

דף יומי • חלין • דף מ"א

Daf Yomi • The Full Daf • Elucidated Talmud • Navy & Gold Edition • with Rashi

THE SUGYA

In this daf, we find ourselves deep in the sugya of whether a person has the power to render someone else's property forbidden. The Gemara brings several challenging proofs from our Mishnayos, such as the case of two people holding a knife to slaughter an animal where one has an idolatrous intent, or one who intentionally pours a fellow Jew's wine as a libation. We delve into how these cases are understood, whether we are dealing with partners who own a share in the item, or perhaps an apostate Jew whose actions carry real halachic weight to forbid the object.

We then move on to a beautiful new Mishnah that teaches us about the care we must take to avoid even the appearance of avodah zarah or heretical practices. The Chachanim forbid us from slaughtering an animal in a way that makes it look like we are offering a sacrifice to the ministering spirits of the sea or following the ways of the heretics, such as letting the blood flow directly into seas, rivers, or public pits. However, the Mishnah shows us how we can slaughter in a way that clearly demonstrates our only intent is to keep our courtyards, houses, or ships clean.

All introductions, summaries, and contextual notes are the editor's commentary and are not part of the original text.

דף יומי DAF 41A

EXPLANATION

אבל זבח לא.

But in the case of an animal **offering**, there is **no** way to violate all three prohibitions simultaneously, as the first cut of the neck-organs renders it a carcass and forbids it before the second cut.

QUESTION

ואי אינן אדם אוסר דבר שאינו שלו, מאי אריא חטאת העוף?

And if we hold that **a person cannot render forbidden a thing that is not his own**, **why** does the Tanna teach this halacha specifically with regard to **a bird sin-offering**?

QUESTION

אפילו חטאת בהמה נמי.

The same should apply **even** to **an animal sin-offering also**, that he cannot forbid it, because it belongs to the Hekdesh and is not his!

ANSWER

כיון דקניא ליה לכפרה כדידיה דמיא.

The Gemara answers: **Since it is acquired by him for his atonement**, it is **considered like his own**, and therefore he has the power to forbid it.

OBJECTION

תא שמע: שנים אחזין בסכין ושוחטין, אחד לשום אחד מכל אלו, ואחד לשום דבר פשר – שחיתתו פסולה.

Come and hear a challenge from our Mishnah: If **two people are holding a knife and slaughtering** an animal, **one** slaughtering **for the sake of one of all those** forbidden intents listed in the first clause, **and one** slaughtering **for the sake of a valid matter, their slaughter is invalid**. Since the one with the forbidden intent is not necessarily the owner, this implies that one can forbid another's property!

RESOLUTION

הכא במאי עסקינן? דאית ליה שותפות בגוה.

With what are we dealing here? We are dealing with a case where he has a partnership in it, so he is forbidding his own share.

OBJECTION

תא שמע: המטמא, והמדמע, והמנסה – בשוגג פטור, במזיד חייב.

Come and hear another challenge from a Mishnah: **One who defiles** another's pure food, **or one who mixes** another's chullin with terumah, **or one who pours** another's wine as a libation to an idol—if he did so **unintentionally**, he is **exempt** from paying damages, but if he did so **intentionally**, he is **liable** to pay. This proves that one can indeed forbid another's property!

RESOLUTION

הכא נמי דאית ליה שותפות בגוה.

Here too, we are dealing with a case where he has a partnership in it.

STATEMENT

כתנאי: גוי שניסה יינו של ישראל שלא בפני עבודה זרה – אסרו,

The Gemara notes: This dispute is like a dispute among Tannaim in a beraisa: If a gentile poured as a libation the wine of a Jew, but **not in the presence of an idol**, he has **forbidden it**; this is the view of the first Tanna.

STATEMENT

רבי יהודה בן בתירא ורבי יהודה בן בבא מתירין אותו מפני שני דברים:

Rabbi Yehuda ben Beteira and Rabbi Yehuda ben Bava permit it due to two reasons:

STATEMENT

אחד – שאין מנסכין יין אלא בפני עבודה זרה,

One reason is that they do not pour wine as a libation except in the presence of an idol, so we assume he did not actually offer it as a libation.

STATEMENT

ואחד – שיכול לומר לו "לא כל הימנך שתאסר ייני לאונסי".

And one other reason is that the Jew can say to him: "It is not within your power to forbid my wine against my will," because a person cannot forbid that which is not his.

STATEMENT

ורב נחמן ורב עמרם ורב יצחק אמרי: אפילו למאן דאמר אדם אוסר דבר שאינו שלו – הני מילי גוי, אבל ישראל לצעוריה קא מיכוין.

And Rav Nachman and Rav Amram and Rav Yitzchak say: Even according to the one who says that a person can forbid a thing that is not his, this applies only to a gentile who acts with genuine idolatrous intent; but if it is a Jew, he intends only to anger him, and not to worship idols, so the item does not become forbidden.

OBJECTION

תא שמע: שנים אחזין בסכין ושוחטין, אחד לשום אחד מכל אלו ואחד לשום דבר פשר – שחיתתו פסולה.

Come and hear a challenge: If two people are holding a knife and slaughtering, one for the sake of one of all those forbidden intents and one for the sake of a valid matter, their slaughter is invalid. Since this refers to Jewish slaughterers, it shows that even a Jew's intent can forbid!

RESOLUTION

הכא במאי עסקינן? בישראל משומד.

With what are we dealing here? With an apostate Jew, who indeed intends to worship idols.

OBJECTION

תא שמע: המטמא והמדמע והמנסה, בשוגג – פטור, במזיד – חייב.

Come and hear another challenge: One who defiles, or one who mixes, or one who pours a libation—if he did so unintentionally, he is exempt, but if he did so intentionally, he is liable. This implies that a Jew who pours a libation can forbid another's wine!

RESOLUTION

הכא נמי בישראל משומד.

Here too, we are dealing with an apostate Jew.

QUESTION

אמר ליה רב אחא בריה דרבא לרב אשי: התרו בו וקבל עליו התראה, מאי?

Rav Acha the son of Rava said to Rav Ashi: If witnesses forewarned him and he accepted the forewarning upon himself, and then slaughtered for idolatry, what is the law?

ANSWER

אמר ליה: התיר עצמו למיתה קאמרת? אין לך משומד גדול מזה.

He said to him: Are you saying a case where he surrendered himself to death by accepting the warning? You have no greater apostate than this person, and he certainly forbids the animal.

MISHNAH

מתני' אין שוחטין לא לתוך ימים, ולא לתוך נהרות, ולא לתוך כלים,

MISHNAH: We may not slaughter an animal so that its blood flows neither into seas, nor into rivers, nor into vessels, because it looks like he is offering a sacrifice to the ministering spirits of the sea or to idols.

MISHNAH

אבל שוחט הוא לתוך עוגה של מים.

But one may slaughter into a round excavation of water, as it is clear he only wants to collect the blood to clean his courtyard.

MISHNAH

ובספינה, על גבי כלים.

And on a ship, one may slaughter over vessels so that the blood flows into them, and then pour it into the sea, as it is obvious he does this only to avoid dirtying the ship.

MISHNAH

אין שוחטין לגומא כל עיקר,

We may not slaughter into a pit at all in public, as this is the practice of the heretics.

MISHNAH

אבל עושה גומא בתוך ביתו בשביל שיכנס הדם לתוכה.

But one may make a pit inside his house so that the blood will enter into it, because people will assume he is doing so to keep his house clean.

MISHNAH

ובשוק לא יעשה כן, שלא

But in the marketplace he may not do so, so that he does not appear to follow the ways of the heretics.

EXPLANATION

יחקה את המינין.

he will appear to emulate the heretics.

GEMARA

גמ' אין שוחטין לא לתוך וכו'.

GEMARA: We learned in the Mishnah: **One may not slaughter** an animal and have its blood flow **neither into** seas, nor into rivers, **etc.**

QUESTION

מאי שנא לתוך נמים דלא? דאמרי: לשרא דינא קא שחיט.

The Gemara asks: **What is different** about slaughtering **into seas** that it is **not** permitted? Is it **because** onlookers will say: **He is slaughtering to the angel of the sea?**

OBJECTION

לתוך עוגה של מים נמי אמרי: לכבואה קא שחיט.

If so, then slaughtering **into a round excavation containing water** should **also** be forbidden, as onlookers will say: **He is slaughtering to his reflection**, which also looks like idolatry!

RESOLUTION

אמר רבא: פֿעכורים שנו.

Rava said: They taught this permission in the Mishnah specifically **in** the case of **murky** waters, where no reflection can be seen.

QUESTION

אין שוחטין לגומא וכו'. והא אמרת: אין שוחטין לגומא כלל?

The Mishnah continues: **One may not slaughter** and have the blood flow **into a small hole** in the ground at all, but one may fashion a small hole inside his house so that the blood will enter into it, **etc.** The Gemara asks: **But didn't you say** in the first clause that **one may not slaughter into a small hole at all?** How then is it permitted inside his house?

ANSWER

אמר אביי: רישא בגומא שפֿשוק.

Abaye said: The **first clause** of the Mishnah, which prohibits it entirely, is referring **to a small hole that is in the marketplace**, where it looks like a heretical practice.

OBJECTION

אמר ליה רבא: והא מדקתני סיפא "ובשוק לא יעשה כן", מכיל דרישא לאו בשוק עסקינן!

Rava said to him: But is that so? From the fact that the latter clause teaches: "And in the marketplace one may not do so," it must be **by inference** that in the first clause we are not dealing with the marketplace!

RESOLUTION

אלא אמר רבא, הכי קאמר: אין שוחטין לגומא כל עיקר, והרוצה לנקר חצרו, כיצד הוא עושה?
עושה מקום חוץ לגומא ושוחט, ודם שותת ויורד לגומא, ובשוק לא יעשה כן, שלא יחקה את
המינין.

Rather, Rava said, this is what the Mishnah is saying: **One may not slaughter** directly **into a small hole** at all. And one who wishes to clean his courtyard from being dirtied, how does he do so? He makes a place with an incline outside the

small hole and slaughters there, and the blood flows and descends into the hole. And in the marketplace one may not do so, so that he will not appear to emulate the heretics.

PROOF

תנאי פוותיה דרבא: היה מהלך בספינה ואין לו מקום בספינה לשחוט – מוציא ידו חוץ לספינה ושוחט, ודם שותת ויורד על דופני הספינה, ואין שוחט לגומא כל עיקר.

It is taught in a braisa in accordance with the opinion of Rava: If one was traveling on a ship and he has no place on the ship to slaughter without dirtying it, he extends his hand outside the ship and slaughters, and the blood flows and descends down the sides of the ship, but he may not slaughter directly into the sea at all.

BRAISA

והרועה לנקר חצרו, כיצד הוא עושה? עושה מקום חוץ לגומא ושוחט, ודם שותת ויורד לגומא. ובשוק לא יעשה כן, משום שנאמר: "ובחקתיהם לא תלכו", ואם עשה כן – צריה בדיקה אחריו.

And one who wishes to clean his courtyard, how does he do so? He makes a place outside the small hole and slaughters, and the blood flows and descends into the hole. And in the marketplace one may not do so, because it is stated: "Neither shall you walk in their statutes," and if he did so, he requires examination after him to see if he has turned to heresy.

מִשְׁנָה MISHNAH

MISHNAH

מתני' השוחט לשם עולה, לשם זבחים, לשם אשם תלוי, לשם פסח, לשם תודה – שחיטתו פסולה, ורבבי שמעון מכשיר.

MISHNAH: One who slaughters a non-sacred animal for the sake of a burnt offering, for the sake of peace offerings, for the sake of a provisional guilt offering, for the sake of a Pesach offering, or for the sake of a thanksgiving offering—his slaughter is invalid because it appears as though he is slaughtering consecrated animals outside the Beis HaMikdash; and Rabbi Shimon deems it valid.

MISHNAH

שנים אחזין בסכין ושוחטין, אחד לשום אהד מכל אלו, ואחד לשום דבר פשר – שחיטתו פסולה.

If two people were holding a knife and slaughtering together, and one slaughtered for the sake of one of all these forbidden intentions, and one slaughtered for the sake of a permitted matter—the slaughter is invalid.

MISHNAH

השוחט לשם חטאת, לשם אשם ודאי, לשם בכור, לשם מעשר, לשם תמורה – שחיטתו פשרה.

One who slaughters for the sake of a sin offering, for the sake of a definite guilt offering, for the sake of a firstborn offering, for the sake of an animal tithe, or for the sake of a substitute offering—his slaughter is valid.

MISHNAH

זה הכלל: כל דבר שנידר ונידב – השוחט לשמו אסור, ושאינו נידר ונידב – השוחט לשמו פשר.

This is the general rule: Any item that is vowed or donated—one who slaughters for its sake, the animal is forbidden; and that which is not vowed or donated—one who slaughters for its sake, the animal is valid.

גְּמָרָא GEMARA

QUESTION

גְּמ' הַשּׁוֹחֵט לְשֵׁם עוֹלָה. אִשָּׁם תְּלוּי בֶּר נִידָר וְנִידָב הוּא?

GEMARA: The Mishnah taught: **One who slaughters for the sake of a burnt offering**, etc., or for the sake of a provisional guilt offering, the slaughter is invalid. The Gemara asks: **Is a provisional guilt offering subject to being vowed or donated?** It is only brought as an obligation when one is in doubt if he committed a sin!

ANSWER

אָמַר רַבִּי יוֹחָנָן: הָא מַנִּי? רַבִּי אֶלְעָזָר הִיא, דְּאָמַר: מִתְנַדֵּב אָדָם אִשָּׁם תְּלוּי בְּכָל יוֹם.

Rabbi Yochanan said: Whose opinion is this Mishnah? It is Rabbi Elazar, who said: A person may donate a provisional guilt offering on any day he wishes as a voluntary offering.

QUESTION

פֶּסַח בֶּר נִידָב וְנִידָר הוּא? זְמַנָּא קְבִיעָא לִיה!

The Gemara asks: **Is a Pesach offering subject to being donated or vowed?** It has a fixed time on Erev Pesach, and cannot be brought voluntarily at other times!

ANSWER

אָמַר רַבִּי אוֹשְׁעִיא: שְׂאֵנִי פֶסַח, הוּאִיל וְהַפְרָשְׁתּוֹ כָּל הַשָּׁנָה כּוּלָּהּ.

Rabbi Oshaya said: A Pesach offering is different, since its designation can take place the entire year, and if it is lost and found after Pesach, it is offered as a peace offering, which is a voluntary offering.

STATEMENT

אָמַר רַבִּי יַנָּאי: לֹא שָׁנוּ אֶלָּא תְּמִימִים, אֲבָל בְּעָלֵי מוּמִין – מִידַּע יָדִיעַ.

Rabbi Yannai said: They only taught that the slaughter is invalid when the animals are **unblemished**, but regarding blemished animals, it is well known that they cannot be offered, so onlookers will not think he is sacrificing them.

STATEMENT

וְרַבִּי יוֹחָנָן אָמַר: אֲפִילוּ בְּעָלֵי מוּמִין נָמִי, זִימְנִין דְּרַמִּי לִיה מִיַּדִּי אַמוּמָא וְלֹא יָדִיעַ.

And Rabbi Yochanan said: Even blemished animals also render the slaughter invalid, because sometimes something falls over the blemish and it is not noticeable, so onlookers might still think it is a sacrifice.

STATEMENT

הַשּׁוֹחֵט לְשֵׁם חֲטָאת, אָמַר רַבִּי יוֹחָנָן: לֹא שָׁנוּ אֶלָּא שְׂאֵינּוּ מְחֻיָּיב חֲטָאת, אֲבָל מְחֻיָּיב חֲטָאת – אִימָא לְשׁוּם חֲטָאתוֹ הוּא עוֹשֶׂה.

Regarding the Mishnah's ruling: **One who slaughters for the sake of a sin offering**, the slaughter is valid. **Rabbi Yochanan said:** They only taught this where he is not obligated to bring a sin offering, but if he is obligated to bring a sin

offering, we say: He is doing it for the sake of his sin offering, and it should be forbidden.

QUESTION

וְהָא לָא קֹאמֵר "לְשֵׁם חַטָּאתִי"?

The Gemara asks: **But did he not say** simply "for the sake of a sin offering," and **not** "for the sake of my sin offering"?

ANSWER

אָמַר רַבִּי אֲבָהוּ: בְּאוֹמֵר "לְשֵׁם חַטָּאתִי".

Rabbi Abbahu said: Rabbi Yochanan's qualification is **where he explicitly says**: "For the sake of my sin offering."

STATEMENT

לְשֵׁם תְּמוּרָה, אָמַר רַבִּי אֶלְעָזָר: לֹא שָׁנוּ אֶלָּא שְׂאִין לוֹ זֶבַח בְּתוֹךְ בֵּיתוֹ, אֲכָל יֵשׁ לוֹ זֶבַח בְּתוֹךְ בֵּיתוֹ – אֵימָא אָמוּרִי אָמִיר בֵּיהּ.

Regarding the Mishnah's ruling: One who slaughters **for the sake of a substitute offering**, the slaughter is valid. Rabbi Elazar said: **They only taught** this **where he does not have a sacrificial animal in his house**, but if he has a sacrificial animal in his house, we say: **He might have declared** this animal to be a substitute for it, and it is forbidden.

QUESTION

וְהָא לָא קֹאמֵר "לְשֵׁם תְּמוּרַת זִבְחִי"?

The Gemara asks: **But did he not say** simply "for the sake of a substitute," and **not** "for the sake of the substitute of my sacrifice"?

ANSWER

אָמַר רַבִּי אֲבָהוּ: בְּאוֹמֵר "לְשֵׁם תְּמוּרַת זִבְחִי".

Rabbi Abbahu said: This is **where he explicitly says**: "For the sake of the substitute of my sacrifice."

QUESTION

"זֶה הַכֹּלֵל" לְאַתּוּיִי מַאי? לְאַתּוּיִי עוֹלַת נָזִיר, דְּמַהוּ דְּתִימָא: הָא לָא נָדַר, אֵימַר נָדַר בְּצִינָעָא.

The Gemara asks: **What does** "This is the general rule" **come to include**? The Gemara answers: It comes to include the burnt offering of a nazirite, for you might have said: Since he did not vow a regular burnt offering, we should not worry; therefore we are taught that we say: **Perhaps he made a nazirite vow in private**, and thus it is forbidden.

EXPLANATION

וּשְׂאִינוּ נִידָר וְנִידָב, לְאַתּוּיִי עוֹלַת יוֹלָדָת.

The general rule of "and that which is not vowed or donated" comes to include the burnt offering of a woman who gave birth, which is an obligation and not a voluntary vow.

STATEMENT

אָמַר רַבִּי אֶלְעָזָר: לֹא שָׁנוּ אֶלָּא שְׂאִין לוֹ אִשָּׁה, אֲכָל יֵשׁ לוֹ אִשָּׁה – אֵימַר לְשִׁמָּה הוּא עוֹשָׂה.

Rabbi Elazar said: **They only taught** that it is valid **where he does not have a wife**, but if he has a wife, we say: **Perhaps he is doing it for her sake**, as she may have given birth and is obligated to bring this offering.

QUESTION

וְהָא לָא קִאָּמַר "לְשֵׁם עוֹלַת אִשְׁתִּי"?

The Gemara asks: **But did he not say** simply "for the sake of a burnt offering of a woman who gave birth," and **not** "for the sake of my wife's burnt offering"?

ANSWER

אָמַר רַבִּי אֲבָהוּ: בְּאוֹמַר "לְשֵׁם עוֹלַת אִשְׁתִּי".

Rabbi Abbahu said: This is where he explicitly says: "For the sake of my wife's burnt offering."

QUESTION

פְּשִׁיטָא?

The Gemara asks: Isn't this **obvious**?

SUMMARY

The Gemara begins by resolving challenges to the principle that a person cannot forbid what is not his, explaining that cases of invalidation often involve partners or an apostate Jew whose intent is genuinely idolatrous rather than just to anger his fellow. We then learn the Mishnah's prohibitions against slaughtering into seas, rivers, or public pits due to the appearance of idolatry or heretical customs. The Gemara clarifies these halachos, explaining that slaughtering into a pool of water is only permitted when the water is murky so it does not look like one is slaughtering to his own reflection, and distinguishes between making a pit for blood in one's private home versus doing so in the public marketplace.

לְמַעֲשֶׂה

WHAT TO TAKE HOME

In today's daf, we learn a powerful lesson about the weight of our actions and how they are perceived by others. The Mishnah teaches that we may not slaughter an animal in a way that lets the blood flow into seas, rivers, or a public pit. Even if a person's heart is completely pure and they are slaughtering a perfectly kosher animal for food, they must refrain because of how it looks to onlookers. We cannot say, "As long as my intentions are pure before Hashem, it does not matter what people think." The Torah demands that we protect our actions from even the slightest appearance of wrongdoing or emulation of the heretics.

This is a profound guide for our daily avodah. A Yid must live with a constant awareness of the impression they leave on the world. When we act in public, we carry the name of Hashem and the honor of the Torah on our shoulders. If a certain behavior, even if technically permitted, looks questionable, sloppy, or resembles the ways of those who do not follow the Torah, we must avoid it. Our external actions must reflect the inner purity of our neshama.

Today, pause before you act or speak in a public setting, and ask yourself: "How will this look to someone watching? Does this action bring honor to Hashem and His Torah?" Make sure your conduct is not only clean in reality, but clearly upright and kiddush Hashem in the eyes of others.

