

OVERVIEW of the Daf

1) **MISHNAH (cont.):** The Mishnah continues to discuss halachos related to the sale of wine.

2) Liability for wine that soured

R' Yosi bar Chanina asserts that the Mishnah's ruling that the seller is not liable if the wine turns sour is limited to where the wine is in the buyer's utensils but if it is in the seller's utensil the seller is liable.

This explanation is unsuccessfully challenged.

Rava explains which phrase of the Mishnah led R' Yosi bar Chanina to present his explanation.

It is noted that R' Chiya bar Yosef disagrees with R' Yosi bar Chanina and maintains that the seller is always exempt from liability if the wine spoils.

Another explanation of the same verse is cited.

A related exposition is presented.

Rava rules that a seller of wine is liable if the wine spoils if it was known that the wine would be sold gradually.

A qualification to this ruling is added.

Rava rules that someone who sold wine to someone who will transport it to a second location and it lost value before reaching that location is liable.

The Gemara inquires whether the seller is liable even if the wine turns to vinegar.

This inquiry is unresolved.

3) Old wine

A Beraisa explains how long old wine is supposed to continue to age.

4) **MISHNAH:** The Mishnah discusses the standard dimensions of different structures.

5) Living with in-laws

The Gemara infers from the language of the Mishnah that it is prohibited for a man to live with his in-laws.

A statement of Ben Sira is quoted that echoes this concept.

6) A cattle barn

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REVIEW and Remember

1. According to R' Yosi bar Chanina, when is a seller absolved of responsibility for wine that he sold that turned sour?

2. What is the punishment for one who feigns to be a Torah scholar?

3. How does the Gemara infer from the Mishnah that one should not live with his in-laws?

Distinctive INSIGHT

Selling wine to a store owner, and the wine sours

האי מאן דזבין ליה חביתא דחמרא לחנואה אדעתא לסבויה

The Gemara presents several scenarios regarding one who sells wine, where the wine then sours. Rava discusses a case where a producer provides wine in a barrel to a retailer in order to have him sell the wine in his store on a daily basis. Rava rules that if the wine in the barrel sours after the store owner sold half or even one third of the contents, the supplier of the barrel and its contents must accept responsibility, and the store owner does not have to absorb any of the loss.

Rashbam explains that the wine has remained in the possession of the supplier, and the merchant is only his agent to sell it for him. He adds that this halacha applies, of course, only as long as the store owner has not acted irresponsibly with the wine by changing the spout of the barrel unnecessarily or by delaying the sale of the wine beyond the market day. According to Rashbam, this halacha is true even according to the opinion of Rav Chiyya bar Yosef who earlier said that when wine spoils, it is due to the bad fortune (מזליה גרם) of the one in whose possession it is found. In this case, the wine was still in the barrel of the seller, so the wine is still in his possession, and not in the domain of the store owner.

Tosafos explains that the seller sold the wine outright to the store owner. There was no contingency that the store owner be his agent. However, the seller knows that the store owner needs high quality wine to last until it is sold out over the time it takes to finish the barrel. When the wine in the barrel sours too quickly, it is as if the seller did not keep his end of the deal, and he must absorb the loss.

ה"ר יד רמ"ה agrees with Tosafos that the sale was final, but he explains that the case is where the buyer agreed to pay for the wine later from the money he would collect by selling the wine that was in the barrel. When the wine goes sour before it is sold out, the seller will suffer the loss, because he had agreed to accept payment only after the barrel of wine was sold out, and the wine that is left is now sour and cannot be sold.

Tosafos asks two questions regarding the explanation of Rashbam to the case of Rava. The Gemara uses the words "זבין ליה," which suggests that the sale was complete, and not that the seller gave the wine to the store owner as an agent to sell the wine on consignment. Furthermore, if the case is as presented by Rashbam, there would be no novelty to the ruling that the seller has to suffer the financial loss of the wine's going sour. Of course when the wine is owned by the seller he is the one who will absorb the loss. Ramban and Rashba also note that the wording of the Gemara does not reflect the case as Rashbam explains it, and for this reason they accept the approach of Tosafos. ■

HALACHAH Highlight

Living with one's in-laws

דלא דרכא דחתנא למיידר בי חמור

It is not proper for a son-in-law to live in his father-in-law's house

Our Gemara infers from the Mishnah that it is inappropriate for a son-in-law to live in his father-in-law's house. Support for this ruling is cited from the writings of Ben Sira where he states that he did not find anything that weighs less than bran and nevertheless a son-in-law who lives with his father-in-law is even lighter. Rashbam¹ adds that although feathers are lighter than bran Ben Sira chose bran since it is less valuable than feathers. The Gemara Kiddushin (12b) records a disagreement about this matter. Rav would banish (נידוי) those who lived with their fathers-in-law, whereas in Nehardai they maintained that Rav did not banish those who lived with their fathers-in-law. Tosafos² writes that the practice of sons-in-law living with their in-laws is in accordance with the position of Nehardai. Furthermore, nowadays people move in with their in-laws to save money rather than for the son-in-law to be near his mother-in-law so it is not considered inappropriate.

Rambam³ writes that Chazal prohibited a man from living in his father-in-law's house since it is considered brazen (עזות פנים). Ra'avad⁴ asserts that as long as the son-in-law and daughter have a room of their own it is permitted. Maharshal⁵ infers from the fact Rambam described one who lives with his in-laws as brazen, rather than mentioning that Rav's practice of punishing those who lived with their in-laws, an indication that Rambam follows our Gemara rather than the Gemara in Kiddushin. Our Gemara only goes so far as to say that it is considered a light behavior but

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There is a disagreement whether the Mishnah's ruling concerning a cattle barn was issued by R' Yishmael or R' Akiva.

7) Traklin

The Gemara defines the term traklin.

A Beraisa is cited and the Gemara defines one of the terms found in the Beraisa.

8) The proof presented in the Mishnah

The Gemara presents two ways to understand the proof presented in the Mishnah.

Another Beraisa presents a method of determining the height of a building.

The statement of the Mishnah is unsuccessfully challenged.

9) The height of the Beis HaMikdash

R' Chanina noted a contradiction between two verses concerning the height of the Beis HaMikdash and resolved the contradiction. ■

does not indicate that it is prohibited.

Sefer China V'chisda⁶ suggests that during our time of exile when financial pressures are a heavy burden a number of factors combine to permit one to live with his in-laws. Money that would otherwise be spent on rent or a mortgage, child care, food, etc. can all be saved by combining expenses. These considerations outweigh the concern for the inappropriateness of living with one's in-laws. ■

1. רשב"ם ד"ה קל מסובין.
2. תוס' קידושין י"ב: ד"ה בכלהו.
3. רמב"ם פכ"א מהל' איסורי ביאה הט"ו.
4. ראב"ד שם.
5. מהרש"ל בספרו עמודי עמודי שלמה על הסמי"ג ל"ת ס"י קכ"ו.
6. ספר חנא וחסדא ח"ב השמטות ציונים מדיני חתן ו' דף ר"כ. ■

STORIES Off the Daf

The bitter medicine

"אמר רב מרי האי מאן דיהיר..."

Today's daf discusses the punishment for arrogance.

Rav Rafael of Bershad, zt"l, explained that when a person slips up or makes an error in davening or is embarrassed, he should not allow himself to be vexed by this in the slightest. "This is just like a person who is sick and requires a bitter medicine to heal him. Although he would prefer to avoid taking the medication altogether, if he is sick he will take it and thank the doctor for administering it.

"Similarly, Hashem arranges for a person to err when he falls into arrogance. In

order to rectify this, a person is made to stumble and this naturally makes him feel very small. Although such failings are a direct result of Hashem's mercy upon us, we are better off searching for a simpler antidote to our hubris so we will not be required to endure such embarrassing moments. If a person yearns to attain humility with his entire heart, Hashem will help him attain it.

"But when we fail we must never give in to feelings of depression which distance us from Hashem. Rav Pinchas of Koretz, zt"l, once encouraged me on just this point with the words, 'Just don't be afraid.'

"I always understood this to mean that a person should never allow anything to depress or frighten him. Instead one should thank Hashem for the difficulty, saying, 'Master of the world. You have sent

this trouble so I should attain humility and be healed spiritually, and for that I thank you from the bottom of my heart! Please protect me from stumbling in this manner in the future. Instead, protect me from the defilement of arrogance by awakening a desire within me to attain a truly humble spirit, so there is no longer any need to cause me to stumble and fall in the future."¹

When someone asked Rav Rafael for advice to help him conquer his ego, Rav Rafael answered, "Hashem created a person so that he would spend his entire life searching for ways to be saved from pride!"² ■

1. אמרי פנחס, שער הענוה, אות י"ט
2. אמרי פנחס, שער הענוה, אות כ"ג ■