



OVERVIEW of the Daf

1) **MISHNAH (cont.):** The Mishnah teaches that if two people are slaughtering and one of them has idolatrous intent the slaughter is invalid.

2) Slaughtering for mountains

The Mishnah indicates that slaughtering for the sake of mountains merely invalidates the slaughter but does not render the animal prohibited from benefit. This inference is challenged.

Abaye reconciles the contradiction and then cites a Baraisa to support his answer.

3) Slaughtering a friend's animal for idolatry

R' Huna rules that one who slaughters a friend's animal for idolatry prohibits that animal for benefit. The rationale for this ruling is explained.

R' Nachman challenges this ruling.

R' Pappa defends R' Huna's ruling by offering an alternative explanation of the Baraisa.

R' Pappa's explanation is refuted and an alternative explanation is suggested.

This explanation is also rejected and Mar Zutra offers another explanation in the name of R' Pappa.

R' Pappa makes two observations concerning R' Huna's wording.

The novelty of R' Pappa's observations are explained.

4) Prohibiting an object that is not one's own.

R' Nachman, R' Amram and R' Yitzchok assert that one cannot prohibit an object that is not his own.

A challenge to this position is presented. ■

REVIEW and Remember

1. What are זבחי מתים?
2. Is it possible to prohibit a friend's animal?
3. Why is it significant that R' Huna mentioned that he was discussing someone else's animal?
4. How is it possible to violate three prohibitions with a single act?

Distinctive INSIGHT

Two people shecht, where one intends for a disqualifying factor

שנים אוחזין בסכין ושוחטין וכו' שחיתתו פסולה

The Mishnah rules that a shechita is not valid if it is done with idolatrous intent. The examples given are where the animal was shechted for the mountains or hills, for the oceans or for the rivers. These purposes are understood to refer to idolatry, and the meat of the animal does not become permitted to eat with this shechita. The Mishnah concludes by saying that even if two people perform the shechita together, and even one has these unacceptable intentions, although the second person has proper intentions, the shechita is still not valid.

In Toras HaBayis (1:1), Rashba writes that if two people hold the knife and do the shechita, one of them a person who is perfectly eligible for shechita, and the other being someone who is not allowed to do shechita, the shechita is not valid. He writes that this halacha is similar to that which we learn in our Mishnah, where two people each of whom is qualified to shecht do the shechita, and the shechita is ruined when one of them has in mind a disqualifying intent. This is also the ruling of Shulchan Aruch (Y.D. 2:11).

Shach (ibid.) cites Or Zarua and Hagahos Ashri who rule that the shechita is kosher in the case where one of the people holding the knife is not qualified. They write that this case is not similar to that of our Mishnah. When one of two people who shecht is not qualified, for example a non-Jew, or a Jewish person who is a mumar, it is as if his shechita is non-existent. Yet, together with him we have a kosher person doing the shechita, and his efforts alone are adequate to validate the shechita. However, when two people shecht, and one has in mind a disqualifying intent, it does not help when the other person does his part of the shechita properly. The improper intent is presented by a person who is doing part of the shechita, and this situation irreparably ruins that part of the shechita.

Shach adds that Rambam's opinion also seems to be that a shechita performed by a non-qualified person assisting a qualified person is a kosher shechita, unlike the case where one of the two people shechting has in mind a disqualifying intention, where the Mishnah ruled it is not valid. Shach notes this as Rambam rules according to the halacha of our Mishnah in Hilchos Shechita (2:10), which

HALACHAH Highlight

Prohibiting something that is not one's property

אין אדם אוסר דבר שאינו שלו

A person cannot prohibit an item that is not his own

The Gemara presents a dispute whether a person can prohibit an object that is not his own. According to R' Huna if a person performs an action with his friend's property he can make it prohibited whereas according to the other Amoraim it is not possible to prohibit objects that belong to someone else even if one performs an action with that object. Ran¹ maintains that even the position that maintains that one can not prohibit his friend's objects even with an action would agree that if the action was significant (מעשה גדול) one can prohibit his friend's objects. Rashi² disagrees and maintains that there is no difference between regular actions and significant actions. Shulchan Aruch³ follows the lenient opinion that one cannot prohibit an object that belongs to his friend even with a significant action.

Shulchan Aruch⁴ rules that if one used water for some purpose or soaked his bread in it, it may no longer be used for washing one's hands before eating bread. Birkei Yosef⁵ cites authorities who discuss the case of Reuven who soaked his bread in Shimon's water. Does the water become prohibited for use for washing one's hands or not? He writes that the matter depends upon whether one can prohibit a friend's object through his action. Teshuvos S'dei Ha'aretz⁶ suggests that

(Insight...continued from page 1)

is before Rambam discusses any of the halachos of those who are disqualified to shecht. This implies that the Mishnah's ruling where the shechita is ruined is due to an improper intent, but where an eligible and non-eligible person do the shechita together, where the non-eligible person has no improper intent, it seems that Rambam would agree that the shechita is valid due to the actions of the one person who is kosher to do the shechita. ■

the halacha will depend on the reason soaking bread in water disqualifies the water for use for washing one's hands. According to Levush's explanation that soaking bread in water disqualifies water for washing because it changes the color of the water it would not make a difference whether it was the owner of the water or his friend that soaked the bread since the end result is discolored water. The truth is, he continues, that even if the color of the water did not change the water is invalid for use because by using it to soak one's bread he indicates that the water is no longer useful (שופכים בעלמא). Being that the disqualification revolves around the person's intent we invoke the principle that one cannot prohibit an object that is not his own. ■

1. ר"ן ח: בדפי הר"י ד"ה גרסינן בגמרא.
2. רש"י ד"ה אין אדם.
3. שו"ע יו"ד סי' ד' סעי' ד'.
4. שו"ע או"ח סי' ק"ס סעי' ב'.
5. ברכי יוסף שם אות ד'.
6. שו"ת שדה הארץ ח"ג או"ח סי' ד'.

STORIES Off the Daf

Rav Ovadyah and the Shochet

"השוחט...בשבת"

We find on today's daf that one who shechts non-purposefully on Shabbos must bring a korban chatas for this transgression. Although it is halachically permitted to slaughter on Yom Tov, the shochet must certainly observe all the relevant halachos of the day.

A certain man was an expert shochet of birds, yet he lacked yir'as shamayim. This man lived in a city in Egypt where Rav Ovadyah Yosef, zt"l, was av beis din. After midday of the second day of Pesach someone rushed into Rav Ovadyah's home to recount what he claimed

to have seen at this shochet's shop. "He is slaughtering birds for whomever wishes. I was shocked to see that his customers are bringing money which they leave in his shop although this is obviously forbidden."

Rav Ovadyah sent two trustworthy witnesses to check this claim. Sadly, they found it to be true. After Yom Tov, Rav Ovadyah summoned this man and forbade him to shecht, duly recording this psak in the records of the beis din.

In Egypt the custom was to shecht geese on the night of Shavuot. This was seen as a kind of kaparos before receiving the Torah, similar to the kaparos done on Erev Yom Kippur. Rav Ovadyah chose this night to visit the various shochtim of the city and check their knives. Among those he visited was the

deposed shochet who was not supposed to shecht. "Where is your chalaf?"

When he saw that the chalaf had blood on it, he immediately asked if the shochet had used it but the shochet denied this. "I am warning you to speak the truth!"

The shochet then admitted that he had sheched with the knife despite the prohibition. "Come to beis din after Yom Tov and we shall see what measures to take for this violation..."

Shockingly, this shochet brought a few non-Jewish friends and tried to break Rav Ovadyah's door down. It was fortuitous that the door did not break. The shochet's neighbor later testified that he hired one of the non-Jews to kill Rav Ovadyah!¹ ■

1. הליכות מוסר, עי' תצי"ב-תצי"ג