

## OVERVIEW of the Daf

### 1) Clarifying the Mishnah (cont.)

The Gemara presents two possible interpretations of the Mishnah that indicates that one may send only a whole thigh to a gentile but not a cut-up thigh.

### 2) Stealing the mind

A third explanation of the Mishnah is suggested that leads the Gemara into a discussion of "stealing the mind."

The Gemara notes that Shmuel did not explicitly rule that it is prohibited to "steal the mind" of a gentile; rather it was inferred from a reaction of his.

The reason it is significant that Shmuel's position was derived from an inference is explained.

A Baraisa discusses examples of "stealing the mind."

One of the rulings in the Baraisa is unsuccessfully challenged.

Another Baraisa related to the prohibition of "stealing the mind" of others is presented.

Another Baraisa further elaborates on the prohibition of "stealing the mind" of others and related incidents are presented in support of these rulings.

The novelty of the Baraisa is identified.

### 3) Sending a thigh with the gid hanasheh to a gentile

A Baraisa elaborates on the halachos of sending a thigh to a gentile that contains the gid hanasheh.

Upon the Gemara's first analysis of the Baraisa it emerges that the first and last ruling refer to a place where they do not announce the occurrence of a tereifah and the middle ruling refers to a place that does announce such an occurrence.

Abaye confirms that this interpretation of the Baraisa is correct.

Rava asserts that the entire Baraisa refers to where they announce the occurrence of a tereifah.

R' Ashi contends that the Baraisa refers to where they do not announce the occurrence of a tereifah.

R' Yitzchok bar Yosef describes how such an announcement was made.

Different ways to announce the occurrence of a tereifah are suggested and rejected.

An incident is cited that one is not responsible for conclusions that people draw for themselves. ■

## Distinctive INSIGHT

*It is prohibited to fool or mislead a non-Jew*

דאמר שמואל אסור לגנוב דעת הבריות ואפילו דעתו של עובד כוכבים

The Mishnah taught that a Jewish person may sell a thigh of an animal to a non-Jew, even with the gid hanasheh still inside. The reason is that a thigh that is intact is easily recognizable as such, and even if the non-Jew tries to sell the thigh to a Jew, the buyer will realize that the gid is still in the limb. We therefore do not have to suspect that the non-Jew will mislead a Jew by selling him the thigh.

The Gemara detects that the halacha would be that it would be prohibited for a Jew to sell a thigh that is cut to a non-Jew as long as the gid is still inside. The danger of this is that this thigh might then be sold to a Jew, and the buyer might very well think that the thigh was cut in order to remove the gid, and he will eat from the thigh without removing the gid which is still inside.

The Gemara analyzes this case, and it presents various situations where the halacha of the Mishnah may apply. One of the scenarios presented is that the Mishnah's ruling is not a function of whether the non-Jew might sell the thigh to another Jew, but it is rather due to a consideration not to cheat a non-Jew. When a Jew sells a cut thigh to a non-Jew, the non-Jew assumes that the Jew who is selling this thigh likes him. He figures that the Jew originally cut into the thigh in order to remove the gid and improve the cut of meat for himself, but then changed his mind and sold it to the non-Jew instead.

Ritva notes that later on this daf, a Baraisa is cited which teaches that it is prohibited to sell a neveilah or tereifah to a non-Jew, and one of the reasons given is that it is not allowed to fool or mislead a non-Jew. The non-Jew will assume he is getting kosher meat, which is considered superior, and he is in fact getting only non-kosher meat. The other reason is that we are afraid that the non-Jew will take this non-kosher meat and resell it to another Jew. If the halacha of not fooling a

*Continued on page 2)*

## REVIEW and Remember

1. What caused Shmuel to become upset?
2. Why is a guest not permitted to give food to his host's children?
3. Is it necessary to announce that a tereifah was discovered?
4. Explain the principle of אינהו הוא דקמטעו נפשייהו.

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By the Wolper family  
in memory of their father and grandfather  
ר' יהושע שכנא בן ר' יהודה לייב ע"ה

# HALACHAH Highlight

## Eating one's father's matzos

ואין האורחין רשאי ליתן ממה שלפניהם וכו'

And guests are not authorized to give from that which is in front of them etc.

Rosh<sup>1</sup> infers from the Gemara Pesachim (38a) that one does not fulfill the mitzvah of eating matzah on Pesach with stolen matzah. Yerushalmi (Pesachim Sukkah 3:1) also rules that one does not fulfill the mitzvah of eating matzah with stolen matzah since it constitutes a mitzvah that comes about through a transgression. Most Rishonim concur and even write that one must own the matzah that he eats in order to fulfill the mitzvah.

Teshuvos Minchas Yitzchok<sup>2</sup> was asked how adult children fulfill the mitzvah of eating matzah if they are eating the matzah that their father puts out for them at the seder. Even though their father certainly allows them to eat the matzah, nevertheless, that permission does not make it theirs that they should be able to fulfill the mitzvah. He answered by citing the ruling of Rema<sup>3</sup> that a guest who took food from his host's table and gave it to a woman for kiddushin has successfully betrothed that woman. Taz<sup>4</sup> challenges this ruling that indicates that the food in front of a guest becomes his property from our Gemara which teaches that a guest may not take food that is in front of him and give it to the host's children. Be'er Heitev<sup>5</sup> in explanation of Beis Shmuel answers that there is a difference between a guest giving the food that is before him to another guest and giving food to the host's children. The guests may exchange food for it is evident that the host is not particular about them having the food since they were all invited. For this reason one guest may even give the food to

(Insight...continued from page 1)

non-Jew is presented in the Baraisa, why does Shmuel have to teach this same law?

Ritva answers that from the Baraisa alone, all we see is that if a non-Jew pays for something, we may not fool him and sell him an inferior product. But we would not know that this rule applies also to where a Jew gives a non-Jew a gift. The lesson of Shmuel is that it is also prohibited to fool a non-Jew even when presenting him a gift.

There is yet another Baraisa cited later at the bottom of the amud which disputes the statement of Shmuel. It states that one does not have to remove the gid from a thigh sent to a non-Jew as a gift, even if the thigh has been cut and the non-Jew assumes that the gid has been removed. Only when selling a thigh to a non-Jew must the gid be removed. This Baraisa seems to make a distinction between whether a non-Jew is given a gift or if an item is being sold. ■

another for kiddushin. It is not clear, however, that the host wants his food to be shared with his children. This entire debate, explains Minchas Yitzchok, is limited to the question of a guest taking some of the host's food and giving it to someone else. What the guest takes for himself is clearly his. Even Maharit,<sup>6</sup> who is uncertain whether the guest acquires the food when he lifts it up or whether he acquires the food when he eats it, agrees that once he eats it the food becomes the property of the guest. Accordingly, an adult son or daughter having the seder at his father's home certainly fulfills the mitzvah of matzah with the matzos provided by his father. ■

<sup>1</sup> רא"ש פסחים פ"ב סי' י"ח.  
<sup>2</sup> שו"ת מנחת יצחק ח"ח סי' מ"ח.  
<sup>3</sup> רמ"א אה"ע סי' כ"ח סעי' י"ז.  
<sup>4</sup> ט"ז שם ס"ק ל"ד.  
<sup>5</sup> באר היטב שם ס"ק ל"ב.  
<sup>6</sup> שו"ת מהרי"ט ח"ב סי' ק"נ. ■

# STORIES Off the Daf

## Absolute Honesty

אסור לגנוב דעת הבריות

On today's daf we find that it is forbidden to fool others.

Rav Elchonon Wasserman, zt"l, explained that this halacha has a special application to talmedei chachamim. "If someone asks a question from a scholar who answers well, he may erroneously believe the scholar is an expert in every area of Torah. A scholar must correct this misimpression by admitting what he does not

know. Otherwise he transgresses the prohibition of geneivas da'as.

During the summer of 1883 the Chofetz Chaim, zt"l, printed the first volume of Mishnah Berurah. The Chofetz Chaim would travel around selling his seforim. Although he ostensibly went to sell the first volume of his magnum opus, he would give a drasha at every locale, encouraging the residents to broaden their spiritual horizons.

When the Chofetz Chaim was in one city he saw a notice that had been put up announcing his drashah. The notice read, "The author of Chofetz Chaim and Mishnah Berurah on Orach Chaim will be

speaking in our community..." The notice gave the time and date of the public address.

The Chofetz Chaim didn't wait an instant. He removed a sharpened pencil from his pocket and corrected the notice. Where it said "Mishnah Berurah on Orach Chaim," the Chofetz Chaim added his own clarification: "Only the first volume, which covers from the beginning of Orach Chaim until siman 128, has been printed as of now. The remaining volumes will come out at some future dates with Hashem's help." ■

1. החפץ חיים חייו ופעלו, ח"א, ע' ר"י ■

