



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Avodah Zarah Daf Ayin Beis

- There was a person who said to another person, "If I ever sell my field, I will sell it to you" (and they made a kinyan to that effect). The person then went and sold his field to a third person. **R' Yosef** said, the first person is koneh the field. **Abaye** asked, when the original kinyan was made there was no price set at that time, and our Mishna said, if a Yid sells wine to a goy, if he set the price before the goy measured the wine, the money paid for the wine is mutar. If the goy measured the wine before the Yid set the price, the money is assur to benefit from. We see that a kinyan without a price being set is not effective!?
 - **Q:** What is the psak in this case?
 - **Q:** The Gemara asks, you ask what is the psak!? We brought a proof from our Mishna that the kinyan is not effective!? **A:** The Gemara said, our Mishna is not a proof, because it may be that yayin nesech is more stringent and that is why the kinyan is not effective there.
 - The Gemara says, we can answer from **R' Idi bar Avin**, who said that a case involving a kinyan made before the price was set, was brought to the yeshiva of **R' Chisda**, who then brought the case to the yeshiva of **R' Huna**, who answered from a Braisa. The Braisa says, if a buyer pulled the seller's donkey drivers or workers into his own reshut, then whether the price was set but the produce was not yet measured, or whether the produce was measured but the price was not yet set, both parties can still back out of the deal. If the produce was unloaded from the seller's animals or workers onto the floor of the buyer's reshut (although presumably still in the seller's bags), then if the price was set, even if the produce was not yet measured, neither party can back out of the deal. If the produce was measured but the price was not yet set, both parties can still back out of the deal. We clearly see that a kinyan without the price being set is not effective.
 - There was a person who said to another person, "If I ever sell my field, I will sell it to you for 100 zuz" (and they made a kinyan to that effect). The person then went and sold his field to a third person for 120 zuz. **R' Kahana** said, the first person is koneh the field. **R' Yaakov of Nehar Pekod** asked, it is not like this person made a willing sale – it was the excessive price offered (the extra 20 zuz) that "forced" him to sell!
 - The Gemara paskens like **R' Yaakov of Nehar Pekod**.
- If instead of setting a price the seller said "The price will be set as it will be appraised by three", then even if only 2 of the 3 agree to a price, that is the price. If the seller said "As it will be said by three" all three must agree to a price in order for it to be set. If the seller said "The price will be set as it will be appraised by four", all four must agree to a price in order for it to be set. Certainly all four must agree when the seller said "As it will be said by four".
 - If the seller said, "The price will be set as it will be appraised by three", and three people came and appraised it, and the other party said that another 3 people who know prices better should come and appraise it, **R' Pappa** said, the deal may be held back until the other 3 appraisers do their appraisal. **R' Huna the son of R' Yehoshua** disagreed and said, who says the second set of 3 appraisers will know better than the first set!? Therefore, the first appraisal is enough to make the deal happen.
 - The Gemara paskens like **R' Huna the son of R' Yehoshua**.

MISHNA

- If after measuring the wine, the Yid poured the wine through a funnel into the goy's keili, and he then used that funnel to pour wine into a Yid's keili, if the funnel has a lip that retains some wine from the previous use, the wine poured into the Yid's keili is assur.
- If wine is poured from one keili to another keili, the wine in the keili from which it is poured is mutar. The wine in the keili into which it is being poured is assur.

GEMARA

- A Mishna says, a stream of liquid, a flow running down a steep slope, and liquid that is wet enough to make something moist, but not wet enough to make something moist enough to make a third thing moist, all do not act as connections for tumah or tahara. Stagnant liquid is considered to be a connection for tumah and for tahara.
 - **R' Huna** said, a stream of liquid, a flow running down a steep slope, and liquid that is wet enough to make something moist, but not wet enough to make something moist enough to make a third thing moist, all act as connections for yayin nesech. **R' Nachman** said to **R' Huna**, how do you know this? You can't say it is from the above Mishna which says these things are not connections for tumah or tahara, from which you will then infer that they are not connections for tumah or tahara but are connections for yayin nesech, because then when the Mishna says that stagnant liquid is a connection for tumah and tahara you will have to likewise infer that it is a connection for tumah and tahara, but not for yayin nesech! Rather, this Mishna can't be used as a source.
 - **Q:** Maybe the source can be from our Mishna. The Mishna said, if after measuring the wine, the Yid poured the wine through a funnel into the goy's keili, and he then used that funnel to pour wine into a Yid's keili, if the funnel has a lip that retains some wine from the previous use, the wine poured into the Yid's keili is assur. Now, how did the wine on the lip become assur? It must be because of the stream of wine that connected the wine in the funnel to the wine in the goy's keili. We see that a stream acts as a connection for yayin nesech! **A: R' Chiya** taught a Braisa that the Mishna is talking about where the level of wine in the goy's keili rose to the point that it touched the funnel. That is why the wine on the lip became assur.
 - **Q:** So, if the wine would not have touched the funnel the wine on the lip would not be assur? If so, we have a proof that a stream does not make a connection!? **A:** It may be that when the wine rises and touches the funnel we can answer from the Braisa that the wine on the lip would be assur. It is when there is a stream that we cannot answer from the Braisa and will remain a question.
 - **Q:** Maybe the source can be from our Mishna. The Mishna said, if wine is poured from one keili to another keili, the wine in the keili from which it is poured is mutar. This suggests that the wine that is in the air between the two keilim would be assur. We see that a stream makes a connection!?
 - **Q:** If a stream makes a connection, even the wine in the upper keili should be assur!? **A:** This is not a question, because it may be that he poured in small spurts, so that there was never a straight stream connecting the top keili to the bottom keili.
 - **A:** This part of the Mishna can't be used as a source, because the next part of the Mishna says, the wine in the keili into which it is being poured is assur. This suggests that the wine in the lower keili is assur, but the wine in between the two keilim is mutar! Rather, we must say that we cannot bring a proof from this Mishna.
 - **Q:** A Braisa says, if a person pours wine from a barrel into a bor, the flow of wine from the edge of the barrel and downward is assur. We see that a stream is considered to be a connection! **A: R' Sheishes** explained the Braisa as talking about where a goy poured the wine, and the reason the wine that leaves the barrel is assur is because it is being poured through the force of the goy.
 - **Q:** If the case is that the goy poured the wine, then even the wine in the barrel should be assur as well, since it was moved by the force of the

goy!? **A:** Wine moved through the force of a goy is only assur
D'Rabanan. The **Rabanan** were only goizer with respect to wine that
was forced out of the barrel, not wine that remained in the barrel.

- **R' Chisda** told the Jewish wine sellers, when you pour wine into the keilim of goyim, either pour in short spurts or throw it from far so that there not be a connecting stream between the two keilim.
- **Rava** told the Jewish people who would pour wine, to make sure not to allow a goy to help with the pouring, because if the Yid would get tired and the goy is then the force behind the barrel, the wine would be poured through the force of the goy and would become assur.
- There was a person who had a tube go from a full barrel to an empty one, and then sucked at the end of the tube, causing the wine in the full barrel to transfer to the empty one. A goy came and put his hand at the end of the tube, touching the wine there. **Rava** said all wine became assur. **R' Pappa** (or others) asked **Rava**, is it assur because it is a flow and that acts as a connection? **Rava** said this case is different, because the wine flows through the tube on its own and is therefore viewed as an extension of the barrel.
- **Mar Zutra the son of R' Nachman** said, it is mutar for a Yid and a goy to both drink at the same time from a keili that has a number of tubes coming out of it, allowing multiple people to drink from the same keili. However, this is only mutar if the Yid stops drinking before the goy (because only then can we be sure that the wine that touched the goy's lips didn't go back into the wine while the Yid was still drinking).
 - **Rabbah bar R' Huna** allowed for the Reish Galusa to drink from this type of keili. **Others** say that **Rabbah bar R' Huna** himself drank from such a keili.