

## IV.

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### Bavli Abodah Zarah Chapter Four

### Folios 49B-61B

4:1

- A. R. Ishmael says, “Three stones, one beside the other, beside a Merkolis statue, are forbidden.
- B. “Two, however, are permitted.”
- C. And sages say, “Those which appear to belong to it are forbidden, and those which do not appear to belong to it as permitted.”

- I.1** A. *Now there is no problem in understanding the position of rabbis, who take the view that gentiles worship the sherds of idols, and, since these stones appear associated with the idol, it is taken for granted that they fell from the idol and are prohibited; if they do not appear to be connected with the idol, they are permitted. But what can explain the position of R. Ishmael? If gentiles worship the sherds, then even two stones should be forbidden. And if they do not worship the sherds, then even three, too, should not be forbidden.*
- B. *Said R. Isaac b. R. Joseph said R. Yohanan, “If it is known that the rocks have fallen from the idol, all parties concur that they are forbidden. And that is even within the position of him who says that they do not worship the sherds. For*

*that rule applies to an idol that does not take shape in that way, but here, with Hermes, since to begin with the stones are detached from one another, so that is the way in which the idol takes shape. At issue, therefore, between R. Ishmael and rabbis is a case in which the classification of the stones is unclear. [50A] So far as the stones that are nearby, one may well maintain that the stones have fallen from the idol, so all parties concur that they are forbidden. Where there is a dispute, it concerns the stones that are some distance.”*

- C. *But the language of the Mishnah is, **beside a Merkolis statue!***
- D. *What is the meaning of, **beside?** Within four cubits of the statue. R. Ishmael takes the view that gentiles may make a small statue of Hermes along side a large one, so if there are three stones together that look like a Hermes statue, they are forbidden, but if there are two, they are permitted. Rabbis maintain that they do not make a small Hermes statue beside a large one, so it does not matter whether there are three stones or two. If they appear to be along with the statue, they are prohibited, and if not, they are permitted.*

- I.2 A. The master has said, “If it is known that the rocks have fallen from the idol, all parties concur that they are forbidden”:
- B. *And an objection was raised: **Stones which dropped away from a Merkolis, if they appeared to belong with it, they are forbidden, and if not, they are permitted [M. 4:1C]. R. Ishmael says, “Those which are within its grasp are forbidden, and those which are not within its grasp are permitted” [T. A.Z. 6:14A-B].***
- C. Said Raba, “Do not read, ‘dropped,’ but say, ‘were found.’”
- D. *But does R. Ishmael take the view that if within four cubits, even two stones would be permitted? Lo, it has been taught on Tannaite authority: R. Ishmael says, “If there are two stones found within the reach of the idol [four cubits], they are forbidden; if there are three even at some distance, they are forbidden.”*
- E. *Said Raba, “There is no contradiction. The one statement refers to a case in which the stones were within one reach, the other, within two reaches.”*

- F. *And what would such a distance be? It is a case in which there is a mound between the stones and the Merkolis statue.*
- G. *But if they were so arranged, would they be classified as a Merkolis statue at all? And has it not been taught on Tannaite authority: What is the definition of a Bet-Qulis [a wayside cairn dedicated to Mercurius (Cohen)]? One stone on one side, one stone on another, and a third on top of the two of them.*
- H. *Said Raba, "When that Tannaite formulation was set forth, it referred to the base of a Merkolis statue."*

### **A Miscellany of Cases on Specific Idols and How They are Worshipped**

- I.3** A. *The house of King Yannai was destroyed. Gentiles came and set up in it a statue of Merkolis. Other gentiles came, who did not worship Merkolis. They took the stones and with them paved the roads and streets. There were rabbis who kept distant from those roads and streets, and there were rabbis who did not.*
- B. Said R. Yohanan, "The son of saints walks on them, and shall we refrain from walking on them?"
- C. *Who is this "son of saints"?*
  - D. R. Menahem b. R. Simai.
  - E. *And why do they call him "the son of saints"?*
  - F. *For even upon the image on a zuz he would not gaze.*
  - G. *Then on what account did someone abstain? Such a person would reason matters in line with that which R. Giddal said R. Hiyya bar Joseph said Rab said, "How do we know that what has been offered to an idol can never be nullified? As it is said, 'They joined themselves also to Baal Peor and ate the sacrifices of the dead' (Psa. 106:28) — Just as a corpse is never nullified [but remains eternally unclean], so what has been offered to an idol can never be nullified."*
  - H. *And one who does not refrain from walking there?*
  - I. *We require that the offering fall into the category of that which was offered in the Temple [before we take the position that such a thing*

*can never be nullified] and that is not the case here [since who ever offered stones in the Temple]!*

**I.4** A. *Said R. Joseph bar Abba, “Rabbah bar Jeremiah came to our town. When he came, he brought with him a Mishnah teaching in hand: A gentile who brought stones from a Merkolis statue and paved roads and streets with them [50B] — they are permitted. If an Israelite brought stones from a Merkolis statue and paved roads and streets with them, they are forbidden. But there is no craftsman let alone a disciple of a craftsman who can unravel this teaching.”*

B. *Said R. Sheshet, “I am not a craftsman let alone a disciple of a craftsman, but I can unravel this teaching. What is the problem anyhow? It is the statement of R. Giddal [R. Giddal said R. Hiyya bar Joseph said Rab said, “How do we know that what has been offered to an idol can never be nullified? As it is said, ‘They joined themselves also to Baal Peor and ate the sacrifices of the dead’ (Psa. 106:28) — Just as a corpse is never nullified (but remains eternally unclean), so what has been offered to an idol can never be nullified”]. But we require that the offering fall into the category of that which was offered in the Temple [before we take the position that such a thing can never be nullified] and that is not the case here [since who ever offered stones in the Temple]!”*

**I.5** A. *Said R. Joseph bar Abba, “Rabbah bar Jeremiah came to our town. When he came, he brought with him a Mishnah teaching in hand: People may remove worms from a tree or patch the bark with dung during the Sabbatical Year [when ordinary agricultural work is suspended], but people may not remove worms or patch the bark during the intermediate days of a festival. During neither type of time, however, may people prune trees. And they may smear oil on the place of pruning both during the intermediate days of the festival and during the Sabbatical Year. But there is no craftsman let alone a disciple of a craftsman who can unravel this teaching.”*

- B. *Said Rabina, “I am not a craftsman let alone a disciple of a craftsman, but I can unravel this teaching. What is the problem anyhow? May one say that the problem concerns the actions that are differentiated between the Sabbatical Year and the intermediate days of the festival [that is, worming the tree and patching the bark, which may be done during the Sabbatical Year but not on the intermediate days of the festival]? What differentiates the Sabbatical Year, during which it is permitted to do so, from the intermediate days of the festival, during which it is forbidden to do so? Are the two comparable at all? In the Sabbatical Year, the Torah has forbidden work but permitted arduous labor [of other kinds], while on the intermediate days of the festival, the Torah has forbidden even arduous labor of other kinds.*
- C. *“But perhaps patching the bark and smearing the place of the pruning presents the difficulty, specifically, why is the former permitted but the latter forbidden? But here, too, are they comparable? Patching the bark is to preserve the tree and is permitted, while smearing the place of pruning is to strengthen the tree, and that is forbidden.*
- D. *“And perhaps the difficulty lies in the contradiction concerning patching the bark, because the formulation is, People may remove worms from a tree or patch the bark with dung during the Sabbatical Year. Now in contradiction is the following: **People may patch the bark of plants, wrap them up, cover them with powder, make supports for them, and water them, down to the Near Year [at which the Sabbatical Year commences] [M. Sheb. 2:4].** Thus it is permitted down to the New Year, but not during the Sabbatical Year itself [while Jeremiah says this can be done even in the Sabbatical Year]. But perhaps the solution lies in the view of R. Uqba bar Hama, for R. Uqba bar Hama has said, ‘There are two kinds of hoeing olive*

*trees, one serving to strengthen the tree, which is forbidden in the Sabbatical Year, the other serving to close up cracks in the bark, which is permitted.’ So, too, there are two kinds of patching, one to preserve the tree, which is allowed, the other to strengthen the tree, which is forbidden.*

E. *“And perhaps the difficulty lies in the contradiction on the smearing of the place of pruning, for what he said was, And they may smear oil on the place of pruning both during the intermediate days of the festival and during the Sabbatical Year. But by way of contradiction: **People may smear figs and perforate them to fatten them with oil down to the New Year [M. Sheb. 2:5]** — down to the New Year, but not in the Sabbatical Year itself! But here, too, are they comparable? For there one is to preserve the tree, which is allowed, the other is to strengthen the tree, which is forbidden.”*

F. *Said R. Sama b. R. Assi to Rabina, “Bar Jeremiah’s problem lay in the smearing of the place of pruning on the intermediate days of a festival [which is permitted], and patching the bark on that same type of time [which is forbidden]. For since in both cases the purpose is to preserve the tree, why is the one permitted and the other prohibited? And that explains why he said, ‘There is no craftsman let alone a disciple of a craftsman who can unravel this teaching.’”*

**I.6** A. *Said R. Judah said Rab, “In the case of an idol that is worshipped by tapping a stick before it, if an Israelite broke a stick before it, he is liable; if he threw a stick before it, he is exempt.”*

B. *Said Abbaye to Raba, “What differentiates breaking the stick [from throwing it]? It is because it is like slaughtering an animal in the Temple [the animal being broken as the stick is broken]. But then, if he threw the stick, this, too, would be like the act of tossing the blood in the Temple!”*

- C. *He said to him, "We require an act of sprinkling that is broken up in parts, and that condition is not met here [Cohen: There is no analogy between throwing a solid object and sprinkling drops of liquid]."*
- D. *He objected on the basis of the following: If one set out for an idol shit or poured out before it a vial of urine, [51A] he is liable. Now there is no problem in understanding why one is liable for pouring out a vial of urine, because this is a kind of sprinkling that is broken up in parts. But what sort of sprinkling broken up in parts involves shit?*
- E. *Hot shit.*
- F. *May one say that at issue here is a dispute among Tannaite authorities: If one slaughtered a locust in honor of an idol, R. Judah declares him liable, and sages declare him exempt. Now is it not the case that at issue here is this: one authority takes the view that we invoke the analogy to slaughter in the temple, and the other authority takes the view that we do not invoke merely the analogy to the act of slaughter in the Temple, but the action must be like the actual rite carried on in the Temple [and this is hardly analogous]?*
- G. *No, all parties concur that we do not invoke merely the analogy to the act of slaughter in the Temple, but the action must be like the actual rite carried on in the Temple. But the case of the locust is exceptional, since its neck is similar to the neck of a beast [so Judah holds one is liable for slaughtering the locust, but as to throwing a stick, he may not hold one to be liable; and Rab's position then has no precedent among Tannaite authorities.]*

**I.7** A. Said R. Nahman said Rabbah bar Abbuha said Rab, "In the case of an idol that is worshipped by tapping a stick before it, if an Israelite broke a stick before it, he is liable and the stick is prohibited; if he threw a stick before it, he is liable, but the stick is not prohibited."

- B. *Said Raba to R. Nahman, "What differentiates breaking the stick? It is because it is like slaughtering an animal in the Temple [the animal being broken as the stick is broken]. But then, if he threw the stick, it also is like the tossing that is carried out in the Temple."*
- C. *He said to him, "We require sprinkling broken up into particles, and that condition is not met."*

- D. “Then how come the stones of a shrine of Merkolis are forbidden?”
- E. *He said to him, “That in point of fact is a problem for me, and I addressed it to Rabbah bar Abbuha, and Rabbah bar Abbuha addressed it to Hiyya bar Rab, and Hiyya bar Rab asked Rab, who said to him, ‘It is treated as a tower that has been made for an idol [a cairn].’”*
- F. *“That poses no problems to him who says, An idol belonging to a gentile is forbidden forthwith, but from the perspective of him who says, An idol belonging to a gentile is forbidden only once it will actually have been worshipped, it should be permitted, for lo, it has not yet been worshipped!”*
- G. *He said to him, “Each stone is treated as an idol on its own but also as an offering to its fellow.”*
- H. *“If so, then at least the very last stone should be permitted [since it is not an offering to any other stone idol].”*
- I. *He said to him, “If you know which is the last stone, go and take it away.”*
- J. R. Ashi said, “Each one is treated as an offering to itself and also as an offering to its fellow.”

**I.8** A. *We have learned in the Mishnah: [If] one found on its [a Merkolis’s] head coins, clothing, or utensils, lo, these are permitted. [If one found] bunches of grapes, garlands of corn, jugs of wine or oil, or fine flour, or anything the like of which is offered on the altar [of the Temple in Jerusalem] — it is forbidden [M. 4:2A-D].*

- B. *Now there is no problem in understanding the rule affecting jugs of wine or oil, or fine flour, since they have their counterpart among things that are offered within the Temple, and, further, they resemble that which is sprinkled, since they are broken up. But as to bunches of grapes, garlands of corn, these have no counterpart among things that are offered within the Temple, and, furthermore, they do not resemble that which is sprinkled, which is broken up.*
- C. Said Raba said Ulla, “We deal with a case in which, for instance, someone had cut them off to begin with for the purpose at hand.”

**I.9** A. Said R. Abbahu said R. Yohanan, “How on the basis of Scripture do we know that one who sacrifices to an idol a blemished beast is exempt from all penalty? As it is said, ‘He who sacrifices to any god except to the Lord alone shall be



utterly destroyed' (Exo. 22:19). What the Torah has prohibited is that which is within the Temple [and that would then exclude a blemished animal]."

- B. *Objected Raba, "With what sort of blemish? Should one say that the blemish is a cataract in the eye? But if such a beast is acceptable for the children of Noah to offer up to the Most High on a high place of theirs, is there any question that it is classified as a culpable offering when presented to an idol? Rather, it must be an animal that is lacking a limb, in accord with the opinion of R. Eleazar. For said R. Eleazar, 'How on the basis of Scripture do we know that an animal that is lacking a limb is forbidden for use as an offering by the children of Noah? 'And of every living thing of all flesh, two of every sort' (Gen. 6:19) — so the Torah has said to bring an animal that has all of its limbs alive.'"*
- C. *But this clause, "And of every living thing," is required to exclude a terefah-animal!*
- D. *That point derives from the statement, "to keep them alive with you" (Gen. 6:19) [and a terefah-beast by definition cannot live].*
- E. *That poses no problems to him who maintains that a terefah-beast cannot give birth [to a generation that will live and so fall under the classification, "to keep them alive with you" (Gen. 6:19)], but from the perspective of him who says that a terefah-beast can give birth, what is to be said?*
- F. *Scripture has said, "with you," meaning, animals that are like you [and therefore that are going to live].*
- G. *But perhaps Noah himself was in the category of a terefah-beast [in that he may have been dying of some ailment, so the cited clause would prove the opposite]?*
- H. *In his regard "perfect" is written (Gen. 6: 9).*
- I. *But perhaps the sense is, "perfect in his ways"?*
- J. *In his regard "righteous" is written.*
- K. *But perhaps the sense is, "perfect in his ways, and righteous in his actions"?*
- L. *You cannot take the position that Noah himself was in the category of terefah, for if you take the view that Noah was a terefah-person, then the sense of what the All-Merciful said to him would be, "Animals that*

*are defective like yourself are those you should take into the ark, and you should exclude those that are unblemished”!*

M. *Now that you derive that point from “with you,” then what need do I have for “to keep them alive”?*

N. *If I had to derive the point only from the language, “with you,” I might have supposed that the purpose was only to keep him company, so the animals would then include the old and the castrated; so we are informed, “to keep them alive.”*

**I.10** A. Said R. Eleazar, “How on the basis of Scripture do we know that one who sacrifices a beast to Mercury is liable? It is said, ‘They shall no more offer their sacrifices to demons’ (Lev. 17: 7). Now if it cannot speak of a mode of worship that is the ordinary and accepted one, since it is already stated, ‘How did these nations serve their gods...’ (Deu. 12:30) [proving that routine modes of worship are penalized if done for idols], apply it to an unusual mode of worship of those gods. [In that case, such an abnormal mode of worship is subject to punishment.]”

B. *But does that verse serve the designated purpose? It is in fact required in the context of that which has been taught on Tannaite authority:*

C. **[51B]** Down to [the prior verses of Lev. 17: 7] Scripture has been speaking of Holy Things that were consecrated at the time that the high places were forbidden, and that were actually offered up at the time that the high places were forbidden, for lo, the sanction attached to them has been specified, as it is said, “And has not brought it to the door of the tent of meeting [– that man shall be cut off...]” (Lev. 17: 4). So the sanction is specified. Whence do we derive the prohibition? “Take heed to yourself lest you offer your burnt offerings in every place that you see” (Deu. 12:13), and that is in accord with what R. Abin said in the name of R. Ilai, “Wherever in Scripture it is stated, ‘take heed,’ or ‘lest,’ or ‘do not,’ the sense is a negative commandment.” From ‘and they shall no more sacrifice’ onwards [Lev. 17: 8], the Torah speaks of Holy Things that have been consecrated as offerings during the time that high places were permitted and that were also offered during the time that high places were permitted, as it is said, “To the end that the children of Israel may bring their sacrifices” (Lev. 17: 5) — that which I have previously permitted to you, namely, offering on improvised altars; “in the open field” — this teaches that whoever sacrifices upon a high place at a time that it is prohibited is treated by Scripture as though he had made the sacrifice in the open field. “And bring

them to the Lord” — this is the affirmative action that is required. Where do we find the negative commandment? “And they shall no more sacrifice their sacrifices.” Might one suppose that the penalty for violating the law on sacrificing to satyrs is extirpation? Scripture says, “This shall be for a statute for ever for them” (Lev. 17: 4) — this shall be for them but the other is not for them [Cohen: The penalty is restricted to the offence stated and not to one who sacrifices to Merkolis, so Lev. 17: 7 cannot serve to support the rule that one who sacrifices to Merkolis is liable].

- D. *Said Raba, “Scripture reads, ‘And they shall no more sacrifice, and, further, ‘and no more’ [Cohen: The double phrase indicates two prohibitions, one serving Eleazar’s statement on not sacrificing to Merkolis].”*

I:1 continues the immediately preceding discussion on whether or not gentiles worship the sherds of an idol. It elucidates the operative considerations behind the two positions spelled out in the Mishnah paragraph. No. 2 introduces the Tosefta’s extension of the law, and dispute, of the Mishnah. No. 3 then presents an illustrative case, and this is complemented by No. 4. No. 5 is tacked on for obvious reasons. No. 6-7 proceeds to pursue the general theme of how gentiles worship idols, with special reference to how the form of worship affects an Israelite’s actions in the same regard. Nos. 8, 9 pursue the same general problem, namely, treating as idolatrous actions or offerings analogous to those of the Temple; this is a very subtle question, which links M. 4:2, which makes the point explicit, to M. 4:1. The theory here is that what an Israelite would offer in the Temple is classified as a proper offering for an idol, but what to an Israelite is no offering is treated as null vis-à-vis an idol. No. 10 proceeds to another proof, on the basis of Scripture, of the Mishnah’s fundamental premise.

## 4:2

- A. [If] one found on its head coins, clothing, or utensils, lo, these are permitted.
- B. [If one found] bunches of grapes, garlands of corn, jugs of wine or oil, or fine flour,
- C. or anything the like of which is offered on the altar —
- D. it is forbidden.

### I.1 A. *What is the source in Scripture for this rule?*

- B. *Said R. Hiyya bar Joseph said R. Oshaia, “One verse of Scripture says, ‘And you have seen their abominations and their idols, wood and stone, silver and gold, which were among them’ (Deu. 29:16), and another verse of Scripture states, ‘You shall not covet the silver or the gold that is on it’ (Deu. 7:25) [without reference to wood or stone, these not serving as ornaments for an idol]. How*

so? ‘What is among them’ is analogous to ‘what is on them’: just as with reference to what is on them, what serves as decoration is prohibited, and what does not serve as decoration is permitted, so with reference to things that are among them, what serves as decoration is prohibited, and what does not serve as decoration [wood and stone] is permitted.”

- C. But might I say, “What is on them is analogous to what is among them? Just as with reference to what is among them, everything that is among them is forbidden [even though it is not decorative, [e.g., wood and stone], so what is on them means that everything that is on them is forbidden”?
- D. Then there would have been no purpose in mentioning “on them” at all [the whole rule can have come from Deu. 29:16].

**II.1 A. [If] one found on its head coins...lo, these are permitted:**

- B. But this is an ornament [in line with the foregoing, therefore, coins should be forbidden]!
- C. *Members of the household of R. Yannai say, “What we deal with is a case of coins tied in a bag and suspended from the idol [and this is no ornament].”*

**III.1 A. [If] one found on its head...clothing...lo, these are permitted:**

- B. But this is an ornament [in line with the foregoing, therefore, coins should be forbidden]!
- C. *Members of the household of R. Yannai say, “What we deal with is a case in which the clothing is folded up and laid on the head of the idol [and this is no ornament].”*

**IV.1 A. [If] one found on its head...utensils, lo, these are permitted:**

- B. But this is an ornament [in line with the foregoing, therefore, coins should be forbidden]!
- C. *Said R. Pappa, “We deal with a case in which, e.g., a basin is turned over on the head of the idol.”*

**IV.2 A. Said R. Assi bar Hiyya, “Whatever is within the veils that hang in front of the idol, even water or salt, is prohibited; among things that are located outside of the veils, what is decorative is forbidden, and what is not decorative is permitted.”**

- B. *Said R. Yosé bar Hanina, “We hold in hand as a tradition: The consideration of the location in respect to the veils pertains neither to the idol of Peor nor to a Merkolis.”*

- C. *For what purpose is this rule set forth? Should one say that it is to indicate that non-decorative objects that are located even within the veils are comparable to those outside and are permitted, if as a matter of fact people relieve themselves in front of the idol Peor, would they not all the more so present as an offering even something so trivial as water or salt?*
- D. *Rather, the reason is that, even what is outside is comparable to what is inside the veils and is prohibited* [Cohen: because the veils do not partition off the idol but serve only for reasons of decency, since the worship takes an immodest form.]

I.1 raises a familiar question. II.1 proceeds to an exegesis in light of I.1, and III.1, IV.1 do the same. No. 2 then goes over the matter in more general terms.

### 4:3

- A. **An idol which had a garden or a bathhouse —**
- B. **They derive benefit from them [when it is] not to the advantage [of the temple],**
- C. **but they do not derive benefit from them [when it is] to the advantage [of the temple].**
- D. **If it belonged both to the idol and to outsiders, they derive benefit from them whether or not it is to the advantage [of the temple].**

### 4:4A-B

- A. **An idol belonging to a gentile is prohibited forthwith [when it is made].**
- B. **And one belonging to an Israelite is prohibited only after it will have been worshipped.**

- I.1** A. [...not to...advantage...but they do not derive benefit from them when it is to...advantage:] said Abbaye, “‘Advantage’ refers to the advantage of the priests [to whom a fee would be paid], and ‘not...advantage’ means, not to the advantage of the priests. *This then excludes the case in which the payment is made to those who worship the idols, in which case it is a permitted arrangement.*”
- B. *There are those who repeat this Tannaite interpretation with reference to the concluding part of the same rule: **If it belonged both to the idol and to outsiders, they derive benefit from them whether or not it is to the advantage [of the temple].***

C. Said Abbayye, “‘Advantage’ refers to the advantage of the outsiders [to whom a fee would be paid], and ‘not...advantage’ means, not to the advantage of the priests.”

D. *One who repeated this clarification all the more so would apply it to the opening clause of the Mishnah, but one who applied it to the opening clause of the Mishnah would not assign the same rule to the concluding clause, for, since there are outsiders who share ownership with the idol, it would be all right to make payment even to the priests.*

## **II.1 A. An idol belonging to a gentile is prohibited forthwith [when it is made]:**

B. *Who is the authority behind this anonymous rule?*

C. *It is R. Aqiba, for it has been taught on Tannaite authority: “‘You shall destroy all the places in which the nations served’ (Deu. 12: 2) — Scripture refers to the utensils that were used for idolatry. Might one suppose that if the utensils were made but not completed, completed but not presented, presented to the idol but not used, they are likewise forbidden? Scripture states, ‘wherein the nations served,’ meaning, they are forbidden only when they have been used in worship. Therefore it is said, **An idol belonging to a gentile is prohibited only when it has been worshipped. And one belonging to an Israelite is prohibited forthwith [when it is made],**” the words of R. Ishmael.*

D. But R. Aqiba says, “Matters are just the opposite, namely: **An idol belonging to a gentile is prohibited forthwith [when it is made]. And one belonging to an Israelite is prohibited only after it will have been worshipped.**”

## **II.2 A. A master has said, “‘You shall destroy all the places in which the nations served’ (Deu. 12: 2) — Scripture refers to the utensils that were used for idolatry”:**

B. *But the verse refers to “places” [and not to utensils]!*

C. If it does not pertain to places, which are not forbidden, in line with the verse, “Their gods upon the high mountains,” not “their mountains that are their gods,” **[52A]** then apply it to the matter of utensils.

D. On that basis sages have said, “**An idol belonging to a gentile is prohibited only after it will have been worshipped. And one belonging to an Israelite is prohibited forthwith [when it is made].**”

E. *But we have interpreted the verse to refer to utensils, not to idols!*

- F. Scripture has said, “Which you shall possess their gods” (Deu. 12: 2) — Scripture thus treats as analogous their gods and utensils. Just as utensils are prohibited only after they have been worshipped, so their gods likewise are prohibited only after they have been worshipped.
- G. *And R. Aqiba, who does not draw that analogy, will say to you, “The accusative particle, et, interrupts the presentation [Cohen: and so ‘places,’ utensils, is distinct from ‘their gods,’ and no analogy is drawn which would disprove his contention that the idol of an idolator is prohibited forthwith].”*
- H. *Now as to the position of R. Ishmael, we have found a basis in Scripture for his view that an idol belonging to a gentile is forbidden only after it will have been worshipped, but as to one belonging to an Israelite’s being forbidden forthwith, what is the basis for that position?*
- I. *It is a matter of logic: If, when it belongs to a gentile, it is forbidden only after it has been worshipped, then if it belongs to an Israelite, it should be forbidden right away.*
- J. *But might I say that that belonging to an Israelite would in no way be forbidden under any circumstances?*
- K. *Now if it has to be buried away from all view, is there any question that it is forbidden as well?*
- L. *But might one not say that it will be classified precisely as is an idol belonging to a gentile [and treated by the same rule]?*
- M. Scripture has said, “And I took your sin, the calf that you had made” (Deu. 9:21) — from the very moment at which the calf was made, *it was classified as a sin.*
- N. *But might I say that that statement serves to classify the person who has made the calf or worshipped it as having sinned. But the idol itself might not have been subjected to a prohibition [until it was actually worshipped]?*
- O. Scripture has said, “Cursed be the man who makes a graven or molten image” (Deu. 27:15) — from the moment that the thing is made, the curse applied.
- P. *But might I say that that statement serves to classify the person who has made the calf or worshipped it as having been cursed. But the*

*idol itself might not have been subjected to a prohibition [until it was actually worshipped]?*

- Q. *What is written is, “an abomination to the Lord” (Deu. 27:15) [which is, of course, forthwith].*
- R. *And as to R. Aqiba [who regards the Israelite’s idol as prohibited only after it has been worshipped, how does he deal with the same phrase]?*
- S. *The idol is something that leads to an abomination [when it has been worshipped].*
- T. *And how on the basis of Scripture does R. Aqiba know that an idol belonging to a gentile is forbidden forthwith?*
- U. *Said Ulla, “Said Scripture, ‘The graven images of their gods you shall burn with fire’ (Deu. 7:25) — as soon as they have been made into graven images, they are deemed to be gods.”*
- V. *And the other party?*
- W. *He requires that verse to make the point that has been made as a Tannaite version by R. Joseph, for R. Joseph repeated as a Tannaite version, “How on the basis of Scripture do we know that a gentile is the one to nullify his god? As it is said, ‘The graven images of their gods you shall burn with fire’ (Deu. 7:25).” [Cohen: So long as they are graven images they are gods; when he has damaged them, they are no longer gods.]*
- X. *And the other party?*
- Y. *He derives that same fact from Samuel, for Samuel contrasted verses in the following manner: “It is written, ‘You shall not covet the silver or the gold that is on them’ and, further, ‘you shall take it to you’ (Deu. 7:25) — how to harmonize the verse? When the gentile makes it into a god, do not covet it, but when he has nullified it so that it is no longer a god, then you may take it for yourself.”*
- Z. *Now as to R. Aqiba, we have found the proof that an idol belonging to a gentile is forbidden forthwith. But how on the basis of Scripture does he know that one belonging to an Israelite is forbidden only once it will have been worshipped?*
- AA. *Said R. Judah, “Said Scripture, ‘...and sets it up in secret’ (Deu. 27:15) — one is liable to the curse only after he has done with it things that are best done in secret.”*
- BB. *And [how does] the other party [deal with this verse]?*



- CC. *He makes use of it in accord with that which R. Isaac said, for said R. Isaac, "How on the basis of Scripture do we know that an idol belonging to an Israelite has to be hidden away? As it is said, '...and sets it up in secret' (Deu. 27:15)."*
- DD. *And the other party?*
- EE. *He derives that rule in line with what R. Hisda said Rab said, for said R. Hisda said Rab, "How on the basis of Scripture do we know that an idol belonging to an Israelite has to be hidden away? As it is said, 'You shall not plant for yourself an asherah of any kind of tree beside the altar' (Deu. 16:21) — just as the altar [when no longer used in the Temple] has to be hidden away, so an asherah has to be hidden away."*
- FF. *And the other party?*
- GG. *He requires that verse in line with that which R. Simeon b. Laqish has said, for said R. Simeon b. Laqish, "Whoever appoints in Israel a judge who is unworthy is as though he had planted an asherah in Israel, as it is said, 'Judges and officers you shall appoint for yourself in all your gates' (Deu. 16:18), and, in the same context, 'You shall not plant for yourself an asherah of any kind of tree beside the altar' (Deu. 16:21)."*
- HH. *Said R. Ashi, "And in a situation in which there are disciples of sages available, it is as though he had planted it right beside the altar, as it is said, 'beside the altar' (Deu. 16:21)."*

**II.3** A. R. Hamnuna raised the question, "If one has riveted a broken utensil to an idol, what is the law?"

- B. *An idol belonging to whom? If it was an idol belonging to a gentile, then both R. Ishmael and R. Aqiba take the view that these are appurtenances of idolatry, and appurtenances of idolatry are forbidden only after they have been used. It must therefore be an idol belonging to an Israelite.*
- C. *Then according to whose position shall the position be decided? If I say, according to R. Aqiba, since the idol is prohibited only once it has been worshipped, then likewise can there be any question that the appurtenances have to be worshipped before the prohibition can apply? And if it is according to R. Ishmael, who takes the position that an idol belonging to an Israelite is forbidden forthwith, then what is the question?*

- D. *The question is, Do we draw an analogy for the appurtenances of an Israelite's idol from those that belong to a gentile's idol? Just as, in the case of the latter, they are prohibited only when they will have been used, so with the former, they are prohibited only when they will have been used. Or perhaps we draw an analogy to the idol itself, so that, just as an Israelite's idol is prohibited forthwith, so the appurtenances belonging to it are prohibited forthwith.*
- E. *But then how come the question is raised with reference to riveting the utensil? Why not ask about actually making the utensil?*
- F. *The reason R. Hammuna phrased the question in this manner is on account of the issue of uncleanness that had already inhered in the appurtenances, in line with that which we have learned in the Mishnah: **Metal utensils — their flat parts and their receptacles are susceptible to uncleanness. [If] they have been broken, they have been purified. [If] one went and made of them [new] vessels, they have returned to their former uncleanness [M. Kel. 11:1A-D].** Now this is the question that he proposed to raise: When the utensil reverts to its former uncleanness, that concerns uncleanness that is decreed by the Torah, but as to uncleanness that derives only from the authority of rabbis, that is not the case, or perhaps there is no difference?*
- G. *But if that is the issue, he should have raised the question in regard to a variety of other rabbinically ordained sources of uncleanness [and not only that pertaining to an idol]!*
- H. *What he raised as his question was one question within another, specifically, Does uncleanness that is decreed only on rabbinical authority return, or does it not return? And if you maintain that it does not return, then do rabbis treat as equivalent to uncleanness decreed by the Torah the uncleanness that rabbis have decreed for an idol, by reason of imposing a more strict rule on the idol, or do they not treat it as analogous?*
- I. *The question stands.*

**II.4** A. R. Yohanan raised the question to R. Yannai: “As to that which has been offered to an idol, consisting of food, what is the law? Does the act of nullification of the idol serve to purify them of the uncleanness affecting them or not?”

B. But why should he not raise the question of utensils [not only food]?

C. He had no question in mind with regard to utensils, for these can be subjected to a process of purification in an immersion pool, so, therefore, the uncleanness affecting them through idolatry also can be nullified. But he raises his question about food that has been offered to an idol [which cannot be purified through an immersion pool].

D. But he might as well raise the question in respect to food that itself has been worshipped as an idol!

E. Food that itself has been worshipped as an idol posed no problem to him, **[52B]** since when the prohibition affecting it has been nullified, the uncleanness affecting it likewise has been nullified. What he asks, then, is about food that has been offered to an idol. What is the law? Since the prohibition affecting it, in the view of R. Giddal, can never be nullified, perhaps it follows that the uncleanness affecting it likewise can never be nullified? Or perhaps while what is prohibited by the Torah can never be nullified, the uncleanness affecting it, which derives only from the authority, can be nullified?

F. The question stands.

**II.5** A. R. Yosé b. Saul asked Rabbi, “As to utensils that were used in the temple of Onias, what is the law as to making use of them in the house of the sanctuary?”

B. Now he formulated this question within the premise of him who has said that the temple of Onias was not a shrine to idolatry. For we have learned in the Mishnah: **The priests who served in the House of Onias are not to serve in the sanctuary in Jerusalem. And one need not say [that this applies to those who have served] for another matter [idolatry], as it is said, “Nevertheless the priests of the high places came not up to the altar of the Lord in Jerusalem, but they ate unleavened bread among their brethren (2Ki. 23: 9) [M. Men. 13:11K-M].** Now was it the priests in particular to whom rabbis have applied a sanction, for they are entirely sentient beings who know just what they were doing, but utensils were not subjected to such a sanction, or perhaps there is no difference?

C. He said to him, “They are forbidden [as much as are the priests], and we had identified a proof-text for that proposition, but we have forgotten it.”

- D. *He objected*, “Moreover all the utensils that King Ahaz in his reign cast away when he trespassed we have prepared and sanctified’ (2Ch. 29:19) — *does not ‘we have prepared’ mean, ‘we have immersed them in an immersion pool to purify them, and ‘we have sanctified’ means that we have made them holy again* [Cohen: so utensils used for idolatry can be purified and used in the sanctuary, how much the more so those belonging to the temple of Onias!].”
- E. *He said to him*, “Blessed are you by Heaven itself, for you have restored to me what I have lost. ‘We have prepared’ means, we have hidden them away; ‘and we have sanctified,’ means that we have substituted others for them.”
- F. *May one say that the following supports Rabbi’s position?* **[Four offices were in the room of the hearth, like cells opening into a hall, two in the sanctuary, two in unconsecrated ground, and flagstones’ ends made a border between what was consecrated [in the area of the courtyard] and what was unconsecrated [north of the room of the hearth]. And what were their purpose? That on the southwestern side was the office for the lamb offerings. That on the southeastern side was the office for those who make the showbread.] In that on the northeastern side did the Hasmonaeans put away the stones of the altar which had been rendered abominations by the kings of Greece. Through that on the northwestern side do they go down to the room for immersion [M. Mid. 1:6A-G].** In this connection R. Sheshet observed, “They had been made abominable by idolatry.”
- G. *[No, Rabbi can gain no support from that rule, for]* said R. Pappa, “*In that case, a verse of Scripture turned up, which they expounded, for it is written, ‘shall enter into it and profane it’ (Eze. 7:22) — so the Hasmonaeans said, ‘What shall we do? Shall we break them? But the All-Merciful has said that they are to be whole stones (Deu. 27: 6). Shall we saw them [after breaking them, to make them level]? The All-Merciful has said, ‘You shall not lift an iron tool upon them’ (Deu. 27: 5).’*”
- H. *But why did they not have them broken [by a gentile, so nullified] and then take them for their own benefit? Did not R. Oshaia say*, “Said R. Oshaia, “They wanted to hide away all of the silver and gold in the world, on account of the silver and gold of Jerusalem [Miller & Simon, *Bekhorot*: so as not to confuse those belonging to gentiles with those in the Temple

treasury, which were holy and not to be used by strangers], until they turned up a verse of the Torah indicating that it is permitted to use those belonging to gentiles, for Scripture says, 'For the robbers shall enter into it and profane it' (Eze. 7:22) [Miller & Simon, *Bekhorot*: indicating that when robbers came and took Temple money they profaned the money, and the coins belonging to the Temple as such are not sanctified]."

- I. *And in this connection we produced the following reflection: but does Jerusalem constitute the greater part of the world [that we should contemplate prohibiting use of silver and gold for fear of using that of Jerusalem]?*
- J. Rather, said Abbayye, "They wanted to hide away *the Hadrianic and Trajanic denars which were restamped*, on account of the coinage of Jerusalem, until they turned up a verse of the Torah indicating that it is permitted to use those belonging to gentiles, for Scripture says, 'For the robbers shall enter into it and profane it' (Eze. 7:22)."
- K. *There [in the case of the coins] they of course had never been used in the Temple service, but here, in the case of the altar stones, since they had been used in the Temple service, it would have been deemed disrespectful later on to use them for secular purposes.*

I.1 clarifies a question left open in the Mishnah. II.1 identifies the source for the anonymous rule. No. 2 presents a long and elaborate footnote to No. 1. No. 3 goes on to yet a tertiary expansion of the same already protracted discussion. No. 4, free-standing but connected with good reason to the foregoing, then continues the line of inquiry just now begun. No. 5 is tacked on for both formal and conceptual considerations.

#### 4:4C-F

- C. **A gentile has the power to nullify an idol belonging either to himself or his fellow gentile.**
- D. **But an Israelite has not got the power to nullify an idol belonging to a gentile.**
- E. **He who nullifies an idol has nullified its appurtenances.**
- F. **[If] he nullified [only] its appurtenances, its appurtenances are permitted, but the idol itself [remains] prohibited.**

- I.1** A. Rabbi repeated the Mishnah to R. Simeon the son of Rabbi: “A gentile has the power to nullify an idol belonging either to himself or his fellow gentile.”
- B. He said to him, “My lord, you have repeated it for us in your youth in the following language: a gentile may nullify an idol belonging to himself or to an Israelite.”
- C. *But can the idol of an Israelite ever be nullified, since it is written, “and sets it up in secret” (Deu. 27:15) [so an idol belonging to an Israelite can never be nullified]!”*
- D. *Said R. Hillel b. R. Vallas, “The rule is required for the case in which there is a partnership in control of the idol.”*
- E. *Now in his youth what had Rabbi been thinking, and in his old age what had he been thinking?*
- F. *In his youth his reasoning was, the Israelite worships the idol on account of the intentionality of the gentile, so that when the gentile nullified the idol for himself, he nullified it also for the Israelite. But in his old age his reasoning was, the Israelite worships the idol on his own account, so that when the heathen nullified the idol, he did so for himself, but not for the Israelite.*
- G. *There are those who read the statement of R. Hillel b. R. Vallas with reference to the concluding clause of the same Mishnah paragraph, namely, **But an Israelite has not got the power to nullify an idol belonging to a gentile.***
- H. *But that statement is self-evident!*
- I. *Said R. Hillel b. [53A] R. Vallas, “The rule is required for the case in which there is a partnership in control of the idol. And so the rule is formulated to tell us that it is an Israelite who has not got the power to nullify the part of an idol held in partnership that belongs to a gentile, but a gentile can nullify the part that belongs to himself.”*
- J. *And there are those who repeat the statement with reference to the following external Tannaite version: **R. Simeon b. Menassia says, “An idol belonging to an Israelite — it is never subject to nullification under any circumstances” [T. A.Z. 5:7].***
- K. *What is the meaning of “under any circumstances”?*
- L. *Said R. Hillel b. R. Vallas, “The rule is required for the case in which there is a partnership in control of the idol. And so we are informed that when the Israelite worships the idol, it is on his own account.”*

I.1 clarifies the formulation of the Mishnah rule, and, in so doing, introduces a variety of issues that can serve as the operative consideration behind the rule.

## 4:5

- A. How does one nullify it?
- B. [If] he has cut off the tip of its ear, the tip of its nose, the tip of its finger,
- C. [if] he battered it, even though he did not break off [any part of] it,
- D. he has nullified it.
- E. [If] he spit in its face, urinated in front of it, scraped it, threw shit at it, lo, this does not constitute an act of nullification.
- F. [If] he sold it or gave it as a pledge on a loan —
- G. Rabbi says, “He has nullified it.”
- H. And sages say, “He has not nullified it.”

**I.1** A. How does one nullify it? [If] he has cut off the tip of its ear, the tip of its nose, the tip of its finger...:] *But since one does not diminish the [volume of material of the idol], exactly how does one nullify it?*

- B. Said R. Zira, “Because he defaces it [so it no longer looks like an idol (Cohen)].”

**II.1** A. [If] he spit in its face, urinated in front of it, scraped it, threw shit at it, lo, this does not constitute an act of nullification:

- B. *What is the scriptural source for this rule [that these gestures of disrespect do not constitute acts of nullification of the idol?]*
- C. Said Hezekiah, “It is that Scripture has said, ‘And when they shall be angry, they shall fret themselves and curse their king and their god and turn their faces upward’ (Isa. 8:21), and then, ‘they shall look to the earth and behold distress and darkness’ (Isa. 8:22). Even though he may curse his king and his god and turn his face upward, still he looks to the earth [Cohen: and resumes his idolatry; his repudiation of the idol is only the effect of momentary exasperation].”

**III.1** A. [If] he sold it or gave it as a pledge on a loan — Rabbi says, “He has nullified it.” And sages say, “He has not nullified it”:

- B. Zeiri said R. Yohanan, and R. Jeremiah bar Abba said Rab:
- C. One said, “The dispute concerns the case of [selling or giving it to] a gentile smelter [who may worship the idol, not melt it], but if it was to an Israelite smelter, all parties concur that that is an act of nullification.” [The gentile assumes he will destroy the idol.]
- D. And the other said, “The dispute concerns handing it over to an Israelite smelter.” [Rabbis maintain that the idol is not nullified.]

- E. *The question was raised:* “Is the dispute concerning an Israelite smelter, so that, in the case of a gentile smelter, all parties concur that the gentile has not nullified the idol? *Or perhaps, one way or the other, there is a dispute?*”
- F. *Come and take note:* For said Rabbi, “My opinion is more plausible in a case in which one has sold the idol to be broken up, but the position of my colleagues is more plausible in a case in which he has sold it to be worshipped.”
- G. *Now what is the meaning of* “to be broken up,” *and what is the meaning of, “to be worshipped?”* *If one should wish to maintain that “to be broken up” means literally that, or “to be worshipped” means literally that, then in the one case, what is the operative consideration of the one who has said, “he has nullified it,” and in the other case, what is the operative consideration of the one who has said that he has not nullified it? Rather, is it not the case that the sense of to be broken up is, he has sold it to one who is going to break it up, and who is that if not an Israelite smelter, and the sense of to be worshipped is to refer to one who is going to worship it, and who is that if not a gentile smelter? Then the inference is that, one way or the other, there must be a dispute!*
- H. *No, this is the sense of the matter:* Said Rabbi, “My opinion is more plausible in a case in which one has sold the idol to be broken up, — and who might that be? It is an Israelite smelter. For my colleagues differ from me only in a case in which he has sold it to be worshipped, but if it was to be broken up, they agree with me [that the idol has been nullified].”
- I. *An objection was raised:* He who purchases scrap metal from a gentile and found in it an idol, if the purchaser had made formal acquisition through the rite of drawing an object to himself prior to having turned over the money, he may return the purchased metal. But if this was after he had given over the money, he has to toss it into the Salt Sea [and may not return the idol and get his money back. But the point is, since the purchaser has to throw away the idol, it is assumed that the seller has not nullified it.] *Now if you maintain that the dispute concerns an Israelite smelter, then who is represented here? It is rabbis* [who hold that even if the gentile has sold the idol, he has not nullified it]. *But if you maintain that the dispute above concerns a*



*gentile, but in the case of an Israelite, all parties concur that by selling the idol the gentile has nullified it, then who in the world can be represented by the passage just now cited!?*

- J. *The case before us is exceptional, for the gentile sold the idol thinking it was merely scrap metal, and he did not sell the idol thinking that it was still a valid idol at all.*

**III.2** A. *Our rabbis have taught on Tannaite authority:*

- B. If a gentile borrowed money using the idol as collateral, or [in an earthquake] ruins fell on it [and he does not dig it out], or if robbers stole it, or if the owner left it and went overseas, [53B] if they are going to return to claim it, as in the war fought by Joshua [against the Amorites], it is not nullified.

- C. *And all of these examples were required. For if the Tannaite authority had mentioned only the case of borrowing money using the idol as collateral, one might have thought that since he had not sold it, he had not nullified it. But in the case of a ruin's falling over it, since he did not try to dig it out, I might have supposed that he had intended thereby to nullify it. And if the Tannaite authority had repeated only the case of the ruin's falling on the idol, it is because he had reasoned that he would leave it there, since whenever he wanted it, he could come and take it. But in the case of theft by robbers, in which case he had not gone after it, he has nullified it. So both cases were required. And if the Tannaite authority had repeated only the case of the idol's being stolen by robbers, it is because the owner thought that, if he is a gentile that has taken it, then he will certainly worship it, and if it was an Israelite that has taken it, since it is valuable, he will sell it to a gentile who will worship it. But in a case in which the owner has left it and gone overseas, since they did not take it with them, they may have then intended actually to nullify it. So these cases were required.*

- III.3** A. [With reference to the clause, "If they are going to return to claim it, as in the war fought by Joshua against the Amorites, it is not nullified":] *But in the war fought by Joshua, did they actually return [that this should serve as an illustration]?*

- B. *This is the sense of the matter:* If the owners have the intention of coming back, then it is like the war fought by Joshua, so there is no nullification [and the idol would have to be destroyed, just as everything captured in the war against the Amorites had to be destroyed, so Jos. 6:19 (Cohen)].
- C. *But why compare the matter to the war waged by Joshua?*
- D. *The author of the passage thereby inserts an additional piece of information en passant, specifically, in line with that which said R. Judah said Rab, “An Israelite who set up a brick to worship but did not worship it, and a gentile came along and worshipped it, — the brick is forbidden [and cannot be nullified, despite the general principle that one cannot impart a prohibition to something that is not his own property (Cohen)].”*

**III.4** A. *How do we know that it is forbidden [even though it is not his property]?*

- B. Said R. Eleazar, “It is to be compared to the beginnings of the Land of Israel, for the All-Merciful has said, ‘And burn their *asherim* with fire’ (Deu. 12: 3). Now this is an inheritance that had come to them from their ancestors, and yet in general someone cannot impart a prohibition upon what does not belong to him [so how could the *asherim* have been prohibited, if they belonged to the Israelites?] [That proves that the brick is forbidden even though it does not belong to the gentile who has worshipped it.] *And if one supposes that the operative consideration was because of those asherim that had existed originally, prior to the promise to the patriarchs, then just an act of nullification should have sufficed [and the Israelites should not have had to burn them down].*
- C. *Rather, since the Israelites had worshipped the golden calf, they revealed their mind-set, that idolatry was something that appealed to them, so when idolators came and worshipped the asherim, they acted in accord with the Israelites’ own wishes. So too, when the Israelite set up the brick, he revealed his mind-set, that idolatry was something that appealed to him, so when the gentile came along and worshipped it, he was carrying out the wishes of the other.*

- D. *But perhaps in the case of the golden calf, the Israelites' desire was for that and nothing else?*
- E. No, Scripture says, "These are your gods, Israel" (Exo. 32: 4) — which teaches that they really lusted after many gods.
- F. *Then why not draw the conclusion that all the asherim that had existed at the time of the golden calf are forbidden, but those planted later on are permitted?*
- G. *Sure, sure, and who knows the difference?*

The basic theory of the matter is set forth at I.1: changing the idol's appearance, not diminishing its matter. II.1 asks the usual question: the scriptural source for the Mishnah's rule. III.1 sets forth what is at issue in the Mishnah's authorities dispute. No. 2 proceeds to a Tannaite amplification of the issue at hand. No. 3 is a footnote to No. 2. No. 4 is a footnote to No. 3. But the point that it makes on its own is critical to the entire law before us.

#### 4:6

- A. **An idol, the worshippers of which have abandoned it in time of peace, is permitted.**
- B. **[If they abandoned it] in time of war, it is forbidden.**
- C. **Idol pedestals set up for kings — lo, these are permitted,**
- D. **since they set [images up on them only] at the time kings go by.**

**I.1** A. Said R. Jeremiah bar Abba said Rab, "The Temple of Nimrod [the Tower of Babel] lo, it is in the classification of **an idol, the worshippers of which have abandoned it in time of peace, and so it is permitted.**

- B. *"For, even though when the All-Merciful scattered them, it was as though it were a time of war, had they wished to come back and lay claim they could have done so; since they did not return, they must have nullified the idol."*

**II.1** A. **Idol pedestals set up for kings — lo, these are permitted:**

- B. *Is it the fact that, merely since they set [images up on them only] at the time kings go by, they are permitted?!*
- C. Said Rabbah bar bar Hana said R. Yohanan, *"This is the sense of the statement: since they set [images up on them only] at the time kings go by, and since kings may leave off this road and taken another road [these are not necessarily in the service of the idol, but rather to honor the king]."*

- II.2** A. *When Ulla came, he went into session on a damaged pedestal. Said R. Judah to Ulla, “Now lo, both Rab and Samuel have said, ‘A damaged pedestal is forbidden.’ And even in line with the position of him who has said, ‘Gentiles do not worship the sherds of idols,’ that ruling pertains in particular to an idol because it is a humiliating matter to worship sherds, but, in this case, one does not care [whether or not it is damaged; an idol can still be put there.]”*
- B. *He said to him, “Would that someone would give me the dust of the graves of Rab and Samuel, that I might fill my eyes with it!”*
- C. *Both R. Yohanan and R. Simeon b. Laqish say, “A damaged pedestal is permitted.”*
- D. *And even in line with the position of him who has said, ‘Gentiles do worship the sherds of idols,’ that ruling pertains in particular to an idol, for, since they worship it, they would deem it a humiliation to nullify it. But as to pedestals, they may take them and throw them out when they are damaged and replace them.*
- E. *It has been taught on Tannaite authority in line with the position of R. Yohanan and R. Simeon b. Laqish: A damaged pedestal is permitted, a damaged altar is prohibited until the greater part of it has been knocked down.*

- II.3** A. *What differentiates a pedestal from an altar [so that we know which is for a base, which for offerings]?*
- B. *Said R. Jacob bar Idi said R. Yohanan, “A pedestal is a single stone, an altar, many stones.”*
- C. **[54A]** *Said Hezekiah, “What verse of Scripture makes this point? ‘When he makes all the stones of the altar as chalkstones that are beaten in two, so that the Asherim and the sun images shall rise no more’ (Isa. 27: 9) — when the altar is like ‘chalkstones that are beaten in two,’ then ‘the Asherim and the sun images shall rise no more,’ but otherwise, they will rise again.”*

- II.4** A. *It was repeated as a Tannaite version:*
- B. *[An animal that] was worshipped — if it belonged to the one who did the worshipping, it is forbidden; if it belonged to someone else, it is permitted.*
- C. *And an objection was raised from the following teaching: **What is one which has been worshipped? Any one which people worship, whether inadvertently or deliberately, whether forced or voluntarily [T. 5:10A-B].** Now how are we to define this reference to inadvertent worship? Is it not a case in which one has forcibly seized the beast of one’s fellow so as to bow down to it?*

- D. *Said R. Ammi bar Hama, "No, it is a case in which gentiles forced him to bow down to his own beast."*
- E. *To this R. Zira objected, "If it is a case of one's acting under compulsion, the All-Merciful has exempted him from all sanction, as it is written, 'To the girl you shall do nothing' (Deu. 22:26)."*
- F. *Rather, said Raba, "All actions [under compulsion, voluntary alike] were subject to the rule, 'nor shall you serve them,' (Exo. 20: 5), and when Scripture specifies, 'he shall live by them' (Lev. 18: 5), and not die by them, it excludes the one who acts under compulsion. Thereafter, the All-Merciful further stated, 'And you shall not profane my holy name' (Lev. 22:32), meaning, not even under compulsion. How are all these to be reconciled? The former refers to an act done in private, the latter, to an act done in public."*
- G. *Said rabbis to Raba, "It has been taught on Tannaite authority in support of your position: Pedestals of gentiles set up in the time of the repression, even though the repression has been annulled, have not been nullified."*
- H. *He said to them, "If it is on that count, the teaching hardly supports us, for I might say that there was an Israelite apostate who voluntarily worshipped them."*
- I. *R. Ashi said, "Do not say, 'I might say,' since there certainly must have been an Israelite apostate who voluntarily worshipped them."*
  - J. *[Explaining how one's animal has been worshipped under compulsion,] Hezekiah said, "For example, one poured out a libation offering to an idol on the horns of the animal belonging to his neighbor."*
  - K. *To this illustration objected R. Adda bar Ahbah, "This is a case in which the animal has been worshipped? It has merely served as a pedestal, and is permitted."*
  - L. *Rather, said R. Ada bar Ahba, "For example, one poured out a libation offering to an idol between the horns of his neighbor's beast, so that he has performed an act of worship on it."*
  - M. *And along these same lines, when Ulla came, he said R. Yohanan [said], "Even though they have said, 'He who bows down to his fellow's beast has not thereby forbidden it, if he actually did a deed, he has forbidden it.'"*
  - N. *Said R. Nahman to them, "Go out and tell Ulla, 'R. Huna has already set forth your tradition in Babylonia.' For said R. Huna, 'If one's beast was crouched before an idol, once one has cut a single neck vein in it, he has rendered it prohibited.'"*

- O. *How do we know that he has rendered it prohibited?*
- P. *If one should say, we know it from the priests, then perhaps priests form an exceptional case, since they are entirely sentient beings. [Cohen: They could have fled rather than act as they did; 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?] And if one should say, the rule derives from the case of the stones of the altar [stored away by the Hasmonaeans after they had been desecrated,] perhaps that is as R. Pappa has explained.*
- Q. **[54B]** *Rather the rule derives from the analogy to utensils [belonging to the sanctuary]. For it has been written, "Moreover all the utensils that King Ahaz in his reign cast away when he trespassed we have prepared and sanctified" (2Ch. 29:19). And a master has said, "'We have prepared' means, 'we have hidden them away; 'and we have sanctified,' means that we have substituted others for them." Now lo, someone does not impart a prohibition on something that is not his own. But since a deed had actually been done to them, they were forbidden. Here, too, since a deed has actually been done to the beast, it has been rendered forbidden.*

**II.5** A. *When R. Dimi came he said R. Yohanan [said], "Even though sages have said, 'He who bows down to the earth has not prohibited it, if he dug in the earth wells, pits, or caves [as an act of worship], he has indeed forbidden it."*

**II.6** A. *When R. Samuel bar Judah came, he said R. Yohanan [said], "Even though sages have said, 'He who bows down to an animate creature has not forbidden it, if he traded them for an idol, he has forbidden them."*

**II.7** A. *When Rabin came, he said, "There was a dispute in this matter between R. Ishmael b. R. Yosé and rabbis. One party said, 'While what has been exchanged for an idol is forbidden, what has been exchanged for what has been exchanged for an idol is permitted.' The other said, 'Even what has been exchanged for what has been exchanged for an idol also is forbidden.'"*

B. *What is the scriptural basis for the position of him who has said, "'Even what has been exchanged for what has been exchanged for an idol also is forbidden"?*

- C. Scripture has said, “And become a devoted thing like it” (Deu. 7:26) — anything that you bring into being from a devoted thing — lo, it is classified like it.
- D. *And the other party?*
- E. Scripture has said, “It is a devoted thing” (Deu. 7:26) — it is a devoted thing, but what has been exchanged for what has been exchanged for an idol is not a devoted thing.
- F. *And how does the other party explain the verse, “And become a devoted thing like it” (Deu. 7:26)?*
- G. *He requires it to exclude from the law orlah produce and mixed seeds in a vineyard [which are prohibited for use, so that if one sold them and betrothed a woman with the proceeds, she is sanctified.*
- H. *And the other party?*
- I. *It is not necessary to find a verse of Scripture to exclude from the rule [that anything given in exchange for what is forbidden is forbidden], since in the context of idolatry and also the Sabbatical Year, we find two verses of Scripture with the same purpose [and the law is given twice in such similar terms that one can have been deduced by analogy from the other (Cohen)], and in any case in which we find two verses of Scripture with the same purpose, we draw no further deduction [applying the rule in those two texts to some other subject besides what is specified in those two texts].*
- J. *In respect to idolatry it is as we have just now said, [namely, Scripture has said, “And become a devoted thing like it” (Deu. 7:26) — anything that you bring into being from a devoted thing — lo, it is classified like it, and therefore even what has been exchanged for what has been exchanged for an idol also is forbidden].*
- K. As to the Sabbatical Year, it is written, “For it is a jubilee, it shall be holy unto you” (Lev. 25:12) — just as what is holy takes hold of the redemption money which therefore becomes subject to prohibition for secular use, so the Sabbatical Year, holy like the sanctuary, takes hold of redemption money [gotten by selling produce grown in the Sabbatical Year], which is consequently forbidden. If so, then may one argue that just as holiness takes hold of the redemption money so that the object

that is redeemed becomes secular, so, too, in the Sabbatical Year the holiness of that year should take hold of the money, and, in consequence, produce of that year which one has sold has been secularized? To the contrary, it is written, “It shall be holy,” meaning, it shall remain in the state of holiness. How so? [In line with the following passage of the Mishnah: **In the case of one who had sold produce of the Sabbatical Year, used the money received to purchase some other produce, and then exchanged this produce, in turn, for still other produce, the very last produce obtained in this manner is subjected to [the laws of] the Sabbatical Year, and the produce itself of the Sabbatical Year remains forbidden (M. Sheb. 8:7D-E)**], if one purchased with the proceeds of produce of the Sabbatical Year meat, these and these are subject to the laws of removal in the Sabbatical Year. If he bought fish with the meat, the meat ceases to be holy and the fish becomes holy; if he bought wine with the fish, the fish ceases to be holy and the wine becomes holy; if he bought oil with the wine, the wine ceases to be holy and the oil becomes holy. How so? **the very last produce obtained in this manner is subjected to [the laws of] the Sabbatical Year, and the produce itself of the Sabbatical Year remains forbidden (M. Sheb. 8:7D-E).**

- L. *And the other party* [who reads the verse, “And become a devoted thing like it” (Deu. 7:26) to mean that anything that you bring into being from a devoted thing — lo, it is classified like it, so that even what has been exchanged for what has been exchanged for an idol also is forbidden]?
- M. *He takes the view that where we find two verses of Scripture with the same purpose* [and the law is given twice in such similar terms that one can have been deduced by analogy from the other], *we do draw further deductions [applying the rule in those two texts to some other subject besides what is specified in those two texts], with the result that the phrase “for it is a devoted thing” is required to exclude from the law at hand the cases of the produce exchanged for orlah and mixed seeds in a vineyard, as set forth just now.*

I.1 begins with a rather tangential application of the Mishnah’s law. II.1 proceeds to the next clause of the Mishnah and clarifies its sense. No. 2 proceeds to a relevant precedent.



No. 3 provides a footnote to 2.E. No. 4 goes on to new Tannaite material, within the general theme at hand. Nos. 5, 6, 7 then proceed along the same lines to rules that carry forward the now-established principle and so are in principle continuous with the foregoing.

#### 4:7

- A. They asked sages in Rome, “If [God] is not in favor of idolatry why does he not wipe it away?”
- B. They said to them, “If people worshipped something of which the world had no need, he certainly would wipe it away.
- C. “But lo, people worship the sun, moon, stars, and planets.
- D. “Now do you think he is going to wipe out his world because of idiots?
- E. They said to them, “If so, let him destroy something of which the world has no need, and leave something which the world needs!”
- F. They said to them, “Then we should strengthen the hands of those who worship these [which would not be destroyed], for then they would say, ‘Now you know full well that they are gods, for lo, they were not wiped out!’”

**I.1** A. *Our rabbis have taught on Tannaite authority:*

- B. Philosophers asked sages in Rome, “[If] [God] is not in favor of idolatry, why does he not wipe it away?”
- C. They said to them, “[If] people worshipped something of which the world had no need, he certainly would wipe it away. But lo, people worship the sun, moon, and stars. Now do you think he is going to wipe out his world because of idiots? [M. 4:7A-D].
- D. “But let the world be in accord with its accustomed way, and the idiots who behave ruinously will ultimately come and give a full account of themselves.
- E. “Another matter: [If] one has stolen a seah of seeds for planting and gone and planted them in the ground, it is a matter of justice that they should not sprout. But let the world be in accord with its accustomed way, and the idiots who behave ruinously will ultimately come and give a full account of themselves.
- F. “Another matter: [If] one has had sexual relations with a married woman, it is a matter of justice that she should not give birth. “But let the world be in

**accord with its accustomed way, and the idiots who behave ruinously will ultimately come and give a full account of themselves” [T. A.Z. 6:7A-F].**

G. *That is in line with what* R. Simeon b. Laqish said, “Said the Holy One, blessed be He, ‘It is not sufficient for the wicked to make my coinage common, but they go on to give me the trouble of putting my seal on it” [Cohen: 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].

- I.2** A. A philosopher asked Rabban Gamaliel, “It is written in your Torah, ‘For the Lord your God is a devouring fire, a jealous God’ (Deu. 4:24). How come he is more jealous against the worshippers of the idol than against the idol itself?”
- B. He said to him, “I shall give you a parable. To what is the matter to be compared? To a mortal king who had a single son, and this son raised a dog for himself, which he called by his father’s name, so that, whenever he took an oath, he exclaimed, ‘By the life of this dog, my father!’ When the king heard, with whom was he angry? Was he angry with the son, or what he angry with the dog? One has to say it was with the son that he was angry.”
- C. [The philosopher] said to him, “Are you going to call the idol a dog? But there is some substance to it.”
- D. He said to him, “What makes you say so?”
- E. He said to him, “One time a fire broke out in our town and the entire town burned up, but that temple was not burned up.”
- F. He said to him, “I shall give you a parable. To what is the matter to be compared? To a mortal king against whom one of the provinces rebelled. When he makes war, with whom does he do it? With the living or with the dead? You must say it is with the living he makes war.”
- G. He said to him, “So you’re just calling it names — a dog, a corpse. In that case, then let him just destroy it out of the world.”
- H. **He said to him, “If people worshipped something of which the world had no need, he certainly would wipe it away. But lo, people worship the sun, moon, stars, and planets, brooks and valleys. Now do you think he is going to wipe out his world because of idiots? And so Scripture says, [55A] ‘Am I utterly to consume all things from off the face of the ground, says the Lord, am I to consume man and beast, am I to consume the bird of the heaven and the fish of the sea, even the stumbling blocks of the wicked’ (Zep. 1: 2) [in Cohen’s translation]. Now simply because the wicked stumble on account of**

these things, is he going to destroy them from the world? Don't they also worship the human being, 'so am I to cut off man from off the face of the ground'?"

**I.3** A. General Agrippa asked Rabban Gamaliel, "It is written in your Torah, 'For the Lord your God is a devouring fire, a jealous God' (Deu. 4:24). Is there jealousy, except on the part of a sage for another sage, on the part of a great athlete for another great athlete, on the part of a wealthy man for another wealthy man?"

B. He said to him, "I shall give you a parable. To what is the matter to be compared? To a man who married a second wife. If she is more important than she, she will not be jealous of her. If she is less than she, she will be jealous of her."

**I.4** A. *Zeno asked R. Aqiba, "In my heart and in your heart we both know that there is no substance whatsoever in idolatry. But lo, we see people go into a shrine crippled and come out cured. How come?"*

B. He said to him, "I shall give you a parable. To what is the matter to be compared? To a reliable person who was in a town, and all the townsfolk would deposit their money into his care without witnesses. One man came and left a deposit in his charge with witnesses, but once he forgot and left his deposit without witnesses. The wife of the reliable man said to him, 'Come, let us deny it.' He said to her, 'Because this idiot acted improperly, shall we destroy our good name for reliability?' So it is with troubles. When they send them upon a person, they are made to take the oath, 'You shall come upon him only on such-and-such a day, and you shall depart from him only on such-and-such a day, and at such-and-such an hour, through the medium of so-and-so, with such-and-such a remedy.' When it is time for them to take their leave, it just happened that the man went to a temple of an idol. So the afflictions plea, 'It is right and proper that we not leave him and go our way, but because this fool acts as he does, are we going to break our oath?'"

C. *That is in line with what R. Yohanan said, "What is the meaning of the verse of Scripture: 'And sore and faithful sicknesses' (Deu. 28:59) — 'sore' in their mission, 'faithful' to their oath."*

**I.5** A. *Raba b. R. Isaac said to R. Judah, "There is a temple to an idol in our locale. When there is need for rain, the idol appears in a dream and says to them, 'Kill someone for me and I shall bring rain.' So they kill someone for her, and she brings rain."*

- B. *He said to him, "If I were dead, no one could tell you this statement which Rab said, 'What is the meaning of the verse of Scripture, "...which the Lord your God has divided to all the peoples under the whole heaven" (Deu. 4:19)? [Since the letters of the word 'divided' may be read as 'smooth,' the verse means this:] this teaches that he made them smooth talkers, so as to banish them from the world."*
- C. *That is in line with what R. Simeon b. Laqish said, "What is the meaning of the verse of Scripture, 'Surely he scorns the scorers, but he gives grace to the lowly' (Pro. 3:34)? If someone comes along to make himself unclean, they open the gate for him. If he comes along to purify himself, they also help him do so."*

I.1 commences with Tosefta's complement. Nos. 2, 3, 4, 5 are tacked on for obvious reasons.

#### 4:8

- A. **They purchase from gentiles [the contents of] a wine press which has already been trodden out,**
- B. **even though [the gentile] takes [the grapes] in hand and puts them on the heap ["apple"],**
- C. **for it is not made into wine used for libations until it drips down into the vat.**
- D. **[And if wine has] dripped into the vat, what is in the cistern is prohibited,**
- E. **while the rest is permitted.**

#### 4:9

- A. **[Israelites] tread a wine press with a gentile [in the gentile's vat].**
- B. **[55B] but they do not gather grapes with him.**
- C. **An Israelite who prepares [his wine] in a state of uncleanness —**
- D. **they do not trample or cut grapes with him.**
- E. **But they do take jars with him to the wine press, and they bring them with him from the wine press.**
- F. **A baker who prepares bread in a state of uncleanness —**
- G. **they do not knead or cut out dough with him.**
- H. **But they may take bread with him to the dealer.**

**I.1** A. Said R. Huna, "Once wine has begun to flow, it may be turned into libation wine [by the appropriate act on the part of a gentile]."

- B. *But we have learned in our Mishnah paragraph: They purchase from gentiles [the contents of] a wine press which has already been trodden out, even though [the gentile] takes [the grapes] in hand and puts them on the heap ["apple"].*
- C. Said R. Huna, "The passage speaks of a wine press that is stoppered and full [so no one could run out; when the juice flows from the grapes, it remains on top, and the wine therefore must have been touched by the gentile and is consequently libation wine (Cohen)]."
- D. *Come and take note: For it is not made into wine used for libations until it drips down into the vat.*
- E. *Here, too, said R. Huna, "The passage speaks of a wine press that is stoppered and full [so no one could run out; when the juice flows from the grapes, it remains on top, and the wine therefore must have been touched by the gentile and is consequently libation wine (Cohen)]."*
- F. *Come and take note: [And if wine has] dripped into the vat, what is in the cistern is prohibited, while the rest is permitted.*
- G. *Said R. Huna, "There is no contradiction, for the one derives from the earlier version of the Mishnah, the other, from the later version, for it has been taught on Tannaite authority: At first they ruled, They do not gather grapes with a gentile [versus M. 4:9A]. And they do not press grapes with an Israelite who prepares his wine in a state of uncleanness [M. 4:9C-D], for it is forbidden to impart uncleanness in the Land of Israel to unconsecrated food; and they do not tread grapes together with an Israelite who works with his produce while in a condition of cultic uncleanness, for it is forbidden to assist transgressors; but they tread grapes with a gentile. And they do not then take account of the opinion of R. Huna. Then they reverted to rule: They do not tread grapes with a gentile, for the reason given by R. Huna, [56A] and they do not glean grapes together with an Israelite who works with his produce while in a condition of cultic uncleanness, how much the more so that they will not tread grapes; and they may glean grapes together with a gentile, since it is permitted to impart uncleanness to unconsecrated food in the Land of Israel [T. A.Z. 7:2A-C].*

## **II.1 A. For it is not made into wine used for libations until it drips down into the vat:**

- B. *But have we not learned in the Mishnah: [At what point after the harvest must tithes be removed from produce?] As to wine — after he skims [the scum*

from the fermenting juice in the receiving tank]. [Even though he has skimmed, he collects liquid from the upper vat where the grapes are trod and from the duct [which connects the latter to the receiving tank], and drinks without tithing]. [M. **Maaserot 1:7A-B**]? [That is, when the substances on the top of the wine at the time of fermentation are skimmed off, and this is a later stage than that mentioned in the Mishnah, so Cohen].

- C. *There is no contradiction, for the one represents the position of R. Aqiba, the other of rabbis, for it has been taught on Tannaite authority: Liquid is regarded as wine when it descends into the vat. R. Aqiba says, "When it has been skimmed off."*

**II.2** A. *The question was raised: Is it "skimming" of the wine while it is in the vat, or is it skimming of the wine when it is in the cask?*

- B. *Come and take note of what we have learned in the Mishnah: [At what point after the harvest must tithes be removed from produce?] As to wine, it is after he skims the scum from the fermenting juice in the receiving tank. Even though he has skimmed, he collects liquid from the upper vat where the grapes are trod and from the duct [which connects the latter to the receiving tank], and drinks without tithing [M. **Maaserot 1:7A-B**]. Does that not yield the implication that skimming in context is skimming while the wine is in the vat.*

- C. *It indeed yields that implication.*

- D. *But did not R. Zebid in the versions of the household of R. Oshaia repeat as a Tannaite statement: Liquid is regarded as wine when it descends into the vat and has been skimmed. R. Aqiba says, "When it has been drawn into casks"?*

- E. *The first statement is to be set forth also in line with the following, in this way: Liquid is regarded as wine when it descends into the vat and has been skimmed. R. Aqiba says, "When it has been drawn into casks." Now with respect to the statement of our Mishnah paragraph, for it is not made into wine used for libations until it drips down into the vat, one may then propose that there are three Tannaite versions on the matter [the liquid is wine when it descends into the vat; it is when it is skimmed in the vat; it is when it is drawn into casks, thus the Mishnah's, the rabbis', and Aqiba's positions].*

- F. *Not at all, for the case of libation wine is exceptional, in that rabbis have imposed on that case a more strict rule [the liquid is wine so far as libation is concerned*

as soon as it descends into the vat, but as to being susceptible to tithing, it must also have been skimmed (Cohen)].

- G. **[56B]** *And as to Raba, who makes no such distinction [between the definition of wine for purposes of tithing and wine subject to the category of libation wine, finding as he does a contradiction between our Mishnah's rule and the rule for tithes (Cohen)], he explains matters by appeal to the theory that there are three positions deriving from Tannaite authority on the matter of definition.*

**III.1 A. [And if wine has] dripped into the vat, what is in the cistern is prohibited, while the rest is permitted:**

- B. Said R. Huna, "That rule has been repeated only in the case in which one did not return the network [used as a strainer before the juice flows from the pipe into the vat] to the press, but if he returned it to the press, the whole is prohibited [even what is in the upper trough]."

C. *As to the network itself, on what grounds is it prohibited [if the gentile touched only the wine in the vat]?*

D. It is on account of the outflow [which connects what is in the vat network and in the lower vat and therefore conducts prohibited wine throughout].

E. *Does that yield the principle that the outflow forms a connector [between the vat from which the liquid flows and the vat into which it flows]?*

F. *Not at all, in line with that which R. Hiyya repeated as a Tannaite rule: "[In the case of a jar filled to the brim through a pipe, which has forced some of the liquor back into the cask (Cohen)], one's jar has forced the wine back." Here, too, his jar has forced the wine back.*

**IV.1 A. [Israelites tread a wine press with a gentile in the gentile's vat. but they do not gather grapes with him. An Israelite who prepares his wine in a state of uncleanness — they do not trample or cut grapes with him. But they do take jars with him to the wine press, and they bring them with him from the wine press. A baker who prepares bread in a state of uncleanness — they do not knead or cut out dough with him. But they may take bread with him to the dealer:] There was a youngster who repeated the Tannaite materials on idolatry at the age of six. He was asked, "What is the law on whether an Israelite tread grapes together with a gentile in a press?"**

- B. He said to them, “**An Israelite may tread grapes together with a gentile in a press.**”
- C. *“But when the latter touches the wine, he renders it libation wine.”*
- D. *“His hands are tied up.”*
- E. *“But he renders the wine libation wine by the touch of his feet.”*
- F. *“Wine touched by a gentile’s feet is not categorized as libation wine.”*

**IV.2** A. *There was an incident in Nehardea, in which an Israelite and a gentile pressed out wine together. Samuel protracted for three months [before making his ruling].*

- B. *How come? If one should propose because he took the view, [57A] “If I can find a Tannaite authority in line with the position of R. Nathan, then I shall forbid use of the wine for any purpose whatsoever, including merely deriving benefit from the wine” —*
- C. *for it has been taught on Tannaite authority, If a gentile measured out the volume of wine whether by his hand or by his foot, it may be sold, and R. Nathan says, “If he used his hand, it is forbidden, but if he used his leg, it is permitted” —*
- D. *“then I must point out that R. Nathan has given his view only with regard to the gentile’s using his hand, but as to his using his foot, has he made such a statement.”*
- E. *Rather: “If I can find a Tannaite authority who permits the wine in such a circumstance, in line with the position of R. Simeon, then I shall permit use of the wine for any purpose whatsoever, including even drinking it.”*

**IV.3** A. *There was an incident in Biram, in which a gentile climbed a palm tree and brought down one of its branches. When he was climbing down, by accident with the tip of the palm branch he touched some wine.*

- B. *Rab permitted selling the wine to gentiles.*
- C. *Said R. Kahana and R. Assi to Rab, “And lo, it is the master himself who has said, ‘A gentile infant a day old can make wine into libation wine.’”*
- D. *He said to them, “Well and good, I made such a statement, but that was with regard to Israelites’ drinking that wine. Did I make such a statement with regard to merely deriving benefit from it?”*



- IV.4** A. *Returning to the body of the foregoing* [III.C]: Rab said, “A gentile infant a day old can make wine into libation wine.”
- B. *R. Shimi bar Hiyya objected to Rab, “He who purchases uncircumcised slaves from gentiles and circumcised them but did not immerse them — and so: sons of slave girls who did not immerse, whether they were circumcised or not circumcised — [lo, these are deemed to be gentiles.]*
- C. *“Things upon which they spit or things on which they tread in the street are deemed unclean. And some say, “...are clean.”*
- D. *“As to wine made by them, [what is its status?]*
- E. *“In the case of adults, it is prohibited, and in the case of minors, it is permitted.*
- F. *“And what is the definition of an adult and what is the definition of a minor?*
- G. *“It is any who knows the meaning of idolatry and of things which are useful in idol worship. A minor is any who does not know the meaning of idolatry and of things which are useful in idol worship [T. A.Z. 3:11A-G]. So in any event the Tannaite rule contains the distinction between adults, who are subject to the law, and minors, who are not [and that contradicts Rab’s claim that a gentile infant a day old can make wine into libation wine]!”*
- H. *He explained the teaching to refer in particular to the children of slave girls.*
- I. *“But lo, the passage states, and so!”*
- J. *“That clause pertains in particular to the matter of their spit and tread.”*
- K. *“That poses no problem to him who has said that the correct reading is, “unclean,” but from the perspective of him who has said that it is “clean,” what is to be said?*
- L. *The formulation serves to indicate the ways in which slaves are comparable to the children of slave girls: just as in the case of the sons of slave girls, if they have been circumcised but not immersed, then they can make wine into libation wine, but if*

*they have been circumcised and immersed, they do not make wine into libation wine, so likewise in the case of slaves, the rule is the same. Then that formulation serves to eliminate the position of R. Nahman which he said Samuel said, for said R. Nahman said Samuel, “He who buys slaves from gentiles, even though they were circumcised and immersed, they still make wine into libation wine, until the very language of idolatry has disappeared from their lips.” So we are informed that that is not the case.*

- IV.5** A. *Reverting to the body of the preceding:* R. Nahman said Samuel, “He who buys slaves from gentiles, even though they were circumcised and immersed, they still make wine into libation wine, until the very language of idolatry has disappeared from their lips.”
- B. And how long is that?
- C. Said R. Joshua b. Levi, “Twelve months.”
- D. Rabbah objected to R. Nahman, **“He who purchases uncircumcised slaves from gentiles and circumcised them but did not immerse them — and so: sons of slave girls who did not immerse, whether they were circumcised or not circumcised — [lo, these are deemed to be gentiles.]**
- E. **“Things upon which they spit or things on which they tread [57B] in the street are deemed unclean. And some say, “...are clean.”**
- F. **“As to wine made by them, [what is its status?]**
- G. **“In the case of adults, it is prohibited, and in the case of minors, it is permitted.**
- H. **“And what is the definition of an adult and what is the definition of a minor?**
- I. **“It is any who knows the meaning of idolatry and of things which are useful in idol worship. A minor is any who does not know the meaning of idolatry and of things which are useful in idol worship [T. A.Z. 3:11A-G]. So in any event the Tannaite rule makes the point that if one has circumcised but not immersed**

*them, then the rule pertains, but if he has both circumcised and immersed them, it does not!"*

- J. *He explained the teaching to refer in particular to the children of slave girls.*
- K. *"But lo, the passage states, **and so!**"*
- L. *"That clause pertains in particular to the matter of their spit and tread."*
- M. *"That poses no problem to him who has said that the correct reading is, **"unclean,"** but from the perspective of him who has said that it is **"clean,"** what is to be said?*
- N. *The formulation serves to indicate the ways in which slaves are comparable to the children of slave girls: just as in the case of the adult sons of slave girls, if they have been circumcised but not immersed, then they can make wine into libation wine, but if they have been circumcised and immersed, they do not make wine into libation wine, so likewise in the case of slaves, the rule is the same. The adults can turn wine into libation wine, but the minors cannot turn wine into libation wine. Then that formulation serves to eliminate the position of Rab, who has said, "A gentile infant a day old can make wine into libation wine." So we are informed that that is not the case.*

**IV.6** A. *There was a case in Mahuza. A gentile came and went into an Israelite shop. He said to them, "Do you have any wine for sale?"*

- B. *They said to him, "no."*
- C. *There was wine sitting in a bucket, and he put his hand in it and splashed around, saying to them, "Isn't this wine?"*
- D. *He took it in anger and poured it back into the cask.*
- E. *Raba permitted him to sell it to gentiles.*
- F. *R. Huna b. Hinnena and R. Huna b. R. Nahman [located elsewhere] took issue with him [and forbade its use for any purpose].*
- G. *The public decree, carried about with the sound of the shofar, of Raba went forth, permitting the one, and the public decree, carried about*

*with the sound of the shofar, of R. Huna b. Hinnena and R. Huna b. R. Nahman, forbidding it.*

- H. **[58A]** *[Later on,] R. Huna b. R. Nahman came to Mahoza. Said Raba to R. Eliaqim, his servant, "Lock up the doors, so no one will come in and disturb us [when Huna is here]."*
- I. *He came to him. He said to him, "What is the law for such a case?"*
- J. *He said to him, "It is forbidden, even for benefit."*
- K. *"But lo, it is the master himself who has said that splashing around does not render wine into libation wine!"*
- L. *He said to him, "True enough, I spoke of the contents of the cask apart from the value of the wine in the bucket; but with reference to the value of that wine [that the gentile had touched], I said nothing and the proceeds must be cast away, since an Israelite may not derive benefit from it]."*
- M. *Raba [further] said, "When I came to Pumbedita, Nahmani surrounded me with traditions and Mishnah teachings to prohibit it. As to traditions, there was the case in Nehardea, in which Samuel had prohibited wine under such circumstances; and in Tiberias, in which R. Yohanan had prohibited wine under such circumstances. Now I said to him, 'The reason is that people there are not really disciples of the Torah,' and he said to me, 'While the Tiberians and Nehardeans are not disciples of the Torah, are those of Mahoza disciples of the Torah!'"*
- N. *[Continuing the account of his objections:] "And as to Mishnah teachings, there is the following: **A gentile market inspector who tasted what was in a cup and then poured it back into the jug — [or] who stuck in his siphon, and a drop in any measure at all flowed back from it [into the jug] — [it is forbidden.]** There was such a case and sages declared it forbidden. [For a single drop of wine used for a libation is prohibited, and it imparts a prohibition whatever its volume] [T. **A.Z. 7:6**]. Does this not mean that it was forbidden as to benefit?"*
- O. *[Raba continues, "But I replied to him,] 'No, it is forbidden as to drinking.'*
- P. *"If so, then the passage should read, **it may be sold, just as it goes on to say, A clay utensil which one put out in his hand assuming***

that it contained oil and afterward it turned out to be filled with wine — this was a case, and they came and asked sages, and they ruled, “Let the whole of it be sold to gentiles” [T. A.Z. 7:6A-C].”

Q. *Is this not a refutation of the position of Raba?*

R. *It is indeed a refutation.*

**IV.7** A. R. Yohanan b. Arza and R. Yosé b. Nehorai were in session and drinking wine. Someone came in, to whom they said, “Come, pour out some wine for us.” After he had poured out wine into the cup, it became clear that he was a gentile.

B. *One of them forbade use of the wine even for benefit.*

C. *The other permitted it even for drinking.*

D. *Said R. Joshua b. Levi, “He who prohibited it correctly prohibited it, and he who permitted it correctly permitted it.*

E. *“He who prohibited it correctly prohibited it: [58B] holding that the gentile must have supposed, ‘Would it occur to these rabbis to drink beer? It is certainly wine!’ So he rendered it libation wine.*

F. *“And he who permitted it correctly permitted it: holding that the gentile must have supposed, ‘Would it occur to these rabbis to drink wine and then ask me to pour the wine for them? So they must be drinking beer,’ in which case he would not have rendered it libation wine at all.”*

G. *But lo, could he not see what it was?*

H. *It was night.*

I. *And could he not have smelled what it was?*

J. *It was fresh wine.*

K. *But when he drew the liquid from the cask, he must have touched it with a measure, so we have a case in which even unintentional a gentile has touched the wine, and it is prohibited.*

L. *No, the case assuredly is one in which he merely poured out the wine but did not touch it, and we have a case of unintentional action, and rabbis issued no precautionary decree in a case of unintentional action.*

**IV.8** A. R. Assi raised this question to R. Yohanan: “In the case of wine that a gentile has mingled, what is the law?”

B. *He said to him, “Use the verb, ‘mixed’!”*

- C. *He said to him, "I am merely using the word that is used in Scripture, as it is said, 'She has killed her beasts, she has mingled her wine' (Pro. 9: 2)."*
- D. *He said to him, "Keep the language of the Torah unto itself, and the language of sages unto itself."*
- E. *What is the rule in any event?*
- F. *He said to him, "It is forbidden [for drinking but not for benefit, and that is so even though he did not actually touch the wine], on the principle of, 'We say to a Nazirite, keep off, go around the vineyard and do not approach it.'"*

**IV.9** A. *R. Jeremiah came to Sabta. He saw wine that a gentile had mixed, and an Israelite drank from it, and he prohibited the wine on the principle of, 'We say to a Nazirite, keep off, go around the vineyard and do not approach it.'"*

B. *So, too, it has been stated:*

C. *R. Yohanan said, and some say, R. Assi said R. Yohanan said, "Wine that a gentile has mixed is forbidden on the principle of, 'We say to a Nazirite, keep off, go around the vineyard and do not approach it.'"*

**IV.10** A. *R. Simeon b. Laqish came to Bosrah. He saw an Israelite eating produce without tithing it, and he forbade them to do so. He saw water to which gentiles had bowed down, and Israelites drank it, and he forbade them to do so. He came before R. Yohanan [and told him what he had done,] and the latter said to him, "While you're still wearing your sage's cloak, go back [and retract]. Beser [Deu. 4:43, a city of refuge in the land of Israel] is not the same as Bosrah [which is outside of the land, where produce does not have to be tithed]; water that belongs to the public cannot be prohibited if it is worshipped."*

B. *R. Yohanan is consistent with rulings stated elsewhere, [59A] for said R. Yohanan in the name of R. Simeon b. Yehosedeq, "Water that belongs to the public cannot be prohibited if it is worshipped."*

C. *Lo, if it belongs to an individual, can it then be prohibited by the same reasoning? But it should be eliminated from that category since it is something that is attached to the ground [and therefore is not subject to the prohibition on account of having been worshipped by gentiles]!*

- D. *Not at all, the rule covers a case in which a wave has caused some of the water to flow away [Cohen: and such a stream of water, belonging to an individual, would be prohibited, since it is no longer attached to the ground].*
- E. *Nonetheless, the water may be compared to boulders that have broken away, and one must conclude that, in the context in which they are discussed [As to boulders of a mountain, which had rolled off — the sons of R. Hiyya and R. Yohanan: one said, “They are forbidden.” And the other said, “They are permitted.” What is the logic behind the position of him who has said that they are permitted? *They are comparable to the mountain itself.* Just as the mountain has not been subject to manual labor and is permitted, *so these* have not been subjected to manual labor and are permitted, above, 46A], it is R. Yohanan who is the one who maintains that they are forbidden.*
- F. *Not at all, one may suppose that it is a case in which a gentile has collected the waters with his own hand [so no conclusion can be drawn for the matter treated elsewhere; here there would be manual labor involved, and if the water belonged to an individual, it would be prohibited; the cases are not analogous (Cohen)].*

**IV.11** A. *R. Hiyya bar Abba came to Gabla. He saw Israelite women who had become pregnant by gentiles who had been circumcised but not immersed. He saw wine that gentiles had mixed, being drunk by Israelites. He saw lupines boiled by gentiles and eaten by Israelites. And he said nothing whatsoever to them.*

B. *He came before R. Yohanan. He said to him, “Go and proclaim concerning their children that they are mamzers, their wine that it is subject to prohibition by reason of being libation wine, their lupines that they are subject to prohibition by reason of having been cooked by gentiles, for the people are not disciples of the Torah.”*

C. *“...their children that they are mamzers”: R. Yohanan is consistent with views expressed elsewhere, for said R. Yohanan,*

“A person is not deemed a proselyte until he is circumcised and immersed, *and if he has not immersed, he remains a gentile.*”

- D. And said Rabbah bar bar Hana said R. Yohanan, “A gentile or a slave who had sexual relations with an Israelite woman — the offspring is a mamzer.”
- E. [“Their wine that it is subject to prohibition by reason of being libation wine”:] He made a decree against their wine as libation wine, on the principle of, We say to a Nazirite, ‘Keep off, *go around the vineyard and do not approach it.*’”
- F. “Their lupines that they are subject to prohibition by reason of having been cooked by gentiles, for the people are not disciples of the Torah”: *Is the operative consideration that the people are not disciples of the Torah? Then had they been disciples of the Torah, would the lupines have been permitted? Has not R. Samuel b. R. Isaac said Rab said, “Whatever is eaten as is, fresh, is not subject to prohibition by reason of having been cooked by gentiles”?*
- G. *R. Yohanan takes the position of the following version of the same matter, for R. Samuel b. R. Isaac said Rab said, “Whatever is not served on kings’ tables as a relish with bread is not subject to prohibition by reason of having been cooked by gentiles.”*
- H. *So, as a matter of fact, the operative consideration is that the people are not disciples of the Torah, and had they been disciples of the Torah, the lupines would have been permitted.*

**IV.12** A. *R. Kahana was asked: “As to a gentile’s bringing grapes to the wine press, what is the law?”*

- B. He said to them, “It is forbidden, on the principle of, ‘We say to a Nazirite, “Keep off, *go around the vineyard and do not approach it.*’””
- C. *R. Yemar objected to R. Kahana, “A gentile who brought grapes to the wine press in baskets [59B] or in barrels, even though the wine drips on them — it is permitted.”*
- D. *He said to him, “You have cited a passage that speaks of ‘brought’ [after the fact], while my ruling pertains to the law that applies to begin with.”*



**IV.13** A. *A citron fell into a cask of wine, and a gentile jumped and took it out.*

B. *Said to them R. Ashi, “Hold his hand so that he will not splash around, and tip the jug until it empties out [into another utensil. The gentile turns the wine into libation wine only if he splashes his hand in it.]”*

**IV.14** A. *Said R. Ashi, “If a gentile intentionally turned the wine of an Israelite into libation wine, even though it is forbidden to sell the wine to some other gentile, the owner can recover costs from the gentile who made the wine prohibited. How come? It is because he has caused the loss.”*

B. *Said R. Ashi, “On what basis do I derive this rule? From the following, which has been taught on Tannaite authority: A gentile who turned an Israelite’s wine into libation wine not in front of an idol — the wine is forbidden. R. Judah b. Baba and R. Judah b. Beterah permit, for two considerations: first, one can be turned into libation wine only in front of an idol, and, second, the owner can say to him, ‘You have no right to make my wine prohibited through no fault of mine.’” [Even though this is a minority ruling, there is no reason for the Israelite not to recover damages.]*

**IV.15** A. *There was a cask of wine, the bung of which fell out, and a gentile jumped forward and put his hand over the hole.*

B. *Said R. Pappa, “All the wine on the level with the bung hole is forbidden [for Israelite use, but permitted for Israelite benefit, there having been no splashing about at that spot (Cohen)].* **[60A]** *And the rest is permitted.”*

C. *Another version: Said R. Pappa, “All the wine that is above the bung hole is forbidden. And the rest is permitted.”*

D. *Said R. Yemar, “The matter follows the lines of the following Tannaite dispute: A jar [containing heave-offering wine] which was perforated, whether at its rim or its bottom or at its sides, and which a tebul-yom touched — it is unclean. R. Judah says, “[If the hole is] at its rim or at its bottom, it is unclean. But [if it is] at the sides, on this side*

or on that, it is clean” [M. Tebul Yom 2:7A-D].

- IV.16** A. *[If wine was being poured from a barrel into a cask], R. Pappa said, “If a gentile was holding the barrel, and an Israelite the cask, the wine is forbidden. What is the operative consideration? It is because it is the gentile who provides the motive force for the transfer of liquid. But if an Israelite was holding the barrel and a gentile the cask, the wine is permitted. If the gentile tilts the cask sideways, the wine is forbidden.”*
- IV.17** A. *Said R. Pappa, “If a gentile carried a skin bottle of wine, and an Israelite follows behind [to supervise and make sure he does not touch the wine], if the skin is full, it is permitted, since the wine does not splash about. But if it is not full, it is forbidden, for it is possible that the gentile may shake the wine. If it is a full cask, the wine is forbidden, because the gentile might have touched it, but if it is not full, it is permitted, because it is less likely that he will have touched it.”*
- B. *R. Ashi said, “If it is a skin bottle, full or otherwise the wine is permitted. How come? Because that [merely accidental shaking by a gentile] is not how wine is turned into libation wine.”*
- IV.18** A. *Wine from a press where beams are used [to crush the grapes, so that the treader does not touch the wine (Cohen)] —*
- B. *R. Pappi permits.*
- C. *R. Ashi — and some say R. Shimi bar Ashi — forbids.*
- D. *[If the crushing is done] by direct action [on the part of the gentile, who stands on the beam to press the grapes], there is no disagreement over the fact that the wine is forbidden. Where there is disagreement, it concerns a case in which the action was indirect.*
- E. *There are those who say, [if the crushing is done] by indirect action [on the part of the gentile, there is no disagreement over the fact that the wine is permitted. Where there is disagreement, it concerns a case in which the action was direct.*
- F. *There was a case involving indirect action, and R. Jacob of Nehar Peqod declared the wine forbidden.*
- IV.19** A. *There was a case in which a cask [60B] split lengthwise, and a gentile sprang forward and held it together in his hands.*

- B. *Rafram b. Pappa — some say, R. Huna b. R. Joshua — permitted selling it to gentiles.*
- C. *But that ruling applies only when the wine cask split lengthwise. If it split crosswise, it is permitted to Israelites even to drink the wine. How come? The gentile did only what a brick could have done just as well [hold the top down].*
- IV.20** A. *There was a case in which a gentile was found standing on an empty wine press belonging to an Israelite.*
- B. *Said R. Ashi, “If there is sufficient moisture to moisten other things, the press has to be rinsed in water and rubbed dry; otherwise merely rinsing it suffices.”*

I.1 harmonizes the laws and shows the perfection of the law. II.1 goes through a parallel process, and No. 2 then raises a point of clarification. III.1 not only clarifies the rule before us but asks about its underlying premise, a matter of some importance in physics, about whether a flow of liquid forms a connection between the source of the flow and the object of the flow. This is shown not to yield an inference on that question. IV.1 then implicitly moves us on to the next topic of our Mishnah-passage, and the subsequent units are made up mainly of case-reports, the whole forming a vast thematic supplement.

#### 4:10

- A. **A gentile who is found standing beside a cistern of wine —**
- B. **if he had a lien on the vat, it is prohibited.**
- C. **[If] he had no lien on it, it is permitted.**
- D. **[If] he fell into the vat and climbed out,**
- E. **or (2) [if gentiles] measured it with a reed —**
- F. **or (3) [if] he flicked out a hornet with a reed,**
- G. **or [if] (4) he patted down the froth on the mouth of a jar —**
- H. **in regard to each of these there was a case,**
- I. **and [sages] ruled, “Let it be sold.”**
- J. **And R. Simeon permits [Israelites even to make use of it].**
- K. **[If] (5) he took a jar and threw it in a fit of temper into the vat —**
- L. **this was a case,**
- M. **and they declared it valid.**

- I.1** A. Said Samuel [with reference to the statement, **A gentile who is found standing beside a cistern of wine — if he had a lien on the vat, it is prohibited**],

“But that rule pertains only when the lien applies to that wine that is in the vat.”

B. *Said R. Ashi, “A close reading of the Mishnah itself makes that point, as we have learned in the Mishnah: He who prepares the wine of a gentile in a condition of cleanness and leaves it in his domain, and the latter wrote for [the Israelite a receipt, saying], “I received its price from you” — it is permitted. But if an Israelite wants then to remove the wine, and [the gentile] would not let him do so unless he paid the price of the wine — this was a case in Bet Shean, and sages declared [the wine] forbidden [M. 4:12A-D]. The operative consideration, then, is that he would not let him do so. Lo, if he had let him do so, it would have been permitted. The upshot is that we require the lien to apply to that wine that is in the vat.”*

C. *That indeed is the correct inference.*

## **II.1 A. [If] he fell into the vat and climbed out:**

B. *Said R. Pappa, “That rule [that the wine may be sold] applies only if he is brought back a corpse, but if he had climbed out alive, it would have been forbidden.”*

C. *How come?*

D. *Said R. Pappa, “Because for him it would have been like a feast day for idolatry [declared by him in thanks for his survival, and he would have dedicated the wine to a libation offering].”*

## **III.1 A. Or (2) [if gentiles] measured it with a reed — or (3) [if] he flicked out a hornet with a reed, or [if] (4) he patted down the froth on the mouth of a jar — in regard to each of these there was a case, and [sages] ruled, “Let it be sold.” And R. Simeon permits [Israelites even to drink it]:**

B. *Said R. Adda b. Ahbah, “Blessings come to rest on R. Simeon’s head, for when he permits the wine, he permits even drinking it, and when he forbids wine, he forbids even deriving benefit from it.”*

C. *Said R. Hiyya b. Abba bar Nahmani said R. Hisda said Rab, and some say, said R. Hisda said Zeiri, “The decided law is in accord with R. Simeon.”*

D. *Some say, “Said R. Hisda, ‘Said to me Abba bar Hanan, “This is what Zeiri said, “The decided law is in accord with R. Simeon.”’*

E. *But the decided law is not in accord with R. Simeon.”*

**IV.1 A. [If] (5) he took a jar and threw it in a fit of temper into the vat — this was a case in Bet Shean, and they declared it valid:**

- B. Said R. Ashi, “Anything that is made unclean by a person afflicted with flux uncleanness [in line with Lev. 15] under the same circumstances will be rendered into libation wine by a gentile, and whatever is not made unclean by a person afflicted with flux uncleanness will not make wine into libation wine in the case of a gentile.”
- C. *An objection was raised by R. Huna to R. Ashi: “[If] he took a jar and threw it in a fit of temper into the vat — this was a case in Bet Shean, and they declared it valid. So if it was in a fit of temper, the wine is permitted, but if not, it is not permitted for drinking. [Cohen: As against this conclusion, if a person afflicted by flux had thrown a cask into the vat, the wine would have been defiled, while it is an established principle that a person afflicted by flux defiles only by direct contact, not by throwing something].”*
- D. **[61A]** *[He said to him,] “There the cask was being ruled by him [the whole distance into the vat.”] [Cohen: 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 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 person afflicted by flux and the wine affected by gentiles holds good.]*

I.1 clarifies the rule of the Mishnah paragraph in light of what is to follow. II.1 pursues the same type of clarification. III.1 provides an account of the decided law. IV.1 compares our rule with that pertaining to the person afflicted by flux and shows that the two types of communication of unfitness or uncleanness run parallel.

#### 4:11

- A. **He who in a condition of cleanness prepares the wine belonging to a gentile, and leaves it in his domain,**
- B. **in a house which is open to the public domain,**
- C. **in a town in which there are both gentiles and Israelites — [the wine] is permitted.**
- D. **[If it is] in a town in which all the residents are gentiles, [the wine] is prohibited,**
- E. **unless he sets up a guard.**
- F. **And the guard need not sit there and watch [the room all the time].**

- G. Even though he comes in and goes out, [the wine] is permitted.
- H. R. Simeon b. Eleazar says, “Whatever [was in] the domain of a gentile is subject to the same law [that a watchman is required whether or not the shop was open to the public domain, and whether or not the town was half-Israelite].”

#### 4:12

- A. He who prepares the wine of a gentile in a condition of cleanness and leaves it in his domain,
- B. and the latter wrote for [the Israelite a receipt, saying], “I received its price from you” — it is permitted.
- C. But if an Israelite wants then to remove the wine, and [the gentile] would not let him do so unless he paid the price of the wine —
- D. this was a case in Bet Shean, and sages declared [the wine] forbidden.

- I.1** A. [He who in a condition of cleanness prepares the wine belonging to a gentile, and leaves it in his domain, in a house which is open to the public domain, in a town in which there are both gentiles and Israelites — the wine is permitted. If it is in a town in which all the residents are gentiles, the wine is prohibited, unless he sets up a guard:] *in a town that is entirely made up of gentiles, the wine should be permitted without supervision, since lo, there are Israelite spice sellers going hither and yon in the cities!*
- B. Said Samuel, “The Mishnah speaks of a city that has doors and bolts [Cohen: 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].”
- I.2** A. *Said R. Joseph, “And a window is classified as public domain, and a garbage dump is classified as public domain, and a date palm is classified as public domain [so in all these cases a gentile is afraid to tamper with the wine].”*
- I.3** A. *The top of the date palm that was cut off [so that the Israelite would not have occasion to climb the tree, in which case the gentile would not be concerned about the Israelite’s observing his actions] —*
  - B. *there was a dispute between R. Aha and Rabina —*
  - C. *one prohibited [the wine].*
  - D. *and the other permitted it.*

- E. *As to the one who prohibited the wine, [it is because the gentile thinks,] “Why should the other climb up the tree?”*
- F. *As to the one who permitted the wine, [it is because the gentile thinks], “A time may come that the cattle will stray and he will climb the palm to look for them.”*

**I.4** A. *Our rabbis have taught on Tannaite authority:*

- B. All the same are the one who purchases and the one who rents a house in the courtyard belonging to a heathen and filled it with jugs of wine, if an Israelite dwells in that courtyard, the wine is permitted, and that is the case even though the key and seal of the wine is not in the Israelite’s possession. **[61B]** If an Israelite dwells in some other courtyard, the wine is permitted if the key and seal are in his possession.
- C. He who in a condition of cleanness prepares the wine belonging to a gentile, and leaves it in the gentile’s domain, with an Israelite dwelling in that court, if the key and seal are in his possession, the wine is permitted.
  - D. *Said R. Yohanan to the Tannaite authority, “Repeat as your Tannaite version, “...even if the key and seal are not in his possession, the wine is permitted. If he lives in another court, even if the key and seal are in his possession, it is forbidden,” the words of R. Meir.’*
  - E. *““But sages prohibit the wine unless there is a guard sitting there and watching the wine, or unless someone is appointed to go there at regular intervals.””*
  - F. *To which of the circumstances do sages refer? If I say it is to the last one [the Israelite lives in a different court], then the initial Tannaite authority [Meir] also prohibits the wine. If it is to the third case [the Israelite lives in the courtyard where the wine is located], R. Yohanan has instructed the Tannaite authority, “...even if the key and seal are not in his possession, the wine is permitted.”” Rather, it must refer to the second clause, in which case the initial Tannaite authority says, “If he lives in another court, the wine is permitted only if the key and seal are in his possession, and sages maintain that it is prohibited under all circumstances unless there is a guard sitting there and watching the wine, or unless someone is appointed to go there at regular intervals.”*

- G. *But if someone is appointed to go there at regular intervals, that is disadvantageous!*
- H. Rather: "Unless someone is appointed to go there not at regular intervals."

**II.1 A. R. Simeon b. Eleazar says, "Whatever [was in] the domain of a gentile is subject to the same law [that a watchman is required whether or not the shop was open to the public domain, and whether or not the town was half-Israelite]":**

- B. *The question was raised:* Is the ruling of R. Simeon b. Eleazar meant to produce a lenient ruling or a strict ruling?
- C. R. Judah said Zeiri [said], "A lenient ruling."
- D. R. Nahman said Zeiri [said], "A strict ruling."
  - E. R. Judah said Zeiri [said], "A lenient ruling": *This is the sense of the first Tannaite authority's statement, "Just as in his domain the wine is forbidden, so when in the domain of some other idolator, the wine is prohibited, and we take account of reciprocal favor among them. R. Simeon b. Eleazar says, 'Under what circumstances? When the wine is in his own domain, but when the wine is in the domain of some other gentile, it is permitted, because we do not take account of reciprocal favor among them.'"*
  - F. R. Nahman said Zeiri [said], "A strict ruling": *This is the sense of the first Tannaite authority's statement, "Under what circumstances? When the wine is in his own domain, but when the wine is in the domain of some other gentile, it is permitted, because we do not take account of reciprocal favor among them.' R. Simeon b. Eleazar says, 'The entire domain belonging to gentiles is subject to one and the same rule.'"*
  - G. *There is a Tannaite version in accord with what R. Nahman said Zeiri [said], namely, that the intent is to set forth a strict ruling: The entire domain belonging to gentiles is subject to one and the same rule, on account of deceivers.*

**II.2 A. [Israelites bought grapes from] members of the household of Parzaq Rufila, [made wine with the grapes,] and left the wine with his tenant farmers.**

- B. *Rabbis in session before Raba considered ruling that it is permitted, on the grounds that we take account of gentiles' showing reciprocal favor to one*



*another only when that is by mutual agreement [one would lie for another], but in this case, since tenant farmers would not enter into such a conspiracy with Parzaq Rufila to reciprocally favor one another, we do not take that possibility into account.*

- C. *Said to them Raba, "To the contrary! Even within the premises of him who maintains that we do not take account of the possibility of reciprocal favor, that ruling takes hold when one gentile does not fear the other. But here, since the tenant farmers are afraid of the landowner, they would likely cover up for him."*

**II.3** A. *In a certain village there was wine belonging to an Israelite, and a gentile was found standing among the jars.*

- B. *Said Raba, "If he is subject to arrest as a thief, the wine is permitted, otherwise it is forbidden."* [The gentile would be afraid of touching the jars because he would be suspected of wanting to steal them; but if he is not subject to arrest, he would not have hesitated to touch the wine (Cohen)].

I.1 asks a fair question and answers it; the further qualifications of the Mishnah's rule, Nos. 2+3 are clear as given. Moving from the clarification of the Mishnah, No. 4 adds further Tannaite treatment of the same theme. II.1 clarifies the sense of the statement of the Mishnah. Nos. 2, 3 provide the expected illustrative case.