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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Rav Dimi bar Abba said: Just as it is forbidden to sell to an idolater, so it is forbidden to sell to a Jewish robber. What are the circumstances? If he is suspected of murder, then it is quite plain; he is the same as an idolater! If [on the other hand] he has never committed murder, why not [sell them to him]? — It refers indeed to one who has not committed murder; but we may be dealing here with a cowardly thief who is apt at times [when caught] to save himself [by committing murder].

Our Rabbis taught in a Baraisa: It is forbidden to sell them shields; some say, however, that shields may be sold to them. What is the reason [for this prohibition]? Shall we say: Because they protect them? In that case even wheat or barley should likewise not [be sold to them]. — Said Rav: If it is possible, these, too, should not.

There are those who say: We do not sell to idolaters shields, because when they have no more weapons, they kill with their shields. Some say: We do sell them shields, as when they have no more weapons, they merely run away.

Rav Nachman said in the name of Rabbah bar Avuha: The law follows this latter opinion.

Rava Adda bar Ahavah says: We do not sell them thick pieces of iron. Why? This is because they forge weapons out of them.

The *Gemara* asks: If so, we should not be able to sell them shovels or adzes!?

Rav Zevid answers: The prohibition is regarding iron bars from India (*that are only used to be made into weapons*). The reason that we sell these to idolaters today, as Rav Ashi explains, is because we sell it to the Persians who defend us. (15b4 - 16a1)

Selling Maimed Animals

The *Mishnah* discussed selling to idolaters calves and young horses.

The *Baraisa* states: Rabbi Yehudah permits selling them these animals if they have a broken leg, as it will not heal and live (*i.e. be useful, and therefore is presumed to be sold for meat*). They asked him: We see that they mate these female animals with a male and she will give birth, and being that this is so, they keep it for a long time! [*Rashi explains that people will come to think that we can sell these animals, even when they are healthy, to idolaters.*] Rabbi Yehudah answered: When it gives birth, it will be prohibited. In other words, Rabbi Yehudah maintains that they (*female maimed animals*) do not mate with males. (16a1)

Selling a Horse

The *Mishnah* says that Ben Beseirah permits selling a horse.

The *Baraisa* states: Ben Beseirah permits selling a horse because it is not used for labor on *Shabbos* that is forbidden according to Torah law (*as opposed to a bull who pulls the yoke that plows the field*). Rebbe forbids this for two reasons: They can be used in war, and they are classified as a large animal.

The *Gemara* asks: It is understandable that it is used for war, as it kills with its hooves. However, why should it have the same prohibition regarding a large animal? It does not do work that is forbidden according to Torah law on *Shabbos*!?



Rabbi Yochanan answers: When it grows old, he makes it grind the grindstone on *Shabbos*.

Rabbi Yochanan says: The law follows Ben Beseirah. (16a1 – 16a2)

Selling a Fattened Ox

The Sages inquired: What is the law regarding an ox that is fattened up (*and is not meant for work*)? This question can be asked both according to Rabbi Yehudah and the Rabbis. Rabbi Yehudah only permitted an animal with a broken leg, as it cannot possibly work. However, if this animal would be left for a while (*without feeding it much*), it could perform work, and it is therefore possible that it should be forbidden to be sold. Alternatively, it is possible the Rabbis only forbade an animal that is not assumed to be used for meat. If it is presumed to be used for meat, perhaps they would say it is permitted!

The *Gemara* attempts to answer this question from the following statement. Rav Yehudah says in the name of Shmuel: Rebbe's household would bring a fattened ox (*as a gift to the pagan king*) on their festival. One year, the members of the household bribed them with forty thousand coins that they should not have to bring it on their festival, but rather, on the day afterwards. The next year they bribed them with another forty thousand coins to be allowed to bring the ox when it was already slaughtered. The next year they bribed them with another forty thousand coins that they should not have to bring them an ox at all. Why did Rebbe bribe them the second year to be able to bring the ox already slaughtered? It must be because he suspected that they would keep it alive, and end up keeping it alive for a long time (*and it is therefore proof that one cannot sell them a fattened live ox*).

The *Gemara* rejects the proof: According to your reasoning, why did they bribe them that they would be able to bring the animal the day after their festival? Rather, Rebbe wanted to uproot the entire gift-giving ritual, but he did so slowly. [*There is therefore no proof that selling a fattened ox is forbidden.*]

The *Gemara* asks (*on the entire premise of the Gemara*): If someone lets a fattened ox stay alive, does this indeed mean that it will become stronger and do work?

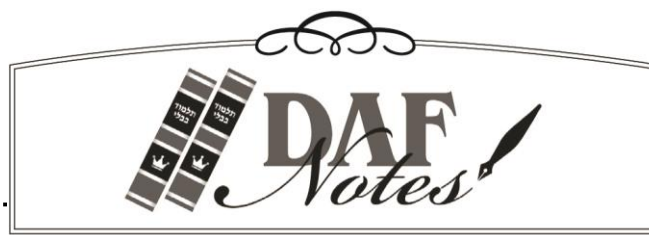
Rav Ashi answers that Zevida (*someone who dealt with fattened animals*) told him that a fattened ox that becomes lean can do the work of two oxen. (16a2 – 16a3)

Mishnah

We do not sell to idolaters bears and lions, or anything that can damage the public. We do not build together with them a basilica (*a tall hall which served as a courthouse; the guilty would be thrown to their deaths from the top*), a building to judge capital offenses, a bullfighting ring, and a platform (*a short narrow tower, where from it, people were pushed to their deaths*). However, one can build with them altars (*for the altar serviced the sacrifice; see Tosfos 16b, DH "Bimusiyo" who disagrees*) and bathhouses. Even when building these permitted structures, when they get to the dome of the building atop which they build a statue of idolatry, it is forbidden to build that with them. (16a3)

Large Non-domesticated Animal

Rav Chanin the son of Rav Chisda says, and some say Rav Chanan the son of Rava says in the name of Rav: A large undomesticated animal has the same signs of death as does a small domesticated animal. [*The Gemara in Chullin 37a discusses the shechitah of an animal whose condition is dangerous; it must, after being slaughtered, show signs of jerking – as a sign of life - to be kosher to eat; otherwise it is assumed that it died before being slaughtered and is thus unfit to be eaten. The least extent of jerking is in the case of small cattle, the stretching out and the bending back of its foreleg, and in the case of large cattle, stretching its foreleg is sufficient. Rav is teaching that a large undomesticated animal has the same halachah as a small domesticated one.*] However, it cannot be sold to idolaters just as a large domesticated animal cannot be sold to them. However, I (Rav Chanan) say that in a place where the custom is to sell it to them it is permitted, and



in a place where the custom is not to sell it, it should not be sold.

The *Gemara* brings proof to Rav Chanan's opinion from our *Mishnah*, which says: We do not sell them bears and lions, or anything that can damage the public. The reason this is forbidden is because it causes damage to the public. This implies that if this reason would not apply, it would be permitted! [This is a question on Rav who said it is always forbidden, even if the lion would be tamed.]

Rabbah bar Ulla answers: The case is when a lion has a broken leg, and is according to Rabbi Yehudah. [Rav holds like the Rabbis who would say this is forbidden.]

Rav Ashi answers: A lion does not do work. [Rabbi Yehudah therefore might hold it is generally permitted to sell them lions, according to Rav Chanan.]

The *Gemara* asks a question from a *Baraisa*. The *Baraisa* states: Just as we do not sell them a large domesticated animal, we do not sell them a large undomesticated animal. Even in a place where the custom is to sell them small domesticated animals, we do not sell them large undomesticated animals! This is indeed a refutation against Rav Chanan.

Ravina asks that this *Baraisa* contradicts our *Mishnah*. The *Mishnah* says: We do not sell them bears and lions, or anything that can damage the public. The reason this is forbidden is because it causes damage to the public. This implies if this reason would not apply, it would be permitted! Yet the *Baraisa* says: Just as we do not sell them a large domesticated animal, we do not sell them a large undomesticated animal. Even in a place where the custom is to sell them small domesticated animals, we do not sell them large undomesticated animals!?

Ravina answered: The case is when a lion has a broken leg, and is according to Rabbi Yehudah. [Rav holds like the Rabbis who would say this is forbidden.]

Rav Ashi answers: A lion does not do work.

Rav Nachman asked him: Who says that a lion is considered a large undomesticated animal? Perhaps it is considered a small undomesticated animal!

Rav Ashi made a deduction from the *Mishnah*, and asked a question. The *Mishnah* says: We do not sell them bears and lions, or anything that can damage the public. The reason this is forbidden is because it causes damage to the public. This implies if this reason would not apply, it would be permitted! A lion that cannot do work is therefore permitted. However, other undomesticated animals that do work would be forbidden. This is a strong question on Rav Chanan (who says that selling them undomesticated animals is dependent on the custom).

The *Gemara* asks: What work does an undomesticated large animal do?

Abaye says: The master Yehudah told me that people in the household of Yuchni used a wild donkey to grind at his millstone.

Rabbi Zeira says: When I was in the academy of Rav Yehudah, he told us the following: Learn from me the following thing, as I have learned it from a great man, though I forgot if it was from Rav or Shmuel. A large undomesticated animal is like a small domesticated animal regarding its sign that it is dying.

Rabbi Zeira continued that when he went to Kurkunya he found Rav Chiya bar Ashi who said in the name of Shmuel: A large undomesticated animal is like a small domesticated animal regarding its sign that it is dying. He then realized that Shmuel was the one who Rav Yehudah heard this statement from. However, when I went to Sura, I found Rabbah bar Yirmiyah who said in the name of Rav. I then realized it must be that this was said both by Rav and Shmuel. When I arrived in *Eretz Yisroel*, I heard Rav Assi say this in the name of Rav Chama bar Gurya in the name of Rav. He asked Rav Assi: Don't you think you should say this in the name of Rabbah bar

Yirmiyah in the name of Rav? He answered: Blackened vessel! From both of us together the truth about this law will come out. [*Rashi explains that in fact Rabbah had heard this from Rav Chama who heard it from Rav.*]

It was also taught: Rabbi Zeira says in the name of Rav Assi in the name of Rabbah bar Yirmiyah in the name of Rav Chama bar Gurya in the name of Rav: A large undomesticated animal is like a small domesticated animal regarding its sign that it is dying. (16a4 – 16b3)

Pagan Hall of Justice

The *Mishnah* discusses various buildings that cannot be built for or with idolaters.

Rabbah bar Chanah says in the name of Rabbi Yochanan: There are three types of basilica. One type is for a king, one type is for a bathhouse, and one type is for a storehouse. Rava says: Two are permitted, and one is forbidden. The sign that this is so is the verse: *to bind their kings with chains.* [*Rashi explains that the type built for a king is forbidden, as they kill people there.*] Some say that Rava said that they are all permitted.

The *Gemara* asks (*on the second version*): It was taught in our *Mishnah*: We do not build together with them a basilica (*a tall hall which served as a courthouse; the guilty would be thrown to their deaths from the top*), a building to judge capital offenses, a bullfighting ring, and a platform (*a short narrow tower, where from it, people were pushed to their deaths*).

The *Gemara* answers: The *Mishnah* means we do not build a basilica that is going to be used for a building to judge capital offenses, a bullfighting ring, and a short narrow tower.

The *Baraisa* states: When Rabbi Eliezer was arrested by idolaters to try to force him to serve idols, they brought him to a building used to judge capital offenses. A Roman official told him: A wise man like you deals in such things?! Rabbi Eliezer replied: I trust the judge. The judge thought that he was saying

that he trusts him, and so he let him go. He in fact was thinking about Hashem (*the true judge*). The judge said: Being that you have made me trusted by you, I swear by Deimus (*his idol*) that you are exempt. When he returned home, his disciples called on him to console him (*for he could not identify the sin that caused this to happen*), but he would accept no consolation. Rabbi Akiva said to him: Master, will you permit me to say one thing of what you have taught me? He replied: Yes. Rabbi Akiva said to him: Master, perhaps some teaching of heresy had been transmitted to you and it pleased you, and because of that you were arrested? Rabbi Eliezer exclaimed: Akiva you have reminded me! I was once walking in the upper market of Tzipori when I came across a heretic, and Yaakov of Kefar Sechaniah was his name, who said to me: It is written in your Torah: *You shall not bring the hire of a harlot ... into the house of Hashem your God.* May such money be applied to the lavatory for the *Kohen Gadol*? I did not reply to him. He said to me: I was taught as follows by my master: *For they were gathered from the hire of a harlot and they will revert to the hire of a harlot* - they came from a place of filth, let them go to a place of filth. Those words pleased me very much, and this heresy is why I was arrested; for thereby I transgressed the scriptural words: *Distance your way far from her* - which refers to *minus* - heresy, - *and do not come near to the door of her house* - which refers to the authority. (16b3 – 17a1)

DAILY MASHAL

Kein Jude

Shulchan Aruch (Y.D. 157:2) rules that even in time of a decree against Jews, one mustn't say that one is a gentile but one may say something that can be interpreted either way. In his *chidushim* on our tractate, the *Toras Chayim* writes that he heard about a great *chacham* who was asked if he was Jewish in the time of a decree. "*Kein, yud* (Yes, a *yud*)", he replied, but his interrogators thought he was speaking German and saying *kein Jude* ("not a Jew") and he was spared.