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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

Mishnah

If an idolater hires a Jewish laborer to work with him with *yayin nesech*, his wage is forbidden (*for benefit*). If he hired him to do other work with him, even though he said to him, "Move a barrel of *nesech* wine for me from place to place," his wage is permitted (*for the wages were given to him for the performance of the other work*).

If an idolater hires a donkey (from a Jew) on which to transport *nesech* wine, its fee is forbidden. If he hired it to sit upon, even though the idolater set his flask (*of nesech wine*) upon it, its fee is permitted. (62a1)

Wages of Yayin Nesech

The *Gemara* asks: Why are his wages prohibited? If you will answer that inasmuch as *yayin nesech* is prohibited for benefit, the wages which come to him from it is likewise prohibited; behold *orlah* (*the fruit that grows from a tree; the first three years of its life, they are forbidden for all benefit*) and *kilayim* of a vineyard (*the prohibition against planting together different species of vegetables, fruit or seeds; kilayim of a vineyard is forbidden for all benefit*) are prohibited for benefit, and yet we have learned: If he sold these items, and married her with the money, the *kiddushin* is valid.

Rather, the *Gemara* suggests that the reason is because the prohibitions of the *nesech* wine, just like an actual idol, carry over to the money of its sale (*and likewise, to its wages*). But, the *Gemara* asks, this cannot be! For behold the prohibitions

of the *Shemittah* produce carry over to the money of its sale, and yet we have learned: If one said to a laborer during *Shemittah*, "Here is a *dinar* and for it, gather vegetables for me today," his wages are prohibited (*for it is as if he sold him the vegetables for a dinar*), but if he said, "Gather vegetables for me today," his wages are permitted!? [Evidently, although the money of its sale is prohibited; its wages are not!]

Rabbi Avahu said in the name of Rabbi Yochanan: The reason is that it is a penalty which the Sages imposed upon donkey drivers and upon all those who work with *yayin nesech*.

The *Gemara* asks: Yayin nesech is what we just mentioned; what is the case of the donkey drivers?

The *Gemara* explains with a *Baraisa*: If donkey drivers work with the produce of the *Shemittah* year, their wages are *Shemittah*.

The *Gemara* explains that this cannot mean that they receive their wages with produce of the *Shemittah* year, for it would emerge that the employer discharges his obligation with produce of the *Shemittah* year, and the Torah stated: *And its produce shall be for eating*, but not for commerce. It cannot mean that their wages become holy like the holiness of the *Shemittah* produce, for it has been taught in a *Mishnah*: If one said to a laborer during *Shemittah*, "Here is a *dinar* and for it, gather vegetables for me today," his wages are prohibited (*for it is as if he sold him the vegetables for a dinar*), but if he said, "Gather vegetables for me today," his wages are permitted!?



Abaye said: It means that they receive their wages with produce of the *Shemittah* year, and regarding the difficulty that we asked that the Torah stated: *And its produce shall be for eating*, but not for commerce, we can explain that he paid them in a permissible manner (*as a gift for free*), as it was taught in a *Mishnah*: One may not say to his fellow, "Bring up for me these fruits (*of ma'aser sheini*) to Yerushalayim, and you can have a share of them there" (*for it is forbidden for him to pay his debt with ma'aser sheini produce*); but he may say to him, "Bring them up so that we may eat and drink them in Yerushalayim." They also may give it as a free gift to each other.

Rava, however, said: It means that their wages become holy like the holiness of the *Shemittah* produce, and regarding the difficulty that we asked from the case of the laborer, we can explain that in the case of a laborer, whose wages are small, the Rabbis did not impose a penalty, but in the case of donkey drivers, whose wages are significant, the Rabbis did impose a penalty. And as for our *Mishnah* (which penalizes one who works with *yayin nesech*, although his wages are small); it is on account of the severity of *yayin nesech* that we treat it differently. (62a1 – 62b1)

Ordinary Wine

They inquired as follows: What is the *halachah* with the wages of a Jew who is employed to work with ordinary wine (*of an idolater; wine which has not been poured for a libation*)? Do we say that since its prohibition is as strict as with *nesech* wine, the wages are likewise prohibited; or perhaps for the reason that we are lenient regarding its *tumah* (and it is not *tamei* like *yayin nesech*), its wages should also be treated with leniency?

The *Gemara* attempts to resolve this from the following incident: A certain man hired out his boat to transport ordinary wine, and they paid him with wheat. He came before Rav Chisda who said to him: Go and burn the wheat and bury its ashes in a graveyard.

The *Gemara* explains that he could not have told him to scatter it, for people might come to a transgression through it (*by using it*). He could not have told him to burn it and then scatter it, for people might use it as fertilizer.

The *Gemara* asks: Then let it be buried in its natural state, for was it not taught in a *Baraisa*: The stone he was killed with, the tree he was hung upon, the sword he was beheaded with, and the garment he was choked with should be buried with his corpse (*for they are also forbidden for benefit*)?

The *Gemara* answers: In this case, since they were buried by the court, it would be known to all that they had been executed by the court (*and therefore forbidden for benefit*); but here, the circumstances would not be known to all, and a person might suppose that somebody had stolen the wheat and brought it to be buried here. (62b1 – 62b3)

The scholars in the School of Rabbi Yannai used to borrow fruits of the *Shemittah* year from the poor and repay them in the eighth year. When this was reported to Rabbi Yochanan, he said to them: They are acting properly; and an analogy may be found in the matter of a harlot's payment which is permitted; for it has been taught in a *Baraisa*: If he gave her [an animal] without cohabiting with her or he cohabited without giving it to her, her payment is permitted [for use in the Sanctuary]. Now if he gave her it without cohabiting with her, obviously [it may be devoted to the Sanctuary] for the reason that, having had no intercourse with her, he merely presented her with a gift! Further, if he cohabited without giving it to her, behold he gave her nothing, and since he made no presentation to her what means that her payment is permitted! — This is what he intends: If he gave her it and subsequently cohabited with her, or cohabited with her and subsequently gave it to her, the payment is permitted. But if he gave it to her and subsequently cohabited with her, since he did cohabit with her, the prohibition of the harlot's payment should apply retroactively to [the animal]!? (62b3 – 63a1)



INSIGHTS TO THE DAF

The Executioner's Sword that became a Shechitah Knife

An experienced *shochet* wanted to acquire a sharp and polished knife made from the finest metal and after a long search he bought the sword of the royal executioner. The occurrence was reported to Rabbi Yaakov Emden, author of *Ya'vetz* (Responsa, II, 158), who ruled that it was forbidden to derive any benefit from the knife as one mustn't benefit from an object that killed a person (and therefore one mustn't use it to slaughter an animal about to die as the act is considered deriving benefit but slaughtering a healthy animal is not considered benefit [Chulin 8a; *Shulchan 'Aruch*, Y.D. 10]).

One mustn't derive benefit from an object that killed a person: *Pischei Teshuvah* (§8) mentions that our *sugya* apparently proves Yavetz's contention. Our *Gemara* explains that if a person was commanded to be killed by a *beis din*, the sword by which he was killed or the gallows on which he was hung must be buried, just like other objects from which one must not derive benefit. *Pischei Teshuvah* asserts that Ya'vetz therefore concluded that one mustn't derive benefit from any object used to kill a person. However, *Pischei Teshuvah* rejects Yavetz's proof as Rambam gives another reason for burying the objects (*Hilchos Sanhedrin*, 15:9): "...the gallows on which he was hung is buried with him so that it won't have a **bad remembrance** and so that people won't say that this is the gallows on which so-and-so was hung." In other words, these objects are buried not because one mustn't derive benefit from them but to lessen the disgrace of a person executed by a *beis din* (and even if we say that one mustn't derive benefit from them, as indicated by our *sugya*, this prohibition pertains only to those killed by a *beis din*, as mentioned by Rambam). We understand, then, that this disgrace applies only to someone killed by a *beis din* because of a severe transgression, but not to someone executed because of the whims of a king and it is therefore allowed to use the royal executioner's sword (see the Chida in *Machazik*

Berachah, Y.D. 8).

DAILY MASHAL

Golias' sword: In his *Ma'aseh Avraham* (Y.D. 6), Rabbi Avraham Ashkenazi (who lived in Smyrna in the generation after the Chida) proves that one may derive benefit from a weapon once used to kill a person: We learn in Shmuel I 21:10 that the *kohen* Achimelech gave Golias' sword to David when he was escaping Shaul. Golias was a mass murderer and yet David used his sword (though we could say that it was only used to kill gentiles).

At any rate, it is interesting to mention Rabbi Yehudah HeChasid's statement (*Sefer Chasidim*, 1113): "A knife was found in the grave of those killed sanctifying Hashem's name and people wanted to take it. The wise man said that it should be left there and that no benefit should be derived from it."

A hanging rope as a belt for prayer: Responsa *Kol Mevasser* (I, 58) mentions Yavetz's statement in regard to a certain Holocaust survivor. The survivor, when saying kaddish for his relatives, would take a rope used by the Nazis to hang people and wore it as a *gartel* (prayer belt), as a symbolic defiance of the Nazis *yimach shemom*. *Kol Mevasser* says that according to Ya'vetz, this shouldn't be done.