

## OVERVIEW of the Daf

### 1) Selling livestock to non-Jews (cont.)

R' Elazar offers another resolution to the contradiction related to selling livestock to non-Jews.

The Gemara reports that Rav retracted his original explanation and adopted the explanation of R' Elazar.

A reason why it is prohibited to sell large livestock to non-Jews is suggested.

This explanation is rejected and an alternative explanation is given for this ruling.

The earlier assertion that leasing an animal effects an acquisition is successfully challenged.

The conclusion of the Gemara is that there are multiple reasons one may not sell large livestock to non-Jews.

R' Adda permitted the sale of a donkey to a non-Jew and the Gemara explains why this was permitted.

R' Huna sold a cow to a non-Jew and the Gemara explains the rationale behind this lenient approach.

Proof to this practice is suggested but rejected by Rabbah. Abaye rejects Rabbah's refutation.

R' Ashi challenges the first part of Rabbah's statement and consequently revises that statement.

In another incident Rabbah establishes the parameters of assuming that someone will behave in a permitted way rather than do something prohibited.

Several challenges to Rabbah's position are presented that lead Rabbah to retract his ruling.

### 2) Selling weapons to idolaters

R' Dimi bar Abba rules that it is forbidden to sell weapons to idolaters as well as to Jewish thieves.

This ruling is clarified.

A Baraisa presents a dispute whether one may sell shields to idolaters.

The Gemara seeks the rationale behind the stringent position. ■

## REVIEW and Remember

1. Does leasing effect the acquisition of an object?  
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2. Why did R' Ada permit the sale of a donkey through a broker?  
.....
3. Explain the principle of תלין.
4. What was Rabbah's mistaken ruling?  
.....

## Distinctive INSIGHT

*Can we be lenient and say that the animal will be slaughtered?*

אמר רבה מי דמי התן אין אדם מצווה על שביתת בהמתו בשביעית, הכא אדם מצווה על שביתת בהמתו בשבת

The Mishnah (14b) ruled that it is prohibited for a Jew to sell livestock to a non-Jew. The animal is designated for work, and we are concerned that the non-Jew will use the animal to do labor on Shabbos with the Jewish-owned animal before the sale is final, or that he will work with the animal on Shabbos while renting the animal, before purchasing it. In either case this would be a case of a Jewish-owned animal doing labor on Shabbos, which is prohibited.

The Gemara brings the story of Rav Huna who sold an animal to a non-Jew. Rav Chisda confronted Rav Huna and asked him about the law of the Mishnah. According to Rashi, Rav Huna answered that the Mishnah was speaking about a case of an animal that was not usually slaughtered for meat, or where the sale was specified to be for a work animal. Rav Huna, however, sold an animal which was clearly was designated for slaughter.

Tosafos explains that Rav Huna sold a cow, which is not used for work, and it is generally slaughtered. The Mishnah prohibits selling an ox, which is a work animal. Alternatively, the Mishnah prohibits selling livestock to farmers, as they generally use animals for work. Rav Huna sold an animal to a butcher, who buys animals in order to slaughter. Here, there is no concern that the animal will work on Shabbos, and the sale is permitted.

The Gemara illustrates a similar halachah. Beis Hillel rules that a Jew may sell an animal to another Jew who is suspect of not observing the laws of Shemitta (Mishnah, Shvi'is 5:8). Although there is a risk that the animal might be used for farming the land of a Jew before the purchase is final, we rule leniently based upon the assumption that the animal will be slaughtered by the buyer. Rabbah undermines this proof. Rashi explains that the reason it is permitted to sell an animal to a fellow Jew who is suspect regarding Shemitta is not that we assume that it will be slaughtered, but that the animal's owner is not commanded to stop his animal from working on Shemitta. However, on Shabbos an animal's owner is commanded to guard that his animal not do labor. Here, it might still be prohibited to sell an animal which might be worked, and we have no proof that it is reasonable to rely upon the lenient assumption that the animal will be slaughtered.

Based upon a difficulty he notes in Abaye's follow-up

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# HALACHAH Highlight

## Selling food in a vending machine

כל היכא דאיכא למיתלא תלינן

Whenever there is room to make an assumption we make the assumption

**T**az<sup>1</sup> writes that if one wants to sell something to a gentile and is uncertain whether the gentile will use the object for a prohibited use or a permitted use, he may adopt a lenient approach and assume that the gentile will use the object for a permitted use. Teshuvos Pnei Yehoshua<sup>2</sup> also rules that one could adopt a lenient approach in these matters. The basis of his position is on the assumption that the prohibition against placing a stumbling block before a gentile is only Rabbinic. As such, when there is a doubt whether a Rabbinic injunction will be violated one may adopt a lenient approach.

Tevuos Shor<sup>3</sup>, as well, subscribes to this lenient attitude and cites our Gemara's position that whenever one can suggest that the item will not be used for something prohibited, one need not be concerned with לפני עור. Mekor Chaim<sup>4</sup> proves that one may only assume that the object will not be used for something prohibited if it is more likely to be used for permitted uses than prohibited uses but if the object is just as likely to be used for something prohibited as something permitted, one may not assume that the object will be used for a permitted purpose.

Sefer Imrei Dovid<sup>5</sup> was asked about selling food in vending machines when there is a concern that the people purchasing

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question to Rabbah, Tosafos explains the question of Rabbah differently than did Rashi. Tosafos notes that on Shemitta it is reasonable to be lenient regarding selling an animal, as the prohibition of Shemitta is on the land, not on the animal's labor. When selling the animal, we can view it leniently and assume that the animal might be slaughtered. Regarding Shabbos, where the commandment is for the animal not to work, it might be that the halachah does not allow us to assume that the animal will be slaughtered. ■

the food may be Jews who will not wash their hands before eating. Seemingly, the owner of the vending machine violates the prohibition of לפני עור by making this food available. He writes that if the majority of people in town are gentiles one has the right to assume that those who purchase food from the machine are gentiles who are not obligated to wash. Additionally, since other food is available (חד עברא דנהרא) the one who provides the food would only violate the Rabbinic injunction against assisting a sinner (מסייע) and according to Dagul M'revavah<sup>6</sup> one is not prohibited from assisting a wanton sinner if the assistance does not involve an action. Since in this case the non-religious Jew performs the action on his own, one may be lenient. ■

1. ט"ז יו"ד סי' קנ"א סק"א.
2. שו"ת פני יהושע ח"א יו"ד סי' ג'.
3. תבואת שור סי' ט"ז ס"ק כ"ג.
4. מקור חיים יו"ד סי' קנ"א סעי' א'.
5. ספר אמרי דוד סי' קנ"ז.
6. דגול מרבבה יו"ד סי' קנ"א. ■

## STORIES Off the Daf

### "If a Person Should Sin...And He is a Witness"

"והמחר אחר בהמתו בשבת..."

**T**oday's daf discusses a decree made to avoid chilul Shabbos.

During the year תרנ"א the Netziv of Volozhin, zt"l, visited the city of Kremenchug where Rav Moshe Taraschensky, zt"l, presided as Rav. Since Rav Moshe was very erudite, the two had some very enlightening conversations together.

During the course of one discussion, Rav Moshe told a story based on a famous teaching of the Baal Shem Tov. "The Tchorckover Rebbe, zt"l, was once talking to his chassidim on Shabbos night

when a modern Jew carrying a walking stick approached him and wished him, 'Gut Shabbos.' Carrying this stick was definitely prohibited on Shabbos, whether because of muktzah or because there was no eiruv in the town, and the rebbe viewed it as public Shabbos desecration.

"The rebbe became very upset, since the Baal Shem Tov teaches that anytime one sees a fellow Jew sin, it is a sign that he himself has a parallel blemish in his personal avodas Hashem. He immediately stopped talking and explained that he was unable to make kiddush since he must obviously do teshuvah for his sin.

"After some time he came out of his room and said that he was ready to make Kiddush. He added, 'Although I still must do teshuvah, I realized that my sin need not stop me from making kiddush.

My reasoning is since our sages teach that witnesses are necessary only to counter false claims. Now that this unfortunate Jew sadly has denied the Shabbos it is incumbent upon us to counter this by immediately bearing witness..."

The Netziv immediately remarked, "The Baal Shem Tov's principle is actually a Tosefta in Shevuos. The Tosefta teaches this very same concept on the verse, 'נפש כי תחטא ושמעה קול אלה והוא עד' —If a person should sin, that he heard the sound of an execration, and he is a witness...' One aspect of the punishment of those who have sinned is that they witness others sinning. And the converse is also true: those who have done good are privileged to witness others doing good!"<sup>1</sup> ■

1. על אבותינו ועל יחוסם, ע' 38. ■