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Idolater’s Wine

Rabbi Assi said in the name of Rabbi Yochanan who said in the name of Rabbi Yehudah ben Beseirah: There are three levels of prohibited wine:

1. Wine that was definitely poured as a libation to an idol - from which it is forbidden to derive any benefit, and of which a quantity (*from a corpse*) of the size of an olive causes a stringent *tumah* (*if one carries it, or if he under the same roof as it*).
2. Ordinary wine of idolaters (*which we do not know if it was used as a libation*) - from which it is forbidden to derive any benefit, and it can transmit *tumah* as a beverage with a quarter of a log (*if it becomes tamei through a sheretz, it may contaminate other drinks or foods; it, however, is not intrinsically tamei like definite nesech wine*).
3. Wine of a Jew that had been deposited with an idolater is prohibited for drinking, but the benefit of it is permitted.

The *Gemora* asks: But have we not learned in a *Mishna*: If one deposits his produce with an idolater it is considered as if it were the idolater’s own produce regarding tithes or *Shemittah* produce (*for we suspect that he exchanged the Jew’s item for his own*). [Accordingly, the wine that the Jew deposited with him should be forbidden for benefit!?!]

The *Gemora* answers: In our case he designated a separate corner for it (*and gave the Jew the key; there are no grounds to suspect that the wine was exchanged*).

The *Gemora* asks: If so, it should be permissible for drinking as well!? The *Gemora* provides support for this from a *braisa*

quoted by Rabbi Tanchum of Parvad: Wine which had been deposited with an idolater is permissible for drinking.

Rabbi Zeira answered: There is no difficulty here, for that *braisa* is according to the opinion of Rabbi Eliezer and Rabbi Yehudah ben Beseirah is following the opinion of the Rabbis, for it has been taught in a different *braisa*: If one buys or rents a house in a courtyard of an idolater and fills it with wine, and the key or seal of the place is in the hand of a Jew, such wine is permitted (*even for drinking*) by Rabbi Eliezer, but the Sages forbid it. (30b – 31a)

How Many Seals?

Rabbi Chiya the son of Rabbi Chiya bar Nachmeini said in the name of Rav Chisda, who said in the name of Rav, and some say that Rav Chisda said it in the name of Ze’iri, while others say that Rav Chisda said: I was told by Abba bar Chama that Ze’iri said it: The *halachah* is in accordance with Rabbi Eliezer (*that one seal is sufficient in this case*).

Rabbi Elozar said: Everything (*that needs to be protected from an idolater*) is considered guarded by one seal, except wine, which is not considered guarded by one seal. Rabbi Yochanan, however, said: Even wine is considered guarded by one seal.

The *Gemora* notes: They do not disagree with each other, for Rabbi Yochanan follows the opinion of Rabbi Eliezer (*that one seal is sufficient even with regards to wine*), and Rabbi Elozar is in accordance with the Sages (*who maintain that one seal is not sufficient by wine*).

Some have the following version: Rabbi Elozar said: Everything (*that needs to be protected from an idolater*) is considered



guarded by a seal within another seal, except wine, which is not guarded even by a seal within a seal. Rabbi Yochanan, however, said: Even wine is considered guarded by a seal within a seal.

The *Gemora* notes: Both of these opinions are in accordance with the Sages, and it is regarding the following that they differ: Rabbi Yochanan holds that the Sages only disagree with Rabbi Eliezer where there is but one seal, but if there is a seal within another seal, they also permit it; while Rabbi Elozar holds that even in the case of a seal within a seal, they prohibit the wine.

Rava explains what, for example, is a seal within another seal: A basin placed over the mouth of a barrel, and it is pasted (*with clay*) to the barrel, and a seal is stamped into the clay; otherwise (*if it is not pasted to the barrel with clay*), it is not a seal within a seal.

Another example: A basket fastened tightly to a barrel (*that is sealed with clay*) is a seal within a seal, but if it is not fastened tightly, it is not a seal within a seal (*for it can be removed with very little effort*).

Another example: A (*tied*) leather flask (*filled with wine*) within a leather pouch (*which is also tied*); if the seal of the leather flask is facing down, it is a seal within a seal, but if the opening is facing up, it is not a seal within a seal (*for it can be untied with relative ease*). If he bends the closed opening of the leather flask inside the pouch and then ties the pouch and seals it, it is also considered a seal within a seal. (31a)

Cuthean Towns

The *Gemora* cites a *braisa*: Formerly the ruling was that wine of Ein-Kushi (*a town of Cutheans*) is forbidden because of (*the adjacent town of*) Biras-Serika; and that of Barkasa is forbidden on account of Kefar-Parshai; and that of Zagdur is forbidden because of Kefar-Shalim. [*Since they were in close proximity to a town of idol worshippers, we were concerned that the idolaters touched the wine.*]

The *Gemora* asks: What did they hold in the beginning, and what was their later opinion?

The *Gemora* explains: At first they held that a Cuthean is not particular about idolater's coming in contact with the wine whether the barrels were open or closed; but subsequently they held that they are not particular only in the case of open barrels, but regarding closed barrels, they are particular indeed (*for otherwise, they will not be able to sell it to observant Jews*).

The *Gemora* asks: Is it then permitted in the case of closed barrels? But the following *braisa* contradicts it: If one sends a barrel of wine with a Cuthean (*and there is a concern that he allowed an idolater to come into contact with the wine*), or fish brine or *muryas* (*fish oil mixed with pieces of the innards of fatty fish*) with an idolater (*and there is a concern that he exchanged the brine of the kosher fish with that of a non-kosher fish, or he switched the muryas (which can only be made with kosher fish) with wine (for muryas is an expensive item)*); if he (*the recipient*) can identify the sender's seal and the closure (*that the idolater did not tamper with it*), it is permitted, but if not, it is forbidden (*even though the barrel is closed!?*).

Rabbi Zeira answered: There is no difficulty: The first *braisa* is discussing a case where the Cuthean is in the city (*where he does not want people to see an idolater touching his wine*), and the other *braisa* refers to a case where he is on the road (*and has no such concern*).

Rabbi Yirmiyah challenged this: But did not that the barrels in the city come through the road?

Rather, he answers: The first *braisa* is discussing a case during the season of the wine presses; since there are many people on the road then, he would be afraid to let an idolater touch it, for if it would be detected, it will cause him a loss. (31a – 31b)

Beer of Idolaters



It has been stated: Why has beer of idolaters been forbidden?

Rami bar Chama said in the name of Rabbi Yitzchak: It is because of intermarriages (*for people would go to parties at the houses of idolaters, and eventually marry their daughters*). Rav Nachman said: It is because it might have been left uncovered.

The *Gemora* explains that this concern only refers to a place where the water is allowed to settle until it clarifies.

The *Gemora* asks: If so, it should be permitted when it ages, for Rebbe said: Aged liquid is permitted, for the snake venom would not allow it to age; so also, liquid which is fermented, is permitted, for the snake venom would not have allowed it to ferment!?

The *Gemora* answers: Aged beer is forbidden as a safeguard against the new beer.

Rav Pappa used to drink the beer of idolaters when it was brought out to him by the door of the idolater's shop. Rav Achai used to drink it when it was brought to his house.

The *Gemora* notes: Both of them held that the reason for the prohibition is because of intermarriage, but Rav Achai took an extra precaution.

Rav Shmuel bar Bisna went to the town of in Margevan. They brought him wine, but he would not drink it. They then brought him beer, but he did not drink that either.

The *Gemora* explains his rationale: He did not drink the wine, as there was a suspicion (*that they were using the wine of idol worshippers*), and he did not drink their beer, for there is the suspicion of a suspicion. [*This way, people would not drink their wine.*]

Rav said: The beer of an Aramean is permitted; still, I would not allow my son Chiya to drink it.

The *Gemora* explains this seemingly perplexing statement: Rav suspected it of being left uncovered; but the bitterness of the hops burns up any venom that might be in it. Nevertheless, it can prove injurious to one who is already sick, and his son Chiya, since he was ill, should therefore abstain from drinking it.

Shmuel said: All creeping animals have poisonous venom; but that of a snake is fatal, while that of other animals have no fatal effect.

Shmuel said to Chiya bar Rav: Son of a scholar. Come and let me tell you a good thing which your father Rav used to say. The reason why those bloated Arameans, who drink uncovered liquid, and nevertheless, suffer no fatal consequences, is because through eating abominable and creeping creatures, their bodies become hot and burn up the venom.

Rav Yosef said: The beer vinegar of an Aramean is forbidden, for they mix sediment of *nesech* wine into it. Rav Ashi said: If, however, it is brought out from their storehouses (*where it is kept for a long time*), it is permitted, for if it contained wine sediment, it would spoil with time. (31b – 32a)

INSIGHTS TO THE DAF

Stamps on Food Products

Our *sugya* explains that one should stamp any food products that come within reach of a gentile who might exchange it for forbidden foods. Therefore, if food was not stamped and there is a reasonable chance that a gentile switched it for some advantage, it must not be eaten as long as it cannot be identified.

About pieces of fish, meat, wine and *techeiles*, Chazal were stricter and decreed that one stamp does not suffice (Avodah Zarah 39a-b).



The Rishonim have different opinions as for the reason. According to Rashi (ibid, s.v. *Asurin*), as they are expensive, there is a greater suspicion that a gentile might forge the first stamp while according to Rambam (*Hilchos Maachalos Asuros*, 13:10), *Chazal* were stricter with these products as someone who consumes such food or uses false *techeiles* transgresses a prohibition of the Torah.

Do devalued products need a stamp? This discussion has serious implications. For example, if the value of one of the above products has decreased, then according to Rashi, it needs only one stamp. But according to Rambam, since it involves a prohibition of the Torah, it still requires two stamps. On the other hand, if the price of some other product increases, Rashi would demand two stamps (*Remo* in *Toras Chatas*, *kelal* 32, *din* 10; *'Aroch HaShulchan*, 118:2) while Rambam would demand only one as does as it does not involve a prohibition of the Torah. The *halachah* was ruled according to Rambam (*Shulchan 'Aruch*, Y.D. 118:1; see ibid, who cites possibilities to rely on one stamp also regarding prohibitions from the Torah; the *Remo* writes that after the fact [*bedi'avad*], one may rely on Rabeinu Tam's opinion that two stamps are needed only in the event of a suspect Jew and not in the event of a gentile).

HaGaon Rav Moshe Feinstein zt"l (*Responsa Igros Moshe*, Y.D., I, 56) emphasizes that the need of two stamps for certain foods is present only if neither of them is absolutely reliable. If one stamp, however, cannot be forged, it suffices.

Types of stamps and forgeries throughout the generations:

We now proceed to the types of stamps in use over the years. Our *Gemora* mentions six types of stamps: sealing with clay, a cork, a knot, a sign, a lock and a key. After the completion of the Talmud, people were accustomed to mark products, such as cheese, with the letter *ches* – for *chosam* (“stamp”) – or *kaf* for *kosher* (*Responsa Rashba*, I, 109). In that era gentiles were unfamiliar with Hebrew letters and there was no suspicion that they would be forged (see *Remo* Y.D.130:8). Gentiles eventually became familiar with the letters, so they were no longer used and cannot be regarded as stamps (*Responsa*

Levushei Mordechai, 3rd ed., Y.D. 7). Since then, and with the development of industry, labels and seals came into use on the food or the wrappings, featuring the word *kosher* or *chosam* (*Perishah*, 130, S.K. 15). Once forgeries became common, each *shochet* and *bodek* was given a stamp with his signature. The *poskim* point out that though these stamps could also be forged, Jews relied on the fact that gentiles refrained from falsifying them for fear of the government, which strictly punished forgers. On the other hand, the authorities paid no attention to a gentile who stamped a certain food “kosher,” though it was not so, as this was not considered forgery (see *Responsa Maharit*, I, 12; *Responsa Maharsham*, III, 10; *Responsa Zichron Yehudah*, Y.D. 5).

DAILY MASHAL

The Reason for Ben Dama's Death

The Gerer Rebbe offers an interesting explanation: Our *sugya* relates that Ben Dama was bitten by a snake. For that reason people spoke about him as though he had transgressed some decree of *Chazal*, as we are told: “...and he who breaks a fence will be bitten by a snake” (*Koheles* 10:8), and from which bite he cannot be cured. Ben Dama therefore sought to be cured to prove his innocence and even turned to Yaakov Ish Kefar Sachniya, a *mumar*. When he died before he had a chance to be cured, his uncle, Rabbi Yishmael, therefore said, “You did not transgress the words of your companions who said, “...and he who breaks a fence will be bitten by a snake”. In other words, Rabbi Yishmael informed everyone that his sister's son did not die because of some transgression whose punishment is to be bitten by a snake without a cure (*Imrei Emes*, *Likutim*).