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Avodah Zarah Daf 56

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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And [the juice] does not become nesech wine until it descends into the vat.

The Gemora asks: But we have learned: Wine [becomes subject to tithing] when it is skimmed¹

Rava said: There is no contradiction, because [this latter teaching] is Rabbi Akiva's and [that of the Mishnah] is the Rabbis'. For it has been taught: [The liquid is considered to be] wine (regarding tithing) when it descends into the vat, whereas Rabbi Akiva says: When it is skimmed.

The question was asked: Does this mean skimming [of the wine] while it is in the vat or when it is in the cask? — Come and hear! We have learned: [It is to be considered] wine (regarding tithing) when it is skimmed; and although he has skimmed it, he may draw some off from the upper trough and from the pipe and drink it². Deduce from this that we mean the skimming while it is in the vat. Indeed, draw this conclusion.

¹ I.e., when the substances which are on top of the wine at the time of fermentation are skimmed off. This is a later stage than that mentioned in the Mishnah.

² Without first tithing it; consequently it is not yet considered to be wine.

The Gemora asks: But Rav Zevid learned in the [collection of Baraisos] of the School of Rabbi Oshaya: [It is to be considered] wine (regarding tithing) when it descends into the vat and is skimmed; whereas Rabbi Akiva says: When it is drawn into casks³!

The Gemora answers: That former [Baraisa] must be also explained in the sense just given, vis.: [It is considered to be] wine when it descends into the vat and is skimmed; whereas Rabbi Akiva says: When it is drawn into casks.

The Gemora asks: But since our Mishnah teaches: It does not become nesech wine until it descends into the vat, conclude that there are three Tannaim⁴ [offering different definitions]!?

³ This contradicts the Mishnah which does not include skimming, according to the Rabbis, nor drawing into casks, according to R' Akiva.

⁴ Viz., (i) the Mishnah, that it is wine when it descends into the vat; (ii) the Rabbis, when it is skimmed in the vat; (iii) R' Akiva, when it is drawn into casks.

The Gemora answers: No; it is different regarding nesech wine because the Rabbis take a strict view⁵.

The Gemora notes: But as for Rava who draws no distinction, he makes his explanation on the premise that there are three Tannaim [offering different definitions].

The Mishnah had stated: What is in the vat is prohibited but the remainder is permitted.

Rav Huna said: They taught this only in the case where he did not return the [contents of the] strainer to the press, but if he did return it to the press [the whole of it] is prohibited.

The Gemora asks: Why, however, should that which is in the strainer itself be prohibited? — On account of the stream⁶. Deduce from this that the stream is a connecting medium!

The Gemora deflects the proof: [No,] as Rabbi Chiya taught: His (i.e., the idolater's) flask forced the wine back; and similarly here the [contents of the] vat forced the wine back⁷.

There was a boy who had learned the Tractate Avodah Zarah when he was six years old. He was asked: May [a

Jew] tread grapes together with an idolater in a press? He replied: It is lawful to tread grapes together with an idolater in a press. [To the objection] 'But he renders it nesech wine by [the touch of] his hands!' [he answered]: We tie his hands up. [To the further objection] 'But he renders it nesech wine by [the touch of] his feet!' [he answered]: A libation made by the feet is not called a libation.

It happened in Nehardea that a Jew and an idolater pressed out wine together. [On the question being put to him how this wine was to be considered,] Shmuel delayed three Festivals [before replying]. What was his reason [for the delay]? Shall I say that he thought to himself: If I find a Tanna who forbids its use as does Rabbi Nassan, then I will forbid it even to be used for any purpose whatever — since it has been taught: If [an idolater] measured [the quantity of wine] either by using his hand or leg for that purpose, it may be sold; whereas Rabbi Nassan says: If he used his hand it is prohibited, but if his leg it is permitted. But then admit that Rabbi Nassan declared [his prohibition where the wine was touched] by the hand, but did he say so [when it was touched] by the leg! — Rather [must he have thought to himself]: If I find a teacher who permits like Rabbi Shimon, then I will permit it even for drinking.

⁵ For the law of wine they regard the juice as wine as soon as it descends into the vat, but for the law of tithe they are not so strict and add the condition that it must have been skimmed.

⁶ This forms a connection between the liquid in the vat network and lower vat and is the conductor of the prohibited wine from one to the other.

⁷ The vat was so full that the surface of the wine touched the strainer, which forced the wine back again. In this way it caused contamination, and not because the stream is considered a connecting medium.