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Avodah Zarah Daf 57

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamot of

**Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h**

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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

### ***Wine Touched by a Child***

Rav had stated that wine touched by a non-Jewish infant is prohibited (*although he had no idolatrous intent*).

Rav Simi bar Chiya challenges this from a *braisa* which states that one who purchases Canaanite slaves from an idolater, and the slaves were circumcised but they were not immersed in a *mikvah* (*and therefore, they are not regarded as converts*), or the sons of maidservants (*they were born from his maidservant who never was immersed in a mikvah*), who were circumcised but they were not immersed in a *mikvah* – their spittle and their *midras* in the marketplace (*even in a public domain, where we normally rule that a doubtful tumah is tahor*) are *tamei*. [*The Rabbis decreed that an idolater is regarded as having the definite status of a zav (one who has repeated occurrences of a certain type of genital emissions); “madras” means that whatever they rest their weight on is tamei.*] Others say that they are *tahor* (*for a case where they were circumcised but they were not immersed in a mikvah is not an ordinary one, and the Rabbis did not decree a tumah on such a case*). Regarding their wine (*if they touched wine belonging to a Jew*) – if they are adults, they render it *yayin nesech*; if they are minors, they do not. “Adults” are those who are familiar with the nature of idol worship and its subsidiaries (*and therefore they might touch the wine with an intention for libation*); and “minors” are those who are unfamiliar with these things.

At any rate, the *braisa* states that minors do not render the wine into *yayin nesech*! This contradicts Rav’s ruling!?

The *Gemora* answers that the *braisa* is only referring to the sons of the maidservants (*for since they were raised in the Jew’s home, and they were not accustomed to idol worship, the Rabbis never decreed that the wine that they touch is rendered yayin nesech*; Rav, however, is referring to slaves that were purchased from idolaters).

The *Gemora* asks: But the *braisa* clearly states “and so too” (*indicating that the law applies to both the slaves purchased from idolaters and the sons of the maidservants*)!?

The *Gemora* answers: They are similar regarding the laws of spittle and their *madras* (*that they are tamei like a zav*).

The *Gemora* asks: This answer is correct according to the one who said that these are *tamei* (*for it was necessary for the Tanna to teach that the spittle and midras of the sons of the maidservants are also tamei*), but according to the one who said that they are *tahor*, what is there to say (*for if the spittle and midras of the slaves purchased from idolaters are tahor, certainly it would be declared tahor by the sons of the maidservants*)?

The *Gemora* answers: The *braisa* is teaching us the similarity of slaves purchased from idolaters to the sons of maidservants: just as the sons of maidservants, when circumcised but not immersed, render the wine *nesech*, and if they are both circumcised and immersed - they do not (*render the wine nesech*), so is it also with slaves purchased from idolaters (*if they are both circumcised and immersed - they do not render the wine nesech*).

This excludes that which Rav Nachman said in the name of Shmuel, for Rav Nachman said in the name of Shmuel: If a Jew bought slaves from an idolater, although they had been both circumcised and immersed, they render wine *nesech* until idolatry is entirely banished from their mouths. The *braisa* teaches us that it is not so. (57a)

### **Disappearing Idolatry**

Rav Nachman had stated in the name of Shmuel: If a Jew bought slaves from an idolater, although they had been both circumcised and immersed, they render wine *nesech* until idolatry is entirely banished from their mouths.

Rabbi Yehoshua ben Levi says that this law applies until twelve months (*since the purchase; afterwards, we do not assume that the converted slaves are still inclined to idolatry*).

Rabbah challenges Rav Nachman's ruling from a *braisa* (cited above): one who purchases Canaanite slaves from an idolater, and the slaves were circumcised but they were not immersed in a *mikvah* (and therefore, they are not regarded as converts), or the sons of maidservants (they were born from his maidservant who never was immersed in a *mikvah*), who were circumcised but they were not immersed in a *mikvah* – their spittle and their *midras* in the marketplace (even in a public domain, where we normally rule that a doubtful *tumah* is *tahor*) are *tamei*. [The Rabbis decreed that an idolater is regarded as having the definite status of a *zav* (one who has repeated occurrences of a certain type of genital emissions); "madras" means that whatever they rest their weight on is *tamei*.] Others say that they are *tahor* (for a case where they were circumcised but they were not immersed in a *mikvah* is not an ordinary one, and the Rabbis did not decree a *tumah* on such a case). Regarding their wine (if they touched wine belonging to a Jew) – if they are adults, they render it *yayin nesech*; if they are minors, they do not. "Adults" are those who are familiar with the nature of idol worship and its subsidiaries (and therefore they might touch

the wine with an intention for libation); and "minors" are those who are unfamiliar with these things.

At any rate, the *braisa* states that slaves who were circumcised but not immersed render the wine into *yayin nesech*; but not those who were circumcised and immersed! This contradicts Rav Nachman's ruling!?

The *Gemora* answers that the *braisa* is only referring to the sons of the maidservants (for since they were raised in the Jew's home, and they were not accustomed to idol worship, the Rabbis never decreed that the wine that they touch is rendered *yayin nesech*; Rav, however, is referring to slaves that were purchased from idolaters).

The *Gemora* asks: But the *braisa* clearly states "and so too" (indicating that the law applies to both the slaves purchased from idolaters and the sons of the maidservants)!?

The *Gemora* answers: They are similar regarding the laws of spittle and their *madras* (that they are *tamei* like a *zav*).

The *Gemora* asks: This answer is correct according to the one who said that these are *tamei* (for it was necessary for the *Tanna* to teach that the spittle and *midras* of the sons of the maidservants are also *tamei*), but according to the one who said that they are *tahor*, what is there to say (for if the spittle and *midras* of the slaves purchased from idolaters are *tahor*, certainly it would be declared *tahor* by the sons of the maidservants)?

The *Gemora* answers: The *braisa* is teaching us the similarity of slaves purchased from idolaters to the sons of maidservants: just as the sons of maidservants, if they are adults, they render the wine *nesech*, but minors do not (render the wine *nesech*), so is it also with slaves purchased from idolaters - if they are adults, they render the wine *nesech*, but minors do not.

This excludes that which Rav said, for Rav said: Wine touched by a non-Jewish infant is prohibited (*although he had no idolatrous intent*). The *braisa* teaches us that it is not so. (57a – 57b)

### ***Touching Wine, but not for Libation***

It happened in Mechoza that an idolater came and entered the shop of a Jew. He asked them, “Do you have wine to sell?” They replied, “We do not.” There was some wine contained in a bucket, into which the idolater thrust his hand and agitated it, and said to them, “Is not this wine?!” In his anger the storekeeper took the bucket of wine and poured it back into the cask of wine. Rava permitted him to sell the wine to idolaters (*and to derive benefit from the money, for the idolater did not agitate it for the sake of libation*). Rav Huna bar Chinena and Rav Huna the son of Rav Nachman disagreed with him. An announcement issued from Rava permitting the wine, and an announcement issued from Rav Huna bar Chinena and Rav Huna the son of Rav Nachman forbidding it. Later on (*after Rava retracted because of Abaye’s challenges*), Rav Huna the son of Rav Nachman visited Mechoza, and Rava said to his attendant, Rav Elyakim, “Bolt the doors so that nobody shall enter to disturb me.” Nevertheless, Rav Huna the son of Rav Nachman entered the room and asked him, “In such a case, what is the law?” He replied, “It is forbidden even for benefit.” Rav Huna asked him, “But did the master not declare that such agitation (*when there is no intent for libation*) does not render the wine *nesech*!?” Rava replied, “I was referring to the proceeds of the cask apart from the proceeds of that wine which had been in the bucket; I said nothing with reference to the proceeds of that wine (*for the value of the agitated wine is forbidden for benefit; he actually said that the entire proceeds are permitted, but out of embarrassment, he said that he only meant the other wine*). (57b – 58a)

### **INSIGHTS TO THE DAF**

#### ***The source and reasons for the prohibition of yein nesech***

We usually don’t cite an entire paragraph of *Shulchan ‘Aruch* but this time we quote most of Paragraph 1 of Chapter 123 in *Yoreh Dei’ah* as this paragraph contains the reasons and criteria of *yein nesech*. We should read this paragraph, paying attention to its changing language, as follows: “It is forbidden to derive benefit from the ordinary wine (*stam yeinam*) of gentiles and the same applies if they touch our wine. Remo: Because of the decree on wine poured in honor of idols. But in our era, when it is uncommon for gentiles to offer libations to idols, some say that their touching our wine **does not make it forbidden to derive benefit therefrom** but only to drink it...and therefore it is allowed to collect *stam yeinam* from a gentile **in exchange for a debt...but *lechatechilah* one must not buy and sell it** to earn a living...and **some are lenient but it is good to be strict.**” May we derive benefit from *yein nesech*? We should clarify the nature of the *yein nesech* mentioned in our *sugya* and why it is forbidden.

The Torah forbids us to derive benefit from wine poured before an idol and the same applies to any food or drink offered to idols. *Chazal* decreed that we must not derive benefit from *stam yeinam* – the ordinary wine of gentiles, though not offered to an idol – or from our wine if touched by them. The Rishonim (*Rosh* and *Rashba*) explain that at first *Chazal* forbade **drinking *stam yeinam*** and wine touched by a gentile to prevent the devastating results of drinking wine and mingling with them. Later, they decreed that we must not derive benefit from *stam yeinam*, lest people err and believe that one may derive benefit from true *yein nesech*.

It is very important to examine the roots and reasons for the decree on *yein nesech* as Rambam asserts (*Hilchos Maachalos Asuros*, 11:7) that “it is forbidden to drink but **allowed to derive benefit** from the wine of gentiles who do not worship idols, such as Muslims” and the *halachah* was ruled accordingly (*Shulchan ‘Aruch*, Y.D. 124:6). The reason is

that the ordinary wine of an idol worshiper could easily be confused with *yein nesech* but if the gentiles are not suspect of idolatry, the prohibition of drinking their wine is clearly to avoid mingling and would never be confused with real *yein nesech*; hence there is no reason to forbid deriving benefit from their wine.

**The difference between Christians and Muslims and its implications for *yein nesech*:** We understand there is a difference between Christians, who are idolaters, and Muslims, who do not believe in another god. We must now determine the *halachah* regarding modern Christians who, though they are idolaters, have long abandoned the custom to pour wine to their idols. Are they considered like Muslims, whose wine is forbidden only to drink lest one come to marry them? Or is it forbidden to derive benefit from their wine just because they are idolaters? In other words, did *Chazal* forbid the wine of idolaters in every instance, even if they are not suspect of pouring the wine to an idol?

This question was asked of the Rishonim and Tosfos (7b, s.v. *Laafukei*) and the *Rosh* (§7) want to prove from our *sugya* that we are allowed to derive benefit from wine touched by a gentile who does not pour wine to idols. After all, our *Gemora* says that a gentile infant's touch does not forbid our wine, as he is not familiar with idolatry. The same, then, would apply to an adult gentile who is unfamiliar with the custom to pour wine to idols. Still, Tosfos assert that an infant does not **intend** to touch the wine at all, but merely acts instinctively and we cannot compare him to an adult, who touches the wine intentionally. As Tosfos do not reach a definite decision and as there is an opinion that one may derive benefit from such wine, they conclude that "since the custom has been accepted to permit it, allow people to act wrongly unintentionally rather than act wrongly intentionally." However, the *Mordechai* limits this permission to cases of loss, such as collecting a debt from a gentile, but forbids it for ordinary commerce.

Eventually, the Jews' commercial possibilities became limited and many began to deal in gentile wine. The question then arose as to whether one may derive benefit from the wine of Christians. A clear reply was not given and that is the explanation of the Remo's multi-faceted ruling: "...In our era, when it is uncommon for gentiles to pour wine to idols, **some say** that it is forbidden to drink but **allowed to derive benefit** from wine touched by a gentile...and therefore it is **permitted to collect *stam yeinam* from a gentile in exchange for a debt...**but *lechatechilah* it is forbidden to buy it in order to sell it...and **some are lenient**" – in other words, it is also allowed to profit therefrom, "but **it is good to be strict**".