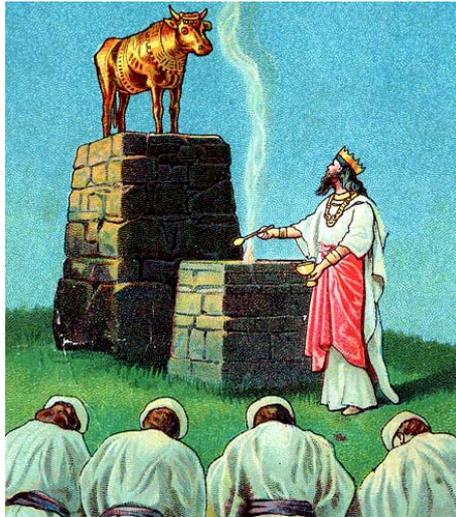


The Soncino Babylonian Talmud

Book II

Folios 36a-76b



'Abodah Zarah

**TRANSLATED INTO ENGLISH
WITH NOTES**

**FOLIOS 1-35b
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The residue from their unclean vessels [which they pour into the oil-container] renders it prohibited. Is this to say that people generally are concerned to eat their food in a state of ritual purity!¹ — Rather [must Samuel's statement be amended to:] the residue from their prohibited vessels [which they pour into the oil-container] renders it prohibited. Samuel said to Rab: According to my explanation that the residue from their prohibited vessels renders it prohibited, it is quite right that when R. Isaac b. Samuel b. Martha came [from Palestine] he related that R. Simlai expounded in Nisibis:² As regards oil R. Judah and his Court took a vote and declared it permitted, holding the opinion that [when the forbidden element]³ imparts a worsened flavor [the mixture] is permitted. But according to your statement that [it is prohibited because] Daniel decreed against it, [can it be thought that] Daniel made a decree and R. Judah the Prince then came and annulled it? For have we not learnt: A Court is unable to annul the decisions of another Court, unless it is superior to it in wisdom and numerical strength! — Rab replied to him: You quote Simlai of Lud; but the inhabitants of Lud are different because they are neglectful [of Rabbinical ordinances]. [Samuel] said to him: Shall I send for him?⁴ [Rab] thereupon grew alarmed and said: If [R. Judah and his Court] have not made proper research,⁵ shall we not do so? Surely it is written, But Daniel purposed in his heart that he would not defile himself with the king's meat nor with the wine which he drank⁶ — the verse speaks of two drinkings, viz. the drinking of wine and the drinking of oil! Rab was of the opinion that Daniel purposed in his own heart [not to drink the oil] and decided similarly for all Israel; whereas Samuel was of the opinion that he purposed in his own

heart [not to drink the oil] but did not decide similarly for all Israel.

But did Daniel decree against oil? Behold Bali declared that Abimi the Nabatean⁷ said in the name of Rab: The bread, wine and oil of heathens and their daughters are all included in the eighteen things!⁸ Should you argue that Daniel came and made the decree but it was not accepted, and then the disciples of Hillel and Shammai came and made the decree which was accepted, in that case what was the purpose of Rab's testimony?⁹ — But [Rab's contention is that] Daniel decreed against the use of the oil in a city,¹⁰ and [the disciples] came and decreed against its use even in a field. How, then, was it possible for R. Judah the Prince to permit [what was forbidden by] the ordinance of the disciples of Shammai and Hillel, seeing that we have learnt: A Court is unable to annul the decisions of another Court, unless it is superior to it in wisdom and numerical strength! Furthermore, Rabbah b. Bar Hanah has said in the name of R. Johanan: In all matters a Court can annul the decisions of another Court except the eighteen things [prohibited by the Schools of Hillel and Shammai], for even were Elijah and his Court to come [and declare them permitted] we must not listen to him! — R. Mesharsheya said: The reason [that these eighteen things form an exception] is because their prohibition has spread among the large majority of Israelites, but the prohibition concerning oil did not so spread;¹¹ for R. Samuel b. Abba said in the name of R. Johanan: Our masters¹² sat and made investigation concerning [the use of heathens'] oil [and found] that its prohibition had not spread among the large majority of Israelites; they accordingly relied upon the dictum of Rabban Simeon b. Gamaliel and R. Eliezer b. Zadok who declared: We make no decree upon the community unless the majority are able to abide by it.¹³ R. Adda b. Ahaba said:¹⁴ What Scriptural verse supports this rule?

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1. That on such a ground the oil of a heathen is prohibited. In fact the majority of people have not that concern.
2. Formerly an important city in N.E. Mesopotamia.
3. Derived from the prohibited vessel, v. *supra* 75b.
4. So that he can hear the charge which Rab brought.
5. In the Scriptures to ascertain that Daniel had decreed against oil. Rab implied that they had acted in ignorance when they permitted the oil.
6. Dan. I, 8. The last words are lit., 'the wine of his drinkings'.
7. Belonging to Nabatea, a district to the S.E. of Palestine.
8. Which were prohibited by decree in the upper room of Hananiah b. Hezekiah b. Gorion when the School of Shammai outnumbered the School of Hillel. V. Shab. 13b, 17b. How, then, could Rab attribute the decree to Daniel?
9. In ascribing the decree to Daniel since it was not adopted.
10. V. p. 173, n. 2.
11. And consequently R. Judah was able to annul it.
12. I.e., R. Judah II and his Court.
13. [Oil was one of the staple products of Palestine, and the trade in it was of vital importance, so that it became difficult to keep the laws; v. Elmslie, p. 38.]
14. [So Ms.M.]

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Ye are cursed with the curse; for ye rob Me, even this whole nation¹ — i.e., when the whole nation has [accepted an ordinance, then the curse which is the penalty of its infraction] does apply, otherwise it does not.

The above text stated: 'Behold Bali declared that Abimi the Nabatean said in the name of Rab: The bread, wine and oil of heathens and their daughters are all included in the eighteen things?' What means 'their daughters'? — R. Nahman b. Isaac said: [The Schools of Hillel and Shammai] decreed that their daughters should be considered as in the state of *niddah*² from their cradle; and Geneba said in the name of Rab: With all the things

against which they decreed the purpose was to safeguard against idolatry. For when R. Aha b. Adda came [from Palestine] he declared in the name of R. Isaac: They decreed against [heathens'] bread on account of their oil. But how is oil stricter than bread! — Rather [should the statement read that they made a decree] against their bread and oil on account of their wine; against their wine on account of their daughters;³ against their daughters on account of another matter,⁴ and against this other matter on account of still another matter.⁵ [But the prohibition against marrying] their daughters is a Biblical ordinance, for it is written, Neither shall thou make marriages with them!⁶ — The 'Biblical ordinance is restricted to the seven nations [of Canaan] and does not include other heathen peoples; and [the Schools of Hillel and Shammai] came and decreed against these also. But according to 'R. Simeon b. Yohai who declared that the words, For he will turn away thy son from following Me,⁷ include all women who would turn [their husbands aside from the worship of God], what is there to say? — Perhaps [the explanation is that] the Biblical ordinance is against intercourse through marriage, and they came and decreed even against immoral connection with them. But the decree against such connection had already been made by the Court of Shem,⁸ for it is written, And Judah said, Bring her forth and let her be burnt!⁹ — Perhaps, then, [the explanation is that] the Biblical ordinance refers to an Israelite woman in intercourse with a heathen since she would be drawn after him¹⁰ but not against an Israelite having intercourse with a heathen woman,¹¹ and they came and decreed even against the latter. But [the prohibition against] an Israelite having intercourse with a heathen woman is a law of Moses from Sinai,¹² for a Master has said: If [an Israelite] has intercourse with a heathen woman, zealots may attack him! — The Biblical ordinance refers to a public act even as the incident that had happened;¹³ but

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they came and decreed even against a private act. But the Court of the Hasmoneans¹⁴ had already decreed also against a private act; for when R. Dimi came [from Palestine] he declared: The Court of the Hasmoneans decreed that an Israelite who had intercourse with a heathen woman is liable on four counts, viz., she is regarded as *niddah*, a slave, a non-Jewess, and a married woman; and when Rabin came [from Palestine] he declared: On the following four counts, viz., she is regarded as *niddah*, a slave, a non-Jewess, and a harlot! — The decree of the Court of the Hasmoneans was against Intercourse but not against private association [with a heathen woman]; so they came and decreed even against this. But the Court of David had already decreed against private association, for Rab Judah said: At that time¹⁵ they made a decree against private association! — It may be replied [that the decree of the Court of David] there referred to private association with an Israelite and not a heathen woman, and they came and decreed even against associating with a heathen woman. But [the prohibition against] associating with an Israelite woman is a Biblical ordinance; for R. Johanan said in the name of R. Simeon b. Jehozedek: Whence is there an indication in the Torah against such association? As it is said, *If thy brother, the son of thy mother ... entice thee*¹⁶ — can, then, the son of the mother, and not the son of the father, entice! But the intention is, a son may privately associate with his mother, and nobody else may privately associate with any woman whom the Torah disallows him in marriage! — [The correct explanation is that] the Biblical ordinance against such association refers to an [Israelite] married woman; David came and extended the law to association with an unmarried woman; and the disciples of the Schools of Shammai and Hillel came and extended it still further to association with a heathen woman.

What is the meaning of the phrase used above: 'and against this other matter on account of still another matter'? — R. Nahman b. Isaac said: They decreed in connection with a heathen child that it should cause defilement by seminal emission¹⁷ so that an Israelite child should not become accustomed to commit pederasty with him. For R. Zera said: I experienced great trouble with R. Assi,¹⁸ and R. Assi with R. Johanan, and R. Johanan with R. Jannai, and R. Jannai with R. Nathan b. Amram, and R. Nathan b. Amram with Rabbi over this question: From what age does a heathen child cause defilement by seminal emission? — He replied to me: From a day old; but when I came to R. Hiyya, he told me: From the age of nine years and one day. When I then came and discussed the matter with Rabbi, he said to me: Abandon my reply and adopt that of R. Hiyya who declared: From what age does a heathen child cause defilement by seminal emission? From the age of nine years and one day,

1. Mal. III, 9. The verse is thus interpreted: The whole nation undertook to fulfill a law, the penalty for disobedience being a curse; and now that they robbed God by utilizing what they had agreed to forgo, the curse has come upon them.
2. V. [Glos.](#) They would then defile by touch.
3. Drinking wine with heathens would arouse desire for their women.
4. Viz., idolatry.
5. This phrase is discussed later.
6. Deut. VII, 3, so how can it be said to be the consequence of a Rabbinical decree?
7. Ibid. 4.
8. The son of Noah from whom the Hebrews descended. Tradition ascribes to him a School of Torah-study.
9. Gen. XXXVIII, 24, referring to Tamar who was with child; and the penalty which Judah intended to inflict upon her was derived by him from the Court of Shem.
10. Into idolatry.
11. Because he might rather turn her from idolatry.
12. An old traditional law; so it could not have been instituted by the Schools of Hillel and Shammai.

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13. V. Numb. XXV, 6 ff.
14. In the 2nd cent. B.C.E., nearly two hundred years before the Schools of Hillel and Shammai. [Derenbourg, Essai, p. 84., places it under Simeon who ruled from 143-135 B.C.E. v. Sanh. (Sonc. ed.) p. 544, n. 8.]
15. Referring to the incident of Tamar, II Sam. XIII.
16. Deut. XIII, 7.
17. [Even though he suffered from no issue.]
18. He put the following question to him and had difficulty in eliciting a reply.

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for inasmuch as he is then capable of the sexual act he likewise defiles by emission. Rabina said: It is therefore to be concluded that a heathen girl [communicates defilement] from the age of three years and one day, for inasmuch as she is then capable of the sexual act she likewise defiles by a flux. This is obvious! — You might argue that he is at an age when he knows to persuade [a female] but she is not at an age when she knows to persuade [a male, and consequently although she is technically capable of the sexual act, she does not cause defilement until she is nine years and one day old]. Hence he informs us [that she communicates defilement at the earlier age].

R. Judah Nesi'a¹ was once walking and leaning upon the shoulder of his attendant, R. Simlai, when he said to him, 'Simlai, you were not present yesterday at the House of Study when we declared [heathens'] oil permitted.' He replied, 'Would that in our days you permitted their bread also!' He said to him, 'If we were to do that, they would call us "the permitting Court". As we have learnt: R. Jose b. Jo'ezer of Zeredah testified that the stag-locust is clean,² that the flow [of blood and water] from the place of slaughter [in the Temple] is non-defiling, and that one who comes in contact with a corpse is defiled; and they called him "Joseph the permitter".' [R. Simlai] said to him, 'There he permitted three things,³ and the master has only permitted one; so that if he permits another there would still be only

two!' He replied, 'I have already permitted a second.' What is it? — As we have learnt: [If a husband said to his wife before a journey,] 'This is your bill of divorce should I not return within twelve months', and he died within the twelve months, the divorce is invalid.⁴ In this connection it was taught: And our Rabbis permitted her to remarry;⁵ and we ask, who is intended by 'our Rabbis'? — Rab Judah replied in the name of Samuel: The Court which permitted [heathens'] oil;⁶ for they held the same view as R. Jose who said: The date of the document is proof of this.⁷ R. Abba, son of R. Hiyya b. Abba said: R. Judah the Prince gave this decision, but [the Rabbis] did not agree with him all his lifetime [sha'ato]. Another version is: All his colleagues [saya'to] [did not agree with him].

R. Eleazar asked a certain old man: When you permitted a woman [to remarry in the circumstances described above], did you allow her to do so immediately⁸ since he could not return, or perhaps it was after the lapse of the twelve months since his condition had then been fulfilled? — [He rejoined:] But this question arises also in connection with [the continuation of the cited] Mishnah where we learnt: [But if the husband said,] 'Behold this is your bill of divorce from now onward should I not return within twelve months', and he died within the twelve months, the divorce is valid-because the condition had been fulfilled; and the question thus arises. Does the divorce take effect immediately [on his death] since he could not return, or perhaps only after twelve months when the condition had been fulfilled? — [R. Eleazar said to him:] Yes, even in this case [I am in doubt] but [I put the question to you] because you were among the number [who voted to grant her permission to remarry]. Abaye said: All⁹ admit [that if a man said to his wife that the divorce should take effect] when the sun issues from its sheath,¹⁰ he intended the time of sunrise, and should he die in the night, it is then a bill of divorce which comes into

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force after his death [and is invalid]; [but if he said to her that the divorce should take effect] on condition that the sun issues from its sheath, he intended it to apply from that moment onward, and should he die in the night, this was certainly a condition, and the divorce thus took effect while he was alive [and is valid] in agreement with the view of R. Huna. For R. Huna said: If one uses the expression 'on condition' [in a bill of divorce] it is the same as if he had said, 'From now onward'. They only differ over the case [where he used the expression] if the sun issues [from its sheath];¹¹ R. Judah the Prince being of the same opinion as R. Jose who said, 'The date of the document is proof of this' and he holds it to be identical with the phrases, 'From to-day if I die' and 'From now onward if I die'. The Rabbis, on the other hand, do not agree with R. Jose and maintain that it is merely identical with, 'Here is your bill of divorce if I die.'

The above text stated: 'R. Jose b. Jo'ezer of Zeredah testified that the stag-locust is clean, that the flow [of blood and water] from the place of slaughter [in the Temple] is non-defiling, and that one who comes in contact with a corpse is defiled; and they called him, "Joseph the permitter."' What is the stag-locust? — R. Papa said: Shoshiba, and R. Hiyya b. Ammi said in the name of 'Ulla: Susbel.¹² R. Papa said it was the shoshiba, — so they¹³ differ on [the permissibility] of the long-headed locust, one holding that it is prohibited and the other that it is permitted. R. Hiyya b. Ammi said in the name of 'Ulla that it was the susbel,

1. The Prince, i.e., R. Judah II, as in the Mishnah.
2. And may be eaten.
3. It will be explained below that he took a lenient view of the law of defilement by a corpse.
4. Because he did not say that the divorce was to apply 'from now onward'. Consequently if she was left a childless widow, she became subject to the law of levirate-marriage (v. Deut. XXV, 5 ff.).

5. Whomever she wished and released her from the levirate-marriage.
6. I.e., R. Judah II and his Court.
7. According to the Mishnah on B.B. 136a, if a father assigns the whole of his estate to one of his sons for him to take possession of it after his death, he must insert in the document the words 'from to-day and after my death', otherwise it has no value. R. Jose disagrees on the ground that the date of the document is sufficient indication of the testator's intentions. R. Judah similarly held that the bill of divorce was valid in the circumstances described, so that the wife on the husband's death had legally the status of a divorcee and not a widow.
8. On learning of her husband's death.
9. I.e., even R. Jose.
10. In which its rays were thought to be encased when not shining; i.e., when the sun has fully risen.
11. And he died in the night.
12. The former is a long-headed and the latter a short-headed species of locust.
13. R. Jose of Zeredah and his colleagues.

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and nobody differs that the long-headed locust is prohibited, and here they disagree when there is difficulty in perceiving whether its wings cover the greater part of the body, one holding that we require [the wings] to cover just more than the greater part of the body and the other that we require it appreciably to cover the greater part of the body.

'That the flow [of blood and water] from the place of slaughter [in the Temple] is non-defiling.' What means 'non-defiling'? — Rab said: It is essentially clean;¹ but Samuel said: It was non-defiling in the sense that it did not render other things unclean [which it touched] but in itself there was uncleanness. When Rab said that it was essentially clean, he was of the opinion that the defiling power of liquids was a [Rabbinical ordinance and when the Rabbis decreed so their intention was to attribute defilement to liquids in general but they did not so decree in connection with the flow from the place of slaughter. When, however, Samuel said that

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it was non-defiling in the sense that it did not render other things unclean but in itself there was uncleanness, he was of the opinion that the defilement in liquids was a Biblical ordinance; but with respect to its power to render other things unclean it was a Rabbinical ordinance, and when the Rabbis decreed so their intention was to attribute the power of communicating defilement to liquids in general, but they did not so decree in connection with the flow from the place of slaughter.

'And that one who comes in contact with a corpse is defiled; and they called him, "Joseph the permitter".' Rather should he have been called [in this instance] 'Joseph the prohibiter'! Furthermore [that a corpse defiles] is a Biblical ordinance, as it is written, And whosoever in the open field toucheth one that is slain with a sword, or a dead body [or a bone of a man, or a grave, shall be unclean seven days]² — According to Scripture he who comes in contact with a corpse is defiled, but anybody who comes in contact with this person is clean; and [the Rabbis] proceeded to decree that even such as he is defiled; then [Jose b. Jo'ezer] proceeded to re-establish the law in its Biblical form.³ But [the defilement of] the person who comes in contact with one who had touched a corpse is likewise a Biblical ordinance, for it is written, And whatsoever the unclean person toucheth shall be unclean!⁴ — The Rabbis declared in the presence of Raba on the authority of Mar Zutra son of Nahman who said it in the name of R. Nahman: According to the Scriptures, if a person touches another while the latter is in contact [with a corpse], he too is defiled for seven days; but if he touches him when there is not this contact, then he is only defiled until the evening. The Rabbis proceeded to decree that even without contact he is defiled for seven days, and [R. Jose] proceeded to re-establish the law in its Scriptural form. Whence is this to be derived from the Torah?⁵ — For it is written, He that toucheth the dead body of

any man shall be unclean seven days,⁶ and it is also written, And whatsoever the unclean person toucheth shall be unclean⁷ continuing with And the soul that toucheth it shall be unclean until even. How [are these texts] to be understood? The former refers to the circumstance where there is actual contact and the latter to where there is not actual contact.

Raba said to them: Have I not previously told you not to hang empty pitchers on R. Nahman!⁸ This is what R. Nahman said: He [Jose of Zeredah] permitted a doubtful case of defilement in a public domain.⁹ But this is a rule which is drawn by analogy from the case of a woman suspected of infidelity, viz., as [the case of doubt in connection with] the suspected woman can only occur [when seclusion with her paramour takes place] in a private domain, so [the case of doubt in connection with] defilement can only occur [when the contact with the corpse takes place] in a private domain!¹⁰ — R. Johanan said: Such, indeed, is the traditional rule, but [none of the Rabbis] would decide in that manner¹¹ until [Jose b. Jo'ezer] came and definitely decided so.¹² There is a teaching to the same effect: R. Judah says: [Jose b. Jo'ezer] stuck stakes [in the ground] for the people, declaring, 'Up to here is a public domain and up to there a private domain,'¹³ When persons¹⁴ came to consult R. Jannai, he used to tell them, 'There is plenty of water in the depth of the river; go and immerse yourselves.'¹⁵

STEWED FOODSTUFFS. Whence is this derived?¹⁶ — R. Hiyya b. Abba said in the name of R. Johanan: Scripture states, Thou shalt sell me food for money that I may eat, and give me water for money that I may drink.¹⁷ A comparison is to be drawn with water — as only water which has undergone no change [is permitted to Jews] so also must the food have undergone no change [at the hand of heathens]. According to this reasoning ears of corn should also be

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prohibited when roasted by them; and should you maintain that that is so, behold it has been taught: Ears of corn are permitted when roasted by them! — Perhaps, then, the comparison with water must be drawn in this sense — as only water which has not been changed from its natural form [is permitted to Jews] so the food must not have been changed from its natural form. According to this reasoning wheat should be prohibited when milled by them; and should you maintain that that is so, behold it has been taught: Roasted ears of corn and the various kinds of ground flour of heathens are permitted! — perhaps, then, the comparison with water must be drawn in this sense — as only water which has not been changed from its natural form by fire [is permitted to Jews] so the food must not have been changed from its natural form by fire. But there is nothing in the verse about fire!

1. I.e., there was no element of defilement in it at all.
2. Num. XIX, 16.
3. Viz., the man who touches a corpse is unclean for seven days, but he who touches him does not contract uncleanness.
4. Ibid. 22.
5. That without actual contact the defilement only lasts until the evening.
6. Ibid. 11.
7. Ibid. 22.
8. I.e., do not ascribe absurd teachings to him.
9. [I.e., he declared clean a person who is in doubt whether he incurred defilement in a public domain.]
10. Consequently, if the doubt occurred about contact in a public place, he would be considered undefiled. If so, what was the innovation of Jose of Zeredah?
11. Publicly, so that people should not be negligent about the laws of defilement.
12. [By declaring that only he who is certain of having come in contact with a corpse in a public domain is unclean, but not he who is in doubt. For an interesting discussion of these decisions of Jose of Zeredah, v. Lauterbach, J.Z. JQR. (N.S.) VI, pp. 62 ff.]
13. As a guide for them should they come in contact with a defiling object.
14. Who were in doubt whether they came in contact in a public domain with a corpse.

15. To be on the safe side he told them to regard themselves as unclean.
16. That the cooked foods of heathens are prohibited.
17. Deut. II, 28.

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— Rather, then, is it a Rabbinical ordinance and the Scriptural verse is merely a support.

R. Samuel b. Isaac said in the name of Rab: Whatever is eaten raw does not come within [the law of what is prohibited] on account of having been cooked by heathens. Thus was it taught in Sura,¹ but in Pumbeditha² they taught this version: R. Samuel b. R. Isaac said in the name of Rab: Whatever is not brought upon the table of kings to serve as a relish with bread does not come within [the law of what is prohibited] on account of having been cooked by heathens. What is the difference between the two versions? — [The permissibility of] small fish, mushrooms and pounded grain.³

R. Assi said in the name of Rab: Small fish when salted [by heathens] do not come within [the law of what is prohibited] on account of having been cooked by heathens. R. Joseph said: If a heathen roasted them, an Israelite may rely upon them in connection with 'erube tabshilin.⁴ If, however, a heathen made them into a pie of fish-hash it is prohibited. This is obvious! — You might argue that [in such a pie] the fish-hash is the principal element;⁵ hence he informs us that the flour is the principal element.

R. Berona said in the name of Rab: If a heathen set fire to uncleared ground,⁶ all the [roasted] locusts found in the uncleared ground are prohibited. How is this to be understood? Is it to say that the reason is because he could not distinguish between the clean and unclean species; why, then, specify that a heathen [kindled the fire] since it would be the same if even an Israelite did so! Or is it on account of [the locusts] having

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been cooked by a heathen? But in such a circumstance⁷ would they be prohibited? Did not R. Hanan b. Ammi declare that R. Pedath said in the name of R. Johanan: If a heathen singed the head,⁸ it is permissible to eat of it even from the tip of the ear!⁹ This proves [does it not?] that it is assumed that his intention, was to remove the hair; so similarly [in the other case it should be allowed] because his intention was to clear the ground! — [No, the true reason was] certainly because he could not distinguish between the clean and unclean species, and the incident actually happened with a heathen.¹⁰

The above text stated: 'R. Hanan b. Ammi declared that R. Pedath said in the name of R. Johanan: If a heathen singed the head, it is permissible to eat of it even from the tip of the ear.' Rabina said: Consequently if a heathen threw a coulter into a stove and an Israelite had previously deposited a pumpkin there, it is all right.¹¹ This is obvious! — You might argue that his intention had been to boil the blade;¹² hence he informs us that his intention was to harden it.¹³

Rab Judah said in the name of Samuel: If an Israelite left meat on the coals and a heathen came and turned it over, it is permitted. How is this to be understood? If I say that the meat would have been cooked without being turned over, obviously [it is permitted]; is it not then [to be inferred] that we have here a case where it would not have been cooked without being turned over? Why, then, is it permitted seeing it is food cooked by a heathen! — No; it is necessary to suppose a circumstance where it would have taken two hours to cook if he had not turned it over, but now it was cooked in one hour. You might consequently have argued that hastening the process of cooking is a matter which is taken into consideration;¹⁴ hence he informs us [that it is not considered]. But R. Assi said in the name of R. Johanan: Any food which is

[already cooked to the extent] of that which was eaten by Ben Drusus¹⁵ does not come within the law prohibiting the cooked food of heathens,¹⁶ hence if it is not cooked to that extent it does come within the prohibition!¹⁷ — The circumstance referred to [by R. Johanan] is where, e.g., [an Israelite] placed the meat in a pot and a heathen took and set it in an oven.¹⁸ There is a teaching to the same effect: An Israelite may set meat upon the coals and let a heathen then come and turn it over pending his return from the Synagogue or House of Study, and he need not take notice of it; and [an Israelite] woman may set a pot on a stove and let a Gentile woman

1. A town in S. Babylonia where Rab founded his School.
2. Called in the Talmud 'the capital of the Exile', to the north of Sura.
3. These are not eaten raw nor served as a relish. According to the Sura teaching they may not be eaten when cooked by a heathen, but according to the Pumbeditha version they are permitted.
4. Lit., 'conjunctions of cookings'. A device of the Rabbis to enable cooking to be done on a Friday which is a Festival for the following day. Jastrow defines the regulation as follows: 'A person prepares a dish on Thursday and lets it lie over until the end of the Sabbath, by which fiction all the cooking for the Sabbath which he does on the Holy Day (Friday) is merely a continuation of the preparation begun on Thursday'. The subject is treated at length in Tractate 'Erubin.
5. And for that reason the pie should be allowed, since the fish element can be eaten raw.
6. To prepare it for cultivation.
7. Where he did not light the fire for cooking purposes.
8. Of an animal which had been slaughtered by a Jew, the object being to remove the hair.
9. Which, being tender, would be roasted by the singeing.
10. That is why a heathen was specified above.
11. It may be eaten although roasted by a heathen. The Jew placed the pumpkin in the oven before the fire was lit.
12. In which case the pumpkin would have been cooked by a heathen.

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13. Since his object was only to harden it, there was nothing in his mind about cooking.
14. And if performed by a heathen disqualifies the food.
15. The name of a bandit who ate his food slightly cooked.
16. If a heathen completes the cooking.
17. Under this rule the meat turned over by the heathen should be disallowed.
18. This is prohibited, but when the food is already placed in the oven, where it would have been cooked without the heathen, it is permitted.

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then come and stir it pending her return from the bathhouse or Synagogue, and she need take no notice of it.

The question was asked: How is it if a heathen placed [meat upon the coals] and an Israelite turned it over? — R. Nahman b. Isaac said: The answer can be deduced by *a fortiori* reasoning — if the food is permitted when its cooking is completed by a heathen, how much more so when it is completed by an Israelite! It has been similarly stated: Rabbah b. Bar Hanah said in the name of R. Johanan — another version is, R. Aha son of Hanah said in the name of R. Johanan: Whether a heathen placed it there and an Israelite turned it over or vice versa, it is permitted; and it is not prohibited unless both the beginning and completion of the cooking are performed by a heathen. Rabina said: The law with reference to bread is, if a heathen kindled the fire and an Israelite baked it or vice versa, or if a heathen both kindled the fire and baked the bread but an Israelite came and raked the fire, it is all right. Fish salted [by a heathen] is permitted by Hezekiah but prohibited by R. Johanan.¹ An egg roasted [by a heathen] is permitted by Bar Kappara² but prohibited by R. Johanan. When R. Dimi came [from Palestine] he said: Both salted fish and roasted eggs are permitted by Hezekiah and Bar Kappara but prohibited by R. Johanan.

R. Hiyya Parva'ah visited the house of the Exilarch where he was asked, 'How is it when an egg is roasted [by a heathen]?' He replied, 'Hezekiah and Bar Kappara permit it, but R. Johanan prohibits it, and the opinion of one authority cannot stand against that of two.' R. Zebid said to them, 'Pay no attention to him, because Abaye declared that the legal decision agrees with R. Johanan.' [The Exilarch's heathen servants were infuriated by R. Zebid's remark and] gave him a draught of spiced vinegar from which he died.

Our Rabbis taught: The caper-flower, leeks and liver-wort [preserved by heathens],³ water boiled and ears of corn⁴ roasted by them are permitted, but a roasted egg is prohibited. As regards oil, R. Judah the Prince and his Court took a vote on it and declared it permitted. It has been taught: The rule which applies to liver-wort holds good also of the beans called pesilya and Egyptian beans [shi'atha]. What are shi'atha? — Rabbah b. Bar Hanah said in the name of R. Johanan: It is forty years since this preparation was imported from Egypt; while Rabbah b. Bar Hanah himself said: It is sixty years since this preparation was imported from Egypt. There is no contradiction since each statement was made in the corresponding year.⁵ [The manner of its preparation is as follows:] Take the seeds of parsley, flax and fenugreek, soak them together in lukewarm water and leave them until they begin to sprout. Then take new earthenware pots, fill them with water and soak therein red clay into which the seeds are planted. After that go to the bathhouse and by the time of coming out they will have blossomed, and on eating of them you will feel cooled from the hair of the head down to the toe-nails. R. Ashi said: R. Hanina told me that this is an empty tale; according to another version [he told him that the effect was achieved] through magical spells.

Our Rabbis taught: Date-husks⁶ belonging to a heathen when boiled in a

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large cauldron are prohibited, but if in a small cauldron they are permitted.⁷ Which is a small cauldron? — R. Jannai said: One into which a swallow cannot enter. But perhaps it is cut up in pieces and placed in it [to be cooked]!⁸ — Rather [must a small cauldron be defined as] one into which the head of a swallow cannot enter.⁹ But it has been taught: Whether it be a large or small cauldron [the brew] is permitted! There is no contradiction; for where [the teacher forbids the large cauldron] he is in agreement with the view that when [the forbidden element of a mixture] imparts a worsened flavor it is prohibited, while in the other case the teacher is in agreement with the view that when [the forbidden element] imparts a worsened flavor the mixture is permitted.¹⁰

R. Shesheth said: The cooked oil of a Gentile is prohibited. R. Safra said: Why should we be concerned about it [to declare it prohibited]? If because of the possibility that he may have mixed [yen nesek] with it, the effect would be to turn it rancid! If it is on account of [the prohibition against] all things cooked by a heathen, it is something which is eatable in its raw state!¹¹ If on account of the rule that vessels used by heathens must be scoured before they may be used by a Jew,¹² it is an instance where a worsened flavor is imparted and it should therefore be permitted! R. Assi was asked: What of dates cooked by a Gentile? — As regards the sweet species the question does not arise since they are certainly permitted;¹³ as regards the bitter species the question also does not arise since they are certainly prohibited;¹⁴ but there is a question about the middle species?¹⁵ How is it with them? — He replied: Why do you ask me this question seeing that my teacher, viz. Levi, has declared them prohibited!

As for shattitha'a¹⁶ [brewed by a heathen], Rab permits it but Samuel's father and Levi prohibit it. If it is made from wheat or barley, they all agree that it is

permitted.¹⁷ If from lentils and vinegar all agree that it is prohibited; where there is disagreement is when it is made from lentils and water.¹⁸ [Samuel's father and Levi] are of the opinion that we decree it prohibited from fear [that being permitted with water people will drink it when it has been prepared with vinegar], whereas [Rab] held that we do not declare it prohibited because of that fear. Another version is: When [the shattitha'a] is made from lentils and water all agree that it is prohibited; where there is disagreement is when it is made from wheat or barley [and prepared with water, Samuel's father and Levi] being of the opinion that we decree it prohibited from fear [that being permitted with water people will drink it when it has been prepared with vinegar], whereas [Rab] held that we do not declare it prohibited because of that fear. Rab said: Two kinds of shattitha'a did Barzilai the Gileadite send to David, as it is said, Beds and basins and earthen vessels and wheat and barley and meal and parched [corn] and beans and lentils and parched [pulse].¹⁹ Nowadays people carry out basketfuls to the markets of Nehardea and no attention is paid to the view of Samuel's father and Levi.

AND PRESSED FOODSTUFFS INTO WHICH THEY ARE ACCUSTOMED TO PUT WINE. Hezekiah said: This teaching only applies when they are merely accustomed [to put wine or vinegar into them]; but when it is certain [that they actually do so], the foodstuffs are prohibited even for all use. Why, then, the distinction in that the Rabbis permit muries brine²⁰ for every use? — There the purpose [of the wine] is to overcome the bad smell [of the fish] and here the purpose is to sweeten the taste. R. Johanan, however, said: Even when it is certain [that wine is included in the pressed foodstuffs] they are also permitted. Why, then, the distinction in that R. Meir prohibits muries brine for every use? —

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1. The former does not, and the latter does, consider the salting to be an act of cooking.
2. The egg, being roasted in its shell, could not be affected by what the heathen does.
3. They are allowed because they are also eaten raw. *V. supra* 38a.
4. These do not change their natural form as the effect of heat. *V. supra* p. 184.
5. Bar Bar Hanah made his statement twenty years after R. Johanan.
6. What is left after the juice has been pressed out.
7. Its mouth is very small, so it is assumed that he had cooked nothing unclean in it.
8. So that the date-husks brewed therein are affected by what had been previously cooked.
9. It is not to be assumed that they cooked in it an unclean thing of a smaller size than this.
10. *V. infra* p. 324.
11. And it was stated above that the prohibition of things cooked by a heathen does not apply in such a case.
12. *V. infra* p. 362.
13. Being eaten raw, they are permitted when cooked by a heathen.
14. Because they are not eaten raw.
15. Which are not very sweet or very bitter.
16. A beverage made from roasted flour. Since it is very sweet, vinegar is usually added, and that is the ground of the prohibition.
17. Because the brew is not so sweet and vinegar is not added.
18. [So Ms.M.]
19. II Sam. XVII, 28. The word parched occurs twice and is explained as denoting two kinds of brew made from roasted flour.
20. Fish-brine, when prepared by heathens, although wine is included in it. *V. supra* 34b.

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There [when the bread is dipped in the fish-sauce] the presence of the wine is something actual,¹ but [with the pressed foodstuffs] it is not something actual.²

PICKLED HERRING WHICH HAD BEEN MINCED, BRINE IN WHICH NO FISH, etc. What is the meaning of HELEK? — R. Nahman b. Abba said in the name of Rab: It is the sultanith.³ Why is it prohibited? Because other species of a similar kind⁴ [but prohibited] are caught together with it.

Our Rabbis taught: [Those species of fish] which have no [fins and scales] at the time but grow them later, as, e.g., the sultanith and 'aphiz,⁵ are permitted; those which have them at the time but shed them when drawn out of the water, as, e.g., the colias, scomber, sword-fish, anthias and tunny are permitted. R. Abbahu announced in Caesarea that fish-entrails and fish-roe may be purchased from anybody since the presumption is that they only come from Pelusium and Aspamia.⁶ This is like what Abaye said: The zahanta⁷ from the river Bab-Nahara⁸ is permitted. On what ground? If I answer because of the rapid flow of the stream and an unclean species of fish cannot exist in fast-flowing water since the backbone is lacking in them, we do see them existing there! If it be suggested that the reason is because the water is salty and an unclean species of fish cannot exist in salty water since scales are lacking in them, we do see them existing there! — Rather must the explanation be that the river-bed is such that it does not permit the breeding of the unclean species of fish. Rabina said: Since nowadays the rivers Goza and Gamda flow into [Bab-Nahara, its zahanta] is prohibited.⁹ Abbaye said: The sea-ass [i.e., hake] is permitted, the sea-ox¹⁰ prohibited; and an aid to the memory is the unclean [on land, viz., the ass] is clean [in the water] and vice versa. R. Ashi said: Shefarnuna¹¹ is permitted, kedashnuna¹² prohibited; and an aid to the memory is Holy [kodesh] to the Lord¹³ [but not to men]. According to another version he said that the kebarnuna¹⁴ is prohibited, an aid to the memory being the phrase 'graves [kibre] of heathens.'

When R. Akiba visited Guizak,¹⁵ they set before him a fish resembling the mud-fish; he covered it over with a basket, and noticing scales¹⁶ in it declared it permitted. When R. Ashi visited Tamduria,¹⁷ they set before him a fish resembling an eel; holding it up against the sun, he noticed that it had growths [like scales], so he declared it

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permitted. When R. Ashi visited a certain place, they set before him fish resembling the shefarnuna, — he covered white basins over them, and perceiving scales¹⁸ in them declared them permitted. When Rabbah b. Bar Hanah visited the fort of Agama,¹⁹ they set before him some zahanta; but when he heard somebody call it 'roach', he said, 'Since this has been called "roach", I conclude that there is something unclean in it.' He did not eat any of it; and looking at it the following day he found something unclean in it; so he applied to himself the verse, There shall no mischief happen to the righteous.²⁰

DROPS OF ASAFOETIDA. On what ground [are they prohibited when obtained by a heathen]? — Because [to secure them the root] must be cut with a knife;²¹ and although a Master has said that when [the forbidden element] imparts a worsened flavor [the mixture] is permitted, yet on account of the pungency of the asafetida it sweetens the fatty substance [which had been absorbed in the knife] and it therefore becomes a case where [the forbidden element] imparts an improved flavor and as such is prohibited. R. Levi's slave used to sell asafetida; and when R. Levi died people asked R. Johanan whether it was permissible to buy of him. He replied to them: The slave of a haber²² is like a haber.

R. Huna b. Minyomi bought blue wool²³ from the wife²⁴ of R. Amram the pious, and came before R. Joseph.²⁵ He was unable to answer him; and when Hanan the tailor chanced to meet him [R. Huna mentioned the matter to him]. He replied: How could the poor Joseph be acquainted with this! But it once happened that I bought blue wool from the household of Rabbanaah,²⁶ brother of R. Hiyya b. Abba, and I came before R. Mattena who could not answer [the same question]. So I went to R. Judah of Hagronia²⁷ who said to me: You have need of my instruction. Thus said Samuel: The wife of a haber is like a haber; for our

Rabbis have taught: The wife of a haber is like a haber, the slave of a haber is like a haber, and when a haber dies his wife, children and members of his household remain in that state of confidence until they give grounds for suspicion. Similarly a store in which blue wool is sold remains in a state of confidence until its wares are disqualified.

Our Rabbis have taught: The wife of an 'am ha-arez²⁸ who marries a haber, likewise the daughter of an 'am ha-arez who marries a haber, and the slave of an 'am ha-arez who is sold to a haber are all required to take the obligation relating to the status of a haber;²⁹ but the wife of a haber who marries an 'am ha-arez likewise the daughter of a haber who marries an 'am ha-arez and the slave of a haber who is sold to an 'am ha-arez are not ab initio³⁰ required to take the obligation relating to the status of a haber. Such is the statement of R. Meir; R. Judah says: These too are required ab initio to take the obligation relating to the status of a haber. Similarly declared R. Simeon b. Eleazar: It happened that a woman married to a haber used to bind the phylacteries upon his arm; she afterwards married a tax-collector³¹ and she used to attach the tax-seals for him.³²

Rab said: Milk, meat, wine and blue wool [if transmitted through a heathen] with only one seal [attached to identify them] are prohibited,³³ but asafetida, fish-sauce, bread and cheese³⁴ are permitted with one seal. Milk, meat, wine and blue wool

1. Because one swallows the sauce together with the bread.
2. One eats the preserved food but not the liquor in which it has been kept.
3. A fish of the anchovy species.
4. Lewysohn, Zoologie des Talmuds, p. 260, explains the word as meaning 'the sprat'.
5. Perhaps the sardine (Lewysohn, p. 261).
6. The former is a town on the Nile, the latter is Spain. It was supposed that no forbidden kinds of fish existed there.
7. A small fish preserved in brine.
8. A tributary of the Euphrates.

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9. Because these streams carry unclean fish into it. [These three tributaries of the Euphrates flowed above Pumbeditha, Obermeyer, *op. cit.* p. 228.]
10. According to Lewysohn, p. 270, a species of ray.
11. Lewysohn, p. 267, explains it as the hammer-fish, of the shark family.
12. A fish of the anthias genus.
13. Ex. XXVIII, 36. Tosaf. cites another reading to the effect that the shefarnuna is prohibited and the kedashnuna permitted, and this is the more probable. The mnemonic then indicates that this latter fish is 'holy', i.e., clean.
14. A species of mud-fish. According to Tosaf. the reading should be 'permitted' instead of 'prohibited', the mnemonic 'graves of heathens' indicating this since they do not defile.
15. V. *supra*, p. 165, nn. 4-5.
16. [Which the fish dropped while struggling in the basket (Rashi). R. Han. explains: He scraped the back of the fish against the edge of a basket.]
17. An unidentified place in Babylonia.
18. [I.e., the dark scales against the white background.]
19. Near Pumbeditha.
20. Prov. XII, 21.
21. Which may be impregnated with the fat of forbidden food.
22. V. [Glos.](#) Just as the master was scrupulous with the dietary laws so is the servant likely to be. It is therefore allowed to buy of him.
23. For the *zizith*. V. [Glos.](#)
24. Lit., 'household'.
25. To inquire whether he may use it, since R. Amram was no longer alive at the time of the purchase and the wife might have sold him some imitation instead of the genuine blue.
26. [Rabbanai; v., e.g., Ber. 21b.]
27. The town Agranum on one of the tributaries of the Euphrates near Nehardea.
28. V. [Glos.](#)
29. Before reliance can be placed upon them.
30. I.e., before they can be trusted. It is assumed that they will continue their former practice.
31. Who was generally an unscrupulous person.
32. Which served as a receipt. The point is that a woman is influenced by her husband. Therefore the wife of a haber who marries an 'an ha-arez cannot be trusted.
33. The heathen may have changed the article and attached the seal to it. In the text mnemonics are employed to represent the two sets of enumerated articles, and the explanation of the mnemonics follows on.

34. These being less expensive articles, the heathen is not so likely to make a substitution.

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are prohibited with one seal; but asafetida, fish-sauce, bread and cheese are permitted with one seal. Why need we be concerned about bread? Were he to change a fresh loaf for a stale one, or a wheaten-loaf for one of barley, it could be readily detected! If [the fear is that he might substitute] one loaf for another like it [baked by a heathen], since there is one seal attached he would not take the trouble to commit a fraud. Why, however, should Rab make a distinction that with cheese [the heathen] would not take the trouble to commit a fraud [and allows one seal]; likewise with milk he would not take the trouble to commit a fraud [and yet Rab demands two seals]? — R. Kahana said: Strike out the word 'milk' and insert 'slices of fish' which have no distinguishing mark. But that is the same as meat! — [Rab differentiates] two kinds of meat.¹ Samuel, on the other hand, said: Meat, wine and blue wool are prohibited with one seal; but fish-sauce, asafetida and cheese² are permitted with one seal. According to Samuel, a slice of fish which has no distinguishing mark is regarded as the same as meat, and we do not say that there are two kinds of meat.³

Our Rabbis taught: We do not buy in Syria⁴ wine, fish-sauce, milk, sal-conditum, asafetida or cheese,² unless it be from a reliable dealer; but if [an Israelite] is the guest of a host there [all these foodstuffs] are permitted.⁵ This supports the statement of R. Joshua b. Levi who said: If [a Syrian] householder sends him [as a gift any of these foodstuffs] to his house he may eat them; for what reason? — A householder would not leave what is allowed and eat what is forbidden, and if he sends anything to him [it may be assumed that] he sends him from what he himself eats.

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AND SAL-CONDITUM. What is salconditum? — Rab Judah said in the name of Samuel: Salt of which all Roman guests⁶ partake. Our Rabbis have taught: Black salconditum is prohibited and the white is permitted. Such is the statement of R. Meir; R. Judah says: The white is prohibited and the black permitted. R. Judah b. Gamaliel says in the name of R. Hanina b. Gamaliel: Both kinds are prohibited. Rabbah b. Bar Hanah said in the name of R. Johanan: In the opinion of him who declared the white to be prohibited, the intestines of unclean white fish are mixed with it; in the opinion of him who declared the black to be prohibited, the intestines of unclean black fish are mixed with it; and in the opinion of him who declared both kinds to be prohibited, [the intestines of] both species of fish are mixed with them. R. Abbahu said in the name of R. Hanina b. Gamaliel: There was an old man in our neighborhood who used to polish this salt with swine's fat.

BEHOLD THESE ARE PROHIBITED. What does this intend to exclude? — According to Hezekiah it excludes [those preserved foods] in which it is known [that wine is included].⁷ According to R. Johanan it excludes fish-brine and cheese from Bithynia.⁸ This anonymous statement [in the Mishnah] is that of R. Meir.

MISHNAH. THE FOLLOWING ARE PERMITTED TO BE EATEN [BY AN ISRAELITE]: MILK WHICH A HEATHEN MILKED WITH AN ISRAELITE WATCHING HIM; HONEY, GRAPE-CLUSTERS² — EVEN WHEN THESE EXUDE MOISTURE THE LAW WHICH RENDERS FOOD SUSCEPTIBLE TO DEFILEMENT BY A LIQUID DOES NOT APPLY TO THEM — PRESERVED FOODSTUFFS INTO WHICH THEY ARE NOT ACCUSTOMED TO PUT WINE OR VINEGAR, PICKLED HERRING WHICH HAS NOT BEEN MINCED, BRINE CONTAINING FISH, A LEAF OF ASAFOETIDA, AND ROLLED OLIVE-CAKES. R. JOSE SAYS: THOSE OLIVES HAVING STONES READY TO DROP

OUT ARE PROHIBITED. LOCUSTS WHICH COME OUT OF [A SHOPKEEPER'S] BASKET¹⁰ ARE PROHIBITED, BUT IF FROM HIS STOCK THEY ARE PERMITTED. THE SAME RULE APPLIES TO THE HEAVE-OFFERING.

GEMARA. What we learn here in the Mishnah is a support for what the Rabbis have taught elsewhere: If an Israelite is sitting near a heathen's flock¹¹ and the latter milks and brings some to him, he need have no concern [and is allowed to drink it]. How is this to be understood? If there is no unclean animal in the flock, obviously so; but if there is an unclean animal in the flock why [should he be permitted to drink the milk]? — It certainly deals here with the circumstance when there is an unclean animal, but [the Israelite is in such a position that] when he stands up he can see the heathen and when sitting he is unable to see him. You might argue that since he cannot see him when sitting, he should fear that he might bring him [milk in which something forbidden] has been mixed; hence we are informed [that there need be no such fear], because inasmuch as he is able to see him when standing, the heathen would be afraid to mix anything with the milk.

HONEY. Why should he have any concern about honey? If because of the possibility that something [forbidden] may have been mixed with it, the effect would be to make it rancid! If it is on account of [the prohibition against] all things cooked by a heathen, it is something which is eaten in its raw state!¹² If on account of the rule that vessels used by heathens must be scoured [before they may be used] by a Jew, it is an instance where a worsened flavor is imparted and it is therefore permitted!

GRAPE-CLUSTERS-EVEN WHEN THESE EXUDE MOISTURE THE LAW WHICH RENDERS FOOD SUSCEPTIBLE TO DEFILEMENT BY A LIQUID DOES NOT APPLY TO THEM. Against this I

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quote: If one gleanes grapes for the wine-press, Shammai says that they are susceptible to defilement [by liquid] while Hillel says that they are not susceptible; but eventually Hillel agreed with Shammai! — In the passage just cited the grapes are required for the manufacture of a liquid,¹³ whereas [in the Mishnah] they are not required for that purpose.

PICKLED HERRING WHICH HAS NOT BEEN MINCED. Our Rabbis have taught: How do we define 'pickled herring which has not been minced'? Such as have the head and backbone recognisable.¹⁴ And how do we define 'brine containing fish'? Such as have one or two kalbith-fish¹⁵

1. One of a more costly kind than the other.
2. These are likewise introduced by mnemonics.
3. He omits bread because he felt no concern about that; and as to fish, this is included in meat and need not be specified.
4. The Israelite shopkeepers there were suspected of adulterating their wares.
5. The food used in the Jewish house may be considered unadulterated.
6. This is Krauss's explanation, identifying the word with the Greek *sullektoi*. Jastrow thinks of the Latin *siliginarii*, bakers of wheat flour. The traditional Jewish interpretation is 'nobles'.
7. They are forbidden for any use.
8. V. Mishnah, *supra* 29b.
9. The word is also explained to mean 'honeycombs'.
10. In which they are exhibited for sale on the counter.
11. Although he does not actually see the milking done.
12. And should be permitted, as already explained.
13. In which case the liquid that exudes is acceptable to him, and accordingly can render the cluster susceptible to uncleanness, which is not the case when he wishes to eat the grapes. V. Mak. I, 1.
14. They have not been broken up, and the species, whether clean or unclean, can then be identified.
15. V. *supra* p. 172.

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floating in it. Since you declare it permitted when there is one kalbith-fish in it, is there any need of mentioning two? — There is no difficulty; in open barrels [two are necessary],¹ but in closed [one suffices].

It has been stated: R. Huna said: [Pickled herring is not considered as minced] so long as the head and backbone are recognizable. R. Nahman said: Either the head or the backbone. R. 'Ukba b. Hama objected: [We learnt] with regard to fish, only such as have fins and scales [may be eaten]!² — Abaye said: The Mishnah deals with the skate and pelamys³ the heads of which resemble those of unclean fish.⁴

Rab Judah said in the name of 'Ulla: The difference of opinion [between R. Huna and R. Nahman is over the permissibility] to dip [bread] in the brine, but as regards eating the chopped herring, all agree that it is prohibited unless both the head and backbone are recognizable. R. Zera said: At first I used to dip [bread] in the brine;⁵ but when I heard the statement of Rab Judah in the name of 'Ulla, viz., the difference of opinion is over the permissibility to dip [bread] in the brine but as regards eating the chopped herring all agree that it is prohibited unless both the head and backbone are recognizable, I would not also dip in it.⁶

R. Papa said: The legal decision is that both the head and backbone of each fish must be recognizable. An objection is raised: Pieces of fish are all permitted so long as a mark [that the fish was of the clean species] is found in the whole of it or a portion of it, even a hundredth part of it. And it once happened that a heathen brought a barrel containing pieces of fish and a mark [of the clean species] was found in one of them; thereupon Rabban Simeon b. Gamaliel declared the whole barrel to be permitted! — R. Papa gave this explanation: [Such a

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decision is correct] when the pieces are alike.⁷ If this be so, why mention it!⁸ — You might argue that we are concerned lest [that fish which had the mark of cleanness] happened [to fit in] by chance;² so he informs us [that we need have no such fear].

A boat-load of zahanta once came to Sikara.¹⁰ R. Huna b. Hinnena went to inspect it and, noticing scales [on the sides of the boat], declared the fish to be permitted. Raba said to him: How is it possible to give permission in a place where [fish with] scales are common!¹¹ So Raba issued an announcement prohibiting the fish, whereupon R. Huna b. Hinnena issued an announcement that they were permitted. R. Jeremiah of Difti¹² said: R. Papi told me that R. Huna b. Hinnena only allowed the brine but not the eating of the fish. R. Ashi said: R. Papa told me that R. Huna b. Hinnena even allowed the fish to be eaten; but as for myself, I cannot prohibit it after what R. Papa told me, nor can I permit it in view of what Rab Judah declared in the name of 'Ulla,¹³ viz., the difference of opinion is over the permissibility to dip [bread] in the brine, but as regards eating the fish all agree that it is prohibited unless both the head and backbone are recognizable in each one.

R. Hinnena b. Idi was sitting in the presence of R. Adda b. Ahabah; and while sitting there he said: If a heathen brought a boat laden with barrels [of fish-brine] and a kalbith-fish is found in one of them, should they be open barrels they are all permitted,¹⁴ but if closed that barrel is permitted and the rest are prohibited. [R. Adda] asked him: Whence have you this? — [He replied:] I heard it from three eminent scholars,¹⁵ viz., Rab, Samuel and R. Johanan.

R. Berona said in the name of Rab: Fish-entrails and roe should only be bought of a reliable man. 'Ulla remarked to R. Dosthai of Berai:¹⁶ Since Rab mentioned that fish-entrails and roe should only be bought of a

reliable man, it follows that unclean fish have roe; but against this I quote: Unclean fish are viviparous, whereas clean fish eject eggs! — [He replied:] Then strike out the word roe! R. Zera said to him: Do not strike out the word because they both eject eggs; but whereas [the clean species] breed [by ejecting eggs which mature in the sand of the river-bed] the other is actually viviparous. Why, however, is it necessary [to buy the roe] from a reliable man? Surely we could examine the marks [which differentiate the clean and unclean species]; for it has been taught: The marks of [clean birds'] eggs are the same as those of [clean] fish.¹⁷ But how can such a thought enter your mind since Scripture mentions fins and scales as the marks of [clean] fish!¹⁸ The meaning is: The marks of [clean birds'] eggs are the same as those of fish-roe [which may be eaten]; and the following are the marks of [clean] birds' eggs: Such as are arched and rolling, I.e., one end is rounded and the other pointed, are clean; if both ends are pointed or rounded 'they are unclean; if the yolk is outside and the white inside the egg is unclean; if the white is outside and the yolk inside the egg is clean; if the white and yolk are mixed up it is a reptile's egg! — Raba said: [Rab's statement that it must only be bought of a reliable person refers to when the roe] has been pressed.¹⁹ But as for R. Dosthai of Berai who said that the word 'roe' should be struck out,

1. If there was only one, it might be thought that the fish fell into it after the brine had been prepared.
2. Hul. 59a. So how can the head or backbone be used as the criterion?
3. A species of tunny fish.
4. In which case the head or backbone is no criterion, but generally it is.
5. When either the head or backbone could be recognized, on the supposition that the two Rabbis only differed with regard to eating the herring.
6. He adopted R. Huna's view that both the head and backbone must be capable of identification.

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7. I.e., they can be joined together so that it is possible to see that they are all pieces of the same fish.
8. There being a sign of cleanness, the fish may obviously be eaten.
9. And the remainder were of the unclean species.
10. A town on the Tigris near Mahoza.
11. The boat might contain a mixture of clean and unclean fish.
12. Identified with Dibtha on the lower Tigris.
13. *V. supra*, p. 197.
14. It is assumed that each barrel had such a fish in it, and if not there at that time it may have fallen out.
15. The word really denotes 'a scholar of the Scriptures'. Rashi explains: They are so eminent that they may be relied upon as upon the Scriptures.
16. A town in Babylonia. It was also the birth-place of 'Ulla (Jast.). [There was a Biri also in Galilee, with which the place mentioned here is rather to be identified.]
17. Hul. 63b.
18. Lev. XI, 9. This is an interjection.
19. And the shape of the eggs cannot be ascertained.

'Abodah Zarah 40b

surely it has been taught: The marks of [clean birds'] eggs are the same as those of fish-roe [which may be eaten]¹ — Must not [this Baraitha at all events] be explained?² Read, therefore, thus:³ 'Are the same as fish entrails.' But where is it found that the marks of fish-entrails are rounded and pointed?⁴ — This is actually found with the fish-bladder.

If there be no reliable man,⁵ what then? — Rab Judah said: So long as he declares, 'I salted the fish,'⁶ it is permitted — R. Nahman said: He must be able to declare, 'These are the fish and these their entrails.'⁷ Rab Judah instructed Adda, the attendant, 'So long as he declares, "I salted the fish," it is permitted.'

A LEAF OF ASAFOETIDA. Obviously [it may be eaten]⁸ It would not have been necessary to mention it except for the drops which may be attached to the leaf. You might argue that we must be concerned lest

[a heathen] bring [other drops of asafetida which he had cut from the root with his knife] and mix them with it. Hence he informs us that [the drops which are found on the leaf] detached themselves [without cutting] and came off together with it.

AND ROLLED OLIVE-CAKES. Obviously they may be eaten! — No, it is necessary to mention [that they may be eaten] even when they are very soft. For you might argue that [the heathen] put wine on them.⁹ Hence he informs us that their softness is due to the oil.

R. JOSE SAYS: THOSE OLIVES HAVING STONES READY TO DROP OUT [SHELAHIN] ARE PROHIBITED. What is to be understood by shelahin! — R. Jose b. Hanina said: Those olives whose kernels drop out as soon as one takes them in his hand.

LOCUSTS WHICH COME, etc. Our Rabbis taught: Locusts, capers and leeks¹⁰ which come from the warehouse, the stock or from a ship are permitted; but those sold on the counter in front of a shop are prohibited because [the shopkeeper] sprinkles wine upon them. Similarly the apple-cider of a heathen taken from the warehouse, the stock or a basket is permitted; but if it is sold on the counter it is prohibited because they mix wine with it.

Our Rabbis taught: Rabbi once suffered from a disorder of the bowels and said, 'Does anyone know whether apple-cider of a heathen is prohibited or permitted?' R. Ishmael son of R. Jose replied, 'My father once had the same complaint and they brought him apple-cider of a heathen which was seventy years old; he drank it and recovered.' He said to him, 'You had this information all this time and let me suffer!' They made inquiry and found a heathen who possessed three hundred jars of apple-cider seventy years old. [Rabbi] drank some of it and recovered; whereupon he exclaimed, 'Blessed be the All-present Who

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delivered His Universe into the keeping of guardians!¹¹

THE SAME RULE APPLIES TO THE HEAVE-OFFERING. How is this phrase to be understood? — R. Shesheth said: [It means that] the same rule applies to a priest who is suspected of selling his portion of the heave-offering¹² as though it were common food. If it is in front of him, it is prohibited [to buy it]; but if it comes out of a warehouse or the stock or a basket,¹³ it is permitted because he would be afraid [to include the heave-offering among the wares] thinking that should the Rabbis hear of it they would deprive him of the lot.

CHAPTER III

MISHNAH. ALL IMAGES ARE PROHIBITED¹⁴ BECAUSE THEY ARE WORSHIPPED ONCE A YEAR. SUCH IS THE STATEMENT OF R. MEIR; BUT THE SAGES DECLARE: [AN IMAGE] IS NOT PROHIBITED EXCEPT ONE THAT HAS A STAFF OR BIRD OR ORB¹⁵ IN ITS HAND. RABBAN SIMEON B. GAMALIEL SAYS: ALSO ANY [IMAGE] WHICH HAS ANYTHING IN ITS HAND [IS PROHIBITED].

GEMARA. If they are worshipped once a year, what is the reason of the Rabbis?¹⁶ — R. Isaac b. Joseph said in the name of R. Johanan: In the place where R. Meir lived, [the heathens] used to worship each image once a year; and since R. Meir takes a minority into consideration,¹⁷ he decreed [against the use of images] in the other places on account of the place [where they are worshipped]. The Rabbis, on the other hand, who do not take a minority into consideration, did not decree [against the use of images] in the other places on account of the place [where they are worshipped].

Rab Judah said in the name of Samuel: The teaching of the Mishnah refers to the royal statues.¹⁸ Rabbah b. Bar Hanah said in the name of R. Johanan: The teaching of the

Mishnah only applies [to these statues] when they stand at the entrance of a city.¹⁹

1. Consequently there is roe which may not be eaten; so how can he omit the word from Rab's statement?
2. As above.
3. [So Ms.M.]
4. And its edibility is decided by this criterion.
5. When the roe has been pressed.
6. And can vouch that they were of the clean kind.
7. He must be able to produce the fish from which the roe had been obtained.
8. Since it was plucked and not cut with a knife.
9. And this is the cause of their softness.
10. Preserved by a heathen.
11. He thanked God that the beverage which he required to cure his illness had been preserved for the seventy years necessary to make it effective.
12. It should only be eaten by priests.
13. Belonging to a priest.
14. To be used for any purpose whatever.
15. E.g., Hermes was often represented as holding a staff (caduceus). Zeus an eagle and the sun-god (Helios) an orb.
16. In allowing them to be used for a secular purpose, provided certain symbols are not in their hand.
17. V. *supra* 34b. Although he knew that the custom practiced in his own town was not generally followed, he decreed against all images lest, in the exceptional places where they were worshipped annually, they would be used by the Jews because they saw them in use elsewhere.
18. Statues of kings which were revered by the populace, and not to ordinary idolatrous images.
19. Only such are prohibited by R. Meir because they are erected in a conspicuous place to be worshipped.

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Rabbah said: There is a difference of opinion [with regard to statues] in villages, but as for those which are in cities all agree that they are permitted. What is the reason [for their being permitted]? They are made for ornamentation.¹ But is there anyone [who says that the images set up] in villages are made merely for ornamentation? Surely those in the villages were made to be

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worshipped!² — If, however, [Rabbah's statement] is quoted it must be in this form: Rabbah said: There is difference of opinion [with regard to statues] in cities;³ but as for those in villages all agree that they are prohibited.

BUT THE SAGES DECLARE, [AN IMAGE] IS NOT PROHIBITED, etc. [It is prohibited when holding] a staff, because [the implication is] that it rules the whole world as with a staff.⁴ [It is prohibited when holding] a bird, because [the implication is] that it grasps the whole world as though it were a bird. [It is prohibited when holding] an orb, because [the implication is] that it grasps the whole world as though it were a ball.

A Tanna taught: They added [subsequently to the aforementioned] a sword [in the hand], a crown [upon the head], or a ring [upon the finger].⁵ A sword — at first it was thought to be just the emblem of a robber, but later it was interpreted as denoting that it has the power of slaying the whole world. A crown — at first it was thought to be just a woven wreath, but later it was interpreted as denoting a kingly crown. A ring — at first it was thought to be just an emblem of distinction, but later it was interpreted as denoting that it has the power of sealing [the fate of] the whole world for death.

RABBAN SIMEON B. GAMALIEL SAYS, etc. A Tanna taught: Even [if it has in its hand] a pebble or chip of wood. R. Ashi asked: How is it if it held excrement in its hand? Do we say that [the intention is that] it shows contempt for all people as though they were filth,⁶ or perhaps [the meaning is] that it is held in contempt by all as though it were filth? The question remains unanswered.

MISHNAH. IF ONE FINDS FRAGMENTS OF IMAGES, BEHOLD THEY ARE PERMITTED. IF ONE FOUND THE FIGURE OF A HAND OR THE FIGURE OF A FOOT,

BEHOLD IT IS PROHIBITED BECAUSE SUCH AN OBJECT IS WORSHIPPED.⁷

GEMARA. Samuel said: Even fragments of idols [are permitted]. But have we not learnt: FRAGMENTS OF IMAGES?⁸ — The same law applies even to fragments of idols. And the reason the Mishnah uses the phrase FRAGMENTS OF IMAGES is because of the intention to continue with the teaching: IF ONE FOUND THE FIGURE OF A HAND OR THE FIGURE OF A FOOT, BEHOLD IT IS PROHIBITED BECAUSE SUCH AN OBJECT IS WORSHIPPED.⁹

We learnt [in the Mishnah]: **IF ONE FOUND THE FIGURE OF A HAND OR THE FIGURE OF A FOOT, BEHOLD IT IS PROHIBITED BECAUSE SUCH AN OBJECT IS WORSHIPPED.** But why [should they be prohibited]?

1. And not to be worshipped.
2. Because villagers do not spend money on statues just as ornaments.
3. Since there it is uncertain whether they are ornamental or for worship.
4. Lit., 'it rules itself beneath the whole world', etc. The purpose is to avoid saying that an idolatrous image has sway over the world. Similarly with the phrases that follow.
5. As symbols disqualifying the image.
6. In which case the image would be prohibited for any use whatsoever.
7. Elmslie, a.l., suggests that Asklepios, the god of healing, was often thanked by invalids for their cure by the presentation of an image of the part of the body which had been affected.
8. Which presumably excludes 'fragments of idols'.
9. If the Mishnah had used 'idols' in the first clause, the second might have been understood in the sense that only the figure of a hand or foot of an idol is prohibited. By using 'images' in the first clause, it is clear that the figure is prohibited even if it had belonged to an image and not an idol; but other fragments, even those of an idol, are permitted.

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‘Abodah Zarah 41b

They are only fragments! — Samuel explained that [the prohibition only applies when the hand and foot] are set upon their base.¹

It has been stated: If an idol was broken of its own accord,² R. Johanan said that [its fragments] are prohibited, and R. Simeon b. Lakish said that they are permitted. R. Johanan said that they are prohibited because [the idol] has not been annulled.³ R. Simeon b. Lakish said that they are permitted because [the owner] certainly annuls [the idol] without expressly doing so by saying, 'It could not save itself, so how can it save me!'

R. Johanan quoted against R. Simeon b. Lakish: And the head of Dagon and both the palms of his hands lay cut off ... Therefore neither the priests of Dagon, nor any that come into Dagon's house, tread, etc.⁴ — He replied to him: Can any proof [be brought] from there? In that passage [we learn] that they abandoned Dagon and worshipped the threshold; because, said they, the divinity left Dagon and went and settled itself upon the threshold.⁵ [R. Johanan then] quoted against him: IF ONE FINDS FRAGMENTS OF IMAGES, BEHOLD THEY ARE PERMITTED — consequently, fragments of idols are prohibited! — [R. Simeon replied:] Do not deduce that fragments of idols are prohibited, but deduce that the images themselves [when whole] are forbidden, and the anonymous statement in the Mishnah is the view of R. Meir.⁶

Now as to R. Johanan, are we not to infer from the view of R. Meir what is the opinion of the Rabbis: Did not R. Meir say that images are prohibited but the fragments of images are permitted? Hence likewise, according to the Rabbis, while an idol itself is prohibited, its fragments are permitted?⁷ — But is the analogy correct? There [in the case of images] they were

perhaps worshipped or perhaps not; and even if you assume that they had been worshipped, perhaps they had been annulled. But in the case of an idol, it has certainly been worshipped; and who can say whether it has been annulled? Consequently there is a doubt⁸ and a certainty,⁹ and a doubt cannot set aside a certainty.¹⁰

And cannot a doubt set aside a certainty? Behold it has been taught: If a haber¹¹ died and left a store-room full of fruits even if they are only then due to be tithed,¹² they are presumed to have been properly treated.¹³ Now here it is certain [that the fruits were once] untithed and there is a doubt whether he had tithed them or not; yet the doubt does set aside the certainty!¹⁴ [No] here it is a case of certainty and certainty, because it is regarded as certain that he had tithed the produce, according to the teaching of R. Hanina of Hozae.¹⁵ For R. Hanina of Hozae said: It is presumed with a haber that he does not allow anything to pass out of his control unless it had been properly treated. Or if you wish I can say that it is a case of doubt and doubt, as he might have acted according to [the advice of] R. Oshaia who said: A man may act cunningly with his produce and store it together with the chaff, so that his cattle may eat of it and it become exempt from the tithe.¹⁶

And cannot a doubt set aside a certainty? Behold it has been taught: R. Judah said: It once happened that a female slave

1. I.e., they are not part of an image but a separate object upon a base. The presumption then is that it is an idolatrous object.
2. By falling, and was not shattered by human action.
3. An idol could be annulled only by a willful act of desecration on the part of an idolater.
4. I Sam. v. 4 f. Consequently they revered the fragments.
5. On the idea of sanctity attached to the threshold, v. H.C. Trumbull, *The Threshold*

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Covenant. This passage, with its parallel in the J. Talmud, is quoted by Jast. on p. 308.

6. Although in Mishnah I he prohibits all images, yet he teaches in the first clause of Mishnah II that the fragments are permitted.
7. Why, then, does R. Johanan forbid the use of the fragments of idols?
8. Whether the idol was deliberately broken or fell of its own accord.
9. That it was an idol and had been worshipped.
10. For this reason the fragments of idols are prohibited, though those of images are permitted.
11. V. [Glos.](#)
12. Lit., 'sons of their day'. The time varies with the different kinds of produce. V. Ma'as. I, 2 ff.
13. And the tithe removed.
14. Because on the strength of the owner's reputation it is assumed that he had tithed the produce.
15. A district East of the Tigris.
16. Corn, in order to become liable to the tithe, must be winnowed before it is brought into the store-room within the house (v. B. M. 88a). If brought in unwinnowed, it need not be tithed, though according to Rabbinic ruling, while cattle may feed on it, it may not be used for human consumption without the tithe having been removed. Accordingly, there is a doubt (Biblically) whether the produce was liable to the tithe, and assuming that a haber would not allow anything to pass out of his control unless it had been properly treated, the Rabbis waived aside their reservation in this case.

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of a certain tax-collector in Rimmon¹ threw the body of a premature child into a pit, and a priest² came and gazed [into the pit] to ascertain whether it was male or female.³ The matter came before the Sages and they pronounced him clean⁴ because weasels and martens are commonly found there.⁵ Now here is a certainty that the woman had cast a premature child [into the pit], and a doubt whether [animals] dragged it elsewhere or not; yet the doubt sets aside the certainty! — Do not say 'she cast a premature child into a pit' but 'she cast a kind of embryo into a pit.'⁶ But it is stated [that the priest gazed] to ascertain whether it was male or female!⁷ —

It must be understood thus: [he gazed] to ascertain whether she had aborted wind⁸ or cast a premature child [into the pit]; and if you assume that she threw a premature child there, [he gazed] to ascertain whether it was male or female. Or if you wish I can say that since weasels and martens are commonly found there, they certainly dragged it elsewhere.

[R. Johanan] quoted against [R. Simeon b. Lakish]: IF ONE FOUND THE FIGURE OF A HAND OR THE FIGURE OF A FOOT, BEHOLD IT IS PROHIBITED BECAUSE SUCH AN OBJECT IS WORSHIPPED. Why [should they not be permitted]? They are only fragments!⁹ But surely Samuel explained that [the prohibition only applies when the hand and foot] are set upon their base.¹⁰

[R. Johanan further] quoted against [R. Simeon]: An idolater can annul an idol belonging to himself or to another idolater, but an Israelite cannot annul the idol of an idolater.¹¹ Why [should not an Israelite be able to annul it]? Let it be considered the same as an idol which was broken of its own accord! — Abaye said: [The Mishnah refers to a case] where he only defaced the idol.¹² And supposing he only defaced it, what of it? Behold we have learnt: If he defaced it, although there was no reduction in the mass of the material, it is annulled!¹³ — This rule only applies when an idolater defaced it in this manner, but if an Israelite did so it is not annulled.¹⁴ Raba, however, said: In reality when an Israelite only defaces it, it is also annulled; but it was feared that he might lift it up¹⁵ and then annul it. In that event it would be an idol in the possession of an Israelite, and an idol which is in the possession of an Israelite can never be annulled.

[R. Johanan further] quoted against [R. Simeon]: If an idolater brought stones from [the statue of] Mercurius and used them for paving roads or theatres, they are permitted

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[to be walked on by an Israelite]; but if an Israelite brought stones from [the statue of] Mercurius and used them for paving roads or theatres, they are prohibited.¹⁶ But why [are they not permitted]? Let them be considered the same as an idol which was broken of its own accord! — This case has also to be explained according to the exposition of Raba.¹⁷

[R. Johanan further] quoted against [R. Simeon]: If an idolater chipped off an idol to make use of the pieces, it and the pieces are permitted, and if he did so to embellish it, it is prohibited but its pieces are permitted; but if an Israelite chipped off an idol, whether to make use of the pieces or for its embellishment, it and the pieces are prohibited.¹⁸ Now why [are they not allowed]? Let them be considered the same as an idol which is broken of its own accord! — This case has also to be explained according to the exposition of Raba.

[R. Johanan further] quoted against [R. Simeon]: R. Jose says: He may grind [an idol] to powder and scatter it to the wind or throw it into the sea. They said to him: Even so it may then become manure, and it is stated, And there shall cleave naught of the devoted thing to thine hand.¹⁹ Now why [is it not permitted]? Let it be considered the same as an idol which is broken of its own accord! — This case has also to be explained according to the exposition of Raba.

[R. Johanan further] quoted against [R. Simeon:] R. Jose b. Jasian says: If he found the figure of a dragon with its head cut off, should there be a doubt whether an idolater or an Israelite had mutilated it, it is permitted; but if it is certain that an Israelite had mutilated it, it is prohibited. But why? Let it be considered the same as an idol which is broken of its own accord! — This case has also to be explained according to the exposition of Raba.

[R. Johanan further] quoted against [R. Simeon]: R. Jose says: Nor may vegetables

[be planted beneath an Asherah] in winter because the foliage falls upon them.²⁰ But why? Let it be considered the same as an idol which is broken of its own accord! — It is different in this case because the basic part of the idol remains.²¹

1. A Biblical town south of Jerusalem.
2. He would be well versed in the laws of defilement.
3. To determine the duration of the woman's impurity, which was twice as long in the case of a female child (Lev. XII, 2 ff.).
4. By bending over the pit, the kohen may have contracted impurity through the presence of the dead body.
5. In pits. The Rabbis presumed that the animals had devoured it or dragged it elsewhere. For that reason they declared the priest to be clean (Tosef. Oh. XVI).
6. A. Judah's statement is amended. There is a doubt whether the embryo was sufficiently developed to cause defilement to the priest.
7. Consequently it must have been sufficiently developed to defile.
8. I.e., an undeveloped embryo; in that event she does not become impure.
9. v. *supra*. This refutes the view of R. Simeon b. Lakish that idol-fragments are permitted.
10. But ordinary idol-fragments are permitted.
11. V. *infra* 52b.
12. Knocked it with a hammer out of shape without breaking off any part of the material.
13. V. *infra* 53a.
14. And it cannot be compared to an idol which fell in pieces of itself, because the effect of the falling produced in the mind of the heathen, viz., it cannot save itself, is more devastating than 'when he knows that a Jew had defaced it. But when a Jew breaks off a piece to annul it, it is considered as if it broke of its own accord and is permitted.
15. In order to deface it; and the act of raising caused it technically to become the property of the Jew.
16. V. *infra* 50a, b. So the fragments may not be used!
17. viz., the raising of the stones constitutes an act of possession.
18. V. *infra* 49b.
19. Deut. XIII, 18. The passage is cited from the Mishnah 43b.
20. V. *infra* 48b.
21. Although the leaves fell, the tree used for idolatrous worship still exists; for that reason the foliage is prohibited as manure.

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'Abodah Zarah 42b

But there is [the analogous instance] of chips where the basic part of the idol remains, and it was taught [above]: 'If he did so to embellish it, it is prohibited but its pieces are permitted'! — R. Huna the son of R. Joshua said: [There is a difference] because an idol cannot be annulled by a natural cause.¹

R. Simeon b. Lakish quoted against R. Johanan: If there be a bird's nest upon the top of a tree which had been dedicated to the Sanctuary, no use may be made of it;² but if wrongful use of it had been made the law of trespass³ does not apply to it. [If, however, the nest be] on top of an Asherah, he knocks it off with a stick!⁴ Now it is to be assumed [is it not? that the case dealt with here] is, for example, where [the bird] broke twigs from the Asherah and built a nest of them; and yet it is taught: He knocks it off with a stick!⁵ [No:] We are dealing here with the case where, for example, [the bird] brought twigs from all sorts of places⁶ and built a nest of them. This conclusion is proved to be correct from the fact that in connection with [a tree] dedicated to the Sanctuary it is stated: No use may be made of it, but if wrongful use had been made of it the law of 'trespass' does not apply to it. Now this is quite right, if you say that [the bird] brought twigs from all sorts of places, that it is stated in connection with a tree dedicated to the Sanctuary: No use may be made of it, but if wrongful use had been made of it the law of 'trespass' does not apply to it. 'No use may be made of it' according to Rabbinical ruling,⁷ 'and no law of "trespass" applies to it' — according to the law of the Torah because [the twigs] were not dedicated to the Sanctuary. But if, on the other hand, you say that [the bird] broke twigs from that tree [which had been dedicated] and built a nest with them, why is there no 'trespass' since they were dedicated to the Sanctuary!

Does this prove anything?⁸ Here we are dealing with the circumstance where [the

bird used twigs] which grew after [the tree had been dedicated to the Sanctuary], and he holds that there is no 'trespass' involved [if a wrongful use is made of] the after-growth!⁹ R. Abbahu said in the name of R. Johanan: What means 'he knocks off'? He knocks [the nest down] to get the young birds.¹⁰ R. Jacob said to R. Jeremiah b. Tahlifa: I will make the cited passage clear to you: As for young birds, 'they may be used in any event;¹¹ as for eggs they are prohibited in any event.¹² R. Ashi said: But young birds which need the care of their mother¹³ are considered to be like eggs [and are not permitted].

MISHNAH. IF ONE FINDS UTENSILS UPON WHICH IS THE FIGURE OF THE SUN OR MOON OR A DRAGON,¹⁴ HE CASTS THEM INTO THE SALT SEA.¹⁵ RABBAN SIMEON B. GAMALIEL SAYS: IF IT IS UPON PRECIOUS UTENSILS THEY ARE PROHIBITED, BUT IF UPON COMMON UTENSILS THEY ARE PERMITTED.

GEMARA. Is this to say that [the heathens] worship these objects and no others? [Against such a conclusion] I cite the following: If one slaughters an animal in the name of seas, rivers, a desert, the sun, moon, stars and planets, Michael the great Prince¹⁶ or a tiny worm, behold these come within the category of 'sacrifices to dead objects'!¹⁷ — Abaye explained: As to worshipping they might worship whatever they take hold of; but in regard to the making of images for worship, they do so only of these three objects [enumerated in the Mishnah] which are specially honored by them; but as for the other figures, they only make them for ornamental purposes.

R. Shesheth used to collect difficult extra-Mishnaic passages and expound them:¹⁸ [Pictures of] all the planets are permissible except that of the sun and moon; of all faces are permissible except that of a human face; and of all figures are permissible except that of the dragon.

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The Master said: '[Pictures of] all the planets are permissible except that of the sun and moon.' With what are we dealing here? Shall I say with the making of them? If it is with the making of them, are any of the planets allowed, seeing that it is written, Ye shall not make with Me¹⁹ — i.e., ye shall not make according to the likeness of My attendants who serve before Me in the heights!²⁰ Obviously, then, it must refer to finding them,²¹ and it is in accord with our Mishnah: IF ONE FINDS UTENSILS UPON WHICH IS THE FIGURE OF THE SUN OR MOON OR A DRAGON, HE CASTS THEM INTO THE SALT SEA. If, then, it refers to finding them, consider the middle clause: 'Of all faces are permissible except that of a human face.' Now if this refers to finding them, is the picture of a human face prohibited? Surely we have learnt: IF ONE FINDS UTENSILS UPON WHICH IS THE FIGURE OF THE SUN OR MOON OR A DRAGON, HE CASTS THEM INTO THE SALT SEA. Which implies that [he does this] to the figure of a dragon but not to the picture of a human face! Obviously, then, it must refer to making them, and it is in accord with the view of R. Huna the son of R. Joshua.²² If, then, it refers to making them, consider the last clause: 'Of all figures are permissible except that of the dragon.' Now if this refers to making them, is the image of a dragon prohibited seeing it is written, Ye shall not make with Me gods of silver or gods of gold

1. In the course of nature the foliage falls; but to chip a piece off an idol has to be a conscious act on the part of a human being.
2. For secular purposes.
3. V. Lev. V, 15.
4. He is permitted to use the material of the nest as fuel. He may not climb the Asherah to get it, because he would then be making use of an idolatrous object (Me'i, III, 5).
5. And uses it as fuel; which proves that fragments of an idol may be used, as against the view of R. Johanan.
6. But not from an Asherah or dedicated tree, and it is for this reason that its nest may be used as fuel.

7. Which made the law stricter from fear that if the twigs were used the tree itself might be used.
8. Now R. Simeon b. Lakish will demonstrate that no support can be derived from this extract for R. Johanan's view because the analogy is false.
9. Since the tree and not the after-growth was dedicated.
10. It is objected to the foregoing argument that it is based on a misunderstanding of the extract quoted. It has nothing to do with using the nest as fuel; but as against a possible view that since the nest is on a tree which may not be used, the young birds in the nest there are likewise forbidden for fear the tree itself might be used, it is maintained that he may knock the nest from the tree to secure the pigeons.
11. Whether the nest be on a dedicated tree or an Asherah, because the birds can fly away and do not require the tree.
12. Because use is made of the tree as a resting-place for the eggs and there is a likelihood that the man might be making use of the tree.
13. They are unable to fly away and need the security of the nest on the tree.
14. The figure referred to was in the form of a pendant attached to the utensil. The device of a dragon was commonly carried upon the standards of the Roman legions. See the illustration in Seyffert, Dict. of Classical Antiquities. p. 586. [On the worship of the 'Dragon', v. Elmslie, a. I.]
15. I.e., the Dead Sea, It is an expression denoting utter destruction.
16. The Archangel.
17. Cf. Ps. CVI, 28. Hul. 40a.
18. There follows an example of a difficult Baraitha with his exposition.
19. Ex. XX, 23.
20. And all the planets serve God in heaven.
21. If they are found one may use them, except figures of the sun and moon.
22. Who explained Ex. XX, 23, as referring to man as made in the image of God and not His attendants. V. *infra* 43b.

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[implying,] these are [prohibited] but not the image of a dragon!¹ Obviously, then, it refers to finding them, and it is in accord with our Mishnah: IF ONE FINDS UTENSILS UPON WHICH IS THE

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FIGURE OF THE SUN [or a dragon, they are prohibited]. Therefore the first and last clauses deal with the act of finding and the middle clause with the act of making! Abaye said: That is so, the first and last clauses deal with the act of finding and the middle clause with the act of making. Raba said: They all deal with the act of finding, and as for the middle clause it is the teaching of R. Judah.² For it has been taught: 'R. Judah also includes the picture of a woman giving to suck and Serapis.'³ A woman giving to suck alludes to Eve who suckled the whole world; Serapis alludes to Joseph who became a prince [sar] and appeased [hefis] the whole world.⁴ [The picture of Serapis is only prohibited when he is represented as] holding a measure and is measuring,⁵ and that [of Isis] when she is holding a child and giving it to suck.⁶

Our Rabbis taught: Which is the figure of a dragon [that is prohibited]? — R. Simeon b. Eleazar explained: Such as has scales⁷ between its joints. Upon this R. Assi commented: Between the joints of the neck. R. Hama son of Hanina said: The *halachah* is in accord with the view of R. Simeon b. Eleazar.

Rabbah b. Bar Hanah said in the name of R. Joshua b. Levi: I was once walking with the eminent R. Eleazar Hakkappar along the road, and he found a ring upon which was the figure of a dragon.⁸ There passed by⁹ a heathen child but he said nothing to him. Then there passed by an adult heathen and [R. Eleazar] said to him, 'Annul it,'¹⁰ but he refused to do so; and he struck him until he annulled it. Draw three deductions from this: first, a heathen can annul an idolatrous object which belongs to himself or to a fellow-heathen;¹¹ secondly, if [the heathen] understands the nature of the idolatrous object and its mode of worship he can annul it, but if he is ignorant of its nature and mode of worship he cannot annul it;¹² and thirdly, force may be used to make a heathen annul the object. R. Hanina

ridiculed [the foregoing statement, saying]: Does not the eminent R. Eleazar Hakkappar agree with the following teaching: If a person rescued something from a lion, bear, leopard, or from a robber,¹³ a river, or from what the tide throws up, or the overflow of a river; or if a person finds something in a camp or main highway or in a place where many people congregated behold the object belongs to him because the owner despairs of recovering it!¹⁴ — Abaye explained: Granted that [the owner] despaired of recovering it, but did he despair of its sacred character?¹⁵ He must have said [to himself]: If an idolater finds it he will worship it, if an Israelite finds it, since it is a valuable object, he will sell it to an idolater who will worship it.¹⁶

We have learnt elsewhere: R. Gamaliel had a picture of lunar diagrams in his upper chamber in the form of a chart hanging on the wall, which he used to show to the unlearned¹⁷ and ask then', 'Did you see (the moon) thus or thus?'¹⁸ But is [such a picture] allowed, for behold it is written, Ye shall not make with Me — i.e., ye shall not make according to the likeness of My attendants who serve before Me! — Abaye explained: The Torah only forbids the making of his attendants which can be reproduced in facsimile, according to the teaching: A man may not make a house after the design of the Temple, or a porch after the design of the Temple-porch, a courtyard after the design of the Temple-court, a table after the design of the table [in the Temple], or a candelabrum after the design of its candelabrum — He may, however, make one with five, six or eight [branches], but with seven he may not make it even though it be of other metals.¹⁹ R. Jose b. Judah says: Also of wood he may not make it, because thus did the Hasmoneans make it,²⁰ [The Rabbis] said to him: Is any proof to be deduced from that? It consisted of metal staves overlaid with tin.²¹ When [the Hasmoneans] grew rich they made one of silver, and when they grew still richer they

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made one of gold!²² And are His attendants which cannot be reproduced in facsimile allowed? For behold it has been taught: Ye shall not make with Me — i.e., ye shall not make according to the likeness of My attendants who serve before Me in the heights!²³ — Abaye explained:

1. Since the dragon is not among the heavenly bodies.
2. Who prohibits the use of utensils found with a human figure on them.
3. Tosef. A.Z. VI. The former indicates Isis; the latter is the Greek name for Osiris — both of them important Egyptian deities.
4. During the seven years of famine. [The identification of Serapis with Joseph occurs frequently in writings of antiquity. V. Blaufuss, Gotter, etc. p. 19.]
5. In Seyffert, *op. cit.*, p. 578, the modius or 'measure' is depicted as resting on the head of Serapis.
6. See the illustration in Seyffert, *op. cit.*, p. 325.
7. [Or 'hairs' (v. Rashi). Dragons were believed to be bearded. V. Blaufuss, *op. cit.*, p. 41.]
8. He left it lying on the ground, since if he picked it up he could never have it annulled.
9. Lit., 'he found'.
10. By doing some damage to the ring or treating it disrespectfully.
11. Because the man annulled the ring which did not belong to him.
12. For that reason he ignored the child (v. *infra* 57b), and that the man whom the Rabbi met knew the nature of the symbol on the ring was evidenced by his refusal at first to annul it.
13. In B.M. 24a the reading is 'a panther'.
14. It may therefore be assumed that the owner of the ring, having given up hope of finding it, must have annulled it, why then, did the Rabbi go to the trouble of having it annulled?
15. Being preserved by the finder.
16. On that account the Rabbi rightly had the ring annulled before he picked it up.
17. Who came to report that they had seen the new moon.
18. R.H. 24a.
19. That in the Temple had seven branches and was of gold.
20. When they recaptured and purified the Temple.
21. Some MSS. read: 'with wood'.
22. Consequently the wooden candelabrum was only temporary; so why should it be forbidden to make a wooden reproduction?

23. From which it may be inferred that even such as cannot be reproduced in facsimile are forbidden.

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The Torah only prohibited the making of the likeness of the four faces together.¹ According to this, a human face by itself should be permitted; so how can it have been taught: 'Of all faces are permissible except that of a human face!' — R. Judah the son of Rab Joshua said: From the discourse of R. Joshua² I learnt: Ye shall not make itti ['with me'] — [this should be rendered as though it was] 'ye shall not make Me' [othi],³ but the other attendants are permitted.

But are the other attendants permitted? Behold it has been taught: Ye shall not make with Me, i.e., ye shall not make according to the likeness of My attendants who serve before Me in the heights, as, e.g., the Ophanim, Seraphim, holy Hayyoth and Ministering Angels!⁴ — Abaye explained: The Torah only prohibited the reproduction of the attendants who are in the highest stratum.⁵ Are, then, those in the lower stratum permitted? Behold it has been taught: That is in heaven⁶ — this is to include the sun, moon, stars and planets; above this is to include the Ministering Angels! — That teaching alludes to serving them.⁷ But if it is a matter of serving them, even a tiny worm is also [prohibited]! — That is so, and [the thought] is derived from the continuation of the verse; for it has been taught: Or that is in the earth — this is to include seas, rivers, mountains and hills; beneath — this is to include a tiny worm. But is the mere making of them permitted?⁸ Behold it has been taught: Ye shall not make with Me, i.e., ye shall not make according to the likeness of My attendants who serve before Me in the heights, as, e.g., the sun, moon, stars and planets! — It was different with R. Gamaliel because others² made [the chart] for him.

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But there is the case of Rab Judah for whom others made [a design on a ring], and Samuel said to him, 'You clever person!¹⁰ Blind its eyes!¹¹ In this instance it was a ring whose signet was cut in relief and on account of suspicion [that it might be worshipped Samuel objected to it]; for it has been taught: It is forbidden to put on a signet-ring which is cut in relief but it is allowed to seal with it; and if the signet is cut in, one may put the ring on but not seal with it. Do we, however, take into account the suspicion [that an object might be worshipped]? Behold in the Synagogue of Shaph-weyathib¹² in Nehardea a statue was set up; yet Samuel's father and Levi entered it and prayed there without worrying about the possibility of suspicion! It is different when there are many people together.¹³ But R. Gamaliel was a single individual!¹⁴ — Since he was President of the Community many persons were always found with him. Or if you wish I can answer that [his chart] was in sections.¹⁵ As a further alternative I can answer that when it is for the purpose of study the matter is different; as it has been taught: Thou shalt not learn to do¹⁶ — but thou mayest learn in order to understand and teach.

RABBAN SIMEON B. GAMALIEL SAYS, etc. Which utensils are precious and which common? — Rab said: The precious are those which [have the figures] above the water,¹⁷ the common those which have them under the water. Samuel said: Both these kinds are to be regarded as common,¹⁸ but those are precious which are upon bracelets, nose-rings and signet-rings.¹⁹ There is a teaching in agreement with Samuel: The precious utensils are those which [have figures] upon bracelets, nose-rings and signet-rings; the common those which have them upon kettles, pots, vessels for boiling water, sheets and towels.

MISHNAH. R. JOSE SAYS: HE MAY GRIND [AN IDOL] TO POWDER AND SCATTER IT TO THE WIND OR THROW IT

INTO THE SEA. THEY SAID TO HIM, EVEN SO IT MAY THEN BECOME MANURE,²⁰ AS IT IS STATED, AND THERE SHALL CLEAVE NOUGHT OF THE DEVOTED THING TO THINE HAND.²¹

GEMARA. It has been taught: R. Jose said to [the Rabbis]: Has it not been stated, And I took your sin,

1. Of the heavenly creatures described in Ezek. I, 10, each of which hath four faces viz., of a man, lion, ox and eagle.
2. [Read with MS.M. 'R. Huna b. R. Joshua ... discourse of Abaye.']
3. And since man was made in God's image (Gen. I, 27) the reproduction of the human face is not allowed.
4. V. Ezek. I.
5. The Rabbis thought of heaven as divided into seven strata one above the other. V. Hag. 12b.
6. Ex. XX, 4.
7. Not making pictures of them.
8. Without the intention of worshipping them.
9. Non-Jews.
10. [Lit. 'sharp. toothed', v. B.B. (Sonc. ed.) p. 561, n. 14.]
11. Deface the image; hence the fact that it had been made by others did not render it permissible.
12. Either the name of a place or man. On the image in this Synagogue, v. Krauss, Synagogale Altertumer, pp. 214 ff.
13. There is less likelihood of idolatrous worship.
14. Yet nobody suspected him in connection with his lunar diagrams.
15. And he only joined them together, when they formed a picture of the moon, in the presence of the witnesses who came to report to him. So he was not alone.
16. Deut. XVIII, 9.
17. The figures are on the upper part of the utensils.
18. When they are used in connection with food or drink.
19. They are only ornamental.
20. And advantage would be derived from it contrary to the law.
21. Deut. XIII, 18.

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the calf which ye had made, and burnt it with fire, and stamped it, grinding it very

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small, until it was as fine as dust; and I cast the dust thereof into the brook that descended out of the mount¹ They replied to him: Can any proof be adduced from this passage? Behold it states, And he strewed it upon the water, and made the children of Israel drink of it² — i.e., he had no other intention than to test them as is done with women suspected of infidelity!³ R. Jose answered them: But has it not been stated, And also Maacah the mother of Asa the king, he removed her from being queen, because she had made at abominable image ... he made dust of it, and burnt it at the brook of Kidron!⁴ They said to him: Can any proof be adduced from this passages seeing that the brook of Kidron is not a fertile place?⁵ It is not! But it has been taught: [The blood of] the various [sacrifices] mingled in the conduit and flowed into the brook of Kidron and was sold to gardeners for manure, and by making an illegal use of it one becomes liable to bring a 'trespass' offering!⁶ — There were different kinds of sites there, some fertile and others not.

What means *miplezeth* [abominable image]? — Rab Judah said: [An object which] intensifies licentiousness [*maphli' lezanutha*] as R. Joseph taught: It was a kind of phallus with which she had daily connection.

R. Jose said to [the Rabbis]: But has it not been stated, He brake in pieces the brazen serpent that Moses had made.⁷ They replied to him: Can any proof be adduced from this passage? Behold it states, And the Lord said unto Moses, Make *leka* ['thee'] a fiery serpent,⁸ — '*leka*' means 'from what belongs to thee,' and a man cannot render prohibited what is not his property!⁹ — In the affair [of the brazen serpent] there was really no necessity for it to have been broken in pieces,¹⁰ but when [Hezekiah] saw that the Israelites were erring after it, he arose and destroyed it. [R. Jose] said to [the Rabbis]: But has it not been stated — And

they left their images there, and David and his men took them away¹¹ — and what means, and David ... took them away? — It is an expression for scattering, as R. Joseph translated¹² the word in the passage, Thou shalt fan them and the wind shall carry them away.¹³ and we translate it: 'Thou shalt winnow them and a wind will disperse them!' They replied to him: Can any proof be adduced from this passage? Behold it states, And they were burned with fire,¹⁴ and since it is not written, 'and he burnt them and took them away,' conclude that took them away must be interpreted in the literal sense [and not as 'scattered']! Nevertheless the two verses are contradictory! — It is as R. Huna pointed out; for R. Huna objected: It is written, And David gave commandment, and they were burned with fire, and it is written, he took them away. There is no contradiction; the first passage refers to the time before Ittai the Gittite came, the latter to after his coming;¹⁵ for it is written, And he took the crown of Malcam from off his head, and the weight thereof was a talent of gold.¹⁶ But was that permissible since any advantage is prohibited [from an idol]? — R. Nahman explained: Ittai the Gittite came and annulled it. If the weight [of the crown] was a talent of gold, how could [David] have put it on? — Rab Judah said in the name of Rab: [The meaning is] that it was fit to rest upon David's head.¹⁷ R. Jose son of R. Hanina said: There was a lodestone in it¹⁸ which raised it up.¹⁹ R. Eleazar said: [The meaning is] that there was a precious stone in it worth a talent of gold.

This I have had, because I kept Thy precepts²⁰ — what does this intend? — The following: as a reward for keeping Thy precepts, 'this' is a testimony on my behalf.²¹ What was its testimony? — R. Joshua b. Levi said: He used to wear [the crown] in the place of the phylacteries and it fitted him. But it would be necessary for him to put on the phylacteries! R. Samuel son of R. Isaac

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said: There is sufficient room on the forehead to lay two sets of phylacteries.²²

[It is written], Then he brought out the king's son and put upon him the Nezer and the testimony.²³ 'Nezer' — that is the 'crown'. [What is] 'the testimony'? — Rab Judah said in the name of Rab: It was a testimony to the house of David that whoever was eligible for the throne [the crown] fitted, but it would not fit anyone who was not eligible.

[It is written], Then Adonijah the son of Haggith exalted himself saying, I will be king.²⁴ Rab Judah said in the name of Rab: He exalted himself [thinking that the crown] would fit him, but it did not fit him. And he prepared his chariots, and horsemen, and fifty men to run before him. In what did their superiority consist? — It has been taught: All of them had had their spleen cut out and the soles of their feet hollowed.²⁵

1. Ibid. IX, 21. So Moses had no scruple about throwing the dust into the water.
2. Ex. XXXII, 20. Moses disposed of the dust in this way for a special purpose; so this is an exceptional case.
3. Whose innocence was proved by means of the ordeal of drinking water mingled with dust from the floor of the Sanctuary (Num. V, 12 ff.).
4. II Chron. XV, 16.
5. So there could have been no practical purpose in scattering the dust there as manure, but on fertile ground it is forbidden to scatter it.
6. V. Lev. V, 15. Since manure was used in the brook of Kidron, it must have been a fertile place.
7. II kings, XVIII, 4.
8. Num. XXI, 8.
9. Consequently even if the Israelites did worship the serpent, it was not an idol which could be prohibited by Hezekiah, since it was technically the private property of Moses' heirs.
10. Because for the reason just mentioned there was no infringement of the law.
11. II Sam. V, 21.
12. [The edition of the *Targum* to the Prophets is ascribed to him.]

13. Isa. XLI, 16. Here carry away clearly means their being scattered.
14. I Chron. XIV, 12.
15. Being a heathen (II Sam. XV, 19) he was able to annul the idols; so David countermanded his first order to have them burnt.
16. II Sam. XII, 30. Malcam (Milcom) is the name of the Ammonite god. A talent was about 57 lbs. in weight.
17. Not that he actually wore it.
18. [Rashi omits 'in it'.]
19. David sat beneath it, the appearance being that he was wearing it.
20. Ps. CXIX, 56. The word 'this' alludes to the crown.
21. V. *infra*.
22. So David had room for the crown and phylacteries.
23. II Kings, XI, 12.
24. I Kings, I, 5.
25. To make them swifter runners. Based on the literal meaning of he prepared, viz., 'he made'. V. Sanh. (Sonc. ed.) p. 115, nn. 11-12.

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MISHNAH. PROCLOS, SON OF A PHILOSOPHER,¹ PUT A QUESTION TO R. GAMALIEL IN ACCO WHEN THE LATTER WAS BATHING IN THE BATH OF APHRODITE.² HE SAID TO HIM, IT IS WRITTEN IN YOUR TORAH, AND THERE SHALL CLEAVE NOUGHT OF THE DEVOTED THING TO THINE HAND;³ WHY ARE YOU BATHING IN THE BATH OF APHRODITE?' HE REPLIED TO HIM, WE MAY NOT ANSWER [QUESTIONS RELATING TO TORAH] IN A BATH.⁴ WHEN HE CAME OUT, HE SAID TO HIM, 'I DID NOT COME INTO HER DOMAIN, SHE HAS COME INTO MINE.'⁵ NOBODY SAYS, THE BATH WAS MADE AS AN ADORNMENT FOR APHRODITE; BUT HE SAYS, APHRODITE WAS MADE AS AN ADORNMENT FOR THE BATH. ANOTHER REASON IS, IF YOU WERE GIVEN A LARGE SUM OF MONEY, YOU WOULD NOT ENTER THE PRESENCE OF A STATUE REVERENCED BY YOU WHILE YOU WERE NUDE OR HAD EXPERIENCED SEMINAL EMISSION, NOR WOULD YOU URINATE BEFORE IT. BUT THIS [STATUE OF APHRODITE] STANDS BY A SEWER AND

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ALL PEOPLE URINATE BEFORE IT. [IN THE TORAH] IT IS ONLY STATED, THEIR GODS⁶ — I. E., WHAT IS TREATED AS A DEITY IS PROHIBITED, WHAT IS NOT TREATED AS A DEITY IS PERMITTED.

GEMARA. But how did [R. Gamaliel] act in this manner?⁷ For Rabbah b. Bar Hanah has said in the name of R. Johanan: It is permitted to ponder [over matters of Torah] in any place except a bath and privy! Should you reply that he spoke to him in the vernacular,⁸ behold Abaye has said: It is permitted to discuss secular subjects in the holy tongue, but it is forbidden to discuss holy subjects in the vernacular! A Tanna taught: When he came out, he replied to him, 'We may not answer [questions relating to Torah] in a bath.'⁹

R. Hama b. Joseph said in the name of R. Oshaia: R. Gamaliel made a fallacious reply to that general [Proclus], but I maintain that it was not fallacious. What was the fallacy? — Because he told him,¹⁰ **THIS [STATUE] STANDS BY A SEWER AND ALL PEOPLE URINATE BEFORE IT.** And if people do urinate before it, what of it?¹¹ For Raba has said: Peor¹² proves [the contrary], because people evacuate in its presence every day but it is not annulled as a consequence. 'But I maintain that [R. Gamaliel's answer] was not fallacious,'¹³ — because [in the case of Peor] such was the mode of its worship, but [with Aphrodite] it was not the mode of her worship.

Abaye said: [It can be shown that the reply was] fallacious from the fact that he told him, 'I DID NOT COME INTO HER DOMAIN, SHE HAS COME INTO MINE.' And if he had come into her domain, what of it?¹⁴ For we learn: If an idol has a bath-house or garden, we may use either so long as it is not to the advantage [of idolatry],¹⁵ but we may not use either if it is to its advantage!¹⁶ 'But I maintain that [R. Gamaliel's answer] was not fallacious,'¹⁷ — because no token of recognition by R.

Gamaliel was as valued as a token of recognition by other men.¹⁸

R. Shimi b. Hiyya said: [It can be shown that the reply was] fallacious from the fact that he told him, 'THIS [STATUE] STANDS BY A SEWER AND ALL PEOPLE URINATE BEFORE IT.' And if people do urinate before it, what of it? For we learn: If he spat before it, urinated before it, dragged it [in the dust] or hurled excrement at it, behold it is not annulled!¹⁹ 'But I maintain that [his answer] was not fallacious.' There [in the Mishnah just cited] the man may have been momentarily incensed against the idol and subsequently made his peace with it; but here [in the case of the Aphrodite image] it is constantly treated in this contemptuous manner.

Rabbah b. 'Ulla said: [It can be shown that the reply was] fallacious from the fact that he told him, 'NOBODY SAYS, THE BATH WAS MADE AS AN ADORNMENT FOR APHRODITE, BUT APHRODITE WAS MADE AS AN ORNAMENT FOR THE BATH. And if one said that the bath was made as an adornment for Aphrodite, what of it? For it has been taught: If one says, 'This house is for an idol, this cup is for an idol,' he has said nothing because there can be no dedication to an idol!²⁰ 'But I maintain that [his answer] was not fallacious.' Granted that [the use of the bath] is not actually forbidden, it is nevertheless intended as an ornament [of the idol, and is consequently prohibited].

1. The word for 'philosopher' is doubtless a corruption of a proper noun (v. Bacher, *Agada d. Tan.*, I, p. 86 n.).
2. Baths were frequently adorned with statues of deities. v. Krauss, *Tal. Arch.*, I, p. 218.
3. Deut. XIII, 18.
4. Owing to the nudity of the persons there.
5. The bath existed before the image of Aphrodite was set up in it and it was constructed for general use.
6. Deut. VII, 16; XII, 2.
7. To answer him at all while in the bath.
8. And not Hebrew, and therefore it is permissible.

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9. And while he was in there he made no reply at all. This is a more correct version than that given in the Mishnah.
10. According to R. Oshaia.
11. That would not annul the idol.
12. The name of a heathen deity; v. Num. XXV, 3.
13. What follows is in explanation of the vague statement of R. Hama.
14. That the use thereof should then be prohibited.
15. There is no payment or recognition of any kind for the use.
16. *Infra* 51b.
17. V. p. 221, n. 8.
18. Since he was so eminent, the heathens would consider it an honor for him to use the bath gratis if it had really been dedicated to Aphrodite; so that if the bath had been there first it would have been impossible for him to have entered such a bath.
19. *Infra* 53a.
20. By word of mouth; it must be formally offered to the idol (Tosef. 'Ar. IV).

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MISHNAH. IF IDOLATERS WORSHIP MOUNTAINS AND HILLS THESE ARE PERMITTED;¹ BUT WHAT IS UPON THEM² IS PROHIBITED, AS IT IS SAID, THOU SHALT NOT COVET THE SILVER OR THE GOLD THAT IS ON THEM.³ R. JOSE THE GALILEAN SAYS: [IT IS STATED] THEIR GODS UP ON THE HIGH MOUNTAINS,⁴ NOT THEIR MOUNTAINS WHICH ARE THEIR GODS, AND THEIR GODS UPON THE HILLS, NOT THEIR HILLS WHICH ARE THEIR GODS.⁵ BUT WHY IS AN ASHERAH PROHIBITED?⁶ BECAUSE THERE WAS MANUAL LABOUR CONNECTED WITH IT,⁷ AND WHATEVER HAS MANUAL LABOUR CONNECTED WITH IT IS PROHIBITED. R. AKIBA SAID: LET ME EXPOUND AND DECIDE [THE INTERPRETATION] BEFORE YOU: WHEREVER YOU FIND A HIGH MOUNTAIN OR ELEVATED HILL OR GREEN TREE, KNOW THAT AN IDOLATROUS OBJECT IS THERE.⁸

GEMARA. But R. Jose the Galilean holds the same opinion as the first teacher [in the Mishnah]!² — Rami b. Hama said in

the name of R. Simeon b. Lakish: The issue between them is whether the covering on a mountain is identical with the mountain. The first Tanna holds that the covering on a mountain is not identical with the mountain and is prohibited, whereas R. Jose the Galilean holds that the covering on a mountain is identical with the mountain [and is permitted]. R. Shesheth said: All agree that the covering on a mountain is not identical with the mountain,

1. E.g., to quarry there or use the plants which grow on the slopes.
2. If they had been adorned with precious metals.
3. Deut. VII, 25.
4. Ibid. XII, 2.
5. He therefore holds that the mountains and hills are permitted.
6. The text continues, and under every green tree, and R. Jose would not argue under the tree and not the tree itself!
7. It had been planted by somebody for idolatrous worship, whereas mountains are the work of nature.
8. I.e., neither the mountains nor what is upon them are prohibited, but only the object which is actually worshipped, as the passage is intended only to tell the people where they were likely to find the idols which they were commanded to destroy.
9. Why, then, is his view separately expressed?

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and here they differ with regard to a tree which had been planted¹ and was subsequently worshipped. The first Tanna holds that a tree which had been planted and was subsequently worshipped is permitted, whereas R. Jose the Galilean holds that such a tree is prohibited. From where [is it deduced that R. Jose is of this opinion]? — From what he stated in the latter part of the Mishnah: BUT WHY IS AN ASHERAH PROHIBITED? BECAUSE THERE WAS MANUAL LABOUR CONNECTED WITH IT, AND WHATEVER HAS MANUAL LABOUR CONNECTED WITH IT IS PROHIBITED; and what does the phrase, WHATEVER

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HAS MANUAL LABOUR CONNECTED WITH IT, mean to include? It surely includes the case of a tree which had been planted and was subsequently worshipped.

R. Jose son of R. Judah likewise holds that a tree which had been planted and was subsequently worshipped is prohibited; for it has been taught: R. Jose son of R. Judah says: Since it is stated, Their gods upon the high mountains — and not the mountains which are their gods, Their gods upon the hills — and not the hills which are their gods, I might have [similarly] understood, Their gods under every green tree — and not the green tree itself which is their god, therefore there is a text to state, And burnt their Asherim with fire.² Why, then, is there need for the phrase, under every green tree? — This is required in accordance with the teaching of R. Akiba; for R. Akiba said: LET ME EXPOUND AND DECIDE [THE INTERPRETATION] BEFORE YOU: — WHEREVER YOU FIND A HIGH MOUNTAIN OR ELEVATED HILL OR GREEN TREE, KNOW THAT AN IDOLATROUS OBJECT IS THERE.³

What do the Rabbis make of, 'and burn their Asherim with fire'?⁴ — It is required to cover the case of a tree which had been planted in the first instance for idolatry.⁵ And does not R. Jose son of R. Judah likewise require the same text for this rule? — Indeed so. Whence then does he derive his teaching that a tree which had been planted and was subsequently worshipped [is prohibited]? — He derives it from, and hew down their Asherim,⁶ Which tree has its later growth⁷ prohibited while its root is permitted? Answer that it is a tree which had been planted and was subsequently worshipped. But surely the teaching uses the phrase, 'and burn their Asherim with fire'!⁸ — He employs the argument 'if it had not been stated' as follows: If it had not been stated, 'and burn their Asherim with fire', I would have said that, 'and hew down their Asherim', refers to a tree which had been

originally planted for idolatry; but since it is written, 'and burn their Asherim with fire', the phrase, 'and hew down their Asherim', is superfluous; [so it must be employed] to refer to a tree which had been planted and was subsequently worshipped.

What do the Rabbis make of the phrase, 'and hew down their Asherim'? — [They explain it] according to the view of R. Joshua b. Levi; for R. Joshua b. Levi said: The felling of idolatrous trees takes precedence of the conquest of the land of Israel,⁹ but the conquest of the land of Israel takes precedence of the burning of idolatrous trees. For R. Joseph learned: Ye shall break down their altars¹⁰ — and leave them,¹¹ and dash in pieces their pillars — and leave them. Can it enter your mind that they are to be left?¹² They must be burnt! — R. Huna said: [The meaning is,] Pursue [the enemy after breaking the altars and pillars] and then burn them [immediately afterwards]. Whence does R. Jose son of R. Judah derive this rule?¹³ He derives it from, ye shall surely destroy¹⁴ — destroy [by breaking them] and after [conquering the land] ye shall destroy [the Asherim by burning them]. How do the Rabbis [explain this phrase]? — They require it for the rule that when one destroys an idol he must eradicate every trace of it, Whence does R. Jose son of R. Judah [derive the rule] that he must eradicate every trace of it? — He derives it from, and ye shall destroy their name out of that place.¹⁵ And how do the Rabbis [explain that phrase]? — That the idol must be renamed,¹⁶ for it has been taught: R. Eliezer says: Whence is it that when one destroys an idol he must eradicate every trace of it? — There is a text to state, And ye shall destroy their name.

1. Not as an idol but to produce fruit.
2. Deut, XII, 3.
3. [This proves that R. Jose b. R. Judah prohibits the use of a tree that had been planted and subsequently worshipped, for otherwise he could have explained the phrase, 'under' every green tree as teaching

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that 'the green tree itself which is their god', if it had not been originally planted as an idol, is permitted.]

4. Since they permit the trees that had not been planted for idolatrous worship.
5. This, they agree, must not be used.
6. Ibid. VII, 5, i.e., the tree must be cut down and not used, but its root is permitted.
7. After the trunk had been felled,
8. To deduce the prohibition by R. Jose b. R. Judah of such a tree.
9. As the Israelites marched through Canaan they must cut down these trees and leave the trunks to be burnt after the campaign was over.
10. Deut. VII, 5.
11. The Torah does not add: and burn them.
12. They might be put together and worshipped!
13. Since he applies this verse to a tree which had been planted and then worshipped.
14. Ibid. XII, 2, lit., 'destroy ye shall destroy.'
15. Ibid. 3.
16. When its name is attached to a shrine.

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R. Akiba said to him: But has it not been already stated, Ye shall surely destroy? If so, why is there a text to state, And ye shall destroy their name out of that place? — [Its purpose is to teach that] an idol must be renamed. It is possible to think [it may be renamed] for praise.¹ Can it enter your mind [that the renaming] is for praise? But it is possible to think [that the renaming may be] neither for praise nor contempt; therefore there is a text to state, Thou shalt utterly detest it, and thou shalt utterly abhor it.² How is it, then? If [the heathens] called it Beth Galya [house of revelation], call it Beth Karya [house of concealment]; if they called it 'En Kol [the all-seeing eye], call it 'En Koz [the eye of a thorn].

A Tanna recited as follows in the presence of R. Shesheth: If idolaters worship mountains and hills, these latter are permissible but the worshippers [should be destroyed] with the sword; [if they worshipped] plants and herbage, these latter are prohibited but the worshippers [should be destroyed] with the sword. [R. Shesheth] said to him: Who tells you that? It must be

R. Jose son of R. Judah who declared: A tree which had been planted and was subsequently worshipped is prohibited. But let [R. Shesheth] apply [the statement reported by the Tanna] to a tree which had been planted for idolatry at the outset and [make it agree with the view of] the Rabbis! — This cannot enter your mind, because it states the analogy of a mountain: as with a mountain it was not planted for idolatry at the outset, so with this also it was not planted for idolatry at the outset.

It has been stated: If boulders become detached from a mountain, the sons of R. Hiyya and R. Johanan [take different views];³ one says that they are prohibited and the other that they are permitted. What is the reason of him who says they are permitted? — [The boulders are] like the mountain; and as the mountain is something with which no manual labor has been connected and is permitted, so these likewise have had no manual labor connected with them and are permitted. [But it may be argued] that a mountain is immovable!⁴ — The case of an animal will prove [the contrary].⁵ [Here again it may be argued] that an animal [is only permitted] because it is an animate being! — The case of a mountain proves [the contrary].⁶ Therefore the conclusion returns,⁷ because the two examples⁸ are dissimilar; but the point common to them both is that with neither has there been any manual labor and each is permitted. Consequently everything is permitted with which there has been no manual labor.

[But it may be argued that] the point common to them both is that they have not changed from their natural form!⁹ — [Well then, derive that a boulder is permitted by] an analogy drawn between an animal which has become blemished and a mountain;¹⁰ or [it may be drawn] also between an unblemished animal and a withered tree.¹¹ As for him who prohibits [the boulders], it is because Scripture declares, Thou shalt

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utterly detest it, and that, shalt utterly abhor it — although it is possible to reason to the conclusion that they are permitted, yet do not draw that conclusion.¹²

It can be proved that it is the sons of R. Hiyya¹³ who permit their use; because Hezekiah asked: How is it if a man set up an egg to worship it? This question must be understood in the sense that the man had the intention of worshipping it and did worship it; and the point of [Hezekiah's] query is whether the setting up of the egg is to be considered an action¹⁴ or not. Consequently [his opinion must be that] if the man had not set it up, it is not prohibited [to be used].¹⁵ Conclude, therefore, that it was the sons of R. Hiyya who permitted [the use of the boulders]! — No; I can always maintain that it was the sons of R. Hiyya who prohibited their use, because if the man worshipped [the egg], even though he had not set it up,¹⁶ it would be prohibited [according to their view]; and the circumstance with which we are dealing here is where he set up an egg to worship but did not worship it. Now according to whom [is the question of its permissibility to be decided]? If according to him who says that the idolatrous object of an Israelite is prohibited forthwith, then it is prohibited;¹⁷ if according to him who says [that such an object is not prohibited] until it has been actually worshipped, behold the man has not worshipped it!¹⁷ — No;¹⁸ but it is necessary [to suppose the following case]: If he, e.g., set up an egg to worship but did not do so, and an idolater came and worshipped it [is it permitted] regard being had to what Rab Judah said in the name of Samuel:¹⁹ If an Israelite set up a brick to worship [but did not do so] and an idolater came and worshipped it, it is prohibited. And [Hezekiah] asked thus the question: [Does he specify] a brick because its erection is conspicuous, but the law is otherwise with an egg;²⁰ or perhaps there is no difference? — The question remains unanswered.

Rami b. Hama asked: If a man worshipped a mountain, may its stones be used to build an altar [to God]?²¹

1. I.e., to give it a better-sounding name.
2. Ibid. VII, 26.
3. As to whether they may be used, the mountain had been worshipped.
4. And a boulder is not fixed in the ground and therefore the two are not comparable, with the consequence that a boulder should not be permitted.
5. Since it is not fixed in the ground; and yet, if it had been worshipped, it may be put to a secular use.
6. Because it is inanimate and yet permitted.
7. To what was stated at first, viz., the boulders are permitted.
8. The mountain and the animal.
9. And for that reason an animal or mountain is permitted; but this is not so with a boulder because it is now a movable object and should therefore be prohibited.
10. If the animal, while unblemished, was worshipped, it may be used later if it became blemished. Therefore the criterion of not having changed its form cannot apply to the boulder.
11. The latter, despite the change it has undergone in its condition, is permitted solely on the ground that the existence thereof, like that of the beast, is not due to human action.
12. In order to carry out the strict law of Scripture and only allow what the Torah expressly permits. Therefore that reason must apply also to a boulder.
13. Their names were Judah and Hezekiah.
14. I.e., the effect of human labor.
15. So it all depended upon whether there had been manual labor, and the same criterion applies to the boulders.
16. And so there had been no manual labor. Consequently the illustrations of the boulder and egg are not analogous.
17. And what was the point of Hezekiah's query?
18. It is agreed that Hezekiah asked his question on the view of the one who holds that the idolatrous object of an Israelite must first be worshipped before it is prohibited.
19. *Infra* 53b; the reading is 'Rab'.
20. Since it is a small object.
21. Is it analogous to an animal which has been worshipped? It cannot be offered to God but may be used by man.

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Does the law prohibiting the use in the divine Service of objects which have been worshipped apply to things fixed in the ground or does it not? And if you decide that this law does apply to things fixed in the ground, are objects necessary for the preparation of a sacrifice¹ analogous to the sacrifice or not?² — Raba said: It is an *a fortiori* conclusion: if the hire of a harlot is usable for secular purposes when it is an object which is not fixed in the ground, but is prohibited in the divine Service when it is an object fixed in the ground³ (as it is written, Thou shalt not bring the hire of a harlot, or the wages of a dog⁴ — consequently it is immaterial [with the divine Service] whether it is not fixed in the ground or is fixed), how much more must a worshipped object, whose use for secular purposes is prohibited when it is not fixed, be prohibited in the divine Service when it is fixed! R. Huna the son of R. Joshua said to Raba: The reverse conclusion may be deduced, thus: If a worshipped object may not be used for secular purposes when unfixed but is permitted in the divine Service when fixed (as it is said, Their gods upon the high mountains, not the mountains which are their gods — consequently it is immaterial whether it is for secular use or for the divine Service), how much more must the hire of a harlot which is usable for secular purposes when it is unfixed be permissible in the divine Service when it is fixed! And if [you would argue that this conclusion is inadmissible] because of the words, into the house of the Lord thy God,⁵ they are required in accordance with this teaching: Into the house of the Lord thy God excludes a [red] heifer which does not enter the Sanctuary⁶ — such is the statement of R. Eliezer; but the Sages say: Their purpose is to include plates of beaten gold.⁷

[Raba] replied to [R. Huna]: I reason from the lenient to the strict view and you reason from the strict to the lenient view;

and the rule is that where it is possible to reason to both conclusions we argue to the strict view. R. Papa said to Raba: But is it a fact that where it is possible to reason to both conclusions we never argue to the lenient view? Behold there is the example of the sprinkling in connection with the Passover⁸ on which R. Eliezer and R. Akiba differ; for R. Eliezer holds the strict view and makes the man liable [to bring the Paschal lamb] and R. Akiba holds the lenient view and absolves him.⁹ And still R. Akiba argues for the lenient conclusion; for we have learnt: R. Akiba said: Rather conclude the reverse: if the sprinkling which is only (forbidden on the Sabbath) on account of shebuth¹⁰ does not supersede the Sabbath, how much more must the act of slaughtering [the Paschal lamb which is a form of work prohibited] by the Torah not [supersede the Sabbath]!¹¹ — [No;] in that matter R. Eliezer had himself taught him,¹² but had forgotten his own teaching; so R. Akiba came and reminded him of it. That is why [R. Akiba] said to him, 'My master! do not make me an atonement in the time of judgment!¹³ Thus have I received the teaching from you: Sprinkling [is prohibited] on account of shebuth and it does not supersede the Sabbath.'¹⁴

Rami b. Hama asked: How is it if a man had worshipped standing-corn [in a field]; may it be subsequently used for meal-offerings? Does a change in form¹⁵ (make permissible) what had been used for idolatrous worship or does it not have that effect? — Mar Zutra son of R. Nahman said: Come and hear: In cases where [animals] are prohibited from being offered upon the altar, their young are permissible for that purpose;¹⁶ and in this connection it was taught that R. Eliezer forbids [the young as offerings].¹⁷ But was it not stated on that subject; R. Nahman said in the name of Rabbah b. Abbahu:¹⁸ The difference of opinion is over the circumstance where the animals had been unnaturally used and had then conceived,

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1. As, e.g., the altar.
2. If they are, then they cannot be used in the divine Service.
3. Suppose he gave her a house, it may not be sold and the proceeds used for the purposes of the Sanctuary.
4. Deut. XXIII, 19.
5. Ibid.
6. V. Num. XIX, 3. The red heifer was burnt outside the camp and only its ashes were used in the Sanctuary. Therefore the woman's hire may be used to purchase the animal.
7. To decorate the walls of the Temple. These may not be purchased from her hire (Tosef. Par, I).
8. I.e., a man had become defiled through contact with a dead body, and his seventh day, when he should be sprinkled with the water of purification occurred on the eve of Passover. If that day is the Sabbath, is the purification to be postponed?
9. And they both employ the *a fortiori* argument. V. Pes. VI, 2.
10. V. [Glos.](#)
11. [Whereas R. Eliezer had previously argued to the effect that sprinkling supersedes the Sabbath.]
12. Viz., R. Akiba, that in such a circumstance the sprinkling is forbidden on the Sabbath.
13. I.e., do not say to me that my death be an atonement for my sins (v. Pes. 69a). In other words, do not show anger against me for contradicting your argument.
14. In this illustration R. Akiba only employed his argument to refute his master's mistaken teaching. We have not, therefore, a genuine case against the rule quoted by Raba.
15. The corn being now ground into flour.
16. So by analogy the flour should be permitted.
17. Hence the query propounded by Rami is a point of issue between Tannaim.
18. Rashi corrects the text to: Raba said in the name of R. Nahman. In the parallel passage (Tem. 30b) the reading is: R. Huna b. Hinnena said in the name of R. Nahman.

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but when they had conceived and then been unnaturally used, all agree that [the young] are forbidden [as offerings]?¹ Similarly here [with the standing-corn] it is analogous to the circumstance where the animals conceived and had then been unnaturally used.² Others declare that [Mar Zutra

himself quoted the following statement of R. Nahman:] 'The difference of opinion is over the circumstance where the animals had been unnaturally used and then conceived, but when they had conceived and then been unnaturally used, all agree that [the young] are forbidden [as offerings]. Similarly here [with the standing-corn] it is analogous to the circumstance where the animals conceived and had then been unnaturally used,³ But is the analogy correct? In the one instance it was originally an animal⁴ and now it is an animal, only the door had been closed in its face;⁵ but in the other instance it was originally wheat and now it is flour!

R. Simeon b. Lakish asked: How is it if a man had worshipped a palm-tree, may its branch be used for the fulfillment of the commandment?⁶ If it was a tree originally planted for idolatry the question does not arise, because it is prohibited even for secular use; but the question does arise with a tree which had been planted and subsequently worshipped. Now according to the view of R. Jose son of R. Judah,⁷ [even then] the question does not arise because it is prohibited by him even for secular use; but the question does arise according to the view of the Rabbis.⁸ How, then, is [the branch] to be regarded in connection with the fulfillment of a commandment; is it to be rejected in the divine Service or not? — When R. Dimi came⁹ he said: [R. Simeon b. Lakish] asked the question in connection with an Asherah¹⁰ which had been annulled: Does a disability continue in respect of commandments or not?¹¹ — You can solve this problem from what we have learnt: If one covered it,¹² and it became uncovered,¹³ he is free from the obligation to cover it again; but if the wind covered it,¹⁴ he is obliged to cover it himself. And Rabbah b. Bar Hanah said in the name of R. Johanan: This teaching only applies when the wind again uncovered it,¹⁵ but if the wind did not again uncover it, he is free from the obligation to cover it. And we raised the

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question against this point of view: If the wind again uncovered it, what of it?¹⁶ Since [the blood] has been obliterated [by the covering], it is obliterated [once for all]! Thereupon R. Papa said: This proves that a disability does not continue in respect of commandments.¹⁷ But there is a question in connection with this very statement of R. Papa, viz., Is it quite clear to R. Papa that disability does not continue in respect of commandments either to take a lenient¹⁸ or strict¹⁹ view; or perhaps he is doubtful; and we apply [accordingly] this rule to the strict view only and not to the lenient?²⁰ — The question remains unanswered.

R. Papa asked: How is it if a man worshipped an animal; may its wool be used for blue thread? 'Blue thread' for what purpose? If it is for the blue material of the priests' [garments], that is dealt with in the question of Rami b. Hama!²¹ If it is for the blue thread of the zizith,²² that is dealt with in the question of R. Simeon b. Lakish!²³ — Quite so, there was no need [for R. Papa] to ask about this; but the reason why he raised the question is because there are other similar matters [about which he asked, viz.]: May its wool be used for blue thread, its horns for trumpets, the bones of its legs for flutes, its intestines for harp-strings?²⁴ According to him, who says that the basis of [Temple-] music is in the instrument, the question does not arise because these are certainly prohibited; but the question does arise according to him who says that the basis of [Temple-] music is in the mouth. Is, then, the purpose [of the instrument] only to sweeten the sound²⁵ and we may introduce them [when made of these materials], or perhaps even then it is prohibited? — The question remains unanswered.

Rabbah asked: How is it if a man worshipped a fountain; may its water be used for the drink-offerings? What is the point of his question? Is it whether the man worshipped his reflection [in the water],²⁶ or perhaps he worshipped the water itself?²⁷

He could, then, have put the same question about a bowl of water and its use for secular purposes!²⁸ — Certainly [it is assumed] that he worshipped the water; and this is the point of his question: Did he worship the water which was in front of him and that water has flowed away,²⁹ or did he worship the whole stream of water? But can [water which has been worshipped] be prohibited at all; for behold R. Johanan said in the name of R. Simeon b. Jehozedek: Water which is public property is not prohibited [if an individual worshipped it]! — No, it was necessary [to ask the question] where it is water which wells up front the earth.³⁰

MISHNAH. IF [AN ISRAELITE] HAS A HOUSE ADJOINING AN IDOLATROUS SHRINE AND IT COLLAPSED, HE IS FORBIDDEN TO REBUILD IT.³¹ HOW SHOULD HE ACT? HE WITHDRAWS A DISTANCE OF FOUR CUBITS INTO HIS OWN GROUND AND THERE BUILDS. [IF THE WALL] BELONGED BOTH TO HIM AND THE SHRINE, IT IS JUDGED

1. Because the act was committed against the animal and its embryo.
2. The flour being in the ears of corn when these were worshipped, it is therefore prohibited.
3. [According to the first version, Mar Sutra expressed no opinion as to the use of the flour for offerings; in the second he forbids it.]
4. When still an embryo.
5. It had an existence as an animal while still in the womb. There had been no essential change as the effect of birth
6. On the Feast of Tabernacles; v. Lev. XXIII, 40.
7. He maintained that if a tree had been planted and afterwards worshipped its use is prohibited. V. *supra* 45b.
8. Who oppose R. Jose b. R. Judah *supra, loc. cit.*
9. From Palestine to Babylon.
10. Consisting of a palm-tree.
11. The disability in this case was removed when the Asherah was annulled so far as secular use is concerned: but does it continue when it is a question of using it to carry out a precept of the Torah?

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12. The blood of an animal or bird which had been slaughtered; v. Lev. XVII, 13.
13. The wind blew the dust off.
14. The wind blew dust over the blood in the first instance.
15. After covering it in the first instance and it was not covered by the slaughterer.
16. Why is a second covering necessary?
17. [And when the disability is removed the precept, in this case the covering of the blood, must be fulfilled.]
18. And permit the use of a branch for the ritual from an Asherah which has been annulled.
19. And require the second covering of the blood.
20. [And the branch of the Asherah which has been annulled cannot be employed for the precept.]
21. When he asked whether the preparation of a sacrifice is analogous to the sacrifice, since the priestly garments are a preparation. V. *infra* 46b.
22. V. [Glos.](#)
23. Who asked whether the branch of an Asherah can be used in the Feast of Tabernacles.
24. For the music in the Temple.
25. To give an accompaniment to the vocal music.
26. Then obviously it may be used because the water was not worshipped.
27. It would then obviously be prohibited.
28. If that was the point of his question; so why does he ask about a well and its use for drink-offerings?
29. And consequently the fountain may be used even for divine Service.
30. It is the property of an individual. The question remains unanswered.
31. Because by rebuilding his house, he restores the wall of the shrine.

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AS BEING HALF AND HALF.¹ ITS STONES, TIMBER AND RUBBISH DEFILE LIKE A CREEPING THING,² AS IT IS SAID, THOU SHALT UTTERLY DETEST IT;³ R. AKIBA SAYS: [IT DEFILES] LIKE A *NIDDAH*,⁴ AS IT IS SAID, THOU SHALT CAST THEM AWAY AS AN UNCLEAN THING, THOU SHALT SAY UNTO IT, GET THEE HENCE.⁵ AS A *NIDDAH* DEFILES [AN OBJECT] BY CARRYING IT, SO ALSO AN IDOLATROUS OBJECT DEFILES BY ITS BEING CARRIED.

GEMARA. [But by acting as directed in the Mishnah], he enlarges the space for the shrine! — R. Hanina of Sura said: He should use [the four cubits] for constructing a privy. But it is necessary to safeguard modesty!⁶ — He should make a privy for use at night. But behold a Master has said: Who is modest? He who relieves himself at night in the same place where he relieves himself by day!⁷ And although we explain that [in that statement] the phrase 'in the same place' is to be understood as 'in the same manner,'⁸ still it is necessary to safeguard modesty! — He should, then, make [a privy] for children; or let him fence in the space with thorns and shrubs.⁹

MISHNAH. THERE ARE THREE TYPES OF SHRINES:¹⁰ A SHRINE ORIGINALLY BUILT FOR IDOLATROUS WORSHIP — BEHOLD THIS IS PROHIBITED.¹¹ IF A MAN PLASTERED AND TILED [AN ORDINARY HOUSE] FOR IDOLATRY AND RENOVATED IT, ONE MAY REMOVE THE RENOVATIONS.¹² IF HE HAD ONLY BROUGHT AN IDOL INTO IT AND TAKEN IT OUT AGAIN, [THE HOUSE] IS PERMITTED.¹³

GEMARA. Rab said: If one worshipped a house, he has rendered it prohibited. Conclude, then, that he holds that an object which is not fixed in the ground and subsequently becomes fixed is like an unfixed object.¹⁴ But the Mishnah deals with a shrine built [originally for idolatry]!¹⁵ — [The prohibition applies to a shrine] built [originally for idolatry] although nobody has yet worshipped in it, and to one in which somebody worshipped although he had not built it.¹⁶ If that be so, the three types [mentioned in the Mishnah] should be four!¹⁷ — Since the reference is to the subject of annulment,¹⁸ the erection [of a shrine] and worshipping there are considered one and the same thing.

MISHNAH. THERE ARE THREE KINDS OF [IDOLATROUS] STONES:¹⁹ A STONE WHICH A MAN HEWED ORIGINALLY TO

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SERVE AS A PEDESTAL [FOR AN IDOL] — BEHOLD THIS IS PROHIBITED. IF A MAN [MERELY] PLASTERED AND STUCCOED [A STONE] FOR IDOLATRY, ONE MAY REMOVE THE PLASTER AND STUCCO, AND IT IS THEN PERMITTED. IF HE SET AN IDOL UPON IT AND TOOK IT OFF, BEHOLD [THE STONE] IS PERMITTED.

GEMARA. R. Animi said: [It is only prohibited] if he plastered and stuccoed in the stone itself.²⁰ But surely it is, as we learn, analogous to a house; and²¹ in the case of a house [the plastering] was not inserted into the material and yet it is prohibited!²² — Also with the house there is [that kind of plastering] in the space between the bricks. [Since, however, the Mishnah does not mention this,] may we not be dealing with the circumstance where he plastered [a house not for idolatry] and then re-plastered it [for idolatry]?²³ — Therefore, if R. Ammi's teaching is quoted it must be with reference to annulment,²⁴ and although the man plastered and stuccoed in the stone itself, if he removes the renovation, it is all right — For²⁵ what you might have said was that since he plastered and stuccoed in the material of the stone, it is analogous to a stone which had been originally hewn for idolatry and the whole of it is prohibited. He consequently informs us [that it is not so].

1. So he reckons his four cubits from half the wall's thickness.
2. V. Lev. XI, 31. Even the debris of his own part of the wall defiles, because it cannot be clearly distinguished from that of the shrine.
3. Deut. VII, 26.
4. V. Glos and v. Lev. XV, 19 ff. This is more contaminating.
5. Isa. XXX, 22. The Heb. word for unclean thing also denotes a woman in her time of uncleanness.
6. When arranging for the construction of a privy, and here he is not allowed to put up a wall.
7. Even at night he should go to a walled-in place.
8. V. Ber. 62a.
9. And use the space behind as a privy.
10. With regard to the question of annulment.

11. And must be annulled before it can be used.
12. And then the house is permitted.
13. No annulment is necessary.
14. The materials were originally unfixed, but being built into the house are now fixed. Therefore the house is prohibited.
15. Consequently if not built with that intention, it should not be prohibited.
16. In either case it is forbidden, the Mishnah dealing only with one of the two cases — the former.
17. There should be added a fourth category, viz., a shrine built for idolatry but not yet used for that purpose.
18. And not prohibiting the house.
19. With reference to annulment.
20. It was not merely external ornamentation; but incisions had been made in the stone and plaster inserted.
21. [Ms.M. omits 'surely ... and'.]
22. V. preceding Mishnah.
23. In that case none of the new plaster penetrated, and yet the house is prohibited unless the stucco is removed.
24. And not to prohibiting the stone.
25. If R. Ammi had not given this explanation.

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MISHNAH. THERE ARE THREE KINDS OF ASHERAH: A TREE WHICH HAS ORIGINALLY BEEN PLANTED FOR IDOLATRY — BEHOLD THIS IS PROHIBITED. IF HE LOPPED AND TRIMMED [A TREE] FOR IDOLATRY,¹ AND ITS SPROUTED AFRESH, HE REMOVES THE NEW GROWTH. IF HE ONLY SET [AN IDOL] UNDER IT AND TOOK IT AWAY, BEHOLD THE TREE IS PERMITTED.

GEMARA. Those of the School of R. Jannai said: [When the Mishnah declares that he removes the new growth and then the tree is permitted,] it applies only when he trailed a branch and grafted it on the trunk of the tree.² But surely we learnt in the Mishnah: IF HE [MERELY] LOPPED AND TRIMMED!³ — Therefore if the statement of the School of R. Jannai is quoted it must be with reference to annulment,⁴ viz., that although he trained a branch and grafted it on the trunk of the tree, if he removes the new growth [on the

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grafting], it is all right. For what you might have said was that since he trained a branch and grafted it on the trunk of the tree, it is like a tree which had been originally planted for idolatry and the whole of it is prohibited. Consequently we are informed [that it is not so].

Samuel said: If a man worshipped a tree, the branches which subsequently grow are also prohibited. R. Eleazar quoted against him: IF HE [MERELY] LOPPED AND TRIMMED [A TREE] FOR IDOLATRY, AND ITS SPROUTED AFRESH, HE REMOVES THE NEW GROWTH — therefore if he lopped and trimmed it the new growth is [prohibited] otherwise it is not! — Samuel could reply: Whose is [the teaching of the Mishnah]? It is the Rabbis',⁵ whereas Samuel's view agrees with that of R. Jose b. Judah who said: If a tree was planted and subsequently worshipped it is prohibited.⁶ R. Ashi objected to this explanation: How do we know that R. Jose b. Judah and the Rabbis differ on the question of the new growth? Perhaps they all agree that it is prohibited, and it is on the question of [the permissibility of] the trunk itself that they are at variance! For R. Jose b. Judah holds that the trunk [of a tree which has been worshipped] is likewise prohibited⁷ since it is stated, And burn their Asherim with fire, and the Rabbis hold that the trunk of the tree is permitted since it is stated, And hew down their Asherim-which tree has its hewn part prohibited while the trunk is permitted? Answer that it is a tree which had been planted and was subsequently worshipped! Should you retort to this: But we have not explained [the verses] in this way above!⁸ [I could reply:]⁹ Reverse the interpretation of the passages cited respectively by the Rabbis and R. Jose b. Judah!¹⁰ — [This is an impossible suggestion;] because if that were so, who taught the passage in the Mishnah: IF HE LOPPED AND TRIMMED?¹¹ It cannot be either the Rabbis or R. Jose b. Judah;

because according to the Rabbis, even if he did not lop and trim the tree, the new growth would still be prohibited, and according to R. Jose b. Judah even the trunk of the tree is prohibited! [No.] If you wish I can say that [the Mishnah agrees] with either the Rabbis or R. Jose b. Judah. I can say that it agrees with R. Jose b. Judah, because he maintained that the trunk is prohibited when the tree has not been lopped and trimmed,¹² but if the man lopped and trimmed it then he revealed that his intention was to worship the new growth and not the trunk.¹³ I can likewise say that it agrees with the Rabbis, and [as to the phrase] IF HE LOPPED AND TRIMMED, It is necessary [to mention it] since I might have otherwise imagined that for the reason that he does this to the tree itself the trunk is also prohibited, Consequently we are informed [that the prohibition extends only to the new growth].¹⁴

MISHNAH. WHAT IS AN ASHERAH? ANY [TREE] BENEATH WHICH THERE IS AN IDOL. R. SIMEON SAYS: ANY [TREE] WHICH IS WORSHIPPED. IT HAPPENED AT SIDON¹⁵ THAT THERE WAS A TREE WHICH WAS WORSHIPPED AND THEY FOUND A HEAP OF STONES BENEATH IT. R. SIMEON SAID TO THEM, 'EXAMINE THIS HEAP.' THEY EXAMINED IT AND DISCOVERED AN IMAGE IN IT, HE SAID TO THEM, 'SINCE IT IS THE IMAGE THAT THEY WORSHIP, WE PERMIT THE TREE FOR YOU.'¹⁶

GEMARA. [The Mishnah asks:] WHAT IS AN ASHERAH? But we learnt above: There are three kinds of Asherah!¹⁷ — What he means is this: There is agreement about two kinds,¹⁸ but in connection with the third there is a difference of opinion between R. Simeon and the Rabbis. [Therefore the Mishnah must be construed thus:] What is the Asherah about which R. Simeon and the Rabbis differ? Any [tree] beneath which there is an idol. R. Simeon says: Any [tree] which is worshipped.

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How is an Asherah which is not specified as such [to be recognized]?¹⁹ — Rab said: Any tree beneath which heathen priests sit but do not partake of its fruits.²⁰ Samuel said: Even if [the priests beneath it] say, 'These dates are for a Christian place of worship,'²¹ the tree is prohibited because²² they brew an intoxicating liquor from them which they drink on their feast days. Amemar said: The elders of Pumbeditha²³ told me that the legal decision is in agreement with Samuel.

1. I.e., to worship what would from then grow upon it.
2. The Mishnah only refers to what grows on the grafted branch as being prohibited; and if he had merely trimmed the tree without grafting on to it, it would not be prohibited.
3. And nothing is said about grafting.
4. And not in connection with declaring the tree prohibited at the outset.
5. Who allow a tree to be used if it was not originally planted for idolatry.
6. And the prohibition includes the new growth, v. *supra* 45b.
7. Even when a tree was not originally planted for idolatry.
8. *Supra* 45b. R. Jose used the text and hew down their Asherim exactly as the Rabbis do here. Consequently he does not differ from them on the permissibility of the trunk of a tree which had not been originally planted for idolatry, and the point of variance must be the new growth which the Rabbis permit and R. Jose prohibits.
9. Since the interpretation of and burn their Asherim ascribed here to R. Jose is nowhere explicitly stated but was assumed to be his, the assumption may be wrong and he does differ from the Rabbis on the question of the trunk.
10. Viz., R. Jose prohibits the root and the Rabbis permit it, but the Rabbis likewise prohibit the new growth and so Samuel agrees with their opinion.
11. The implication being that if he did not lop and trim it, the new growth is permitted!
12. [The text in current edd. is difficult, Rashi preserves the simpler reading, adopted in this rendering, v. a.l.]
13. So in such a circumstance he prohibits the new growth and not the root.
14. And so Samuel's view will agree both with R. Jose b. Judah and the Rabbis.
15. A Biblical city in Phoenicia.

16. Not 'for them,' as in the edd.
17. The logical order would be first to define an Asherah and then enumerate the three kinds.
18. First mentioned in the preceding Mishnah.
19. How can it be distinguished from an ordinary tree?
20. This is evidence that they worship the tree.
21. Lit., 'for the house of Nizrefe', a cacophemistic disguise of Nozrae, 'the Nazarenes', (Jast.) [Ginzberg. L., *MGWJ.*, LXXVII, regards it as the name of a Persian house of worship meaning 'the Asylum of Helplessness'.]
22. Although they do not worship the tree.
23. [By the elders of Pumbeditha are meant Rab Judah and R. 'Ena, v. Sanh. 17b.]

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MISHNAH. ONE MAY NOT SIT IN ITS SHADOW,¹ BUT IF HE SAT HE IS UNDEFILED. NOR MAY HE PASS BENEATH IT,² AND IF HE PASSED HE IS DEFILED. IF IT ENCROACHES UPON THE PUBLIC ROAD AND HE PASSED BENEATH HE IS UNDEFILED.³

GEMARA. [The Mishnah states:] ONE MAY NOT SIT IN ITS SHADOW — this is obvious!⁴ — Rabbah b. Bar Hanah said in the name of R. Johanan: There is no necessity to mention it but for the case of the shadow of its shadow.⁵ Is it to be inferred that if he sat in the shadow corresponding to the height of the tree he is defiled? — No, because even if he sat in the shadow corresponding to the height of the tree he is also undefiled, yet we are informed that one may not sit even in the shadow of its shadow. There are some who apply this teaching to the continuation: BUT IF HE SAT HE IS UNDEFILED — this is obvious!⁶ — Rabbah b. Bar Hanah said in the name of R. Johanan: There is no necessity to mention it but for the case of the shadow corresponding to the height of the tree. Is it to be inferred that even ab initio he may sit in the shadow of its shadow? No; but we are informed that even if he sat in the shadow corresponding to the height of the tree he is undefiled.⁷

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NOR MAY HE PASS BENEATH IT, AND IF HE PASSED HE IS DEFILED. What is the reason? — Because it is impossible that there should be no [remains] of idolatrous offerings there. Whose teaching is this? — It is that of R. Judah b. Bathyra; for it has been taught: R. Judah b. Bathyra says: Whence is it that an idolatrous offering communicates defilement within a space which is covered over? Because it is said, They joined themselves also unto Baal-Peor, and ate the sacrifices of the dead⁸ — as a dead body communicates defilement in a space which is covered over, so an idolatrous offering communicates defilement in a space which is covered over.

IF IT ENCROACHES UPON THE PUBLIC ROAD AND HE PASSED BENEATH IT HE IS UNDEFILED. The question was asked: [Is the word to be read] 'passed' or 'passes'?² — R. Isaac b. Eleazar said in the name of Hezekiah: It should be 'passes', but R. Johanan said: [The reading is] IF HE PASSED; and yet there is no difference of opinion between them — One [has in mind] if there is another road,¹⁰ and the other if there is not another road.

R. Shesheth¹¹ said to his attendant, 'When you reach there,¹² hurry me past.' How is this to be understood? If there was no other road, why need he say, 'Hurry me past, since it is permitted? If, however, there was another road, when he said, 'Hurry me past, was that permissible? Certainly there was no other road; but with an eminent man it is different.¹³

MISHNAH. THEY MAY SOW VEGETABLES BENEATH IT IN WINTER¹⁴ BUT NOT IN SUMMER,¹⁵ AND LETTUCE NEITHER IN SUMMER NOR WINTER.¹⁶ R. JOSE SAYS: NOR MAY VEGETABLES [BE PLANTED] IN WINTER BECAUSE THE FOLIAGE FALLS UPON THEM AND BECOMES MANURE FOR THEM.

GEMARA. Is this to say that R. Jose holds that a product of combined causes is

prohibited¹⁷ and the Rabbis hold that a product of combined causes is permitted? But we heard the reverse in connection with them, for we have learnt: R. Jose says: He may grind [an idol] to powder and scatter it to the wind or throw it into the sea. They said to him: Even so it may then become manure, as it is stated, And there shall cleave naught of the devoted thing to thine hand!¹⁸ Here we have the Rabbis contradicting themselves and R. Jose contradicting himself!¹⁹ It is quite right, there is no contradiction in the teaching of R. Jose. In the case just cited since the man proceeds to destroy [the idol],²⁰ [R. Jose] permits [the use of the dust as manure]; but in the case [dealt with in our Mishnah], where he does not proceed to destroy [the idol], [the dust] is prohibited [as manure]. But the Rabbis contradict themselves! — Reverse [the statements in our Mishnah].²¹ Or if you wish I can say that there is no need to reverse them.²² The opinion of R. Jose is as we explained,²³ and that of the Rabbis is as R. Mari the son of R. Kahana said: What makes the hide valuable decreases the value of the meat.²⁴ Similarly here, the benefit gained through the foliage is lost by reason of the shade.²⁵

Does, however, R. Jose hold that a product of combined causes is prohibited? Behold We have learnt: R. Jose says: We may plant a young shoot which is '*orlah*'²⁶ but not a nut which is '*orlah*' because it is fruit. And Rab Judah said in the name of Rab: R. Jose admits that if one planted [a nut which is '*orlah*'] or trained and grafted [a young shoot which is '*orlah*' on an old tree], [the fruit it grows] is permitted!²⁷ It has been similarly taught R. Jose admits

1. Not the shade of the foliage but the shadow cast by the tree.
2. I.e., beneath its branches; it then forms a tent over him and for that reason he is defiled.
3. [The defilement involved is only due to Rabbinical ruling, and has not been extended by them to these cases.]

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4. Because he would be deriving advantage from a prohibited object.
5. Viz., the additional shadow, beyond that corresponding to the height of the tree, which is cast when the soil is in the east or west. The true shadow of the tree is denser than is its extension through the slanting rays of the sun, and the thinner shade is the shadow of the shadow.
6. He has not contracted defilement by touching the tree.
7. If it is an accomplished fact.
8. Ps. CVI, 28. V. *supra*, 42b,
9. The point at issue is whether we are dealing here with an act which is disallowed ab initio but is condoned as an accomplished fact.
10. Then it is not permitted to pass under an Asherah.
11. He was blind.
12. A place in his town where an Asherah overhung the public road.
13. He interpreted the law for himself in a stricter sense than for an ordinary person. Although he was allowed to pass beneath the tree, he did so as quickly as possible.
14. Lit., 'the days of rain,' which really occur in the late Autumn. The reason why sowing is then permitted is because the proximity of the tree is not beneficial to them at that season.
15. Because the shade is helpful to their growth.
16. Because the shade of the tree is helpful at all seasons.
17. When one of the causes is itself prohibited. The Gemara is here dealing with the vegetables planted in winter. The manure is a prohibited cause, but the soil is permitted.
18. V. *supra* 43b.
19. The Rabbis here forbid the powder to be used as manure while R. Jose permits it.
20. And the act of destruction is virtual annulment of the idol.
21. Assign to the Rabbis the statement which is attributed to R. Jose.
22. And still there is no contradiction.
23. That he draws a distinction between the case dealt with in our Mishnah and that in regard to the destruction of the idol.
24. If an animal dedicated to the Temple became blemished, it is sold and the proceeds are devoted to its treasury. But the hide is not to be flayed whole, as this would lessen the value of the fish which would be badly cut up in the process, and the gain in the enhanced value of the hide would be counterbalanced by the loss in the value of the flesh.
25. While the fall of the leaves may be beneficial to the vegetables growing there, the shadow

cast by the tree is to their detriment. So the gain is set off by the loss

26. V. [Glos.](#)
27. Despite the fact that one contributory cause, being '*orlah*', was prohibited. Rashi gives an alternative explanation: he planted the nut and grafted the shoot which grew from it on an old tree; but he prefers the former because, even without grafting, the shoot which grew from the nut is the effect of combined causes, viz., the nut which is prohibited and the soil which is permitted.

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that if he planted [a nut which is '*orlah*] or trained and grafted [a young '*orlah* shoot on an old tree], [the fruit it grows] is permitted.¹ And should you say that R. Jose makes a distinction [in respect of combined causes] between idolatry and other prohibitions,² does he really make this differentiation? Has it not been taught: If a field has been manured with the manure derived from an idolatrous source or a cow has been fattened on beans derived from an idolatrous source, one Tanna decides that the field may be sown and the cow slaughtered, while another decides that the field must lie fallow³ and the cow grow lean? Is it not, then, that the former decision is that of R. Jose⁴ and the latter that of the Rabbis?⁵ — No, the former decision is that of R. Eliezer and the latter that of the Rabbis.⁶

Where have we [a difference between] R. Eliezer and the Rabbis on this question? Can I say it is [the difference] between them in the matter of leaven? For we have learnt: If common leaven and leaven of heave-offering fell into dough,⁷ and in each there was an insufficient quantity to cause fermentation, but added together they caused fermentation, R. Eliezer says: I decide according to which [leaven entered the dough] last.⁸ But the Sages say: Whether the disqualifying matter fell in first or last, [the dough] is not prohibited unless it is of a sufficient quantity by itself to cause fermentation.⁹ And Abaye explained: The

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teaching [of R. Eliezer] only applies when he first removed the disqualifying matter.¹⁰ but if he did not first remove the disqualifying matter, [the dough] is prohibited.¹¹ But whence do we know that R. Eliezer's meaning is that offered by Abaye; perhaps his meaning is to be derived from the words, 'I decide according to which [leaven] entered [the dough] last,' i.e., if it ended with what is forbidden then [the dough] is forbidden and if it ended with what is permitted then [the dough] is permitted, whether he first removed the disqualifying matter or not!¹²

Rather is it [the difference] between R. Eliezer and the Rabbis on the question of the wood [of an Asherah]; for we learn: If one took pieces of wood from it, they are forbidden to be used. If he heated a new oven with them, it must be taken to pieces; [if he kindled] an old oven with them, it must be allowed to cool. If he baked bread [in an oven so heated], it is forbidden to be used, and if [the loaf] became mixed with other loaves, they are all prohibited. R. Eliezer says: Let him cast the advantage [he derives] into the Salt Sea. [The Sages] said to him: There is no redemption with an idol.¹³ Now which Rabbis¹⁴ differ from R. Eliezer? If I say it is the Rabbis [whose opinion has been quoted on the subject] of the pieces of wood, they take the stricter view!¹⁵ — Therefore it must be the Rabbis [whose opinion has been quoted on the subject] of the leaven.¹⁶ But, then, even though you understood the Rabbis to take the lenient view in connection with leaven, does it follow that they take the lenient view in connection with idolatry!¹⁷ Surely, then, one opinion is R. Jose's and the other is the Rabbis';¹⁸ and R. Jose¹⁹ is merely discussing the statement of the Rabbis, saying to them: According to my opinion, the product of combined causes is permitted; but according to you who maintain that the product of combined causes is prohibited, at least admit to me that²⁰ also [the sowing of] vegetables in winter [is prohibited]!²¹ But the Rabbis [make reply] as R. Mari son of R. Kahana

stated.²² Rab Judah said in the name of Samuel: The *halachah* agrees with R. Jose.

There was a garden manured with the manure obtained from an idolatrous source. R. Amram sent to R. Joseph [to know how to act with the fruits]. He replied to him: Thus said Rab Judah in the name of Samuel: The *halachah* agrees with R. Jose.

1. This proves that R. Jose permits a product of combined causes.
2. He prohibits the product of combined causes only when idolatry is a contributory cause, but not otherwise.
3. Until the effect is the manure has passed.
4. He allows the field to be sown exactly as he permitted the fruit from the '*orlah*.'
5. Who prohibit the grinding of an idol to powder, lest it be used for manure.
6. And so nothing can be quoted of R. Jose inconsistent with his view that the regulation of combined causes only applies in connection with idolatry.
7. For ordinary use.
8. If the common leaven fell in last, the dough may be eaten by non-priests, otherwise it may not be eaten by them.
9. '*Orlah* II, 11.
10. Viz., the leaven of the heave-offering.
11. Whichever fell in last. Consequently we have here an instance of combined causes; and since one of them is prohibited the effect is also prohibited, according to R. Eliezer; whereas according to the Sages it is permitted.
12. In view of this uncertainty, it is not possible to derive from the illustration what R. Eliezer's view is on the question of combined causes.
13. Quoted from the next Mishnah.
14. Who permit the product of combined causes.
15. Whereas the attempt is to show that R. Eliezer takes the stricter view on the question of combined causes.
16. There they allow dough in which two kinds of leaven had fallen provided the leaven of the offering was insufficient to cause fermentation by itself.
17. [And there is thus no proof that the above Baraitha which permits the product of combined causes in the case of idolatry will represent the view of these Rabbis.]
18. The former maintaining that the product of combined causes is permitted, the latter that it is prohibited. [There is still no contradiction between the view of R. Jose

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given in the Baraitha and his ruling in our Mishnah.]

19. In the Mishnah, on the subject of planting vegetables in winter.
20. [The text is difficult and can only mean 'admit to me that you have here a case of combined products'. Ms.M., however, omits 'at least ... that'.]
21. Since the foliage, which is prohibited, is a contributory cause.
22. *supra* 48b: the advantage derived from the foliage is counterbalanced by the shade cast.

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MISHNAH. IF ONE TOOK PIECES OF WOOD FROM IT, THEY ARE FORBIDDEN TO BE USED — IF HE HEATED A NEW OVEN WITH THEM, IT MUST BE BROKEN TO PIECES;¹ [IF HE HEATED] AN OLD OVEN WITH THEM, IT MUST BE ALLOWED TO COOL.² IF HE BAKED BREAD [IN AN OVEN SO HEATED], IT IS FORBIDDEN TO BE USED, AND IF [THE LOAF] BECAME MIXED WITH OTHER LOAVES, THEY ARE ALL PROHIBITED,³ R. ELIEZER SAYS: LET HIM CAST THE ADVANTAGE [HE DERIVES] INTO THE SALT SEA.⁴ [THE SAGES] SAID TO HIM: THERE IS NO REDEMPTION WITH AN IDOL. IF ONE TOOK [A PIECE OF WOOD] FROM IT [TO USE AS] A SHUTTLE, IT IS FORBIDDEN TO BE USED. IF HE WOVE A GARMENT WITH IT, IT IS FORBIDDEN TO BE USED. IF [THE GARMENT] BECAME MIXED WITH OTHERS, AND THESE WITH OTHERS, THEY ARE ALL FORBIDDEN TO BE USED. R. ELIEZER SAYS: LET HIM CAST THE ADVANTAGE [HE DERIVES] INTO THE SALT SEA. [THE SAGES] SAID TO HIM: THERE IS NO REDEMPTION WITH AN IDOL.

GEMARA. It was necessary [to mention both illustrations, baking and weaving]; because if he had informed us of only the first [it might have been supposed] that R. Eliezer makes his remark because at the time when the loaf is finished [baking, the wood which is] the prohibited material has been consumed; but in the case of the

shuttle, since it remains discernible as a forbidden object [after the weaving is finished] conclude that he agrees with the Rabbis.⁵ If, on the other hand, he had only informed us of the illustration of the shuttle, [it might have been supposed] that the Rabbis make their remark in connection with it alone, but in the case of a loaf conclude that they agree with R. Eliezer.⁶ [Therefore both are] necessary.

R. Hiyya, son of Rabbah b. Nahmani, said in the name of R. Hisda: Ze'iri said that the *halachah* agrees with R. Eliezer. Others declare that R. Hisda said: Abba son of R. Hisda informed me that Ze'iri said: The *halachah* agrees with R. Eliezer.

R. Adda b. Ahabah said: They only differ in the matter of the loaf, but not in the matter of a cask of wine.⁷ But R. Hisda said: Even a cask of wine is permitted.⁸ An instance occurred of a man who mixed a cask of *yen nesek*⁹ with his own wine. He came before R. Hisda who told him, 'Take four *zuz*¹⁰ and throw them into the river and the wine will then be permitted to you [to dispose of].'¹¹

MISHNAH. HOW DOES ONE ANNUL [AN ASHERAH]? IF [A HEATHEN] PRUNED OR TRIMMED IT,¹² REMOVING FROM IT A STICK OR TWIG OR EVEN A LEAF, BEHOLD IT IS ANNULLED. IF HE CHIPPED IT TO EMBELLISH IT, IT IS PROHIBITED; BUT IF NOT TO EMBELLISH IT, IT IS PERMITTED.

GEMARA. What of the pieces chipped off?¹³ — R. Huna and Hiyya b. Rab differ in opinion. One said that they are prohibited, the other that they are permitted — There is a teaching in agreement with him who said that they are permitted, for it has been taught: If an idolater chipped off an idol to make use of the pieces, it and the pieces are permitted, and if he did so to embellish it, it is prohibited but its pieces are permitted; but if an Israelite chipped off an idol, whether to make use of the pieces or for its

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embellishment, it and the pieces are prohibited.¹⁴

It has been stated: If an idol was broken of its own accord, Rab said: It is necessary to annul every fragment;¹⁵ but Samuel said: An idol is only annulled when it is in its natural form!¹⁶ — On the contrary, does one annul it when it is in its natural form!¹⁷ — But thus he means to say: An idol need not be annulled except when it is in its natural form.¹⁸ Is this to say that they differ on this point: One holds that [idolaters] worship fragments [of idols] and the other holds that they do not worship fragments? — No, they all agree that idolaters worship fragments; and here they differ with respect to the fragments of the fragments. One holds that the fragments of the fragments are prohibited and the other holds that they are permitted. Or if you wish, I can say that they all agree that the fragments of the fragments are permitted, and here they differ with respect to an idol which is formed in sections¹⁹ and in connection with an ordinary man who is able to restore it.²⁰ One holds that since an ordinary man is able to restore it, it is not annulled; while the other holds that an idol can only be annulled when it is in its natural form, that is, the form it normally assumes.²¹ So in this instance it is not in its natural form,²² and there is no need to annul it.

CHAPTER IV

MISHNAH. R. ISHMAEL SAYS: IF THREE STONES ARE LYING SIDE BY SIDE NEXT TO A MERCURIUS,²³ THEY ARE PROHIBITED; IF THERE ARE TWO THEY ARE PERMITTED. THE SAGES, HOWEVER, SAY: IF [THE STONES] ARE SEEN TO BE CONNECTED WITH IT THEY ARE PROHIBITED;²⁴ BUT IF THEY DO NOT APPEAR TO BE CONNECTED WITH IT THEY ARE PERMITTED.²⁵

GEMARA. The opinion of the Rabbis²⁶ is clear. They maintain that [idolaters]

worship the fragments [of their idols], so that when [the stones] are seen to be connected with it, the assumption is that they fell from it and are prohibited, but if they do not appear to be connected with it they are permitted. What, however, does R. Ishmael maintain? If he holds that [idolaters] worship the fragments, then even two stones should be prohibited; and if he holds that they do not worship the fragments, then even three stones should not [be prohibited]! — R. Isaac b. Joseph said in the name of R. Johanan: When it is certain that they dropped from the idol, all agree that they are prohibited, and even according to him who says that they do not worship fragments [and so these may be used], this only applies to an idol which has not that form;²⁷ whereas here [with the Mercurius, the stones are] from the outset detached²⁸ and that is its normal form. When, therefore, [R. Ishmael and the Rabbis] differ, it must be in connection with stones which cannot be determined.²⁹

1. Because the oven, made of clay, became hardened by the heat from fuel which is prohibited.
2. There is no need to break it up in pieces because the oven derives no benefit from the heat of the fuel as does a new one.
3. Since the loaf which has been baked under unlawful conditions cannot be distinguished from the rest.
4. Rashi explains this to be the monetary value of the prohibited fuel. But Tosaf. rightly objects that the man could in this way redeem the loaf which had become mixed with the others, it therefore explains that the monetary value of the loaf is intended.
5. That there can be no redemption. So we learn from the Mishnah that R. Eliezer does not take this view.
6. That the fuel having been consumed, there can be redemption.
7. Even R. Eliezer admits that if a cask of prohibited wine became mixed with others, there can be no redemption.
8. By means of redemption.
9. V. [Glos.](#)
10. The value of a cask of wine. For *zuz*, v. [Glos.](#)
11. But not to drink thereof.

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12. To use the twigs as fuel or for any other secular purpose.
13. When the heathen embellishes the tree, may they be used?
14. V. *Infra* 42a.
15. He regards every piece as an idolatrous object.
16. If it has been damaged, it ceases to be an idol and further annulment is unnecessary.
17. It must be damaged to be annulled.
18. But when it falls and is broken, the heathen virtually annuls it by thinking, 'It could not save itself.' V. *supra* 41b.
19. Such an idol has fallen and is broken up into its component parts.
20. It does not require a skilled workman to put it together.'
21. [Even if it falls in pieces as in the case of the foliage, since it is natural for a tree to drop its foliage (Rashi).]
22. Having fallen to pieces.
23. [The Greek Hermes, the patron deity of wayfarers, v. Sanh. (Sonc. ed.) p. 410, n. 2.] It is presumed that they are the remains of a dolmen and for that reason forbidden.
24. Whatever be their number.
25. Even if there be three stones there.
26. The Sages in the Mishnah.
27. I.e., the idol does not consist of a pile of stones.
28. Lit., 'broken', i.e., they were never cemented together but simply a pile. Therefore each stone is an idolatrous object and prohibited.
29. Whether they belong to the statue or not.

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With regard to stones which are near,¹ we may likewise assume that they fell [from the idol] and all agree that they are prohibited; the point of variance between them must therefore be with respect to stones which are at a distance.² But the Mishnah uses the phrase: NEXT TO A MERCURIUS!³ — What means NEXT TO? Within four cubits of its side. R. Ishmael holds that they make a small Mercurius⁴ by the side of a large Mercurius; if, then, there are three stones which together resemble a Mercurius they are prohibited, and if there are two they are permitted. The Rabbis, on the other hand, hold that they do not make a small Mercurius by the side of a large Mercurius; consequently it is immaterial whether there

are three or two stones. If they are seen to be connected with it they are prohibited, otherwise they are permitted.

The Master said [above]: 'When it is certain that they dropped from the idol, all agree that they are prohibited.' Against this statement I cite the following: When stones dropped from a Mercurius, if they are seen to be connected with it they are prohibited, and if they do not appear to be connected with it they are permitted; and R. Ishmael says: Three stones are prohibited but two are permitted! — Raba explained: Do not read in this extract 'dropped' but 'were found'.⁵ But is R. Ishmael's opinion that [if they are within four cubits] two stones are permitted? Behold it has been taught: R. Ishmael says: If two stones were found within the idol's reach⁶ they are prohibited and three are prohibited even at a greater distance! — Raba explained: There is no contradiction; here⁷ they were within one reach, and there within two reaches. How is this to be understood?⁸ — There is a mound between [the stones] and the Mercurius.

When they are lying in this manner⁹ [are they to be considered a Mercurius]? For behold it has been taught: The following are the stones of a Beth-Kulis¹⁰ — one here, a second next to it, and a third on the top of them!¹¹ — Raba explained: This teaching refers to the basis of a Mercurius.¹²

The palace of King Jannaeus¹³ was destroyed. Idolaters came and set up a Mercurius there. Subsequently other idolaters came, who did not worship Mercurius, and removed the stones with which they paved the roads and streets. Some Rabbis abstained [from walking in them] while others did not. R. Johanan exclaimed, 'The son of the holy walks in them, so shall we abstain!' Who was 'the son of the holy'? — R. Menahem son of R. Simai. And why did they call him 'the son of the holy'? — Because he¹⁴ would not gaze even at the image on a *zuz*.¹⁵ What was the

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reason of him who abstained [from walking in these streets]? — He agreed with what R. Giddal said in the name of R. Hiyya b. Joseph: Whence is it that an idolatrous offering¹⁶ can never be annulled? As it is stated, They joined themselves also unto Baal-peor, and ate the sacrifices of the dead¹⁷ — as a dead body can never be annulled,¹⁸ similarly an idolatrous offering can never be annulled. As for him who did not abstain, he said: We require [such an offering] to resemble what was offered within the Temple.¹⁹ and we have not such here.²⁰

R. Joseph b. Abba said: Rabbah b. Jeremiah once visited our town. When he came he brought with him this teaching: If an idolater took stones from a Mercurius and paved roads and streets with them,

1. E.g., within a cubit or a half cubit of the idol (Rashi).
2. Within four cubits (Rashi).
3. So they must be near it.
4. Consisting of three stones or more.
5. According to the amended reading there is still uncertainty whether the stones are part of the idolatrous heap.
6. I.e., within a distance of four cubits.
7. When he prohibits two stones.
8. Viz., the phrase 'within two reaches'. The probability is then much less that they were part of the idol.
9. V. Mishnah: SIDE BY SIDE.
10. A wayside cairn dedicated to Mercurius.
11. Formed like a dolmen.
12. In this manner they start the heap and additions are made to it. But a small Mercurius by the side of a large one need not take the form of a dolmen.
13. Alexander Jannaeus who ruled over Judea 104-78 B.C.E. The allusion is probably to the palace which he had built, not that it was destroyed during his lifetime. [Klein. *op. cit.* p. 2, refers this to the palace of Herod the Tetrarch in Tiberias, which was destroyed at the beginning of the revolt in 67 C.E.; v. Josephus, Vita, 12.]
14. [R. Menahem, 'son' expressing an attributive idea = a holy man. Tosaf. ascribes the designation 'holy' to the father, whose holiness the son inherited.]
15. V. Glos. The coin bore the emblem of some idolatrous cult.

16. And the stones used for Mercurius came within that category.
17. Ps. CVI, 28.
18. So as not to defile.
19. Before we declare that it cannot be annulled.
20. Stones were not offered in the Temple!

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they are permitted;¹ if an Israelite took stones from a Mercurius and paved roads and streets with them, they are prohibited; [and he added that] there was no scholar² or scholar's son³ who could elucidate this teaching.⁴ R. Shesheth said: I am neither a scholar nor a scholar's son, yet I can elucidate it. What is the difficulty? The statement of R. Giddal.⁵ [To this I make the reply given above:] 'We require [such an offering] to resemble what was offered within the Temple, and we have not such here.'

R. Joseph b. Abba said: Rabbah b. Jeremiah once visited our town. When he came he brought with him this teaching: We may remove worms [from a tree] and patch the bark with dung⁶ during the Sabbatical year,⁷ but we may not perform these operations during [the non-holy days of] a festival. On both these occasions we may not prune,⁸ but we may smear oil on the place of pruning⁹ either during [the non-holy days of] a festival or during the Sabbatical year; and he added that there was no scholar or scholar's son who could elucidate this teaching. Rabina said: I am neither a scholar nor a scholar's son, yet I can elucidate it. What is the difficulty in it? Shall I say that the difficulty lies [in the operations mentioned] in connection with [the non-holy days of] a festival and the Sabbatical year, viz., why is the latter occasion different that the work is permitted from the former occasion when it is prohibited? Is, then, the Sabbatical year analogous [to the non-holy days of a festival], since the Divine Law forbade labor then but permitted occupation, whereas on [the non-holy days

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of] a festival even occupation is also prohibited!

Perhaps the difficulty is in connection with patching the bark and smearing the place of pruning — what is the distinction that the former is permitted and the latter prohibited? But is patching the bark, the purpose of which is the preservation of the tree and is permitted, analogous to smearing the place of pruning, the purpose of which is to strengthen the tree and is prohibited!¹⁰

Perhaps the difficulty is in the contradiction about patching the bark, because the teaching was: 'We may remove worms [from a tree] and patch the bark with dung during the Sabbatical year'; and against this I quote: We may patch the bark of plants, enwrap them, cover them with powder, make supports for them, and water them up to the New Year¹¹ — up to the New Year this is permissible but not in the Sabbatical year itself!¹² — Perhaps [the contradiction might be solved] according to the view of R. 'Ukba b. Hama who said: There are two kinds of hoeing [olive trees]; one to strengthen the tree and this is prohibited [in the Sabbatical year] and the other to close up cracks¹³ and this is permitted. Similarly here there are two kinds of patching; one is to preserve the tree and is permitted and the other to strengthen the tree and is prohibited!

Perhaps the difficulty is in the contradiction about smearing the place of pruning, because the teaching was: 'We may smear oil on the place of pruning either during [the non-holy days of] a festival or during the Sabbatical year'; and against this I quote: We may smear figs and perforate them to fatten them [with oil] up to the New Year¹⁴ — up to the New Year this is permissible but not in the Sabbatical year itself! — But are the two cases analogous; in the former the purpose is to preserve the tree and is permitted, whereas in the latter it is to fatten the fruit and is prohibited!

R. Sama the son of R. Ashi said to Rabina: Rabbah b. Jeremiah's difficulty is in connection with smearing the place of pruning on [the non-holy days of] a festival¹⁵ and patching the bark on that occasion.¹⁶ Since the purpose of both is to preserve the tree, why the distinction that one is permitted and the other prohibited? That is why [Rabbah b. Jeremiah] remarked, 'There was no scholar or scholar's son who could elucidate it.'

Rab Judah said in the name of Rab: If an idol is worshipped [by tapping before it] with a stick and [an Israelite] broke a stick in its presence, he is liable;¹⁷ if he threw a stick in front of it he is free of penalty. Abaye said to Raba: Why is it different when he broke the stick? Because it resembles the slaughter [of an animal in the Temple].¹⁸ Then the act of throwing a stick resembles the rite of sprinkling [the blood in the Temple]!¹⁹ — He replied: We require a sprinkling which is broken up and that we have not here.²⁰ Against [this explanation of Raba] is quoted: If he offered to the idol excrement or poured out before it a vessel of urine,

1. Because by using them for such a purpose, the heathen annulled them.
2. Lit., 'skilled artisan', i.e., an ordained Rabbi.
3. A Rabbinical student.
4. The difficulty is, how could idolatrous offerings have been annulled?
5. That there can be no annulment with an idolatrous offering.
6. In places where the bark had fallen off, Jastrow explains: smear a plant with rancid oil to keep worms away.
7. When all agricultural labor has to be suspended (Lev. XXV, 4).
8. To increase the foliage. So Rashi; but Jastrow has: Cut a branch to let the sap drip.
9. To prevent the sap from running out, which would injure the tree.
10. The latter, unlike the former, increases the growth and is consequently forbidden in the Sabbatical year. So the problem is not to be sought in this point.
11. Preceding the Sabbatical year (Sheb. II, 4).

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12. Whereas Rabbah b. Jeremiah taught that this could be done during the Sabbatical year.
13. In the soil around the root. Its purpose is then only to preserve the tree.
14. Sheb. II, 5.
15. Which is permitted.
16. Which is prohibited.
17. To the death-penalty for the sin of idolatry.
18. The animal is, as it were, broken.
19. So the man who did this should also be punished.
20. There is no analogy between throwing a solid object and sprinkling drops of a liquid.

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he is liable. It is clear [why he is liable if he poured out] a vessel of urine because it is a kind of sprinkling which is broken up; but where is there a sprinkling which is broken up with excrement? — With moist excrement. Is it to be said [that Rab's statement] is a matter of dispute between Tannaim: 'If one slaughtered a locust to an idol, R. Judah holds him liable, but the Sages free him of penalty'? Is not this the point at issue between them — [R. Judah] holds that we declare [that to incur guilt the idolatrous worship need only be] like the act of slaughter,¹ whereas the others hold that we do not declare [it sufficient to be only] like the act of slaughter and it must resemble the ritual within the Temple? — No, all agree that we do not declare [it sufficient to be only] like the act of slaughter and we require a resemblance to the ritual within the Temple; but it is different with a locust because it has a neck like the neck of an animal.²

R. Nahman reported that Rabbah b. Abbuha said in the name of Rab: If an idol is worshipped [by rapping before it] with a stick and [an Israelite] broke a stick in its presence, he is liable and [the stick] is prohibited.³ If he threw a stick in front of it, he is liable but [the stick] is not prohibited.⁴ Raba asked R. Nahman: Why the distinction — if he broke the stick it is regarded as an act of slaughter; if he threw the stick, it

should likewise be regarded as an act of sprinkling! — He replied to him: We require a sprinkling which is broken up and that we have not here. [Raba retorted:] According to this reasoning, whereby should the stones [which are thrown before] a shrine of Mercurius be forbidden?⁵ — He answered him: I, too, had that difficulty and I put the question to Rabbah b. Abbuha who put it to Hiyya b. Rab and he put it to Rab who said to him: [The stone] becomes, as it were, an enlargement of the idol.⁶ This reply is satisfactory for him who maintains that the idol of an idolater is prohibited forthwith;⁷ but according to him who maintains that [the idol is not prohibited] until it has been worshipped [the stones] should be permitted since it has not been worshipped!⁸ — [R. Nahman] answered [Raba]: Each stone becomes an idolatrous object in itself and also an offering to the one next to it.⁹ [Raba asked]: If this is so, the last stone at least should be permitted!¹⁰ — [R. Nahman retorted]: If you know [which is the last stone], go and remove it!¹¹ R. Ashi said: Each stone becomes an offering in itself and an offering to the one next to it.¹²

We learn: If he found on top [of a Mercurius] a garment or coins or utensils, behold these are permitted; but [if he found] grape-clusters, wreaths of corn, [gifts of] wine, oil or fine flour, or anything resembling what is offered upon the altar, it is prohibited.¹³ This is all right with [gifts of] wine, oil and fine flour, since they have a resemblance to what is within the Temple and also to the sprinkling which is broken up; but grape-clusters and wreaths of corn have no resemblance to what is within the Temple and to sprinkling which is broken up!¹⁴ — Raba said in the name of 'Ulla: [The prohibition applies when,] e.g., the man cut them at the outset for an idolatrous purpose.¹⁵

R. Abbahu said in the name of R. Johanan: Whence is it that he who sacrifices a blemished animal to an idol is free of

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liability? — As it is stated, He that sacrificeth onto any god, save unto the Lord alone, shall be utterly destroyed.¹⁶ — the Torah only prohibits what resembles that which is within the Temple. Raba objected: What [sort of blemish has R. Abbahu in mind]? Shall I say it is a cataract in the eye?¹⁷ Since, however, such an animal was qualified to be offered by the sons of Noah¹⁸ to God upon their altars, how much more so to an idol! Rather [must he be thinking of a blemish like] being defective in a limb, and it is in accord with R. Eleazar who said: Whence is it that an animal defective in a limb is prohibited [as an offering] to the sons of Noah? As it is stated, And of every living thing of all flesh, two of every sort¹⁹ — the Torah declares, Bring an animal which has all its limbs living.²⁰ But the phrase of every living thing is required to indicate the exclusion of an animal which is *trefa*!²¹ — This is derived from the phrase to keep them alive with thee.²² This reply is satisfactory for him who maintains that an animal which is *trefa* cannot bring forth young; but for him who maintains that it can, what is there to say? — Scripture states with thee, i.e., animals like yourself.²³ Perhaps, however, Noah was himself unsound of limb! It is written concerning him that he was perfect.²⁴ Perhaps that means perfect in his ways! It is written concerning him that he was righteous!²⁵ Perhaps the meaning is 'perfect' in his ways and 'righteous' in his actions! — It is impossible to say that Noah himself was unsound of limb, for if it entered your mind that he was, then the All-merciful said to him, Animals like yourself [which are defective] take [into the Ark] and exclude those which are unblemished! Since, now, [the thought that the animals were not defective] is derived from 'with thee', what is the purpose of 'to keep them alive'? — If [the Torah had only written] 'with thee,' I might have imagined that the reason was merely to provide him with company and [the animals could include] the old and even the castrated; therefore we are informed 'to keep them alive.'²⁶

R. Eleazar said: Whence is it that if one slaughters an animal to Mercurius he is liable?²⁷ As it is stated, And they shall no more sacrifice their sacrifices unto the satyrs.²⁸ Since this text cannot apply to the subject [of worshipping idols] in their regular way — for it is written, How do these nations serve their gods!²⁹ — apply it to the subject [of worshipping idols] in a way which is not regular to them. But is [the verse and they shall no more sacrifice, etc.] to be used for this purpose? Surely it is required in accordance with the following teaching:

1. Although a locust was never sacrificed in the Temple. Similarly with the breaking of the stick for which the man is liable.
2. For that reason R. Judah holds the man liable with the slaughter of a locust but with throwing a stick he may not hold him liable, so that Rab finds no support for his view among Tannaim.
3. The breaking of the stick is an offering to the idol.
4. It is not then considered to be an offering.
5. Since this is analogous to throwing a stick and cannot be said to resemble the act of sprinkling in the Temple.
6. It is therefore not an offering to an idol but itself an idolatrous object, a Mercurius consisting of a cairn.
7. Before it was actually worshipped, v. *supra* 46a.
8. Even if the stones are considered to enlarge the idol, they are still not prohibited until there has been an act of worship.
9. His act of throwing the stone renders the rest of the heap an idol since he thereby worships Mercurius, and the stone which is thrown becomes an idolatrous object as soon as another is added.
10. For the reason that it has not yet been worshipped.
11. Because one cannot be sure which is the last stone added to the heap, they are all prohibited.
12. The worship of Mercurius consisting in the throwing of stones, the act of throwing constitutes each stone an idolatrous object, even the last.
13. Quoted from the next Mishnah.
14. This refutes Rab's ruling.
15. It is then analogous to an act of slaughter.

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16. Ex. XXII, 19. Hence the animal must be such as is fit to be offered to God before the man is liable.
17. This defect would disqualify an animal as a sacrifice.
18. Rashi explains the term as including the Israelites before they received the Torah at Sinai.
19. Gen. VI, 19.
20. To the exclusion of any that are defective; and it was understood that the criterion which applied to the clean animals for the Ark was also to hold good for the Temple, v. *supra* 5b.
21. V. [Glos.](#)
22. *Ibid.*
23. Sound in limb. It therefore does not intend the exclusion of what is *trefa*.
24. *Ibid.* VI, 9.
25. So if 'perfect' referred to his character, it is superfluous.
26. To preserve the species and only such as are fit for that purpose were to be selected. On the whole passage, v. *supra* 5b-6a.
27. Although sacrificing animals to it was not its mode of worship.
28. Lev. XVII, 7.
29. Deut. XII, 30. Here the Torah forbids the normal worship of idols.

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Up to here¹ it speaks of sacrificial animals which had been dedicated as offerings during the time that improvised altars were prohibited and were offered during the time such altars were prohibited, because the penalty is actually stated, viz., And hath not brought it unto the door of the tent of meeting, etc.² Here we learn the penalty; but whence is the prohibition? There is a text to state, Take heed to thyself lest thou offer thy burnt offerings in every place that thou seest;³ and it is as R. Abin said in the name of R. Elai: Wherever it is stated Take heed, or lest, or do not, it denotes a negative command. From [and they shall no more sacrifice] onwards it speaks of sacrificial animals which had been dedicated as offerings during the time that improvised altars were permitted and were offered during the time such altars were permitted, as it is stated, To the end that the children of

Israel may bring their sacrifices, [which they sacrifice in the open field,]⁴ viz., which I previously permitted you [to offer upon improvised altars]; 'in the open field' — this teaches that whoever sacrifices upon an improvised altar at a time when such is prohibited, Scripture ascribes it to him as though he sacrifices in the open field. 'And bring them unto the Lord' — this is a positive command; but whence is the negative precept in this connection? There is a text to state, And they shall no more sacrifice their sacrifices. It is possible to think that the penalty [for transgressing the law about sacrificing to satyrs] is excision;⁵ therefore there is a text to state, This shall be a statute for ever unto them⁶ — i.e., this is for them but the other is not for them!⁷ — Raba said: Scripture reads, And they shall no more sacrifice.⁸

MISHNAH. IF HE FOUND ON TOP [OF A MERCURIUS] A GARMENT OR COINS OR UTENSILS BEHOLD THESE ARE PERMITTED;⁹ [BUT IF HE FOUND] GRAPE-CLUSTERS, WREATHS OF CORN, [GIFTS OF] WINE, OIL OR FINE FLOUR, OR ANYTHING RESEMBLING WHAT IS OFFERED UPON THE ALTAR, SUCH IS PROHIBITED.

GEMARA. Whence have we this? — R. Hiyya b. Joseph said in the name of R. Oshaia: One verse states, And ye have seen their abominations, and their idols, wood and stone, silver and gold, which were among them;¹⁰ and another verse states, Thou shalt not covet the silver or the gold that is on them.¹¹ How is it, then? 'Among them,' is analogous to 'on them'; as with the things 'on them' what is ornamental¹² is prohibited and what is not ornamental is permitted, so with the things 'among them' what is ornamental is prohibited and what is not ornamental is permitted. But reason [the other way about]: 'On them' is analogous to 'among them'; as 'among them' means that everything that is among them [is prohibited]¹³ so 'on them' means that

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everything that is upon them [is prohibited]! — In that case there would have been no need to mention 'on them'.¹⁴

COINS are surely an ornament!¹⁵ — The School of R. Jannai said: [The Mishnah deals with the circumstance] where they are tied in a bag and suspended from the idol.¹⁶ A GARMENT is surely an ornament! — The School of R. Jannai said: [The Mishnah deals with the circumstance] where it is folded and placed upon the head of the idol.¹⁷ A utensil is surely an ornament! R. Papa said: [The Mishnah deals with the circumstance] where a basin is inverted over its head. R. Assi b. Hiyya said: Whatever is within the veils,¹⁸ even water and salt, is prohibited;¹⁹ of the things outside the veils what is ornamental is prohibited and what is not ornamental is permitted.²⁰ R. Jose b. Hanina said: We have a tradition that [this regulation concerning] veils applies neither to the idol Peor nor to a Mercurius. For what purpose [does he mention this]? If I answer that [non-ornamental] objects which are even within [the veils] are like those outside and are permitted, since people relieve themselves before it²¹ would they not the more bring water and salt as an offering to it! — Rather must the reason be that even what is outside is like what is within the veils and is prohibited.²²

MISHNAH. IF AN IDOL HAS A GARDEN OR BATH-HOUSE, WE MAY USE EITHER SO LONG AS IT IS NOT TO THE ADVANTAGE [OF IDOLATRY],²³ BUT WE MAY NOT USE EITHER IF IT IS TO ITS ADVANTAGE. IF THEY BELONGED JOINTLY TO IT AND TO OTHERS, USE MAY BE MADE OF THEM WHETHER IT BE TO THE ADVANTAGE [OF IDOLATRY] OR NOT. THE IDOL OF AN IDOLATER IS PROHIBITED FORTHWITH; BUT IF IT BELONGED TO AN ISRAELITE IT IS NOT PROHIBITED UNTIL IT IS WORSHIPPED.

GEMARA. Abaye said: The term ADVANTAGE means that payment is made

to the heathen priests, and NOT TO ITS ADVANTAGE means that no payment is made to them, thus excluding the circumstance where payment is made to the idol-worshippers, which is permitted. There are some who apply this explanation to the second clause [of the Mishnah]: IF THEY BELONGED JOINTLY TO IT AND TO OTHERS, USE MAY BE MADE OF THEM WHETHER IT BE TO THE ADVANTAGE [OF IDOLATRY] OR NOT. Abaye said: The term ADVANTAGE means that the payment is made to the other joint-owners, and NOT TO THEIR ADVANTAGE means that no payment is made to the heathen priests. If one applies this explanation to the second clause, it clearly holds good all the more of the first clause;²⁴ but if he applies it to the first clause, then it could not hold good of the second clause for the reason that there being others [sharing the ownership] with it, it would be right even to make payment to the heathen priests.²⁵

THE IDOL OF AN IDOLATER IS PROHIBITED FORTHWITH. Whose is the teaching of our Mishnah? — It is R. Akiba's; for it has been taught: Ye shall destroy all the places wherein the nations served²⁶ — the verse refers to the utensils which are used for idolatry. It is possible to think that if they were made but not completed, or completed but not brought [into the heathen shrine], or brought there but not yet used, they would still be prohibited; therefore the text states, 'Wherein the nations served', i.e., they are not prohibited until they have been used in the worship. Hence it is said: The idol of an idolater is not prohibited until it is worshipped; but if it belonged to an Israelite it is prohibited forthwith — Such is the statement of R. Ishmael; but R. Akiba says the opposite: The idol of an idolater is prohibited forthwith; but if it belonged to an Israelite it is not prohibited until it is worshipped.

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The Master said [above]: 'The verse refers to the utensils which are used for idolatry.' But the verse speaks of 'places' [and not utensils]! — Since, however, It cannot refer to places, which are not prohibited — for it is written, Their gods upon the high mountains, not their mountains which are their gods²⁷ —

1. I.e., in the preceding verses of Lev. XVII.
2. Ibid. 4. The continuation is: that man shall be cut off from among his people.
3. Deut. XII, 13.
4. Lev. XVII, 5.
5. The same as if he had offered sacrifices when improvised altars were prohibited, as mentioned above.
6. Ibid. 7.
7. I.e., the penalty is restricted to the offence stated and not to one who sacrifices, e.g., to Mercurius. Consequently Lev. XVII, 7, cannot be employed to support the rule that a man who sacrifices to Mercurius is liable.
8. Lit., 'they shall not sacrifice' and 'no more'. The double phrase therefore indicates two prohibitions, and one of them may be applied to R. Eleazar's dictum about sacrificing to Mercurius.
9. Elmslie suggests that these were not offerings to the idol but were left there by devotees to be used by passers-by. For that reason they were not prohibited. The Gemara gives a different explanation.
10. Deut. XXIX, 16.
11. Ibid. VII, 25. Here there is no mention of wood and stone, because these are not ornaments of an idol.
12. [E.g., 'the silver or the gold'.]
13. [Although not ornamental as, e.g., 'wood and stone'.]
14. The verse would have been superfluous, since the law could have been deduced from Deut. XXIX, 16.
15. Why, then, does the Mishnah allow them?
16. Only then is it permitted, because the idol appears to be a carrier and this is derogatory to it.
17. This too takes away from the dignity of the idol.
18. Which hang in front of the idol.
19. Because it is presumably an offering.
20. It is not regarded as an offering.
21. The idol Peor. V. *infra* 44b.
22. Even though it be non-ornamental, because the veils are only used for reasons of decency since the worship takes an immodest form.

They cannot therefore be regarded as partitioning off the idol.

23. There is no payment or any other recognition for the use.
24. The reason must be the stronger when the garden or bathhouse belongs exclusively to the idol.
25. Because whether payment is made to the joint-owners or the priests, there is advantage to idolatry.
26. Deut. XII, 2.
27. V. *supra* 45a.

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apply it to the subject of utensils.¹ 'Hence it is said: The idol of an idolater is not prohibited until it is worshipped; but if it belonged to an Israelite [it is prohibited] forthwith.' But we explained the verse as referring to utensils [and not to idols]! — Scripture states, Which ye shall possess their gods,² thus comparing their gods to utensils — as utensils [are not prohibited] until they are used in worship so their gods likewise [are not prohibited] until they are worshipped. R. Akiba, however, who does not draw this comparison, can tell you that the particle *eth*³ interrupts the subject-matter.⁴

We have ascertained R. Ishmael's reason for the view that the idol of an idolater is not prohibited until it is worshipped; but whence does he derive that the idol of an Israelite is prohibited forthwith? — It is common sense that if when it belongs to an idolater [it is not prohibited] until it is worshipped, when it belongs to an Israelite it should be prohibited forthwith — But draw the conclusion that when it belongs to an Israelite [it is prohibited] not at all! — Since it has to be removed out of sight,⁵ shall it not be prohibited at all! But why not say [that when it belongs to an Israelite it is to be treated in the same way as when it belongs to] an idolater! — Scripture stated, And I took your sin, the calf which ye had made⁶ — from the moment it was made it came within the category of 'sin'. [But again] conclude from these words that a man is

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guilty of sin [when he makes an idol] but not that it is prohibited! — Scripture stated, Cursed be the man that maketh a graven or molten image⁷ — from the moment it is made he comes under the curse. Conclude from these words that a man becomes involved in a curse [when he makes an idol] but not that it is prohibited! — It is written, An abomination unto the Lord.⁸

How does R. Akiba [explain this phrase]?⁹ — [The idol] is a thing that leads to an abomination.¹⁰ Whence does R. Akiba derive his view that the idol of an idolater is prohibited forthwith? — 'Ulla said: Scripture stated, The graven images of their gods shall ye burn with fire¹¹ — as soon as they have been made into graven images they become deities. And how does the other¹² [explain this verse]? — He requires it in accordance with the teaching of Rab Joseph who learned: Whence is it that an idolater can annul his deity? — As it is stated, The graven images of their gods shall ye burn with fire.¹³ And whence does the other [i.e., R. Akiba, derive this regulation]? — He deduces it from the statement of Samuel who asked: It is written, Thou shalt not covet the silver or the gold that is on them, and it continues, Thou shalt take it unto thee¹⁴ — so how is this to be understood? When [the idolater] fashions it into a god do not covet it, but when he has annulled¹⁵ it so that it is no longer a god you may take it for yourself.

We have ascertained R. Akiba's reason for the view that the idol of an idolater is prohibited forthwith, but whence does he derive that if it belonged to an Israelite [it is not prohibited] until it is worshipped? — Rab Judah said: Scripture stated, And setteth it up in secret,¹⁶ i.e., [he is not involved in the curse] until he performs towards it things which are done in secret.¹⁷ And how does the other [i.e., R. Ishmael, explain this phrase]? — He requires it in accordance with the teaching of R. Isaac who said: Whence is it that an idol belonging

to an Israelite must be removed out of sight?¹⁸ As it is stated, And setteth it up in secret. And from where does the other [i.e., R. Akiba, derive this regulation]? — He deduces it from what R. Hisda said in the name of Rab: Whence is it that an idol belonging to an Israelite must be removed out of sight? As it is stated, Thou shalt not plant thee an Asherah of any kind of tree beside the altar¹⁹ — as an altar must be removed out of sight,²⁰ so an Asherah [belonging to an Israelite] must be removed out of sight. And what does the other [i.e., R. Ishmael, make of this verse]? — He requires it in accordance with the teaching of R. Simeon b. Lakish who said: Whoever appoints an unworthy judge is as though he plants an Asherah in Israel, as it is stated, Judges and officers shalt thou make thee in all thy gates,²¹ and near it [is stated], 'Thou shalt not plant thee an Asherah of any kind of tree'; and R. Ashi said: [Should he have appointed such a judge] in a place where there are disciples of the Sages, it is as though he had planted an Asherah by the side of the altar, as it is stated, 'Beside the altar.'²²

R. Hamnuna asked: How is it if one riveted a vessel [which has been broken] for an idol? Whose idol? If I answer the idol of an idolater, then both according to R. Ishmael and R. Akiba they are appurtenances of idolatry, and appurtenances of idolatry are not prohibited until they are used. It must therefore be the idol belonging to an Israelite; so according to whom [is the question to be decided?] If I say it is according to R. Akiba, since the idol itself is not prohibited until it is worshipped obviously its appurtenances [must first be used before they are prohibited]! If on the other hand, according to R. Ishmael who said that [the idol of an Israelite] is prohibited forthwith [the question will then be]: do we draw a deduction about the appurtenances [of an Israelite's] idol from the appurtenances [of a heathen's idol]? Just as with the latter [they are not prohibited]

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until they are used, so with the former [they are not prohibited] until they are used. Or do we draw the deduction from the idol itself, that as [an Israelite's idol] is prohibited forthwith also its appurtenances are prohibited forthwith? [But if this is what R. Hammuna meant to ask,] why does he specify 'one riveted a vessel' in his question? Let him ask about one who made a vessel!²³ — R. Hammuna put the question in that form because of the problem of the former defilement; for we have learnt: Of metal utensils those which are flat and those which are formed as receptacles contract defilement; if they are broken they lose their defilement, but if repaired they return to their former defilement.²⁴ So thus did [R. Hammuna ask]: When its defilement returns, does it mean to the Biblical defilement or to the Rabbinical defilement, or perhaps there is no difference?²⁵ But if that were his intention, let him put his question with reference to the other Rabbinical defilements!²⁶ — His purpose was that one question should embrace another, viz., Does Rabbinical defilement return or not? And if you decide that it does not return, do the Rabbis make defilement caused by idolatry, on account of its severity, equal to Biblical defilement or not?²⁷ — The question remains unanswered.

R. Johanan asked R. Jannai: How is it with foodstuffs offered to an idol?²⁸ Does the annulment [of the idol] avail to purify them of their defilement or not? But he should have framed his question with reference to utensils!²⁹ — There is no question about utensils, because for them there is purification [by immersion] in a ritual bath,³⁰ so the defilement [by idolatry] can likewise be annulled.³¹ What he does ask is about foodstuffs [offered to an idol].³² But let him frame his question with reference [to foodstuffs] which are themselves the object of idolatrous worship!³³ — He does not frame his question with reference [to foodstuffs] which are themselves the object of idolatrous worship,

1. I.e., the things worshipped or used for worship in these places.
2. Ibid., so the Hebrew literally.
3. The sign of the accusative case before 'their gods'.
4. And so 'places', i.e. utensils, is distinct from 'their gods' and no analogy is to be drawn to overthrow his contention that the idol of an idolater is prohibited forthwith.
5. As will be explained below.
6. Deut. IX, 21.
7. Ibid. XXVII, 15.
8. Ibid., so obviously it is prohibited forthwith.
9. His opinion being that the idol of an Israelite is prohibited only after it has been worshipped.
10. When it is worshipped.
11. Ibid. VII, 25.
12. R. Ishmael who says that they must be worshipped before they are prohibited.
13. I.e., so long as they are graven images they are gods; when he has damaged them they are no longer gods.
14. Ibid. Samuel separates the two phrases and does not understand the second as governed by the negative in the first.
15. The word for 'annul' is the same as for 'fashion',
16. Ibid. XXVII, 15.
17. Cf. Deut. XIII, 7.
18. If it is undamaged it should be buried in the earth.
19. Ibid. XVI, 21.
20. When no longer used in the Temple it is buried in the earth, v. *infra* 52b.
21. Ibid. XVI, 18.
22. V. Sanh. 7b.
23. [For an idol, whether it is prohibited forthwith or not.]
24. Kelim XI, 1.
25. In certain respects the Rabbis made the Biblical laws of defilement stricter. E.g., the regulation that an idol contaminates is a Rabbinical ordinance. If, then, an article was unclean in the severer Rabbinical sense, when it is repaired after being broken, to which degree of defilement does it return?
26. Why does he specify an idol?
27. So that in this exceptional case the defilement does return.
28. Which have become defiled by idolatry.
29. Why did he specify foodstuffs?
30. For other defilements.
31. [Annulment in the case of idolatry is of the same effect as immersion with other defilements.]
32. [Foodstuffs cannot become purified by immersion.]

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33. Would their defilement depart if they were annulled as idols?

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because when its prohibited character is annulled its defilement is likewise annulled. What he does ask is with reference to foodstuffs offered to an idol: How [are we to decide]? [Shall we say] since its prohibited character cannot be annulled according to R. Giddal,¹ it follows that its defilement can likewise never be annulled; or perhaps, though what is prohibited by the Torah cannot be annulled its defilement, which is a Rabbinical ordinance, can be annulled? — The question remains unanswered.

R. Jose b. Saul asked Rabbi: May utensils which were used in the Temple of Onias² be used in the Sanctuary? This question follows on the view of him who said that the Temple of Onias was not an idolatrous shrine; for we have learnt: Priests who served in the Temple of Onias may not serve in the Sanctuary which is in Jerusalem, and it is unnecessary to state that [priests who served] an idol³ [are disqualified].⁴ Were the priests penalized by the Rabbis because they were rational beings but [they did not penalize] the utensils, or perhaps there is no difference [and the utensils are also disqualified]? — [Rabbi] replied to him: They are prohibited and I had a Scriptural text [upon which to support this decision] but I have forgotten it. [R. Jose b. Saul] quoted against him: Moreover all the vessels, which king Ahaz in his reign did cast away when he trespassed, have we prepared and sanctified⁵ — does not 'have we prepared' mean that we immersed them [in a ritual bath to purify them], and 'sanctified' that we have made them holy again!⁶ He said to him: May the blessing of Heaven be upon you for having restored my loss to me!⁷ 'Have we prepared' means we have stored them away, and sanctified that we have substituted others for them. Is this to say that [Rabbi] has

support [from this Mishnah]: In the north-east⁸ the Hasmoneans stored away the altar-stones which the Greeks had made abominable;⁹ and R. Shesheth remarked thereon: They had made them abominable through idolatry?¹⁰ — R. Papa said: There [in the case of the Hasmoneans] they found a verse and expounded it [to support their action], for it is written, And robbers shall enter into it and protect it.¹¹ [When the Hasmoneans recaptured the Temple] they said, How shall we act? If we have them broken,¹² the All-merciful declared that they were to be whole stones;¹³ if we saw them,¹⁴ the All-merciful declared, Thou shalt lift up no iron tool upon them!¹⁵ But why did they not have them broken¹⁶ and take them for their own private use? Has not R. Oshaia said: [The Rabbis] wished to store away all the silver and gold in the world on account of the silver and gold [plundered from the Sanctuary] of Jerusalem!¹⁷ And to this it was objected: Is Jerusalem the greater part of the world!¹⁸ But, said Abaye: What the Rabbis aimed at doing was to store away every Hadrianic and Trajanic denarius¹⁹ which had become worn by use²⁰ because it was coined from [metal captured from] Jerusalem;²¹ until they discovered a verse of the Torah according to which it was permitted. viz., And robbers shall enter into it and profane it! — There [in the case of the coins] they had not been used in the Divine Service;²² but here [in the case of the altar-stones], since they had been used in the Divine Service it would not be respectful to put them to a secular use.

MISHNAH. AN IDOLATER CAN ANNUL AN IDOL BELONGING TO HIMSELF OR TO ANOTHER IDOLATER, BUT AN ISRAELITE CANNOT ANNUL THE IDOL OF AN IDOLATER. HE WHO ANNULS AN IDOL ANNULS ITS APPURTENANCES. IF HE ONLY ANNULLED THE APPURTENANCES THESE ARE PERMITTED BUT THE IDOL IS PROHIBITED.

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GEMARA. Rabbi taught his son R. Simeon: **AN IDOLATER CAN ANNUL AN IDOL BELONGING TO HIMSELF OR TO ANOTHER [HEATHEN].** The latter said to him, 'My Master, in your youth you taught us that an idolater can annul an idol belonging to himself or to an Israelite!' But can the idol of an Israelite be annulled; for behold it is written. And setteth it up in secret!²³ R. Hillel the son of R. Wallas said: No, [Rabbi's teaching] is necessary for the circumstance where there was joint-ownership of the idol [by an Israelite and a heathen]. On this point what view did Rabbi hold in his youth and what view in his old age? — In his youth he held that the Israelite worshipped the idol on account of the heathen, so that when the latter annulled it for himself he annulled it also for the Israelite. In his old age, however, he held that the Israelite worshipped it on his own account, so that when the heathen annulled it he did so for himself but not for the Israelite.

There are some who apply [the statement of R. Hillel] to the next clause in our Mishnah: **AN ISRAELITE CANNOT ANNUL THE IDOL OF AN IDOLATER.** This is obvious! — R. Hillel the son of

1. *V. supra* p. 251.
2. Erected by Onias IV in Leontopolis in Egypt about 260 B.C.E. *V. Josephus, Antiquities, XIII, iii, 1 ff.*
3. Lit., 'another matter'.
4. *V. Men. 109b.*
5. *II Chron. XXIX, 19.*
6. If, then, utensils used for idolatry could be restored to purity and used in the Sanctuary, how much more so those belonging to the Temple of Onias!
7. The verse cited by R. Jose was the one Rabbi had forgotten.
8. Of the four chambers in the part of the Temple where the fire was kept continually burning.
9. *Mid. I, 6.*
10. Although these stones, as property of the Temple, might have been allowed for secular use, on the principle that 'no one can render prohibited anything that is not his,' *v. infra 53b*, yet as a precautionary measure they

were stored away lest they be employed in the divine Service. The same applies to the utensils in the Temple of Onias.

11. *Ezek. VII, 22.* [The stones, having been rendered profane by the actions of the idolaters, were no longer regarded as the property of the Temple and became forbidden even for secular use.]
12. *Viz., the altar stones, by an idolater, to annul them.*
13. *Deut, XXVII, 6.*
14. After they had been broken to make them level.
15. *Ibid. 5.*
16. And annulled by a heathen.
17. Some of this metal, captured by the Romans, must have come into the possession of Jews as coins, which, by law, they should not use.
18. The majority cannot be prohibited on account of the minority.
19. [Or, every denarius of Hadrianus Trajanus, Trajan being an adopted name of Hadrian, *v. next note.*]
20. [Kuk. S.H. Hazofeh, 1928, p. 262, renders 'obliterated', and suggests the reference to be to the holy coins restruck by Hadrian, who stamped over their holy legends those of the Romans. For other explanations of this difficult passage. *v. Madden, Jewish Coinage, p. 331 ff.*]
21. And as such its use by a Jew was illegal.
22. So having been annulled by the 'robbers' they could be put to secular use.
23. *Deut. XXVII, 15.* On the basis of this text it was taught above (52a) that the idol of an Israelite cannot be annulled.

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R. Wallas said: No, the clause is necessary for the circumstance where there was joint-ownership; and it informs us that while the Israelite cannot annul [the part of] the idol which belongs to the heathen, the heathen can do it [to the part] which belongs to himself.

There are still others who apply [the statement of R. Hillel] to this teaching: R. Simeon b. Menasya says: An idol belonging to an Israelite can never be annulled. What means 'never'? — R. Hillel the son of R. Wallas said: No, it was necessary [to have the word 'never'] for the circumstance where a heathen has part-ownership.¹ He

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thereby informs us that the Israelite worships the idol on his own account.²

MISHNAH. HOW DOES HE ANNUL IT? IF HE CUT OFF THE TIP OF ITS EAR, THE TIP OF ITS NOSE, OR THE TIP OF ITS FINGER; OR IF HE DEFACED IT,³ ALTHOUGH THERE WAS NO REDUCTION IN THE MASS OF THE MATERIAL,⁴ HE HAS ANNULLED IT. IF HE SPAT BEFORE IT, URINATED BEFORE IT, DRAGGED IT [IN THE DUST] OR HURLED EXCREMENT AT IT, BEHOLD IT IS NOT ANNULLED. IF HE SOLD OR GAVE IT AS A PLEDGE, RABBI SAYS THAT HE HAS ANNULLED IT, BUT THE SAGES SAY THAT HE HAS NOT ANNULLED IT.

GEMARA. Since there was no reduction in the mass of the material, how could it be annulled?⁵ — R. Zera said: Because he defaced its appearance.⁶

IF HE SPAT BEFORE IT, URINATED BEFORE IT. Whence is this? — Hezekiah said: Because Scripture stated, And it shall come to pass that, when they shall be angry, they shall fret themselves and curse their king and their god and turn their faces upward,⁷ and it continues, And they shall look unto the earth, and behold, distress and darkness, etc.⁸ Thus, although [the heathen] curse his king and his god and turn upward [to the true God], he still looks unto the earth.⁹

IF HE SOLD OR GAVE IT AS A PLEDGE, RABBI SAYS THAT HE HAS ANNULLED IT, etc. Zei'ri in the name of R. Johanan and R. Jeremiah b. Abba in the name of Rab [are at variance].¹⁰ One said that the difference is over a heathen smelter,¹¹ but if it was [sold to] an Israelite smelter all agree that he annulled it.¹² The other said that the difference is over an Israelite smelter.¹³ The question was asked: Is the difference over an Israelite smelter but with a heathen smelter all agree that he has not annulled it, or perhaps in either case there is the difference?¹⁴ — Come and hear: For Rabbi said: My view¹⁵ is the more

probable when he sold it to be broken up,¹⁶ and my colleagues' view is the more probable when he sold it to be worshipped.¹⁷ What means 'to be broken up' and 'to be worshipped'? Am I to say that these terms are to be understood in their literal sense? [If that were so,] what is the reason of him who says that he had annulled it,¹⁸ and the reason of him who says that he had not annulled it?¹⁹ Must not, then, 'to be broken up' mean [that he sold it] to someone who would break it up, viz., an Israelite smelter,²⁰ and 'to be worshipped' means [that he sold it] to someone who would worship it, viz., a heathen smelter;²¹ and are we not to conclude that in either case there is a difference of opinion?²² — No; this is the meaning — Rabbi said: My view is acceptable to my colleagues when he sold it to be broken up, i.e., to an Israelite smelter, because even my colleagues do not differ from me except in the case where he sold it to be worshipped, but when it is sold to be broken up they agree with me [that it had been annulled].

Against the above the following is quoted: If one brought scrap metal from a heathen and found an idol amongst it, should he have drawn it [into his possession] before paying over the purchase price he can return the idol;²³ but should he have drawn it [into his possession] after paying over the purchase money, he casts it into the Salt Sea.²⁴ This is quite right if you say that the above difference is over an Israelite smelter; then whose is this teaching? It is the Rabbis'.²⁵ But if you say that the difference is over a heathen smelter and all agree that with an Israelite smelter he has annulled it, whose is this teaching?²⁶ — It is otherwise in the present illustration because his intention was to sell scrap metal and not an idol.²⁷

Our Rabbis taught: If [a heathen] borrowed money on an idol, or ruins fell upon it,²⁸ or robbers stole it,²⁹ or the owners left it behind and journeyed to a distant land,

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1. When he annuls the idol, it does not affect the Israelite's position. So far as he is concerned the idol can never be annulled.
2. And what his heathen partner does cannot affect his own position in the matter.
3. By hammering at it when it is hollow.
4. Nothing was broken off.
5. Since something must be broken off the idol for its annulment.
6. And it is no longer recognizable as an idol.
7. Isa. VIII, 21.
8. Ibid, 22.
9. And eventually resumes his idolatry. His repudiation of the idol is only the effect of momentary exasperation. V. *supra*, p. 222.
10. Over the reasons which induced Rabbi and the Rabbis to adopt their respective views.
11. If the idol were sold to a heathen he may worship instead of melting it.
12. Because the seller assumes that the idol will be destroyed.
13. In that case the Rabbis maintain the idol is not annulled.
14. Whoever bought it, Rabbi maintaining that it is annulled and the Rabbis that it is not.
15. [I.e., the view which I received from my teachers (Rashi).]
16. It can then be assumed that he annulled it,
17. Then the seller probably had not annulled it.
18. If he sold it to be worshipped.
19. If he sold it to be broken up.
20. And then all must agree that he had annulled it.
21. Therefore all must agree that there has been no annulment.
22. The Rabbis holding that even if sold to an Israelite smelter the seller may think the Jewish purchaser will sell it to another heathen to be worshipped, and so he did not annul it; whereas Rabbi is assured that the seller annulled it even when he sold it to a heathen smelter because he was certain that it would be put into the melting-pot.
23. For the owner to annul and then the purchaser may accept it.
24. He may not return the idol and get his money back. Since the idol has to be thrown away, the assumption is that the seller has not annulled it. (v. *infra* 71b).
25. Who, in our Mishnah, say 'He has not annulled it'.
26. It agrees with neither Rabbi nor the Rabbis,
27. And so presumably there had been no annulment.
28. He makes no effort to recover it.
29. He does not try to get it back.

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if with the intention of returning [to claim it] as happened during the war waged by Joshua,¹ it is not annulled. It was necessary [to cite all these circumstances]. For if there had only been taught the case where he borrowed money on it, from the fact that he had not sold it [it follows that] he had not annulled it; but if ruins fell upon it, since he does not clear them away [to recover it], conclude that he had annulled it! Therefore it was necessary [to mention that in the latter circumstance the idol is not annulled]. If there had only been taught the case where ruins fell upon it, because he thought that [the idol] is lying there and whenever I want it I can take it [he did not annul it]; but in the case where robbers stole it, from the fact that he does not go searching for it [it might be assumed] that he had annulled it! Therefore it was necessary [to mention that in the latter circumstance the idol is not annulled]. If there had only been taught the case where robbers stole it, because he thought that if a heathen took it he would doubtless worship it and if an Israelite took it, it being an article of value, he would sell it to a heathen who would worship it [therefore it is not annulled]; but in the case where the owners left it behind and journeyed to a distant land, since they did not take it with them [it might be assumed] that they had annulled it! Therefore it was necessary [to mention that in the latter circumstance the idol is not annulled].

'If with the intention of returning [to claim the idol] as happened during the war waged by Joshua, it is not annulled!' But in the instance of the war waged by Joshua did [the Amorites] return?² — This is the meaning: If [the owners] have the intention of returning, it is analogous to the war waged by Joshua and there can be no annulment.³ Why, then, compare it to⁴ the war waged by Joshua? — He thereby informs us of something incidentally, and it is as Rab Judah said in the name of Rab: If

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an Israelite set up a brick to worship [but did not do so] and an idolater came and worshipped it, it is prohibited.⁵ Whence have we that it is prohibited?⁶ — R. Eleazar said: It is the same as happened at the beginning of the settlement in the land of Israel; for the Divine Law declared, And burn their Asherim with fire.⁷ Now it was an inheritance to [the Israelites] from their ancestors⁸ and a man cannot make prohibited what does not belong to him!⁹ If [it is assumed that the reason was] on account of those [Asherim] which existed there originally,¹⁰ then just an annulment would have sufficed!¹¹ But inasmuch as the Israelites worshipped the Golden Calf, they revealed their proneness for idolatry, so¹² when the idolaters came [and worshipped Asherim] they acted according to [the Israelites'] bidding.¹³ Similarly when an Israelite set up a brick, he revealed his proneness for idolatry; therefore when a heathen came and worshipped it he acted according to [the Israelite's] bidding. But perhaps the proneness was only for the Golden Calf and for nothing else!¹⁴ — No; Scripture states, These be thy gods, O Israel,¹⁵ which proves that they lusted for many gods. Conclude, then, that all [the Asherim] which existed at the same time as the Golden Calf are prohibited, but those planted subsequently¹⁶ are permitted!¹⁷ — Who is able to distinguish between them?

MISHNAH. AN IDOL WHICH ITS WORSHIPPERS ABANDONED IN TIME OF PEACE IS PERMITTED,¹⁸ IN TIME OF WAR IS PROHIBITED. PEDESTALS OF KINGS¹⁹ ARE PERMITTED BECAUSE [THE HEATHENS ONLY] SET THEM UP AT THE TIME THE KINGS PASS BY.

GEMARA. R. Jeremiah b. Abba said in the name of Rab: The Temple of Nimrod²⁰ is to be regarded the same as an idol which its worshippers abandoned in time of peace and is permitted; for although, due to the fact that the All-merciful dispersed them, it was like a time of war, if they had wished to

return [and claim the idols] they could have returned; but since they did not, they must have annulled them.

PEDESTALS OF KINGS ARE PERMITTED. Because [the heathens only] set them up at the time the kings pass by they are permitted! Rabbah b. Bar Hanah said in the name of R. Johanan: The meaning is — because they only set them up at the time kings pass by and the kings may abandon that road and proceed by another road.²¹ When 'Ulla came²² he seated himself on a damaged pedestal. Rab Judah said to him: Behold both Rab and Samuel declared that a damaged pedestal is prohibited; and even according to him who said that [heathens] do not worship fragments [of idols], that applies only to an idol because it is an act of contempt to worship fragments but with this [pedestal] one does not care!²³ — He replied to him: Who would give me some of the dust [from the bodies] of Rab and Samuel that I might fill my eyes with it!²⁴ [Nevertheless] both R. Johanan and R. Simeon b. Lakish declared that a damaged pedestal is permitted; and even according to him who said that [heathens] do worship fragments, that applies only to an idol because from the fact that they worship it, they would regard it a desecration to annul it; but as for these [pedestals] they throw them aside [when damaged] and bring another.²⁵ There is a teaching in agreement with R. Johanan and R. Simeon b. Lakish, viz.: A damaged pedestal is permitted — a damaged altar is prohibited until the greater part of it is demolished.²⁶

What constitutes a pedestal and what an altar?²⁷ — R. Jacob b. Idi said in the name of R. Johanan: A pedestal consists of a single stone, an altar of several stones.

1. Against the Amorites for the possession of Canaan.
2. Why is that cited as an illustration?
3. And the idol would have to be destroyed in the same manner, as everything captured

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during the war against the Amorites was under a ban (Josh. VI, 19).

4. Lit., 'make it depend on.'
5. And cannot be annulled, despite the rule that a person cannot render prohibited what does not belong to him.
6. Although it was not his property.
7. Deut. XII, 3.
8. The land having been promised to the patriarchs.
9. So how could the Amorites make the Asherim prohibited when they really belonged to the Israelites?
10. Before the promise to the patriarchs, and were consequently the property of the Amorites.
11. The Israelites could have compelled the Amorites to annul the Asherim and there would have been no need to burn them.
12. Although the land really belonged to the Israelites.
13. Therefore the Asherim were in fact idols of the Israelites and as such could not be annulled and had to be destroyed.
14. And the Asherim were not idolatrous objects of the Israelites and should be annulled.
15. Ex. XXXII, 4. Note the plural.
16. [After they had repented of their sin.]
17. If annulled.
18. Because they did not take it with them, it is assumed that they annulled it.
19. Upon which an idol is set when the king passes that way.
20. The Tower of Babel erected at the time when, according to tradition, Nimrod was king.
21. Therefore they are not necessarily idolatrous appurtenances. The object was rather to honor the king.
22. From Palestine to Babylon.
23. Whether it is damaged or not, he could still put an idol upon it.
24. Such was his veneration for these great teachers.
25. Consequently nobody attaches sanctity to pedestals.
26. Tosef. A.Z. VI.
27. How are we to distinguish in the case of idolaters which erection is for a pedestal and which for offerings?

'Abodah Zarah 54a

Hezekiah said: Which is the text?¹ — When he maketh all the stones of the altar as chalkstones that are beaten in sunder, so that the Asherim and the sun-images shall

rise no more² — i.e., if [the altar] becomes like 'chalkstones that are beaten in sunder', then 'the Asherim and the sun-images shall rise no more,³ otherwise they will rise again.

A Tanna taught: If a man worshipped [an animal] which is his own it is prohibited;⁴ but if it belonged to another it is permitted. Against this I quote: Which [animal is considered to have been] worshipped? Any which was worshipped, whether inadvertently or deliberately, whether under compulsion or voluntarily.⁵ How is the term 'under compulsion' to be understood? Is it not, e.g., when a man took his neighbor's animal by force and worshipped it?⁶ — Rami b. Hama said: No, it is, e.g., when heathens brought pressure to bear upon a man and he worshipped his own animal.⁷ [To this interpretation] R. Zera objected: But the All-merciful absolves anyone who acts under pressure, as it is written, But unto the damsel thou shalt do nothing!⁸ — But, said Raba, all⁹ were included in the general law Nor serve them;¹⁰ so when Scripture specifies He shall live by them,¹¹ i.e., and not die through them, it excludes the man who acts under pressure. After that, however, the All-merciful wrote. And ye shall not profane My holy name¹² — i.e., not even under compulsion!¹³ How is it, then? — The former refers to an act in private, the latter to an act in public.¹⁴

The Rabbis said to Raba: There is a teaching which supports your view, viz.: Idolatrous pedestals [set up] in a time of religious persecution¹⁵ are not annulled even when the persecution is over.¹⁶ He said to them: If it is on that account, [the teaching you quote] gives no support to my view, for the reason that perhaps there was an apostate who worshipped at it voluntarily! R. Ashi said: Do not use the word 'perhaps', but there certainly was an Israelite, an apostate, who worshipped voluntarily.¹⁷ Hezekiah said: For instance, he poured wine

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unto an idol upon the horns of [his neighbor's animal].¹⁸ [To this explanation] R. Adda b. Ahaba objected: Can this be considered [an animal] which is worshipped?¹⁹ [In such circumstances the animal] is merely a pedestal and is permitted!²⁰ — But, said R. Adda b. Ahaba, it is, e.g., a case where he poured wine between the horns of [his neighbor's animal] in which case he performed on it an act [of worship].²¹ This is in accord with what 'Ulla reported in the name of R. Johanan when he came [from Palestine]: Although they declare that he who worships his neighbor's animal does not render it prohibited, still if he performed on it an act [of idolatrous worship]²² he rendered it prohibited. R. Nahman said [to the Rabbis]: Go, tell 'Ulla, that R. Huna has already expounded this thy teaching in Babylon!²³ For R. Huna said: If the animal of his neighbor was lying in front of an idol, as soon as he cut one of its neck-veins²⁴ he has rendered it prohibited.²⁵ Whence have we that he rendered it prohibited? If I answer from the priests,²⁶ it is different with priests because they are rational beings,²⁷ and if [I answer that it may be derived] from the altar-stones,²⁸ perhaps it is as R. Papa explained!²⁹

1. That proves an altar to consist of several stones and that it is prohibited until the greater part is demolished
2. Isa. XXVII, 9.
3. I.e., no more offerings will be brought upon such an altar and it is then no longer prohibited.
4. As an offering in the Temple.
5. Tosef. A.Z. VI.
6. [Whereas the first Baraitha teaches that one does not render prohibited his neighbor's animal by worshipping it.]
7. According to this interpretation the two teachings are in agreement.
8. Deut. XXII, 26, when a betrothed girl was violated in a field.
9. Viz., both the cases of under compulsion and voluntarily. This is how Raba proposed to harmonize the two contradictory teachings.
10. Ex. XX, 5.
11. Lev. XVIII, 5, viz., by the divine commandments.

12. Ibid. XXII, 32.
13. So here is a contradiction.
14. In similar manner are the two teachings to be harmonized. If a man worshipped his own animal not in public under compulsion it may be brought as an offering; but if the worship was in public the animal is prohibited.
15. When a Jew is compelled publicly to worship at them.
16. [This proves that whatever is worshipped in public under compulsion is rendered prohibited.]
17. Among a large number it is improbable that there should not be at least one apostate. Therefore the pedestal is an idolatrous object worshipped by an Israelite voluntarily and remains prohibited forever.
18. He offers this explanation of the phrase 'animal worshipped under compulsion.' It does not refer to just bowing before it.
19. It was not the animal that was worshipped but the idol.
20. Under the rule that animate beings used as an appurtenance to idolatry are not prohibited.
21. Then it is prohibited although he took his neighbor's animal by force and worshipped it.
22. As, e.g., pouring wine between its horns.
23. There was no need to bring it as a teaching of the Palestinian Schools.
24. For a complete act of slaughter both the gullet and windpipe must be cut; but if he cut only one in honor of the idol the animal is prohibited.
25. [Because he performed on it an act of worship.]
26. Israelite priests whom their kings forced to sacrifice to idols. V. Ezek. XLIV, 13.
27. And could have fled rather than act as they did; therefore they were forever disqualified from the divine Service. But an animal is not a rational being and did not willingly submit to being used for the worship of an idol; so why should it be prohibited?
28. Which the Hasmoneans stored away after they had been desecrated.
29. In his exposition of Ezek. VII, 22. V. *supra* p. 266.

'Abodah Zarah 54b

— Rather [must it be derived] from the Sanctuary vessels; for it is written, Moreover all the vessels, which king Ahaz in his reign did cast away when he trespassed,

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have we prepared and sanctified, and a Master declared: 'Have we prepared' means that we have stored them away, and 'sanctified' means that we have substituted others for them.¹ But [there is the rule that] a man cannot render prohibited what is not his property! Since, however, an act [of idolatrous worship] was performed on them [king Hezekiah and his followers] declared them prohibited for themselves — Similarly here [with the animal] since he performed an act [of idolatrous worship] on it, he has rendered it prohibited.

When R. Dimi came [from Palestine] he reported in the name of R. Johanan: Although [the Rabbis] declared that he who worships a piece of ground does not render it prohibited, yet if he dug in it² wells, pits or caves he has rendered it prohibited. When R. Samuel b. Judah came [from Palestine] he reported that R. Johanan said: Although [the Rabbis] declared that he who worships animate beings has not rendered them prohibited, if he obtained them in exchange for an idol he has rendered them prohibited. When Rabin came [from Palestine] he said: On this point R. Ishmael son of R. Jose and the Rabbis are at variance. One said that the animals obtained in exchange for an idol are prohibited but the animals obtained in exchange for these are permitted; while the other says that even these are prohibited. What is the reason of him who says that even these are prohibited? — Scripture states, And become a devoted thing like unto it,³ i.e., whatever you bring into being from [a devoted thing] is to be treated like it. [What is the reason of] the other? — Scripture states, [For] it [is a devoted thing]⁴ — it [is a devoted thing] but not what is obtained as the result of a double exchange. [How does] the second authority [explain this phrase]? — He requires it for the exclusion of '*orlah*'⁵ and the mixed plantings of a vineyard,⁶ so that if he sold them and with the proceeds married a wife⁷ she is legally married. [Why does] the first authority [not explain the word it

similarly]? Because '*orlah*' and the mixed plantings of a vineyard do not require to be specially excluded, since in connection with idolatry and the Sabbatical year we have two texts which have an identical purpose,⁸ and the rule is: We draw no deduction when two texts have an identical purpose.⁹ As regards idolatry it is as we have stated.¹⁰ As regards the Sabbatical year, it is written, For it is a jubilee, it shall be holy unto you¹¹ — as the holiness affects the redemption money¹² and is prohibited, similarly the Sabbatical year [described as holy like the Sanctuary] affects its money¹³ and is prohibited. If [this conclusion is correct], then as the holiness affects its redemption money and [the object which is redeemed] becomes non-holy,¹⁴ similarly the Sabbatical year should affect its money and [the produce which had been sold] become non-holy! But there is a text to state, It shall be [holy],¹⁵ i.e., it shall remain in that state.¹⁶ How is it, then? If he bought meat with fruits grown in the seventh year, both must be 'removed' during the Sabbatical year.¹⁷ But if he bought fish with that meat, the meat ceases to be holy and the fish becomes holy; if he then bought wine with the fish, the fish ceases to be holy and the wine becomes holy; if he then bought oil with the wine, the wine ceases to be holy and the oil becomes holy. How is it, then? It is the last thing [in the series of exchanges] which is affected by the Sabbatical year¹⁸ and the fruit itself is prohibited.¹⁹ What, however, of the second authority?²⁰ — He holds that we do draw a deduction when two texts have an identical purpose, and [the phrase 'for it is a devoted thing'] is required for the exclusion [of '*orlah*' and the mixed plantings of a vineyard, as explained above].

MISHNAH. THE ELDERS²¹ IN ROME WERE ASKED, 'IF [YOUR GOD] HAS NO DESIRE FOR IDOLATRY, WHY DOES HE NOT ABOLISH IT?' THEY REPLIED, 'IF IT WAS SOMETHING UNNECESSARY TO THE WORLD THAT WAS WORSHIPPED, HE WOULD ABOLISH IT; BUT PEOPLE

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WORSHIP THE SUN, MOON, STARS AND PLANETS; SHOULD HE DESTROY HIS UNIVERSE ON ACCOUNT OF FOOLS!' THEY SAID [TO THE ELDERS], 'IF SO, HE SHOULD DESTROY WHAT IS UNNECESSARY FOR THE WORLD AND LEAVE WHAT IS NECESSARY FOR THE WORLD!' THEY REPLIED, '[IF HE DID THAT], WE SHOULD MERELY BE STRENGTHENING THE HANDS OF THE WORSHIPPERS OF THESE,²² BECAUSE THEY WOULD SAY, "BE SURE THAT THESE ARE DEITIES, FOR BEHOLD THEY HAVE NOT BEEN ABOLISHED!"'

GEMARA. Our Rabbis taught: Philosophers asked the elders in Rome, 'If your God has no desire for idolatry, why does He not abolish it?' They replied, 'If it was something of which the world has no need that was worshipped, He would abolish it; but people worship the sun, moon, stars and planets; should He destroy the Universe on account of fools! The world pursues its natural course, and as for the fools who act wrongly, they will have to render an account. Another illustration: Suppose a man stole a measure of wheat and went and sowed it in the ground; it is right that it should not grow, but the world pursues its natural course and as for the fools who act wrongly, they will have to render an account. Another illustration: Suppose a man has intercourse with his neighbor's wife; it is right that she should not conceive, but the world pursues its natural course and as for the fools who act wrongly, they will have to render an account.' This is similar to what R. Simeon b. Lakish said: The Holy One, blessed be He, declared, Not enough that the wicked put My coinage to vulgar use, but they trouble Me and compel Me to set My seal thereon!²³

A philosopher asked R. Gamaliel, 'It is written in your Torah, For the Lord thy God is a devouring fire, a jealous God.²⁴ Why, however, is He so jealous of its worshippers rather than of the idol itself?' He replied, 'I will give you a parable: To what is the

matter like? To a human king who had a son, and this son reared a dog to which he attached his father's name, so that whenever he took an oath he exclaimed, "By the life of this dog, my father!" When the king hears of it, with whom is he angry — his son or the dog? Surely he is angry with his son!' [The philosopher] said to him, 'You call the idol a dog; but there is some reality in it.' [The Rabbi asked], 'What is your proof?' He replied, 'Once a fire broke out in our city, and the whole town was burnt with the exception of a certain idolatrous shrine!' He said to him, 'I will give you a parable: To what is the matter like? To a human king against whom one of his provinces rebelled. If he goes to war against it, does he fight with the living or the dead? Surely he wages war with the living!'²⁵ [The philosopher] said to him, 'You call the idol a dog and you call it a dead thing. In that case, let Him destroy it from the world!' He replied, 'If it was something unnecessary to the world that was worshipped, He would abolish it; but people worship the sun and moon, stars and planets, brooks and valleys. Should He destroy His universe on account of fools! And thus it states,

1. V. *supra* p. 266.
2. As an act of idolatry.
3. Deut. VII, 26.
4. Ibid.
5. V. [Glos.](#)
6. Lev. XIX, 19.
7. At marriage the bridegroom has to hand the bride a sum of money. Although the money was obtained in exchange for what was unlawful it could be used for the purpose.
8. Lit., 'two texts which come as one,' i.e., a law is given twice in Scripture in such similar terms that one appears to be superfluous since either could have been deduced from the other by analogy.
9. We do not apply the regulation contained in the two texts to anything else than what is specified therein.
10. Viz., And become a devoted thing like unto it, from which is deduced that what is exchanged for a prohibited thing is likewise prohibited.
11. Lev. XXV, 12.

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12. When the object dedicated to the Sanctuary is redeemed for a sum of money.
13. Obtained by illegally selling produce grown in that year.
14. And may be put to secular use.
15. Not 'it is holy'.
16. I.e., whatever grows in that year shall be always in a state of holiness.
17. They are both 'holy'. [They can be eaten by the owner only as long as like produce is available to the public and animals in the fields. Once this produce is beginning to fail, it must be 'removed' from the house and made free to all.]
18. And is holy.
19. [It is 'holy'. We thus have two texts to teach the prohibition of things obtained in exchange for forbidden things, so that there is no need of the phrase 'it' to exclude 'orlah, etc.' Hence it must be applied to the exclusion of that which is obtained as the result of a double exchange.]
20. Who deduces that the result of a double exchange is forbidden.
21. They were R. Gamaliel, Eleazar b. Azariah, Joshua b. Hananiah and Akiba, who visited Rome in 95 C.E. V. Bacher, *Agada d. Tann*, I, p. 84, and the authorities quoted by him.
22. The essential things which God spared.
23. The wicked make wrong use of the sexual instinct with which they have been endowed by God and trouble Him to form the embryo which results from their immorality.
24. Deut. IV, 24.
25. The idol is a dead thing, so God does not wage war with it.

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Am I utterly to consume all things from off the face of the ground, saith the Lord; am I to consume man and beast; am I to consume the fowls of the heaven, and the fishes of the sea, even the stumbling-blocks of the wicked!¹ — i.e., because the wicked stumble over these things is He to destroy them from the world? Do they not worship the human being; so am I to cut off man from off the face of the ground!²

The General Agrippa asked R. Gamaliel, 'It is written in your Torah, For the Lord thy God is a devouring fire, a jealous God. Is a wise man jealous of any but a wise man, a warrior of any but a warrior, a rich man of

any but a rich man?'³ He replied, 'I will give you a parable: To what is the matter like? To a man who marries an additional wife. If the second wife is her superior, the first will not be jealous of her, but if she is her inferior, the first wife will be jealous of her.'⁴

[An Israelite named] Zunin⁵ said to R. Akiba: 'We both know in our heart that there is no reality in an idol; nevertheless we see men enter [the shrine] crippled and come out cured.'⁶ What is the reason?' He replied, 'I will give you a parable: To what is the matter like? To a trustworthy man in a city, and all his townsmen used to deposit [their money] in his charge without witnesses. One man, however, came and deposited [his money] in his charge with witnesses; but on one occasion he forgot and made his deposit without witnesses. The wife [of the trustworthy man] said to [her husband], "Come, let us deny it." He answered her, "Because this fool acted in an unworthy manner, shall I destroy my reputation for trustworthiness!" It is similar with afflictions. At the time they are sent upon a man the oath is imposed upon them, "You shall not come upon him except on such and such a day, nor depart from him except on such and such a day, and at such an hour, and through the medium of so and so, and through such and such a remedy." When the time arrives for them to depart, the man chanced to go to an idolatrous shrine. The afflictions plead, "It is right that we should not leave him and depart; but because this fool acts in an unworthy way shall we break our oath!"' This is similar to what R. Johanan said: What means that which is written, And sore and faithful sicknesses?⁷ — 'Sore' in their mission and 'faithful' to their oath.

Raba son of R. Isaac said to Rab Judah: 'There is an idolatrous shrine in our place, and whenever the world is in need of rain, [the idol] appears to [its priests] in a dream, saying, "Slay a human being to me and I will send rain." They slay a human being to it

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and rain does come!' He replied, 'Now were I dead, nobody could have related to you a certain dictum of Rab, viz., What means that which is written, Which the Lord thy God hath divided [halak] unto all the peoples under the whole heaven!⁸ This teaches that He made smooth [hehulik] their words⁹ to banish [idolaters] from the world. This is similar to what R. Simeon b. Lakish said: What means that which is written, Surely He scorneth the scornors, but He giveth grace unto the lowly!¹⁰ If one comes to defile himself he is granted facilities for so doing, and if he comes to purify himself support is given to him.

MISHNAH. A WINEPRESS [CONTAINING] TRODDEN [GRAPES] MAY BE PURCHASED FROM A HEATHEN EVEN THOUGH IT WAS HE THAT LIFTED [THE TRODDEN GRAPES] WITH HIS HAND AND PUT THEM AMONG THE HEAP;¹¹ AND [THE JUICE] DOES NOT BECOME YEN NESEK¹² UNTIL IT DESCENDS INTO THE VAT. WHEN IT HAS DESCENDED INTO THE VAT, WHAT IS IN THE VAT IS PROHIBITED¹³ BUT THE REMAINDER IS PERMITTED. [ISRAELITES] MAY TREAD THE WINEPRESS TOGETHER WITH A HEATHEN

1. Zeph. I, 2 f. The Talmud requires this translation. E.V., I will utterly consume, etc.
2. Ibid.
3. Consequently if God is jealous of idols, they must be comparable to Him.
4. Because the affront is when the man chooses an inferior woman to take her place in his affections.
5. [Bacher, *op. cit.*, p. 301, identifies him with the superintendent of R. Gamaliel's household. Pes. 49a.]
6. [According to Bacher, *loc. cit.*, n. 3, the reference is to the pagan practice which was for the afflicted person to repair to the shrine of Asklepios or Serapis where he would pass the night in the expectation of receiving in a dream a revelation of his cure.]
7. Deut. XXVIII, 59. So the Hebrew literally.
8. Ibid. IV, 19.
9. Gave the idols power to deceive men.
10. Prov. III, 34.
11. ['After the first treading the husks and stalks were piled in a heap in the centre and then

submitted to further pressure by means of weights.' (Elmslie, a.l.)]

12. 'Libation-wine,' v. [Glos.](#)
13. [Should the heathen handle it.]

'Abodah Zarah 55b

BUT MAY NOT GLEAN GRAPES WITH HIM.¹ SHOULD AN ISRAELITE BE WORKING IN A STATE OF RITUAL IMPURITY, WE MAY NEITHER TREAD NOR GLEAN WITH HIM, BUT WE MAY CONVEY [EMPTY] CASKS WITH HIM TO THE PRESS AND CARRY THEM [FILLED] WITH HIM FROM THE PRESS. IF A BAKER WAS WORKING IN A STATE OF RITUAL IMPURITY, WE MAY NEITHER KNEAD NOR ROLL DOUGH WITH HIM BUT WE MAY CONVEY LOAVES WITH HIM TO THE BAKERY.

GEMARA. R. Huna said: As soon as the wine begins to flow² it may become nesek. But we learn in our Mishnah: A WINEPRESS [CONTAINING] TRODDEN [GRAPES] MAY BE PURCHASED FROM A HEATHEN EVEN THOUGH IT WAS HE THAT LIFTED [THE TRODDEN GRAPES] WITH HIS HAND AND PUT THEM AMONG THE HEAP!³ — R. Huna said: This refers to a winepress which is stoppered and full.⁴ Come and hear: AND [THE JUICE] DOES NOT BECOME YEN NESEK UNTIL IT DESCENDS INTO THE VAT!⁵ — Similarly here [says R. Huna, the Mishnah deals with] a vat which is stoppered and full.⁶ Come and hear: WHEN IT HAS DESCENDED INTO THE VAT, WHAT IS IN THE VAT IS PROHIBITED BUT THE REMAINDER IS PERMITTED!⁷ — R. Huna said: There is no contradiction; one teaching is from the older Mishnah and the other from the later Mishnah;⁸ for it has been taught: 'At first [the Sages] used to say (B.D.D.)⁹ that [Israelites] may not glean grapes together with a heathen [and bring them] into a winepress,¹⁰ for the reason that it is forbidden to cause defilement to the

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ordinary foodstuffs¹¹ of the Land of Israel, nor may they tread grapes together with an Israelite who works with his fruits while he is in a state of defilement for the reason that it is forbidden to assist transgressors; but they may tread grapes together with a heathen in a winepress.¹² Consequently no attention is here paid to the view of R. Huna.¹³ 'Later [the Rabbis] said (D.B.B.):¹⁴ [Israelites] may not tread grapes together with a heathen in a winepress,' for the reason given by R. Huna,¹⁵

1. The explanation is given in the Gemara.
2. From the upper trough which contains the grapes through a pipe into the lower where the wine collects. The press always consisted of two compartments. V. the illustration in Encyc. Bib., IV, col. 5312, and the description in Krauss, Tal, Arch., II, pp. 233 f.
3. It would consequently appear that the wine is not prohibited as soon as it begins to flow.
4. No wine could then run out; so when the juice flows from the grapes it remains on top. Consequently the wine must have been touched by the heathen and it is rendered nesek.
5. This contradicts the explanation just given.
6. So that the wine remains in the upper trough.
7. Consequently wine must have flowed into the vat.
8. [Probably that of R. Akiba, v. Sanh, (Sonc. ed.) p. 163, n. 7.]
9. A mnemonic of the three rulings that follow: [H], [H], [H].
10. [The heathen winepress for which they are destined will cause defilement to the grapes.]
11. Eaten by the people as distinct from parts of certain offerings which belong to the priests.
12. [Because the grapes having been picked and placed in the winepress by the heathen have already become defiled, and the assistance of the Jew at treading causes no further damage.]
13. That wine becomes nesek as soon as it begins to flow, in which case it would be forbidden for the Jew to assist in the treading.
14. Mnemonic of the rulings that follow: [H]. [H]. [H]
15. Viz., that the juice is considered to be wine as soon as it runs from the grapes, and the Jew would be working at Yen Nesek.

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'nor may they glean grapes together with an Israelite who works with his fruits while he is in a state of defilement;¹ so how much more may they not tread grapes,² but may glean them, together with a heathen, since it is permitted to cause defilement to the ordinary foodstuffs of the land of Israel.'

AND [THE JUICE] DOES NOT BECOME YEN NESEK UNTIL IT DESCENDS INTO THE VAT. But we have learnt: Wine [becomes subject to the tithe] when it is skimmed!³ — Raba said: There is no contradiction, because [this latter teaching] is R. Akiba's and [that of the Mishnah] is the Rabbis'. For it has been taught: [The liquid is considered to be] wine when it descends into the vat, whereas R. Akiba says, When it is skimmed.⁴

The question was asked: Does this mean skimming [of the wine] while it is in the vat or when it is in the cask? — Come and hear! We have learnt: [It is to be considered] wine when it is skimmed; and although he has skimmed it, he may draw some off from the upper trough and from the pipe and drink it.⁵ Deduce from this that we mean the skimming while it is in the vat. Draw this conclusion. But R. Zebid learnt in the [collection of Baraitas] of the School of R. Oshaia:⁶ [It is to be considered] wine when it descends into the vat and is skimmed; whereas R. Akiba says: When it is drawn into casks!⁷ — That former [Baraita]⁸ must be also explained in the sense just given, viz.: [It is considered to be] wine when it descends into the vat and is skimmed; whereas R. Akiba says: When it is drawn into casks. But since our Mishnah teaches: IT DOES NOT BECOME YEN NESEK UNTIL IT DESCENDS INTO THE VAT, conclude that there are three Tannaim [offering different definitions]!⁹ — No; it is different as regards yen nesek because the Rabbis take a strict view;²

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1. [Because they would be aiding in the breach of the law, by preparing for the defilement of the priestly portion he is obliged to offer when the grapes are placed in his vat. Grapes, in common with other foodstuffs, are not susceptible to Levitical impurity before they come in contact with certain kinds of liquids.]
2. [When they would be actually assisting transgressors.]
3. I.e., when the substances which are on top of the wine at the time of fermentation are skimmed off (Ma'as. I, 7). This is a later stage than that mentioned in the Mishnah.
4. B.M. 92b.
5. Without first tithing it; consequently it is not yet considered to be wine.
6. [R. Oshaia had a collection of Baraitas as supplementary to the Mishnah of Rabbi. V. Halevy, II, 253 ff, and *supra*, p. 27, n. 4.]
7. This contradicts the Mishnah which does not include skimming, according to the Rabbis, nor drawing into casks, according to R. Akiba.
8. Viz., (i) the Mishnah, that it is wine when it descends into the vat; (ii) the Rabbis, when it is skimmed in the vat; (iii) R. Akiba, when it is drawn into casks.
9. For the law of nesek they regard the juice as wine as soon as it descends into the vat, but for the law of tithe they are not so strict and add the condition that it must have been skimmed.

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but as for Raba who draws no distinction,¹ he makes his explanation on the hypothesis that there are three Tannaim [offering different definitions].

WHAT IS IN THE VAT IS PROHIBITED BUT THE REMAINDER IS PERMITTED. R. Huna said: They only taught this in the case where he did not return the net-work² to the press, but if he did return it to the press [the whole of it] is prohibited.³ Why, however, should that which is in the net-work itself be prohibited?⁴ — On account of the outflow.⁵ Deduce from this that the outflow is a connecting medium! [No,] as R. Hiyya taught: His jar⁶ forced the wine back; and

similarly here the [contents of the] vat forced the wine back.⁷

There was a boy who had learnt the Tractate on Idolatry when he was six years old. He was asked, 'May [an Israelite] tread grapes together with a heathen in a press?' He replied, 'It is lawful to tread grapes together with a heathen in a press.' [To the objection] 'But he renders it yen nesek by [the touch of] his hands!'⁸ [he answered], 'We tie his hands up.' [To the further objection] 'But he renders it yen nesek by [the touch of] his feet!' [he answered], 'Wine touched by the feet is not called nesek.'

It happened in Nehardea that an Israelite and a heathen pressed out wine together. [On the question being put to him how this wine was to be considered,] Samuel delayed three Festivals⁹ [before replying]. What was his reason [for the delay]? Shall I say that he thought to himself,

1. Between the definition of wine for tithe and for nesek, since he finds a contradiction between our Mishnah and that dealing with tithes; *supra* 284.
2. Used as a strainer before the juice descends from the pipe into the vat.
3. [Even that which is in the upper trough.]
4. Since the heathen only touched what was in the vat.
5. This forms a connection between the liquid in the vat network and lower vat and is the conductor of the prohibited wine from one to the other.
6. V. *infra* p. 347. The jar was filled to the brim through a pipe and so forced some of the liquor back into the cask.
7. The vat was so full that the surface of the wine touched the net-work, which forced the wine back again. In this way it caused contamination, and not because the outflow is considered a connecting medium.
8. Which is contrary to the ruling of the later Mishnah, v. *supra* 55b.
9. On these Festivals discourses were given in public on the laws of the holy days.

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'Abodah Zarah 57a

If I find a Tanna who forbids its use as does R. Nathan, then I will forbid it even to be used for any purpose whatever — since it has been taught: If [a heathen] measured [the quantity of wine] either by using his hand or leg for that purpose, it may be sold;¹ whereas R. Nathan says: If he used his hand it is prohibited, but if his leg it is permitted. But then admit that R. Nathan declared [his prohibition where the wine was touched] by the hand,² but did he say so [when it was touched] by the leg! — Rather [must he have thought to himself], If I find a teacher who permits³ like R. Simeon, then I will permit it even for drinking.

It happened at Biram⁴ that a heathen climbed a palm-tree and took one of its branches. While descending he unintentionally touched a [cask of] wine with the branch. Rab, [on being consulted] permitted it to be sold to heathens.⁵ R. Kahana and R. Assi said to him, 'But the Master⁶ it was who declared that a child only a day old can render wine nesek!'⁷ He replied, 'I merely decided against its being drunk [by Israelites], but did I say aught against its use otherwise [by them]?'

The text states: The Master himself has declared that a child only a day old can render wine nesek.' R. Shimi b. Hiyya quoted in objection to Rab's statement: If [an Israelite] bought slaves from a heathen who had been circumcised but not immersed,⁸ and similarly with the children of female slaves⁹ [born in an Israelite's house] who had been circumcised but not immersed, their spittle and the place where they tread in the street¹⁰ are unclean, but others declare that they are clean. As for wine, adults render it nesek [by contact with it], but minors do not render it nesek. The following are adults and minors: Adults are such as understand the nature of an idol and its appurtenances, whereas minors are such as do not understand this.¹¹ At all events, it

here teaches that adults do [render wine nesek] and minors do not!¹² — [Rab] explained the teaching as referring to the children of female slaves.¹³ But in the passage [cited above] we have the words 'and similarly!'¹⁴ — That refers to their spittle and place of treading!¹⁵ This answer is all right according to him who declared that these are unclean, but according to him who declared that they are clean what is there to say?¹⁶ — It informs us of the similarity of slaves to the children of female slaves: as the children of female slaves, when circumcised but not immersed, render wine nesek, and if both circumcised and immersed do not, so is it also with slaves. This excludes what R. Nahman said in the name of Samuel, viz.: If [an Israelite] bought slaves from a heathen, although they had been both circumcised and immersed, they render wine nesek until idolatry is entirely banished from their lips. Hence we are informed that it is not so.

The text states: 'R. Nahman said in the name of Samuel: If [an Israelite] bought slaves from a heathen, although they had been both circumcised and immersed, they render wine nesek until idolatry is entirely banished from their lips.' How long is this? — R. Joshua b. Levi said: Up to twelve months.

Rabbah quoted against R. Nahman: If [an Israelite] bought slaves from a heathen, who had been circumcised but not immersed, and similarly with the children of female slaves, who had been circumcised but not immersed, their spittle and the place where they tread

1. By an Israelite to a Gentile, although he may not drink it himself. The heathen's intention was to measure and not render the wine nesek. For all that R. Nathan prohibits it when the measuring was done by hand.
2. And the question put to Samuel related to treading grapes with the feet.
3. Wine touched by a heathen when the intention was innocent of idolatry. V. *infra* 60b.

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4. A town between Syria and Mesopotamia. It possessed a hot spring (Sanh. 108a). [According to Obermeyer *op. cit.*, p. 25, it lay 8 parasangs north of Pumbeditha, on the Western bank of the Euphrates.]
5. And the money used, but Israelites may not drink the wine.
6. I.e., Rab himself. It was respectful to address an individual in the third person.
7. Obviously without intention; so why is it mentioned that the heathen touched the wine unintentionally?
8. In a ritual bath. Both are necessary for proselytization.
9. If they have not become converts before the birth of the children. After their conversion, the children born to them are Jews and do not require immersion.
10. [Even in a street, where doubtful cases of uncleanness are considered clean (Toh. IV, 11). Tosef, A.Z. III, however, omits 'in the street'.]
11. V. Tosef. A.Z. III.
12. This contradicts Rab's assertion that a child a day old can make wine nesek.
13. Only these do not make wine nesek, but ordinary heathen children do.
14. Which seem to imply that the law holds good equally of heathen slaves who were bought and slave-children born in an Israelite's house.
15. And not to wine.
16. How is the phrase 'and similarly' to be explained?

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in the street are unclean, but others declare that they are clean. As for wine, adults render it nesek but minors do not render it nesek. The following are adults and minors: Adults are such as understand the nature of an idol and its appurtenances, whereas minors are such as do not understand this! At all events it here teaches that when circumcised but not immersed, they do [render wine nesek], and if both circumcised and immersed they do not!¹ — [R. Nahman] explained the teaching as referring to the children of female slaves.² But in the passage cited above we have the words 'and similarly'! — That refers to their spittle and place of treading. This answer is all right according to him who declared that these

are unclean, but according to him who declared that they are clean what is there to say? — It informs us of the similarity of slaves to the children of female slaves: as the adult children of female slaves render wine nesek but if minors they do not, so also with slaves they render wine nesek when adults but not when minors. This excludes what Rab said: A child only a day old can render wine nesek. Hence we are informed that it is not so.

It happened at Mahuza³ that a heathen came and entered the shop of an Israelite. He asked them, 'Have you wine to sell?' They replied, 'We have not.' There was some wine contained in a bucket, into which [the heathen] plunged his hand and splashed about, and said to them, 'Is not this wine?' In his anger [the shop-keeper] took the wine and poured it back into the cask. Raba permitted him to sell it⁴ to Gentiles, but R. Huna b. Hinnena and R. Huna son of R. Nahman differed from him.⁵ An announcement issued from Raba permitting [the sale of the wine], and an announcement issued from R. Huna b. Hinnena and R. Huna son of R. Nahman forbidding it.

1. Nothing is here said of the condition 'until idolatry is entirely banished from their lips.'
2. Having been reared in the house of an Israelite, such a condition is unnecessary, but not with bought slaves who had been brought up in an idolatrous environment.
3. A town on the Tigris.
4. Although it contained yen nesek.
5. When they heard of it, but they were not in the town to argue the subject with Raba. They forbade its use for any purpose.

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[Later on]¹ R. Huna son of R. Nahman visited Mahuza, and Raba said to his attendant, R. Eliakim, 'Bolt the doors so that nobody shall enter to disturb us.'² [R. Huna son of R. Nahman] entered the room and asked him, 'In such circumstances³ how is the law?' — He replied, 'It is forbidden even for use.' [R. Huna exclaimed], 'But the

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Master⁴ it was who declared that such splashing does not render wine nesek!' [Raba replied], 'I was referring [to the contents of the cask] apart from the value of that wine [which had been in the bucket]; I said nothing with reference to the value of that wine.'⁵ Raba continued, 'When I came to Pumbeditha,⁶ Nahmani⁷ overwhelmed me with precedents and teachings to the effect that it is prohibited. As to precedents, there was a similar occurrence in Nehardea where Samuel prohibited it, and another in Tiberias where R. Johanan prohibited it; and when I replied to him that [they gave that decision because in those towns the inhabitants] were not students of Torah,⁸ he retorted, "[The inhabitants of] Tiberias and Nehardea are not students of Torah and those of Mahoza are students of Torah! As to a teaching, there is that of a heathen inspector of weights who tapped [a cask of wine] with a tube and drew off [some wine], or he tasted some of it in a glass and returned [the remainder] to the cask — this actually happened and [the Rabbis] declared it forbidden.⁹ Is it not be supposed that [the decision applied] to its use for any purpose?¹⁰ — No, only to its being drunk [by Israelites]." [Abaye asked,] "If that is so, let it teach: 'He may sell it,' in the same way that it teaches in the sequel: If a heathen oppressor extends his hand into a cask, thinking that it contained oil, but it chanced to contain wine — this actually happened and [the Rabbis] said that it may be sold!'" This is a refutation of Raba! It is a refutation.¹¹

R. Johanan b. Arza¹² and R. Jose b. Nehorai were once sitting and drinking wine, when a man entered to whom they said, 'Come, pour out for us.' After he had poured it into their glass, the fact was disclosed that he was a heathen. One of them prohibited it to be used for any purpose, while the other permitted it even for drinking. R. Joshua b. Levi said: He who prohibited it acted rightly and he who

permitted it acted rightly. He who prohibited it

1. By which time Raba had retracted his decision, v. below, n. 6. cf. however, p. 290, n. 2.
2. I.e., when R. Huna paid him a visit.
3. When a heathen splashed his hand in the wine without any intention of idolatry.
4. Viz., Raba himself.
5. Which had been touched by the heathen, its value must be cast into the sea, since a Jew may derive no benefit from it. In this way Raba attempted to extricate himself from his difficult position (v. however, p. 290, n. 2).
6. [This occurred before R. Huna's visit to Raba. V. p. 290, n. 2.]
7. I.e., Abaye, whose grandfather's name was Nahmani which was occasionally applied to him.
8. And where the people are unlearned, the law must be interpreted in a stricter sense because of their liability to err.
9. Tosef, A.Z. VIII.
10. This refutes Raba.
11. [Tosaf. on the basis of a variant reading has a different version. R. Nahman happened to be in Mahuza when he was visited by Raba, his former disciple, who asked him his opinion. When R. Nahman declared himself against the use of the wine, Raba recalled a former decision of his in a similar case that splashing does not render nesek. To this R. Nahman replied that his ruling related only to the contents of the wine in the cask, etc. The merit of this version is that it clears Raba from a charge of prevarication and further obviates the necessity of placing Raba's visit in Pumbeditha mentioned later in the text before the discussion he had with his visitor in Mahuza.]
12. Another reading is: Arwa.

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[acted on this supposition: The heathen] must have said to himself, 'Would it occur to such Rabbis as these to drink beer? It must surely be wine!' and he rendered it nesek. He who permitted it acted rightly [on this supposition: The heathen] must have said to himself, 'Would it occur to such Rabbis as these to drink wine and ask me to pour out for them? It must be beer they are drinking!'¹ and he did not render it nesek.

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But he could have seen [whether it was wine or beer]! — It was night. But he could have smelt! — It was new.² But he must have touched it [when he drew the liquor from the cask] with a measure, so it is a case where a heathen touched [wine] unintentionally³ and it is prohibited! — No; it is necessary [to understand it as a case] where he merely poured out,⁴ and so it is a circumstance of unintentional action,⁵ and the Rabbis did not decree against a circumstance of unintentional action.

R. Assi asked R. Johanan: How is it when wine is mixed⁶ by a heathen? — He said to him: Use the verb mazag!⁷ [R. Assi] replied: I used the Scriptural word as in, She hath killed her beasts, she hath mingled [masekah] her wine.⁸ He said to him: The language of the Torah is distinct and so is the language of the Sages.⁹ How is it, then, [if a heathen mixes it with water]? — [R. Johanan] answered: It is prohibited¹⁰ on the principle, 'Keep off, we say to a Nazirite; go round the vineyard and come not near it!'¹¹

R. Jeremiah once visited Sakhutha¹² and there saw heathens mixing the wine and Israelites drinking it. He prohibited it to them on the principle, 'Keep off, we say to a Nazirite; go round the vineyard and come not near it!' It has likewise been stated: R. Johanan said — another version is, R. Assi said in the name of R. Johanan: Wine mixed by a heathen is prohibited on the principle, 'Keep off, we say to a Nazirite; go round the vineyard and come not near it.'

R. Simeon b. Lakish once came to Bozrah¹³ and there saw the Israelites eating untithed fruits and he prohibited them. He saw water which had been worshipped by idolaters being drunk by Israelites and he prohibited it. He came before R. Johanan [and related to him what he had done]; and the latter said to him, 'While your cloak is still upon you, return;¹⁴ Bezer¹⁵ is not Bozrah; and water belonging to the public

cannot become prohibited!'¹⁶ R. Johanan here followed his own opinion;

1. The law of nesek does not apply to beer.
2. When fresh the smell is not so distinctive.
3. Since he was unaware that it was wine.
4. And did not touch the wine.
5. The man being unaware that it was wine he was to pour out.
6. Wine was usually diluted with water before it was drunk.
7. This is the usual verb for 'to dilute wine with water', whereas R. Assi used masak.
8. Prov. IX, 2.
9. His point is that in the language of the Rabbis mazag has the signification to mix wine with water; but masak, while having that meaning in Biblical Hebrew, means in Rabbinic Hebrew to mix strong wine with weaker wine.
10. For drinking but not for other use, and it is prohibited although he had not touched it.
11. As a precautionary measure to avoid the possibility of breaking the law which forbids the fruit of the vine to a Nazirite.
12. According to Jastrow the Aramaic equivalent of Mizpah. Neubauer prefers the alternative reading 'Sabtha' which may be Sebaste. [Obermeyer, *op. cit.*, p. 185, identifies it with Sabat, in the district of Mahuza.]
13. An Edomite city (Isa. XXXIV, 6).
14. I.e., without delay go back and rescind your prohibition.
15. One of the cities of refuge (Deut. IV, 43). As a Palestinian city untithed fruits were disallowed there but not in a town like Bozrah, which was outside the confines of the Holy land.
16. If it had been worshipped.

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for R. Johanan said in the name of R. Simeon b. Jehozadak: Water belonging to the public cannot become prohibited. Consequently when it belongs to an individual it does become prohibited. But it should be excluded for the reason that it is something fixed in the ground!¹ — No; it is necessary [to mention it because it can be prohibited in the case] where a wave caused some of the water to flow away.² At all events [such water may be compared] to boulders which had broken away;³ and it

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must therefore be concluded that it was R. Johanan who said they were prohibited! — No; it is necessary [to suppose a case] where [a heathen] collected [the waters] with his own hand⁴

R. Hiyya b. Abba once visited Gabla,⁵ and there saw Israelite women who were pregnant by heathens who had been circumcised but not immersed. He also saw wine being drunk by Israelites which had been mixed by heathens, and lupines eaten when cooked by heathens; but he said nothing to them. When he came before R. Johanan [and reported the matter to him], the latter exclaimed, 'Go and announce that their children are illegitimate, their wine is nesek, and their lupines [are prohibited] as something cooked by heathens, because [the inhabitants of Gabla] are not students of Torah!'⁶ [In announcing that] their children were illegitimate R. Johanan followed his own opinion; for R. Johanan said: [A Gentile] is never to be regarded as a proselyte until he is both circumcised and immersed, and since he has not undergone immersion he is a Gentile. And Rabbah b. Bar Hanah has said in the name of R. Johanan: If a Gentile or a slave has intercourse with an Israelite woman, the child is a mamzer.⁷ He decreed that their wine was nesek on the principle, 'Keep off, we say to a Nazirite; go round the vineyard and come not near it.' [And he decreed] against their lupines as something cooked by heathens, because [the inhabitants of Gabla] were not students of Torah. His reason was that they were not students of Torah. Consequently if they had been students of Torah, [the lupines] would have been permitted! But surely R. Samuel son of R. Isaac said in the name of Rab: Whatever is eaten raw does not come within [the law of what is prohibited] on account of having been cooked by heathens!⁸ — R. Johanan follows a different version [of the teaching, viz.]: R. Samuel son of R. Isaac said in the name of Rab: Whatever is not brought upon the table of kings to serve as a relish with

bread does not come within [the law of what is prohibited] on account of having been cooked by heathens.² Therefore his reason was that they were not students of Torah, and if they had been students of Torah [the lupines] would have been permitted.

R. Kahana was asked: May a heathen be allowed to convey grapes to a winepress? He replied: It is prohibited on the principle, 'Keep off, we say to a Nazirite; go round the vineyard and come not near it!' R. Jemar quoted against R. Kahana: If a heathen carried grapes to a winepress in baskets

1. And what is fixed in the ground does not become prohibited if worshipped.
2. And such a stream of water, if belonging to an individual, would be prohibited as it is no longer fixed to the ground.
3. From a mountain which had been worshipped. Whether they may be used was debated *supra* 46a, by R. Johanan and R. Hiyya's sons, and it was not decided which of them took the view that they were prohibited.
4. There would then be manual labor involved and consequently prohibited if belonging to an individual; whereas the breaking away of the boulders was due to a natural force, and the two cases are not analogous.
5. Gebal of Ps. LXXXIII, 8, i.e., the northern part of Mount Seir. [V. Klein, S. *MGWJ*, LXIV, p. 183.]
6. The phrase 'because they are not students of Torah' applies only to the prohibition of the lupines, as will be explained.
7. 'Illegitimate', v. [Glos.](#)
8. Lupines are not eaten raw; so they should be prohibited when cooked by heathens whether the inhabitants were learned or not.
9. Lupines are not used for such a purpose and should be permitted.

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or barrels, even though the wine drips upon them, it is permitted! — [R. Kahana] replied to him: You used the word 'carried',¹ whereas I was speaking of a case *ab initio*.²

A citron once fell into a cask of wine, and a heathen sprang for ward to pull it out. R. Ashi said to them:³ Hold his hand so that

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he does not splash about,⁴ and tilt [the cask] until it is emptied.⁵

R. Ashi said: When a heathen has deliberately rendered the wine of an Israelite nesek, although it is prohibited to sell it to another heathen, [the owner] is allowed to receive the cost from the person [who disqualified it]. On what ground? — Because he involved him in a loss.⁶ R. Ashi said: Whence do I derive this? — From this teaching: If an idolater offered wine of an Israelite [as a libation], not in the presence of an idol, it is prohibited; but R. Judah b. Baba and R. Judah b. Bathyra permit it⁷ for two reasons: first, because wine can be rendered nesek 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 through no fault of my own.'⁸

It once happened that the bung fell out of a cask of wine, and a heathen sprang forward and placed his hand over it, R. Papa said: All the wine that is on the level with the bung-hole is prohibited²

1. Signifying an accomplished fact.
2. He only forbids it ab initio but post factum he too would allow it.
3. The Jewish bystanders.
4. Which action would render all the wine nesek.
5. Into another vessel. So long as he did not move his hand about in the wine, he has not rendered it prohibited.
6. Lit., 'he burned it',
7. To be sold.
8. It follows, at all events, though the ruling of R. Judah b. Baba and R. Judah b. Bathyra is not accepted, that the Jew can receive compensation for his loss.
9. To be drunk by a Jew but it may be sold to a Gentile, since there was no 'splashing' at that spot.

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and the remainder is permitted.¹ Another version is — R. Papa said: The wine above the bung-hole is prohibited² and the

remainder is permitted. R. Jemar said: [This is] like the Tannaim [who are at variance over the following]:³ If a keg⁴ became perforated whether on top, the bottom or its sides, and a tebul yom⁵ touched it, it is defiled. R. Judah says: [If it was perforated] on top or bottom it is defiled,⁶ but if on its sides it is altogether undefiled.⁷

R. Papa said: If a heathen [was holding] the barrel and an Israelite the cask,⁸ the wine is prohibited. On what ground? — Because [the pouring] results from the effort of the heathen. If, however, an Israelite [was holding] the barrel and a heathen the cask, the wine is permitted; but should [the heathen] tilt it sideways it is prohibited.²

R. Papa said: If a heathen carries a skin-bottle [of wine] and an Israelite follows behind him,¹⁰ should it be full it is permitted because [the wine] does not shake,¹¹ but should it not be full it is prohibited because there is the possibility of shaking. In the case, however, of a full cask [being so carried],¹² it is prohibited because he might have touched it, but should it not be full it is permitted because there is less likelihood that he touched it. R. Ashi said: In the case of a skin-bottle, whether full or not, it is permitted. On what ground? — Because such is not the way of rendering wine nesek.¹³

[Wine] from a press where beams are used¹⁴ is permitted¹⁵ by R. Papi but prohibited by R. Ashi, or according to another version, by R. Shimi b. Ashi. In the case of direct action¹⁶ there is certainly no difference of opinion that it is prohibited, the difference being over the circumstance where there was indirect action.¹⁷ Some declare that in the case of indirect action there is certainly no difference of opinion that it is permitted, the difference being over the circumstance where there was direct action. An instance of such indirect action occurred and R. Jacob of Nehar-Pekod¹⁸ prohibited it.

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It once happened that a cask

1. To be drunk.
2. Because it would tend to run out and by touching his hand communicate contamination to the rest of the wine.
3. Accordingly R. Papa's decision is not accepted by all.
4. Containing wine to be used for the heave-offering.
5. V. [Glos.](#)
6. Because the defilement is communicated to all the contents.
7. This opinion corresponds with R. Papa's, but it is not adopted in law.
8. The wine being poured from the barrel into the cask.
9. Because he would then be contributing effort towards filling the cask.
10. To see that he does not touch the wine.
11. The bottle is tied at the neck, and when full the contents are not shaken; but when not full, the wine may be shaken. [R. Papa regards shaking when carried as 'splashing' with the hand.]
12. Which is open on top.
13. [Through accidental shaking in the carrier's hand.]
14. To crush the grapes so that the treader does not come in contact with the wine.
15. When the beams are placed over the grapes by a heathen.
16. On the part of the heathen, as when he stood on the beams to press the grapes.
17. If, e.g., a wheel, turned by a heathen, pressed on the beams.
18. Pekod is mentioned in Jer. L, 21 and Ezek XXIII, 23; a district in S.E. Babylon; v. Sanh, (Sonc. ed.) p. 468, n. 3.

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split lengthwise, and a heathen sprang forward and clasped it in his arms. Rafram b. Papa — another version is, R. Huna the son of Rab Joshua — permitted it to be sold to heathens. This rule applies only when it split lengthwise, but if crosswise it is permitted even to be drunk [by Israelites].¹ On what ground? — [The heathen] only did what a brick might have done.²

A heathen was once found standing in [the empty] wine-press [of an Israelite]. [On being consulted] R. Ashi said: If it was

sufficiently moist to moisten other objects, it needs to be rinsed with water and rubbed dry, otherwise mere rinsing is sufficient.

MISHNAH. IF A HEATHEN WAS FOUND STANDING BY THE SIDE OF A VAT OF WINE, SHOULD HE HAVE A LIEN UPON IT THEN IT IS PROHIBITED;³ BUT SHOULD HE NOT HAVE A LIEN UPON IT THEN IT IS PERMITTED. IF [A HEATHEN] FELL INTO A VAT AND CLIMBED OUT,⁴ OR MEASURED IT WITH A ROD, OR FLICKED OUT A HORNET WITH A ROD, OR TAPPED ON THE TOP OF A FROTHING CASK⁵ — IT HAPPENED SO WITH ALL THESE CIRCUMSTANCES, AND [THE RABBIS] SAID THAT IT MAY BE SOLD, WHILE R. SIMEON PERMITS IT.⁶ IF HE TOOK A CASK, AND IN HIS ANGER THREW IT INTO THE VAT — THIS ACTUALLY HAPPENED AND [THE RABBIS] DECLARED IT FIT [FOR DRINKING].

GEMARA. Samuel said: [The first clause of the Mishnah only applies] when he has a lien on that wine [which is in the vat].⁷ R. Ashi said: This is also implied in the [next] Mishnah where we learn: If [an Israelite] prepares a heathen's wine in a state of ritual purity⁸ and leaves it in [the latter's] domain who writes for him, 'I have received the money from you,'⁹ then [the wine] is permitted.¹⁰ If, however, the Israelite wished to remove it and [the heathen] refuses to let it go until he paid him — this actually happened in Beth-Shan and [the Rabbis] prohibited it.¹¹ The reason [why they prohibited it] was because he refused to let it go; hence if he had agreed to let it go, it would have been permitted. Conclude, then, that we require that the lien should be on that wine [for it to be prohibited]! Draw that conclusion.

IF [A HEATHEN] FELL INTO A VAT AND CLIMBED OUT. R. Papa said: [The teaching of the Mishnah that the wine may be sold] applies only to the circumstance when he is brought out dead, but if he

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climbed out alive it is prohibited. On what ground? — Because it would then be to him like an idolatrous feast-day.¹²

OR MEASURED IT WITH A ROD ... IT HAPPENED SO WITH ALL THESE CIRCUMSTANCES, AND [THE RABBIS] SAID THAT IT MAY BE SOLD, WHILE R. SIMEON PERMITS IT. R. Adda b. Ahabah said: May blessings alight upon the head of R. Simeon, because when he permits he permits even the drinking [of the wine] and when he prohibits he prohibits it for all use!¹³ R. Hiyya the son of Abba b. Nahmani reported that R. Hisda said in the name of Rab — another version is, R. Hisda said in the name of Ze'iri: The *halachah* agrees with R. Simeon. Others declare that R. Hisda said: Abba b. Hanan remarked to me that Ze'iri said: The *halachah* agrees with R. Simeon. But the *halachah* is not in accord with R. Simeon.

IF HE TOOK A CASK AND IN HIS ANGER THREW IT INTO THE VAT — THIS ACTUALLY HAPPENED AND [THE RABBIS] DECLARED IT FIT [FOR DRINKING]. R. Ashi said: Whatever is rendered unclean by a *zab*¹⁴ makes wine [in a similar circumstance] *nesek* by a heathen, and whatever is not rendered unclean by a *zab* makes wine not to be *nesek* by a heathen. R. Huna quoted against R. Ashi: IF HE TOOK A CASK AND IN HIS ANGER THREW IT INTO THE VAT — THIS ACTUALLY HAPPENED IN BETH-SHAN¹⁵ AND [THE RABBIS] DECLARED IT FIT [FOR DRINKING]! [Consequently if he did this] in anger it is [fit for drinking], but if he had not done it in anger it would not [be fit]!¹⁶ —

1. The top part of the barrel presses upon the lower, so only a little wine would run, and there is less possibility of contamination if the heathen exerted pressure on top.
2. Pressed down to lessen the crack.
3. Because he would not be afraid to touch it. If the Israelite were to remonstrate with him, he had the right to claim the wine for his debt.

4. The Gemara requires the rendering: and is brought out (dead).
5. To reduce the amount of the froth.
6. Even to be drunk by Jews.
7. Which the owner was making to pay off the debt, because then the heathen would not be afraid to touch it. But if his lien was generally upon the owner, he would hesitate to disqualify the wine and so involve his debtor in loss.
8. To be sold to Jews.
9. So that the Jew can remove the wine whenever he so desires.
10. So long as the Jew holds the key to the place where the wine is stored.
11. Because the heathen had a lien on that wine, it not having been paid for.
12. In gratitude for his escape he would dedicate the wine to his god.
13. Unlike the other Rabbis whose prohibition is often limited to the drinking of the wine by Jews.
14. V. [Glos.](#) The reference here is only to the effect of touching an article.
15. The words in 'Beth-Shan' are included in the text of the Mishnah in some MSS. The place is a Biblical city, the modern Beisan, west of the Jordan.
16. As against this conclusion, if a *zab* had thrown a cask into the vat, the wine would have been defiled, whereas it is an established principle that a *zab* defiles only by 'contact' and not by 'throwing'.

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[R. Ashi replied:] There [it refers to the circumstance where the cask] was being roiled by him [the whole distance into the vat].¹

MISHNAH. IF [AN ISRAELITE] PREPARES A HEATHEN'S WINE IN A STATE OF RITUAL PURITY² AND LEAVES IT IN [THE LATTER'S] DOMAIN, IN A HOUSE WHICH OPENS ON TO THE PUBLIC DOMAIN, SHOULD IT BE IN A CITY WHERE HEATHENS AND ISRAELITES RESIDE, IT IS PERMITTED;³ BUT SHOULD IT BE IN A CITY WHERE ONLY HEATHENS RESIDE IT IS PROHIBITED UNLESS [AN ISRAELITE] SITS AND WATCHES.⁴ THERE IS NO NEED FOR THE SUPERVISOR TO SIT AND WATCH [THE WHOLE TIME]; EVEN IF HE KEEPS

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GOING OUT AND COMING IN IT IS PERMITTED. R. SIMEON B. ELEAZAR SAYS: IT IS ALL ONE WITH THE DOMAIN OF A HEATHEN.⁵ IF [AN ISRAELITE] PREPARES A HEATHEN'S WINE IN A STATE OF RITUAL PURITY AND LEAVES IT IN [THE LATTER'S] DOMAIN WHO WRITES FOR HIM 'I HAVE RECEIVED THE MONEY FROM YOU,' THEN [THE WINE] IS PERMITTED. IF, HOWEVER, THE ISRAELITE WISHED TO REMOVE IT AND [THE HEATHEN] REFUSES TO LET IT GO UNTIL HE PAID HIM — THIS ACTUALLY HAPPENED IN BETH-SHAN AND [THE RABBIS] PROHIBITED IT.⁶

GEMARA. In a city where only heathens reside it should also [be permitted without a supervisor] since there are [Israelite] spice-sellers⁷ going about the cities! — Samuel said: [The Mishnah refers] to a city which has doors and bolts.⁸ R. Joseph said: If there is a window² it is the equivalent [of the house being in] a public domain; or if there is a rubbish-heap¹⁰ it is the equivalent [of the house being in] a public domain; and similarly a date-palm makes it the equivalent of a public domain.¹¹ If the top [of the date-palm] had been cut off,¹² R. Aha and Rabina differ, one forbidding [the wine] and the other permitting it. He who forbids it [does so for the reason that the heathen thinks that the owner of the tree] has no cause to climb it; and he who permits it [does so for the reason that] an occasion may occur that [the Israelite's] cattle will stray and he will climb it to look for them.¹³

Our Rabbis taught: 'Whether [an Israelite] purchases or rents an apartment in the court of a heathen and fills it with [casks of] wine, and an Israelite resides in that court, it is permitted even though the key and seal be not in his [the Israelite's] possession.

1. Vis., acting in anger, he gave the cask a violent push and it rolled of itself into the vat; consequently he did not handle the cask and for that reason the wine is fit. If, on the

other hand, he did not act in anger, he must have rolled the cask the whole distance to the vat, likely touched the wine, and so the wine is disqualified. Hence the parallel of the *zab* and the heathen holds good.

2. [For the purpose of selling it to Jews. Wine prepared by heathens was alike forbidden and Levitically unclean. V. *supra* 30b.]
3. It is assumed that the heathen would be afraid to tamper with the wine because he might be seen by a Jewish inhabitant, and be unable to dispose of his wine among Jews.
4. [V.l. 'he appoints a supervisor'.]
5. Whether it be private or public, a supervisor is necessary.
6. The second half of the Mishnah was quoted on p. 297. V. the notes there.
7. General term for peddlers.
8. So that nobody could enter without the fact becoming known, and he could therefore, even if the wine is placed in a house opening on to the public domain, disqualify the wine without the fear of being seen.
9. In the heathen's house looking on to the public domain. Rashi prefers the explanation that the window of a Jew's house faces the entrance of the heathen's house.
10. On which a person could stand and see what was done in the house.
11. In all these circumstances there is the possibility of being overlooked, so the heathen would be afraid to tamper with the wine.
12. The tree belonging to a Jew; and since the top is cut off, he would have no occasion to climb it to gather the fruit. There would then be less fear of being overlooked.
13. And the possibility of being watched would act as a deterrent.

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If, however, [he resides] in another court, it is permitted only when the key and seal are in his possession. If [an Israelite] prepares the wine of a heathen in a state of ritual purity in the latter's domain and an Israelite resides in that court, it is permitted should the key and seal be in his possession.' R. Johanan said to the tanna:¹ Read [as follows]: Even though the key and seal be not in his possession it is permitted. '[Should he reside] in another court, it is prohibited even if the key and seal are in his possession. Such is the statement of R. Meir; but the

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Sages prohibit it unless a supervisor sits and watches or until somebody is appointed to go there for stated periods.' To which [of the four circumstances just enumerated] do the Sages refer? If I say it is to the last,² the first Tanna³ also prohibits it. Perhaps it is to the third!⁴ But R. Johanan informed the Tanna: 'Read [as follows]: Even though the key and seal be not in his possession [the wine is permitted]!'⁵ — Rather must it be to the second, for the first Tanna declared, 'If, however, [he resides] in another court, it is permitted only when the key and seal are in his possession.' Whereas the Sages hold that it is always prohibited 'unless a supervisor sits and watches or until somebody is appointed to go there for stated periods.' But his going there for stated periods is a disadvantage!⁶ — Rather [must the statement be amended to]: Until somebody is appointed to go there not for stated periods.

R. SIMEON B. ELEAZAR SAYS: IT IS ALL ONE WITH THE DOMAIN OF A HEATHEN, The question was asked: Is the purpose of R. Simeon b. Eleazar to make the law lenient or strict? — Rab Judah said in the name of Ze'iri: To make it lenient; but R. Nahman said in the name of Ze'iri: To make it strict. Rab Judah said in the name of Ze'iri that it is to make the law lenient, and the statement of the first Tanna must be understood thus: Just as [the wine] is prohibited in the domain of [that heathen] it is similarly prohibited in the domain of any other heathen and we take into account [the possibility of heathens] being partial one to another;² but R. Simeon b. Eleazar says: That only applies to his own domain, but when it is in the domain of another heathen it is permitted because we do not take into account the fear of partiality.³ R. Nahman said in the name of Ze'iri that it is to make the law strict, and the statement of the first Tanna must be understood thus: This only applies to his own domain, but when it is in the domain of another heathen it is permitted and we do not take into account

the fear of partiality; but R. Simeon b. Eleazar says: It is all one with the domain of a heathen. There is a teaching in accord with what R. Nahman said in the name of Ze'iri, i.e., the purpose is to make the law strict, viz.: R. Simeon b. Eleazar said: It is all one with the domain of a heathen because of the fraudulent.

[Israelites once bought grapes from] the house of Parzak, the king's field-marshal,² [and having made wine from them] left it in charge of his tenant-laborers. The Rabbis in the presence of Raba thought to declare [it permitted] on the ground that we only take into account the fear of partiality where there might be mutual agreement;¹⁰ but in this instance since it could not be the custom of the tenant-laborers to enter into an agreement with Parzak, the king's field-marshal, we take no account of the fear of partiality, Raba, however, said to them: On the contrary, even according to him who maintains that we take no account of the fear of partiality, that only applies where there is no possibility of terrorization; but in this instance since [the tenants] are afraid of him, they would conceal any action on his part [to interfere with the wine] to shield him.

In a certain town where there was wine belonging to an Israelite, a heathen was found standing among the jars. Raba said: If he would be arrested on that account as a thief,¹¹ the wine is permitted,¹² otherwise it is prohibited.¹³

1. Who quoted this teaching to the students.
2. The Jew resides in a different court.
3. I.e., R. Meir.
4. Lit., 'the first (part) of the last (clause).' The Jew resides in the court where the wine is stored.
5. [Which shows that R. Johanan did not consider it possible for anyone to forbid the wine in such a case even though the key and seal are not in the Israelite's possession.]
6. The heathen knows when he will be there and can interfere with the wine during his absence.

7. Lit., 'paying favors'. They would not give one another away and for that reason cannot be trusted.
8. [The heathen householder in whose domain the wine is placed would not permit the other heathen to tamper with it, R. Simeon's statement must accordingly be understood as a rhetorical question: 'Is it all one with the domain of a heathen?']
9. [Cf. Lat. Rufulus. v, Funk, *op. cit.*, I, 33, v. p. 163, n. 7.]
10. I.e., one heathen tells a lie for another, or does not expose his wrong-doing, on condition that the latter will act similarly towards him.
11. Should he be found touching the jars.
12. He would be afraid to touch the jars because he would be suspected of wanting to steal them.
13. It must then be assumed that he touched the wine and disqualified it.

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CHAPTER V

MISHNAH. IF [A HEATHEN] HIRE [AN ISRAELITE] WORKMAN TO ASSIST HIM IN [THE PREPARATION OF] YEN NESEK, HIS WAGE IS PROHIBITED. IF HE HIRED HIM TO ASSIST HIM IN ANOTHER KIND OF WORK, EVEN SAYING TO HIM, 'REMOVE FOR ME A CASK OF YEN NESEK FROM THIS PLACE TO THAT,' HIS WAGE IS PERMITTED. IF HE HIRED [AN ISRAELITE'S] ASS TO CARRY YEN NESEK, ITS HIRE IS PROHIBITED; BUT IF HE HIRED IT TO SIT UPON, EVEN THOUGH THE HEATHEN RESTED HIS JAR [OF YEN NESEK] UPON IT, ITS HIRE IS PERMITTED.

GEMARA. Why is [the workman's] wage prohibited? If I answer that inasmuch as yen nesek is prohibited for use of any kind and therefore the wage which came to him from it is likewise prohibited, behold '*orlah*¹ and the mixed plantings of a vineyard² are prohibited for use of any kind and yet we have learnt: If he sold them and with the proceeds married a wife she is legally married!³ On the other hand, [should I answer that the reason is] because his money

[which comes to him on account of yen nesek] is affected as though it were an idolatrous object,⁴ behold the Sabbatical year affects the money [obtained from the sale of its produce] and yet we have learnt: If one said to a workman [in the Sabbatical year], 'Here is a *denar* and for it gather vegetables for me to-day,' his wage is prohibited;⁵ [but if he said,] 'Gather vegetables for me to-day,' his wage is permitted!⁶ — R. Abbahu said in the name of R. Johanan: [The true explanation is] that it is a penalty which the Sages imposed upon ass-drivers and in connection with yen nesek.⁷ As for yen nesek it is as has just been stated; and what is the case of the ass-drivers? — As it has been taught: If ass-drivers work with the fruits of the Sabbatical year, their wage is [the produce of] a Sabbatical year.⁸ What means 'their wage is [produce of] a Sabbatical year'? If I say it means that they receive their wage in fruits of the Sabbatical year, consequently [the employer] discharges his obligation with fruits of the Sabbatical year and the Torah stated, [And the Sabbath of the land shall be] for food⁹ — but not for trading!¹⁰ If, on the other hand, [I answer that the meaning is] that their wage is holy¹¹ like the holiness of [the produce of] the Sabbatical year, is it holy? For it has been taught: If one said to a workman [in the Sabbatical year], 'Here is a *denar* and gather vegetables for me to-day,' his wage is permitted; [only if he said,] 'Gather vegetables for me to-day for this [*denar*]' is his wage prohibited! — Abaye said: It certainly means that they receive their wage in fruits of the Sabbatical year, and the difficulty you raise, viz., 'for food' but not for trading, [is met by the supposition] that he paid them in a lawful manner, as we have learnt: One may not say to his neighbor,

1. V. [Glos.](#)
2. Lev. XIX, 19.
3. V. *supra*, p. 277.
4. Since the wine was prepared as a libation to an idol, on the principle, 'Whatever you

bring into being from a devoted thing is to be treated like it' (loc. cit.).

5. [To use it after the time of 'removal', v. *supra*, p. 278 n. 5,]
6. In the latter case he did not stipulate by his words that the money was given as payment for gathering the forbidden produce. But the point is, the workman may use the money he earned by performing an illegal act.
7. Although legally the wage should be permitted.
8. And is accordingly prohibited.
9. Lev. XXV, 6.
10. Consequently the employer has no right to pay wages with the produce.
11. I.e., prohibited.

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'Carry up for me these fruits¹ to Jerusalem [and for doing so] have a share in them'; but he may say to him, 'Carry them up so that we may eat and drink of them in Jerusalem.' They may also make a free gift of them to each other.² Raba, however, said: [The meaning is] certainly that their wage is holy like the holiness of [the produce of] the Sabbatical year, and the difficulty you raise over the teaching concerning the workman [who gathers fruits in that year can be met by the answer] that in the case of a laborer whose wage is small the Rabbis did not impose a penalty, but in the case of ass-drivers whose wage is considerable the Rabbis did impose a penalty;³ and as for our Mishnah⁴ the seriousness of *yen nesek* accounts for the difference.

The question was asked: How is it with his wage [when an Israelite is employed by a heathen] in connection with ordinary wine?⁵ Do we maintain that since its prohibition⁶ is as strict as with wine for a libation, the wage is likewise prohibited; or perhaps for the reason that its power of defilement is lighter⁷ [the attitude towards] the wage is also more lenient? — Come and hear! A certain man hired out his ship [to transport] ordinary wine [of heathens] and they paid him in wheat. He came before R. Hisda who said to him, 'Go, burn and bury it in a

graveyard.' But he should have told him to scatter it!⁸ — People might come to wrongdoing through it.⁹ Then he should have told him to burn and scatter it! — People might use it as manure. Then let it be buried in its natural state, for have we not learnt: The stone with which a person was stoned, the tree upon which he was hanged, the sword with which he was decapitated, and the sheet with which he was strangled are all alike buried with him!¹⁰ — In this latter instance, since the persons were buried by the Court,¹¹ it would be generally known that they had been executed under sentence of the Court; but in the former instance the circumstances would not be generally known and a person might suppose that somebody had stolen [the wheat] and brought it to be buried there.

The scholars in the School of R. Jannai used to borrow fruits of the Sabbatical year from the poor and repay them in the eighth year.¹² When this was reported to R. Johanan, he said to them, 'They act rightly';¹³ and an analogy may be found in the matter of a harlot's hire which is permitted;¹⁴ for it has been taught: If he gave her [an animal] without having intercourse with her or had intercourse without giving it to her,¹⁵ her hire is permitted [for use in the Sanctuary]. Now if he gave her it without having intercourse with her, obviously [it may be devoted to the Sanctuary] for the reason that, having had no intercourse with her, he merely presented her with a gift! Further, if he had intercourse without giving it to her, behold he gave her nothing, and since he made no presentation to her what means that her hire is permitted! — This is what he intends: If he gave her it and subsequently had intercourse with her, or had intercourse with her and subsequently gave it to her, the hire is permitted¹⁶ But if he gave it to her and subsequently had intercourse with her, since he did have intercourse with her,

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1. Representing the second tithe which must be taken by the owner to Jerusalem and eaten there. It would be unlawful to discharge an obligation with the fruits.
2. M. Sh. III, 1. Similarly by a legal fiction the ass-drivers may be given a free gift from the produce of the Sabbatical year.
3. This then is the case referred to where a penalty was imposed on ass-drivers.
4. Where a workman's wage is declared to be prohibited although it is small.
5. Not made expressly for a libation to idols.
6. The wine, belonging to a heathen, is still nesek although not used for a libation.
7. V. *supra*, 30b, seq.
8. Why did he insist on its being burnt and buried?
9. Jews would unwittingly collect and use it.
10. Sanh. 45b. Consequently no account is taken of the possibility that people may disinter it.
11. There were special cemeteries for them.
12. This was done to assist them in a year when the harvest, after the Sabbatical year, would be meager. Nevertheless the lenders ate what was obtained in exchange for the Sabbatical produce, and this should be prohibited.
13. Because it was not actually a case of exchange since the produce of the eighth year was non-existent at the time when the fruits of the Sabbatical year were borrowed, and the 'holiness' of the Sabbatical year did not affect what they ate in the eighth year.
14. To be devoted to the Temple, in spite of the Law of Deut. XXIII, 19.
15. At the time, but he did so later.
16. The two matters are regarded as separate and what she received is legally a gift. Similarly with the borrowing of the fruits of the Sabbatical year, what is repaid is technically a gift.

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the prohibition of the harlot's hire should apply retrospectively to [the animal]! — R. Eleazar replied: [It is permitted] when she first offered it.¹ How is this to be understood? — If he said to her, 'Take possession of this at once,'² then obviously it is permitted because it is no longer there at the time of intercourse and he merely presented her with a gift; but if he had not said to her, 'Take possession of this at once,' how could she offer it, since the All-merciful has declared, And when a man shall sanctify

his house to be holy³ — as the house [which he sanctifies] must be in his possession, so must everything [which is dedicated to the Sanctuary] be in the person's possession! — Rather [must we suppose the circumstance] where he said to her, 'Let it be with you until the time of intercourse; but should you require it then take possession of it at once.'⁴

R. Hoshaia asked: How is it if she dedicated [the animal to the Sanctuary] beforehand?⁵ Since a Master has said that a declaration⁶ in connection with the Divine service is like the act of delivery in a secular transaction, is she like one who has actually offered it,⁷ or perhaps [the animal] is after all still in existence [at the time of intercourse]?⁸ But why not solve the question from the statement of R. Eleazar who said: Only if she actually offered it beforehand is the offering [lawful] but not if she merely dedicated it? On this statement of R. Eleazar itself the question is to be asked: Is it clear to R. Eleazar that only if she had actually offered it [is it permitted] but not if she merely dedicated it because it is [in her possession] at the time of intercourse; or perhaps he is clear in the circumstance where it had been offered but doubtful when it had only been dedicated? The question remains unanswered.

[It was stated:] If he had intercourse with her and subsequently gave it to her, her hire is permitted. Against this I quote: If he had intercourse with her and subsequently gave it to her, even after the lapse of three years, her hire is prohibited! — R. Nahman b. Isaac said in the name of R. Hisda: There is no contradiction, the latter teaching referring to the circumstance where he said to her, 'Have intercourse with me for *this* lamb,' and the former teaching to the circumstance where he said to her, 'Have intercourse with me for a lamb.'⁹ And if he did use the phrase 'for this lamb' what of it, inasmuch as the act of drawing towards oneself is lacking!¹⁰ — [It deals here] with a gentile harlot who does not acquire an object

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by the act of drawing it towards herself.¹¹ Or if you wish I can say that it surely deals with an Israelite harlot when, e.g., it is standing in her courtyard.¹² But if it was standing in her courtyard, [how can it be taught that] he had intercourse with her and subsequently presented it to her, seeing that she already had possession of it! — No, it is necessary [to suppose a case] where he used it as a pledge, saying to her, 'If I bring you a certain number of *zuz* by such a date, well and good; otherwise take [the lamb] for your hire.'¹³

R. Shesheth quoted in objection:¹⁴ A man can say to his ass-drivers and workmen,¹⁵ 'Go and eat for this *denar*, go out and drink for this *denar*,' and he need not be concerned

1. To the Temple and afterwards had intercourse. [In this case the offering is acceptable and valid. V. Yad, Issure Mizbeah, IV, 11.]
2. Before the intercourse.
3. Lev. XXVII, 14.
4. And therefore the prohibition of a harlot's hire does not apply to it.
5. But intercourse occurred before she presented the animal.
6. That the animal is to be dedicated to the Temple.
7. And it may therefore be offered.
8. And is to be considered a harlot's hire.
9. In this latter circumstance, what she receives afterwards is not technically her hire.
10. He merely indicated the lamb which he would give her. Until she actually draws the animal towards her she has not legally acquired it, v. B.M. 47b.
11. [Ms.M.: Who does not lack 'drawing'. A non-Jew acquires possession by payment (Bek. 13a) in this case by the act of intercourse. V. R. Gershom, Tem. 29b.]
12. [A courtyard confers possession, v. B.M. 10b.]
13. [In this circumstance the lamb is partly her property and considered a harlot's hire and yet strictly speaking is not yet presented to her, since he may substitute for it some other gift.]

14. To the action of R. Jannai's School who used to borrow fruits of the Sabbatical year from the poor and repay them in the eighth year.
15. Who are Gentiles or Israelites who do not observe the law of tithe.

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[about their eating and drinking the produce of] the Sabbatical year or [what has not been subject to] the tithe or *yen nesek*; but if he said to them, 'Go out and eat and I will pay, go out and drink and I will pay,' he must be concerned [about their eating and drinking the produce of] the Sabbatical year or [what has not been subject to] the tithe or *yen nesek*.¹ Consequently when he pays them he does so at the price of what is prohibited, and similarly in the case [of the School of R. Jannai] when they made repayment they did so for something that was prohibited! — R. Hisda explained: [The teaching just quoted deals] with a shop-keeper who gives [the employer] credit so that he is indebted to him,² and since it was his custom to give him credit it is as though the latter had himself bought for a *denar* of him.³ When, on the other hand, he does not give him credit, how is it? It is permitted! If that is so,⁴ when he teaches the circumstance of, 'Go and eat for this denarius, go out and drink for this denarius,' he should draw a distinction in this very case and teach as follows: When does this apply? [When they make their purchase] of a shopkeeper who gives him credit so that he is indebted to him [it is prohibited], but of a shopkeeper who does not give him credit it is permitted! And further, as regards a shopkeeper who does not give him credit, is not [the employer in such a circumstance] indebted to him? For Raba has declared: If a man says to his neighbor, 'Give so-and-so a *maneh*⁵ and let all my possessions be surety to you,' [the lender] has acquired them by the law of security!⁶ — But, said Raba: It is immaterial whether he gives him credit or not; but although [the employer] is indebted to him, for the reason that he does not

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specify his indebtedness,⁷ it is not prohibited.⁸ Why, then, in the present circumstance² should he be concerned [about their eating and drinking the produce of] the Sabbatical year inasmuch as he does not specify his indebtedness! — R. Papa said: Here it is when, e.g., he paid him the *denar* in advance.¹⁰

R. Kahana said: I cited this teaching in the presence of R. Zebid of Nehardea who remarked to me: If that were so, then instead of the words 'Go out and eat and drink and I will pay,' we should have expected 'I will have a reckoning with him!'¹¹ [R. Kahana] said to him: Read, 'Go out and I will have a reckoning with him.' R. Ashi said: It is when, e.g., [the employer] took [the foodstuffs] from the shopkeeper and handed them [to his workmen].¹² R. Jemar said to R. Ashi: If that were so, then instead of the words, 'Go out¹³ and eat, go out and drink' we should have expected, 'Take and eat, take and drink!' — He replied to him: Read, 'Take and eat, take and drink.'

R. Nahman, 'Ulla and Abimi b. Papi were sitting together and R. Hiyya b. Ammi sat with them. As they sat the question was raised: How is it if [an Israelite] was hired to break [a cask of] *yen nesek* [and pour out the contents]?¹⁴ Do we say that since his wish is the preservation [of the cask]¹⁵ it is prohibited, or perhaps it is right in every case where the effect is to reduce what is improper? — R. Nahman said: Let him break it and may a blessing alight upon him [for so doing]. Is it to be assumed that his opinion receives support [from this teaching]: We may not hoe together with a heathen among mixed plantings

1. Because he would then be discharging his obligation to them with what was forbidden. (V. Tosef. A.Z. VIII.)
2. As soon as the employees receive the food and drink, so that it is as though the shopkeeper handed the goods to the employer.
3. If, therefore, the foodstuff was prohibited, the employer exchanged his money for what

was illegal. In the case of R. Jannai's School, however, the poor were not accustomed to give credit, so that we have not here an instance of unlawful exchange.

4. Viz., that the decision rests on whether he gives him credit.
5. V. [Glos.](#)
6. As soon as the loan is made, the lender is technically the owner of what had been given as surety. Therefore when the shopkeeper gives the workmen the food, he is technically the owner of the employer's *denarius* whether he is in the habit of giving him credit or not.
7. He owes him a *denarius* but not any particular one.
8. Thus is the action of the school of R. Jannai justified.
9. When the employer added the words 'and I will pay'.
10. And then told his men to get food for it. In this case he must be concerned about unlawful foodstuffs.
11. I.e., I will set off what you have had against the money which I have already given the shopkeeper.
12. In that case the employer became the owner of the foodstuffs and must be concerned about their legality, whether he took them on credit or not.
13. 'Go out' implies that he does not accompany them and therefore he could not hand the food to them.
14. May he use the money he earned in this way?
15. So that he may have the work of breaking it and earn money.

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but we may uproot them¹ together with him in order to reduce what is improper!² They maintained that the statement [that uprooting is permitted] was [even according to] R. Akiba who said: He who helps to preserve mixed plantings³ is liable to the punishment of lashes; for it has been taught: He who weeds or covers mixed plantings with soil is liable to the punishment of lashes; R. Akiba says: Also he who helps to preserve them. What is R. Akiba's reason? — Scripture stated, Thou shalt not sow thy field with two kinds of seed⁴ — I have here mention only of sowing; whence is it [that the prohibition applies also to] preserving

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them? There is a text to state, Not ... with a diverse kind,⁵ so [deduce from this that] if the purpose is to reduce what is improper it is permitted!⁶ — No, we have here [not the opinion of R. Akiba but] of the Rabbis.⁷ If, however, it is the opinion of the Rabbis, why specify 'We may uproot them,' since their teaching holds good even with the preservation of the plants!⁸ — With what circumstance are we dealing here? When, e.g., he worked for nothing,⁹ and it is in accord with the teaching of R. Judah who said: It is forbidden to make them a free gift.¹⁰ [But nevertheless] from R. Judah's statement can we not infer what is R. Akiba's view: R. Judah having declared that it is forbidden to make them a free gift, but it is all right for the purpose of reducing what is improper;¹¹ similarly with R. Akiba, although he declared that he who preserves [mixed plantings] is liable to the punishment of lashes, it is all right for the purpose of reducing what is improper!¹² There is nothing further to discuss on this subject. Again [while the afore-mentioned Rabbis] were sitting together the question was raised: How is it with the price of an idol in the possession of an idolater?¹³ Does [the prohibition] affect the money which is in the possession of an idolater or not? — R. Nahman said to them: The more probable view is that the price of an idol in the possession of an idolater is permitted, [as may be seen from the incident where some would-be proselytes] came before Rabbah b. Abbahu and he told them, 'Go and sell all your possessions and then come to be converted.'¹⁴ What was his reason? Was it not because he held that the price of an idol in the possession of an idolater is permitted!¹⁵ But perhaps it is different in this latter circumstance, because having the intention of becoming a proselyte each of them must surely have annulled [his idolatrous objects]!¹⁶ — Rather may [support for R. Nahman's view be obtained] from this teaching: If an Israelite has a claim for a *maneh* against an idolater and the latter sold an idol or *yen nesek* and

brought him the proceeds, [the money] is permitted to him; but if [the idolater] said, 'Wait until I sell an idol or *yen nesek* and I will bring you the proceeds,' it is prohibited.¹⁷

What is the difference between the two circumstances [that one is permitted and the other not]? — R. Shesheth said: The latter [is prohibited] because [the Israelite] then wishes [the idol] to be preserved.¹⁸ But is it prohibited if he wishes it to be preserved under such conditions? For behold we have learnt: If a proselyte and an idolater inherited from their father who was an idolater, the proselyte can say to the other, 'You take the idol and I the money; you take the *yen nesek* and I the fruits';¹⁹ but after [the inherited objects] have come into the possession of the proselyte it is forbidden [to make such a proposition]!²⁰ — Raba b. 'Ulla said: This Mishnah refers to an idol which can be divided according to its pieces.²¹ Granted that this is so with an idol, but what is there to say with *yen nesek*?²² — [It refers to wine preserved] in Hadrianic earthenware.²³ But is he not desirous of their preservation that they should not be stolen or lost! — Then R. Papa said: [You cite a passage that] treats of the inheritance of a proselyte!²⁴ It is different with a proselyte's inheritance in connection with which the Rabbis took a lenient view from fear that he might relapse into his error.²⁵

1. Even for payment.
2. Here, too, the Jew must long for the preservation of the forbidden plantings so that he may be hired to uproot them.
3. By putting up a hedge around them.
4. Lev. XIX, 19.
5. The verse in Lev. is lit.: 'Thou shalt not let thy cattle gender with a diverse kind, thou shalt not sow thy field with a diverse kind.' Since the two laws are not connected by 'and', they are united for the purpose of exposition, and the second clause is interpreted as implying that not only may a field not be sown with two kinds of seeds but a mixed planting which had already taken place there must not be allowed to remain.

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6. Although it is in his interests that they should be cultivated since he would have employment. [This is what led them to maintain that the author of the Baraitha permitting uprooting could also be R. Akiba.]
7. Who are unconcerned about the man's interest in the preservation of the mixed plantings in order to earn money from their eradication. [As regards idolatry, however, they would agree that it is forbidden to accept payment where it involves the wish to preserve idolatry.]
8. Therefore the quoted teaching cannot be the Rabbis'; and since it is found to agree neither with them nor R. Akiba, it must be re-interpreted, and this is done to make it accord with the Rabbis.
9. The regulation 'we may uproot them' does not refer to paid labor.
10. It is accordingly forbidden for a Jew to give his services free to an idolater (v. *supra* 20a) and yet where the effect is to reduce what is improper it is permitted.
11. As, e.g., uprooting mixed plantings.
12. And R. Nahman who permits the breaking of a cask of yen nesek finds support in this Baraitha, whoever the author of it may be.
13. If an idolater sold an idol to another idolater, may a Jew have dealings with him for that money?
14. If they become converts first, their idolatrous objects could not be annulled and the proceeds used by them or by Jews generally.
15. This supports R. Nahman.
16. And then they could be sold and the money used.
17. Tosef. A.Z. VIII. This supports R. Nahman.
18. So that it may be sold and he receive the proceeds.
19. The proselyte then hopes for their preservation, so that he may have his share; and yet this is permitted.
20. Dem. VI, 10.
21. E.g., a golden image which is broken up and the metal shared between them, because the proselyte would have no objection to the idol being destroyed.
22. The proselyte would be anxious that the jars containing it should not be broken.
23. V. *supra* 32a. In this case there is no anxiety about the jar being broken.
24. This is an exceptional circumstance; consequently nothing can be deduced from it in connection with the subject under discussion.
25. If he lost his inheritance through a strict interpretation of Jewish law.

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There is a teaching to the same effect: This only applies when they inherit, but in a case of partnership¹ it is prohibited.

Then again [the afore-mentioned Rabbis] were sitting together and the question was raised: Can a ger toshab² annul an idol? Must a worshipper annul it so that a non-worshipper cannot, or perhaps anybody who belongs to them³ can annul it and he belongs to them? — R. Nahman said to them: The more probable view is that a worshipper must annul it and a non-worshipper cannot. Against this is quoted: If an Israelite found an idol in a public place, before it comes into his possession he may ask an idolater to annul it, but after it comes into his possession he may not ask an idolater to annul it because [the Rabbis] declared: An idolater can annul the idol belonging to himself or to another idolater whether he worships or does not worship it.⁴ What means 'he worships it' and what means 'he does not worship it'? If I say that in either case it refers to an idolater, then it is identical with 'belonging to himself or to another idolater'! Must we not then suppose that the subject of 'worships' is an idolater and of 'does not worship' a ger toshab, and deduce from it that a ger toshab can also annul? — No; I can always tell you that in either case it refers to an idolater, and when it is argued that it is then identical with 'belonging to himself or to another idolater,' [the reply I make is] that in the first clause it means when each of them [worships] Peor or each [worships] Mercurius,⁵ whereas in the second clause it means when one [worships] Peor and the other [worships] Mercurius.⁶

Against this is quoted: 'Who is a ger toshab? Any [Gentile] who takes upon himself in the presence of three haberim⁷ not to worship idols. Such is the statement of R. Meir; but the Sages declare: Any [Gentile] who takes upon himself the seven

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precepts⁸ which the sons of Noah undertook; and still others maintain: These do not come within the category of a ger toshab; but who is a ger toshab? A proselyte who eats of animals not ritually slaughtered, i.e., he took upon himself to observe all the precepts mentioned in the Torah apart from the prohibition of [eating the flesh of] animals not ritually slaughtered. We may leave such a man alone with wine,² but we may not deposit wine in his charge even in a city where the majority of residents are Israelites.¹⁰ We may, however, leave him alone with wine even in a city where the majority of residents are heathens; and his oil is like his wine.' How can it enter your mind to say that his oil is like his wine; can oil become nesek!¹¹ [The wording must be amended to] his wine is like his oil,¹² but in every other respect he is like a heathen.¹³ Rabban Simeon says: His wine is yen nesek. Another version [of Rabban Simeon's statement] is: 'It is allowed to be drunk [by Israelites].' At all events it teaches that 'in every other respect he is like a heathen.' For what practical purpose [is this mentioned]? Is it not that he can annul an idol in the same manner as an idolater?¹⁴ — R. Nahman b. Isaac said: No; it is in connection with his power to transfer or renounce ownership;¹⁵ as it has been taught: An apostate Israelite who publicly observes the Sabbath¹⁶ may renounce his ownership, but if he does not observe the Sabbath publicly he may not renounce his ownership because [the Rabbis] said: An Israelite may transfer or renounce his ownership, whereas with a heathen this can only be done by renting [his property]. In what way? — [One Israelite] can say to [another Israelite], 'My ownership is acquired by you; my ownership is renounced in your favor,' and the latter has thereby acquired [the property]¹⁷ without the necessity of a formal assignment.

Rab Judah sent a present

1. Between a proselyte and a heathen. In that case the proselyte may not derive benefit from an idol or yen nesek.
2. Lit., 'proselyte-settler,' i.e., a Gentile who renounces idolatry to become a settler in Palestine. V. the next paragraph for a discussion of the term.
3. I.e., are non-Jews whether actual idolaters or not.
4. Tosef. A.Z. VI.
5. Each worships a separate idol of the same deity; only then can one annul the idol of the other.
6. Even then one can annul the other's idol although he himself does not worship it.
7. V. Glos. s.v. Haber.
8. V. *supra* p. 5, n. 7.
9. Without its being disqualified as yen nesek. This is not allowed with a heathen.
10. [For fear that he might erroneously exchange it with his wine, which is forbidden.]
11. [Rashi omits the word 'wine' in our edd.]
12. I.e., just as his oil may be used by Jews so his wine may be used by them, though not for drinking purposes.
13. Because he had not submitted to the two conditions of a proselyte vis., circumcision and immersion.
14. This contradicts R. Nahman.
15. Of a piece of land to combine it with the property of a Jew for the purpose of uniting them to enable an article to be carried from one place to another within that area on the Sabbath.
16. Whatever he may do in private. The fact that he observes it publicly indicates that his Jewish sensibility has not been completely suppressed.
17. By the mere declaration, without the purchase money having been first paid.

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to Abidarna¹ on a heathen feast-day, saying, 'I know that he does not worship idols.' R. Joseph said to him, 'But it has been taught: Who is a ger toshab! Any [Gentile] who takes upon himself in the presence of three haberim not to worship idols!'² — [Rab Judah] replied, 'This teaching only applies to the matter of supporting him.'³ [R. Joseph] retorted, 'But Rabbah b. Bar Hanah said in the name of R. Johanan: A ger toshab who allows twelve months to pass without becoming circumcised is to be

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regarded as a heretic among idolaters!⁴ [Rab Judah] answered, 'This refers to the circumstance where he undertook to be circumcised but did not undergo the rite.'

Raba once sent a present to Bar-Sheshak⁵ on a heathen feast-day, saying, 'I know that he does not worship idols'; but on paying him a visit, he found him sitting up to his neck in a bath of rosewater while naked harlots were standing before him. [Bar-Sheshak] said to him, 'Have you [Israelites] anything like this in the World to Come?' He replied, 'We have much finer than this.' He asked, 'Is there anything finer than this?' [Raba] answered, 'There is upon you the fear of the ruling power,⁶ but for us there will be no fear of the ruling power.' He said to him, 'What fear have I, at any rate, of the ruling power!' While they were sitting together, the king's courser arrived with the message, 'Arise, the king requires your presence.' As he was about to depart [Bar-Sheshak] said to [Raba], 'May the eye burst that wishes to see evil of you!' To this Raba responded, 'Amen,' and Bar-Sheshak's eye burst. R. Papi said: [Raba] should have answered him by quoting the verse, Kings' daughters are for thine honor; at thy right hand doth stand the queen in gold of Ophir.⁷ R. Nahman b. Isaac said: [Raba] should have answered him by quoting the verse, No eye hath seen what God, and nobody but Thee, will work for him that waiteth for Him.⁸

IF HE HIRED HIM TO ASSIST HIM IN ANOTHER KIND OF WORK. [Is his wage permitted] even if he did not ask him [to remove the cask of yen nesek] towards evening?⁹ Against such a conclusion I quote: If [a heathen] hires an [Israelite] workman¹⁰ and towards evening says to him, 'Remove a cask of yen nesek from this place to that,' his wage is permitted.¹¹ The reason [why it is permitted] is because he asked him to do so towards evening; consequently [if he was asked to do so] throughout the day it would not [be permitted]! — Abaye said: Our

Mishnah likewise refers to when he asked him to do so towards evening. Raba said: [Even if we assume that our Mishnah does not refer to the time towards evening] there is no contradiction, because [the second teaching deals with the circumstance] where he says to him, 'Remove for me a hundred casks for a hundred perutahs',¹² and [the Mishnah] where he says to him, 'Remove for me some casks for a *perutah* each.'¹³ And thus it has been taught: If [a heathen] hires an [Israelite] workman, saying to him, 'Remove for me a hundred casks for a hundred perutahs' and a cask of yen nesek was found among them, his wage is prohibited; [but if he said, 'Remove for me] some casks for a *perutah* each,' and a cask of yen nesek was found among them, his wage is permitted.¹⁴

IF HE HIRED [AN ISRAELITE'S] ASS TO CARRY YEN NESEK, ITS HIRE IS PROHIBITED. What need is there for this [to be mentioned] since it is identical with the first clause?¹⁵ — It was necessary on account of the continuation, viz., BUT IF HE HIRED IT TO SIT UPON, EVEN THOUGH HE RESTED HIS JAR [OF YEN NESEK] UPON IT, ITS HIRE IS PERMITTED.¹⁶ Is this to say that it is not lawful¹⁷ to rest the jar [upon the ass]? Against this I quote: If a man hires an ass, the hirer may rest upon it his clothes, jar and the food which is required for that journey, but as regards anything beyond this the ass-driver may object; an ass-driver may rest upon it barley, straw and food required by him for that day, but as regards anything beyond this the hirer may object!¹⁸ — Abaye said: Granted that it is lawful to rest a jar upon the animal; nevertheless should [the hirer] not rest a jar upon it, do we say to him, 'Deduct the carriage of the jar'!¹⁹

How is this?²⁰ Since [the hirer] is able to purchase [food on the journey], the ass-driver should also be allowed to object!²¹ And should [the driver] not be able to purchase [food on the journey], the hirer

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should also not be allowed to object!²² — R. Papa said: No; it is necessary [to suppose conditions] where one is able by trouble²³ to make purchases from station to station; an ass-driver is accustomed to the trouble of making such purchases²⁴ whereas the hirer is not accustomed to it.²⁵

The father of R. Aha the son of R. Ika²⁶

1. A heathen friend of his.
2. And Abidarna was not considered a *ger toshab*.
3. If a Gentile renounced idolatry and became poor he must receive support from the Jewish community.
4. And Abidarna was not circumcised.
5. A heathen friend.
6. Your fate is in the hands of your king who can at will deprive you of all you possess.
7. Ps. XLV, 10. Instead of 'for thine honor' required as the rendering by the Talmud, E.V. has 'among thy honorable women.' The point of the verse is that Israelites in the Hereafter will be attended by noble women, and not surrounded by harlots as this heathen was.
8. Isa. LXIV, 3, sic. This verse, understood in this sense, is used by the Talmud to denote that the good things of the World to Come cannot be conceived by the mind of man (v. Ber. 34b).
9. The laborer was hired by the day and at evening he was paid for his work. The question, therefore, is whether a Jew may accept pay for removing the cask when it was part of the day's lawful work.
10. For permitted work, and after the day's task is completed he imposes the additional task upon him.
11. Tosef. A.Z. VI.
12. V. *Glos.*, s.v. *perutah*. His wage is for all the work he did. If, then, all the casks contained oil but one had *yen nesek*, all his earnings are prohibited.
13. He can then throw away what he earned for the unlawful work and retain the rest.
14. With the exception of the *perutah* for that cask.
15. Viz., if a heathen hired an (Israelite) workman to assist him in (the preparation of) *yen nesek*, his wage is prohibited.
16. Consequently it is considered that the owner of the ass only receives pay for the man riding upon it and the jar is not taken into account.
17. [Rashi reads, 'not usual'.]

18. It follows that the hirer may rest his jar upon the ass, and therefore the owner receives payment for this.
19. Because there is no special charge for the carrying of the jar, the hire is permitted.
20. That the hirer can load the animal with the food he requires for the whole journey but the ass-driver with what he requires for one day.
21. Because the stop to buy food prolongs the duration of the journey.
22. To his having food for the whole journey.
23. [Ms.M.: 'he is able to purchase.']
24. So he is allowed only a day's supply.
25. For that reason he may take food with him for the whole journey.
26. He was a wine-dealer. He did not sell heathens jars of wine, but used to pour it into their bottles retaining the jar for himself. The usual custom was to sell the wine inclusive of the jar.

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used to pour out the wine for heathens [into their own vessels], and carry it across the ford for them, receiving from them the jars as the reward for doing so. People reported the matter to Abaye who told them: When he laboured¹ he did so with what was permitted.² But, [it was objected,] he had an interest in the preservation of something [that was unlawful],³ viz., that their skin-bottles should not split! — [No;] he had made a condition with them;⁴ or [as an alternative explanation] they brought barrels with them.⁵ But, [it was objected,] he carried them across the ford for them and consequently he labored with what was prohibited! [No;] he instructed the ferryman from the outset [to convey the buyers across],⁶ or [as an alternative explanation] they carried with them certain identification marks.⁷

MISHNAH. IF YEN NESEK FELL UPON GRAPES, ONE MAY RINSE THEM AND THEY ARE PERMITTED, BUT IF THEY WERE SPLIT THEY ARE PROHIBITED. IF IT FELL UPON FIGS OR UPON DATES, SHOULD THERE BE IN THEM [SUFFICIENT WINE] TO IMPART A FLAVOUR, THEY ARE

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PROHIBITED. IT HAPPENED WITH BOETHUS B. ZUNIN THAT HE CONVEYED DRIED FIGS IN A SHIP AND A CASK OF YEN NESEK WAS BROKEN AND IT FELL UPON THEM; SO HE CONSULTED THE SAGES WHO DECLARED THEM PERMITTED. THIS IS THE GENERAL RULE: WHATEVER DERIVES ADVANTAGE [FROM YEN NESEK BY ITS] IMPARTING A FLAVOUR IS PROHIBITED, BUT WHATEVER DOES NOT DERIVE ADVANTAGE [FROM YEN NESEK BY ITS] IMPARTING A FLAVOUR IS PERMITTED, AS, E.G., VINEGAR WHICH FELL UPON SPLIT BEANS.

GEMARA. But there is an incident⁸ [narrated] which contradicts [the first clause of the Mishnah]! — [The wording of the Mishnah] is defective and should read as follows: If [the wine] affects the flavor adversely it is permitted; and thus it happened with Boethus b. Zunin that he conveyed dried figs in a ship and a cask of yen nesek was broken and it fell upon them; so he consulted the Sages who declared them permitted.²

A cask of yen nesek once fell upon a heap of wheat, and Raba permitted it to be sold to heathens. Rabbah b. Liwai quoted against Raba: If mixed stuffs occur¹⁰ in a garment, he may not sell it to a heathen, nor make a pack-saddle of it for an ass, but he may use it as shrouds for a meth mizwah.¹¹ Why may he not [sell it] to a heathen? Lest he dispose of it to an Israelite! So here also [there is the fear that the wheat] may be sold back by him to an Israelite? — Thereupon [Raba] permitted [the Israelite] to mill it, bake it and sell [the loaves] to a heathen not in the presence of an Israelite.¹²

We learnt: IF YEN NESEK FELL UPON GRAPES, ONE MAY RINSE THEM AND THEY ARE PERMITTED, BUT IF THEY WERE SPLIT THEY ARE PROHIBITED. If they are split they are [prohibited], but if not split they are not!¹³ — R. Papa said: It is different with wheat

because on account of the slit [in the ears] they are considered to be split.

1. [By pouring the wine into their bottles.]
2. The wine did not become nesek until it was in the jars of the heathens.
3. Viz., their bottles, because if these were broken they would retain his jars and he would be the loser.
4. That he was to have the jars even if their bottles were broken.
5. In which the bottles were placed, so that if wine ran out it would not be lost.
6. Before the jars were filled; this is allowed because they were still in his possession.
7. Which the ferryman recognized, and he conveyed them across without being told do so in each case. Accordingly R. Ika did not himself carry them to the other side.
8. Viz., what is told of Boethus.
9. Because the wine had a bad effect on the dried figs.
10. Lit., 'was lost'. Cf. Lev. XIX, 19. The case here is where some threads of different materials were woven into the fabric and they cannot be distinguished from the rest to be cut away.
11. V. [Glos.](#) A dead person is absolved from the precepts of the Torah, and so the prohibition of mixed stuffs does not apply.
12. If he sold them in the presence of a Jew, they might be bought by a Jew. Loaves baked by a heathen are disallowed, so that there would be no fear lest they would be bought by a Jew.
13. And this rule should also apply to wheat.

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When old wine [falls] upon grapes, all agree that [they are prohibited, if] it imparts a flavor. In the case of new wine [which falls] upon grapes, Abaye said that [they are prohibited] however small the quantity be, but Raba said that it must impart a flavor. Abaye said that [they are prohibited] however small the quantity be for the reason that we use the criterion of flavor, and since both [the wine and grapes] have one flavor, it is a case of one species being mixed with the same species, and in such circumstances a minimum quantity [suffices to disqualify]. Raba, on the other hand, said that it must impart a flavor for the reason that we use

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the criterion of name; and since they each have a distinctive name it is a case of one species [being mixed] with a different species, and in such circumstances [the disqualification depends upon the prohibited element] imparting its flavor [to the mixture].¹

We learnt: **IF YEN NESEK FELL UPON GRAPES**, etc. Now it is assumed that [the reference is to] new wine upon grapes; and yet [are they not disqualified only] if it imparts a flavour?² — No, [they are prohibited] however small the quantity be. Since, however, it states in the sequel: **THIS IS THE GENERAL RULE: WHATEVER DERIVES ADVANTAGE [FROM YEN NESEK BY ITS] IMPARTING A FLAVOUR IS PROHIBITED; WHATEVER DOES NOT DERIVE ADVANTAGE [FROM YEN NESEK BY ITS] IMPARTING A FLAVOUR IS PERMITTED**, it follows that we are dealing here with a case where it does impart a flavor. What, then, of Abaye?³ — [He explains] our Mishnah as referring to old wine [which fell] upon grapes.⁴

If wine-vinegar [becomes mixed] with malt-vinegar or wheat-yeast with barley yeast,⁵ Abaye said: [The mixture is prohibited when the unlawful element] imparts a flavor and we use the criterion of flavor; and since each has a separate flavor, it is a case of one species [being mixed] with a different species, and in such circumstances [the disqualification depends upon the prohibited element] imparting its flavor [to the mixture]. Raba, on the other hand, said: [It is prohibited] however small the quantity be and we use the criterion of name; and since each is called vinegar or yeast, they belong to the same species and a minimum quantity [suffices to disqualify] with what belongs to the same species. Abaye said: Whence do I declare that we use the criterion of flavor? As we have learnt: Spices of two or three different categories⁶ which belong to the same species,⁷ or three

species [of one category], are prohibited⁸ and may be combined together;² and Hezekiah said: We are dealing here with kinds of [condiments which impart a flavor of] sweetness¹⁰ because they are appropriately used for sweetening what is cooked. Now this is quite right if you maintain that we use the criterion of flavor, since they all taste alike; but should you maintain that we use the criterion of name, each of them has a separate name!¹¹ — Raba, however, can reply:¹² Whose teaching is this? It is R. Meir's, as it has been taught: R. Judah says in the name of R. Meir: Whence is it that all the prohibited things of the Torah may be combined together?¹³ — As it is stated, Thou shalt not eat any abominable thing¹⁴ — everything which I declared to be abominable comes within the law of Thou shalt not eat.¹⁵

If [prohibited] vinegar fell into [permitted] wine, all agree that it depends on whether it imparts a flavour;¹⁶ but if [prohibited] wine fell into [permitted] vinegar,¹⁷ Abaye said [that it is prohibited] however small the quantity be, and Raba said [that it depends upon whether the forbidden element] imparts a flavor. Abaye said [that it is prohibited] however small the quantity be,

1. What the proportion of the forbidden element must be to the whole for the mixture to be allowed is discussed at the end of this Gemara (p. 329).
2. This refutes Abaye.
3. Who prohibits them however small be the quantity of wine which fell upon them.
4. And then all agree that the prohibition depends on the flavor.
5. I.e., the wine-vinegar being nesek and the wheat-leaven being part of a heave-offering.
6. Viz., they are forbidden for common use under different headings, as, e.g., 'orlah, heave-offering, etc.
7. E.g., white pepper, black pepper, etc.
8. When they impart a flavor to food with which they have been mixed.
9. If each one by itself is not sufficient to impart a flavor but together they are ('Orlah, II, 10).

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10. They must all have the same taste if they are to be combined together to disqualify the mixture.
11. Why then should they combine?
12. He rejects Hezekiah's interpretation.
13. If each element is itself insufficient to disqualify.
14. Deut. XIV, 3.
15. Consequently the criterion in regard to combination is neither name nor taste. The forbidden character of the several spices is in itself sufficient to make them combine.
16. Because the vinegar is not affected either in its odor or taste before it mixes with the wine and it is thus a case of the mixture of two species.
17. As soon as the wine begins to fall into the vessel, it is affected by the odor of the vinegar, even before the two liquids actually mix.

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because where the smell [of the wine] is that of vinegar and the taste is of wine it is regarded as vinegar;¹ it is then a case of one species [being mixed] with the same species and in such circumstances a minimum quantity [suffices to disqualify]. Raba, on the other hand, said [that it depends upon whether the forbidden element] imparts a flavor, because when the smell [of the wine] is vinegar and the taste is of wine it is regarded as wine, and it is a case of one species [being mixed] with a different species, and in such circumstances [the disqualification depends upon the prohibited element] imparting its flavor [to the mixture].

If a heathen [smelt the wine] of an Israelite through the bung-hole² it is all right; but if an Israelite does this with the wine of a heathen Abaye declared it prohibited whereas Raba declared it permitted. Abaye declared it prohibited because the smell is something actual, whereas Raba declared it permitted because the smell is not something actual. Raba said: Whence do I maintain that the smell is not considered anything at all? As we have learnt: If they used cumin of a heave-

offering as fuel for an oven and baked a loaf in it, the loaf is permitted because it [absorbs] not the taste but the smell of the cumin.³ [How does] Abaye [meet this argument]? — It is different in this instance because the prohibited element was burnt. R. Mari said: This is like [the difference between the following] Tannaim: If a man removes a warm loaf [from the oven] and places it upon a cask of wine⁴ which is heave-offering, R. Meir prohibits and R. Judah permits it;⁵ R. Jose permits it with a wheaten-loaf but prohibits it with a barley-loaf because the latter absorbs [the fumes of the wine]. Is not the issue here that one Master regards smell as something actual and the other regards it as nothing at all? From Raba's viewpoint the Tannaim do certainly differ on this matter;⁶ but from Abaye's viewpoint are we to say that the Tannaim differ on this matter!⁷ — Abaye can reply: Has it not been stated in this connection: Rabbah b. Bar Hanah said in the name of R. Simeon b. Lakish: With a hot loaf and open cask

1. The smell of vinegar is stronger than of wine, and people would judge the mixture by the odor.
2. To see whether it was matured.
3. Ter. X, 4. And if the smell were considered something actual, the loaf would be prohibited.
4. The mouth of the cask being open so that the smell of the wine penetrates the loaf.
5. To a non-priest.
6. Because his opinion coincides with R. Judah's, whereas R. Meir by prohibiting the loaf obviously takes notice of the smell of the wine.
7. Abaye could explain that even R. Judah regards smell as something actual, only his opinion is that the loaf does not absorb the fumes of the wine.

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all agree that it is prohibited;¹ with a cold loaf and a stoppered cask all agree that it is permitted; they only differ when the loaf is hot and the cask stoppered or when the loaf

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is cold and the cask open; and the case under consideration² is like a hot loaf upon an open cask.

THIS IS THE GENERAL RULE: WHATEVER DERIVES ADVANTAGE [FROM YEN NESEK BY ITS] IMPARTING A FLAVOUR, etc. Rab Judah said in the name of Samuel: Such is the legal decision.³ Further declared Rab Judah in the name of Samuel: This teaching only applies when [the vinegar] fell into hot split beans;⁴ but if it fell into cold split beans⁵ and he then warms them⁶ the effect is to improve them and only in the end are they deteriorated, and therefore they are prohibited. Similarly when Rabin came [from Palestine] he reported that Rabbah b. Bar Hanah said in the name of R. Johanan: This teaching only applies when [the vinegar] fell into hot split beans; but if it fell into cold split beans and he then warms them the effect is to improve them and only in the end are they deteriorated, and therefore they are prohibited. There was a similar report from Rab Dimi when he came [from Palestine, and he added] that they used to do this⁷ on Sabbath-eves in Sepphoris and they called them cress-dish.⁸

R. Simeon b. Lakish said: When [the Rabbis] use the phrase 'it imparts a worsened flavor,' [they do not mean] that we are to say that a certain dish lacks salt or is over-salted, or lacks spice or is over-spiced;⁹ but [what they do mean is] any food which is not lacking in anything and is not eaten because of this.¹⁰ Another version is: R. Simeon b. Lakish said: When [the Rabbis] use the phrase 'it imparts a worsened flavor', we do not attribute [the bad flavor to the fact that] a certain dish lacks salt or is over-salted, or lacks spice or is over-spiced, but [we declare that] now only it has deteriorated [owing to the mixture].¹¹

R. Abbahu said in the name of R. Johanan: Whenever the flavor and substance [of the prohibited element in a

mixture are perceptible] it is prohibited [and one who eats it] is liable to the punishment of lashes; and that is a quantity equal to the size of an olive [of the prohibited element mixed] with a quantity equal to half a loaf.¹²

1. Because the smell certainly affects the loaf.
2. The Israelite smelling the heathen's wine through the bung-hole.
3. Viz., that when the wine or vinegar causes a deterioration in the value of the food-stuff it is permitted.
4. The effect is to spoil them.
5. Which improves the flavor.
6. In order to destroy the advantage of the vinegar.
7. Pour vinegar upon cold split beans.
8. Cf. *supra* 30b.
9. And would not for that reason be eaten quite apart from the disqualifying matter which has been mixed with it.
10. Viz., the bad flavor which resulted from the mixture with disqualifying matter. Only in that circumstance does it become permitted.
11. This is a less strict view than what is given in the previous version; because even if it is under- or over-seasoned, it may still be allowed when mixed with what is unlawful, provided this imparted a bad flavor.
12. I.e., a quantity equal to the size of four eggs (Rashi). To be liable he must in addition have eaten the minimum amount spread over a period which is defined by the phrase 'in which one could eat half a loaf.'

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If the taste [is perceptible] but not the substance,¹ it is prohibited but he is not punished with lashes; should, however, [the unlawful element] have intensified the flavor so as to worsen it, then it is permitted. Let him then say [more explicitly] that if it imparts a worsened flavor it is permitted! — He thereby informs us that it is so even when there is another element in it which worsens the flavor, and [that] the legal decision is in accord with the second version of R. Simeon b. Lakish's statement.²

R. Kahana said: We learn from the words of them all³ that when [the forbidden element] imparts a worsened flavor it is

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permitted. Abaye said to him: As regards all the rest of them very well, but since R. Simeon b. Lakish has the words, 'When [the Rabbis] use the phrase,' it follows that he personally does not hold that view. Are we, then, to infer that there are some who maintain that when [the forbidden element] imparts a worsened flavor it is prohibited? — Yes, for it has been taught: Whether it imparts a worsened or improved flavor it is prohibited — such is the statement of R. Meir; R. Simeon says: If improved it is prohibited but if worsened it is permitted. What is R. Meir's reason? — He derives it from the vessels of Gentiles. The vessels of Gentiles, do they not impart a worsened flavor [to the food cooked in them]? and yet the All-merciful forbade them;⁴ so here also it makes no difference [and it is prohibited]. How does the other [viz., R. Simeon establish his view]? — In the same manner as R. Huna the son of R. Hiyya who said: The Torah only forbade a utensil which had been used [by a Gentile] the same day, the effect of which is not to worsen the flavor. [What reply is made to this by] the other? — Even in the case of a pot used [by a Gentile] the same day it is impossible that it should not worsen [the flavor] a little. And what is R. Simeon's reason? — Because it has been taught: Ye shall not eat of anything that dieth of itself [*nebelah*]; thou mayest give it unto the stranger that is within thy gates⁵ — whatever is fit for use by a stranger is called *nebelah*,

1. It had become dissolved in the mixture.
2. The more lenient view is adopted.
3. Rab Judah, R. Dimi, Resh Lakish, R. Abbahu.
4. They must be rinsed with boiling water before a Jew may use them. This law is based on Num. XXXI, 23; v. p. 362.
5. Deut. XIV, 21.

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and whatever is unfit for use by a stranger is not called *nebelah*.¹ How does R. Meir [explain the verse]? — Its purpose is to

exclude what was tainted from the outset.² How does R. Simeon [meet this argument]? — An animal tainted from the outset does not require to be specially excluded because it is nothing more than dust.³

'Ulla said: The difference [between R. Meir and R. Simeon] is over the circumstance where [the mixture] is improved [by the addition of the forbidden element] and in the end deteriorates, but if it deteriorates in the first instance all agree that it is permitted. R. Haga quoted against 'Ulla: If wine [which is *nesek*] fell into lentils or vinegar into split beans it is prohibited, but R. Simeon permits it. Hence is a case where it deteriorates from the outset, and for all that they differ! — 'Ulla replied: Haga is ignorant of what the Rabbis are here discussing and yet quotes it in objection. With what are we dealing here? E.g., it fell into cold split beans and he then warms them, the effect of which is to improve them, and only in the end are they deteriorated, and so they are prohibited. R. Johanan, on the other hand, said: The difference is when [the mixture] deteriorates from the outset. The question was asked: Is the difference over a case where it deteriorates from the outset and all agree that it is prohibited when it first improves and only in the end deteriorates, or perhaps in either event there is a difference of opinion?⁴ — The question remains unanswered.

R. Amram said: Is it possible that R. Johanan's statement⁵ should have any substance and not be the subject of a Mishnaic teaching? He went forth and examined and found a teaching. For we learnt: If non-holy yeast fell into dough and was sufficient to leaven it and did actually leaven it, and subsequently there fell into it yeast of a heave-offering or yeast of mixed plantings⁶ sufficient to cause leavening, it is prohibited — but R. Simeon permits it.⁷ Now, here is a case where [the mixture] deteriorated from the outset⁸ and yet they

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differ!⁹ — R. Zera said: It is otherwise with dough because it is capable of fermenting many other pieces of dough.¹⁰

Come and hear:¹¹ If yeast of a heave-offering and also some which was non-holy fell into dough,¹² each being sufficient to cause leavening, and they leavened it, then it is prohibited; but R. Simeon permits it. If the yeast of a heave-offering fell in first, all agree that it is prohibited;¹³ but if the non-holy yeast fell in first and then the yeast of a heave-offering or mixed plantings,¹⁴ it is prohibited, but R. Simeon permits it. Now here is a case where it deteriorated from the outset and yet they differ! Should you answer that here also

1. I.e., if it was unfit for consumption because it was so deteriorated, the prohibition departs from it.
2. So that it had never been fit for consumption; consequently the prohibition of *nebelah* does not apply to it.
3. It is not regarded as an animal at all.
4. Viz., R. Meir prohibits and R. Simeon permits it.
5. That the difference is when the mixture deteriorates from the outset.
6. Prohibited by the law of Lev. XIX, 19.
7. 'Orlah II, 10.
8. Since it was already leavened before the prohibited yeast fell into it. The effect must be to spoil the dough.
9. This supports R. Johanan.
10. The yeast that fell into the dough deteriorated it from the point of view of eating; yet it was an advantage by rendering it capable of leavening other pieces of dough.
11. Another attempt is made to find a teaching in support of R. Johanan's statement.
12. At the same time, and the combined quantity was greater than was necessary for leavening.
13. Because there was improvement at first and only in the end it deteriorated because of the second quantity of yeast.
14. And leavened it so that it was worsened from the outset by the unlawful element.

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R. Zera's explanation applies,¹ come and hear the continuation [of this teaching]: If wine [which is *nesek*] fell into lentils or vinegar into split beans, it is prohibited, but R. Simeon permits it. Now here is a case where it deteriorated from the outset and for all that they differ! Should you answer that here also what 'Ulla taught R. Haga applies, viz., where it first improved and only in the end deteriorated, do they differ in a case where it first improves and only in the end deteriorates? For behold it taught: If the yeast of a heave-offering fell in first,² all agree that it is prohibited! Is it not then to be concluded from this that there is difference of opinion even when it deteriorated from the outset? — Draw that conclusion.

Why were the three clauses³ which are taught necessary? — It is quite right that he quotes the third because he thereby teaches us that there is difference of opinion even when it deteriorated from the outset. The second likewise [taught us that] if it improved and in the end deteriorated all agree that it is prohibited. But why [quote] the first clause? Since in the third clause, where no improvement at all occurred, the Rabbis prohibit it, how much more so [must they prohibit it] where there was improvement! — Abaye said: The first clause is necessary because of R. Simeon,⁴ and the Rabbis spoke thus to R. Simeon: This dough should take two hours to leaven and what caused it to leaven in one hour? — [Yeast which was] prohibited.⁵ How does R. Simeon [meet this argument]? — When there was improvement it was caused by both [kinds of yeast]⁶ and when there was deterioration it was also caused by both. But according to R. Simeon, the lawful and prohibited elements should be combined and render [the dough] prohibited! — R. Simeon follows his own opinion, viz., that even two prohibited elements⁷ are not to be combined,⁸ for we have learnt: 'Orlah and

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mixed plantings may be combined; R. Simeon says that they may not be combined.²

A mouse fell into a cask of beer and Rab prohibited the beer. Some Rabbis mentioned this in the presence of R. Shesheth and remarked: He evidently was of the opinion that when it imparts a worsened flavor it is prohibited. [R. Shesheth] said to them: Rab certainly maintains elsewhere that when it imparts a worsened flavor it is permitted. Here, however, we have an anomaly since it is something repugnant and people recoil from it; and even then the Divine Law prohibited it¹⁰ with the consequence that although it imparts a worsened flavor it is nevertheless prohibited. The Rabbis said to R. Shesheth: According to your argument [a creeping thing] should defile¹¹ whether moist or dry; why then have we learnt: They defile when moist but not when dry!¹² — And according to your reasoning semen should defile whether moist or dry; why then have we learnt: It defiles when moist but not when dry! What, however, you could say is that the semen of which the Divine Law speaks [as defiling] is such as is capable of causing fertilization; and likewise here [in connection with creeping things] the Divine Law uses the expression when they are dead,¹³ i.e., when they have the appearance of being dead.¹⁴ R. Shimi of Nehardea objected: Is [the mouse something] repugnant; is it not brought upon the table of kings! — R. Shimi of Nehardea said:¹⁵ There is no contradiction, for [what is served at meals] is the field-mouse and [what fell into the beer] was the domestic mouse.

Raba said: The legal decision is that when it imparts a worsened flavor it is permitted, but what was Rab's reason [for prohibiting it] in the case where a mouse fell into beer I do not know. Was it because he held that when it imparts a worsened flavor it is prohibited and the legal decision is not in agreement with him, or because he held that when it imparts a worsened flavor it is

permitted but a mouse in the beer causes an improvement [to the flavor]!

The question was asked:

1. That there is a special feature about dough, and no general rule can be deduced from it.
2. Cf. n. 1.
3. (a) Holy and non-holy yeast fell in the dough at the same time. (b) The holy yeast fell in first. (c) Yen nesek fell into lentils.
4. Who permits the dough when the unlawful yeast fell in simultaneously.
5. Consequently the yeast was at first an advantage and only in the end a cause of deterioration, and even R. Simeon admits that this is prohibited.
6. And not only by the prohibited yeast.
7. Each of which is insufficient in quantity.
8. To constitute a quantity sufficient to render something prohibited.
9. *'Orlah*, II, 1.
10. Lev. XI, 29. That the mouse was eaten, v. Isa. LXVI, 17.
11. For the reason that the Torah prohibited it despite its repugnance.
12. Liquid being a conductor of defilement.
13. Lev. XI, 32, only then does contact cause defilement.
14. I.e., when they are moist.
15. [To be deleted with MS.M.]

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How is it if [a mouse] fell into vinegar?¹ — R. Hillel said to R. Ashi: Such an incident happened with R. Kahana and he prohibited it. [R. Ashi] replied to him: In that case [the mouse] may have been dissolved into pieces.² Rabina thought to apply here the standard of a hundred and one³ since it is not less than with the heave-offering in connection with which we learnt: A heave-offering [mixed with the non-holy] is neutralized when the proportion is one in a hundred.⁴ R. Tahlifa b. Giza said to Rabina: Perhaps [the case under discussion] is like spices of a heave-offering [which fell into] a pot of food the taste of which is not neutralized. R. Ahai estimated that with vinegar the proportion must be fifty [to one].⁵ R. Samuel the son of R. Ika estimated that with beer the proportion must be sixty

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[to one]. The legal decision in either case is sixty [to one], and it is so with all things prohibited by the Torah.

MISHNAH. IF A HEATHEN WAS CONVEYING JARS OF WINE TOGETHER WITH AN ISRAELITE FROM PLACE TO PLACE, AND IT MAY BE PRESUMED THAT [THE WINE] IS UNDER SUPERVISION, IT IS PERMITTED. BUT IF [THE ISRAELITE] INFORMED HIM THAT HE WAS GOING AWAY [AND HE WAS ABSENT A LENGTH OF TIME] SUFFICIENT FOR THE OTHER TO BORE A HOLE [IN A JAR], STOP IT UP AND [THE SEALING CLAY] TO BECOME DRY, [THE WINE IS PROHIBITED]. R. SIMEON B. GAMALIEL SAYS: [A LENGTH OF TIME] SUFFICIENT FOR HIM TO OPEN A CASK,⁶ RESTOPPER IT AND [THE NEW STOPPER] TO BECOME DRY.⁷ IF [AN ISRAELITE] LEFT HIS WINE⁸ IN A WAGGON OR A SHIP WHILE HE WENT ALONG A SHORT CUT, ENTERED A TOWN AND BATHED, IT IS PERMITTED. BUT IF HE INFORMED HIM THAT HE WAS GOING AWAY [AND HE WAS ABSENT A LENGTH OF TIME] SUFFICIENT FOR THE OTHER TO BORE A HOLE, STOP IT UP AND [THE SEALING CLAY] TO BECOME DRY, [THE WINE IS PROHIBITED]. R. SIMEON B. GAMALIEL SAYS: [A LENGTH OF TIME] SUFFICIENT FOR HIM TO OPEN A CASK, RESTOPPER IT AND [THE NEW STOPPER] TO BECOME DRY. IF [AN ISRAELITE] LEFT A HEATHEN IN HIS SHOP, ALTHOUGH HE KEPT GOING IN AND OUT, [THE WINE THERE] IS PERMITTED. BUT IF HE INFORMED HIM THAT HE WAS GOING AWAY [AND HE WAS ABSENT A LENGTH OF TIME] SUFFICIENT FOR THE OTHER TO BORE A HOLE, STOP IT UP AND [THE SEALING CLAY] TO BECOME DRY, [THE WINE IS PROHIBITED]. R. SIMEON B. GAMALIEL SAYS: [A LENGTH OF TIME] SUFFICIENT FOR HIM TO OPEN A CASK, RESTOPPER IT AND [THE NEW STOPPER] TO BECOME DRY. IF HE WAS EATING WITH HIM AT A TABLE AND SET SOME FLAGONS UPON THE TABLE AND OTHERS UPON A SIDE-TABLE² AND LEAVING THEM

THERE WENT OUT, WHAT IS UPON THE TABLE IS PROHIBITED¹⁰ AND WHAT IS UPON THE SIDE-TABLE IS PERMITTED;¹¹ AND SHOULD HE HAVE SAID TO HIM, 'MIX [SOME OF THE WINE WITH WATER] AND DRINK,' WHAT IS UPON THE SIDE-TABLE IS LIKEWISE PROHIBITED.¹² OPENED CASKS¹³ ARE PROHIBITED, AND THE CLOSED ONES ARE PERMITTED [EXCEPT WHEN HE WAS ABSENT A LENGTH OF TIME] SUFFICIENT FOR [THE HEATHEN] TO OPEN, RESTOPPER AND [THE NEW STOPPER] TO BECOME DRY.

GEMARA. How is the phrase, IT MAY BE PRESUMED THAT [THE WINE] IS UNDER SUPERVISION to be defined? — As it has been taught: Behold a man's ass-drivers and workmen¹⁴ are laden with things which are ritually clean; and though he be more than a *mil*¹⁵ apart from them, his ritually clean things retain their state of purity; but if he said to them, 'Go on and I will follow you,' as soon as they are out of sight his ritually clean things lose their state of purity. What is the difference between the first and second circumstance [that one is permitted and the other prohibited]?¹⁶ — R. Isaac said: The first refers to when he purified his ass-drivers and workmen for the task.¹⁷ If that is so, it should apply also to the second clause!¹⁸ — An 'am ha-arez¹⁹ is not particular about the touch of his fellow.²⁰ If that is so, it should apply also to the first clause!²¹ — Raba said:

1. Do we say that the mouse does not affect the taste since it is so sharp?
2. And R. Kahana prohibited the vinegar from fear that a piece might be swallowed. Therefore no answer to the question can be inferred from this incident.
3. If the permitted quantity is a hundred times as much as the prohibited element, the mixture is allowed.
4. V. Ter. IV, 7.
5. Owing to its pungent flavor the proportion is halved, i.e., the quantity of vinegar must be fifty times as much as the bulk of the mouse, if the liquid is to be permitted.
6. I.e., remove the clay stopper which is sealed on to the cask.

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7. R. Simeon does not accept the first teaching because, in his opinion, the new patch of clay in the side of the jar could easily be detected.
8. In charge of a heathen. Since he is unaware how long the owner will be away, he is afraid to tamper with the jars.
9. Delphica mensa.
10. Because from the fact that he was eating with the Jew, he would assume that he had the right to drink some of the wine and by touching it he renders it nesek.
11. [As it is unusual for a guest to help himself from the provisions on the side-table.]
12. Acting upon the permission, he may have touched the wine on the side-table.
13. In the room where the heathen had been eating with a Jew and received permission to drink some wine.
14. Belonging usually to the 'Am-ha-arez class. Their touch would defile what is ritually clean.
15. A thousand paces; and he cannot see at such a distance what they might do with the loads.
16. Even in the first circumstance described, inasmuch as the men are carrying the load they must necessarily touch and defile it.
17. Through immersion in a ritual bath.
18. Being cleansed how could they defile the load?
19. V. [Glos.](#)
20. Who, being ritually unclean, would communicate defilement to the load; and since the owner is out of sight, the men would not be careful to avoid such contact.
21. Because he could not watch what happened at a distance of a *mil*.

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It refers to when [the owner] could come upon them by some by-path.¹ If that is so, it should apply also to the second clause! — Since he had told them, 'Go on and I will follow you,' their mind is at rest.²

IF [AN ISRAELITE] LEFT A HEATHEN IN HIS SHOP, etc. IF [AN ISRAELITE] LEFT HIS WINE IN A WAGGON OR A SHIP, etc. [Both the circumstances] are necessary; for if he had only taught the case of a heathen [conveying jars of wine], since the man thought that perhaps [the Israelite] would come and observe him,³ but when [the wine is left] in a wagon or ship, conclude [that it must be

prohibited because the heathen] could put the ship to sea and do whatever he wished [to the wine].⁴ If, however, he had only taught the instance [of wine being left] in a wagon or ship, [it might have been assumed that it was permitted] because the man would have thought, 'Perhaps [the owner] will come by another path or stand upon the bank and observe me,' but when a heathen [is left] in his shop, conclude [that it must be prohibited because] he could shut the door and do whatever he wished. Hence he informs us [that in such a circumstance the wine is not necessarily prohibited].

Rabbah b. Bar Hanah said in the name of R. Johanan: The difference⁵ is over [a stopper of] lime,⁶ but with one of clay⁷ all agree [that he must have been absent a length of time] sufficient for him to open, restopper and [the new stopper] to become dry. Against this statement the following is quoted: R. Simeon b. Gamaliel said to the Sages: But [if he bored a hole in a jar] cannot his stopping be detected either on the outside⁸ or the inside!⁹ This is all right if you maintain that there is difference of opinion [when the stopper is] of clay and hence [R. Simeon b. Gamaliel] teaches that the stopping can be detected either on the outside or the inside. If, on the other hand, you maintain that there is difference of opinion [when the stopper is] of lime, then it is all right as regards the inside since it can be known, but as regards the outside it cannot be known! — R. Simeon b. Gamaliel was uncertain what the Rabbis intended; so he spoke to them as follows: If you refer [to a stopper of] clay, then his stopping can be detected on the outside or the inside; but if you refer to one of lime, granted that it cannot be known on the outside, yet it can be known on the inside! [What was the answer of] the Rabbis? — Since it cannot be known on the outside, it would not occur to him to reverse [the stopper] and inspect it; or also at times [the new stopping] hardens.¹⁰

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Raba said: The *halachah* agrees with R. Simeon b. Gamaliel, since there is an anonymous Mishnah in accord with him; for we learn: IF HE WAS EATING WITH HIM AT A TABLE AND SET SOME FLAGONS UPON THE TABLE AND OTHERS UPON A SIDE-TABLE AND LEAVING THEM THERE WENT OUT, WHAT IS UPON THE TABLE IS PROHIBITED AND WHAT IS UPON THE SIDE-TABLE IS PERMITTED; AND SHOULD HE HAVE SAID TO HIM, 'MIX [SOME OF THE WINE WITH WATER] AND DRINK,' WHAT IS UPON THE SIDE-TABLE IS LIKEWISE PROHIBITED. OPENED CASKS ARE PROHIBITED, AND THE CLOSED ONES ARE PERMITTED [EXCEPT WHEN HE WAS ABSENT A LENGTH OF TIME] SUFFICIENT FOR [THE HEATHEN] TO OPEN, RESTOPPER AND [THE NEW STOPPER] TO BECOME DRY. Obviously [this teaching agrees with R. Simeon b. Gamaliel; so why does Raba mention the fact!] — You might have said that the whole of the passage was taught by R. Simeon b. Gamaliel. Hence we are informed [that it is not so].¹¹ Now since we have established the fact that [the *halachah*] agrees with R. Simeon b. Gamaliel, viz., we need not be concerned about the possibility of a hole being bored in a jar, and inasmuch as the *halachah* also agrees with R. Eliezer, viz., we need not be concerned about the possibility of the seal being forged,¹² what is the reason that we do not nowadays leave [stoppered casks] in charge of a heathen? — On account of the vent.¹³

Raba said: If Israelites were reclining at table with a Gentile harlot, the wine is permitted because while lust would be strong in them

1. The men would then be afraid to defile their load.
2. They are not under observation and would be careless. Accordingly the phrase UNDER SUPERVISION means that the heathen is

- afraid to tamper with the wine because he might be observed by the owner.
3. Tampering with the wine, and for this reason he would be afraid to do so, and consequently the wine is permitted.
 4. Therefore the Mishnah has to state this case separately, and draw a distinction between whether the owner informed or did not inform the heathen of his intention to be absent for a while.
 5. Between the Rabbis and R. Simeon b. Gamaliel in the Mishnah.
 6. Because this is white from the beginning, and a new stopper of this material could not be easily detected.
 7. This is of a dark color at first, and only after several days becomes white. Tampering would be readily noticed.
 8. The newness of the inserted material would be apparent.
 9. Even if the heathen smoothed the outside surface, he could not do this inside the jar; consequently the Jew could soon discover if anything was wrong by examining the stopper on the inside. If, then, R. Simeon holds that the new stopper can always be detected, why does he disagree with the Rabbis in the Mishnah?
 10. Both on top and bottom alike, so that detection is difficult.
 11. I.e., from 'If he was eating' is not part of R. Simeon's statement which precedes, although it harmonizes with his view.
 12. V. *supra* 31a.
 13. Through which the fumes of the wine are allowed to escape. A heathen might draw off some of the wine through it. Another reading is *shibba*, 'plug'. This could be taken out and the wine interfered with.

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a desire for *yen nesek* would not be strong in them.¹ If, however, Gentiles were reclining at table with an Israelite harlot the wine [which belongs to her] is prohibited. Why? — Because she would be held in contempt by them and be influenced to follow them.²

In a certain house was stored wine belonging to an Israelite. A heathen entered and locked the door behind him. There was a crack in the door through which the heathen was discovered standing among the jars. Raba said: All those which were

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opposite the crack are permitted,³ but those on either side are prohibited.

Wine belonging to an Israelite was stored in a house where an Israelite resided above and a heathen below.⁴ Once they heard a sound of quarrelling [in the street] and went out. The heathen came back first and locked the door behind him. Raba said: The wine is permitted on the ground that [the heathen] must have thought, 'Just as I came back first, so might the Israelite have come back first and be sitting upstairs watching me.'

There was some wine belonging to an Israelite stored in an inn, and a heathen was discovered among the jars. Raba said: If he could be convicted of theft the wine is permitted, otherwise it is prohibited.⁵

Wine [of an Israelite] was stored in a house and a heathen was discovered among the jars. Raba said: If he has an excuse⁶ the wine is prohibited, otherwise it is permitted.⁷ Against this is quoted: If the inn was locked⁸ or [the Israelite] said to him,⁹ 'Keep watch,' it is prohibited.¹⁰ Is it not to be supposed that [the wine is prohibited] even when the heathen has no excuse?¹¹ — No, [the cited teaching applies] when he has an excuse.¹²

An Israelite and a heathen were sitting and drinking wine together. The Israelite heard the sound of prayer in a Synagogue; so he arose and went there. Raba said: The wine is permitted on the ground that [the heathen] must have thought, 'He will remember the wine at any moment and return.'

An Israelite and a heathen were sitting in a ship. The Israelite heard the sound of the ram's horn announcing the advent of the Sabbath;¹³ so he left [the ship] and went ashore. Raba said: The wine is permitted on the ground that [the heathen] must have thought, 'He will remember the wine at any moment and return.' But if [it is supposed

that the heathen would not think so] on account of its being the Sabbath, behold Raba has said: Issur the proselyte¹⁴ once told me, 'When we were still Gentiles we declared that Jews do not observe the Sabbath, because if they did observe it how many purses would be found in the streets!¹⁵ I did not¹⁶ then know that we follow the view of R. Isaac who said: If a person finds a purse on the Sabbath he may carry it for distances less than four cubits.'¹⁷

A lion once roared in an [Israelite] wine-press and a heathen [who was working in it], on hearing this, hid among the jars. Raba said: The wine is permitted on the ground that he must have thought, 'Just as I am hiding here, so also may the Israelite be hiding behind me and watching me.'

Some thieves came up¹⁸ to Pumbeditha and opened many casks. Raba said: The wine is permitted. What was his reason? — Because the majority of thieves [in that part of the country] are Israelites. The same thing happened in Nehardea and Samuel said: The wine is permitted. According to whom [was this decision made]? Was it according to R. Eliezer who said: When there is uncertainty about his entrance¹⁹ he is undefiled; for we have learnt: If a person entered [the fields in] a valley during the rainy season²⁰ and there was a source of defilement in a certain field, and he said, 'I walked in that place but am not sure whether I did or did not enter that field,' R. Eliezer says: When there is uncertainty about his entrance²¹ he is undefiled but if the uncertainty is about his having touched [the unclean object] he is defiled!²² — No, it is different there [in the case of the thieves] because there are some who open [the casks] to search for money;²³ thus there is a double uncertainty.²⁴

1. And they would prevent her touching it. [So, R. Nissim Gerondi (Ran).]
2. She would raise no objection if they touched the wine.

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3. It was assumed that the heathen would be afraid to tamper with these because he might be under observation.
4. The wine was stored below, but the Jew was able to see it.
5. *V. supra* 61b.
6. By pretending that he was looking for something, it is evidence that he went there with the intention of tampering with the wine.
7. Being confused and unable to give an explanation, it is assumed that he was too afraid to have come there with the intention of disqualifying the wine.
8. In which was a heathen together with the wine of a Jew.
9. To a heathen outside the door.
10. Because relying on the owner's absence, the heathen could interfere with the wine.
11. For being suspiciously close to the wine. This contradicts Raba's decision.
12. If he is found near the jars.
13. That was the signal for work to cease. A description is given in Suk. V, 5. *V.* also Josephus, War, IV, ix, 12.
14. *V. B.B.* (Sonc, ed.) p. 644, n. 15.
15. Which Jews would have to throw away if in their possession when Sabbath began, and no other Jew could pick up.
16. [Alfasi reads 'they (the Gentiles) do not know.']
17. I.e., he carries it a distance less than four cubits and stops a while, and so on until he reaches his house. This explains why purses are not found in the streets on the Sabbath.
18. [From some district in the South (*v. Obermeyer, op. cit.*, p. 253).]
19. Whether a ritually clean person had entered a ritually defiled place. Similarly here there is doubt whether the thieves were heathens.
20. The fields are then sown and are regarded as a private domain.
21. Into the field where the defiled object was.
22. *Toh.* VI, 5; *v. B.B.* (Sonc. ed.) p. 225.
23. [So Rashi. The difficulty is obvious. *V.l.*: 'Since they opened many casks (it is clear that) the intention was for money.' *V. D.S. a.l.*, n. 9. This implies that in Nehardea too 'many' casks were opened. The word is missing in *cur. edd.* but occurs in several texts; cf. *Tosaf. s.v. [H].*]
24. Besides the doubt whether they were heathens, there was the additional doubt whether they interfered with the wine since they were only searching for money. [In this case even the Rabbis who oppose R. Eliezer will agree that the wine is permitted.]

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A [heathen] girl¹ was found among jars of wine holding some of the froth in her hand. Raba said: The wine is permitted on the ground that she probably obtained it from the outside of the cask, and although none was there any more² [at the time she was discovered] we say she happened to find some.

Some troops³ once came up to Nehardea and opened several casks. When R. Dimi arrived [from Palestine] he said: A similar occurrence came before R. Eleazar and he permitted [the wine], but I do not know whether he did so because he agreed with the view of R. Eliezer who said that when there is uncertainty about his entrance he is undefiled or whether he did so because he held the opinion that the majority of the men who were in the troops⁴ were Israelites. But if that is so⁵ this is not a case of uncertainty about entrance; but uncertainty about touching!⁶ — Since, however, they opened many,⁷ conclude that they opened them with the intention of [searching for money]⁸ and so it is like a case of uncertainty about entrance.⁹

An [Israelite] woman who dealt in wine left the key of her door in charge of a heathen woman. R. Isaac said in the name of R. Eleazar: A similar occurrence was once brought before our House of Study [and they permitted the wine because] they maintained that she only entrusted her with charge of the key.¹⁰ Abaye said: We have likewise learnt similarly: If a person entrusts his keys to an 'am ha-arez his things which are in a state of ritual purity remain undefiled because he only entrusted him with charge of the key.¹¹ Since his things which are in a state of ritual purity remain undefiled, this must be all the more true in the matter of *yen nesek*. Is this to say that the law of ritual purity is more stringent than that of *yen nesek*? — Yes, for it has been stated: If a courtyard is divided off by

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pegs,¹² Rab said that the ritually clean things [of a haber] are defiled,¹³ but [if the resident on the other side is] a heathen he does not render the wine [of the haber] nesek; and R. Johanan said: Also his ritually clean things remain undefiled. Against this is quoted: [If there are two courtyards one within the other,] the inner belonging to a haber and the other to an 'am ha-arez, the haber may lay out his fruits there¹⁴ and leave utensils there, even though the hand of the 'am ha-arez can reach to it.¹⁵ This contradicts Rab's statement! — Rab can answer you: It is different in this case because he can be regarded as a thief.¹⁶

Come and hear: R. Simeon b. Gamaliel says: If the roof of a haber is higher than the roof of an 'am ha-arez, the former may lay out his fruits there and leave utensils there, provided the hand of the 'am ha-arez cannot reach to it.¹⁷ This contradicts R. Johanan's statement! — R. Johanan can answer you: It is different in this case because he could offer the excuse that his intention was to take measurements.¹⁸

Come and hear: If the roof of a haber adjoined that of an 'am ha-arez, the former may lay out his fruits there and leave utensils there, even though the hand of the 'am ha-arez can reach to it. This contradicts Rab's statement!¹⁹ — Rab can answer you: Is there not R. Simeon b. Gamaliel who shares my view?²⁰ I made my statement in agreement with R. Simeon b. Gamaliel.

MISHNAH. IF A BAND OF MARAUDERS²¹ ENTERED A CITY IN PEACE-TIME, THE OPEN CASKS ARE PROHIBITED AND THE SEALED ARE PERMITTED; IN WAR-TIME BOTH ARE PERMITTED BECAUSE THEY HAVE NOT THE LEISURE TO OFFER LIBATIONS.

1. She being only a child, the presumption was that she knew nothing about disqualifying the wine and her intentions were innocent.
2. [Ms.M. omits 'any more'.]
3. [Or, 'a commander' (Rashi).]

4. [Lit., 'who came with those troops,' or with that commander.]
5. Viz., his doubt was whether they were Jews. [Delete, however, with Ms.M. 'if that is so.']
6. In regard to which even R. Eliezer adopts the more rigorous view, since the doubt is whether it was Jews who opened the casks.
7. More casks than were required only for drinking.
8. And there was no thought of disqualifying the wine.
9. In respect of which a more lenient view is taken by R. Eliezer; and so the wine was permitted.
10. And not of the wine-store itself.
11. Toh. VII, 1.
12. And not by a high partition, and a haber lives on one side and an 'am ha-arez on the other.
13. Since it is presumed the 'am ha-arez has touched them.
14. Because the 'am ha-arez has not to walk through it to reach his own courtyard.
15. The 'am ha-arez if found in the courtyard of the haber.
16. But this cannot be assumed when the one courtyard is only divided off by pegs.
17. Tosef. Toh. IX.
18. From his roof to construct a building, and for that reason he stretched out his hand. [V.I. 'I merely stretched myself.']
19. [In Tosef. Toh. IX, the reading is 'provided the 'am ha-arez cannot reach,' which is in support of Rab.]
20. He added above the condition, 'provided the hand of the 'am ha-arez cannot reach to it.'
21. Some edd. add: of heathens.

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GEMARA. I quote in contradiction to this: When a city has been captured by besieging troops, all the wives of priests therein are disqualified [to their husbands]¹ — R. Mari said: [The soldiers] have no leisure to offer libations, but they have it to satisfy their lust.

MISHNAH. IF A HEATHEN SENT TO ISRAELITE CRAFTSMEN A CASK OF YEN NESEK AS THEIR WAGE, THEY ARE ALLOWED TO SAY, GIVE US ITS VALUE IN MONEY;² BUT AFTER [THE WINE] HAS COME INTO THEIR POSSESSION [THE EXCHANGE] IS PROHIBITED.³

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GEMARA. Rab Judah said in the name of Rab: A man is allowed to say to a heathen, 'Go and settle for me the king's portion.'⁴ Against this is quoted: A man may not say to a heathen, 'Go in my place [and give a bribe] to the official!' — Rab retorted: You speak of a case where a man says, 'Go in my place [and give a bribe] to the official.'⁵ But the circumstance [where I give permission is quite different] and is the equivalent of: He may, however, say to him, 'Save me from the official.'⁶

MISHNAH. IF [AN ISRAELITE] SELLS HIS WINE TO A HEATHEN, SHOULD HE HAVE SETTLED THE PRICE BEFORE HE MEASURED IT OUT, THE PURCHASE-MONEY IS PERMITTED; BUT SHOULD HE HAVE MEASURED IT OUT BEFORE HE SETTLED THE PRICE,⁷ THE PURCHASE-MONEY IS PROHIBITED.

GEMARA. Amemar said: Acquisition by *meshikah*⁸ does apply to a Gentile.⁹ You may ascertain this from the practice of the Persians who send presents¹⁰ to one another and never retract.¹¹ R. Ashi said: I certainly maintain that acquisition by *meshikah* does not apply to a Gentile, and the reason why [the Persians] do not retract is due to the spirit of pride which possesses them.¹² R. Ashi said: What is my authority for this statement? That which Rab told the [Israelite] wine-sellers, viz., 'When you measure wine for Gentiles, first take the money and then measure for them, and if they have not the cash with them, lend it to them and get it back later so that it should be a loan [of money] with them; for should you not act in this manner, when it becomes *yen neseq* it will be in your possession and when you receive payment it will be for *yen neseq*.' Now should it enter your mind [argued Rab Ashi] that acquisition by *meshikah* does apply to a Gentile,

1. Keth. 27a. The assumption is that they were violated; and a priest's wife, even when

- dishonored by force, is disqualified to her husband.
2. Because their wages were due in money.
3. Once in their possession the wine belongs to them, and to get money in exchange for it is the equivalent of its sale.
4. The royal levy on the subject's produce which was paid in kind. If what the heathen paid over included *yen neseq*, it is permitted although the Jew is discharging his obligation with what is prohibited.
5. Therefore if the heathen presents him with wine, it is as though the Israelite had given it, and he cannot use *yen neseq* for that purpose.
6. To secure himself from molestation he requests the heathen to make a present to the official. He would be willing to make a gift of money; so if the heathen gave him wine, he is not technically the Jew's agent in the presentation of that wine and for that reason it is allowed.
7. The heathen has not acquired the wine by drawing it towards himself; but by touching it he rendered it *neseq*. Therefore the Jew is in fact selling disqualified wine.
8. V. [Glos.](#)
9. Before the payment of the money, whether the seller or purchaser is a Gentile; consequently in the circumstance described in the Mishnah the money should be permitted.
10. [Another rendering: 'Samples'. Rashi in name of Gaonim.]
11. Because having once passed into the possession of the receiver it is considered his property. [Or, having accepted the samples, the transaction is deemed closed.]
12. And legally they could demand its return.

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then as soon as the Gentile drew [the wine] to himself he acquired it¹ and it did not become *yen neseq* until he touched it!² — It would indeed not be so if the wine was measured and poured [by the Israelite] into the Israelite's vessel;³ but it is necessary [to suppose the circumstance] where [the Israelite] measured and poured it into the Gentile's vessel.⁴ At all events when [the wine] enters the interior of the vessel [the Gentile] acquired it,⁵ and it does not become *yen neseq* until it reached the bottom of the vessel.⁶ Are we, then, to conclude that the

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flow is a connecting link?² — No; if the Gentile was holding the vessel in his hand it would indeed not be so;³ but it is necessary [to suppose the circumstance] where it was resting upon the ground.² But let [the Gentile's] vessels acquire [the wine] for him!¹⁰ Is it to be deduced from this that when the purchaser's vessels are in the possession of the seller the former has not become the owner?¹¹ — No; I can always maintain that the purchaser does acquire them; but with what are we dealing here?¹² E.g., when there is some wine held back on the mouth of the smaller vessel¹³ through which the former wine becomes all the while *nesek* even before [it enters the Gentile's vessel].¹⁴ According to whom will this be? — It will not be in accord with R. Simeon b. Gamaliel; for if it were in accord with him, behold he has said: All of it may be sold to a heathen with the exception of the value of the *yen nesek* which is in it!¹⁵ — Against whom is this argument [directed]? Against Rab; but he himself declared that the *halachah* agrees with R. Simeon b. Gamaliel only when a cask [of *yen nesek*] became mixed with other casks but not when wine [which is *nesek*] became mixed with other wine.

Against [the statement of Amemar that acquisition by *meshikah* does apply to a Gentile] is quoted: If one bought scrap metal from a heathen and found an idol amongst it, should he have drawn it to himself before paying over the purchase price he can return the idol; but should he have drawn it after paying over the purchase money, he casts [the profit he derives from it] into the Salt Sea!¹⁶ Now if it enters your mind that acquisition by *meshikah* does apply to a Gentile, how can he return it?¹⁷ — Abaye said: Because it appears to be a purchase in error.¹⁸ Raba said: Is there a purchase in error in the first circumstance and not in the second!¹⁹ — But, said Raba: There is a purchase in error in both circumstances; but in the first, since he had not paid over the money, it does not appear like an idol in the

possession of an Israelite, whereas in the second, since he had paid over the money, it does appear like an idol in the possession of an Israelite.²⁰

Mar Kashisha, son of R. Hisda, said to R. Ashi: Come and hear: IF [AN ISRAELITE] SELLS HIS WINE TO A HEATHEN, SHOULD HE HAVE SETTLED THE PRICE BEFORE HE MEASURED IT OUT, THE PURCHASE-MONEY IS PERMITTED. Now should you maintain that acquisition by *meshikah* does not apply to a Gentile, why is the purchase-money permitted?²¹ — [R. Ashi replied:] With what are we dealing here? When he paid him the *denar*²² beforehand. [Mar Kashisha said]: If so, I quote the continuation: BUT SHOULD HE HAVE MEASURED IT OUT BEFORE HE SETTLED THE PRICE THE PURCHASE-MONEY IS PROHIBITED. Now if he paid him the *denar* beforehand, why should the purchase-money be prohibited? — [R. Ashi replied:] But according to you who maintain that acquisition by *meshikah* does apply to a Gentile, why in the first circumstance is the purchase-money permitted and prohibited in the second! What you have to say is that when he settled the price his mind is made up [to acquire the wine] and if he had not settled the price his mind is not made up. Similarly, according to my view, even when he has paid him the *denar* in advance, should he have settled the price his mind is made up and if he had not settled the price his mind is not made up.²³

Rabina said to R. Ashi: Come and hear: R. Hiyya b. Abba said in the name of R. Johanan: A son of Noah²⁴ is put to death for stealing less than a perutah's worth [of the property of an Israelite] and is not obliged to make restitution. Now if you maintain that acquisition by *meshikah* does not apply to a Gentile, why should he be put to death?²⁵ — Because he caused trouble to an Israelite.²⁶

1. Even before paying for it.

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2. In that case how could Rab insist on payment first on the ground that otherwise the Israelite would be selling *yen neseq*, since on the supposition that a Gentile acquires by *meshikah* the wine does not become *neseq* until after it had passed into his possession? Therefore the supposition is wrong and we must conclude that *meshikah* does not apply to a Gentile.
3. The wine would not become *neseq* until after it had passed into the Gentile's possession by his touching it.
4. The wine would then become *neseq* as soon as it was poured out because the vessel is prohibited and communicates forthwith the prohibition to the wine, even before the heathen drew it towards himself; so there is nothing to prove that *meshikah* does not apply to a Gentile.
5. If he held the vessel while the wine was poured into it.
6. Why then should Rab require the money to be paid first, seeing that the wine does not become *neseq* until after it had passed into the possession of the Gentile?
7. [I.e., the flow of the liquid connects the two vessels and conveys the prohibition of the Gentile's vessel to that of the Israelite's, from which it is poured out, making the wine it contains *neseq* even before it had been acquired by the Gentile.] This question is debated in B.B. 85b. V. also *supra* 56b, and *infra* 72b.
8. [Rab would not demand the payment of the money first, because he might hold that the flow is no connecting link.]
9. While the wine is poured out, and in that circumstance Rab does prohibit the money unless paid first, since the wine becomes *neseq* while still in the possession of the Israelite.
10. [Why then should Rab demand payment in advance?]
11. Of the contents which the seller put into them even before the purchaser takes hold of the vessels, so that the wine becomes *neseq* even before it passed into the possession of the Gentile.
12. The reason why Rab demanded payment in advance was not based on the law of *meshikah* but is to be sought in the cause which is now explained.
13. Of the Gentile into which the wine is poured from the Israelite's vessel. These drops retained on the rim are *yen neseq* before the wine enters the interior of the vessel and becomes the possession of the Gentile.
14. [Every portion of the wine passing over the brim becomes contaminated through these drops.]
15. V. *infra* 74a, referring to *yen neseq* which fell into a vat. [Likewise here the money of all the wine apart from the value of the drops retained on the brim should be permitted.]
16. *Supra* 53a.
17. It is then an idol in a Jew's possession and his duty is to destroy it.
18. The Jew did not intend to buy an idol; for that reason he may return it.
19. If that were the true explanation, it should hold good in both instances.
20. And if he received money back for its return, the impression would be that he had sold the idol to the heathen.
21. Since on that hypothesis the wine belongs to the Jew until he is paid and it becomes *neseq* by the heathen touching it before he pays for it.
22. Representing the cost of the wine. The money was handed over before the wine was measured out.
23. That is the criterion underlying the Mishnah and it has no bearing on the question of *meshikah*.
24. Who took upon himself seven precepts (v. *supra* p. 314) one of which was to abstain from robbery, v. Sanh. (Sonc. ed.) p. 381, n. 5.
25. Since technically what had been stolen is still the Jew's property.
26. The thief is not put to death for the theft, but for the reason that he may have endangered the Jew's life; because if the owner had tried to prevent the robbery the thief might have killed him.

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And what means 'he is not allowed an opportunity of making restitution'?¹ — [It signifies that] he does not come within the scope of the law of restitution.² If that is so I quote the continuation of the teaching: If his neighbor came and stole it from him, [that man] is put to death on account of it. Now this is quite right with the first circumstance because [the original thief] caused trouble to an Israelite; but what had [the second thief] done in the latter circumstance [to be put to death]?³ Consequently we must deduce from this that acquisition by *meshikah* does apply to a Gentile! [Yes,] draw that conclusion.

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A man once said to his neighbor, 'If I sell this piece of land, I will sell it to you';⁴ but he went and sold it to another person. R. Joseph said: The first one acquired it.⁵ Abaye said to him: But he had not settled the price!⁶ [R. Joseph asked:] And whence do you declare that wherever he had not settled the price he has not acquired it? — [He replied:] As we learn in our Mishnah: IF [AN ISRAELITE] SELLS HIS WINE TO A HEATHEN, SHOULD HE HAVE SETTLED THE PRICE BEFORE HE MEASURED IT OUT, THE PURCHASE-MONEY IS PERMITTED; BUT SHOULD HE HAVE MEASURED IT OUT BEFORE HE SETTLED THE PRICE THE PURCHASE-MONEY IS PROHIBITED. [Now,] how is it then? — [How can you ask,] how is it then? It is as we have stated.⁷ — Perhaps the seriousness of *yen nesek* makes a difference! — Come and hear: R. Idi b. Abin said: A similar occurrence⁸ came before R. Hisda who referred it to R. Huna. The latter expounded it from the following: For it has been taught: If a man took possession of another's ass-drivers and workmen⁹ and brought them into his own house, whether he settled the price before measuring [the fruits] or measured them without having settled the price, he has not acquired them and both can retract. If, however, he unloaded them and brought them into his house, then should he have settled the price before he measured them neither can retract, and should he have measured them before settling the price both can retract.¹⁰

A man once said to his neighbor, 'If I sell this piece of land I will sell it to you for a hundred *zuz*.' He later sold it to another for a hundred and twenty. R. Kahana said: The first man acquired it. Rab Jacob of Neharpekod objected: As to this man, [it was] those *zuz* that compelled him.¹¹ The legal decision agrees with R. Jacob of Neharpekod.

If [the seller] said to [the would-be purchaser], 'When the article has been valued by three persons [we will settle the price accordingly],' even if two of the three agree [on the price it must be accepted]; but if he said, 'As three will declare [the price to be],' then there must be three who agree on the price.¹² If he said, 'When it has been valued by four persons,'¹³ then there must be four who agree on the price; so how much more so if he said to him, 'As four will declare [the price to be].' If he said to him, 'When the article has been valued by three persons' and three men came and valued it, and then the other said, 'Let three different men come who are better qualified,' R. Papa said: He has the right to object.¹⁴ R. Huna the son of R. Joshua demurred: How can we know that the latter three will be better qualified; perhaps the first three were better qualified!¹⁵ The legal decision agrees with R. Huna the son of R. Joshua.

MISHNAH. IF [AN ISRAELITE] TOOK THE FUNNEL AND MEASURED [WINE] INTO A HEATHEN'S FLASK AND THEN MEASURED SOME INTO AN ISRAELITE'S FLASK, SHOULD A DROP OF THE [FIRST] WINE HAVE REMAINED [IN THE FUNNEL], THEN [THE WINE MEASURED INTO THE SECOND FLASK] IS PROHIBITED. IF HE Poured FROM [HIS OWN] VESSEL INTO [A HEATHEN'S] VESSEL, [THE WINE IN THE VESSEL] FROM WHICH HE Poured IS PERMITTED AND [THE WINE IN THE VESSEL] INTO WHICH HE Poured IS PROHIBITED.

GEMARA. We have learnt elsewhere: An outflow, a downward stream of water and dripping liquid do not form a connecting link to communicate either defilement or purification,¹⁶ but a pool of water is a connecting link to communicate both defilement and purification.¹⁷ R. Huna said: An outflow, a downward stream of water and dripping liquid form a connecting link in connection with *yen nesek*.¹⁸ R. Nahman asked R. Huna: Whence have you

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this? If from [the Mishnah] which we learnt: An outflow, a downward stream of water and dripping liquid do not form a connecting link to communicate either defilement or purification, [and you argue that] it is only in connection with defilement and purification that it does not form a link but it does in connection with *yen neseq*; in that case I cite the continuation, viz., but a pool of water is a connecting link to communicate both defilement and purification, [and you must by analogy deduce that] it is only in connection with defilement and purification that it does form a link but it does not in connection with *yen neseq*! So there is no inference to be drawn from this extract.

We learnt: IF [AN ISRAELITE] TOOK THE FUNNEL AND MEASURED [WINE] INTO A HEATHEN'S FLASK AND THEN MEASURED SOME INTO AN ISRAELITE'S FLASK,

1. The property being *ex hypothesi* the Jew's.
2. For the very reason that he had not technically acquired the Jew's property.
3. He would not be executed for stealing the property of a non-Jew; hence he is regarded as having stolen what belonged to a Jew. Consequently what was in the possession of 'the son of Noah' was Jewish property and he had acquired it by *meshikah*.
4. [This was attended by a formal *kinyan* (Rashi).]
5. If he pays the price given by the purchaser.
6. [The *kinyan* is of no effect, since in the absence of the fixation of any price the mind of the seller is not made up (Rashi).]
7. Viz., the criterion is the settling of the price.
8. Viz., similar to the sale of the field.
9. I.e., a man is conveying fruits to market laden upon asses or carriers, and a would-be purchaser leads the asses and men into his own house, which is evidence of his intention to buy the produce.
10. It follows that the criterion is the settling of the price. Accordingly in the case mentioned above, the man cannot claim the field.
11. The offer of the higher price may have tempted him to dispose of it; and if it had not been made he would not have sold the field.

12. In the former instance the three constituted a Court, and with a Court of three judges the verdict of two is adopted.
13. Since a Court never consists of four, the intention when arranging for that number must have been to secure a unanimous valuation.
14. To the first valuation and ask for three other valuers.
15. The bargaining could then be drawn out indefinitely.
16. So that if what is below is ritually unclean what is on top is not similarly affected; and if a ritual bath does not contain the requisite minimum quantity of water, an outflow, etc. cannot be reckoned in to make up the deficiency.
17. Toh. VIII, 9.
18. So that if wine is poured into a vessel which contains *yen neseq* the former is contaminated.

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SHOULD A DROP OF THE [FIRST] WINE HAVE REMAINED [IN THE FUNNEL], THEN [THE WINE MEASURED INTO THE SECOND FLASK] IS PROHIBITED. How is the wine left [in the funnel] rendered prohibited? Must it not be by the outflow?¹ So deduce from this that the outflow is a connecting link. [But against such a conclusion] R. Hiyya taught: [Our Mishnah refers to the circumstance where] his flask forced the wine back;² therefore if his flask did not force it back, how is it? It is not [prohibited]. May you then not solve from the foregoing that the outflow is not a connecting link? — No; it merely proves that when his flask forced the wine back it is prohibited,³ but the question whether the outflow [is or is not a connecting link] remains.

Come and hear: IF HE Poured FROM [HIS OWN] VESSEL INTO [A HEATHEN'S] VESSEL, [THE WINE IN THE VESSEL] FROM WHICH HE Poured IS PERMITTED. Hence what is between [the two vessels] is prohibited; so deduce from this that the outflow is a connecting link! But if the outflow is a

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connecting link, then what is inside [the first] vessel should likewise be prohibited! — This is no difficulty, because [we have here a case where] he cuts off [the outflow].⁴ Nevertheless [we do deduce from this that]⁵ the outflow is a connecting link! But according to your reasoning I will quote the continuation: **AND [THE WINE IN THE VESSEL] INTO WHICH HE Poured IS PROHIBITED.** Hence what is between [the two vessels] is permitted! Consequently no inference is to be drawn from this Mishnah.⁶

Come and hear: If he pours from a cask into a vat [which contains *yen nesek*], the jet of liquid which descends from the rim of the cask is prohibited!⁷ — R. Shesheth explained this [extract] as referring to a heathen pouring out so that [the wine flows] because of his action.⁸ But if it is a heathen pouring out, what is in the cask is likewise prohibited!⁹ — [What is disqualified] because of a heathen's action is prohibited by the Rabbis,¹⁰ and they decreed only against what issued [from the cask] and not against what was inside it.¹¹

R. Hisda told the [Israelite] wine-dealers: When you measure wine for heathens, either cut off [the outflow] or pour it in with a splash.¹² Raba told the [Israelites] whose occupation was to pour wine: When you pour wine, let no heathen come near to help you, lest you forget yourselves and rest [the vessel] upon his [hands] and [the pouring] result from his action and [the wine] be prohibited.

A man was drawing wine¹³ through [a siphon consisting of] a large and small tube. A heathen came and laid his hand upon the large tube,¹⁴ and Raba disqualified all the wine.¹⁵ R. Papa said to Raba — another version is, R. Adda b. Mattena said to Raba; and still another version is, Rabina said to Raba: Was it on account of the outflow? So is it to be deduced from this that the outflow is a connecting link? — [Raba answered:

No;] it is different in this instance, because all the wine is drawn through the siphon.¹⁶

Mar Zutra son of R. Nahman said: It is permitted [to drink from] a vessel containing several tubes,¹⁷ provided the Israelite stops first but not when a heathen stopped first.¹⁸ Rabbah son of R. Huna visited the house of the Exilarch and allowed [the company which included Gentiles] to drink from a vessel containing several tubes.

1. Which connected the wine poured into the Jew's vessel with what was left in the funnel, and this was previously made *nesek* by the flow into the heathen's vessel.
2. The heathen's flask being full, some wine flowed back into the funnel. According to this explanation, the wine in the funnel was contaminated not because the outflow formed a link.
3. [Even if no drop of wine remained in the funnel (Tosaf.).]
4. Before the wine enters the heathen's flask he moves aside the vessel from which he is pouring out so that the outflow does not connect the two.
5. [The bracketed words are from Ms.M.]
6. Whether the outflow is a link or not.
7. The inference must then be that the flow is a link.
8. In that case the flow was disqualified by the heathen and not by the contents of the vat.
9. And not merely the outflow; why, then, does the extract refer to the outflow only as being prohibited?
10. And not by the Torah.
11. This extract accordingly does not establish the view that the outflow forms a link.
12. I.e., a connecting flow must be avoided; he held that it did form a link.
13. [From a full cask to an empty one.]
14. [The side from which the wine flowed into the empty cask (Rashi).]
15. [Even the wine in the full cask.]
16. For this reason it must be considered as though he had touched the whole quantity of wine and not merely what was in the tube.
17. So that many can drink at the same time; this is permitted even when a heathen is one of the number.
18. If the heathen stopped first, what he had drawn into the tube but not drunk would flow back and disqualify the remainder.

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Some say that Rabbah son of R. Huna himself drank from such a vessel.

MISHNAH. YEN NESEK IS PROHIBITED AND RENDERS [OTHER WINE] PROHIBITED BY THE SMALLEST QUANTITY. WINE [MIXED] WITH WINE AND WATER WITH WATER¹ [DISQUALIFIES] BY THE SMALLEST QUANTITY. WINE [MIXED] WITH WATER AND WATER WITH WINE [DISQUALIFIES WHEN THE PROHIBITED ELEMENT] IMPARTS A FLAVOUR. THIS IS THE GENERAL RULE: WITH THE SAME SPECIES [THE MIXTURE IS DISQUALIFIED] BY THE SMALLEST QUANTITY, BUT WITH A DIFFERENT SPECIES [IT IS DISQUALIFIED WHEN THE PROHIBITED ELEMENT] IMPARTS A FLAVOUR.

GEMARA. When R. Dimi came [from Palestine] he reported that R. Johanan said: If one pours yen nesek from a cask into a vat,² even the whole day long, the former is all the while annulled.³ We learnt: YEN NESEK IS PROHIBITED AND RENDERS [OTHER WINE] PROHIBITED BY THE SMALLEST QUANTITY! Does not this mean when the forbidden element fell into the permitted? — No, when the permitted fell into the prohibited.⁴

Come and hear: WINE [MIXED] WITH WATER [DISQUALIFIES WHEN THE PROHIBITED ELEMENT] IMPARTS A FLAVOUR. Does not this mean when prohibited wine fell into permitted water? — No, when permitted wine fell into prohibited water. If, however, the first clause [deals with] prohibited water, the second clause must likewise [deal with] prohibited water, but in the second clause he teaches: WATER WITH WINE [DISQUALIFIES WHEN THE PROHIBITED ELEMENT]⁵ IMPARTS A FLAVOUR!⁶ — R. Dimi can reply to you: Throughout our Mishnah it deals with the

permitted falling into the prohibited, the first clause when permitted wine fell into prohibited water and the second when permitted water fell into prohibited wine.

When R. Isaac b. Joseph came [from Palestine] he reported in the name of R. Johanan: If one pours yen nesek from a small cooler² into a vat, even the whole day long, the former is all the while annulled. This applies only to a small cooler whose jet is not considerable⁸ but not to a cask whose jet is considerable.

When Rabin came [from Palestine] he reported in the name of R. Johanan: If yen nesek fell into a vat and a ewer of water also fell into it, we consider the permitted [portion of the wine] as nonexistent and as for the remainder the water may prevail over it and annul it.⁹ When R. Samuel b. Judah came [from Palestine] he reported in the name of R. Johanan: This teaching only applies when the ewer of water fell in first, but if it did not fall in first a species met with its own species and is aroused.¹⁰ There are some who connect [this statement of R. Samuel b. Judah's] with our Mishnah: WINE [MIXED] WITH WINE [DISQUALIFIES] BY THE SMALLEST QUANTITY. R. Samuel b. Judah said in the name of R. Johanan: This teaching only applies when a ewer of water did not fall into it, but if a ewer of water did fall into it we consider the permitted [portion of the wine] as non-existent and as for the remainder the water may prevail over it and annul it. What difference is there whether [R. Samuel's statement] is connected with our Mishnah or Rabin's statement? — He who connects it with our Mishnah does not require [the ewer of water to fall in] first, but he who connects it with Rabin's statement does require [it to fall in] first.

It has been stated: If yen nesek fell into a vat and a ewer of water also fell into it,

1. When one liquid has been used for a libation.

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2. And the wine in the vat is of sufficient quantity to absorb the *yen nesek* poured into it, viz., the proportion of sixty to one; v. *supra* 69a.
3. Each portion of *yen nesek* is absorbed as it falls into the vat, however large the aggregate be, and the wine may be sold or used for any other purpose but actual drinking (Rashi).
4. Whereas R. Dimi referred to the prohibited falling into the permitted; hence the difference.
5. I.e., the water, on the present assumption.
6. And so it is not true here that the prohibited element is absorbed.
7. A stone vessel containing a strainer and having an indented (comb-like) rim (Jast.).
8. And there is always a preponderance of pure wine of sixty to one.
9. I.e., so long as the water is sixty times as much as the *yen nesek* the mixture is not disqualified.
10. The two combine so that the wine is disqualified even if the quantity of water which mixes with it subsequently is sixty times the *yen nesek*.

‘Abodah Zarah 73b

Hezekiah said that should [the mixture] have become increased in quantity through the prohibited element,¹ then it is prohibited; but should it have become increased in quantity through the permitted element,² then it is permitted. R. Johanan, however, said: Even when it becomes increased in quantity through the prohibited element it is permitted.³ R. Jeremiah said to R. Zera: Does this mean that Hezekiah and R. Johanan differ over the same issue as R. Eliezer and the Rabbis, for we have learnt: If leaven of non-holy and leaven of an offering fell into dough, and in each there was an insufficient quantity to cause fermentation, but added together they caused fermentation, R. Eliezer says: I decide according to which [leaven entered the dough] last. But the Sages say: Whether the disqualifying matter fell in first or last, [the dough] is not prohibited unless there is in it a sufficient quantity [of disqualifying matter] to cause fermentation!⁴ But how can you understand the passage in this way, for

behold Abaye explained: The teaching [of R. Eliezer] only applies when he first removed the disqualifying matter, but if he did not first remove the disqualifying matter, [the dough] is prohibited.⁵ Now, then, with whom does Hezekiah agree!⁶ — But here the point of difference is⁷ whether we consider [the pure wine as non-existent],⁸ Hezekiah holding that we do not and R. Johanan that we do. Does, however, R. Johanan hold that we do consider [the pure wine as non-existent]? For behold R. Assi asked R. Johanan: How is it if there were two goblets, one containing secular wine and the other wine of a heave-offering, and a man diluted them with water and then mixed the two together?⁹ And he did not offer a decision!¹⁰ — At first he gave no decision but subsequently he did. For it has been similarly reported: R. Ammi said in the name of R. Johanan — another version is, R. Assi said in the name of R. Johanan: If there were two goblets, one containing secular wine and the other wine of a heave-offering, and a man diluted them with water and then mixed the two together, we consider the permitted element as non-existent and as for the remainder the water may prevail over it and annul it.

THIS IS THE GENERAL RULE: WITH THE SAME SPECIES [THE MIXTURE IS DISQUALIFIED] BY THE SMALLEST QUANTITY, BUT WITH A DIFFERENT SPECIES [IT IS DISQUALIFIED WHEN THE PROHIBITED ELEMENT] IMPARTS A FLAVOUR. Rab and Samuel both declare: With all the prohibited things of the Torah, should the mixture consist of the same species [it is disqualified] by the smallest quantity and with different species when [the prohibited element] imparts a flavor. What do the words **THIS IS THE GENERAL RULE** mean [accordingly] to include? — To include all the prohibited things of the Torah. R. Johanan and R. Simeon b. Lakish both declared: With all the prohibited things of the Torah, whether

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mixed with the same species or not, [they are disqualified when the prohibited element] imparts a flavor, with the exception of produce from which the heave-offering has not been taken and yen nesek. In these instances with the same species [the mixture is disqualified] by the smallest quantity, but with a different species when [the prohibited element] imparts a flavor. What [then] do the words **THIS IS THE GENERAL RULE** mean to include? — To include produce from which the heave-offering has not been taken.

There is a teaching in agreement with Rab and Samuel, and also one in agreement with R. Johanan and R. Simeon b. Lakish. There is a teaching in agreement with Rab and Samuel, viz.: With all the prohibited things of the Torah, should the mixture consist of the same species [it is disqualified] by the smallest quantity, and with different species when [the prohibited element] imparts a flavor. There is a teaching in agreement with R. Johanan and R. Simeon b. Lakish, viz.: With all the prohibited things of the Torah, whether mixed with the same species or not, [they are disqualified when the prohibited element] imparts a flavor, with the exception of produce from which the heave-offering has not been taken and yen nesek. In these instances with the same species [the mixture is disqualified] by the smallest quantity, but with a different species when [the prohibited element] imparts a flavor. This is quite right with yen nesek because of the seriousness of idolatry; but why with produce from which the heave-offering has not been taken? — Like its permissibility is its prohibition; for Samuel said: One grain of wheat can free the heap.¹¹ And we learnt to the same effect: When [the Rabbis] declared that produce from which the heave-offering has not been taken renders [a mixture] prohibited by the smallest quantity, it refers to the same species, but when it is with a different species it must impart a flavour.¹²

1. I.e., the water fell into the pure wine, and then yen nesek fell into it; and although the water is more than sixty times the forbidden element, the whole is prohibited. This teaching is at variance with that reported by Rabin in the preceding paragraph.
2. The pure wine fell in last. In that event the yen nesek was annulled by the water before the other wine fell into it, and so the mixture is permitted.
3. This is consistent with the view expressed in his name in the last paragraph. Since the water fell in first, it is not a case of a species meeting with its own species.
4. [*Supra* p. 243. R. Jeremiah assumes that Hezekiah will hold with R. Eliezer that we decide according to which element entered last, whereas R. Johanan will agree with the Sages.]
5. Whichever fell in last.
6. According to R. Eliezer the contents of the vat would be prohibited whichever fell in last since the forbidden element had not been removed; and according to the Rabbis it would be allowed in any event.
7. Not which fell in first or last.
8. In calculating whether the water is sixty times as much as the yen nesek which fell into the vat.
9. In the final mixture the water is sixty times as much as the holy wine.
10. [This shows that R. Johanan was not quite decided on the question whether 'we consider, etc.']
11. The Torah does not prescribe how much is to be removed to constitute a heave-offering, so the obligation can be discharged with the smallest quantity. The same criterion is therefore applied to its power of rendering a mixture prohibited.
12. Hal. III, 10.

'Abodah Zarah 74a

MISHNAH. THE FOLLOWING ARE PROHIBITED AND RENDER PROHIBITED¹ BY THE SMALLEST QUANTITY: [A CASK OF] YEN NESEK,² AN IDOLATROUS OBJECT,³ SKINS OF ANIMALS WHICH HAVE HOLES OVER THE REGION OF THE HEART,⁴ AN OX WHICH HAD BEEN STONED,⁵ AN HEIFER WHOSE NECK WAS BROKEN,⁶ BIRDS BROUGHT AS AN OFFERING BY A LEPPER,⁷ THE HAIR-OFFERING OF A NAZIRITE,⁸ THE

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FIRSTLING OF AN ASS,⁹ FLESH COOKED IN MILK,¹⁰ THE SCAPEGOAT,¹¹ AND NON-CONSECRATED ANIMALS SLAUGHTERED IN THE TEMPLECOURT,¹² BEHOLD THESE ARE PROHIBITED AND RENDER PROHIBITED BY THE SMALLEST QUANTITY.

GEMARA. On what basis does the Tanna make his enumeration? If he enumerates objects which are [customarily] numbered,¹³ then he should include slices of meat from an animal which had not been ritually slaughtered; if they are objects which may not be put to any use, then he should include leaven during Passover! — R. Hiyya b. Abba — another version is, R. Isaac the smith — said: The Tanna enumerates the objects to which both criteria apply, viz., they are customarily numbered and may not be put to any use.¹⁴ In that case he should include the nuts of Perek and the pomegranates of Baddan¹⁵ because they are customarily numbered and may not be put to any use! [The compiler of the Mishnah] treated of them elsewhere,¹⁶ [and he enumerated a list of which he stated:] Those which belong to *'orlah*-fruit come within the law of *'orlah*, and those which belong to mixed plantings of a vineyard come within the law of mixed plantings of a vineyard. Then he should include the loaves of a householder¹⁷ with reference to the law of leaven during Passover!¹⁸ — The teacher whom you have heard expressing this opinion is R. Akiba; and [the compiler of the Mishnah] has already stated there:¹⁹ R. Akiba adds the loaves of a householder.

BEHOLD THESE. What do these words intend to exclude? — To exclude things which are customarily numbered but are not prohibited for all use, or the things which are prohibited for all use but are not customarily numbered.²⁰

MISHNAH. IF YEN NESEK FELL INTO A VAT, THE WHOLE OF IT IS PROHIBITED

FOR ALL USE. R. SIMEON B. GAMALIEL SAYS: THE WHOLE OF IT MAY BE SOLD TO HEATHENS WITH THE EXCEPTION OF [A QUANTITY CORRESPONDING TO] THE VALUE OF THE YEN NESEK IN IT.

GEMARA. Rab said: The *halachah* agrees with R. Simeon b. Gamaliel when a cask [of yen nesek] has been mixed with other casks, but not when it is a matter of wine [which is nesek becoming mixed with other] wine. Samuel, on the other hand, said: Even when it is wine mixed with wine. Similarly said Rabbah b. Bar Hanah in the name of R. Johanan: Even when it is wine mixed with wine. Similarly said R. Samuel b. Nathan in the name of R. Hanina: Even when it is wine mixed with wine. Similarly said R. Nahman in the name of Rabbah b. Abbuha: Even when it is wine mixed with wine. R. Nahman said: In practice the rule to follow in connection with yen nesek is that when wine is mixed with wine it is prohibited and a cask mixed with casks is permitted;²¹ but with ordinary wine²² even when it is a matter of wine being mixed with wine it is permitted.²³

1. What they are mixed with, irrespective of the proportion of the forbidden element to the whole.
2. When confused with other casks of wine.
3. E.g., an image which had been worshipped confused with others of a similar kind which had not been worshipped.
4. V. *supra* 29b.
5. Ex. XXI, 29.
6. Deut. XXI, 4.
7. Lev. XIV, 4 ff.
8. Num. VI, 18.
9. Ex. XIII, 13.
10. Ibid. XXIII, 19.
11. Lev, XVI, 22.
12. V. B.K. 70a.
13. With such objects each one is a separate entity, and therefore it cannot be annulled by becoming absorbed in the rest.
14. [Thus excluding from his ruling leaven during Passover, unless it is of a large size, and slices of meat which had not been ritually slaughtered.]
15. They are both localities in Samaria (cf. Rashi). These nuts and pomegranates are

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included in a list of fruits which are counted when sold and render prohibited what they are mixed with if they are in a state of 'orlah. V. 'Orlah III, 7. [Tosaf. Yeb. 81b s.v. פֶּרֶז takes the former to mean 'crack nuts'.]

16. *Loc. cit.* Having dealt with them in that Tractate, the Mishnah does not include them here.
17. As distinct from the loaves of a baker which are smaller.
18. Because both criteria apply to them.
19. V. 'Orlah *loc. cit.*
20. These do not render prohibited by the smallest quantity.
21. For use only (but not for drinking) apart from the value of one cask. This agrees with Rab.
22. Belonging to heathens which had not been used for a libation.
23. For use only (not for drinking). With the deduction of the value of the heathen's wine.

'Abodah Zarah 74b

MISHNAH. IF A HEATHEN COVERED A STONE WINE-PRESS WITH PITCH¹ IT MAY BE SCoured AND IS THEN CLEAN; BUT IF IT WAS OF WOOD, RABBI SAYS THAT IT MAY BE SCoured² AND THE SAGES SAY THAT HE MUST PEEL OFF THE PITCH.³ IF IT WAS OF EARTHENWARE, EVEN THOUGH HE PEELED OFF THE PITCH IT IS PROHIBITED.⁴

GEMARA. Raba said: [Scouring is necessary] only when he coated it with pitch,⁵ but not if he trod [his grapes] in it.⁶ This is obvious since the Mishnah stated: COVERED ... WITH PITCH! — You might have said that the same law⁷ applied even if he trod them in it, and the reason why he stated the circumstance of coating with pitch is because he mentioned the customary practice.⁸ He accordingly informs us [that rinsing is sufficient if the heathen trod grapes in it]. Another version is: Raba said: [Scouring is necessary] only when he coated it with pitch, but if he trod [his grapes in a press which had been covered with pitch] scouring is insufficient.⁹ This is obvious, since the Mishnah stated: COVERED ... WITH PITCH! — You might have said that

the same law¹⁰ applied even when he trod them in it, and the reason why he stated the circumstance of coating with pitch is because he mentioned the customary practice. He accordingly informs us that [scouring suffices] only when he coated it with pitch but if he trod in it scouring is insufficient. As when a man came before R. Hiyya and said to him, 'Provide for me a man to purify my winepress.' [R. Hiyya] said to Rab, 'Go with him and see that there is no ground for complaint against me in the House of Study.'¹¹ He went and noticed that [the sides of the press] were very smooth; so he said, 'Here it will surely be sufficient with scouring.' But as he proceeded [with his examination] he noticed a crack at the bottom and saw that it was full of wine; so he said, 'Here it will not be sufficient with scouring but it will have to be scraped.' That is what my uncle¹² intended when he said to me, 'See that there is no ground for complaint against me in the House of Study.'

Our Rabbis taught: As for the winepress, ladle and funnel¹³ belonging to a heathen, Rabbi permits them after scouring, whereas the Sages prohibit them. Rabbi, however, admits that flasks¹⁴ belonging to a heathen are prohibited. What is the difference between one and the other? — In the latter he puts wine to be kept but not in the former.¹⁵ Should [the winepress, ladle or funnel] be of wood or stone he scours them,¹⁶ and if they had been covered with pitch they are prohibited.¹⁷ But we learnt: IF A HEATHEN COVERED A STONE WINEPRESS WITH PITCH IT MAY BE SCoured AND IS THEN CLEAN! — Our Mishnah refers to when he had not trodden in it,¹⁸ and the quoted Baraita to when he had trodden in it.¹⁹

The Master said, 'As for the winepress, ladle and funnel²⁰ belonging to a heathen, Rabbi permits them after scouring, whereas the Sages prohibit them.' But we learnt: IF IT WAS OF EARTHENWARE, EVEN THOUGH HE PEELED OFF THE PITCH

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IT IS PROHIBITED! — Raba said: This last clause of our Mishnah gives the view of the Rabbis.²¹

Raba expounded: 'Scald the vat!'²² When Raba sent [empty] jars to Harpania²³ he placed them mouth downwards [in sacks] the hem of which he sealed, being of the opinion that the Rabbis decreed against every utensil into which [wine] is put for keeping [by a heathen] even temporarily. With what does one scour them? — Rab said: With water; Rabbah b. Bar Hanah said: With ashes. When Rab said with water, [did he mean] with water and not with ashes; and when Rabbah b. Bar Hanah said with ashes [did he mean] with ashes and not with water! — Rather

1. The custom was to throw in some wine to remove the smell of the pitch.
2. With water and ashes.
3. A thicker coating is necessary with wood and it would absorb a greater quantity of wine.
4. Because of the absorptive power of the earthenware.
5. And threw wine into the vat.
6. Without coating it with pitch; in that circumstance rinsing is sufficient.
7. That scouring is necessary.
8. Viz., to throw wine into a vat after pitching it.
9. The pitch must also be peeled off, because the wine must have penetrated the cracks in the pitch.
10. That scouring is sufficient.
11. I.e., see that the cleaning is done according to law that the man's wine should not be disqualified.
12. Either 'my friend' or 'my uncle', this being the relationship of Rab and R. Hiyya. V. Sanh. 5a.
13. Made of earthenware and not covered with pitch.
14. When made of earthenware and not covered with pitch.
15. Consequently there is less time for the wine to become absorbed, and scouring makes them fit for use.
16. On this point they all agree.
17. Unless the pitch is scraped off.
18. So if the press was of stone, all agree that scouring is enough, and if of wood only Rabbi requires it to be scoured.

19. In that event, whether it is of stone or wood, the pitch must be scraped off.
20. [I.e., of earthenware, since those of wood or stone are mentioned later.]
21. And Rabbi differs from them.
22. Of a heathen before a Jew may use it.
23. A town in Babylon. He sent them in charge of a heathen. He took these precautions to guard against the carrier putting his wine into the jars, even for a short while, and disqualifying them. [Harpania on the Tigris, South of Babylon, was one of the most fruitful districts in the country; and Raba, whose home was Mahuza, also on the Tigris, sent down his empty casks to Harpania in order to import wine from there. V. Obermeyer, *op. cit.*, p. 200.]

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did Rab intend with water and then with ashes, and Rabbah b. Bar Hanah intended with ashes and then with water. Nor is there any difference between them, since one was referring to what is dry and the other to what is moist.¹

It has been stated: The School of Rab said in the name of Rab: [The number of processes is] two and three;² but Samuel maintained that it is three and four.³ Thus they taught in Sura, but in Pumbeditha they taught: The School of Rab said in the name of Rab: [The number of processes is] three and four; but Samuel maintained that it is four and five. Nor is there any contradiction [in the two versions], since the latter counts the final rinsing with water [as a separate process] whereas the former does not.

The question was put to R. Abbahu: How is it with wicker-nets⁴ used by Gentiles? — R. Abbahu answered: You have learnt the law: If his winepress and oil-press were defiled and he wished to prepare [wine or oil] in them in a state of purity, the boards [on the sides], the troughs and supporting-beams⁵ must be rinsed, and as for the wicker-work, if it is made of willows and hemp, it must be scoured, but if of baste and reeds, it must remain unused for twelve months.⁶ R. Simeon b. Gamaliel says: He

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leaves them from one period of wine-pressing to another and from one period of oil-pressing to another. But that agrees with the statement of the first Tanna!⁷ — The issue between them is the matter of the early and late ripening [of the grapes].⁸ R. Jose says: If he desires to purify them at once, he should pour over them boiling water or scald them with olive-water.⁹ R. Simeon b. Gamaliel says in the name of R. Jose: He leaves them beneath a pipe through which there is a continuous stream of water or in a fountain with flowing water. For how long? — An 'onah.¹⁰ The same provisions made with regard to yen nesek are made with regard to purification.¹¹ But is not the order reversed, since we are dealing here¹² with purification? — Rather [say] they made the same provisions with regard to yen nesek as they made for purification.

How long is an 'onah? — R. Hiyya b. Abba said in the name of R. Johanan: Either a day or a night. R. Hana-She'ina — according to another version, R. Hana b. She'inah — reported that Rabbah b. Bar Hanah said in the name of R. Johanan: Half a day and half a night. R. Samuel b. Isaac said: There is no contradiction [in the two definitions], the former referring to the time of the spring and autumn equinox¹³ and the latter to the summer and winter solstice.¹⁴

Rab Judah said: Filter-bags used by Gentiles, if made of hair, are to be rinsed, if of wool they must be scoured, and if of flax they must be left unused [for twelve months]; and if there be any knots in them they must be untied.¹⁵ Wicker-baskets and strainers used by Gentiles, if plaited from strips of palm-fiber, must be rinsed,

1. If the traces of the wine had dried in the vat, it is rinsed with water and then rubbed with ashes; but if the moisture of the wine was still present the order was reversed.
2. I.e., with a moist vat first ashes then water, and with a dry vat first water then ashes and again water.
3. With a moist vat, ashes, water and ashes, and if he then rinses with water, this is not

counted because the purpose is only to wash away the ashes; and with a dry vat the process is water, ashes, water and ashes.

4. Which are placed over the grapes to prevent them from being scattered during the pressing (Rashi). How are these cleaned for use by a Jew?
5. [Or 'twigs used as brooms in the wine press' (Rashi).]
6. [This solves the question put to R. Abbahu. V. Asheri a.l.]
7. Since the interval was twelve months; so why is it mentioned separately?
8. The time of pressing varies according to the state of ripening and it may not be exactly twelve months.
9. The water in which olives are boiled to make them soft.
10. Half of the day and night. The definition is discussed below.
11. Tosef. Toh. XI.
12. In the Tosef. just cited.
13. When day and night are of equal duration, i.e., twelve hours.
14. At such times of the year it is not correct to say either a day or a night since they are unequal. We then have to say half a day and half a night, i.e., twelve hours.
15. Before they are rinsed or scoured.

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if of twigs they must be scoured, and if of flax they must be left unused [for twelve months]; and if there be any knots in them they must be untied.

It has been stated: If an 'am ha-arez¹ stretched his hand into a winepress and touched [one of] the clusters, Rabbi and R. Hiyya [express different opinions]. One says that the cluster and all that is around it are defiled² but the press as a whole is undefiled, whereas the other says that the entire press is also defiled. According to him who maintained that the clusters and all that is around them are defiled but the press as a whole is undefiled, why should there be a difference, since we learnt:³ 'If a reptile is found in an oil-mill, it only defiles the place it touches, but if there is flowing liquid it is all defiled'? — In this latter case there is no division at all,⁴ but in the former the clusters are separate. The Rabbis taught R.

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Jeremiah — another version is, [they taught] R. Jeremiah's son — in agreement with him who says that the cluster and all that is around it are defiled but the press as a whole is undefiled.

MISHNAH. IF [AN ISRAELITE] PURCHASES COOKING-UTENSILS⁵ FROM A HEATHEN, THOSE WHICH ARE CUSTOMARILY CLEANSED BY IMMERSION⁶ HE MUST IMMERSE, BY SCALDING HE MUST SCALD, BY MAKING WHITE-HOT IN THE FIRE HE MUST MAKE WHITE-HOT IN THE FIRE. A SPIT AND GRILL MUST BE MADE WHITE-HOT, BUT A KNIFE MAY BE POLISHED AND IS THEN RITUALLY CLEAN.

GEMARA. It has been taught: They all⁷ need to be immersed in [a ritual bath containing a minimum of] forty *se'ah*.⁸ Whence is this derived? — Raba said: Because Scripture states, Everything that may abide the fire ye shall make to go through the fire, and it shall be clean.⁹ Scripture¹⁰ has here added for you an additional [process of] cleansing. Bar Kappara taught: From the text, [Nevertheless it shall be purified] with the water of separation,¹¹ I might have inferred that [a Gentile's utensil] requires sprinkling [with this water] on the third and seventh day;¹² therefore the word nevertheless is used, the purpose of which is to make a distinction. If that be so, what is the purpose of the words with the water of separation [*niddah*]? It signifies water in which a *niddah*¹³ immerses. And it was necessary for Scripture to write both and it shall be clean, and with the water of separation. If it had only written, and it shall be clean, I might have thought, it shall be clean means by any quantity of water, so the Divine Law wrote, with the water of separation; and if the Divine Law had only written, with the water of separation, I might have thought that [it only becomes ritually clean] at sunset as happens with a *niddah*, so the Divine Law

wrote and it shall be clean, i.e., immediately [after the immersion].

R. Nahman said in the name of Rabbah b. Abbuha: Even new utensils¹⁴ must be included, since old ones when made white-hot are regarded as new and for all that require to be immersed. R. Shesheth raised the objection: If this be so, shearing-scissors should likewise [be immersed if obtained from a heathen]! — [R. Nahman] replied: The Scriptural passage deals with utensils connected with a meal. R. Nahman said in the name of Rabbah b. Abbuha: The teaching only applies to utensils which are purchased as then happened,¹⁵ but not when they are borrowed.

R. Isaac b. Joseph bought a vessel made from a mixture of earth and animal's ordure from a heathen and thought to immerse it. A certain Rabbi, named R. Jacob, said to him: It was explained to me by R. Johanan that the Scriptural passage deals only with utensils of metal.

R. Ashi said: Utensils of glass, since they can be repaired when broken, are like utensils of metal.¹⁶ As for a glazed utensil R. Aha and Rabina differ; one maintains [that it must be treated] according to its original state,¹⁷ while the other maintains [that it must be treated] according to its final state.¹⁸ The legal decision is [that it must be treated] according to its final state.

The question was asked: How is it with [a new vessel which had been given by a heathen] as a pledge? — Mar son of R. Ashi said: A heathen deposited a silver goblet with my father as a pledge, and he immersed it and drank from it; but I do not know whether it was because he considered a pledge to be the same as a bought article or for the reason that he saw that the heathen's intention was to leave it with him.¹⁹

Our Rabbis taught: If [an Israelite] purchases cooking-utensils from a heathen, the unused articles are to be immersed and

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are then clean; as for those which were used for cold things, such as cups, jugs and flasks, they must be rinsed and immersed and are then clean; but as for those which were used for hot things, such as boilers, kettles and heating vessels, they must be scalded and immersed and are then clean. Utensils used with fire, such as spits and grills, must be made white-hot and immersed and are then clean. If, with all of them, any had been used [by an Israelite] before it was immersed or scalded or made white-hot, one authority teaches that [the contents] are prohibited whereas another teaches that they are permitted. There is, however, no contradiction; for one decides according to him who said that when [the forbidden element] imparts a worsened flavor it is prohibited and the other according to him who said that when it imparts a worsened flavor it is permitted.²⁰ But according to him who maintains that when it imparts a worsened flavor it is permitted, in which circumstance can the prohibition of the Divine Law against the use of Gentiles' vessels²¹ apply?²² — R. Hiyya, the son of R. Huna²³ said: The Torah only forbade a utensil

1. V. [Glos.](#)
2. And must be removed.
3. Toh. IX, 8.
4. The olives are not in clusters where the twigs separate one from the other as with grapes, and the oil unites them together. Therefore the defilement affects them all.
5. Lit., 'utensils of service.'
6. Before they may be used by a Jew.
7. Even after being scalded or made white-hot.
8. Approximately 120 gallons.
9. Num. XXXI, 23.
10. By adding the words, and it shall be clean, the inference is that something more is required, viz., immersion besides making the article white-hot.
11. Ibid.
12. As is done with one that had been defiled by a corpse. Cf. *ibid.*, XIX, 12 ff.
13. V. [Glos.](#) The reference is to the ritual bath containing a minimum of forty *se'ah*.
14. Which belonged to a heathen; although not used by him, must be immersed.

15. When the Israelites captured such utensils from the Midianites; i.e., they must be the property of the Jew to require cleansing by him.
16. And require immersion.
17. Like earthen vessels and need not be immersed.
18. Like utensils of metal, since lead is used for the glazing.
19. And not redeem it. For that reason he considered it to be his property and cleansed it.
20. V. *supra* 36a.
21. Without previous cleansing.
22. [It is assumed that the vessels taken from the Midianites imparted a deteriorating flavor.]
23. *Supra* 67b, the name is given as R. Huna b. R. Hiyya. The present reading is preferable.

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which had been used [by a Gentile] the same day since the effect is not to worsen the flavor. Then let [the utensils which had been used] from then onwards be permitted [without cleansing]! — The decree was made against those which had not been used the same day on account of those which had been used the same day.¹ What of the other authority? — [His view is] that a utensil used the same day also imparts a worsened flavour.²

R. Amram pointed out the following contradiction to R. Shesheth: We learn: A SPIT AND GRILL MUST BE MADE WHITE-HOT; but it has been learnt with reference to the holy flesh: A spit and grill must be scalded with boiling water!³ — He replied: Amram, my son, what have the sacred utensils to do with Gentiles' vessels since the former absorbed what is permitted and the latter what is prohibited! Raba said: At all events what they discharge is prohibited!⁴ — But, said Raba, what does the term hag'alah ['scalding'] imply?⁵ Merikah and shetifah ['rinsing and washing'].⁶ Abaye said to him: What comparison is this? Merikah and shetifah are with cold water whereas hag'alah applies to boiling water! — But, said Abaye, let his fellow tell concerning him.⁷ Here [in

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the Mishnah] he taught that it must be made white-hot and scalding also applies,⁸ and there [in connection with the holy flesh] he taught that they must be scalded and making them white-hot also applies. Raba answered him: If that be so, let him teach both in one passage and one of them in the other, and then it would be possible to say, 'Let his fellow tell concerning him'!² But, said Raba, [in the case of] the holy flesh [the cleansing of the vessels by means of scalding] follows the reason given by R. Nahman in the name of Rabbah b. Abbuha, viz., Every day scalding was carried out with respect to the preceding day's [offerings].¹⁰ This is quite right with the peace-offerings which could be eaten on the second day [after the sacrificial act]; in this case the process of scalding would be performed before [the traces of the offering] became 'left over'.¹¹ With a sin-offering, however, since it must be eaten the same day [as sacrificed] and the following night, when he cooks to-day a sin-offering, there would be [traces thereof] 'left over'; so if he further cooked in it on the morrow either a peace-offering or sin-offering, then what was 'left over' of to-day's sin-offering would be discharged into the sin-offering or peace-offering of the next day!¹² — I can reply: It is not necessary [to arrive at such a conclusion], for if he cooks to-day a sin-offering, then he again cooks to-day a peace-offering [so that the time-limit of the morrow's sin-offering and the peace-offering of the preceding day will expire simultaneously;] and then he may cook in it the morrow's peace-offering!¹³ If that be so, then scalding would likewise be unnecessary!¹⁴ This [indeed] is a difficulty. R. Papa said: [The reason is that] one is encrusted and the other is not.¹⁵ R. Ashi said: [The reason is] certainly as was originally explained, viz., in the former they absorbed what is permitted and in the latter what is prohibited, and as for your¹⁶ objection that what it gives forth when it discharges is prohibited, [the reply is] that at the time of discharging there is nothing which is prohibited apparent.¹⁷

For how long must they be made white-hot? — R. Mani said: Until the accretion falls off. And how is scalding done? — R. Huna said: A small vessel must be placed inside a large vessel.¹⁸ What, however, is to be done with a large vessel? — Come and hear: There was a pot in the house of R. Akabiah¹⁹ [which had to be scalded]; so he made for it

1. Theoretically they do not need cleansing, but as a precaution Rabbinic law does not draw the distinction.
2. [The prohibition against the use of such utensils proves that the effect of a deteriorating flavor is also prohibited.]
3. Zeb. 97a. Before they may be used again on account of the 'remnant' they have absorbed of previous sacrifices. V. next note.
4. If the flesh of the sacrifice remains on them beyond the prescribed period it becomes prohibited and the traces of it left behind affect the next offering which is roasted on them. If a priest ate of it he incurred the penalty of excision, v. Lev. VII, 18.
5. In the passage quoted about the 'holy flesh.' [Delete with Ms.M. 'also' in curr. edd.]
6. [I.e., in addition to the cleansing by fire, the Torah has demanded 'rinsing and washing'.]
7. I.e., let one passage explain the other. The phrase is actually a quotation from Job XXXVI, 33, but given a different sense.
8. Both processes are necessary.
9. Only when the Mishnah or Baraita expressly mentioned that both processes are necessary either with the sacred utensils or a Gentile's vessels could such an inference be drawn.
10. The cooking of each day served to clean away what the utensil absorbed on the preceding day before it actually became 'left over', so that nothing could remain beyond the prescribed period. For that reason the process of making it white-hot was not required with the spit or grill, and scalding sufficed.
11. Which may no longer be eaten and must be burnt as 'an abomination'. V. Lev. VII, 18.
12. Because before the daily scalding occurred, the time-limit of the preceding day's offering would have expired. [The text in curr. edd. is difficult. Read with Ms.M., 'When he cooks to-day's sin-offering and boils in it tomorrow's peace-offering, then what, etc.']

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13. In this way the difficulty of the 'left over' is obviated. [The bracketed passage is likewise difficult, and is best deleted with Ms.M.]
14. Since there would be nothing 'left over' to remove from the utensil.
15. The Gentile's utensil, which may not have been in constant use, becomes encrusted and must be made white-hot. The sacred vessels, on the other hand, are in regular use and escape this crust. For that reason scalding is sufficient.
16. I.e., Raba's.
17. What is 'left over' is nothing more than vapor of the cooked flesh and that need not be treated so seriously.
18. The utensil to be cleansed must be placed inside a larger pot, filled with boiling water. The whole of the former is thus affected by the boiling water.
19. [V.l. Mar 'Ukba or R. 'Ukba.]

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a rim of dough around its mouth and filled it with water which he boiled up.¹ Raba said: Who could have been clever enough to do this if not R. Akabiah who is a great man! He was of the opinion that as [a vessel] absorbs so it discharges; as [its rim] absorbs by the splashings [of the food which is cooked in the pot] so [the boiling water] would cause [the rim] to discharge by means of the splashings.

BUT A KNIFE MAY BE POLISHED AND IS THEN RITUALLY CLEAN. R. 'Ukba b. Hama said: One plunges it ten times in soil.² R. Huna the son of R. Joshua said: That is, in untilled soil. R. Kahana said: [This holds good only] of a knife which is in sound condition and has no notches. It has been also taught to the same effect: With a knife in sound condition and without notches one plunges it ten times in soil. R. Huna the son of R. Joshua said: [This holds good only] to eat cold food with it.³ Thus Mar Judah and Bati b. Tobi were sitting with King Shapur and a citron was set before them. [The king] cut a slice and ate it, and then cut a slice and handed it to Bati b. Tobi. After that he stuck [the knife] ten times in the ground, cut a slice [of the citron]

and handed it to Mar Judah. Bati b. Tobi said to [the king], 'Am I not an Israelite!' He replied, 'Of him I am certain that he is observant [of Jewish law] but not of you.' According to another version he said to him, 'Remember what you did last night!'⁴

1. The purpose of the rim was that the boiling water should overflow the top of the vessel and every part of it be scalded.
2. In addition to polishing it with a rough cloth (Rashi).
3. For hot food it must be scalded.
4. According to the Persian rule of hospitality, the king sent a slave-girl to each of them the night before. Mar Judah refused to receive her but the other did not. [Bati was a half-manumitted slave. Tosaf. s.v. [H].]