



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

Tzvi Gershon ben Yoel (Harvey Felsen) o”h

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

Shattering Barrels of Wine

Rav Nachman, Ulla, and Avimi bar Pappi were sitting, and Rabbi Chiya bar Ami was sitting nearby. They asked whether a Jew who was hired to shatter barrels of *yayin nesech* may benefit from his wages. Do we consider them prohibited, since the worker wants the barrels to exist, so he can break them, or do we consider them permitted, since anything that destroys idolatry is positive? Rav Nachman says that he should break them, and be blessed.

The *Gemora* attempts to support Rav Nachman from a *braisa*, which prohibits one from tending to a non Jew’s prohibited hybrid plant (*kilayim*), but permits one to uproot it, in order to destroy the prohibited plant. The *Gemora* initially assumes this *braisa* follows Rabbi Akiva, who prohibits maintaining hybrids, and therefore would prohibit one who wants the hybrid to exist. Although the worker wants the hybrids to exist, so he can be paid for his work, the *braisa* permits it, for the positive goal of destroying it.

The *Gemora* attempts to deflect the proof, by saying the *braisa* is following the Sages, who allow one to maintain hybrids.

The *Gemora* asks why the *braisa* then only allows uprooting, if any maintenance is permitted.

The *Gemora* says the *braisa* is a case of one who is working for free, and the *braisa* follows the opinion of Rabbi Yehudah, who prohibits giving a free gift to a non-Jew.

The *Gemora* says that we can still prove the point. Just as Rabbi Yehudah, who would not allow one to work for free for a non-Jew, allows one to do so for the positive goal of uprooting hybrids, so would Rabbi Akiva allow one to do this work for hire, even though one may not maintain hybrids. This proves that the positive goal of uprooting it permits the wages.

The *Gemora* concludes that this proof cannot be refuted. (63b – 64a)

Money of an Idol by an Idolater

Those *Amoraim* (Rav Nachman, Ulla, and Avimi bar Pappi) sat and inquired further: What is the *halachah* with the money from the sale of an idol (*that an idolater sold*) in the possession of an idolater? Does the prohibition affect the money which is in the possession of an idolater or not?

Rav Nachman said to them: It is logical that the price of an idol in the possession of an idolater is permitted, as may be seen from the following incident: Some would be converts came before Rabbah bar Avahu and he said to them: Go and sell all your possessions (*your idols and accessories*) and then come to be converted. Why did he say that? It must be because he held that the money from the sale of an idol in the possession of an idolater is permitted!

The *Gemora* deflects the proof: Perhaps it is different in this case, because since they had the intention of converting, each of them probably nullified his idolatrous objects.

Rather, proof for Rav Nachman's view can be derived from the following *braisa*: If a Jew has a claim for a *maneh* against an idolater, and the latter sold an idol or *yayin nesech*, and brought him the proceeds, the money is permitted to him (*which implies that the money from the sale of an idol by an idolater is permitted*); but if the idolater said, "Wait for me until I sell an idol or *yayin nesech* and I will bring you the proceeds, it is prohibited.

The *Gemora* asks as to what is the distinction between the first case and the second?

Rav Sheishes answers: In the second case, the money is forbidden, for it is the Jew who wishes the idol to remain in existence (*until his debt is paid*).

Rava explains that the storekeeper acquires an obligation from the employer, but since no specific money or item was designated, the money ultimately paid is not prohibited.

The *Gemora* asks: And is that forbidden in such a case?! But it was taught not like that in a *Mishna*: If a convert and idolater inherit their father, the convert can say to the idolater, "You take idols and I will take money," or "You take *nesech* wine and I will take the produce." [*He obviously wants the idol to remain in existence, but it is still permitted.*] However, once the convert receives these forbidden items, he cannot make the exchange.

Rava bar Ulla answers: The *Mishna* which permits the exchange is referring to a case where the idol was one (*of gold and silver*) that could be divided in its pieces (*and therefore the convert is not concerned about it breaking, for he will not lose out because of it*). When the *Mishna* mentioned *yayin nesech*, it is referring to the case where the wine was stored in Hadrianic earthenware (*when even after it's broken, the wine can be extracted from its shards*).

The *Gemora* asks: But he still wants the pieces to remain in existence – that it should not become stolen or lost?

Rather, Rav Pappa answers that the inheritance of a convert is different, where the *Chachamim* ruled leniently in order that the convert should not return to his ways (*as he otherwise would lose his inheritance because he is Jewish*).

The *Gemora* cites a *braisa* in support of this: This (that the convert can say to the idolater, "You take idols and I will take money") is only true when they are inheriting their father, but if they joined in a partnership (*and then want to divide their possessions*), it is prohibited. (64a – 64b)

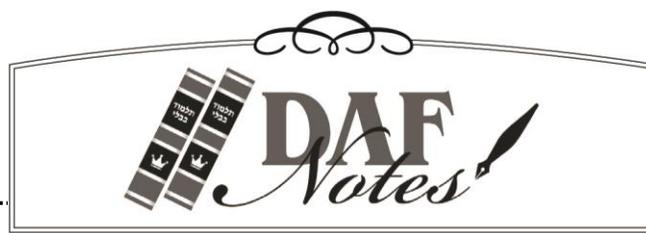
Ger Toshav

Those *Amoraim* (*Rav Nachman, Ulla, and Avimi bar Pappi*) sat and inquired further: Can a *ger toshav* (*a resident alien; a non-Jew who formally accepts upon himself the observance of certain mitzvos*) nullify an idol (*like an ordinary idolater*)? Do we say that only one who worships idols can nullify idols, and since the *ger toshav* does not worship idols, he cannot nullify idols; or perhaps, whoever is the "same kind" as an idolater can nullify idols, and since the *ger toshav* is an idolater, he too can nullify idols?

Rav Nachman said to them: It is logical that one who worships idols can nullify idols, and since the *ger toshav* does not worship idols, he cannot nullify idol.

The *Gemora* asks from a *braisa*: A Jew that finds an idol in the marketplace – prior to coming into his hands, he may tell an idolater and he can nullify it; once it comes into his possession, however, he may not tell an idolater to nullify it. This is because they said that an idolater may nullify an idol of his and an idol of his fellow, whether he worships it, or whether he does not worship it.

The *Gemora* develops the challenge: What does the *braisa* mean when it says, "whether he worships it, or whether he does not worship it"? If it is referring to gentiles who both worship idols (*and "whether he worships it" is referring to an*



idol that he himself serves, and “whether he does not worship it” refers to a particular idol that he himself does not worship), this is basically the same case as what the braisa stated already, “an idol of his and an idol of his fellow”!? Rather, “whether he worships it” is one who worships idols, and “whether he does not worship it” refers to a *ger toshav*; and we can learn from here that a *ger toshav* may nullify an idol!?

The *Gemora* deflects the challenge: In truth, the *braisa* is referring to gentiles who both worship idols; and that which was asked that this is basically the same case as what the *braisa* stated already, “an idol of his and an idol of his fellow” – it can be explained as follows: The first case of the *braisa* is where they both worshipped the idol of *Pe’or*, and they both worshipped the idol of *Markulis* (and the novelty of this teaching is that each of them can nullify *Pe’or* of their fellow, and that each of them can nullify *Markulis* of their fellow); and the second teaching is referring to a case where one of them worshipped *Pe’or* and the other worshipped *Markulis* (and the novelty is that they each can nullify the idol of their fellow – even an idol that they do not worship at all).

The *Gemora* challenges Rav Nachman from another *braisa*: What is a *ger toshav* (where we are commanded to sustain and support him)? One who accepts upon himself in front of three Torah scholars not to worship idols; these are the words of Rabbi Meir. The *Chachamim* say: Whoever accepts upon himself to observe the seven *mitzvos* which the children of Noach accepted upon themselves. Others say: Any such person is not regarded as a *ger toshav*. A *ger toshav* is a resident who eats *neveilah* (carcass of an animal that was not slaughtered properly) – someone who accepted upon himself to observe all the *mitzvos* that are written in the Torah except for the prohibition against eating *neveilah*.

We may leave such the *ger toshav* alone with wine (for a short amount of time), but we may not deposit wine in his charge (for an extended period of time), and even in a city where the majority of residents are Jews. We may, however,

leave him alone with wine even in a city where the majority of residents are idolaters. The *Gemora* emends the next part of the *braisa* to read: his wine is like his oil (which is only prohibited for drinking; not for benefit). And in every other respect he is like an idolater. Rabban Shimon says: His wine is *yayin nesech*. Another version of Rabban Shimon’s ruling: His wine is permitted for drinking.

The *braisa* had stated: And in every other respect he is like an idolater. For what *halachah* is this mentioned? Is it not that he can nullify an idol in the same manner as an idolater (which contradicts Rav Nachman’s viewpoint)?¹

Rav Nachman bar Yitzchak said: No; it is with respect to his power to transfer or relinquish ownership (of his courtyard to combine it with the property of a Jew which enables the Jew to carry within that area on Shabbos), as it has been taught in the following *braisa*: A renegade Jew who publicly observes *Shabbos* (but not privately) may relinquish his ownership (in the courtyard on Shabbos), but if he does not observe the *Shabbos* publicly, he may not relinquish his ownership, because the Rabbis had said: A Jew may transfer or relinquish his ownership, whereas with an idolater, the Jew cannot carry there unless the idolater rents his property.

The *Gemora* notes: The way a Jew relinquishes his rights (in a case where he did not join in the *eruv*; and thereby forbids everyone from carrying there, for the courtyard is in the domain of two owners) is by saying to another Jew, “My ownership in this courtyard is transferred to you,” or “My ownership is relinquished to you,” the neighbor acquires the property, and there is no necessity to have a formal acquisition. (64b)

INSIGHTS TO THE DAF

Ger Toshav

The Criteria for a Ger Toshav: Several times our tractate mentions a *ger toshav* (24b, 64a, 65a), such as our *sugya*,

which treats the question as to if a *ger toshav* can invalidate an idol. The simple definition of a *ger toshav* is a gentile who may live in *Eretz Yisroel* as opposed to idolatrous gentiles, whom we are commanded to banish therefrom (Rambam, *Hilchos Isurei Biah*, 14:7; *Sefer HaChinuch*, *mitzvah* 94).

How does a gentile become a *ger toshav*? The Tannaim disagreed about this topic in our *sugya* but the *halachah* was ruled according to the *Chachamim*, that a gentile becomes a *ger toshav* by accepting the Seven Noachide Laws (Rambam, *ibid*; *Shulchan Aruch*, *Y.D.* 124:1). But aren't all gentiles commanded to obey the same seven laws?

Gentiles are regarded as not commanded to observe their seven laws: The Ritva (Makos 9a) explains that once Hashem saw that the gentiles do not observe their seven laws, as we are told – “He saw and allowed nations” (Chavakuk 3:6; see *Bava Kama* 38a) – a gentile who observes them is not considered as though he has been commanded (*metzuveh ve'oseh*) but as though he has not been commanded (*eino metzuveh ve'oseh*). Therefore, a gentile who accepts his seven laws rises to the level of *metzuveh ve'oseh* and becomes a *ger toshav*.

The wise of the gentiles: It is interesting to note that according to Rambam (*Hilchos Melachim*, 8:11), if a gentile observes the seven laws “because of his logic, he is not a *ger toshav* and not one of the pious of the nations nor one of their wise.” In other words, he must observe the *mitzvos* only because Hashem commands them. But why isn't he one of the wise? A search of manuscripts and a source in the Midrash reveal that the text should read “**but is one of their wise.**” In other words, he is intelligent but not pious, nor a *ger toshav* (see Rambam, *ibid*, Frenkel edition, *Shinuyei Nuschaos* and *Sefer HaMaftaiach*).

A *ger toshav* may write *tefillin*: We can appreciate the great moment when a gentile accepts the Seven Noachide Laws by the Remo's ruling (*Darchei Moshe*, 39) that a *ger toshav* may write *tefillin*! The *poskim*, including *Pri Megadim* and

Machatzis HaShekel, wonder how he can write *tefillin*: after all, anyone who is not commanded to put them on must not write them and therefore a woman is also disqualified. *Yad Efrayim* explains that the *Remo* refers to a gentile who has accepted all the *mitzvos*, aside from not eating *neveilos*, and that therefore he may write *tefillin*. However, the Acharonim, including *Beur Halachah* (39) disagree with this.

A *ger toshav* may accept *mitzvos* of the Torah: Still, *Beur Halachah* (304, in explanation of the Magen Avraham's opinion, *ibid*) asserts that the time of a gentile's acceptance of the Seven Noachide Laws is a very special occasion: at that moment he is entitled to accept any *mitzvah* of the Torah! If he does so, he must observe the *mitzvah* he chooses with all its details, just like a Jew but afterwards he cannot accept other *mitzvos* (see his proof, *ibid*; we point out that the statements of *Beur Halachah* in 39 and 304 are contradictory and more research is needed).

Only one sort of *tefillin*: Members of our *beis midrash* remarked that as the head *tefillin* and the arm *tefillin* are two separate *mitzvos*, it is feasible according to *Beur Halachah* that a *ger toshav* may opt to observe only one of them!

A gentile cannot become a *ger toshav* today as this halachah is practiced only when the *yovel* is in effect (but Rambam and the Raavad disagree about his living in *Eretz Israel* [*Hilchos Avodas Kochavim*, 10:6]).

DAILY MASHAL

What Goes Around Comes Around

A true story occurred in 1892 at Stanford University, in southern California. It is a story within a story, and it displays the goodness of the human psyche, and how that goodness can accomplish so much for so many people.

An 18-year-old American university student was struggling to pay his fees. He was an extremely bright fellow and looked



forward to a great future. However, he was an orphan, and was severely strapped for cash. Not knowing where to turn, he came up with a bright idea. He and a friend decided to host a musical concert on the Stanford campus to raise money for their education. They reached out to the great Polish pianist, Ignacy J. Paderewski. His manager demanded a guaranteed fee of \$2000 for the piano recital. A deal was struck and the boys began to work to make the concert a success.

The big day arrived. But unfortunately, they had not managed to sell enough tickets. The total collection was only \$1600. Disappointed, they went to Paderewski and explained their plight. They gave him the entire \$1600, plus a check for the balance of \$400. They didn't have the money yet, but they promised to honor the check as soon as they were able to.

"No," said Paderewski. "This is not acceptable." He tore up the check, returned the \$1600 and told the two boys: "Here's your money. Please deduct whatever expenses you have incurred. Keep the money you need for your fees. And just give me whatever is left." The boys were shocked - and thrilled - and they thanked Paderewski profusely.

It was a small act of kindness. But it clearly marked Ignacy Paderewski as a man with a great big heart. He had no reason to do what he did. He did not ask for nor expect anything in return. He did it because he felt it was the right thing to do.

History will show that Ignacy Paderewski went on to become the Prime Minister of Poland. He was a great and beloved leader, and worked diligently to have an independent Poland accepted among the League of Nations. When World War I officially ended on November 11, 1918, it signaled the end of a harsh, dramatic and battle-fatigued war. But hostilities are only officially ended on a specific date; the effects of hostilities carry on well into the future. By 1919, millions of children in Poland were starving. There was no food to provide for a suffering nation. The newly formed government of Poland had no resources with which it could buy food.

Desperate to help his people, the Prime Minister of Poland, Ignacy Jan Paderewski, turned to the United States Food and Relief Administration for help.

The head of the administration was a man named Herbert Hoover - who later went on to become the U.S. President. Hoover immediately agreed to help and quickly shipped many tons of food and grain to feed the starving Polish people.

A calamity was averted. Paderewski was relieved. He traveled across the ocean to meet Hoover and personally thank him for his kindness. When Paderewski began to thank Hoover for his noble gesture, Hoover quickly interjected and said, "You shouldn't be thanking me, Mr. Prime Minister. You may not remember this, but almost a quarter-century ago, you helped two young students pay their way through college. Due to your generosity, they succeeded. I was one of them!"

The world is a wonderful place. What goes around comes around!