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Elka Raizel *bas* Dovid *a”h*
a fellow Jew who passed away with no relatives to arrange Torah study on behalf of her *neshamah*

The Glory of the *Stinicus marinus*

PARSHAS SHEMINI 5777

(The following is based on an exposition recorded in P’ninim Mi’shulchan Gavohah, *parshas Shemini*.)

How do we know if a given fish is a kosher one? The Torah in this week’s *parshah* supplies the identifying characteristics: it must possess both fins and scales (*Vayikra 11:9*).

Piscatorial Puzzle

It seems straightforward enough. The issue arises, however, from an interesting piece of information imparted to us by the Mishnah (*Niddah 6:9*):

כֹּל שֶׁיֵשׁ לוֹ קַשְׂקֶשֶׁת יֵשׁ לוֹ סַנְפִיר. וְיֵשׁ שֶׁיֵשׁ לוֹ סַנְפִיר וְאֵין לוֹ קַשְׂקֶשֶׁת.

“Whatever has scales also has fins. But there are fish who have fins but no scales.”

Emerging from here, apparently, is the simple fact that there are no fishy creatures that have scales without fins. While sharks and catfish show us that one may have fins yet remain scaleless, it appears that the opposite is not the case. And so, whoever sports scales *automatically sports fins*.

This gives rise to an obvious problem: why, then, did the Torah bother listing *two* qualifying characteristics? If having scales equals having fins, then it should be sufficient to check for scales alone (which, parenthetically, appears to be the practical ramification of the Mishnah’s statement). Thus, the inclusion of fins in the Torah’s list of kosher signs appears completely extraneous.

Actually, the Gemara itself (*Niddah 51b*) takes up this question; however, the answer it supplies – at first glance – does not appear so satisfactory: וְלִכְתּוּב רַחֲמָנָא קַשְׂקֶשֶׁת וְלֹא בָּעֵי סַנְפִיר – “Let the Torah write ‘scales’ alone, and then it would not need to also write ‘fins.’” R’ Abahu applied to here the verse... ‘To increase and glorify Torah knowledge’ (*Yeshayah 42:21*).” Now, of course every additional Torah thought is a priceless treasure; surely, however, it wouldn’t provide information that is completely irrelevant just for the sake of it! What, then, is the true intent of R’ Abahu’s response?

The matter becomes somewhat more dicey when we discover that – lo and behold – there really is a fish that has scales with no fins! None other than the Tosafos Yom Tov, in his commentary *Ma’adanei Yom Tov* to the Rosh (*Chullin ch. 3, § 67*) records such a report. When he was head of the Rabbinical Court of Vienna, a certain scholar named Reb Aharon Rofei presented before him a fish that originated from the Spanish Sea and was known by the contemporary scientific community as *Stinicus marinus*. The Tosafos Yom Tov elaborates there on the physical description of this sea creature of poisonous flesh; what is most relevant to our discussion, however, is the fact that this fish, while possessing scales, had leg-like appendages in place of fins. As such, it apparently failed to meet the Torah’s criteria of a kosher fish; but the obvious question is how to square its existence with the Mishnah’s assertion. After all, the Mishnah ruled that if one finds scales on a fish, he can automatically assume that it is ritually fit for consumption, for “whatever has scales (automatically) has

fins.” But the *Stinicus marinus* seems to run directly counter to this maxim. How can this all be reconciled?

Abundant Opportunities for Merit

R’ Avraham Gombiner, a 17th century sage, is known mostly for his classic halachic commentary on the Shulchan Aruch known as Magen Avraham. However, he did author other works on the Aggadic (homiletic) portions of the Torah. In his composition *Zeis Ra’anan*, he resolves the above issues in a most enlightening way.

The Gemara mentioned above cited the words of the Prophet: “*yagdil Torah v’yadir.*” There is another familiar teaching that centers around this same *passuk*, as Chazal state (*Makkos* 3:16): רַבִּי חֲנַנְיָא בֶן עֲקִשְׁיָא אוֹמֵר, רַצָּה הַקָּדוֹשׁ בְּרוּךְ הוּא לְזַכּוֹת אֶת יִשְׂרָאֵל, לְפִיכָךְ הִרְבָּה לָהֶם תּוֹרָה – “R’ Chania ben Akashya says: Hashem wanted to supply Yisrael with merit; therefore, He granted them Torah and *mitzvos* in abundance. As it says (*Yeshayah ibid.*): ‘Hashem was desirous of (Yisrael’s) righteousness, (and so) **He increased and glorified the Torah**.’” The commentators explain the intent based in large part on the laws of kosher food discussed in this week’s *parshah*. Among the list of prohibited items, we find numerous things that most people would shy away from eating – snakes, bugs, etc. Why, then, did the Torah see fit to prohibit things that people anyway wouldn’t eat? But this is exactly the point. In His great benevolence, Hashem deemed to issue an explicit Torah injunction so that a Jew will actually be fulfilling a mitzvah when refraining from these repulsive dishes. What emerges, then, is that he receives a reward for acting as he would have in any case.

The Magen Avraham thus applies this principle to the subject of fish. The Mishnah can safely rule that one may automatically eat any fish with scales and need not bother checking for fins. What about our *Stinicus marinus*? Even though it lacks fins, there is no real concern that one will come to eat it because, as mentioned, its flesh is poisonous. Thus, people will nonetheless refrain from its consumption.

And this is what the Gemara meant in its response. The question was asked: Why would the Torah bother to list the qualification of “fins? It answered: “*Yagdil Torah v’yadir.*” Of course, the Torah would not provide irrelevant information just for the sake of it. But here, as we have seen, the mention of “fins” is not completely irrelevant, for there is an instance – the case of *Stinicus marinus* – whereby a fish has no fins although it does have scales. In employing here the phrase “*Yagdil Torah v’yadir,*” the Gemara was referring to its usage in *Makkos*. This is a dish that people would anyway refrain from, in order to avoid its fatal toxin. But the Torah still “went out of its way,” so to speak, to forbid it (by requiring finnage). This way, we may reap reward for following the Torah’s dictate of avoiding the fin-less creature – even though we would anyway have acted in this manner.

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