

Daf Notes

Insights into the Daily Daf
Chullin Daf 6

30 Sivan 5771

July 2, 2011

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Daily Daf

Cutheans – Jews or not?

The *Gemora* asks why the Sages decreed that one may not eat from an animal slaughtered by a Cuthean.

The *Gemora* answers that once Rabbi Meir sent Rabban Shimon ben Elozar to get wine from the Cutheans. On his way, an old man met him, and said to him the verse, which states that “you should place a knife in your cheek [i.e., refrain], if you are a person of spirit,” thereby telling him that he should refrain from their wine. When Rabban Shimon ben Elozar told this to Rabbi Meir, he prohibited their wine.

Rav Nachman bar Yitzchak explains that Rabbi Meir discovered an image of a dove that some Cutheans were worshipping. Since Rabbi Meir says we must be concerned with even a minority, he therefore prohibited the wine of all Cutheans. Rabban Gamliel and his court agreed with Rabbi Meir that we must be concerned about this minority of idol worshippers, and they therefore prohibited eating their meat as well.

The *Gemora* explains that the simple meaning of the verse cited by the old man is in reference to someone learning from his teacher. The full verse, with its meaning is:

Verse	Meaning
<i>When you sit to engage the leader</i>	When you sit in front of your teacher
<i>Understand</i>	[if you know he can answer your questions, ask so you will] understand
<i>You should understand what is in front of you</i>	[if you know he cannot answer your questions, then] understand the situation
<i>And you should place a knife in your cheek</i>	And refrain from asking [lest you embarrass him]
<i>If you are a person of spirit</i>	If you are driven to know the answer [then leave his lecture]

Rabbi Yitzchak ben Yosef was sent by Rabbi Avahu to get wine from the Cutheans. An old man met him, and told him that there were no people who observe the Torah among them, so he should not take their wine. Rabbi Yitzchak related this to Rabbi Avahu, who told it to Rabbi Ami and Rabbi Assi. On the spot, they decreed that Cutheans are to be considered bona fide non-Jews.

The *Gemora* explains that their decree encompassed prohibiting their meat and wine. Although these were prohibited earlier, the populace had not accepted the earlier decrees, but they did accept the decree of Rabbi Ami and Rabbi Assi.

Rav Nachman bar Yitzchak explains that the statement that they are bona fide non-Jews means that even for the purposes of an *eruv*, they have the rules of a non-Jew. The *braisa* explains that a Jew sharing an enclosed area with others on *Shabbos* may relinquish his ownership in a shared area, and give others his portion in property, to enable them to carry there. However, if a non-Jew lives in that area, the Jews must lease his portion from him. (6a)

Demai mixture and replacements

Rabbi Zaira and Rav Assi went to an inn in Ya'i, and they were served eggs cooked in wine. Rabbi Zaira did not eat them, but Rav Assi did. When Rabbi Zaira asked why Rav Assi why he was not concerned that the wine was *demai* – produce of an *am ha'aretz* which may not be tithed, Rav Assi answered that he hadn't thought of that issue with the wine. Rabbi Zaira remarked that it was impossible that such a mixture is truly prohibited, since otherwise Rav Assi would not have ended up eating it. If Hashem protects even a righteous person's animal is protected from the pitfall of a sin (as the *Gemora* will describe later), surely He protects a righteous person himself. Rabbi Zaira searched and found a *Mishna*, which says that although one must take *ma'aser* when purchasing *demai* produce to be used as an ingredient, one need not take *ma'aser* when buying a dish which includes produce which is *demai*. Therefore, when Rav Assi was served the dish, he didn't have to tithe it, even though it had *demai* wine in it.

The *Gemora* challenges this from a *braisa*, which discusses the case of a *chaver* - one who is trustworthy to take *ma'aser* gives his neighbor dough to bake, or a dish to cook. If he provided all the raw materials, he need not be concerned that she used her own sourdough or spices, which may be from *Shemittah* or

non-tithed produce. However, if he told her to add the sourdough or spices on her own, he must be concerned that she used *Shemittah* or non-tithed produce. This *braisa* proves that even in the context of a mixture, one must be concerned for non-tithed produce.

The *Gemora* answers that since he told her to add these ingredients, it is akin to him buying these items and adding them himself.

Rafram answers that these ingredients are there for their strong taste, and therefore they are not subsumed into the mixture. Therefore, a loaf or dish with these ingredients is tantamount to the ingredients on their own.

The *Gemora* challenges this *braisa's* assumption that the *chaver* need not be concerned that his neighbor switched his materials with hers from a *Mishna*. The *Mishna* says that if someone gives his non-trustworthy mother-in-law dough to bake, he must take *ma'aser* from the dough he gave her, to ensure he provides her with permitted food, and from the bread he receives, since she may replace his dough with hers, if his spoiled.

The *Gemora* answers that the case of a mother-in-law is different. Rabbi Yehudah explains in a *braisa* that she feels justified in switching the dough, in order to give her daughter the best food, and to avoid being embarrassed in front of her son-in-law. Under normal circumstances, though, we assume that people do not replace what is given to them with their own food.

The *Gemora* again challenges this assumption from a *Mishna*, which says that if someone gives dough to his untrustworthy innkeeper, he must take *ma'aser* from the dough he gives, and the bread he receives, since she is suspected of replacing his dough with hers.

The *Gemora* says that the innkeeper also feels she is justified in switching the dough, to allow her scholarly guest to eat fresher bread than her.

The *Gemora* again challenges this assumption from a *braisa*. The *braisa* says that a *chaver's* wife may only mill grain with an *am ha'aretz's* wife when the *chaver's* wife is impure, since she otherwise may forget and eat from the grain. Rabbi Shimon ben Elozar says that she may not mill the grain even when she is impure, since we are concerned that the *am ha'aretz's* wife may hand her some grain to eat. If we see from this *braisa* that an *am ha'aretz* woman is suspected of stealing from her husband, surely we are concerned that she would switch someone's food with her own.

Rav Yosef answers that the wife justifies taking her husband's grain, as she is doing work for him. Just as an ox eats from what it threshes, so she should be able to eat from the grain she's working with. However, absent such a justification, she would not steal nor switch. (6a – 6b)

Bais She'an

Rabbi Yehoshua ben Zariz, who was Rabbi Meir's brother in law, testified in front of Rebbe that Rabbi Meir ate a leaf of greens in Bais She'an without taking *ma'aser*. On the basis of this testimony, Rebbe permitted all the produce in Bais She'an without taking any *ma'aser*. The household of Rebbe gathered to challenge him, asking how he can permit something that his forefather forbade. Rebbe answered that sometimes forefathers leave an area for the later generations to show their stature. As a precedent, Rebbe pointed to the copper snake, which Moshe made in the Wilderness to save the Jews from biting snakes, and which later was served as an idol. Many generations of righteous kings, who destroyed other idols, left this one, until Chizkiyah came and destroyed it. The earlier generations thus left an area for Chizkiyah to show his stature.

The *Gemora* says that this story shows that when a Torah scholar says a ruling, no matter how shocking, we don't dismiss it. The *Gemora* cites three versions of what we don't do to him:

1. Mazichim - move him aside
2. Maznichim – degrade his words

3. Mazchichim – impute that he is haughty (6b – 7a)
(4a – 5a)

INSIGHTS TO THE DAF

Cutheans

The *Gemora* lists three stages of the ruling that Cutheans are treated as non-Jews:

1. Rabban Gamliel – regarding meat they slaughter
2. Rabbi Meir – regarding their wine
3. Rabbi Ami and Rabbi Asi

The *Gemora* asks why Rabbi Ami and Rabbi Assi had to rule, as their meat was already prohibited by Rabban Gamliel, and their wine was already prohibited by Rabbi Meir. Rashi (5b Rabban Gamliel) says that this Rabban Gamliel was the son of Rebbe, and came generations after Rabbi Meir. The *Gemora* therefore says that he was following the ruling of Rabbi Meir, that we must be concerned for the minority of Cutheans who worship the image of a dove.

The Ramban disagrees, and cites our *Gemora* as a proof. The *Gemora* first cites the ruling of Rabban Gamliel, and only then of Rabbi Meir, implying that Rabban Gamliel's came first. In addition, it would not be logical for Rabbi Meir to prohibit their wine, which is Rabbinic, and not their meat, which is from the Torah.

The Rashba defends Rashi's position, saying that the *Gemora* may have first mentioned Rabban Gamliel, as he was more recent. Furthermore, Rabbi Meir may have held that meat slaughtered by an idolatrous Jew is still kosher, but his wine is not, as it may be libated, and therefore he only prohibited their wine.

The *Gemora* answers that the earlier rulings were not accepted, so Rabbi Ami and Rabbi Assi reissued them, and they were then accepted. Rashi explains that Cutheans were initially too integrated for these decrees to take root, but in the times of Rabbi Ami and Rabbi

Assi, there was enough social separation for them to be effective.

The Rashba notes that this implies that Rabbi Ami and Rabbi Assi are also following Rabbi Meir's ruling that we must be concerned with a minority. Since we do not follow this ruling, perhaps their decree should not be in effect. He cites the Ramban, who disagrees with Rashi, and explains that the *Gemora* means that initially it was only a minority who were idolatrous, and therefore people did not accept the original decrees. In the times of Rabbi Ami and Rabbi Assi, the majority was already idolatrous, and therefore all accepted the decree.

Spices

The *Gemora* cited a *braisa* about one who gave his dough to his *am ha'aretz* neighbor to bake for him. The *braisa* says that if he told her to provide her own spices and sourdough, he must be concerned that she used food of *Shemittah* or that was not tithed. The implication of the *braisa* is that spices are subject to tithing.

Tosfos (6a aino) challenges this, since the *Mishna* in *Niddah* says that anything subject to tithing can become impure as food. Spices do not become impure on their own as food, as the *Mishna* later in *Chulin* states that spices that gather at the bottom of a dish *combine* with the rest of the food to become impure, implying that they are not food on their own.

Tosfos answers that the *braisa* lists the concerns of *Shemittah* and of tithing, but they don't both apply equally to sourdough and spices. While sourdough may have both issues, spices can only have the issue of *Shemittah*, since they need not be tithed. The Ran answers that there are different types of spices. The *braisa* cited by the *Gemora* is referring to spices that are edible on their own. These can become impure as food, and therefore must be tithed. The *Mishna* in *Chulin* which implies that spices are not food refers to spices that are not edible on their own, and therefore need not be tithed.

Rationalization

The *Gemora* says that we suspect that an innkeeper may switch the dough given to her, since she rationalizes it, saying that the Torah scholar will eat fresh bread, and she will eat cold bread.

Rashi explains that she is trying to help the Torah scholar, and she therefore may substitute his dough with her fresher dough.

Tosfos (6b hasam) challenges this understanding, as the term *rationalize* implies that she is doing something detrimental. In the *Mishna* cited in the *Gemora*, Rabbi Yossi says that we are not responsible for an innkeeper who is crooked, also implying that she is doing the Torah scholar a disservice.

Tosfos therefore cites Rabbeinu Menachem, who says that the statement of the innkeeper is a rhetorical question. She substitutes her older dough for the fresh dough she received, asking, "Should the Torah scholar eat fresh bread, while I eat cold bread!?"

Grinding flour with an *am ha'aretz*

The *Gemora* cited a *Mishna* which said that a *chaver's* wife may only grind flour with an *am ha'aretz's* wife when she is impure. Rabbi Shimon ben Elozar says that even when she is impure she may not, since we are concerned that she may feed her.

Rashi explains that the grain is the *am ha'aretz's* and the *Mishna* is referring to the purity and impurity of the *chaver's* wife. When she is pure, we are concerned that she will inadvertently eat from the grain. The Sages say that when she is impure, she will not be in the habit of eating from the food, while Rabbi Shimon ben Elozar says we are still concerned that the *am ha'aretz's* wife will give her some food. The *Gemora* is proving from here that we suspect *am ha'aretz* of stealing, since Rabbi Shimon ben Elozar suspects that the *am ha'aretz's* wife may still from her husband.

Tosfos (6b aishes) raises the following challenges to this explanation:

1. If the concern is a *chaver* eating non tithed produce of an *am ha'aretz*, this *Mishna* should be in *Demai*, but it is in *Taharos*.
2. We assume that a husband gives his wife latitude in using his property, so we shouldn't consider this a case of stealing.
3. We shouldn't consider this stealing, as she may be eating and giving the food inadvertently, as she is working, just as we assume the *chaver's* wife may inadvertently eat non tithed produce.
4. We wouldn't allow the *chaver's* wife to aid the *am ha'aretz's* wife, since she would be abetting someone who did not tithe their produce.

Tosfos therefore cites Rabbeinu Tam and Rabbeinu Chananel, who say that the produce is the *chaver's*, and the purity and impurity is referring to the *am ha'aretz's* wife. The concern of the *Mishna* is that the *am ha'aretz's* wife, who we consider impure at all times, may touch the grain, and make it impure. The Sages say that if she is in a state where she considers *herself* impure, she may join in, since she will be careful not to touch it. Rabbi Shimon ben Elozar says that even in that case, we are concerned that her *am ha'aretz* friend, who considers herself pure at the time, will give her to eat from the grain. Since we are concerned that the *am ha'aretz's* wife may take the food, even though it belongs to the *chaver*, we see that we suspect her of stealing. This concern is evident according to both the Sages and Rabbi Shimon ben Elozar.

Tithes outside of Eretz Yisroel

The *Gemora* says that Rebbe permitted produce from Bais She'an, based on the testimony that Rabbi Meir ate a leaf of greens from there without tithing, indicating that it is not part of *Eretz Yisroel*. This implies that produce outside of *Eretz Yisroel* is not obligated in tithing.

Tosfos (6b v'hitir) challenges this, from various *Gemoras* (*Bechoros*, *Baitza*, *Berachos*), which imply that tithing

does apply Rabbinically outside of *Eretz Yisroel*. The Rishonim offer a number of ways to resolve these conflicting implications:

1. Rashi says that it depends on the produce. In *Eretz Yisroel*, only grain, olives and grapes are obligated from the Torah, and these are Rabbinically mandated outside of *Eretz Yisroel*. Other produce, which is only Rabbinic in *Eretz Yisroel*, is not mandated outside.
2. Rabbeinu Tam resolves this by saying that outside of *Eretz Yisroel*, one must tithe the produce, but there is no obligation to tithe the *demai*, which may have been tithed by the *am ha'aretz* seller. Rebbe only allowed *demai* of Bais She'an to be eaten without tithing. Rabbeinu Tam says we do not tithe any produce now, since we don't truly own our lands, as they can be taken by the government at any time.
3. R"i says that outside of *Eretz Yisroel* has three types of produce, each with its own Rabbinic rules of tithing:
 - a. Grain, olives, and grapes are required in all tithes, as they are required from the Torah in *Eretz Yisroel*.
 - b. Other fruit, which has a somewhat textual source for its Rabbinic requirement in *Eretz Yisroel*, is obligated in *terumah*, but not *ma'aser*.
 - c. Vegetables, which are purely Rabbinic in *Eretz Yisroel*, are totally exempt outside.
4. The Rambam (*Terumos* 1:5,6), as explained by the Rashba, says that tithes are required Rabbinically in regions near *Eretz Yisroel*, but are not obligated at all in more remote areas. Even within the areas around *Eretz Yisroel*, the Sages only obligated areas that had substantial Jewish settlement, and this was why Rebbe exempted Bais Shean.