

28 Adar 5778
March 15, 2018



Avodah Zarah Daf 59

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Daf Notes is currently being dedicated to the neshamot of

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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

Water at Batzra

Rish Lakish went to Batzra, and saw a Jew eating fruits that were not tithed. He proceeded to forbid him from eating them. He also saw Jews drinking water that an idolater had worshipped, and forbade them from drinking the water.

When he came before Rabbi Yochanan, Rabbi Yochanan told him: While your cloak is still on you (*from the journey*), go and tell them that you were wrong. This is because Batzra is not Betzer (*of the Torah, and since it is not part of Eretz Yisroel, the produce is not subject to ma’aser*), and because water that belongs to the public cannot be forbidden through someone’s idol worship.

The *Gemora* notes that Rabbi Yochanan is following his own reasoning, for Rabbi Yochanan said in the name of Rabbi Shimon ben Yehotzadak: Water belonging to the public cannot become prohibited.

The *Gemora* infers from here that when it belongs to an individual, it may become prohibited.

The *Gemora* asks: But it should still be permitted, for the reason that it is attached to the ground!?

The *Gemora* answers: It is necessary to mention it for a case where a wave caused some of the water to become detached from the ground (*and if it will belong to an individual, it would be prohibited*).

The *Gemora* asks: But such water should be compared to boulders which had dislodged naturally; and it must therefore be concluded that it was Rabbi Yochanan who said that these stones (*when dislodged from the mountain*) were prohibited!?

The *Gemora* answers: It is necessary to mention it for a case where the idolater hit the waters (*from below*) with his own hand (*and it is therefore regarded as being affected by human hand, and consequently, if it belonged to an individual, it would be prohibited; whereas the dislodging of the boulders was done naturally, and the two cases are not analogous*). (58b – 59a)

Customs of Gavla

Rabbi Chiya bar Abba went to the city of Gavla. He saw Jewish women who had become pregnant from converts who had been circumcised, but had not immersed themselves yet. He also saw wine belonging to Jews, which idolaters diluted with water, and the Jews were drinking it. He also saw *turmesin* (*type of beans*) that were stewed by the idolaters and then eaten by the Jews. He did not say anything to them regarding these issues. He came before Rabbi Yochanan, and Rabbi Yochanan told him: “Go out and announce that their children are *mamzeirim*, their wine is forbidden on account of *yayin nesech* (*libations for an idol*), and their *turmesin* cannot be eaten because they have been cooked by idolaters. This is because they are



not learned in Torah (*and they would not understand the distinction between turmesin and other foods*).

The *Gemora* explains: Their children are *mamzeirim* because Rabbi Yochanan maintains that one is not regarded as a convert until he circumcises and immerses in a *mikvah*. Rabbah bar bar Chanah had said in the name of Rabbi Yochanan: A Canaanite slave or an idolater who cohabits with a Jewess, the child born will be a *mamzer*.

Their wine was regarded as *yayin nesech* even though the idolaters did not touch the wine; they merely poured water into it. This is based on the principle that we tell a *nazir*, who has taken a vow not to drink wine, “Go around and do not come near the vineyard.”

Their *turmesin* cannot be eaten because they have been cooked by idolaters. This is because they are not learned in Torah. The *Gemora* asks: Otherwise, would it be permitted? Didn’t we learn elsewhere that Rav Shmuel bar Rav Yitzchak said in the name of Rav: Anything which is normally eaten raw is not subject to the prohibition against gentile cooking, but *turmesin* cannot be eaten raw, and therefore should be subject to the prohibition against gentile cooking?

The *Gemora* answers: Rabbi Yochanan followed a different version of Rav Shmuel bar Rav Yitzchak’s statement in the name of Rav. He said: The food must be “important” — that is, food that would be suitable fare for a dinner served to dignitaries. Food which is not fit to be served at such a table even as an accompaniment to the bread is not subject to the prohibition of gentile cooking. *Turmesin* are not served on a king’s table and therefore would not be subject to the prohibition of gentile cooking. Since the people of Gavla would not understand the distinction between *turmesin* and other foods, Rabbi Yochanan ruled that they should not eat it. (59a)

Grapes Transported by an Idolater

They inquired of Rav Kahana: May an idolater be allowed to transport grapes to a winepress? [*Rashbam – Is there any Rabbinic prohibition against carrying it, for there are some juices that exude from the grapes at that time?*]

He replied: It is prohibited on the principle that we tell a *nazir*, who has taken a vow not to drink wine, “Go around and do not come near the vineyard.”

Raav Yeimar challenged Rav Kahana from the following *braisa*: If an idolater carried grapes to a winepress in baskets or small casks, even though the wine drips upon them, it is permitted!?

Rav Kahana replied to him: The *braisa* is referring to a case where the grapes were carried already (*and in such a case, we do not prohibit the wine*); whereas I was saying that the idolater should not carry the grapes as a first resort. (59a – 59b)

Sinking Esrog

An esrog once fell into a cask of wine, and an idolater jumped forward to pull it out (*before it would sink to the bottom of the barrel*). Rav Ashi said to them: Hold his hand still so that he does not agitate the wine for libation (*for then, the wine would be forbidden for benefit*); and tilt the cask until the wine is emptied (*from beneath his hand*).

Rav Ashi said: When an idolater has deliberately rendered the wine of a Jew *nesech*, although it is prohibited to sell it to another idolater (*for the wine is forbidden for benefit*), the owner is permitted to receive the value of the wine from the person who disqualified it. What is the reasoning

for this ruling? It is because it is as if the idolater burned his wine (*and therefore, he must pay for the damages*).

Rav Ashi said: From where do I know this? It is from the following *braisa*: If an idolater (*appeared to*) offered a libation with wine of a Jew (*even if it is*) not in the presence of an idol, it is prohibited; but Rabbi Yehudah ben Bava and Rabbi Yehudah ben Beseirah permit it for two reasons: firstly, because they do not perform libations only in the presence of an idol, and secondly - because the owner can say to him, "You have no right to make my wine prohibited against my will." (59b)

Broken Spigot

It once happened that the spigot fell out of a cask of wine, and an idolater jumped forward and placed his hand over it (*to prevent the wine from flowing out*). Rav Pappa said: All the wine that is next to the spigot is prohibited (*for consumption, for it is considered "joined" to the wine in the spigot*); however, the remainder of the wine is permitted. (59b – 60a)

INSIGHTS TO THE DAF

LAWS OF BISHUL AKUM

By: Rabbi Neustadt

Question: With so many women today in the work force, is it permitted for non-Jewish household help to cook kosher food in one's kitchen if the cooking is done under the supervision of an observant Jew?

Discussion: With the intention of limiting social interaction between Jews and non-Jews — for socializing is often the first step towards assimilation, the Rabbis decreed against eating certain types of perfectly kosher food which were

cooked, baked or roasted by a non-Jew, even if a Jew supervised the entire process from beginning to end. This is the Rabbinical prohibition known as *bishul akum*. Even *b'dieved*, if a non-Jew cooked these foods — whether in the home of a Jew or in a manufacturing plant — it is forbidden (in many cases) to eat them; the cooked food is now considered non-kosher even though the raw food was totally kosher before being cooked by the non-Jew. The pots and pans which in which the food was cooked would — in some cases — have to undergo a koshering process before one would be allowed to use them again for kosher food.

Question: Which types of foods are susceptible to the restrictions of *bishul akum*?

Discussion: There are basically two criteria which define the type of food which is forbidden because of *bishul akum*:

- The food must be "important" — that is, food that would be suitable fare for a dinner served to dignitaries. Thus most dishes of poultry, meat, potatoes, pasta, eggs or fish are included, as long as they are prepared in a manner in which important people are customarily served in a formal setting. Candies, potato chips, Pringles, beer, breakfast cereals, canned tuna salmon and sardines, popcorn, etc. are not considered "important" foods no matter how skillfully and tastefully they are prepared.

- Foods which are edible raw (under normal conditions) are exempt from the prohibition of *bishul akum*, even if they were cooked. Thus most fruits and vegetables, cheeses, water, milk and peanut butter, for example, are exempt from *bishul akum*, even if they were prepared in a manner fit for a king, since all of these foods are edible when in a raw state.

Question: We have established that “cooking” by a non-Jew renders the food *bishul akum*. Does that mean that a non-Jew may not participate in any phase of food preparation?

Discussion: The only phase of food preparation that is forbidden to a non-Jew is to place the pot or pan on the stove or inside the oven. The non-Jew may cut, chop, grind, grate, mix, season, etc. He may also turn on the gas or electricity in the stove or oven, regulate the temperature throughout, stir or baste the food while it is cooking, and remove the food once it is cooked or baked. All this is permitted *l’chatchilah*, as long as the non-Jew is being supervised to ascertain that no kashrus laws are transgressed.

Question: If the non-Jew has already placed the food on the stove or into the oven but has not yet turned on the fire, can the food still qualify as *bishul Yisroel*?

Discussion: As long as the Jew turns on the fire, the food is considered *bishul Yisroel*. But, *l’chatchilah*, this should only be relied upon in this exact case, where the food is already on the stove or in the oven and the fire is being lit after the food has been placed on the stove or in the oven. In the reverse case, where first the Jew turned on the fire and then the non-Jew placed the food on the stove or in the oven, some poskim hold that this is not considered *bishul Yisroel*. *B’dieved*, however, most poskim maintain that the food is not considered *bishul akum* and is permitted to be eaten.

Question: If the non-Jew has already turned on the fire and placed the pot or pan on the stove or inside the oven but the food is not yet completely cooked and ready to eat, can the food still be salvaged and not considered *bishul akum*?

Discussion: There yet remain three options for the food to be considered *bishul Yisroel*:

- Remove the pot or pan from the fire or the oven, hold it for a moment, and then replace it. This is permitted *l’chatchilah*.
- Stir, mix or flip the food over while the pot or pan is still on the fire.
- Regulate the temperature of the fire, either by raising it a bit to hasten the cooking or by lowering it a bit to prevent burning or singeing.

However, if the food is already completely cooked and ready to be eaten, it is too late to avail oneself of any of these three options. The food is considered *bishul akum*.

DRINKING COFFEE HEATED BY A GENTILE

The *Gemora* states: Anything which is normally eaten raw is not subject to the prohibition against gentile cooking. (*Water does not need to be heated and therefore should not be subject to this prohibition.*)

The Radvaz in his teshuvos (3:637) writes: It is permitted to drink coffee heated by a gentile and it is not subject to the prohibition against gentile cooking; even though coffee cannot be eaten in its raw state, it is something which does not eaten at a king’s table as an accompaniment to the bread and therefore it is permitted. There is also no concern that they cooked something forbidden in those pots beforehand, since it is well known that they have designated utensils for the coffee (because otherwise, the taste of the coffee would be ruined). He concludes: One should not drink coffee in the

accompaniment of gentiles since that will result in many transgressions.

It is brought like that in the Hagahos from the Maharikash (114) as well. He rules that one should be stringent about drinking coffee in a coffee house of gentiles, similar to the *halachah* regarding wine and beer. Furthermore, it is considered a *moishev leitzim* (i.e. a session of jesters) and should be avoided.

The Knesses Hagedolah in his sefer Ba'ey Chayei (Y"D 145) disagrees and maintains that coffee heated by a gentile is prohibited to drink. He states: Anything which is eaten or drunk at the royal table by itself, even if it does not come as an accompaniment to the bread is subject to the prohibition of gentile cooking. Furthermore, the requirement that the food must be something that accompanies bread on the royal table is limited to food items, not liquids. He continues: "Even though when I was younger, I would rely on those who ruled that it is permitted, I have now investigated it thoroughly and cannot find a reason for its permission and therefore I refrain from drinking it." He found that the Arizal prohibited drinking coffee heated by a gentile. He concludes that he is not prohibiting it for the public, but he himself refrained from drinking it.

Pri Chadash (114:6) writes that it is permitted based on Tosfos (Avodah Zarah 31b): Wheat is nullified in water in regards to reciting the blessing of *shehakol*, so too it is nullified in regards to the prohibition against gentile cooking. Similarly, the coffee is nullified in the boiling water that it is being cooked with and it is therefore not subject to the prohibition against gentile cooking.

Teshuvos Beis Yehudah (Y"D 21) objects to the reasoning of the Pri Chadash. The *Gemora* Brochos (39a) rules: The proper blessing on water which was cooked with

vegetables is *ha'adamah* and this is the ruling of the Shulchan Aruch (205:2). The reasoning is based on the fact that this is the common method for these vegetables. Accordingly, the blessing on coffee should be *ha'adamah* as well. Our custom of reciting *shehakol* on coffee is astounding, but we cannot add to this novelty by being lenient with the prohibition against gentile cooking.

Rabbi Yaakov Emden in his sefer Mor U'ktziah (204) writes that actually the proper blessing on coffee should be *ha'eitz* since it is a fruit from a tree and that was the original intent of those that planted the coffee beans; to drink from the liquid. He concludes that the custom is to recite a *shehakol* anyway, similar to date beer and barley beer.