

OVERVIEW of the Daf

1) The proprietary act of an idolater (cont.)

R' Ashi unsuccessfully defends his position and the Gemara concludes that meshicha effects acquisition for an idolater.

2) Setting a price

An incident is presented in which Abaye demonstrates from our Mishnah that a kinyan is not effective if the price was not set.

The Gemara inquires whether it is necessary to set a price for a kinyan to be effective since the Mishnah's ruling may be the result of the fact that it is discussing nessech wine.

An incident demonstrates that setting the price is necessary for a kinyan to be effective.

Another related incident is presented.

The Gemara discusses the meaning of different phrases that may be used for determining the price of an item.

3) **MISHNAH:** The Mishnah discusses two cases, one the use of a funnel for nessech and kosher wine and the second case pouring wine from one utensil to another.

4) Connection of liquids

A Mishnah teaches that liquids that connect by stream, on a slope or liquid sufficient to moisten are not connections for matters of tum'ah or taharah.

R' Huna asserts that regarding nessech wine these do create connections.

Numerous unsuccessful attempts are made to prove R' Huna's contention correct.

5) Pouring wine for idolaters

R' Chisda's advice for pouring wine for idolaters is recorded.

Rava also offers advice to one who pours wine for an idolater.

A related incident is presented.

The Gemara discusses the permissibility of drinking from a kenishkanin - a container that has multiple straws that allow numerous people to drink from the container simultaneously. ■

Today's Daf Digest is dedicated
In loving memory of ז"ל משה ר' בת חיענה
by Mr. and Mrs. Eli Goldberg, Brooklyn, NY

Today's Daf Digest is dedicated
In memory of Avigayil Chaya bas Dovid HaCohen O'H
by the Steinman Family (Passaic, NJ)

Distinctive INSIGHT

R' Chisda instructs the Jewish wine merchants

אמר להו ר' חסדא להנהו סביתא כי כיליתו חמרא לעובדי כוכבי
קטפי קטופי וכו'

The Gemara brings an incident where R' Chisda issued a warning to wine merchants, and from this incident the Gemara tries to prove R' Chisda's opinion whether a stream or flow is considered a connection (ניצוק חיבור) between two containers.

R' Chisda gave instructions to Jewish wine merchants who poured and measured wine that was being sold to idolaters. He told them that they should make sure that the flow from the supply barrel in the store into the jug of the customer should be interrupted. As the wine flowed out of the barrel, the pouring procedure should be a series of short and interrupted spurts, in order to avoid the flow from the barrel being direct and uninterrupted into the container of the idolater. If the stream of wine would have been continuous, the wine in the supply barrel would become prohibited due to its being connected to the jug of the idolater, where the wine is יין נסך. Rashi explains that even if the stream is connected for one moment, this would immediately cause all the wine to be prohibited, and it would no longer help if the rest of the pouring was done with interrupted spurts.

Alternatively, if pouring the wine with short spurts is not possible or if it not be feasible, wine from the supply barrel could be taken and tossed into the jug of the idolater (נפצי נפוצי).

Based upon this story, Rashi rules that the ruling of R' Chisda teaches that the halacha is that a stream is a connection.

(Continued on page 2)

REVIEW and Remember

1. What is the point of dispute between R' Yosef and Abaye?

2. What is the benefit of connecting two bodies of water for טהרה?

3. Is wine propelled by an idolater prohibited?

4. What was Rava's advice to Jewish wine pourers?

Today's Daf Digest is dedicated
מרת פיגא בת ר' ישראל
By the Weinberger family, Brooklyn, N.Y.

HALACHAH Highlight

Honoring one's verbal commitment

אי מזביננא לה להא ארעא לך מזביננא לה אזל זבנה לאיניש אחרינא
 "If I sell this land it will be sold to you," and he went and sold it to another person

There was once a tzedaka organization that raised money by selling sefarim. The proceeds of those sales would be used to support various yeshivos. One time one of the gabbaim agreed to sell the sefarim at a certain cost and before the transaction was made the sefarim increased in value by over thirty-three percent. The gabbai wanted to charge the current, higher price but he hesitated out of concern that perhaps he wasn't allowed to charge the higher price once he had agreed to the lower price. Shulchan Aruch¹ writes that a person who verbally agrees to make a transaction should keep his word. Even though a proprietary act was not performed it is appropriate for a person to stand by his word and if one of the two parties retracts he is considered to be lacking trustworthiness (מחוסר אמנה) and Chazal are not happy with his behavior. Rema adds that halacha follows the opinion that maintains that even if the price increased after the verbal commitment was made, neither party should back out of the agreement. Seemingly, the gabbai is bound by the original agreement despite the fact that the sefarim have increased in value.

The inquiry was sent to the author of Teshuvos Cheishev HaEphod for a ruling. Cheishev HaEphod² responded that the issue of being one who is lacking trustworthiness does not apply in a case involving a gabbai tzedaka who is entrusted to protect the money in his care. Furthermore, one should not even suggest that in order to avoid being untrustworthy the gabbai should sell the sefarim at the original agreed-upon price and

(Insight...continued from page 1)

tion, and if it reaches non-stop from a barrel to a container of an idolater, all the wine becomes prohibited. Tosafos also notes that Rashi rules according to R' Chisda, who holds ניצוק חיבור. Yet, Tosafos concludes that the halacha is not according to R' Chisda.

Ritva points out that the rule that the halacha follows the conclusion of actual cases (מעשה רב) does not necessarily apply here, because it can be that R' Chisda gave his instructions to the wine merchants because he was in doubt whether a stream is a connection. He ruled that they should be careful and prevent the poured wine from forming an uninterrupted flow just in order to avoid any possible problems. Ramban and Rashba reject this suggestion of Ritva, because if R' Chisda issued his instructions just as a precaution, he should have clearly said that his ruling was only a recommendation, and that the wine would not necessarily be ruined if an uninterrupted flow occurred. The manner in which his ruling appears in the Gemara indicates that it was issued based upon a decisive and final decision that a flow is a connection. ■

supplement the loss from his own pocket since it is clear that the gabbai never committed to sell the sefarim at the original price if it were to cause him a loss. Shevet Halevi³ also adopted a lenient approach. One reason is that he is comfortable with the opinions that it is acceptable to back out of a verbal agreement to make a transaction if the price changes, citing amongst others, Aruch Hashulchan⁴ who writes that when the price changes it is only out of piety (ממדת חסידות) that one would keep his word but it is not halachically mandated. ■

1. שו"ע חו"מ סי' ר"ד סעי' ז'.
2. שו"ת חשב האפוד ח"א סי' א'.
3. שו"ת שבט הלוי ח"ד סי' ר"ן.
4. ערוה"ש חו"מ סי' ר"ד סעי' ח'.

STORIES Off the Daf

A Palpable Link

"קטפי קטופי..."

An idolater once attended a meal at an upscale kosher restaurant with a couple of Jewish coworkers. They ordered a bottle of wine with their meal. Since the best wines were not mevushal, the group had to be very careful not to allow the idolater near the bottle. But how were they to do this in a tactful way? They contrived that a Jewish waiter would stay nearby and pour the wine as needed.

Towards the middle of the meal, as the waiter refilled an empty cup, the idolater asked him to add wine to his partially full glass. After the meal was over, one of the Jewish customers pulled the waiter aside and explained that since the idolater's glass had not been empty, it was quite possible that refilling it had rendered the rest of the bottle unfit for use. The waiter felt that this was unlikely but he informed his boss who asked the mashgiach to clarify if this was a problem.

When this question was referred to the Adnei Paz, zt"l, he ruled that the remaining wine in the bottle had indeed become prohibited. "In Avodah Zarah 72

Rashi rules that pouring connects the contents being poured with the contents of the vessel when it comes to yayin nesech. This is the opinion of the Geonim and the Rif as well. Yet Tosafos is lenient.

"The Rosh brings both opinions, and concludes that his rebbe, Rav Meir of Rottenburg, relied on Rabbeinu Tam only in a case of significant loss, a great loss. The Shulchan Aruch also brings both opinions and rules like Rav Meir of Rottenburg. Since a bottle of wine is certainly not a big loss for the restaurant or the businessmen, it seems clear that the wine remaining in the bottle was prohibited!"¹ ■

1. שו"ת אבני פז, ח"ב, יו"ד, סי' צ"ד

