



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

### Avodah Zarah Daf Ayin Aleph

#### MISHNA

- Jewish workers who were sent yayin nesech as payment by their non-Jewish employees, are allowed to refuse the yayin nesech and tell the employer to give money instead. However, once they accepted the wine into their reshut it is assur for them to return it to the goy in exchange for money.

#### GEMARA

- **R' Yehuda in the name of Rav** said, it is mutar for a person who must give some of his wine to the king for taxes, to tell a goy to give wine for him and that he will then reimburse the goy (even though the goy will pay with yayin nesech).
  - **Q:** A Braisa says that a person may not say to a goy "Take my place to satisfy my taxes to the king"!? **A: Rav** said, this is not comparable to the case above. The case above is comparable to the next part of the Braisa, that says, a person may tell a goy, "Save me from my tax obligation to the king" (in this case he did not appoint him as a shaliach).

#### MISHNA

- When 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.

#### GEMARA

- **Ameimar** said, meshicha is an effective kinyan when dealing with goyim. I can prove this from the fact that Persians send gifts to each other and never retract. **R' Ashi** said, meshicha is not an effective kinyan when dealing with goyim. The reason the Persians never retract is because they feel it is below their dignity to do so. I can prove this from **Rav**, who told the Jewish wine merchants that after they measure the wine they should make sure to take payment for wine before allowing the goy to take it, and if the goy doesn't have money the Yid should lend him money and take the money as payment, and only then allow the goy to take the wine, because if no payment is given, the wine becomes yayin nesech in the reshut of the Yid and the money later taken for it will be assur. Now, if meshicha is an effective kinyan for the goy, the goy should be koneh as soon as he takes the keili of wine, but the wine should not become yayin nesech until he touches it!
  - The Gemara says, this is no proof. If **Rav** was talking about the Yid measuring into the Yid's own keili, you would be correct that it would not become yayin nesech until the goy touches the wine. **Rav** was talking about where the Yid measured the wine into the keili of the goy, which presumably has some yayin nesech left in it and makes the wine into yayin nesech as soon as it is poured into it. Therefore, if he does not pay before it is measured, it becomes nesech even before the goy would have the opportunity to make meshicha.
    - **Q:** Still, since the goy is holding his keili, he should be koneh the wine that is being poured into it as soon as it reaches within the airspace of the keili (with the kinyan of hagbahah), and the wine does not become yayin nesech until it reaches the bottom of the keili and mixes with the other wine!? Must we say that once there is a flow of wine connecting the bottom of the goy's keili to the keili being poured, the flow is considered to be a connection which makes even the wine in the Yid's keili assur? **A:** If the goy was holding his keili, you would be correct that he would be koneh. The case is that the goy's keili is placed on the

ground. That is why **Rav** told him to take payment, because the goy is not koneh with hagbahah.

- **Q:** Still, his keili should be koneh for him!? Must we say that **Rav** holds that the keili of the buyer is not koneh for him in the reshus of the seller? **A:** It may be that he holds the keili is koneh for him. However, the case was that there was yayin nesech on the lip of the keili, which makes even the first drop of wine poured into it into yayin nesech even before it reaches the bottom of the keili. That is why **Rav** told them to take payment before the wine is poured.
  - **Q:** If this is the case, it must be **Rav** does not follow **R' Shimon ben Gamliel**, who says that when wine becomes mixed with yayin nesech, the mixture may be sold to a goy for a price that does not include the amount of yayin nesech in the mixture!? **A:** We find that **Rav** only paskens like **R' Shimon ben Gamliel** when a barrel of yayin nesech becomes mixed among other barrels. In that case he says that one barrel is to be destroyed and the remaining barrels are mutar. However, when yayin nesech becomes actually mixed with other wine, **Rav** does not pasken like **R' Shimon ben Gamliel**, and says that the mixture is assur.
- **Q:** A Braisa says, if a Yid bought silver scraps from a goy and then realized that among the scraps there was an avoda zara, if he had not yet given payment, he should give it back to the goy to have him make it batel. If he already gave payment, he must destroy it. Now, if meshicha is koneh when dealing with a goy, how can the Yid return the avoda zara in the first case!? This refutes **Ameimar**! **A:** **Abaye** said, the Yid is not koneh in the first case, it is a "mekach ta'us".
  - **Q:** **Rava** asked, is the second case not a "mekach ta'us"? Why is the halacha different? **A:** Rather **Rava** said, in both cases it is a "mekach ta'us". However, in the first case, since he did not give payment, it does not look like the Yid is selling the avoda zara back to the goy. In the second case, since he gave money, when he gives back the avoda zara and takes back money, it looks like he is selling avoda zara to the goy and it is therefore assur.
- **Q:** **Mar Kashisha the son of R' Chisda** said to **R' Ashi**, our Mishna said, when 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. Now, if meshicha is not koneh then the goy does not yet own the wine. This means, that when he touched it he made it yayin nesech when it still belonged to the Yid, so why is it mutar? This refutes **R' Ashi**!? **A:** **R' Ashi** said, the case is that the goy gave a dinar to the Yid for the wine beforehand.
  - **Q:** If so, why is the money assur in the second case? If he had given a dinar beforehand, it should be mutar!? **A:** **R' Ashi** said, according to you who say that meshicha is koneh by a goy, why is it that in the first case it is mutar but in the second case it is assur? Meshicha was done in both cases!? Rather, you must say that in the first case they set a price, and therefore the meshicha acted as kinyan, because there was a finality of the mind to make a deal. In the second case no price was set and therefore the meshicha does not act as a kinyan. **R' Ashi** said, I can say the same thing. In both cases a dinar was given beforehand. However, in the first case, since a price was set, it effectuates a kinyan. In the second case no price was set and therefore no kinyan is made.
- **Q:** **Ravina** said to **R' Ashi**, we find that **R' Chiya bar Abba in the name of R' Yochanan** said, a goy is killed for stealing even less than the value of a perutah from a Yid, but he is not required to return the item to the Yid (because a Yid is mochel on such a small amount). Now, if meshicha is not koneh for a goy, he is not koneh the stolen item, so why is he put to death!? **A:** **R' Ashi** said, he is put to death because of the tzaar that he caused the Yid.
  - **Q:** If meshicha is not an effective kinyan for the goy, what does it mean that he is not required to return it? He was never even koneh it!? **A:** That is exactly what **R' Yochanan** means.
  - **Q:** **R' Yochanan's** statement continues and says, if a second goy steals the item from the first goy, the second goy is also put to death. Now, this second goy did

not cause tzaar to the Yid, so that can't be the reason he is put to death. Rather, the reason must be that each goy is actually koneh the item with meshicha and is put to death for the act of stealing! We see that meshicha *is* an effective kinyan when dealing with goyim. **SHEMA MINAH.**