

OVERVIEW of the Daf

1) Renting fields to idolaters (cont.)

The Gemara concludes its search for why it is prohibited to rent a field to Cutheans but permitted to rent a field to idolaters.

An incident is recorded that establishes the parameters of establishing a partnership with a non-Jew where the non-Jew is permitted to work on Shabbos.

A second version of this incident is recorded.

The Gemara asks whether the Jewish partner is allowed to take half of the profits if he partnered with a gentile but it was never set up that the gentile would keep the profits from Shabbos in exchange for the Jew's keeping the profits from another day.

An unsuccessful attempt is made to resolve this matter and the issue is left unresolved.

הדרן עלך לפני אידיהן

2) **MISHNAH:** The Mishnah discusses restrictions that were enacted out of concern for the immoral lifestyle of idolaters.

3) Stabling animals

The Mishnah's assumption that idolaters are suspected of bestiality is unsuccessfully challenged.

The parameters of the concerns for bestiality are discussed.

The reason one may not stable a female animal with an idolatress is explained.

The Gemara inquires whether it is permitted to de-

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REVIEW and Remember

1. Why is there more of a concern that a Cuthean will do work on Chol Hamoed than a gentile?

2. What is the reason one should not be in seclusion with an idolater?

3. Explain the phrase מכתבא גללא בזע רגלא בחבריה ידע.

4. How did the Jewish People rid themselves of the impurity of the serpent?

Distinctive INSIGHT

Shabbos arrangements for a partnership with a non-Jew
 הנהו מוריקאי דעובד כוכבים נקיט בשבתא וישראל בחד בשבתא

The Gemara brings a case where a Jew and a non-Jew were partners in a share-cropping arrangement. They had together accepted to be partners in planting and collecting the yield of a certain field. The non-Jew accepted to do all work which would be necessary on the seventh day of the week, the Shabbos of the Jew. As a result, the non-Jew was exclusively to receive all benefits of the share-cropping work he did on that day. As an exchange, the Jew accepted upon himself to work the field every Sunday, and exclusively to receive all benefit that would result from his efforts. This arrangement was presented to Rava to rule regarding its permissibility. He ruled that it was, in fact, permitted.

Ravina cited a Baraisa from which he challenged the ruling of Rava. The Baraisa teaches that if a Jew and non-Jew accept to work as partners as share-croppers in a field, the Jew may not instruct the non-Jew to work on Shabbos and that he work on one of the weekdays in exchange. The reason this is prohibited is that they accepted to do the work together, and if the non-Jew works on Shabbos and the Jew on each Sunday, we consider it as if the non-Jew is working for the Jew on Shabbos as his agent, and that the non-Jew is giving the Jew half the profits from the Shabbos work in exchange for what he receives for the work the Jew does on the weekday. It is only permitted if the non-Jew and Jew accept the share-cropping deal with this as the original arrangement. In this case, the Jew never accepted upon himself to work on Shabbos or to receive any of the benefit of the work done on Shabbos.

Rava was initially embarrassed when he was shown the strict ruling of the Baraisa. However, it soon became apparent that one of the details of the case which was asked of Rava was that the Jew and non-Jew had made their arrangement as part of their original partnership. Thus, the ruling of Rava was actually accurate, and Rava had correctly anticipated that detail of the partnership.

The Rishonim present various approaches to under-

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 Hinda bas Meir - Mrs. Harriet Abramchik o'h
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HALACHAH Highlight

Creating a partnership with a gentile so that a business could open on Shabbos

ועוד מפני שנקראת על שמו

Furthermore, it is known by the Jew's name

There was once a person who owned a bank. His bank merged with another bank and as a result it was necessary for the bank to remain open on Shabbos. Since the prospect of keeping his business open on Shabbos disturbed him he decided to contact the author of Teshuvos Shevet Halevi¹ for guidance. Shevet Halevi responded by quoting the halacha in Shulchan Aruch² that when a Jew and gentile are partners in a business there is no issue for the Jew to allow his partner to work on Shabbos since the gentile is working out of his own interest rather than for the benefit of the Jewish partner. The reason there is no concern for the appearance of impropriety (מראית עין) is based on the Magen Avrohom's explanation that since the partnership is well known there is no concern about giving an incorrect appearance.

This allowance, emphasizes Shevet Halevi, is only if the partnership is well known or if the Jew is a silent investor and people are only aware of the gentile who is the managing partner. In these two cases there is no issue of giving an incorrect appearance. If, however, the business is known to belong to a Jew and the Jew takes a gentile partner so that

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stand this story and its lessons. Rashi understands that the partnership between the Jew and non-Jew was in regard to a partnership of being share-croppers in someone else's field, as we explained. Tosafos Chachamei Anglia explains that the Jew and non-Jew were partners in the field itself, and that the ruling of Rava was regarding dealing with Shabbos.

Ra'aved and Meiri also explain that the partnership was in the ownership of the field, but the question arose during the harvest whether the non-Jew could harvest on Shabbos and keep what he cut, and the Jew would be paid back with working on a subsequent weekday. ■

the business could open on Shabbos it is prohibited due to the issue of giving an incorrect appearance.

Shevet Halevi then adds another important qualification to this halacha. This leniency, even when properly utilized, is limited to a person who would be in danger of losing his livelihood at least significantly. It does not apply to wealthy people who are merely looking to increase their wealth by purchasing businesses and taking a gentile as a partner so that the business could open on Shabbos. He concludes by noting that his experience has shown him that people who improperly use this leniency only regret it in the end. ■

1. שו"ת שבט הלוי ח"ג סי' כ"ג.
2. שו"ע או"ח סי' רמ"ה.
3. מג"א שם סק"א. ■

STORIES Off the Daf

The Serpent's Filth

"הטיל בה זוהמא..."

On today's daf we find that when Chava indulged in the first sin, she was inundated with the filth of the primordial serpent. The Maharal, ז"ל, explains that this means that the sin caused mankind to descend spiritually, filling him with many flaws that require rectification.¹

The Alter of Kelm, ז"ל, explained the natural human tendency to believe that one's own filth is perfectly acceptable with a startling parable. "A certain man walked into a very dirty mikveh

only to see those immersed in it drinking to quench their thirst.

"Obviously he was very disgusted and figured they did so because they did not realize that close by there was a pool of pristine water which no one bathed in since it was set aside for drinking. He quickly informed them of their error. 'Why drink the dirty water when you can have as much clean water as you want free of charge right up the road?'

"He was shocked by their weird response. 'But someone just added a little clean water to the mikveh. Although it appears dirty, there is likely a slight amount of clear water mixed in, so why not drink it?'"²

The Alter explained that this is the

way of all sinners. Isn't it better to look only at the positive? Of course this is nonsense. Every Jew has a negative character trait which he must either overcome or it will destroy him. If one wallows in the filth, this will destroy him. But if he focuses on strengthening his positive attributes, he can overpower the negative.³ ■

1. גור אריה, בראשית.
2. יסודי הדעת, ע' ק"ס.
3. הסבא, פנקס הקבלות, קס"א. ■

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posit one's birds with an idolater.

Two incidents are cited, one of which demonstrates that there is a concern that idolaters would sodomize birds as well. ■