

## OVERVIEW of the Daf

### 1) Making wine with one's feet (cont.)

The Gemara finishes explaining why Shmuel hesitated to rule whether wine is rendered *nessech* wine if it is touched by an idolater's foot.

### 2) Intent to render wine *nessech* wine

An incident is presented in which Rav ruled that wine touched by an object in the hand of an idolater is permitted for benefit.

Upon inquiry Rav emphasized that his ruling only permits the wine for benefit but not for consumption.

Rav's earlier ruling mentioned in the course of the above discussion that a one-day-old baby renders wine into *nessech* wine is unsuccessfully challenged.

### 3) A purchased slave

R' Nachman in the name of Shmuel rules that a slave that was circumcised and immersed continues to render wine into *nessech* wine until the mention of idolatry leaves his mouth which takes twelve months.

This ruling is unsuccessfully challenged.

### 4) *Nessech* wine

An incident is recorded which led to a dispute regarding the status of wine touched in anger by an idolater. ■

## REVIEW and Remember

1. What is the status of wine that an idolater touched with an object that was in his hands?  
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2. How long does it take for a slave to forget his idols even after he was circumcised and immersed?  
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3. What "child" does not render wine *nessech* wine?  
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4. What was the incident that led to a dispute between Rava against R' Huna bar Chinena and R' Huna the son of R' Nachman?  
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## Distinctive INSIGHT

### *Unintentional contact with wine by an idolater*

ההוא עובדא דהוה בבירם וכו' נגע בראשה דלוליבא בחמרא שלא בכונה

The Gemara brings a story of an idolater who unintentionally touched some wine. The text of the Gemara, according to Rashi and in most versions, is that a certain idolater was climbing up a palm tree. He cut off a branch, a lulav, and was on his way down from the tree as the tip of the lulav branch unintentionally brushed up against some wine which belonged to a Jew. The question regarding whether the wine was permissible was brought before Rav, and he ruled that although the wine was now prohibited for drinking, he allowed it to be sold to a non-Jew. In other words, he ruled that it was not allowed for drinking, but it was permissible for benefit.

Rav Kahana and Rav Assi questioned Rav's ruling, because Rav himself had ruled that if an idolater's infant falls into a container of wine, the wine becomes prohibited as *יין נסך*. An infant falling into wine is certainly a situation where there is no idolatrous intent, and yet Rav ruled that it was prohibited. Why is the case of the unintentional contact with a lulav branch more lenient?

Rav explained that in the case of the idolater's infant the wine was not prohibited from benefit, but only that it was prohibited to drink. Therefore, the two rulings were consistent.

As we mentioned, this is the text which Rashi had in his Gemara. Many Rishonim believe that this text is inaccurate, and their text reads, "as the idolater descended the tree, he bumped into some wine unintentionally." According to this reading, Rav's ruling that the wine was prohibited to drink but was permitted in benefit was where the idolater himself came into contact with the wine, albeit unintentionally. The Rishonim question the reading of Rashi, based upon a Mishnah later (60b) where we learn that if, out of anger, an idolater threw a barrel into a pit of wine owned by a Jew, the wine is permitted even to drink. We see clearly that in the case of indirect contact with wine by an idolater, where there was no intent of worship, the wine is completely permitted. It could not be, therefore, that the idolater's touching wine with a lulav would make it prohibited to drink.

Rashi, however, anticipated this distinction, as he later explains that the wine is permitted to drink only when the

# HALACHAH Highlight

## Wine of non-idolaters and resident aliens

קטנים שאין יודעין בטיב עבודת כוכבים ומשמשיה

Minors are those who do not know the nature of idols and their attendants

Rambam<sup>1</sup> writes that the wine of a resident alien (גר תושב) who accepts upon himself to observe the seven Noahide Laws is prohibited to drink but permitted for benefit. Similarly, if any nation (גוי) does not worship idols, for example descendants of Yishmael, their wine is prohibited to drink but permitted for benefit. Kesef Mishnah<sup>2</sup> questions Rambam's ruling that the wine of any nation that does not worship idolatry is permitted for benefit. In the first part of Rambam's statement he ruled that in order for a gentile's wine to be permitted for benefit he must accept upon himself the seven Noahide Laws. This implies that the wine of a gentile that does not accept the observance of the seven Noahide Laws is prohibited even from benefit. Why is the resident alien who accepts only six of the seven Noahide Laws worse off than the gentile who merely refrains from idolatry but did not commit to observe any additional mitzvos?

Kesef Mishnah explains that Rambam is addressing two different categories of gentiles. One category is the gentile who is from a nation that does not worship idolatry. Regarding such a person the halacha is that his wine is permitted for ben-

(Insight...continued from page 1)

idolater threw the object, and was no longer holding it when contact occurred. The novelty of that ruling is that we do not suspect that the idolater was still holding on to the object as it landed in the wine owned by the Jew. In our case, however, the idolater was still holding the lulav as it brushed up against the wine owned by the Jew. And still, if the idolater threw the object into the wine without its being out of anger, the wine would be prohibited to drink, as we would suspect that he was still holding it upon contact. ■

efit even though he does not make any formal commitment since there is no concern that his wine may have been used as a libation before an idol. The second category is a gentile who comes from a nation of idolaters but he does not worship idolatry. Regarding such people their wine is prohibited from benefit unless they formally denounce the ways of their nation by becoming a resident alien through the process of accepting the seven Noahide Laws. Another resolution he suggests is that once a person is not an idolater his wine is permitted for benefit, regardless of whether he accepted upon himself to observe the seven Noahide Laws. The reason Rambam mentioned the resident alien who accepted to observe the seven Noahide Laws was to teach that even though he observes the seven Noahide Laws his wine remains prohibited for consumption. ■

1. רמב"ם פי"א מהל' מאכלות אסורות ה"ז

2. כסף משנה שם ■

# STORIES Off the Daf

## The Uncommon Soldier

יין נסך

Today's daf discusses the prohibition against drinking יין נסך.

Rav Asher Zelig Berkowitz of Dej, zt"l, was drafted into the Romanian army while he was still fairly young. He had profound Yir'as Shamayim and was also very learned. While stationed in the city of Iasi he continued to learn every spare instant, often finding a way to clandestinely visit a nearby shteibl for several hours of intense Torah study. It goes without saying that he observed halachah meticulously in whatever way he was able.

When Rav Avraham Matisyahu of

Shtefanesht, zt"l, visited Iasi, he made a tisch in the beis midrash where Rav Asher Zelig was wont to learn. Although Rav Asher Zelig was dressed as a common soldier, he was immersed in his learning and hardly noticed them set up for the tisch or the many people who came to participate.

But after quite some time he finally became aware that there was a tisch, since the gabbai would intone in a loud voice exactly who was slated to receive each glass of wine that the rebbe handed out. As he was sitting there, Rav Asher Zelig thought that he would also like a glass of wine from the rebbe. But he worried right away that since the rebbe sent the wine through the crowd to the intended recipient, perhaps the wine would go through one who did not keep Shabbos and be rendered invalid, like all

יין נסך.

As he was deliberating he heard the gabbai call in the name of the rebbe, "The soldier should come forward and take his glass of wine!"

He was amazed and as he dazedly stood up to take his wine, he saw the rebbe holding the cup of wine in his hand, waiting for him, completely ignoring those who coaxed him to just send it along like the rest of the glasses and not tire his arm. Rav Asher Zelig took the wine from the rebbe's own hand. Later he mused that this showed the rebbe's great ahavas Yisrael and also his deep understanding of even a strange Jewish soldier who happened to attend his tisch.<sup>1</sup> ■

1. צית שטפנשט תמוז ע' ג'