

OVERVIEW of the Daf

1) Oil (cont.)

Shmuel's explanation why oil of a non-Jew was prohibited is challenged and a revised explanation is presented.

Shmuel makes an unsuccessful attempt to prove his explanation correct.

The basis of the dispute between Rav and Shmuel regarding the cited pasuk from Sefer Daniel is presented.

Rav's position that Daniel was the one who prohibited consumption of oil from non-Jews is unsuccessfully challenged.

R' Mesharshiya explains how R' Yehudah Hanasi was able to permit something prohibited by an enactment of Hillel and Shammai.

Proof to R' Mesharshiya's principle is suggested.

2) Bread, oil, wine and daughters

Rav is quoted as stating that bread, oil, wine and daughters of non-Jews were amongst the eighteen items prohibited by the students of Shammai and Hillel.

The nature of the decree against their daughters is explained.

The rationale behind these decrees is explained.

The assertion that it is only by virtue of a Rabbinic injunction that one may not marry a non-Jewess is challenged.

The Gemara suggests and rejects many explanations regarding what is Biblically prohibited and what was added by the Rabbinic enactment of the students of Shammai and Hillel until the Gemara arrives at an acceptable explanation.

3) The tum'ah of a non-Jewish boy

The Gemara returns to a statement of R' Acha bar Ada in the name of R' Yitzchok and explains what additional matter was prohibited due to another concern.

R' Zeira reports a disagreement at what age a non-Jewish boy is considered tamei as a zav. ■

Distinctive INSIGHT

The enactment to prohibit the wine of non-Jews

על פיתן ושמן משום יינן ועל יינן משום בנותיהן

R' Acha b. Adda in the name of R' Yitzchak explains that the rabbis decreed that the bread and oil of non-Jews should be prohibited as a means to reinforce the prohibition against drinking the wine of non-Jews. The prohibition of drinking wine was established to prevent social interaction between Jews and non-Jews and the subsequent risk of marrying the daughters of the non-Jewish wine sellers. This prohibition was set into place as a prevention for another issue (דבר אחר), which, in turn, would lead to a further issue. These last two issues are not explicitly identified, and they are discussed later in the Gemara.

Ramban, in the name of Rashbam, explains that when the Gemara says that wine of non-Jews was prohibited rabbinically due to the possibility of marrying the daughters of the non-Jewish merchants, this wine is specifically the type which was not known to have been used for idolatrous service (סתם יינם). If the wine was known to have been used for idolatrous service, it would have been prohibited by the Torah. Why, though, was it necessary to prohibit this סתם יינם due to the intermarriage risk, when such wine should have automatically been prohibited due to the possibility that it was used for idolatry? Ramban offers several answers to this question.

In the name of Rashbam, he notes that finding wine that was actually used in the service of idolatry is unusual, and it is only a minority of wine that is used for this purpose. Therefore, we would not be expected to anticipate that this specimen of wine was actually used for libation before an idol.

Ra'aved explains that a doubt regarding whether this wine was used for idolatry would have resulted in drinking of the wine being prohibited, but not to prohibit benefit. Now, however, with the compounded issue of socializing and marrying non-Jews, the wine becomes prohibited from benefit as well.

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REVIEW and Remember

1. When may a Beis Din overturn a decision of another Beis Din?
2. Which one of the Rabbinic enactments to keep us separate from non-Jews was not accepted?
3. What is prohibited by the phrase לא תתחתן במ?
4. What is included in the Biblical prohibition against ליחוד?

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HALACHAH Highlight

A zealous response

הבועל ארמית קנאין פוגעין בו

One who cohabits with an Aramean woman, zealots may kill him

Ha'ghos Mordechai¹ cites a teshuva from Rabbeinu Avrohom of Regensburg who writes that the halacha that zealots may kill a man who is cohabiting with an Aramean woman applies to a woman who is cohabiting with an Aramean man as well. This position is also recorded in Terumas Hadeshen². Ramban³ disagrees, however, ruling that the principle that a zealot may kill someone cohabiting with an Aramean is limited to a man but does not apply to a woman. The basis behind the distinction is the halacha that a child's lineage follows the mother. Therefore, the child born to a Jewish man who cohabits with an Aramean woman will be an idolater like his mother. On the other hand, a child born to a Jewish woman who cohabits with an Aramean man will be Jewish like his mother. Since the Jewish man is causing his children to become idolaters it is considered a graver act and as such there is the allowance that zealots may kill him.

Commentators have a different understanding of the word קנאין – zealots - that is referenced in this statement. Meiri⁴ explains that the use of the term קנאין is to emphasize that it is only those people who are zealous for the honor of Hashem who have license to act in this case. The implication of this comment is that most people may not act upon this teaching since it is limited to those people who act exclusively for the sake of Hashem. Toras Chaim⁵ offers another interpretation of the word קנאין. He

(Insight...continued from page 1)

Ramban says that in general, we do have to suspect that wine of a gentile might have been used in the service of his god, but wine that is used for this purpose is not sold by the gentile. This wine, which is being sold, is clearly not wine which was used for idolatry. The only issue remaining is that of intermarriages.

Ramban also explains that the decree not to drink or benefit from this wine is in effect even where the non-Jew touched the wine in a manner that was clearly not part of the service of his god. An example of this would be like we find in the Mishnah later (60b), where a non-Jew falls into a pit of wine, and he miraculously escapes from it. Although he came into contact with the wine, he did so in a manner which clearly was not for worship. There would be no reason to prohibit the wine due to the risk of its having been used for idolatry, but it would be prohibited due to the social consideration of mixing with the non-Jews. ■

writes that this word was chosen to teach that the witness to this heinous act may only kill the sinner if he catches him cohabiting but not if he discovers what happened after the fact. Zealous people are those who have a temper and respond immediately when they see improper behavior. Therefore the term קנאין teaches that one may respond to this act by killing the sinner only when it is an immediate, zealous reaction to the offensive act and not if it is a thought-out calculated decision. ■

1. הגהות מרדכי למסי' יבמות פרק החולץ סי' ק"ח.
2. שו"ת תרומת הדשן ח"א סי' רי"ט.
3. ספר מלחמות למסי' סנהדרין י"ח. בדפי הרי"ף.
4. מאירי ד"ה ישראל.
5. תורת חיים לסנהדרין פ"ב. ד"ה הבא. ■

STORIES Off the Daf

Room for Leniency?

"על פתן משום יינן ועל יינן משום בנותיהם..."

A certain American rav who was closely involved with kashrus organizations, visited Rav Shlomo Zalman Auerbach, zt"l, during the gadol's final months. This rav came to inquire regarding certain halachos of bishul nochri. He explained many different cases and asked if he was required to follow the stringent opinions despite certain difficulties in doing so. After all, the Talmudic rule of safek d'rabanan l'hakel presumably applies no less to these halachos.

Rav Shlomo Zalman replied in an emotional voice that betrayed his pain. "I will tell you my opinion regarding bishul nochri in our times. Sadly, in our generation, we have seen very much intermarriage, especial-

ly in America, heaven help us. Perhaps this problem is the worst it has ever been throughout our long galus. Obviously it is incumbent upon us to search for the spiritual source of this tragedy and correct it.

"But our sages already taught in Avodah Zarah 36 that the root of this problem is eating non-Jewish bread and wine, and the Tur and Shulchan Aruch in Yoreh Deya 113 bring this Gemara. Yet instead of being exceedingly careful of all the decrees of Chazal in these matters, people in our generation search for all sorts of leniencies which are certainly against the spirit of Chazal even in cases that are a real stretch of the halachah. Although many respectable people with yiras shamayim all over the world have made various attempts to stem the tide of intermarriage, we have not yet been saved from this calamity. The reason these efforts have so far been unsuccessful is that we still rely on such leniencies."

Rav Auerbach continued, "Our only recourse is to go to the opposite extreme and start being very careful in all the areas where we were once lenient. Even though we Ashkenazim rely on the Ramah in all matters, here it is better to be stringent in order to save our brothers and sisters in distress. If we would only understand the great destruction such leniencies cause—especially when the Ramah himself rules that one can rely on a leniency only בדעיבד—we would place mashgichim in every factory, which is the best way to correct this area."

Yet the gadol concluded hopefully, "Fortunate are you if you succeed to erect fences in these areas, acting the way the sages wanted. In this manner, Jewish children who are distant from their heritage will not marry non-Jews, God forbid, and you will be granted a great heavenly reward."¹ ■

1. הליכות שלמה ח"ב, ע' מי"ב ■