

OVERVIEW of the Daf

1) Ox waste (cont.)

Rava concludes explaining how both rulings regarding betrothal with ox waste can be inferred from our Mishnah.

The Gemara explains why R' Yehoshua did not respond to R' Yishmael's argument in the Mishnah.

2) "Your love is better than wine"

R' Dimi explains the meaning of the verse that states, "Your love is better than wine."

The reason R' Yehoshua asked about this pasuk is explained.

The reason for the decree against cheese is identified.

The reason why R' Yehoshua did not want to give the reason for the decree is explained.

R' Yirmiyah challenges this explanation and an alternative explanation is suggested.

Shmuel offers a third rationale for the prohibition against eating cheese of non-Jews.

This explanation is unsuccessfully challenged.

Three additional reasons for the prohibition against eating cheese of non-Jews are presented.

It is explained how the last reason is consistent with R' Eliezer as well as R' Yehoshua.

The Gemara questions why according to the last two explanations the cheese is not prohibited from benefit and the matter is left unresolved.

The Gemara presents an exposition of the verse that follows the one already cited.

3) MISHNAH: The Mishnah enumerates different food items that are prohibited from consumption but permitted for benefit.

4) Milk

The Gemara searches for the rationale behind the prohibition against consuming milk acquired from non-Jews.

The reason given for the decree against milk of non-Jews is unsuccessfully challenged.

5) Bread

R' Kahana in the name of R' Yochanan emphasizes that bread baked by a non-Jew was not permitted by Beis Din.

The reason it was necessary to emphasize this point is explained.

A second version of this story is presented.

Two qualifications are added to the leniency that allows one to consume bread baked by a professional baker.

A related incident is recorded.

6) Oil

Rav and Shmuel disagree about the reason oil of non-Jews was prohibited. ■

Distinctive INSIGHT

A stabilizing agent is not nullified

כיון דאוקמיה קא מוקים חשיב ליה כמאן דאיתיה לאיסוריה בעיניה

R' Yishmael asked R' Yehoshua why the cheeses of non-Jews were not prohibited from benefit. The reason they are prohibited for eating is because the non-Jews used to have the milk curdle in the stomachs of goats used for idolatry. Accordingly, the cheeses should also be prohibited from benefit. Nevertheless, instead of answering this question, R' Yehoshua channeled the discussion to a different topic.

Our Gemara presents possible answers that R' Yehoshua could have given, and it analyzes why he did not suggest this answers. Perhaps R' Yehoshua could have noted that the cheeses were not prohibited from benefit, because even though they were formed in the stomachs of animals used for idolatry, the prohibited element of the cheese is not intact and not tangible at this stage of the cheese's production. In fact, this seems to be the exact reason why the sages who argue with R' Meir hold that *muries* (the fish-innard hash) is permitted for benefit. Nevertheless, the Gemara explains that cheese produced in the stomach of an animal used for idolatry is worse, because the enzymes of the stomach of the prohibited animal act as a stabilizer. Although this catalyst is no longer present in the final product, its presence is still significant, and the cheese should remain prohibited for benefit. This is why R' Yehoshua did not offer the answer that the prohibiting element of the cheese is not present in the current form of the cheese.

The Rishonim discuss the reason why a stabilizing element does not become nullified, even when diluted by a thousand times its volume of permitted substance. Rashba (to Chullin 116a) explains that the effect of the stabilizer is noticeable in the product. We therefore consider the prohibited substance to be present, even though it is not capable of contributing any taste. The issue is that it is still considered

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REVIEW and Remember

1. What is most beloved to the Jewish Nation?

2. What is the reason Chazal prohibited cheese of idolaters?

3. In what way is a scholar similar to balsam oil?

4. What is a פלטר?

HALACHAH Highlight

Cholov Yisroel

חלב שחלבו עכו"ם ואין ישראל רואהו

Milk that an idolater milked without a Jew watching him

Pri Chadash¹ rules that whenever there is no concern that non-kosher milk would be mixed into kosher milk it is permitted to consume milk obtained from a non-Jew. Chasam Sofer² disagrees with this position. It is true that the concern that was the impetus for the decree was the concern that non-kosher milk may be added to kosher milk; nevertheless, once the decree was established it applies in all circumstances. Therefore, even in a circumstance when there is no concern that non-kosher milk is being added to kosher milk, the injunction applies and it is prohibited to consume milk obtained from a non-Jew if a Jew did not witness the milking. Teshuvos Divrei Yisroel³ writes that there is a tradition from Divrei Chaim that is claimed could be traced back to Moshe Rabbeinu that the prohibition against milk obtained from non-Jews is not only based on the concern for non-kosher ingredients. The concern for non-kosher ingredients is the reason that Chazal revealed to us but there are other reasons that were not revealed. Accordingly, even in a circumstance where the revealed reason no longer applies it is possible that the hidden reason still applies.

Regarding milk that is processed under government supervision Rav Moshe Feinstein⁴ wrote that there is sufficient basis for one to adopt a lenient approach and one should not pro-

(Insight...continued from page 1)

present, and not that it is still contributing a taste. The Mordechai (to Chullin, Ch. 8, #533) explains that a stabilizing agent is considered as if it continues to contribute a taste to the final product.

Magen Avraham (442: #9) discusses whether the principle that a stabilizing agent remains intact is a Torah principle, or whether it is only rabbinic. The opinion of the Issur v'Heiter is that such a substance is nullified according to the Torah, but the rabbis rule that it remains a factor even if it is physically outnumbered. The opinion of the Tur is that the Torah itself considers this type of substance to remain significant due to its contribution to the final development of the product. Chok Yaakov notes that the interpretation of the Magen Avraham in the Tur might not be accurate, and that Tur might actually agree that this is a rabbinic concept. ■

test those who accept this lenient ruling. The basis for this leniency is that the companies are afraid to mix in non-kosher milk since they would incur a fine if they were to be caught doing so. In this first response he adds that pious people (בעל נפש) should not rely on the leniency. In a second response⁵ he wrote that the leniency should only be utilized in a location where cholov Yisroel is not available but if cholov Yisroel is available one should use cholov Yisroel even if it is more expensive than the non-cholov yisroel milk. ■

1. פרי חדש יו"ד סי' קט"ו סק"ו.
2. חת"ס יו"ד סי' ק"ו.
3. שו"ת דברי ישראל (וועלץ) ח"ג סי' קמ"ה-ו.
4. שו"ת אגרות משה יו"ד ח"א סי' מ"ו.
5. שם ח"ב סי' ל"ה. ■

STORIES Off the Daf

A Leap of Faith

"לא מגלו טעמא עד תריסר ירחי שתא..."

In 1933 Germany, just after Hitler ym"sh rose to power, the German Reichstag decided that shechitah was inhumane. Since Germans were clearly the kindest of civilized nations, it would surely be immoral to tolerate cruelty to animals in such a progressive country! They therefore banned shechitah unless the animals were first stunned electrically. Perhaps it is not surprising that the Germans were so scrupulous regarding cruelty to animals at the expense of the Jews before the war. Later, during WWII, committing the most heinous crimes against Jews was part of the

national effort yet it was still a serious felony to be cruel to animals.

A group of German rabbis came to Rav Chaim Ozer Grodzensky, zt"l, to ask if pre-stunning an animal before shechitah was halachically permitted.

"This is forbidden," Rav Chaim Ozer decisively replied.

"Could you please tell us why?" asked the representatives. "Not that we ourselves doubt this conclusion, chas v'shalom, but in Germany there are those who keep kosher but have a difficult time accepting the decisions of the poskei hador purely on faith. It will be much easier to convince them to follow the gezeirah if we can explain it to them in a way they understand."

"I am not permitted to divulge rea-

sons at this time," replied Rav Chaim Ozer. "And this is actually discussed in a clear Gemara in Avodah Zarah 35. There we find that Ula says that when they made a decree in Ma'arava they would not reveal the reason for this until a full year had past. Perhaps there will be people who disagree with the need for the decree and mock it.

"Rashi explains that by not revealing the reason for the decree such scoffers will not want to analyze it since they don't understand it. They will assume that the sages must see potential destruction if this decree is not implemented and so they themselves are the ones who don't have the insight to see the reason behind their decision."¹ ■

■ הרב מפוניבז, ח"א, ע"י ש"ג

