

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

### **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.

The *Gemora* cites an alternative version: Rav Pappa said: The wine above the spigot (*which would flow out if not for the idolater plugging the hole*) is prohibited, and the remainder is permitted.

Rav Yeimar said: This is actually a dispute amongst the following *Tannaim* (*cited in a Mishna*): If a cask (*of terumah*) developed a hole, whether the puncture was on top, the bottom, or its sides, and a *tevul yom* (*one who was tamei, but has immersed himself in a mikvah; he is considered a tevul yom until nightfall*) touched it, the wine is *tamei* (*for we consider all the wine “joined” to the wine in the hole, and it is as if the tevul yom touched all the wine*). Rabbi Yehudah says: If it developed a hole on the top or bottom, it is *tamei*, but if the hole is on its side, the wine on this side and that side is *tahor* (*for it is not regarded as “joined” to the wine in the hole*). (59b – 60a)

### **Wine Rulings**

Rav Pappa said: If an idolater was holding the barrel (*pouring the wine into the jug*) and a Jew was holding the jug, the wine is prohibited. What is the reasoning for this? It is because the

wine being poured from the cask is a result of the idolater’s force. If, however, the Jew was holding the barrel and the idolater was holding the jug, the wine is permitted; but should the idolater adjust it sideways, it is prohibited.

Rav Pappa said: If an idolater carries a (*tied*) leather flask of wine and a Jew follows behind him (*to ensure that he does not open it and insert his hand inside of it*), the *halachah* is as follows: If it is full, it is permitted because the wine cannot be agitated, but if it only partially full, it is prohibited because there is the possibility that he will agitate it (*for the purpose of libation*). In the case where he is carrying an open jug of wine (*and it cannot be seen if he touched the wine on the top*), the *halachah* is as follows: If it is full, it is prohibited because he might have touched it, but if it only partially full, it is permitted because there is a strong probability that he did not touch it.

Rav Ashi said: In the case of the (*tied*) leather flask of wine, whether it is full or not, it is permitted. What is the reason for this? It is because such (*shaking the flask*) is not the way of making a libation.

Regarding wine from a press where beams are used (*and an idolater operated it*), Rav Pappi permitted the wine, but Rav Ashi, or according to another version, Rav Shimi bar Ashi prohibited it.

The *Gemora* explains the dispute: In the case of direct force (*where the idolater crushes the grapes by standing on the board*) there is certainly no difference of opinion that it is prohibited (*for consumption only, according to many*



*Rishonim*). They argue in a circumstance where the grapes were crushed through the force of his force (*i.e., indirect action - the idolater turned the screw which lowers the board onto the grapes*).

The *Gemora* cites another version: In the case of indirect action there is certainly no difference of opinion that it is permitted. They argue in a circumstance where there was direct action.

The *Gemora* notes: An instance of such indirect action occurred and Rabbi Yaakov of Nehar Pekod prohibited the wine.

There was a cask of wine, split lengthwise, and an idolater jumped forward and “hugged” it in his arms (*to prevent the wine from flowing out*). Rafram bar Pappa, and according to another version, Rav Huna the son of Rav Yehoshua, permitted it to be sold to idolaters (*for although he indirectly touched the wine, he did not agitate it through the cask; it is therefore permitted for benefit*).

The *Gemora* notes: This ruling applies only when it split lengthwise, but if it split across its width, it is permitted for drinking. What is the reason for this? It is because the idolater only did what a brick (*resting on top of the barrel*) might have done. [*Since the top half of the barrel is anyways resting on the bottom half, he is not pushing the walls towards the wine; he is merely closing the crack between the two halves.*]

An idolater was once found standing in an empty winepress belonging to a Jew. Rav Ashi said: If the moisture remaining was sufficiently moist to moisten other objects, it needs to be rinsed with water and *niguv* (*purging the winepress from the wine that has become prohibited; this process involves scouring the surface with ashes, rinsing with water, and scouring with ashes once again*); otherwise, mere rinsing would be sufficient. (60a – 60b)

### **Mishna**

An idolater was found standing next to a cistern of wine: if he has an outstanding loan against the Jew, it is forbidden (*for he is not afraid to perform a libation with it; even if he gets caught touching the wine, he can say that he is accepting the wine as payment for what is owed to him*); if there is no outstanding loan against him, it is permitted.

If he fell into the cistern and came up, or measured it with a reed, or flicked out a hornet with a reed, or tapped the top of a foaming barrel (*in order to suppress the foam*) - each of these occurred, and they said: it may be sold (*to idolaters; it is permitted for benefit, for there is no concern that he performed a libation with it*), but Rabbi Shimon permits it (*even for drinking*).

If he picked up a cask and threw it in his anger into the cistern - this once happened, and they pronounced the wine fit (*even for drinking*). (60b)

### **Explaining the Mishna**

Shmuel said: The first ruling of the *Mishna* only applies when the idolater has a lien specifically on that wine (*for then, the idolater is not afraid at all to touch the wine*).

Rav Ashi said: The next *Mishna* proves this distinction: If a Jew prepares an idolater’s wine in a state of ritual purity and leaves it in his domain, and the idolater writes for him, “I have received the money from you,” the wine is permitted (*for he is still afraid to touch it; this, says Rashi, is only if it is locked by a Jew with a lock or seal*). If, however, the Jew would want to remove it and the idolater would refuse to let it go until he was paid, this actually happened in Beis Shan and the Rabbis prohibited it (*even for benefit, for the idolater is not afraid to touch his “security”; he would even break the lock and replace it, for he considers the wine his own*). Now, the reason why it was forbidden was because he refused to let it go; however, if he had agreed to let it go (*without*



*demanding payment*), it would have been permitted. We can conclude, then, that we require that the lien should be on that wine for it to be prohibited. We may indeed draw that conclusion.

The *Mishna* had stated: If he fell into the cistern and came up. Rav Pappa said: The ruling only applies to the circumstance when he is brought out dead, but if he climbed out alive the wine is prohibited. What is the reason for this? It is because it would then be to him like a festival day of pagans (*on the occasion of his rescue; he probably performed a libation with the wine on his ascent*).

The *Mishna* had stated: If he measured it with a reed etc. - each of these occurred, and they said: it may be sold (*to idolaters; it is permitted for benefit, for there is no concern that he performed a libation with it*), but Rabbi Shimon permits it (*even for drinking*).

Rav Adda bar Ahavah said: May blessings come to rest upon the head of Rabbi Shimon, because when he permits wine, he permits it even the drinking, and when he prohibits it, he prohibits it for benefit as well.

Rav Chiya the son of Abba bar Nachmeini said that Rav Chisda said in the name of Rav, and others say that Rav Chisda said in the name of Ze'iri: The *halachah* is in accordance with Rabbi Shimon.

The *Gemora* cites another version: Rav Chisda said: Abba bar Chanan told me that Ze'iri said that the *halachah* is in accordance with Rabbi Shimon. But, the *Gemora* concludes, the *halachah* is not in accordance with Rabbi Shimon. (60b)

## DAILY MASHAL

### Two Types of Invalidation

The Mishnah says that "a gentile can invalidate his idol and his companion's but a Jew cannot invalidate a gentile's idol."

Rabbi Bunim of Pshischa zt"l said that the invalidation of an idol shows that it had some importance and therefore only a gentile can perform it. But if a Jew wants to invalidate it, he shows that it had some importance and such an invalidation is improper (*Siach Sod Sarfei Kodesh*, I, 662).

### An Unsuitable *Dayan*

HaGaon Rav Chayim Soloveitchik zt"l explained that every idolatry is well recognized except for the *asheirah*, which appears to be a simple tree, and those passing by it are unaware that they must avoid it. The same applies to an unsuitable *dayan*: he dons a *dayan's* robe and it takes a long while for people to discover that he is not what he seems to be.