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***Purifying the Press of an Idolater***

The *Gemora* asks: How does one clean the winepress of an idolater (*as stated in our Mishna that it must be cleaned*)?

Rav says: One does so with water. Rabbah bar bar Chanah says: One must use ashes.

The *Gemora* asks: Does Rav say that one must use water and not ashes?! Does Rabbah say one must use ashes and not water?!

The *Gemora* answers: Rather, Rav says one should use water and ashes afterwards. Rabbah says one should first use ashes and then use water afterwards. They are not arguing. One (*Rabbah*) is referring to a case where the press is still wet from wine. [*In that case he should first use ashes to soak up the wetness, scrub it, and then rinse with water.*] One (*Rav*) is referring to a case where the press is dry. [*One should first use water to rinse it, then ashes and scrubbing.*]

It was taught in the academy of Rav in the name of Rav: Two (*treatments for a wet press, ashes and water*) and three (*treatments for a dry press, water, ashes and water*). Shmuel says: Three (*treatments for a wet press, ashes, water, and ashes, along with a rinse afterwards that is not included*) and four (*treatments for a dry press, water, ashes, water, ashes, and a rinse that is not included*). This is how this argument was taught in Sura.

In Pumbedisa they taught that Rav says three and four (*as we explained according to Shmuel above*), and Shmuel says four and five. They (*Rav and Shmuel in the Pumbedisa version*) do not argue, as the difference between them is whether or not they counted the last rinse (*which they both hold is required anyway*).

They inquired of Rabbi Avahu: What is the law regarding the rim used to keep the wine (*or olives*) under the beam of the press? [*How is it cleaned?*]

Rabbi Avahu answered from the following *braisa*: If his winery or oil mill was *tamei* and he wanted to produce pure wine or oil - the pressing boards, treading basins, and the palm brooms should be washed down. The nettings of wicker or hemp (*that control the beam of the press*) must be dried. If they were made from *shifah* or *gimah* (*plants from the rush family that are very absorbent*), they must not be used for twelve months. Rabban Shimon ben Gamliel says: They must be left from one winepress season to the next (*unused*), and from one olive press season to the next.

The *Gemora* asks: Aren't the *Tanna Kamma* and Rabban Shimon ben Gamliel saying the same thing?

The *Gemora* answers: The difference is that according to Rabban Shimon ben Gamliel they sometimes must not be used for more than twelve months, and sometimes can be used in less than twelve months (*based on the varying times of harvest*). The *Tanna Kamma* holds it is always twelve months no matter when the harvest.

Rabbi Yosi says: If a person wants to use the press right away, he purges them with boiling water, or scalds them with olive water. [*Rashi explains that they used to soften the olives in boiling water in order to help the oil come out.*] Rabban Shimon ben Gamliel says in the name of Rabbi Yosi: One can place them under a pipe which has a constant stream of water flowing out, or in a stream that is constantly flowing. How long must he leave it there? He must leave it there for one *onah* (*see below for*



definition). Just as this was stated regarding *yayin nesech*, so too is it true regarding *taharos*.

The *Gemora* asks: What is meant by that statement? We are talking about *taharos*, not *yayin nesech*!?

Rather, the *Gemora* explains: Just as this is stated regarding *taharos*, so too it is true regarding *yayin nesech*.

The *Gemora* asks: How long is an *onah*?

Rabbi Chiya bar Abba says in the name of Rabbi Yochanan: Either a day or a night. Rav Chana She'inah, and some say Rav Chana bar She'inah says in the name of Rabbah bar bar Chanah in the name of Rabbi Yochanan: It is half a day and half a night. Rav Shmuel bar Yitzchak says: These opinions are not arguing. One (which said that one day or night is required) is referring to the (autumn or spring) days of Tishrei and Nissan (where the days and nights are equal), and one is referring to the (summer or winter) days of Tammuz and Teves (where the days are either much longer or shorter than the nights). [The first opinion is regarding equal days, the second is regarding unequal days in order to equal half a day of twelve hours.]

Rabbi Yehudah says: These sacks owned by Arameans (where they place the sediments of the wine in order to get more wine out of them) must be purified in various ways. If they are made out of human hair, they must be rinsed. If they are made out of wool, they must be dried (as described above, with ashes and water). If they are made out of flax (i.e. linen), they must not be used for twelve months. If there are knots in the sieve, one must untie the knots.

Basket and beehive-shaped sieves owned by Arameans (that are used to filter wine) can also be purified and used. If they are made out of palm fibers, they can be rinsed. If it is made out of *tzavsa*, they should be dried (as described above). If they are made out of flax, they should not be used for twelve months. If there are knots, they should be untied.

It was taught: If an *am ha'aretz* reached into the winepress and touched a cluster of grapes, Rebbe and Rabbi Chiya argue. One says that the cluster he touched (becomes a *rishon l'tumah*, for the *am ha'aretz* is regarded as an *av hatumah*) and everything around it (which becomes a *sheini*) is *tamei*, and the rest is *tahor* (for with respect to *chullin*, there is no *shlishi* level of *tumah*). Another says that the entire press is *tamei*.

The *Gemora* asks: According to the first opinion, how is this different than the *Mishna* that says that if one finds a dead *sheretz* by the grindstone (of an olive press), only the olives that came in contact with the *sheretz* is *tamei*, unless there is liquid flowing in the mill, in which case, everything is *tamei*? [In our case, the grapes are in wine!]

The *Gemora* answers: In that case, there was nothing that was interrupting the flow of the liquid (making everything *tamei*). In our case, the other grapes are a barrier between the grapes touched by the *am ha'aretz* and the other grapes.

The Rabbis instructed Rabbi Yirmiyah, and some say to the son of Rabbi Yirmiyah, that the correct opinion is that the cluster he touched and everything around it is *tamei*, and the rest is *tahor*. (74b – 75b)

### **Mishna**

If someone acquires a vessel used for cooking from an idolater, what normally only requires immersion in a *mikvah* (for there were no absorptions), should be immersed. If this vessel normally requires purging (in boiling water), it should be purged. If this vessel normally requires becoming white hot in fire, it should become white hot in fire. A spit and a grill should be made white hot in the fire. A knife may merely be scraped (on a grindstone) and it is permitted for use. (75b)

### **Immersing and Purging an Idolater's Utensils**

The *braisa* states: They all must be immersed in a *mikvah* containing forty *se'ah*. [All utensils bought from an idolater require immersion, even if they do not need to be purified.]

The *Gemora* asks: How do we know this?

Rava answers: The verse states: *anything that comes in contact with fire you should pass through fire and it will become pure*. The extra “and it will become pure” (*which we would have known anyway*) indicates that there is another purification that is always done, namely, immersion in a *mikvah*.

Bar Kappara taught: Being that the verse says: *in the niddah waters (it should be cleansed)*, one might think that it must be sprinkled with ashes from the red heifer on its third and seventh day. This is why the verse says, *but*, implying that this is unlike the law regarding one who is impure from corpse *tumah*. Why, then, does it say *in the niddah waters*? This refers to water in which a *niddah* immerses, namely, the forty *se’ah* of a *mikvah*.

The *Gemora* explains: Both of these verses are necessary. If it only said, *and it will become pure*, one might think that even if the *mikvah* has less than forty *se’ah* the immersion is valid. This is why it says, *in the niddah waters*. If it would only say *in the niddah waters*, one might think that the sun must go down first for it to be considered pure, like a *niddah*. This is why the verse says, *and it will become pure*, indicating it is pure immediately after immersion.

Rav Nachman says in the name of Rabbah bar Avuha: This implies that even new vessels bought from an idolater must be immersed. This can be understood from the fact that old vessels that were purged with fire still must be immersed, despite the fact that this makes them like new.

Rav Sheishes asked: If so (*that immersion is not due to non-kosher absorptions in the pot*), why doesn’t this also apply to a cloak shears (*used to cut wool*)?

Rav Nachman answered: This only applies to vessels used for meals, as indicated in the Torah’s description.

Rav Nachman says in the name of Rabbah bar Avuha: This is only required if the vessels are bought, similar to the story of what happened in the Torah (*how the vessels transferred from Midyan to Bnei Yisroel*), not if they are borrowed.

Rav Yitzchak bought a vessel that was made out of earth and animal dung from an idolater. He thought he would have to immerse it in a *mikvah*. A certain Rabbi named Rabbi Yaakov said to him: Rabbi Yochanan explained to me that only metal vessels are discussed in the Torah (*as requiring immersion*).

Rav Ashi said: Being that glassware can be fixed if they break, it has the same law as metal.

There is an argument between Ravina and Rav Acha regarding earthenware vessels that are coated with lead. One says they are considered like their initial state (*earthenware*), and one says they are considered like their end (*lead*). The law is they are like their end.

They inquired: What about vessels one has from an idolater as collateral for his loan?

Mar bar Rav Ashi answered: My father had a silver cup as collateral from an idolater, and he immersed it and drank from it. I am uncertain if this was because he held collateral is like purchasing, or if it was because he realized this idolater was not going to pay cash (*and it therefore essentially became his*).

The *braisa* states: If one purchases vessels used by idolaters - if they are new, he can just immerse them in a *mikvah*. If they were used with only cold items, such as cups, glasses, and bowls (*used for liquid*), he can rinse them out, immerse them in a *mikvah*, and they are able to be used. If they were used with hot items, such as various pots and water urns, he must purge them in hot water, and then immerse them before they are used. If they were used over a fire, such as a spit and a grill, he must make them white hot and immerse them in a *mikvah* before using them. If he used them before they were immersed, purged, or made white hot, one *braisa* says they are forbidden, and one *braisa* says they are permitted (*b’dieved*). The one who says they are forbidden holds that even if the added element imparts a detrimental taste to the dish, it is forbidden, while the other *braisa* holds it is permitted.

The *Gemora* asks: And according to the opinion that holds that if a prohibited item that imparts a detrimental taste into the food, the food is permitted, then why would the Torah forbid the emissions of the Midianite vessels? Do they not impart a taste that impairs the flavor of the mixture (*for they have remained overnight in the walls of the vessels*), and yet the Torah forbade them?! [This would prove that a detrimental taste is still forbidden!]

Rav Chiya the son of Rav Huna said that the Torah only forbade a vessel which had been used by an idolater that same day, where the forbidden item does not impart a taste that impairs the flavor of the mixture.

The *Gemora* asks: But then it should be permitted the next day!?

The *Gemora* answers that the Rabbis decreed that one cannot use a pot that was not used on that day (*even though it will not prohibit the food*) because otherwise, it may lead to people using a pot that was used the same day for prohibited items.

The other opinion maintains that even in the case of a pot used by an idolater on that very same day, it is impossible that it (*the flavor absorbed from the first cooking*) should not impair the flavor (*of the food during the second cooking*) a little. (75b – 76a)

#### INSIGHTS TO THE DAF

##### **Criteria for the Mitzvah of Immersing Utensils**

Our *Gemora*, which deals with the mitzvah of immersing in a *mikvah* utensils acquired from a gentile, learns this mitzvah from the verse “Anything used with fire you shall pass it through fire and it **shall be pure**” (Bemidbar 31:23) – “the verse added another purification”. In other words, from the word *vetaher* – “and it shall be pure” – *Chazal* learn that the utensil must be immersed in a *mikvah*. According to most Rishonim (Rashi, 75b, s.v. *Zusa*; etc.), *Chazal* thus learnt that the mitzvah of immersing utensils is from the Torah but other Rishonim (Ritva, *Ran*, *Meiri*, etc.) hold that immersing utensils is a rabbinical decree while the verse serves only as a homiletic support (*asmachta*) (see the preface to *Tevilas Keilim*, os 3).

**The utensil leaves the gentile’s impurity and enters the Jew’s holiness:** The main point of the *mitzvah* of immersing utensils is that we must immerse a utensil that has left a gentile’s ownership and entered a Jew’s ownership, as many Rishonim cite the Yerushalmi: “...because they left the gentile’s impurity and entered a Jew’s holiness”. We can appreciate the significance of immersing utensils by examining the perplexing difference between immersing a Jew’s utensils that became impure (*tamei*) and immersing utensils acquired from a gentile. *Mid`oraisa* (from the Torah), a utensil which has become *tamei* may be purified in a *revi`is* of water with no need for a *mikvah* holding 40 *seah*. On the other hand, our *Gemora* says that utensils acquired from a gentile do need immersion in a *mikvah* containing 40 *seah*. Why? The Rishonim explain that this halachah is a “king’s decree”: just as a convert must immerse in a *mikvah* holding 40 *seah* to become part of the Jewish nation, utensils acquired from a gentile must undergo the same procedure (Ritva in the name of Ramban).

**Two definitions for immersing utensils:** The writings of the *poskim* feature two approaches to the *mitzvah* of immersing utensils. Some define it as a decree of the Torah (*gezeiras hakasuv*), **not to use** those utensils before their immersion just as one must not eat fruit before the separation of *terumah* and *ma`aseros* (*Rokeiach*, 481; *Or Zarua`*, *Piskei „Avodah Zarah*, 293; etc.). On the other hand, according to others it is a **mitzvah** to immerse the utensil but someone who uses it before immersion does not transgress any prohibition of the Torah (Raaviah, *Pesachim*, 464, cited in *Hagahos Maimoniyos, Hilchos Maachalos Asuros*, Ch. 17, S.K. 8). **Chazal**, however, forbade us to use them before their immersion (*Beitur Halachah*, 323:7, s.v. *Mutar*).

**May we use a utensil that cannot be immersed?** The difference between the two definitions brings forth a most meaningful implication, as indicated by the *Avnei Nezer* zt”l (Responsa, *O.C.* 418, os 10-11), referring to an instance where one cannot immerse a utensil acquired from a gentile. If the Torah forbids us to use those utensils before their immersion, it cannot be used. If the Torah instructs us to immerse the utensil but allows its usage before immersion, the utensil’s owner transgresses no



prohibition if he uses it when he cannot perform the *mitzvah* of immersion.

**We may use a gentile's utensils:** We may use a utensil owned by a gentile without immersion (if it hasn't been used for *treifah*). This halachah is explained in our *Gemora*, that if we borrow or rent a utensil from a gentile, we don't have to immerse it.

**The cup thrown from a train:** The author of *Ketzos HaShulchan* (VIII, 146) recounts that when the Rebbe Shalom Ber of Lubavitch zt"l was riding in a train, he bought a cup of water from a gentile peddler at a station. The train then started to move and the Rebbe drank the water and threw the cup out the window to avoid having to immerse it. In other words, he demonstrated that he had only bought the water and not the cup. Thus he had never been obligated to immerse it as it remained the gentile's.

#### **Why don't we have to Immerse Cans Produced by Gentiles?**

Have we ever examined the question as to why we don't immerse cans produced by gentiles? After all, our current *sugyos* teach us that a Jew who buys a utensil from a gentile must immerse it. Indeed, first of all, don't run to do it. The author of *Sridei Eish* (Responsa, II, 29) attests that "in truth, Jews all over have become accustomed to eat from cans and no one protests the matter." We shall now clarify the basis for this permission.

First of all, we should make clear that the question does not concern someone who empties a can as soon as it is opened because when should he immerse it? Before it is emptied, he cannot do so and after it's emptied, there is no need. The question is then limited to two possible uses of the can: (1) opening the can without emptying it, leaving the food in until usage and (2) re-use of the can, such as for boiling eggs.

**A can used only once is regarded as the shell of the food:** Regarding the one-time use of a can, Maharil Diskin zt"l (Responsa, *Kuntres Acharon*, os 136) writes that since the usage is passive (*shev veal ta'aseh*), there is no prohibition. In other words, the Jew **does** nothing with the can. The food was put in

the can by the factory's owner and he merely leaves it there and takes it out later (see *Sridei Eish*, *ibid*, os 3). HaGaon Rav Moshe Feinstein zt"l (Responsa *Igros Moshe*, Y.D., II, 40) further explains that a utensil intended to be used once is not regarded as a utensil but merely as the shell of the food it contains (see his proof, *ibid*).

**The opener of the can makes it into a utensil:** The main question, therefore, regards the repeated use of a can. The permission commonly mentioned by the *poskim* stems from the halachah (*Shulchan Aruch*, Y.D. 120:10) that if a Jew buys raw metal from a gentile and makes utensils therefrom, he does not have to immerse them as they were made in his possession. A closed can is not considered a utensil as one can do nothing with it so when a Jew opens it, the can becomes a utensil by his action and does not have to be immersed. As a utensil, it never belonged to a gentile. And even if it was a utensil in the factory before being closed, it stopped being a utensil before the Jew opened it (see Responsa *Tzitz Eli'ezer*, VIII, 26).

#### **Is Aluminum a Metal?**

The Torah commands us to immerse utensils acquired from a gentile in a *mikvah*. Which utensils must be immersed? The verse details six types of metal utensils that must be immersed: "...but the gold and the silver, the copper, the iron, the tin and the lead" (Bemidbar 31:28). Our *sugya* explains that clay, wooden and stone utensils do not have to be immersed but glassware does. According to most halachic authorities, even if the *mitzvah* of immersing utensils is from the Torah, immersing glassware is *miderabanan* because of their resemblance to metal: both metal and glass can be smelted and refashioned (see the preface to *Tevilas Keilim*, os 5).

The author of *Tiferes Yisrael* (in his preface *Yevakesh Da'as* to Seder *Taharos*, os 44) mentions that though the Vilna Gaon zt"l apparently indicates that only the above six types of metal are included in the *mitzvah*, it appears that he means that any material which can be hammered out is included.

About 150 years ago it was discovered that one can make utensils from a light, soft and malleable metal called aluminum. At first little attention was paid to the discovery but when the

use of aluminum became widespread, many *poskim* had to decide if such utensils had to be immersed, as this metal is not mentioned in the Torah. Furthermore, can aluminum become impure (*tamei*) like other metal and therefore does not stop the spread of *tumah* (this question is also topical in our era regarding the *tumah* of *kohanim*).

Rav Feinstein (Responsa *Igros Moshe*, Y.D., II, 164) discusses the question as to if aluminum can become *tamei*. He proves that only the six metals mentioned in the Torah are included in the relevant halachos since, as we said, glass resembles metal and nonetheless the *Gemora* in Shabos 15a rules that *midoraysa* glass does not become *tamei*.

HaGaon Rav Y. Kaminetzki zt"l (in a letter to HaGaon Rav Tsvi Kohen, author of *Tevilas Keilim*, Ch. 11, os 142) devotes much discussion to the question as to if aluminum utensils must be immersed and mentions that at any rate, according to all opinions, they should be. After all, since *Chazal* decreed immersion for glassware because it resembles the metals mentioned in the Torah, we should surely behave similarly with aluminum, which resembles the metals mentioned in the Torah.

#### DAILY MASHAL

##### *Rashi's Father*

Rashi opens his commentary on the Torah with Rabbi Yitzchak's words: The Torah should have started with: This month is for you, etc. An ancient legend recounts that Rashi's father was unlearned. Rashi wanted to honor him with the opening to his commentary and told him, "Father, ask something and I'll write it in your name." His father simply asked, "Why does the Torah start with *Bereishis*?" Rashi replied, "Indeed, that's an important question. The Torah should have started with: This month is for you..."

The *Taz* cites this legend in his *Divrei David* on Rashi's commentary on the Torah and completely rejects it, mentioning that in our *sugya* Rashi quotes a commentary in his father's name and agrees with it in contrast to his teacher's explanation! The Chida also writes in his *Nachal Kedumim* that the source of Rashi's commentary appears in *Yalkut Shimoni* citing Rabbi Yitzchak and that the legend has no basis.

#### **Atonement and Hag'alah**

Maharia HaLevi Itinga offered the following explanation in Lwow in 5649 (Responsa Maharia HaLevi, II): There are four degrees to render utensils kosher: if the utensil was used for cold food, it should be rinsed; if for hot food, it should be boiled; if it was used with fire, such as by roasting, it should be heated till white-hot; and a clay utensil should be broken. There are four corresponding degrees of atonement (mentioned in Yoma 86a). For neglecting a positive (*asei*) *mitzvah*, when a person cooled himself rather than rush to do a *mitzvah*, rinsing with repentance suffices. For committing sins, when he heated his body to rush to transgression, there is need for *hagalah*, that he should afflict himself with fasting, for only repentance **and** Yom Kippur atone for transgressing negative *mitzvos* (*lavim*). If he transgressed *kerisos* and prohibitions punishable by death in a *beis din*, his only atonement is being heated till white-hot – by afflictions (*yisurim*) that purify a person's body. But the sin of the desecration of Hashem's name is compared to forbidden food absorbed in a clay utensil: the only way to rectify it is to break it and only death atones (see *ibid*, that the comparisons have a basis in the Zohar, *Behaalosecha*, 153).

#### **Immersion in Fire**

The following appears in the *Semak* (II, end of *mitzvah* 156): The Raaviah rules that a *meshumad* (a Jew who changed his faith) who returns to Judaism must shave his head and immerse in a *mikvah* like a convert. Although the immersion doesn't have to be by day, the person must accept the *mitzvos* in the presence of three people. If the *meshumad* did not have a chance to immerse but was burned to death for sanctifying Hashem's name, his repentance was effective though he didn't immerse. The *Gemora* in Sanhedrin 39a explains that immersion should primarily be done by fire, as we are told: "Anything used with fire, subject to fire and anything not used with fire, subject to water" (Bemidbar 31:83). That person, then, immersed in fire.