



OVERVIEW of the Daf

1) Prohibiting an object that is not one's own. (cont.)

The Gemara responds to the challenge against the principle that one cannot prohibit an object that is not his own.

Two unsuccessful attempts to refute this principle are presented.

It is noted that there is a disagreement between Tannaim whether one can prohibit an object that is not his own.

It is suggested that the opinion who maintains that one could prohibit objects not his own is limited to a gentile who intends to serve his idol but if it was a Jew it is assumed that his intent was to upset the property owner.

Two unsuccessful attempts are made to refute this principle.

R' Acha the son of Rava asks whether this principle would apply if the Jew was warned about serving an idol and R' Ashi answered that the object would certainly be prohibited.

2) MISHNAH: The Mishnah enumerates certain places where it is permitted to slaughter an animal and other places one may not slaughter an animal.

3) Clarifying the Mishnah

Rava explains why it is permitted to slaughter in a pool of water.

Abaye offers one explanation for why it is permitted to slaughter into a pit in one's house.

Rava rejects this explanation and offers his own explanation of the Mishnah.

A Baraisa is cited in support of the explanation of Rava.

4) MISHNAH: The Mishnah begins with a discussion related to slaughtering an unconsecrated animal outside of the Beis HaMikdash for the sake of a korban. After enumerating examples of unconsecrated animals slaughtered outside of the Beis HaMikdash for the sake of a korban that do not become invalid the Mishnah presents the principles behind these different halachos.

(Continued on page 2)

REVIEW and Remember

1. Is one liable for causing unrecognizable damage?

2. Why is one not permitted to slaughter an animal into the sea?

3. What steps may a slaughterer take to keep his yard clean?

4. What is the point of dispute between R' Yannai and R' Yochanan?

Distinctive INSIGHT

Performing the shechita for the god of the sea

מאי שנא לתוך ימים דלא דאמרי לשרא דימא קא שחיט

The Mishnah provided a list of positions which are unacceptable for shechita due to their appearing as if the shechita is being done for idolatrous purposes. One may not shecht and have the blood of the animal pour into the sea, into a river or into a vessel. However, it is permissible to shecht and have the blood flow into a hole filled with water.

The Gemara explains that if someone shechts and has the blood of the animal flow into the sea, an observer might think that the intent of the shechita is for the "master (god) of the sea." The Gemara notes that performing the shechita into a hole filled with water might also be problematic, as it appears as if the shechita is for the sake of the image reflected in the water. Nevertheless, Rava explains that this is permitted if the shechita is done into a hole filled with water which is cloudy, so no image appears in it.

Earlier, the Mishnah (39a) stated that if someone performs a shechita for the sake of the god of the mountains or deserts, the shechita is not valid. Sefer Shoshanim L'David (2:9) notes that just as we find that our Mishnah prohibits shechita into the oceans or rivers, we should also expect there to be a restriction against shechita on mountains and in deserts, so that people not say that the shechita is being done for the god of these places. He answers that if this were true, it would be prohibited to shecht anywhere, because there is always some idolatry which is assigned to a place by its worshippers. The situations where we apply a rabbinic limitation is not where the person is in the sea or river, but rather where he is next to them, in a boat or on the shore. Because the person is not doing the shechita where he is, but he moves and directs the blood of the shechita into the water, an observer would notice this move and draw his misguided conclusions. If a person is on a mountain or in a desert and does the shechita where he stands, there is no reason to suspect that an observer would note anything strange about it and begin to wonder. He then concludes that the case of the Mishnah which prohibits doing shechita into a hole of water is also a case where the person is outside the hole. If it is a large hole, and the person himself is in the hole together with the animal, this would be permitted.

Rosh Yosef probes whether an observer's impressions about shechting for the god of the sea is an issue of **טשח**, that he will suspect the one doing the shechita of wrongdoing, or if the issue is **mar'is ayin**, that the observer will think that an animal used for idolatry is permitted for benefit. He notes that Rambam (Hilchos Shechita 2:5) seems to suggest that it is an issue of **mar'is ayin**. ■

HALACHAH Highlight

Collecting the blood of a slaughtered bird in a vessel

One does not slaughter ... and not in a vessel

In the time of the Netziv there was a common practice to for those who slaughtered birds to allow a couple of drops of blood to fall into dirt in order to fulfill the mitzvah of covering the blood. The remainder of the blood was squeezed out into a bucket that would be disposed of together with other waste water. Someone raised a concern about this practice from our Gemara which prohibits slaughtering into a utensil since it gives the appearance as though one is receiving the blood to use for idolatry.

Netziv¹ answered that it would seem that nowadays this is not a concern since idolaters no longer use blood as part of their worship. For this reason many people possess statues of people even though in the time of Chazal it was prohibited for one to retain possession of such a statue since it raised a concern that it would be worshipped. Vilna Gaon², in fact adopted this perspective when he questioned a ruling of Rema. Rema³ ruled that there are opinions that are stringent and prohibit possession of all images even those that are not worshipped and Vilna Gaon expressed surprise at this ruling since there is no reason to be stringent if the images are not worshipped. Similarly, with regard to catching the blood of slaughtered birds in a vessel it should be permitted nowadays, argues Netziv, since it is no longer an idolatrous practice.

Despite what seems to be strong logic to permit slaughtering over a vessel to catch the blood, Rema⁴ writes that it is only *b'dieved* that it is permitted and Shach⁵ emphasizes that although it should be permitted even *l'chatchila*, nevertheless, we avoid the practice. Netziv suggests that the reason the practice should be avoided *l'chatchila* is that it is a gentile practice and as such it

STORIES Off the Daf

Tempering the Wine

Today's daf discusses a Jew who used wine belonging to his fellow Jew for a libation.

One prevalent trouble for people in kiruv is how to avoid non-observant guests handling the wine and causing it to be forbidden. Obviously, this can be a serious embarrassment and greatly hamper efforts to be mekarev. Of course, there was no decree on cooked wines, but the quality of such spirits is not the best. A certain person

wondered if pasteurized wines were also in this category.

When someone asked Rav Moshe Sternbuch, shlit"a, about this he ruled that this was problematic. "I am afraid that pasteurization does not help. Even regarding mechalelei Shabbos of today it is difficult to permit although they may be tinokos shenishbu. The decree against stam yeynam is more serious than many others since its purpose is to ensure there won't be a 'meeting of minds' and that religious Jews not come to marry people who are distant from the Torah path. Of course, this is just as applicable to a tinok shenishbah..."¹

When someone asked this question of Rav Shlomo Zalman Auerbach, zt"l, he

also prohibited the indiscriminate sharing of pasteurized wines. "The point of cooking is that the wine becomes of lesser quality. Since this is not the case with mere pasteurization, such wine is not considered cooked."²

Rav Shlomo Zalman then made a surprising statement. "Even the mechalel Shabbos is not permitted to drink wine that he has touched. If he knows better he will be required to give an accounting in heaven for having drunk wine touched by a mechalel Shabbos!"³

1. שו"ת תשובות והנהגות, ח"יב, סי' תי
2. שלחן שלמה, ח"א, סי' ער"ב, סי' ד'
3. שם, ח"ג, סי' שכ"ה, סי"ק א"ב

(Overview...continued from page 1)

5) Clarifying the Mishnah

R' Yochanan explains why the Mishnah refers to the Asham Talui as a korban that could be vowed or donated.

R' Oshaya explains why the Mishnah refers to the Pesach as a korban that is vowed or donated.

R' Yannai and R' Yochanan disagree whether the prohibition referenced in the Mishnah is limited to unblemished animals or does it include blemished animals as well.

6) Slaughtering for the sake of a chattas

R' Yochanan limits the Mishnah's ruling to one who was not obligated to offer a chattas.

This qualification is unsuccessfully challenged.

R' Elazar explains the Mishnah's ruling regarding the Temurah.

This explanation is unsuccessfully challenged.

7) Clarifying the Mishnah (cont.)

The Gemara identifies the cases included in the Mishnah's summary of the principles involved in this halacha.

R' Elazar qualifies this ruling.

This qualification is unsuccessfully challenged.

It is noted that the explanation that was offered was too obvious for it to have been necessary to teach. ■

should be avoided even when there is no suspicion of idolatry. Therefore, since the restriction against slaughtering over a vessel is only out of concern for the incorrect appearance that it causes it is permitted to slaughter the bird over the ground and then squeeze the blood into the vessel since one will assume that he is doing so to keep his yard clean rather than to follow the ways of the gentiles. ■

1. שו"ת משיב דבר ח"ב סי' י"א.
2. ביאור הגר"א יו"ד סי' קמ"א סי"ק י"ח.
3. רמ"א שם סעי' ג'.
4. רמ"א יו"ד סי' י"ב סעי' ב'.
5. שו"ת יו"ד סי' כ"ח סק"י. ■

