

OVERVIEW of the Daf

1) Clarifying the Mishnah (cont.)

The Gemara finishes explaining the origin of the tum'ah of the person that the Mishnah addresses according to Rabbah bar Ulla.

Abaye offers a second explanation for the apparent contradiction in the Mishnah.

It is noted that part of the Mishnah does not read very well according to this explanation.

Rava challenges this explanation and offers his own interpretation of the Mishnah.

It is noted that part of the Mishnah does not read very well according to this explanation.

R' Ashi suggests a fourth explanation for the Mishnah.

It is noted that part of the Mishnah does not read very well according to this explanation.

A fifth interpretation of the Mishnah is presented by Ravina.

This interpretation is unsuccessfully challenged.

A second version of Ravina's explanation is recorded.

This interpretation is unsuccessfully challenged.

The Gemara explains why each of the Amoraim rejected the other interpretations.

2) Cuthean

A Baraisa discusses the validity of the slaughtering of a Cuthean. ■

REVIEW and Remember

1. How do we test whether a Cuthean slaughtered an animal correctly?

2. What is the reason that a minor is not permitted to slaughter?

3. What is the difference between the two versions of Ravina's explanation of the Mishnah?

4. Explain שנעשו על טהרת קודש חולין.

Today's Daf Digest is dedicated
 By Mr. and Mrs. David Binter
 In loving memory of their father
 הרב גרשון זאב בן ר' מרדכי דוד, ז"ל
 Rabbi Gershon Futerko o.b.m.

Distinctive INSIGHT

The knife must be checked before the shechita is done

בודק סכינו ונותן לו

The wording of the Mishnah is analyzed. The opening ruling of the Mishnah is that "all are trusted to do shechita," with the exceptions of a deaf-mute, imbecile or a minor. The Mishnah then concludes that with a competent adult supervising, the shechita "of all of these" is acceptable. The problem with this is that if the second phrase is referring to the group of the deaf-mute, imbecile or a minor mentioned in the opening line, the Mishnah should have continued the sentence smoothly and said, "and if they do shechita while being supervised..." When the Mishnah abruptly adds what seems to be a new subject ("וכולן—and all of these"), it indicates that it is referring to a new group.

Rav Ashi explains that the first word of the Mishnah ("הכל—Everyone") teaches that shechita is permitted even by one who has an established tendency to sin in other areas (מומר). The specific situation is where this person has a reputation of eating non-kosher meat only when he has no kosher meat available. Rav Ashi is following the view of Rava, who says that a mumar of this type can nevertheless perform shechita if we check the knife before he uses it. This mumar is not suspect of ruining the shechita purposefully. However, if the knife has not been checked ahead of time, this mumar should not be allowed to do the shechita. If he already did it, we can check the knife after the fact and eat the meat if we find the knife to be in perfect condition. The Mishnah continues and rules that if a deaf-mute, imbecile or child did the shechita without being supervised the shechita is not valid, even if we check the knife afterwards and find it unblemished.

Finally, the Mishnah concludes that "the shechita is kosher if others supervise it." According to Rav Ashi, this would be referring to the mumar. The Gemara immediately challenges this explanation, and ultimately rejects it, because we realize that the supervision is a factor which is not relevant. If the knife was checked, the mumar is trusted by himself, and if the knife was not checked, even without being supervised the shechita of a mumar is acceptable if we check the knife afterwards and it is kosher.

Pnei Yehoshua notes that we see from this Gemara that any Jewish person, not just a mumar, must present his knife to an expert to examine it before he does shechita. If we do not know that the knife was checked beforehand, a mumar is not believed if he tells us that he showed it to someone beforehand, but anyone else is believed if he tells us that he

HALACHAH Highlight

Leaving wine under the care of a non-Jew

המניח עובד כוכבים בחנותו וישראל יוצא ונכנס מותר

If one leaves a non-Jew in his store and a Jew goes out and comes in the wine is permitted

Shulchan Aruch¹ rules that if a non-Jew was left alone with wine that belongs to a Jew, as long as the gentile would be fearful that he would be caught touching the wine it remains permitted even though the non-Jew was left alone with the wine. Therefore, if a Jew left a non-Jew alone in his store that contains wine or if he had wine on a ship or a wagon and the Jewish owner left the premises to go to his house or the bathhouse the wine remains permitted since the non-Jew is fearful that he will be caught touching the wine. Similarly, if the non-Jew was transporting wine and was left alone with the wine for a period of time it remains permitted even if it turns out that the non-Jew was left alone with the wine for an extended period of time. If it becomes known that the non-Jew had closed the door in a way that he was alone with the wine it is prohibited out of concern that the non-Jew was no longer fearful of the arrival of the Jew since the door was closed. If the door was closed but there are cracks or holes in a wall that allows someone to peek inside the wine remains permitted². Rema³, however, emphasizes that although, after the fact, the wine is permitted, nevertheless, לכתחילה, one

(Insight...continued from page 1)

did show it to someone. In this case, the lesson is that the shechita of a mumar is invalid, even after the fact, unless we examine the knife afterwards and see that it is kosher. Rashi and Ra"n explain that if the knife had been defective, the mumar would not make an effort to get a kosher one, and Rosh explains that he would not make an effort to fix it. ■

should not allow a non-Jew to remain alone with one's wine or vinegar for even a short period of time.

Shulchan Aruch⁴ adds an important qualification to this ruling. The wine is permitted only if it is possible for the owner to show up by surprise. Similarly, if the owner goes to the bathhouse it must be that the non-Jew does not know where he went so that he remains constantly concerned that the owner may show up at any moment. However, if the non-Jew saw the owner enter the bathhouse and he thereby knows that the Jew will not return any time quickly, the wine is prohibited since the non-Jew was left alone with the wine in a circumstance in which he was not concerned that the Jew may return at any moment. If the barrels were sealed there is a disagreement whether the wine is prohibited and one may be lenient if it would involve a significant loss⁵. ■

1. שו"ע יו"ד סי' קכ"ט סעי' א'
2. רמ"א שם.
3. שם.
4. שו"ע שם.
5. רמ"א שם. ■

STORIES Off the Daf

The Abandoned Cargo

"אע"פ שיוצא ונכנס מותר..."

A ship with a large mixed cargo of kosher and non-kosher wine was headed towards Cagliari in Sardinia to sell the wine at a good profit. Obviously, a Jew accompanied this ship to ensure that the wine remained kosher. But a storm blew it so far off course northward that it nearly reached a region of Italy where high customs duties were levied against Jews. The guardian of the wine decided to flee the vessel, not knowing what the local authorities would demand of him, but before he jumped ship he gave the captain—a converso—a letter explaining to the community of Cagliari that his

wine had been loaded into the hold first. He provided the particulars of the location of the barrels, in addition to their identifying markers. He added that after loading the kosher wine, a vast quantity of non-kosher wine had been added and they had set sail. He wrote the letter in his recognizable style with certain signs that could not be duplicated so there would be no chance of forgery.

When the ship arrived at Cagliari, the captain notified the Jewish notables of the city of the situation. Two emissaries of the community embarked on the ship and agreed that, since there was a shortage of kosher wine on the island, they would be happy to purchase the entire stock. Yet some people claimed that the wine was clearly forbidden. After all, as we find on today's amud, it is

only if a Jew is sometimes present and liable to interrupt the non-Jews that a non-Jew is afraid to defile it. Others insisted that they should use the wine, especially since some people were already drinking non-kosher wine in Cagliari, for lack of an alternative.

When this question reached Rav Shimon ben Tzemach Doran, zt"l, author of the Tashbatz, he ruled that it is definitely permitted. "Since there were so very many barrels in the ship, the kosher wine was essentially sealed in and could not be reached without unloading at least half of the cargo. No one could have reached the barrels without first unloading the hold. This is superior to two seals with which one may send kosher wine with a non-Jew."¹ ■

1. שו"ת תשב"ץ, ח"ג, סי' כ"א ■