

OVERVIEW of the Daf

1) Cuthean (cont.)

Abaye and Rava identify which part of the Baraisa served as the basis for their respective explanation of the Mishnah.

Each one explains the other part of the Baraisa so that it won't contradict his explanation.

2) Reliability of a Cuthean

The Baraisa's ruling regarding the string of slaughtered birds is clarified.

It is noted that the issue of whether Cutheans are considered reliable for matters that are not explicit in the Torah is subject to debate between Tannaim.

To this effect the Gemara cites a Baraisa and demonstrates that the point of dispute between the Tannaim is whether Cutheans are considered reliable for matters that are not explicit in the Torah.

An alternative explanation of the debate in the Baraisa is suggested.

3) Renegade

Rava rules that one may examine a knife and give it to a renegade who eats neveilah for gratification.

This ruling is unsuccessfully challenged.

A Baraisa is cited in support of this ruling.

The Gemara's interpretation of the Baraisa is unsuccessfully challenged.

Another Baraisa is cited in support of Rava's ruling.

This proof is rejected.

4) Renegade for idolatry

R' Anan in the name of Shmuel rules that it is permitted to eat from the slaughtering of a renegade for idolatry.

Numerous unsuccessful challenges to R' Anan's proof are presented. ■

REVIEW and Remember

1. How do we know that Cutheans recognize the Biblical obligation to slaughter a bird before eating it?
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2. What is the point of dispute between Tanna Kamma and R' Shimon ben Gamliel?
.....
3. What is R' Anan's teaching regarding someone who is a renegade for idolatry?
.....
4. How do we know that Yehoshafat ate Achav's meat?
.....

Distinctive INSIGHT

Rav Anan's proof that the shechita performed by an idolatrous Jew is kosher

עובדיה לא הוי ספיק

Rav Anan said in the name of Shmuel that shechita is kosher if it is done by a Jew who is a renegade to worship idolatry. His proof is from the incident in Tanach, where Yehoshafat, a righteous King of Yehuda, ate from a meal prepared by Achav, an evil King of Yisrael. This took place when Achav wished to persuade Yehoshafat to join him in battle against Ramot Gil'ad, so he invited Yehoshafat to a meal where they ate together, and Achav was able to influence Yehoshafat to join this battle. The verse reports that through this meal, and Yehoshafat's participation, Achav was successful in persuading him to join him in that battle.

The Gemara meticulously analyzes the story to determine that it was Achav and his evil men who did the shechita, and it was Yehoshafat and his men who ate from that meat.

Rosh Yosef and Lev Aryeh note that according to R' Anan, a Jew who worships idolatry has the status of a renegade for a full aspect of Torah law, and the view of Rambam is that shechita done by such a person is only acceptable if the knife is inspected by others before being used. How, then, was Yehoshafat allowed to eat from the meat prepared by Achav? Lev Aryeh answers that at the time of Achav, the yetzer hara to worship idolatry was unusually strong. Idolatry was different than other violations. Therefore, there was no suspicion that someone who worshipped idols would also disregard other Torah laws. Therefore, at that time there was no need to check the knife of an idol-worshipping Jew. One who wantonly sins in other area of halacha would have to have his knife checked before doing shechita.

At one point, the Gemara speculates that perhaps it was Ovadiah, who was righteous, who slaughtered the meat that Yehoshafat ate, so there would be no proof that the meat that was slaughtered by Achav and his assistants was kosher. The Gemara answers that the amount of meat prepared was very sizeable, and Ovadiah himself could not have slaughtered all that meat by himself. Tiferes Yaakov notes that the verse reported that Achav aimed his persuasion tactic at Yehoshafat, and with Ye-

HALACHAH Highlight

Chometz owned by a Jew during Pesach

חמץ של עוברי עבירה אחר הפסח מותר מיד

The chometz of a transgressor is permitted immediately after Pesach

A Baraisa teaches that it is permitted to eat the chometz in the possession of transgressors immediately after Pesach. The reason is that even transgressors seek to minimize their transgression to the degree possible and eating one's own chometz that was not destroyed before Pesach is a greater violation than eating chometz that one received in an exchange of chometz with a gentile after Pesach. Therefore, one has the right to assume that immediately after Pesach the transgressor exchanged his chometz with the chometz of a gentile. As the Gemara analyzes this halacha it presents two differing positions regarding the prohibition of deriving benefit from chometz after Pesach. R' Yehudah maintains that it is Biblically prohibited for one to consume chometz that remained in the possession of a Jew over Pesach, whereas R' Shimon asserts that the prohibition is Rabbinic in origin.

Shulchan Aruch¹ rules that chometz that was in the possession of a Jew during Pesach is prohibited for benefit. Mishnah Berurah² explains that the prohibition represents a penalty for the person who violated the prohibition of **בל יראה ובל ימצא**. Shulchan Aruch emphasizes that this penalty is in force even if the chometz remained in the possession of a Jew due to **שוגג** or **אונס**. **שוגג** refers to

(Insight...continued from page 1)

hoshafat's eating his tactic worked. Why, then, is the question regarding Ovadiah dismissed so quickly? The only one who needed to eat at this meal was Yehoshafat, the King, and for him it certainly would have been adequate for Ovadiah alone to do the shechita.

Tiferes Yaakov answers that the verse elaborates and tells us that abundant food was prepared not only for Yehoshafat, but for his servants and attendants also. In fact, the tactic of Achav was to persuade Yehoshafat by serving a lavish meal for all his men. It seems clear, then, that the entourage of Yehoshafat would not have allowed their leader to be persuaded by Achav unless a feast had been prepared and set for the entire group. ■

where the Jew was unaware of the chometz in his possession. **אונס** refers to where he knew the chometz was there but due to circumstances beyond his control was unable to destroy the chometz before Pesach³.

Beur Halacha⁴ discusses the case of stolen chometz and whether it is permitted after Pesach if it is returned to the owner. Noda B'yehudah rules that the owner is permitted to derive benefit from this chometz. Other authorities disagree and Beur Halacha cites numerous Rishonim who adopt a more stringent opinion. In the event that the chometz was stolen and in the possession of a gentile over Pesach there are a number of authorities who rule leniently and permit the chometz to the owner after Pesach. ■

1. שו"ע אור"ח סיי תמ"ח סעי' ג'.

2. מ"ב שם סק"יז.

3. מ"ב שם סק"יח וט"ו.

4. ביאור הלכה ד"ה חמץ של ישראל. ■

STORIES Off the Daf

The Mistaken Stringency

ר"ש היא דאמר חמץ שעבר הפסח דרבנן

The halacha follows Rav Shimon, brought on today's daf, that chametz left in a Jew's domain during Pesach is prohibited by rabbinic decree after Pesach. Since the prohibition is merely rabbinic, most authorities who prohibit selling chametz to a non-Jew permit one to use such chametz after Pesach.

One year the Strupkover Rebbe,

zt"l, visited Eretz Yisrael for Pesach. After the festival, he asked for beer to make havdalah as is customary. He made this request to a person who was very particular to avoid chametz sold to a non-Jew even after Pesach. Instead of asking a Jewish neighbor for a bottle of beer which had been sold to a non-Jew for Pesach, this man made his way to an Arab-owned grocery in the neighborhood. Feeling very self-satisfied, he purchased a beer which was certainly not chametz kept by a Jew over Pesach and brought it to the rebbe.

To his surprise this upset the rebbe who rebuked him for the first time. "How can you go out of your way to procure beer from a non-Jew instead of using a Jew's beer that was sold to a non-Jew for Pesach? This thoughtless act appears to cast aspersions on the custom to sell chametz, implying that it is ineffective. Heaven forbid that you should do anything to even hint at such an attitude. How can you ignore the accepted halacha which is based on earlier sages who permit selling chametz to a non-Jew for Pesach?"¹ ■

1. היו מספרים, ח"ב, ע' תס"ה. ■