

## OVERVIEW of the Daf

### 1) Nesseh wine (cont.)

The Gemara explains why R' Yehoshua ben Levi permitted the water that was worshipped by idolaters.

The implication that water belonging to an individual could be prohibited is challenged and subsequently clarified.

Another incident is recounted in which R' Chiya bar Abba visited a town that had a number of questionable practices but he did not declare them prohibited. When R' Yochanan heard about this he instructed R' Chiya bar Abba to issue public statement regarding their sinful behavior.

The rationales behind R' Yochanan's three stringent rulings are explained.

### 2) An idolater transporting grapes

R' Kahana was asked whether it is permitted for an idolater to transport grapes to the winepress and he responded that it is prohibited as a precautionary measure.

R' Yeimar unsuccessfully challenges this ruling.

### 3) Touching wine without intent for libation

An incident related to an idolater touching wine without the intent for libation is presented.

R' Ashi rules that a Jew may recover the value of the wine that was touched by an idolater from the idolater who rendered his wine nesseh wine.

R' Ashi cites the source for his ruling.

An idolater put his hand on a hole in a cask to stop the wine from flowing out and R' Pappa ruled that only the wine near the hole is prohibited. ■

## REVIEW and Remember

1. In what circumstances can spring water become prohibited if it is worshipped?  
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2. What ruling changed due to the fact that the residents of Gavla were not בני תורה?  
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3. What steps did R' Ashi give to save the wine into which an idolater had put his hand to catch an esrog?  
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4. How much wine is prohibited when an idolater puts his hand on the side of a barrel to plug a hole?  
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## Distinctive INSIGHT

### *An idolater's contact with wine under varying circumstances*

ההוא אתרוגא דנפל לחביתא דחמרא אידרי עובד כוכבים ושקליה, אמר להו רב אשי נקטהו לידיה כי היכי דלא לשכשך ביה, וברצוה עד דשייפא

The Gemara tells a story of an idolater and his contact with wine. An esrog once fell into a barrel of wine owned by a Jew. According to Ra'aved, the esrog belonged to an idolater. The idolater jumped up and reached into the barrel to grab the esrog so that it would not sink in the wine. Rav Ashi quickly noticed what was happening, and he instructed those nearby to grab hold of the hand of the idolater and to prevent him from splashing his hand around in the barrel. While holding his arm firmly, they then tilted the barrel on its side until they were able to pour the wine from the barrel into another container. When the level of the wine was below the reach of the idolater's hand, they released his hand, and the wine was therefore permitted. Rashi explains that the wine was prohibited for drinking once the idolater came in contact with it. The issue was then whether the wine would be prohibited from benefit as well, and Rav Ashi was able to advise the people there how to avoid this additional complication. He told them that it is the splashing of the hand of the idolater which causes the prohibition of benefit.

Additionally, it would not have been enough for those nearby to hold onto the idolater's hand and to remove it without allowing him to shake, because it would have been inevitable for there not to be any shaking while the hand was being removed by being lifted up. Rather, the only solution was to hold the hand still while draining the wine from below it.

Ramban and Rashba explain that the view of Rashi and many Rishonim is that a idolater's contact with wine even without splashing prohibits it for drinking, but benefit is still allowed. If the idolater come into contact with the wine indirectly (i.e. with a stick), without touching, the wine is completely permitted, even for drinking. Furthermore, even direct contact does not render the wine prohibited from benefit if the contact is not for worship, but for an obviously different reason, for example to measure the wine or to retrieve an object which fell into the barrel (such as an esrog). However, this is true only as long as the idolater does not do any unnecessary splashing. Rashba

# HALACHAH Highlight

## An idolater touching wine

שרי ליה למישקל דמיה מהווא עובד כוכבים

*It is permitted for him to take its value from that idolater*

**R**' Ashi teaches that if an idolater intentionally rendered a Jew's wine forbidden from benefit it is permitted for the wine owner to collect the value of the wine from the one who made the wine nesech wine. Rashi<sup>1</sup> explains that collecting money in this case is not considered a sale nor is he benefitting from nesech wine. The Jew is simply claiming that the idolater damaged his kosher wine and he wants to be reimbursed for that loss. Ritva<sup>2</sup> in the name of Reah asserts that R' Ashi's leniency applies only when the prohibition is Rabbinic but if the prohibition was Biblical Chazal would be stringent and not permit the owner to collect the value of his damaged wine so that it should not appear as though he is benefitting from idolatry. Sefer HaChinuch<sup>3</sup> elaborates on this principle further. An idolater who touches wine when not in the presence of an idol performs only a minimal act and as such it is only Rabbinically prohibited. Although the Rabbinic injunction prohibits any benefit from the nesech wine, in this case they permitted one to receive compensation since it is compensation for a loss rather than benefit from the prohibited item.

Rambam<sup>4</sup> writes that the idolater is obligated to pay for the wine since he intentionally ruined the wine. Kesef Mishnah<sup>5</sup> understands that according to Rambam one could not collect from the idolater if he did not intend to touch the wine. This is difficult to understand since the Mishnah in Bava Kama (26a) rules that one is obligated to pay for damages regardless of whether the damage was done intentionally or

*(Insight...continued from page 1)*

writes that his opinion is that Rashi holds that direct contact of the idolater causes the wine to become prohibited to drink even if he does not splash. Any direct contact, even if it is to retrieve a fruit that falls into the barrel, would have this effect.

Rashba holds that the rabbis prohibit wine which has been intentionally touched directly by an idolater, even if the idolater thought it was oil. It is inevitable that some splashing occurred.

If the idolater's contact was unintentional, for example if he thought that the liquid was oil, the wine would be permitted to drink, even if he splashes it while touching it. ■

not. Why then does Rambam indicate that the liability of the idolater depends upon his intent? Minchas Chinuch<sup>6</sup> expresses surprise at Kesef Mishnah's question. The Gemara in Gittin (52b) discusses liability for making someone's wine nesech wine and halacha distinguishes between intentional damage and unintentional damage. Accordingly, Rambam rules that the idolater is only liable if he intended to prohibit the Jew's wine but if that was not his intent he cannot be liable. The suggestion that an idolater should be liable even for unintentionally making someone's wine nesech wine is a premise that Minchas Chinuch rejects. ■

1. רש"י ד"ה למישקל דמיה.
2. ריטב"א ד"ה ר' יהודה בן בבא.
3. ספר החינוך מצוה קי"א.
4. רמב"ם פ"ג מה"ל מאכלות אסורות הכ"ח.
5. כסף משנה שם.
6. מנחת חינוך על ספר החינוך הנ"ל. ■

# STORIES Off the Daf

## The Levels of Converts

"לעולם אינו גר עד..."

**T**oday's daf discusses converts. A certain convert was very upset when he learned all the negative statements found in chazal regarding converts. This seems especially strange since they seem so incongruous with Hashem's great love for converts. When he asked a certain rav about this, he was surprised to learn that this was not a simple matter at all. "The Ramchal, zt"l, writes that there are two different types of converts: the better

type, which stem spiritually from the seed of Yefes, and the lesser type, which is spiritually rooted in Cham.<sup>1</sup>

"The Nachas Hashulchan, zt"l, explains that the lower type are those who wish to convert for ulterior motives, while the higher kind convert only to draw near to Hashem. Of course, it is possible to start out on the lower level and to then advance to the higher level. All the many detrimental things our sages reveal about converts only discuss a convert on the lower level who converted for ulterior motives. The great positive we find about converts is regarding those who convert sincerely for Hashem

and forget all personal considerations.

"This is why the halachah requires that we initially try to discourage a convert by telling him how difficult it is to bear the yoke of Torah and fulfill the mitzvos. In this manner we weed out those who are not sincere since such converts damage the Jewish people. But if he sticks with it and we see that he is sincerely converted for no ulterior gain, we understand that he is really a Jewish soul put among the non-Jewish nations. Of course we must honor him and Hashem loves him; he has finally found his way home!"<sup>2</sup> ■

1. אדיר במרום
2. נחת השלחן, הלכות גרים. ■