshua ben Levi, due to his stature. Since snakes are not common in Tosfos' society, there is no concern for their venom, removing any concern for non-Jewish cheese. Rabbeinu Tam further notes that we are not concerned that the non-Jew added non-kosher milk, since it does not become cheese. If the non-Jew was planning to make cheese, he would not sabotage the process by adding non-kosher milk. Tosfos also notes that the Sages of Narvona allowed non-Jewish cheeses, since in their society, cheese was made with botanical ingredients,

avoiding the concern offered by Shmuel of the use of the stomach lining of a non-kosher animal.

The Rambam (Maachalos asuros 3:14) and many other Rishonim, however, understand that the decree prohibiting non-Jewish cheese was a formal decree, which remains intact even if the underlying reason does not apply anymore. The *Gemora* was simply explaining the motivation for the decree, but even if in our society, all the concerns are not relevant, it still remains inherently prohibited.

The Bais Yosef (YD 115) states that even Rabbeinu Tam agrees with the Rambam's formulation, and only theoretically discussed the applicability of the reasons. The Shulchan Aruch (YD 115:2) follows the ruling of the Rambam.

Milk for Cheese

The *Gemora* offers two reasons milk without Jewish supervision is prohibited, if non-kosher milk cannot become cheese:

The *Mishna* is discussing one who bought milk for drinking. Even to make cheese from the milk is prohibited, since there are always pockets of milk, which may contain the non-kosher milk.

The Rama (YD 115:2) discusses a non-Jew who made cheese out of his own milk. He cites an opinion that permits the resultant cheese, even though it came from milk without supervision, which was technically prohibited. Since the non-Jew used the milk for cheese, we may assume that this was his intent when milking the animal. As non-kosher milk does not become cheese, he would not be so foolish as to milk a non-kosher animal in order to make cheese, and we can therefore assume he used only kosher milk. See Taz (11) and Shach (20) for challenges to the Rama's understanding of this leniency.

Bread

The *Gemora* explains how some thought that Rebbe had permitted non-Jewish bread, and rejects that possibility. The Rishonim do cite room for leniency in this prohibition.

Tosfos (35b michlal) notes that when the *Gemora* entertains the possibility that someone holds that Rebbe permitted non-Jewish bread, it is implying that he had the power to, even if he did not. This is due to the fact that this decree did not take full effect among the populace, making it not a decree with full force of the law. Tosfos notes that due to this, people are lenient with non-Jewish bread, assuming that a later court *did* permit it, and based on the Yerushalmi that states that bread was permitted by a court.

The Rosh says that the *Gemora* implies that a court did not permit non-Jewish bread, but some places never implemented the decree. Thus, places that are lax with non-Jewish bread are presumably those places that never implemented the decree. He also quotes the Yerushalmi which states that we are lenient with non-Jewish bread, since it is an essential staple. He also notes that we follow the custom of Bavel, which considers any bread whose baking was even marginally aided by a Jew (e.g., by throwing a twig in the fire) to be Jewish bread.

The Shulchan Aruch (YD 112:2) states that some places are lenient with bakery bread where there is no Jewish bakery, and the Rama adds that some are lenient with bakery bread even where Jewish baked bread is available.

The Shulchan Aruch (YD 112:9) also rules that adding a twig to the fire is sufficient to render the bread Jewish.

See Shulchan Aruch (YD 112) for more leniencies with non-Jewish bread, and see Bais Yosef and Aruch Hashulchan (YD 112) for a more detailed discussion of the leniencies with non-Jewish bread.